

Pandemic Preparedness and Response – Department of Justice and Public Safety



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2023 Volume II Chapter 5 Highlights

Clearly defined roles and responsibilities for registration program and border control

Traffic safety analysis conducted, however, backlogs still existed at borders

Key performance indicators not established for the hotel isolation program

We determined that key responsibilities under emergency planning were adequately carried out, however, departments lacked business continuity plans

Overall Conclusions

- The Department of Justice and Public Safety had adequate procedures in place to enforce border restrictions during the COVID-19 pandemic.
- New Brunswick Emergency Measures Organization (NBEMO), for the most part, fulfilled its mandate.

About the Audit

Introduction to the Audit

- 5.1 The Department of Justice and Public Safety (the Department) is responsible for the *Emergency Measures Act*, guiding public safety and emergency preparedness and response.

Border control and self-isolation were key public health measures resulting from the first-ever provincial state of emergency. New Brunswick Emergency Measures Organization (NBEMO), within the Department, is responsible for coordinating provincial emergency responses.

Why we Chose this Topic

- 5.2 In March of 2022, the Legislative Assembly passed a motion urging the government to request our Office perform work regarding the government's response to the COVID-19 pandemic.
- 5.3 The Department was at the forefront of the pandemic response, ensuring mandatory order restrictions were implemented and enforced.

Auditee

- 5.4 The auditee was the Department of Justice and Public Safety. Additional evidence was collected from the Canadian Red Cross and Service New Brunswick as required.

Audit Scope

- 5.5 Our audit scope included efforts taken to operationalize mandatory order restrictions and emergency planning and preparedness and covered the period from **March 11, 2020** (the date the World Health Organization declared COVID-19 a global pandemic) to **March 14, 2022** (the date the Province lifted restrictions for the second time). Where relevant, we considered documentation and events prior to, and after, this period.

Audit Objective

- 5.6 Our audit objectives were to determine if:
- the Department of Justice and Public Safety enforced border restrictions during the COVID-19 pandemic emergency
 - the New Brunswick Emergency Measures Organization fulfilled its mandate related to the COVID-19 pandemic emergency

Conclusion

- 5.7 We have concluded that the Department had adequate procedures in place to enforce border restrictions during the COVID-19 pandemic and NBEMO, for the most part, fulfilled its mandate. We have noted areas for improvements, should another emergency of this nature occur in the future.

Summary of Findings

- 5.8 The Department:



had clearly established roles and responsibilities, timely standard operating procedures and provided adequate training



implemented callback and enforcement programs



developed a traffic safety analysis, however, there were still significant backlogs at border control points



developed timely dashboard reporting



and NBEMO ensured most municipalities had up-to-date emergency plans in place, but not all government departments and agencies had business continuity plans

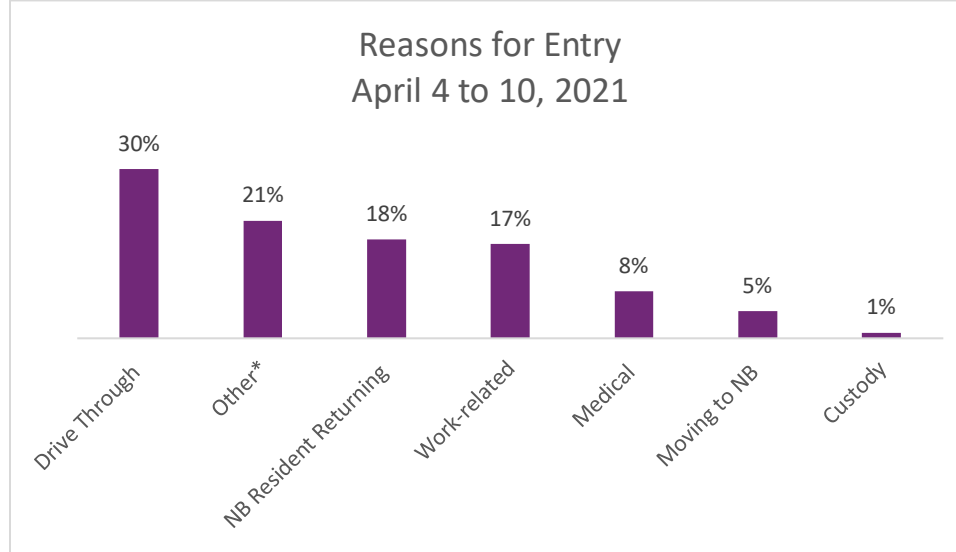


had a lack of established key performance indicators for the hotel isolation program

Background

- 5.9 The Department is responsible for:
- administering the *Emergency Measures Act* and operationalizing state of emergency declarations and mandatory orders
 - providing leadership in the areas of public order and community safety
 - providing and ensuring effective inspection and enforcement procedures
- 5.10 The New Brunswick Emergency Measures Organization:
- promotes the development of emergency programs at all levels of government encompassing prevention, preparedness, response and recovery
 - coordinates provincial emergency operations and supports communities, municipalities and regional service commissions with resources and information to ensure effective local response to major emergencies
- 5.11 The Province took unprecedented measures to protect the health and wellbeing of New Brunswickers during the COVID-19 pandemic. This response led to successive emergency mandatory orders, and the first-time closing of provincial borders.
- 5.12 Border control points were established on March 25, 2020 and ended July 31, 2021. Departmental data indicated that approximately 3.1 million vehicles passed through border control points with a refusal rate of 2.53% (approximately 78,000 vehicles).
- 5.13 On July 9, 2020, the Department released a pre-travel registration service for health screening and preparation of travel documentation. By September 21, 2021, a mandatory order required pre-travel registration for health screening and preparation of travel documentation. The Department and Service New Brunswick (SNB) created the New Brunswick Travel Registration Program (NBTR), which was a critical component of ensuring the mandatory orders relating to travel restrictions and self-isolation were enforced.

5.14 We reviewed one week of travel and determined the reasons people were crossing New Brunswick borders during the pandemic were as follows:



Source: Prepared by AGNB from JPS statistics (unaudited)

*"Other" category included reasons such as attendance at funerals, childcare needs, property owners, students returning, veterinary care, armed forces personnel, etc.

Clearly Defined Roles and Responsibilities

- 5.15 We examined the roles and responsibilities for border control and the travel registration program, and noted a robust hierarchical structure was in place with clear chain of command for issue escalation and resolution.
- 5.16 The Department reassigned peace officers from other areas to staff border control, including forest rangers, commercial vehicle enforcement officers, and correctional officers. RCMP were available on-site at each border control point for law enforcement escalation.
- 5.17 The Department created an order interpretation team, who liaised with senior management on changing restrictions in the numerous mandatory orders, to provide consistent written interpretation to frontline staff.
- 5.18 We determined that the Department had clearly defined roles and responsibilities pertaining to the travel registration program and border control.

Detailed Operating Procedures and Training Materials

- 5.19 The Department had detailed standard operating procedures (SOPs) outlining border enforcement and NBTR practices, with updated versions issued as restrictions changed. We examined SOPs covering the following topics:
- callback (general, exceptions and automation)
 - travel registration
 - isolation enforcement and compliance
 - order interpretation team
 - border enforcement
 - vaccination
 - international travel
- 5.20 A detailed SOP was developed for the peace officers for border control, including authority to turn away travelers at the border and issue fines under the *Emergency Measures Act*, the *Motor Vehicle Act* and the *Provincial Offences Procedures Act*. The SOPs were created within a reasonable timeframe.

- 5.21 The Department implemented a quality assurance team to ensure border control points were operating consistently and in accordance with the restrictions. The team visited the various land, air and ferry control points, corrected inconsistencies and provided additional one-on-one training when required.

Traffic Mitigation Procedures Were Established

- 5.22 The Department prepared traffic mitigation procedures to ensure safety at border control points. Screening procedures would be temporarily halted if traffic line ups:
- resulted in highway safety concerns
 - interfered with on/off ramps or critical intersections
 - impeded first responder vehicles
- 5.23 A detailed risk assessment of border control point infrastructure for traffic safety was completed in the summer of 2020, with corrective actions taken by the Department. Color-coded frequent traveler passes were introduced in December 2020 to further expedite screening procedures.
- 5.24 Despite these efforts, backlogs did occur. Established targets, as noted below, were not always met or measured against, which led to the borders being opened and travelers passing through without screening or validation. Selective screening was implemented to randomly select travelers and determine if they were eligible for entry. Government acknowledged in the media that there were periods where wait times became excessive.

Border Checkpoint	Wait Time Target
Aulac	15 minutes
Campbellton	30 minutes
Tidnish	30 minutes
Bayfield	45 minutes
St. Jacques	60 minutes
Lac Baker	No target established
Matapedia	No target established
Digby	No target established
Air	No target established

Source: Prepared by AGNB based on information from the Department

Detailed Training and Orientation Materials

- 5.25 The Department developed various detailed training and orientation materials. Training on the protection of personal information, under applicable privacy legislation, was provided by the Chief Privacy Officer.

Online Travel Registration Program Improved Processes

- 5.26 In the initial months of the pandemic, there was no electronic system for travel registration and border enforcement. The Department used paper-based records, which were subsequently transcribed to spreadsheets. However, this information contained gaps and was often not timely. We examined a sample of 7,001 records and found that 339 (approximately 5%) were missing call-back phone numbers.
- 5.27 In July 2020, the Department and SNB developed the NBTR system that allowed travelers to preregister travel online, and border officers validated the travel information and applicable documentation (custody agreements, WorkSafeNB plans, proof of vaccination, etc.) at the border control points.
- 5.28 The Department and SNB released 15 successive iterations of the NBTR system for continuous improvement and adaptation to mandatory orders, incorporating staff feedback with evolution of fields and data captured.
- 5.29 Examination of the NBTR data demonstrated clear and consistent reasoning for refusal of travel into the province, as well as flagging travelers for isolation and confirming an isolation plan. Validated travel for those registered was also captured.
- 5.30 A robocalling system was established to automatically attempt to contact 100% of the travelers who were self-isolating and to record the outcomes. If the robocall system could not reach a traveler after four attempts, or the phone number provided was invalid or an international exchange, the system would create an exception report for manual follow-up with the callback team. These files would be referred for in-person inspection if the team was not able to reach the traveler.
- 5.31 The quality of data improved, as the system mandated completion of certain fields. We examined 305,461 travel records and found that 100% had at least one phone number listed. We also noted detailed record-keeping for both callback and in-person checks, including follow-up of items on the robocall exception report.
- 5.32 Due to the unprecedented collection of personal and health information in the NBTR system and at the borders, protection of privacy of personal information was a key consideration in the design phase of the NBTR system. The Department:
- undertook two privacy impact assessments (PIAs) with the Department of Finance and Treasury Board's Office of the Chief Information Officer
 - developed a data management schedule that ensured information would not be retained longer than necessary

- 5.33 The Department acted upon 11/13 of the PIA recommendations. The two recommendations that were not implemented by the Department at the time of our work related to formalizing an official departmental privacy policy as well as implementing a privacy complaint management process.

Recommendation

- 5.34 We recommend the Department of Justice and Public Safety implement the outstanding recommendations from the privacy impact assessments related to formalizing a departmental privacy policy and complaint management process.**

Effective Public Communication Tool

- 5.35 In May 2020, the Department launched a public-facing dashboard compiling border statistics, case counts, areas of outbreak, compliance, and other relevant data for the public. Our audit verified information from several dashboard publications against the source data and found no reporting errors.

Hotel Isolation Program Not Evaluated

- 5.36 The hotel isolation program was implemented to reduce non-essential travel and operated from May 2021 to the end of June 2021. The program was facilitated by the Canadian Red Cross (CRC) and had several policy changes in its short duration. The cost of the program included \$5.4 million paid to CRC, as well as security and enforcement services provided by the Department. CRC provided a report that showed a total of 1,468 travelers stayed at the program's hotels to complete their isolation period, but the exact number was difficult to confirm due to a lack of reliable recordkeeping from participating hotels. The report also showed that nine of the isolated guests tested positive for COVID-19. The Department did not have clearly established goals for the program and did not review the outcomes. A significant number of people participated in the isolation program, however, the Department does not know whether or not the program decreased travel or mitigated COVID-19 risks.

Recommendation

- 5.37 We recommend the Department of Justice and Public Safety evaluate the efficacy of the hotel isolation program to determine if it contributed to a reduction in non-essential travel or the spread of COVID-19. Lessons learned should be considered in future emergency planning and preparedness.**

NBEMO Emergency Planning and Preparedness

- 5.38 NBEMO's mandate, with respect to emergency planning, is governed by the:
- *Emergency Measures Act* (the Act)
 - Regulation 84-7 (Emergency Planning for the Continuity of the Government of New Brunswick)
 - Provincial All-Hazards Plan
- 5.39 For the purpose of our review, we focused on the following sections under Regulation 84-7:
- “2(2) The New Brunswick Emergency Measures Organization shall:*
- a) develop, in conjunction with provincial departments and federal and municipal authorities, a program to ensure the continuity of government in an emergency;*
 - b) co-ordinate civil emergency preparedness planning and training by departments and agencies of the Government of New Brunswick;*
 - c) co-ordinate civil emergency preparedness organization, planning and training by municipalities and groups of municipalities...”*
- 5.40 The key documents we reviewed were:
- business continuity plans (focuses on minimizing the impact of potential risks and ensure the continuity of government)
 - emergency response plans (focuses on responding to immediate threats)

Deficiencies in Business Continuity Planning for Government

- 5.41 The Department informed us that business continuity planning involves proactively identifying risks and developing strategies to mitigate those risks related to carrying out critical operations. We noted deficiencies in business continuity planning related to government departments and agencies. As of March 2020, only 38% of provincial government departments and agencies had business continuity plans registered with NBEMO at the beginning of the pandemic. However, NBEMO and Executive Council Office (ECO) completed a comprehensive business continuity/emergency response planning program in 2023, and all departments have updated their business continuity plans.

Recommendation

- 5.42 We recommend NBEMO, in conjunction with provincial departments, ensure departments and agencies have up to date business continuity plans at all times.**

Government Departments Lacking Emergency Plans

- 5.43 The Department informed us that emergency response plans involves planning for the reactive approach to address immediate threats or emergencies such as pandemics. We determined as of March 2020:
- 103 of 104 municipalities had emergency plans registered with EMO
 - only 54% of government departments/agencies had emergency plans registered with EMO

Recommendation

- 5.44 **We recommend NBEMO, in conjunction with provincial departments, ensure departments and agencies have up to date emergency plans at all times.**

Public Reporting of Emergency Planning Could be Improved

- 5.45 The existing NBEMO webpage reports the municipalities' status of emergency response planning, but it is not kept up to date, and does not provide citizens with accurate information on their areas. Public reporting of municipal emergency planning would improve accountability and compliance with the *Emergency Measures Act*. There is currently no public disclosure of GNB department and agencies' compliance with business continuity planning.

Recommendation

- 5.46 **We recommend the Department of Justice and Public Safety publicly report on the outcomes of its responsibilities pertaining to:**
- **emergency planning for municipalities**
 - **emergency and business continuity planning for departments and agencies**

Key Emergency and Pandemic Plan Responsibilities Carried Out

- 5.47 The key planning document detailing NBEMO's responsibilities for emergency and non-emergency planning and response is the Provincial All-Hazards Plan, also known as the Province of New Brunswick Emergency Measures Plan. This document had not been updated since June 2017, and contained a subsection for pandemic response. In March 2020, the Province released the New Brunswick Provincial Pandemic Coordination Plan to address the specific concerns of the COVID-19 pandemic.

- 5.48 We determined that key responsibilities under both plans were carried out by NBEMO. Lessons learned throughout the COVID-19 pandemic emergency are being incorporated into an expanded pandemic plan by NBEMO under the Provincial All-Hazards Plan. This plan is currently under revision, and a comprehensive, qualitative risk assessment has been completed to guide the drafting process.

Recommendation

- 5.49 We recommend NBEMO ensure the New Brunswick Emergency Measures Plan is up to date at all times.**

Conclusion

- 5.50 The Office would like to express gratitude to the Department for the professionalism and care exercised throughout this sustained emergency. Throughout interviews with departmental staff and leadership teams, numerous examples of extraordinary actions and efforts were noted, including a sense of purpose, duty and teamwork. Areas noted for improvement are intended to enhance processes should another emergency of this nature arise in the future.

Appendix I: Recommendations and Responses

Par. #	Recommendation	Department’s Response	Target Implementation Date
We recommend the Department of Justice and Public Safety:			
5.34	implement the outstanding recommendations from the privacy impact assessments related to formalizing a departmental privacy policy and complaint management process	Agree. We commit to a review of the remaining requirements to implement department-wide policy and process and implement change where risks warrant.	Q3 2024-25
5.37	evaluate the efficacy of the hotel isolation program to determine if it contributed to a reduction in non-essential travel or the spread of COVID-19. Lessons learned should be considered in future emergency planning and preparedness	Agree. Government has directed that JPS execute the Auditor-General’s recommendation regarding a fulsome review of the New Brunswick response to the public health threat from COVID-19. Disease control measures, such as movement controls, personal protective measures and isolation, will be considered.	Q3 2024-25

Par. #	Recommendation	Department's Response	Target Implementation Date
5.46	<p>publicly report on the outcomes of its responsibilities pertaining to:</p> <ul style="list-style-type: none"> • emergency planning for municipalities • emergency and business continuity planning for departments and agencies 	<p>Agree. JPS will take steps so that the New Brunswick Emergency Measures Organization will implement enhanced reporting on its public website and report in the Department's Annual Report.</p>	Q3 2024-25
<p>We recommend the New Brunswick Emergency Measures Organization:</p>			
5.42	<p>in conjunction with provincial departments, ensure departments and agencies have up to date business continuity plans at all times</p>	<p>Agree. JPS will review the current hazards and risks with GNB departments and agencies and bring forward recommendations for action.</p>	Q1 2024-25
5.44	<p>in conjunction with provincial departments, ensure departments and agencies have up to date emergency plans at all times</p>	<p>See response to 5.42</p>	Q1 2024-25
5.49	<p>ensure the New Brunswick Emergency Measures Plan is up to date at all times</p>	<p>Agree. JPS continuously reviews and improves the plan and its appendices based on the hazard and risk environment.</p>	Ongoing

Appendix II: Audit Objective and Criteria

The objective and criteria for our audit of the Department of Justice and Public Safety's preparedness and response to the pandemic are presented below. The Department of Justice and Public Safety and their senior management reviewed and agreed with the objective and associated criteria.

Objective 1 **To determine if the Department of Justice and Public Safety enforced border restrictions during the COVID-19 pandemic emergency**

Criterion 1 The Department of Justice and Public Safety should define roles and responsibilities for the implementation of border restrictions

Criterion 2 The Department of Justice and Public Safety should establish and implement clear processes for enforcing border restrictions in line with mandatory order requirements and applicable privacy legislation

Criterion 3 The Department of Justice and Public Safety should follow up on isolation orders issued at the border checkpoints to ensure compliance

Criterion 4 The Department of Justice and Public Safety should evaluate the performance of the border control enforcement process and take corrective actions when issues are identified

Objective 2 **To determine if the New Brunswick Emergency Measures Organization fulfilled its mandate related to the COVID-19 pandemic emergency**

Criterion 1 NBEMO should carry out their duties under the *Emergency Measures Act* and regulations to ensure government departments and agencies, and municipalities, are prepared for a pandemic emergency

Criterion 2 NBEMO should fulfill its role in the provincial response to the COVID-19 pandemic emergency as defined in the Provincial All-Hazards Plan and the Provincial Pandemic Coordination Plan and subsequent mandatory orders

Appendix III: Independent Assurance Report

This independent assurance report was prepared by the Office of the Auditor General of New Brunswick on the Department of Justice and Public Safety its response to the COVID-19 pandemic in the context of its efforts to operationalize mandatory order restrictions and emergency planning and preparedness. Our responsibility was to provide objective information, advice, and assurance to assist the Legislative Assembly in its scrutiny of the Department of Justice and Public Safety on its pandemic preparedness and response practices.

All work in this audit was performed to a reasonable level of assurance in accordance with the Canadian Standard on Assurance Engagements (CSAE) 3001 – Direct Engagements set out by the Chartered Professional Accountants of Canada (CPA Canada) in the CPA Canada Handbook – Assurance.

AGNB applies the Canadian Standard on Quality Management 1 – Quality Management for Firms That Perform Audits or Reviews of Financial Statements, or Other Assurance or Related Services Engagements. This standard requires our office to design, implement, and operate a system of quality management, including policies or procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements.

In conducting the audit work, we have complied with the independence and other ethical requirements of the Rules of Professional Conduct of Chartered Professional Accountants of New Brunswick and the Code of Professional Conduct of the Office of the Auditor General of New Brunswick. Both the Rules of Professional Conduct and the Code are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality, and professional behaviour.

In accordance with our regular audit process, we obtained the following from management:

- confirmation of management’s responsibility for the subject under audit
- acknowledgement of the suitability of the criteria used in the audit
- confirmation that all known information that has been requested, or that could affect the findings or audit conclusion, has been provided
- confirmation that the findings in this report are factually based

Period covered by the audit:

The audit covered the period between March 11, 2020 (World Health Organization declared COVID-19 outbreak a global pandemic) to March 14, 2022 (Province lifted restrictions for the second time). This is the period to which the audit conclusion applies. However, to gain a more complete understanding of the subject matter of the audit, we also examined certain matters outside of this period as deemed necessary.

Date of the report:

We obtained sufficient and appropriate audit evidence on which to base our conclusion on December 8, 2023, in Fredericton, New Brunswick.