



BOARD DECISION RECORD

Agenda Item 7.4

March 26, 2024

Title: Judiciary Concerns with Edmonton Drug Treatment Court (EDTC)

Recommendation:

That the Board accept this update as information.

Generally, the Board would not receive operational and/or program updates like this. Given the risk to reputation and funding the Board has requested and is being presented with a fulsome update on this ongoing issue.

The Board may determine to provide additional direction to the CEO.

Background Material:

The following is included as background material:

- Briefing (next page)
- EJHS Nov 27 response to Judiciary Nov 3 letter (attached)
- EJHS Feb 8 response to Alberta Justice Jan 26 letter (attached)

The Board has asked how this issue came to be and why it continues. Based on the background material provided and recent discussions with our funder, EJHS believes the “why” behind the continuous concerns with EDTC and EJHS is:

- Judiciary’s continuous relationships with former EJHS EDTC leadership
- Deterioration in trust with current leadership based on misinformation from former leadership
- Judiciary’s reluctance to accept change (program renewal change)
- Judiciary’s belief that EDTC is a model of choice
- Alberta Justice and EJHS both agree that the EDTC model must be renewed based on today’s good practices of treatment courts
- Alberta Justice’s reluctance to share its observations with the Judiciary
- Judiciary’s power and inability to see a different perspective

BOARD INFORMATION BRIEFING RE: JUDICIARY CONCERNS WITH EDTC

Issue:

On October 31, 2023 EJHS received a phone call from its funder, Alberta Justice, stating that EJHS was being “actively sabotaged” by former EJHS EDTC leadership. Former leaders were sharing inaccurate and inappropriate information with the Judiciary causing concerns for the Judiciary related to the operation of EDTC (EJHS provides case management services for EDTC and is funded by Alberta Justice to provide these services).

Background & Actions to Date:

EJHS immediately attempted to open dialogue with and learn from the Judiciary about any concerns. As of the date of this briefing note, EJHS has still not had the opportunity (after multiple requests) to meet with the Judiciary in person to discuss our partnership and how to move forward together.

Several letters have been received from the Judiciary, including a November 3, 2023 letter that outlined six concerns. These six concerns were addressed, clarified and/or resolved through a virtual meeting on November 27, 2023 and through written follow-up by EJHS after the Nov 27 meeting (see attached).

EJHS was also able to share one of its issues with the Judiciary (inappropriate behaviors and unhealthy boundaries specifically related to a Justice and former EJHS leadership). While the Judiciary disagreed with EJHS’s issue (as outlined in a Dec 8, 2023 letter), EJHS decided to wait until the parties could meet in person to discuss any further issues. EJHS did not think continuing with a letter writing campaign was productive. An in-person lunch meeting was arranged for Feb 1, 2024 between EJHS and the Judiciary. EJHS was pleased that the parties could finally meet, engage in dialogue and move forward.

On January 26, 2024 EJHS received a letter from Alberta Justice (our funder) outlining more concerns from the Judiciary. Written correspondence up to Jan 2024 was sent from the Judiciary to EJHS; the Judiciary is now going through the funder (Alberta Justice). The Jan 26 letter was quite surprising and alarming as EJHS was not aware of any ongoing concerns. The Jan 26 concerns were summarized as follows. *“EJHS staff demonstrate:*

- *poor decision making*
- *poor understanding of theory underpinning Drug Treatment Court programming*
- *inconsistent approaches to managing the participants involved in the program.”*

The letter further stated that *“specific incidents have included: participants not being appropriately held accountable for noncompliance, inaccurate information being relayed to the judiciary regarding participants, concerns regarding withholding of information from the court, and a lack of action around directions from the court.”* EJHS did not consider these examples to be specific and attempted to receive clarification. No further clarification was provided.

The Jan 26 letter from Alberta Justice went on to say:

“Alberta Justice has observed the concerning deterioration of the relationship between the EJHS and the EDTC judiciary. The maintenance of relationships between the EJHS and the court is vital to the success of the program and must be addressed immediately. Alberta Justice will be attending the scheduled February 1, 2024 meeting between the EJHS and the judiciary to discuss the concerns, the plan to address them, and to support all parties in rebuilding the crucial relationships that ensures an efficient, effective, and sustainable EDTC.”



On February 1, 2024 a virtual meeting was held between Alberta Justice, the Judiciary and EJHS. The meeting focused on telling EJHS what they've done wrong, what they shall do and reinforcing that the Judiciary is in charge. EJHS agreed to provide a written response to the Jan 26 letter including a formal plan of how EJHS will address the concerns raised. There was no opportunity for EJHS to raise its ongoing and growing concerns with the behaviors of the Judiciary and the operation of EDTC.

On Feb 8, 2024 EJHS provided its EDTC Renewal Plan to Alberta Justice with a copy to the Judiciary (attached). EJHS's Board Chair and Vice Chair reviewed the response and were supportive of EJHS's approach which also included the following:

"EJHS believes that in order for the above plan to be successful the following must also be in place. EJHS will do its best and we hope all partners will be able to come to the table with their best as well."

- 1- Documented process for EDTC concern/issue escalation supported by all partners
- 2- Role clarification for all EDTC stakeholders
- 3- Expectations for all EDTC stakeholders
- 4- Regularly scheduled partnership meetings (operational and partnership meetings)"

On Feb 27, 2024, EJHS received a written response to its plan from Alberta Justice strongly reiterating that the Judiciary is in charge ("is not a partner") and did not acknowledge EJHS's above four points as an attempt to build partnership and work together on a way forward. Instead, Alberta Justice provided additional requirements that must be included in EJHS's renewal plan.

Concurrently while attempting to (re)build relationships and trust with the Judiciary, EJHS has invested significantly in developing and supporting the EDTC team. EJHS has also sent formal correspondence (reviewed by legal) from the CEO & Board Chair to two former EJHS EDTC leaders requesting they stop interfering with and/or discussing EJHS business with the Judiciary and rather forward issues related to EJHS and EDTC business to EJHS's Director of Programs.

Current State & Next Steps:

EJHS has provided responses to all concerns raised since November 2023, including clarifying misinformation received by the Judiciary. EJHS's ongoing concerns remain unheard and unfortunately the Judiciary has cancelled all in-person meetings with EJHS leadership. EJHS has been a good partner attempting to renew and run a strong program.

EJHS leadership has made the decision not to formally respond to any further correspondence and rather focus on its EDTC Renewal Plan and providing a value-add service to individuals who require substance recovery programming and justice diversion.

EJHS must focus on what it can control – strong programming, the health of its employees, the success and wellness of its participants and the safety of the community. Employees, including leadership, feel bullied and hopeless by the words and actions of the Judiciary. Employees do not feel safe attending EDTC pre-court and court, especially when a particular Justice is present. Furthermore, our funder has not supported active dialogue among the partners and has shifted its approach to be directive and supportive of the Judiciary only.

EJHS has engaged its Government Relations firm (Alberta Counsel) to seek advice on how to proceed with Government, specifically Alberta Justice. EJHS has long-standing and excellent relationships with its provincial

government partners but is concerned with its reputation and future work with government given the Judiciary's power, sharing of inappropriate and inaccurate information with EJHS's funder and refusal to engage in open dialogue. It is important to note that EJHS offers court support programs in other courts (Domestic Violence) and continues to have strong and positive relationships with the DV Justices.

We are at a crossroads with the EDTC program and will review our involvement with the case management service of the EDTC in July 2024 (six months after the submission of our EDTC Renewal Plan). It appears that there are other forces at play (continued and inappropriate relationships between former EJHS EDTC leadership and the Judiciary) that continue to wreak havoc on any and all attempts by EJHS to offer a value-add program.

Recent examples of the continued inappropriate behaviors of former leadership and the Judiciary include:

- EDTC alumni group started in the community by a former EDTC manager
- Continued inappropriate requests by a specific Justice for EJHS to share hearsay and informal information about participant's personal lives
- Continued inappropriate requests by the Judiciary including multiple requests to our funder for former EDTC leadership to train current staff
- Continued unhealthy boundaries and dialogue among former leadership and the Judiciary (as evidenced by a recent death of a former EDTC participant that the Judiciary found out about through a former leader and proceeded to blame EJHS for withholding information)

Ongoing issues that continue include:

- Continued disregard and disrespect for EJHS as a community agency and partner in EDTC
- Continued disrespect for EDTC employees in pre-court and court
- Inability for EJHS executive leadership to meet in-person with the Judiciary and engage in open dialogue (multiple requests)
- Lack of transparency and openness by the Judiciary and Alberta Justice

I have forwarded the meeting invitation to Kaela Hendra.

The topics you have listed are fine. Other issues may arise as they are discussed but this provides a good starting framework.

We will see you at 9 am.

From: DeAnn Hunter <DHunter@johnhoward.org>

Sent: Friday, November 24, 2023 3:54 PM

To: Jim Hunter, CJ <Jim.Hunter@albertacourts.ca>; Joanne Durant, DCJ <Joanne.Durant@albertacourts.ca>; Kaela Hendra <KHendra@johnhoward.org>

Cc: Matthew Reid <Matthew.Reid@gov.ab.ca>

Subject: Check-in for Monday

Hi Justices Hunter and Durant,

I wanted to do a quick check-in for Monday and share some thoughts of an agenda. Would this be reasonable to both of you?

- Welcome and introductions
 - Share a little about ourselves and our backgrounds
- Review of correspondence from the Judiciary
 - Updates from EJHS on the addressed concerns
- Discussion of observations from EJHS (including sensitive issue)
 - Issues raised by EDTC staff
 - Issues raised by funder and community partners
- Next Steps
 - Scheduling larger group discussion
 - Commitment to move forward in a positive direction
 - Other items that arise

Kaela and I are looking forward to meeting you both on Monday. Would you mind asking your assistant to forward Kaela the calendar invite. I can't seem to forward on my end (she is copied on this email so you have her contact).

Have a great weekend.

DeAnn

Edmonton Drug Treatment Court (EDTC)
Concerns and Responses
November 7, 2023
Revised November 27, 2023

Concerns Raised by the Judiciary in Correspondence sent to EJHS Nov 3, 2023	EJHS Response
a. The recent reorganization within the EJHS that has directly impacted service provisions to the Court and DTC participants without notification to, or consultation with the Court.	Could more information be provided on what service provisions were impacted. All EJHS leaders were expected to share with their key partners updates about EJHS's new strategic direction and structure throughout the year. This included an invitation to community partner Town Halls in June 2023. Aug 28, 2023 – presentation to the Court about EJHS's new strategy and structure including additional resources to support EJHS programs (Client Experience, HR, leadership training, etc.) An additional leader was added to the EDTC program in July 2023 (Manager and Team Lead). The program had been operating with only a manager between 2020-2023. Note: C. Smith replaced G. Froese as the Manager in 2020 while G. Froese was seconded into a provincial role to oversee the expansion of DTCs across AB. Chief Justice Bodnarek was part of the interview panel for the Team Lead position in Aug 2023 (all DTC Justices were invited).
b. The loss of experienced staff from the DTC team.	GoA seconded G. Froese in 2020 to act as the provincial director of the DTC expansion, which was followed by retirement. EJHS planned for the loss of experience by hiring a manager of EDTC to replace G. Froese in 2020 and to expand the program leadership to include a Team Lead (in addition to the manager) in 2023. Currently, the EDTC team includes two individuals with 8 years of experience, two individuals with close to 2 years of experience each, and one individual within their first year. The program also includes three longstanding contractors/volunteers. Mentorship program in place for new Team Lead. EJHS leadership development training began Sept. 2023 (Team Lead attends with all EJHS leaders). Team development, role clarification, accountability and operational planning underway with EDTC team.
c. Reports of incorrect procedures being followed by drug testers/inconsistent observed screens.	EJHS was made aware of this upon the departure of C. Smith and rectified this issue. Observed drug screens are now being completed in the EDTC office and additional employees have been trained as back-up.

d. Inconsistency in the application of sanctions and pre-determination of sanctions by EJHS staff and communication of the same to participants without prior consultation with the Court.	Could more information be provided on this issue with specific names, dates and times. EJHS is aware of one instance whereby the Court did approve a therapeutic approach for a specific participant (Aug 2023). When that approach was applied by EDTC staff to a similar participant/situation (Nov 2023), the Court revised its direction. If this is the issue in question, EJHS did review the situation and must apologize for not informing and/or discussing the approach with the Judiciary prior to applying the therapeutic approach with another participant in a similar circumstance. EJHS team is aware and supportive of making sure all breaches are dealt with appropriately and discussed with the Judiciary prior to sanctions or therapeutic approaches being approved. Per discussion with CJ Hunter and DCJ Durant on Nov 27, 2023, they confirmed this was the issue in question. Partners discussed the importance of professional relationships (vs friendships) and making sure participant accountability is paramount. The importance of reporting/discussing even the smallest of breaches and/or behaviour changes is important so adjustments to treatment, etc. can be considered in the best interest of the participant, including their safety and community safety. It is also important to make sure bail conditions are followed.
e. Lack of professional standards being met by presenters in pre-court meetings and in Court.	Could more information be provided on this issue with specific names, dates and times. Per discussion with CJ Hunter and DCJ Durant on Nov 27, 2023, they confirmed that this concern is related to professional and respectful attire in court. The example provided related to the absence of a coat/jacket by the Team Lead while presenting in court. EJHS confirmed this has been rectified and appreciated the clarification.
f. Lack of accountability of participants being supervised by EJHS including failure to enforce release conditions on participants.	Could more information be provided on this issue with specific names, dates and times. If there is a failure to enforce release conditions, this is a community corrections issue and a larger discussion may benefit all partners. Clarity on roles and responsibilities will support all partners. Per discussion with CJ Hunter and DCJ Durant on Nov 27, 2023, DCJ Durant confirmed this concern is related to (d) above (participant behaviours/issues/breaches not being reported to the Court).

Concerns Raised by EJHS at the Nov 27, 2023 Meeting	Judiciary Response
a. Nov 1: Justice Groves emailed frontline EJHS staff and community members (volunteer and former employees) to request written feedback about EDTC concerns. This was after EJHS CEO reached out to request a meeting. Additional context: There had been no contact with EJHS leadership about concerns with EDTC except two phone calls the day prior (Oct 31) – one from the funder and one from a community partner to inform EJHS that they were being “actively sabotaged.” The EJHS CEO reached out to Justice Groves the same day to request a meeting as it was important to begin open dialogue.	CJ Hunter and DCJ Durant shared that they would take away these concerns and report back after they’ve had an opportunity to review. D. Hunter appreciated the opportunity to share these sensitive concerns in a smaller group with the intention and hope to learn and move forward together.
b. Nov. 1 & 3: EJHS staff shared with EJHS leadership that they were discouraged and uncomfortable with request from Justice Groves. Former employee also shared, through a phone call to the Director of Programs, their uncomfortableness with the request and noted they would not be responding. No current employees responded to the request.	
c. Nov 2: EJHS staff and community partner reported to EJHS leadership that Justice Groves belittled staff and made inappropriate comments during pre-court and court proceedings, including threats to have funding removed, the Team Lead does not know what she is doing, a participant is going back to jail because of EJHS. Additional context: EJHS requested written documentation from EJHS employees of the behaviors and also requested a copy of the court transcript.	



February 8, 2024

Matthew Reid
Director, Community Safety Initiatives
Alberta Justice
Sent via email: Matthew.Reid@gov.ab.ca

Dear Matt:

**Re: Concerns Raised by Alberta Justice and Judiciary with Edmonton John Howard Society (EJHS)
Service Delivery in Edmonton Drug Treatment Court (EDTC)**

Thank you for your letter of January 26, 2024 and the follow-up meeting on February 1, 2024 between Alberta Justice, the Judiciary and EJHS. In response to the letter and meeting, EJHS is pleased to share its EDTC Program Renewal Plan. This plan began in November 2023 and shows the work completed, underway and upcoming to address concerns raised by the Judiciary including: decision making, understanding of the theory underpinning Drug Treatment Court programming, and consistent approaches to managing the participants involved in the program.

**Edmonton Drug Treatment Court
Program Renewal Plan**

Skill/Competency	Actions	Expected Outcomes
Decision Making	• Resume virtual attendance at Calgary DTC Pre Court (2x month) ○ Last attendance Dec 2023 ○ EJHS Team Lead/Manager • Attend monthly DTC Manager Meetings (provincial) ○ EJHS Team Lead/Manager • Continue 1:1 meetings with Calgary DTC Executive Director ○ Last meeting – Feb 5, 2024 ○ EJHS Manager • Increase frequency (bi-weekly v. monthly) of meetings with Alberta Justice Director, Matt Reid ○ EJHS Director/Manager • Continue meetings with Federal Crown, Legal Aid, Community Corrections and others assigned to EDTC ○ EJHS Director/Manager/Team Lead ▪ Met with Federal Crown on Feb 5, 2024	• Improved decision making through enhanced mentorship • Greater awareness of theory underpinning DTC programming • Improved engagement, relationships and role clarity with partners • Enhanced trust between partners • Healthier participants • Increased community safety

	▪ Meeting scheduled with Community Corrections Feb 21, 2024 ▪ Meeting requested with Duty Counsel • Continue EJHS Leadership Plan ○ Third Party Facilitated Strategic Leadership Program (began Oct 2023) ○ EJHS in-house monthly leadership development (began Sept 2023) ○ Leadership by Potential (asynchronous leadership development for all employees) (pilot March 2024)	
Understanding DTC theory	• Review All Rise Best Practice Standards ○ All EJHS EDTC employees (underway) • Complete review of EDTC policy & procedures ○ All EJHS EDTC employees (underway) • Attend All Rise Conference (May 22-25, 2024) ○ Select EDTC employees • Continued research on evolving practices in DTCs nationally and internationally (underway) ○ EJHS Manager/Team Lead	• Well informed employees • Enhanced learning opportunities • Enhanced decision making and outcomes • Greater awareness of theory underpinning DTC programming • Improved engagement, relationships and role clarity with partners • Enhanced trust between partners • Healthier participants • Increased community safety
Managing participants involved in EDTC	• Meet with presiding EDTC Justices by Feb. 29, 2024 ○ EJHS Manager/Team Lead • Quarterly meetings with presiding EDTC Justices (information sharing and feedback) ○ EJHS Manager/Team Lead • Dialogue and support among EDTC partners for complex incidents (including as appropriate presiding Justices, Crown, Defense, Community Corrections and others) • Documented decision making in pre-court to ensure any direction given by the presiding Justice is clear, understood and appropriately actioned	• Positive working relationships (pre-court and court) • Accountable decision making (pre-court and court) • Full clarity on decisions made and actions required • Open communication and mechanism for feedback • Healthy and supported employees • Effective service delivery • Healthier participants

	• Weekly review of prior week decisions/direction to close the loop and/or clarify further action or direction required • Staff training underway and/or scheduled ○ Cross training of EDTC employees (<i>completed</i>) ○ Documented plan for employee coverage (<i>completed</i>) ○ Plan for work-life balance (underway; e.g. on-call phone) ○ Role and expectation clarity (underway) ○ Formal training and orientation (underway) ○ Working with/supervising individuals in the community under mandated orders	• Increased community safety
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EJHS is hopeful that all partners involved in the delivery of the EDTC program can remain forward focused and work together to enhance understanding of EDTC processes, align decisions with the program's model, and work together to support participants and enhance community safety.

The above plan includes initiatives that require active participation and cooperation from all partners associated with EDTC. EJHS remains optimistic that purposeful and focused engagement by EDTC partners will foster the development of trust. Consequently, increased trust will lead to heightened levels of participant support and accountability. It is imperative to emphasize that the successful execution of this plan relies on the collaboration and commitment of EDTC's valued partners.

EJHS believes that in order for the above plan to be successful the following must also be in place. EJHS will do its best and we hope all partners will be able to come to the table with their best as well.

- 1- Documented process for EDTC concern/issue escalation supported by all partners
 - a. Foster collaboration and teamwork rather than blame
 - b. Issues are addressed promptly and effectively to maintain productivity and quality
- 2- Role clarification for all EDTC stakeholders
 - a. Clear roles contribute to smoother collaboration, higher productivity, and better outcomes
 - b. Focus on strengths and how role clarification can leverage individual and organizational strengths
- 3- Expectations for all EDTC stakeholders
 - a. How we engage in program activities and behaviors we expect from one another
 - b. Expectations provide a framework for open communication, reduced conflict and improved outcomes
- 4- Regularly scheduled partnership meetings
 - a. Strategic (focused on long-term planning, goal-setting, and relationship-building)
 - b. Operational (focus on day-to-day activities, ongoing projects, and tactical execution of plans between partners)

EJHS is grateful for the opportunity to present its renewal plan, following our initial request in November. We also look forward to the prospect of meeting in person soon. If you have any questions, please reach out to me via khendra@johnnhoward.org or 780-970-5111.

Sincerely,

A handwritten signature in black ink that reads "KHendra". The signature is written in a cursive, flowing style.

Kaela Hendra
Director of Programs