

British Columbia
JUSTICE AND PUBLIC SAFETY COUNCIL

**STRATEGIC PLAN FOR THE JUSTICE
AND PUBLIC SAFETY SECTOR**

APRIL 2015 - MARCH 2018

ANNUAL UPDATE, MARCH 2015

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MESSAGE FROM THE CHAIR OF THE JUSTICE AND PUBLIC SAFETY COUNCIL



Lori Wanamaker, FCA

As Chair of British Columbia's Justice and Public Safety Council, I am pleased to present the first annual update of the Council's strategic plan for the justice and public safety sector.

British Columbians are well-served by the broad range of programs within the sector. Professionals in our sector perform many vital services: responding to and preventing crime; applying criminal law; helping families navigate marriage breakdown; helping women who have been victims of violence; supporting the legal foundations of BC business; and working in many other roles which are essential supports and safeguards for our way of life.

In releasing our updated plan, I would like to draw attention to two important developments in the Council's work. First, based on a consultative process conducted over the last year (and continuing in 2015-16), the Council will commence publication of retrospective performance metrics for the sector in September 2015. The specific measures chosen speak to various aspects of our vision for the sector, and are outlined in this document. While the initial set of measures is limited, this begins what is intended to be a lasting dialogue about sector progress, one which will deepen as our familiarity with and trust in performance measurement grows.

Second, our Council needs to evolve to respond to strong interest across the sector in an inclusive and representative planning process. This interest has been reflected in part by the success of the BC Justice Summit process to date, including this past year at the Summits addressing family justice and violence against women. The degree of engagement shown encourages a response. As the Council matures, government needs to be joined by other representative and expert voices around the Council table in planning the next steps for our sector. Accordingly, we have recommended to the Minister of Justice that such a transition begin in the summer of 2015.

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On behalf of my Council colleagues, I invite you to review this update to the plan and we convey our sincere thanks to all of the people who contributed to the work that went into its preparation.

A handwritten signature in black ink that reads "Lori Wanamaker". The signature is written in a cursive style with a large initial "L".

Lori Wanamaker, FCA

Chair, Justice and Public Safety Council

EXECUTIVE SUMMARY

British Columbia's Justice and Public Safety Council is responsible for setting the strategic direction and vision for the provincial justice system through an annual Justice and Public Safety Plan. This document sets out the first annual update of the three-year plan published on March 31, 2014.

The Council reaffirms its commitment to a vision of British Columbia's justice and public safety sector founded on the rule of law as one which is fair, protects people, is sustainable, and has the public's confidence. The Council also reaffirms its plan and the priority areas identified in 2014 – Aboriginal justice, justice and mental health, and access to justice – as well as continuing to encourage work to combat violence against women, and on creating tools to better understand and control the costs of the sector.

Performance gaps identified in the previous year, considered in light of this vision, are revisited, with additional input from two BC Justice Summits held in 2014, on family justice and on violence against women. A suite of performance measures established through consultation with sector representatives is set out, for subsequent publication with 10-year data in the Council's inaugural performance report in September 2015.

Several long-term trends have implications for management of the sector. 2013 saw the tenth consecutive annual decrease in recorded crime in the province, with the rate now at 49 per cent of the level of crime in the historical peak year of 1991. The relative severity of crime also continues to decrease in the province, as does the number of new criminal cases entering the court system. However, the sector continues to experience challenges controlling costs. Access to justice remains a significant issue across criminal and civil justice.

The Council has recommended to the Minister of Justice that, beginning in the summer of 2015, the Council undergo a transition period in which its composition is altered via Ministerial appointment, complementing government leadership with leaders from elsewhere in the justice and public safety sector, as well as the appointment of "at large" members of appropriate stature.

THE JUSTICE AND PUBLIC SAFETY COUNCIL

The Justice and Public Safety Council was established in April 2013, in accordance with the *Justice Reform and Transparency Act*. The Council is responsible for setting the strategic direction and vision for the provincial justice system through an annual Justice and Public Safety Plan, engaging in dialogue with justice and public safety participants and stakeholders, and guiding the way to open, transparent and accountable leadership.

The Council is appointed by British Columbia's Minister of Justice under the terms of the Act. A list of the Council's current membership can be found in Appendix II.

PLANNING REQUIREMENT

The Council is required under the Act to:

- deliver a strategic vision for the justice and public safety sector; and
- produce (and refresh annually) a three-year plan for the sector to achieve progress towards that vision.

In its work, the Council consults broadly within the sector, including leaders, subject matter experts, and participants at British Columbia Justice Summits. By law, the Council's annual plan is delivered at the end of March to the Minister, and is made available to the public at the same time.

REPORTING REQUIREMENT

Under Section 7 of the Act, not yet in force, the Council would be required to report by September 30th each year on the performance of the sector in achieving the objectives of the plan, for the year concluding the previous March. Although the statutory requirement is not currently in force, in anticipation of the requirement and to stimulate sector dialogue on performance, the Council will be issuing an inaugural performance report on a voluntary basis in September 2015.

BROADENING DIALOGUE: CHANGES TO THE COUNCIL'S COMPOSITION

On passage of the *Justice Reform and Transparency Act*, Council members were initially appointed from among the senior public officials within the Executive Branch of the provincial government who have responsibility for administering the sector. The Council recognizes that, to plan and achieve transformation of a sector which has broad reach among the people of the province and its many regions, its own membership must more closely reflect the range of people and institutions involved in changing the sector for the better, and those most greatly affected by these changes. The Council has recommended to the Minister that, beginning in the summer of 2015, the Council undergo a transition period in which its composition will be altered via Ministerial appointment, complementing government leadership with leaders from elsewhere in the justice and public safety sector, as well as the appointment of several “at large” members of appropriate stature.

THE COUNCIL'S VISION FOR THE SECTOR

British Columbia is committed to a justice and public safety sector founded on the rule of law. The sector encompasses criminal, civil, family and administrative law. It is **fair**, **protects people**, is **sustainable**, and has the **public's confidence**.

GOAL 1: OUR SECTOR IS FAIR

Objectives

- Accessible – We offer services accessible to all regardless of means or location, provide meaningful redress, and ensure access to justice for vulnerable and marginalized people proactively.
- Impartial – We model integrity, fairness and natural justice in our procedures and in delivering services, treating people equally.
- Timely – We work together to reduce systemic delay in the sector as an impediment to justice; we seek early resolution of individual processes wherever possible.

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GOAL 2: OUR SECTOR PROTECTS PEOPLE

Objectives

- Preventative – We offer early, appropriate and effective interventions to reduce and redress antisocial behaviour, assisting people in rebuilding healthy, productive lives.
- Protective – We work together to reduce threats to public safety, protect complainants and victims of crime, and prevent re-victimization of the vulnerable by the sector.
- Systemic approach – We work across all levels of government to understand and address root causes of crime, and support and participate in effective innovative interventions.

GOAL 3: OUR SECTOR IS SUSTAINABLE

Objectives

- Focused – Based on measurable demand, we make evidence-based decisions to resource the sector's necessary functions, ensuring that services are delivered efficiently.
- Managed – We allocate resources prudently across the sector according to clear and demonstrated cause and effect.
- Effective – We measure and improve the value realized from public investment, collectively and as institutions.

GOAL 4: OUR SECTOR HAS THE PUBLIC'S CONFIDENCE

Objectives

- Adaptive – We offer services and programs that are nimble; we solicit and respond to the needs of people, respond to changes in communities, and monitor the effectiveness of our programs.
- Performance-focused – We assume collective and respective responsibility for system performance, engaging British Columbians in dialogue as users and observers of the system.

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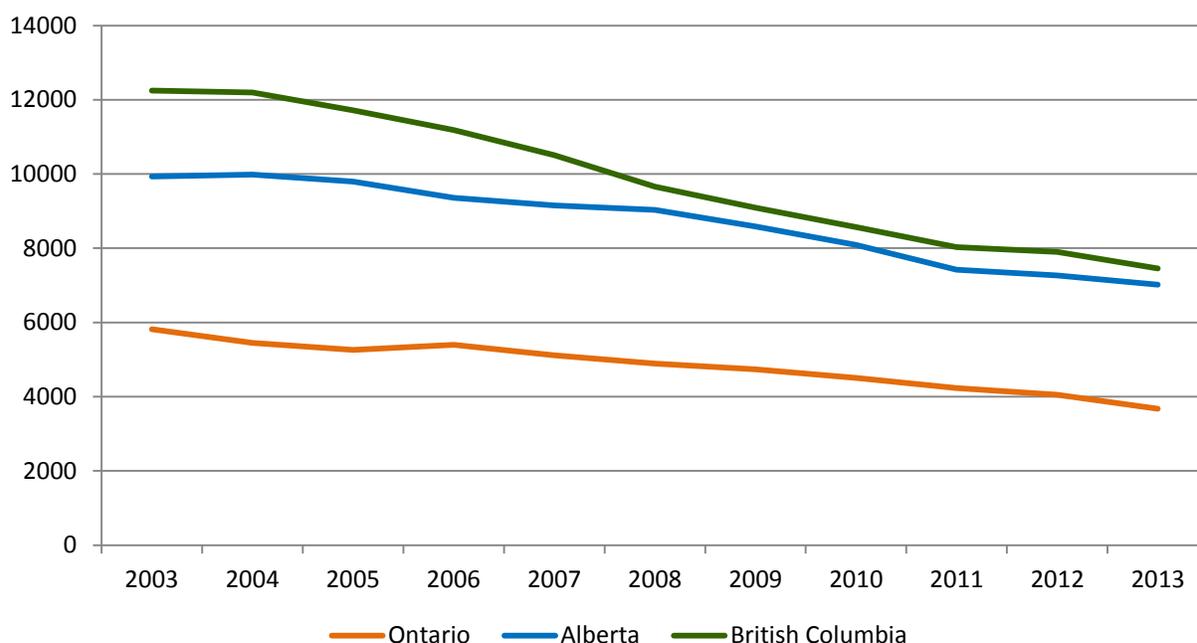
- Empowering – People entering the system have sufficient opportunity and support to learn its rules and practices at their level of need; the public both understands and values the system; we treat the time of every participant as valuable.

SECTOR CHARACTERISTICS: CONTEXT FOR PLAN RENEWAL

In refreshing its plan, the Council continues to track a number of important trends.¹

Consistent with long term national patterns, crime in British Columbia has continued to decline. 2013 saw the tenth consecutive annual decrease, the lowest recorded crime rate since 1969. British Columbia’s overall crime rate in 2013 showed a 5.7 per cent decrease from 2012 (and is now at 49 per cent of the recorded rate in the historical peak year of 1991).

Figure 1: Reported crime incidents per 100,000 population (excluding traffic) 2003-2013²



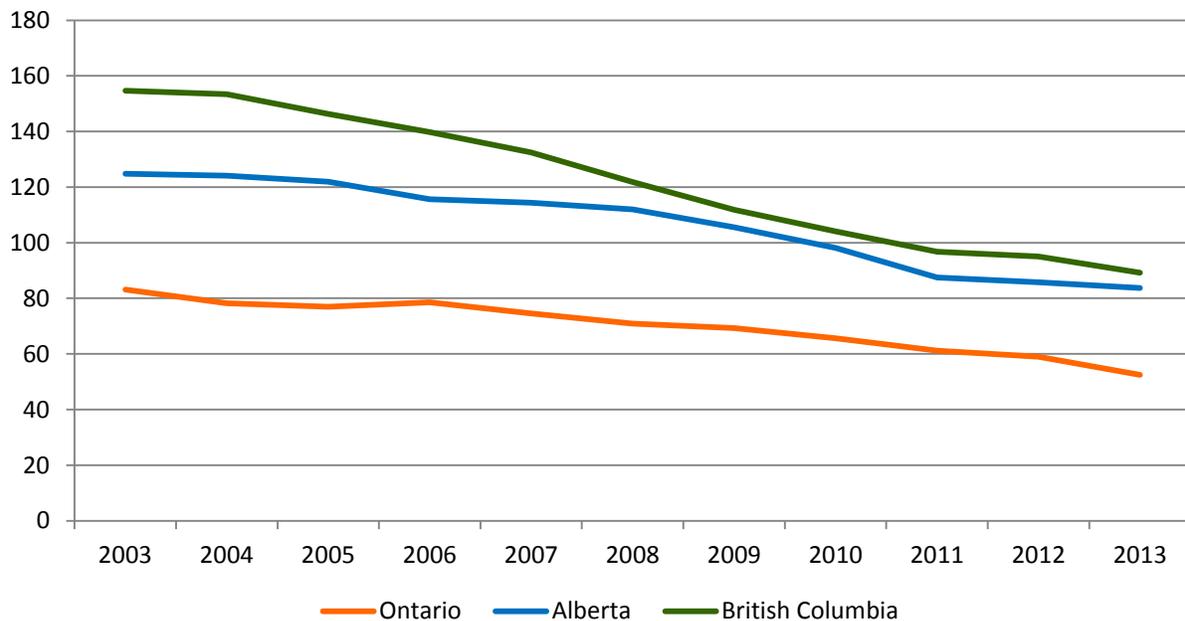
¹ For consistency, all data in this year’s Plan is now reported over a ten-year span.

² Source: *Canadian Centre for Justice Statistics*. Most recent data year is calendar 2013. These figures reflected reported crimes. They do not reflect crimes which are for one reason or another unreported to police, and they are therefore necessarily an incomplete picture of criminal occurrences. The rate of victimization, typically determined by population survey, is considered a more accurate picture of total criminal activity. However, victimization rates are currently measured nationally every five years – too infrequently to serve as a useful policy tool – and are not included here. The reader should also note that the crime rate is at best an incomplete measure of police workload, as it does not capture the range of proactive community or public order activity required of police agencies, enforcement of non-criminal statutes (e.g. *Motor Vehicle Act*) or non-criminal requests for service from the public.

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The vast majority of the reduction in the overall crime rate over the past decade continues to be explained by reduction in reported property crime incidents. Violent crime, and particularly domestic and sexual violence which often involve greater complexity, remains a great concern. Youth crime continues to decline, and the number of youth in provincial custody remains at or near historical lows. However, the benefits of these trends are unevenly distributed, with Aboriginal youth an increasing percentage of the remaining youth custody population. In adult and youth categories, Aboriginal people continue to be over-represented in the justice system as both offenders and victims.

Figure 2: Crime Severity Index trends, 1999-2013³

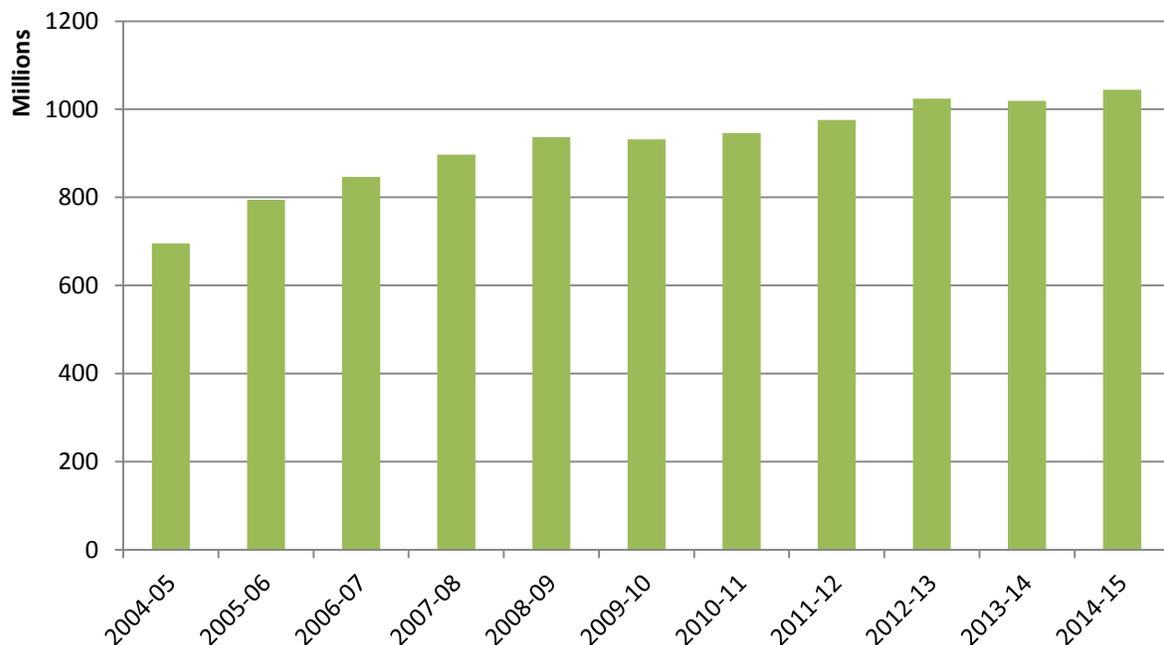


³ Source: *Canadian Centre for Justice Statistics*. Most recent data year is calendar 2013. The Police Reported Crime Severity Index (PRCSI) measures changes in the level of severity of crime in Canada from year to year. In the index, all crimes are assigned a weight based on their seriousness. The level of seriousness is based on actual sentences handed down by the courts in all provinces and territories. More serious crimes are assigned higher weights, less serious offences lower weights. As a result, more serious offences have a greater impact on changes in the index.

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The relative severity of crime also continues to decrease in the province. In 2013, British Columbia's crime severity index – a measure of the seriousness of criminal offences being committed which addresses some limitations of the traditional “crime rate” measure, specifically its lack of capacity to distinguish differences between, for example, homicide and mischief – declined by 6.1 per cent from the prior year. As in prior years, B.C.'s crime severity remains above that of Alberta and significantly greater than that of Ontario.

Figure 3: Justice and public safety costs (provincial only), 2004/05-2014/15⁴



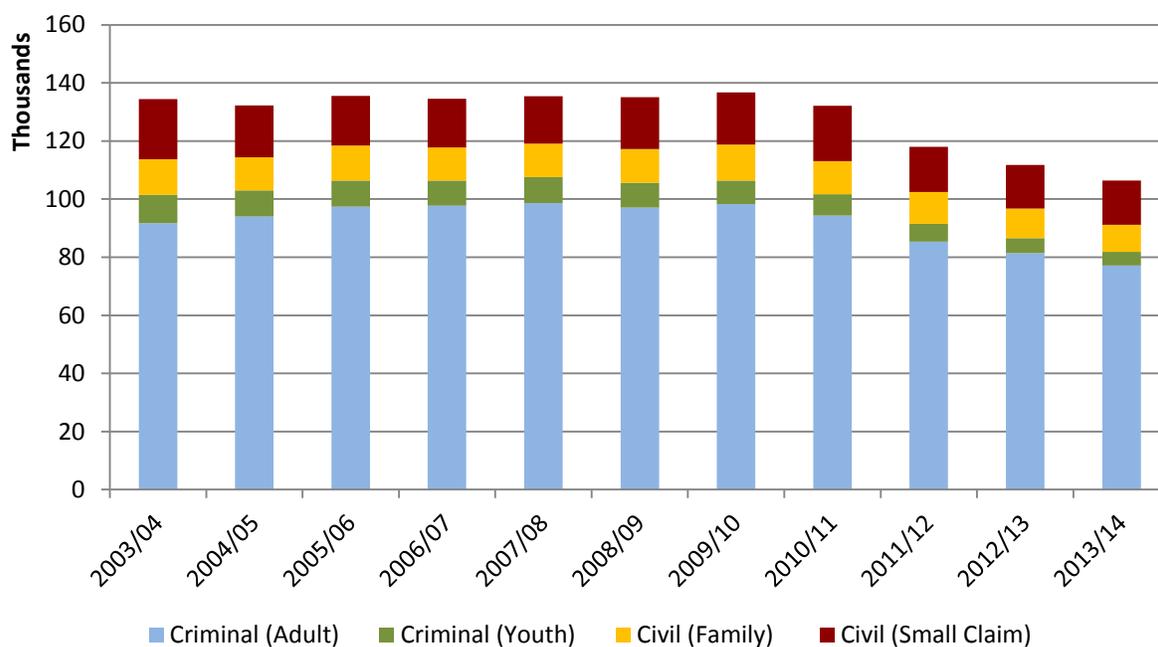
⁴ Source: BC Ministry of Justice, Corporate Management Services Branch. Ministry of Justice data only. Most recent data year is fiscal 2014-15 (figures are estimated, based on projections to year end at March 17, 2015). This chart incorporates budget figures (expenditures) from the B.C. Ministry of Justice and the former ministries of Attorney General and of Public Safety and Solicitor General, and combines salary and operating costs. Figures include amounts for Corrections, the Corrections work program, police services, community safety and crime prevention, the Office of the Superintendent of Motor Vehicles, justice transformation, justice services, Prosecution services, and court services. Figures exclude amounts which have not consistently been funded via the justice and public safety ministry budget(s) for services (government corporate infrastructure and facilities) and programs (for example, liquor control and licensing, and gaming policy and enforcement). The chart also excludes funds for the judiciary and federal and municipal budget figures for justice and public safety, which comprise a significant portion of the total public expenditure in the sector – in particular, the costs of municipal policing and federal enforcement.

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Questions of financial sustainability remain critical. As in recent years, justice system costs in B.C. continue to increase. In particular, the cost of policing in British Columbia continues to rise. This impacts the provincial budget and those of local governments that bear the majority of the cost of policing. Similarly, human resource costs continue to place upward pressure on the Ministry of Justice budget.

Motor vehicle crashes continue to be a leading cause of death and serious injury for all age groups in British Columbia. Alcohol-related deaths and injuries appear to have reduced significantly and to have held at lower levels since the introduction of more immediate administrative penalties for drinking drivers in 2011.

Figure 4: New Provincial Court cases by type (excluding traffic) 2003/04-2013/14⁵



Beyond road safety, the change in process for impaired driving has also been a major driver in the decline in the annual number of new Provincial Court criminal cases entering the system, which after a previous period of relative stability has fallen by about 23 per cent over the last four years (including adult and youth). New court cases overall,

⁵ Source: BC Ministry of Justice, Court Services Branch.

including civil and family proceedings, have declined by over 22 per cent in the same period. Due perhaps in part to lower volumes, pending cases (“case backlog”) in the Provincial Court have declined significantly over the past year.

Regarding the provincial correctional system, while caseloads have remained high in the community, there has been a decline in inmate counts within provincial correctional centres since 2010. Despite this decline, provincial correctional centres still exhibit capacity pressures and the provincial government is conducting a significant capital expansion of correctional centre capacity. It should also be noted that the number of remanded inmates is now increasing, with the likely future result of an increase in the sentenced population.

Access to justice remains a significant issue for the sector’s leadership to address. Alternatives to current models are being discussed and/or introduced to render services more accessible and/or sustainable where appropriate, including the fostering of para-professional services, unbundling, tiered service delivery, and online services. Funding for both family and criminal legal aid has been identified as a very serious concern by numerous sector organizations. The increase in self-represented litigants has been raised as a concern by judges and many other justice system participants. The focus by the Chief Justice of the Supreme Court of Canada and the report of the National Action Committee on Access to Justice in Civil and Family Matters led to extensive dialogue in British Columbia in 2014, including deliberations at the May Family Justice Summit.

The view that crime, policing and criminal court processes are increasing in complexity continues to be widely held by practitioners, and the Council again identifies the need for further analysis of this issue. Similarly, attention continues to be drawn by police and municipalities to issues of public order and public safety associated with mentally ill offenders, including potentially avoidable criminalization of the mentally ill and/or excessive expenditure of police response resources. Better empirical understanding of this challenge, and of the partnerships and innovation required to address it, remains necessary.

JUSTICE SUMMITS HELD IN 2014

Justice Summits are held at least once a year, by invitation of the Minister of Justice, to encourage innovation and facilitate collaboration across the sector. The Summit is a forum for frank discussion between justice sector leaders about how the system is performing and how it can be improved.

In 2014, the Minister of Justice convened two British Columbia Justice Summits: the first, held May 4-5, took private family law as its theme; the second, held November 28-29, focused on violence against women.

Key themes of the May Summit, **Family Justice**, included the following:

Mandatory participation in a consensual dispute resolution (CDR) process

- The National Action Committee on Access to Justice in Civil and Family Matters (NAC) suggests that “there is now sufficient experience with family law mediation and collaborative practice...to confidently assert that, with the appropriate support and protections, they are safe, fair and efficient ways to resolve many family disputes.” British Columbia’s experience with the Notice to Mediate (Family) Regulation and in “Rule 5” registries provides an excellent foundation on which to build a more intensive CDR program.

Coordinated early services and triage

- A number of NAC recommendations strongly support expanding front-end assessment, orientation, advice and referral services for families. At the same time, these reports recommend coordination and integration of the courts with non-governmental organizations and family-serving agencies in the community. The three existing Justice Access Centers in British Columbia provide an excellent example of this kind of service. Early resolution services may be coordinated across family, civil and criminal matters for greatest efficiency.

Exploration in British Columbia of a modified judicial role in family matters

- Many reports suggest that the unique nature of family disputes would be better accommodated in a hearing process which allows judges greater managerial

involvement and expanded procedural flexibility. Australia has experimented successfully with "less adversarial trials" and many jurisdictions have incorporated some inquisitorial elements into family hearings.

Incorporation of family justice in the Council's vision and planning

- Participants provided feedback that the Council's vision and plan was adequate for criminal justice but was insufficiently reflective of the requirements of family justice.

Key themes of the November Summit, **Better Responses to Violence Against Women**, included the following:

B.C. strategy on sexual violence to improve women's safety and service consistency

- Participants felt that overall response to sexual violence was insufficiently coordinated. Much has been done in the area of domestic violence, but a coordinated provincial policy on sexual violence would represent solid progress.

Aboriginal engagement vital in addressing violence against women and sector reform

- Participants felt strongly that indigenous voices need to continue to be integrated into dialogue about violence against women, and on questions of justice and public safety more generally. Service gaps noted during discussions of Aboriginal women's safety, child protection, and offender management and reintegration, led some participants to call for a Summit to be held specifically on Aboriginal justice issues.

Ensuring cultural competency to improve service provision; importance of diversity

- Participants felt that cultural competency should be incorporated directly in future service delivery to women in the Aboriginal community, in immigrant and refugee communities and in other vulnerable populations.

Expanding effective models of community mobilization to keep women safe

- Participants underscored the value of multidisciplinary teams. The interagency case assessment teams (ICAT) model has shown itself to be successful and requires

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additional investment for training and expansion, to consolidate success of ICATs and potentially to expand the ICAT mandate.

Improve alignment and coordination of court processes, and improve access

- Participants expressed support for efforts to streamline and/or coordinate multiple court proceedings in situations where criminal proceedings, family law proceedings and/or child protection proceedings occurred simultaneously.

Responses to violence against women should be trauma-informed

- Participants were broadly supportive of incorporating findings from health and psychological research on the effects of trauma into training of first responders and other justice and public safety professionals who work with victims of violence.

Doing more to implement effective approaches and exploit technology

- Participants identified a gap between the ease of learning about promising practices and the challenge of establishing and disseminating “what works” across the sector. Service gaps in First Nations communities and/or remote areas were frequently identified, underscoring the importance of technology in making services available.

Ongoing structure to maintain focus and accountability and report on progress

- Participants expressed considerable support for the idea that a structure be identified to carry forward the ideas of the Summit. To have a means of accounting for and reporting on progress, and to ensure accountability, several models were suggested by participants.

Statement(s) of high-level policy direction and awareness to sustain momentum

- Participants expressed a desire for an overarching government White Paper on Violence against Women to clarify intent and policy objectives and/or a provincial statement and policy on sexual violence, combined with mobilization of public support and awareness.

UPDATING THE STRATEGIC PLAN

This is the first annual update of the three-year strategic plan developed by the Justice and Public Safety Council of British Columbia in March 2014.

The plan was and is based on the Council's vision for the justice and public safety sector. The plan emphasizes the strengths of the sector, and also identifies gaps between where the sector is today and where it should be to meet the needs of citizens, and sets out the basic values which apply to work in the sector.

SCOPE AND LIMITATIONS OF THE PLAN

The plan applies broadly to publicly funded programs and services that contribute to the administration of justice, to the delivery of justice services, and to public safety in British Columbia, within or outside government – referred to collectively as “the sector.” The sector includes:

- The formal justice system, which includes administrative law, civil law, criminal law, court processes, family law, prosecution, and related work.
- The closely related functions of protection of the public, such as policing, corrections, crime prevention, and services to victims of crime.
- Regulatory, protective and/or response functions such as motor vehicle licensing and fines, civil forfeiture, and coroner services.
- The reform of provincial statutes, the modernization of which is of importance, not just to public justice participants, but to users of the justice system.
- The governing and administrative activity – the bureaucracy – which supports all of the justice and public safety work on which British Columbians rely.

GOALS, OBJECTIVES, AND PERFORMANCE GAPS

The Council's plan, set out over the following pages, identifies specific gaps where the current reality of the sector does not match the aspirations of the vision. Against each goal and objective, “performance gaps” are set out, as identified through dialogue among sector participants.

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GOAL	OBJECTIVE	PERFORMANCE GAP(S)
OUR SECTOR IS FAIR	Accessible We offer services accessible to all regardless of means or location, provide meaningful redress, and ensure access to justice for vulnerable and marginalized people proactively.	Improved access to justice is needed in civil, family and administrative disputes, in both urban and rural settings. We need to better balance the application of public resources to increase access to justice for accused persons.
	Impartial We model integrity, fairness and natural justice in our procedures and in delivering services, treating people equally.	We require an integrated strategy to address over-representation of Aboriginal people in the court and correctional systems. We need to increase our understanding of barriers to justice among women who are victims of violent trauma.
	Timely We work together to reduce systemic delay as an impediment to justice; we seek early resolution of individual processes wherever possible.	The administration of the court system must be modernized to improve scheduling and decrease unproductive appearances. We need to further incorporate established risk/need-assessment practices beyond corrections, in prosecution and police policy.

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GOAL	OBJECTIVE	PERFORMANCE GAP(S)
OUR SECTOR PROTECTS PEOPLE	<p>Prevention We offer early, appropriate and effective interventions to reduce antisocial behaviour, assisting people in rebuilding healthy, productive lives.</p>	<p>Cross-sector, community-based strategies are required to protect vulnerable populations. We need to address the factors associated with prolific offending, and also address the factors that make people more vulnerable to victimization.</p> <p>To improve road safety compliance, we need to better link critical information regarding high-risk drivers, such as driver records, prohibitions, administrative reviews and driver remedial actions.</p>
	<p>Protection We work together to reduce threats to public safety, protect complainants and victims of crime, and prevent re-victimization of the vulnerable by the system.</p>	<p>We need a coordinated, evidence-based framework for managing and supporting sexual and domestic violence cases through the courts, ensuring coordination with family process, and ensuring referrals to support services.</p> <p>We require systemic information-sharing to increase the frequency with which missing persons are located.</p>
	<p>Systemic Approach We work across all levels of government to understand and address root causes of crime, and support and participate in effective alternative interventions and innovation.</p>	<p>Meaningful options need to be available to the courts in support of alternatives to incarceration consistent with <i>R v Gladue</i>.</p> <p>Coordinated efforts are required to ensure appropriate sector response to, and triage of, mentally-disordered individuals, including adequate accommodation and treatment availability.</p>

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GOAL	OBJECTIVE	PERFORMANCE GAP(S)
OUR SECTOR IS SUSTAINABLE	<p>Focused efforts Based on measurable demand, we make evidence-based decisions to resource the system's necessary functions, ensuring these services are delivered efficiently.</p>	<p>We need better measures of demand and workload for sector processes around which resource planning can occur.</p> <p>Sustainable models for policing service delivery are required at the provincial, regional and municipal levels.</p>
	<p>Managed resources We allocate resources prudently across the system according to clear and demonstrated cause and effect.</p>	<p>All significant public investments, in cash or in kind, need to be evaluated against expected outcomes identified in advance.</p> <p>Savings or efficiencies created from reforms should be clearly identified through planning and measurement, and be reallocated where resources are most required.</p>
	<p>Effectiveness We measure and improve the return on investment of public resources, collectively and as institutions.</p>	<p>We require a methodology to define the cost per key output for each of the sector's major functions.</p>

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GOAL	OBJECTIVE	PERFORMANCE GAP(S)
OUR SECTOR HAS THE PUBLIC'S CONFIDENCE	Adaptive We offer services and programs that are nimble; we solicit and respond to the needs of people and monitor the effectiveness of our programs	We need to establish, to report on, and to respond to feedback loops with sector client populations.
	Performance-focused We assume collective and respective responsibility for system performance, engaging British Columbians in dialogue as users and observers of the system.	Meaningful performance reports on core sector deliverables and services should be regularly published.
	Empowering People entering the system have sufficient opportunity and support to learn its rules and practices at their level of need; the public both understands and values the system; we treat the time of every participant as valuable.	<p>People must be better informed and educated about ways in which the sector can assist them in adapting to change and resolving disputes.</p> <p>More user-needs-driven information should be made available – and provided proactively – at the outset of proceedings.</p>

REAFFIRMATION AND/OR CHANGE OF PLAN ELEMENTS

CONTINUITY OF VISION

For the plan renewal applicable to the period 2015-16 to 2017-18, the Council reaffirms the relevance of its four goals for the sector – **fairness, protection of people, sustainability, and public confidence** – and their enduring relevance to the work of justice and public safety professionals in British Columbia. The Council also reaffirms the 12 objectives derived from these goals.

REVISION OF IDENTIFIED PERFORMANCE GAPS

The Council, in consideration of new information including feedback from two Justice Summits held in 2014, has revisited the way in which three of the stated performance gaps, previously identified, are expressed:

- Fairness (goal)/Impartial (objective): the reference to perceived barriers to justice has been removed and reference to violent trauma added.
- Protects People (goal)/Protection (objective): a reference to ensuring coordination of sexual violence and domestic violence cases with family law processes has been added.
- Protects People (goal)/Systemic Approach (objective): a reference to the need to ensure appropriate sector response to mentally-disordered individuals has been added.

SECTOR OPERATIONAL PRIORITIES FOR 2015-16

The following areas have been reaffirmed by the Council as sector priorities for 2015-16.

1. **Aboriginal Justice.** The experiences of Aboriginal peoples with respect to justice and public safety are well documented. Important issues to be addressed include the level of violence suffered by Aboriginal women and families, and the overrepresentation of Aboriginal people in the court and correctional systems. An Aboriginal Advisory Board under the terms of the Act remains an outstanding commitment from last year's plan.

2. **Justice and Mental Health.** The prevalence of police encounters with mentally disordered people in the community, combined with the rates of mental disorder and substance dependency amongst the sentenced population, make clear the need for coordinated work in addressing the needs of mentally disordered British Columbians. The answers are complex, and the sector requires meaningful engagement with health and human services providers, as well as rigorous data to clarify and quantify the provincial situation.
3. **Access to Justice.** Concerns over the ability of people to identify, obtain and afford services, understand and exercise their rights and obligations, and/or participate in proceedings on a level footing have been the focus of extensive discussion amongst sector leaders over the past year. While these concerns are national in scope, the response must primarily be provincial. A coordinated response to these issues, which places British Columbians' access to justice at the centre, remains necessary.

The Council continues to encourage work in two further areas to increase the understanding of challenges and the sector's ability to create positive change.

- With respect to violence against women, including partner violence and sexual violence, it remains an important objective to establish the most effective means of managing criminal cases through the system. Additionally, we still require a means of measuring prevalence and repeat offending when these go unreported, so we may understand and implement what works best in protecting women from violence.
- With respect to the costs of the justice and public safety sector, there are few tools available to measure the efficiency of various processes, and/or the effectiveness of reform efforts in creating savings which might be reinvested where they are most needed. Two requirements should be noted. First, these tools must be developed to allow for productive dialogue about the effects of public investment in the sector. Second, their development should be careful and inclusive, in recognition of the need to ensure accurate and fair accounts of the ways in which the sector works.

PERFORMANCE MEASUREMENT

MEASURING PROGRESS TOWARDS GOALS AND OBJECTIVES

The Council is committed to develop and publish an evidence-based, broadly accepted set of measures which highlight the progress made against its goals and objectives.

Under Section 7 of the Act, not yet in force, the Council would be required to report by September 30th each year on the performance of the sector in achieving the objectives of the plan, for the year concluding the previous March. Although the statutory requirement is not currently present, in anticipation of the requirement and to stimulate sector dialogue on performance the Council will be issuing its inaugural performance report in 2015.

Performance measures have been developed in structured and informal consultation with sector representatives. Structured consultation has included the establishment of a Justice and Public Safety Sector Working Group on performance measures, with representation from the Ministry of Justice and other government and sector participants, and a Justice and Public Safety Sector Performance Measures External Review Committee with membership drawn from senior sector participants outside government, and chaired by Professor Yvon Dandurand of the University of the Fraser Valley.

In advance of the bringing-into-force of Section 7 of the *Justice Reform and Transparency Act*, which would provide that the Council's annual performance report be conducted according to standards established by the provincial Office of the Auditor General, consultation has also occurred between Council representatives and that office.

SPECIFIC PERFORMANCE MEASURES TO BE PUBLISHED IN 2015

In its initial plan published on March 31, 2014, the Council specified performance gaps associated to each identified strategic goal and objective. These performance gaps are outlined and updated on pages 19-22 in this document, above.

The Council also proposed performance measures aligned with the goals the plan, along with the identification of a number of areas in which there was as yet

insufficient data to support performance measurement and dialogue. These latter areas included much of the required work around the goals of Sustainability and Public Confidence.

In 2014-15, the Council was supported in its work on performance measures by the Justice and Public Safety Sector Performance Measures Working Group, with feedback provided by the External Review Committee. On the advice of these bodies, data on the following 11 performance measures will be published by the Council on September 30, 2015. The reader should note that the limited number of measures identified by the Council in March 2014, but not presented below, have not been withdrawn but are in the Council's (and Review Committee's) view not yet in a state of data-readiness and/or supported as consensus items for the sector performance dialogue for the coming year.

The time span for all measures will be 10 years, or as otherwise available if less than 10 years.

Rates of self-representation at Provincial Criminal Court appearances

The number of Court Services Branch (CSB) defined Provincial Court adult criminal and youth case appearances where the defence attendance indicated that an accused appeared in court without legal counsel, expressed as a proportion of total appearances.

Rate of Aboriginal incarceration (remand)

*The rate of remand admissions to a provincial custody centre of individuals who self-report Aboriginal status in comparison to those who not do self-report Aboriginal status.*⁶

⁶ The overall proportion of Aboriginal people incarcerated relative to those incarcerated from the remainder of the population, whether remanded or sentenced, is of direct relevance to ongoing concern in Canada regarding Aboriginal overrepresentation in the justice system. The best known expression of this concern is in the Supreme Court of Canada's landmark 1999 decision in *R. v Gladue*. However, the Council also recognizes that a more detailed analysis of sentences leading to incarceration is required to speak meaningfully about the overall performance of the sector as regards the concerns identified in *Gladue*. Additional measures are accordingly in development for inclusion in the Council's inaugural performance report in September 2015.

Rate of Aboriginal incarceration (sentenced)

The rate of releases of individuals from a custody centre who self-report Aboriginal status in comparison to those who not do self-report Aboriginal status. Excludes release to remand or to other sentence.⁷

Number of criminal cases judicially stayed due to systemic delay

The number of Court Services Branch-defined Provincial and Supreme Court criminal cases judicially stayed due to systemic delay (judicial stay of proceedings, or Askov ruling).

Next available date for a trial in Provincial Court – criminal (adult and youth), civil and family

Estimated time to trial by court class as expressed in number of months, half-day and two-day trials, adjusted for court location case volumes.

Percentage of criminal cases resolved in Provincial Court within 30/60/90 days

The proportion of all Court Services Branch-defined Provincial adult criminal and youth concluded cases where the number of days between their sworn date and case conclusion date is within 30, 60, and 90 days.

Percentage of adult offenders not reconvicted in BC within two years of their release from custody

The percentage of adult offenders who are not reconvicted in B.C. within two years of release from custody, commencement of community supervision, or active community supervision. The sentencing date does not need to be within the two-year window.

Rate of reoffending among higher-volume offenders

The rate of sentenced individuals for each year who have ten or more convictions in the previous ten years that resulted in supervision by B.C. Corrections.

⁷ See note 6.

Percentage of Youth Justice clients receiving first community sentence who are not reconvicted in BC within the following five years

The percentage of Youth Justice clients (ages 12-17) receiving first community sentence who are not convicted of a new offence within the following five years, including offences in adulthood. The sentencing date does not need to be within the five-year window.

Percentage of Youth Justice clients receiving first custody sentence who are not reconvicted in BC within the following five years

The percentage of Youth Justice clients (ages 12-17) receiving first custody sentence who are not convicted of a new offence within the following five years, including offences in adulthood. The sentencing date does not need to be within the five-year window.

Number of police-reported traffic fatalities and serious injuries involving high-risk driving per 100,000 population

The number per 100,000 population in British Columbia of serious injuries and fatalities resulting from a crash where police assess that one or more of the following were a factor: alcohol or drugs; speed; distraction.

CONTINUING DEVELOPMENT OF PERFORMANCE MEASURES

In many areas of the plan, particularly in matters of sustainability and public confidence, serious limitations remain regarding the existence (or readiness) of data useful in measuring progress. As noted in 2014, understanding and measuring progress with respect to the goals of fairness, protection of people and public confidence requires direct learning from the experiences of people most directly affected. Appropriate design and delivery of survey data remains a key enabler in development of the sector's performance dialogue.

Similarly, more development work is required to identify and measure costs, benefits and efficiencies in the sector, in order to create the tools to measure the impact of sector investments fairly and accurately.

Finally, it remains necessary for the sector to develop better means of understanding the experience of vulnerable populations, using methodologies which contain appropriate safeguards regarding privacy and which are culturally sensitive.

ONGOING CONSULTATION

To be useful, the measures identified by the Council must be simple, consensus-based, and easily replicated. Some data required to measure sector performance are available, and some key methodologies are agreed. However, in many areas of interest the sector has yet to develop the ability to measure what we know to be important. Consultation over the development and refinement of performance measures will continue as a regular feature of the Council's annual planning and reporting exercise, with standing technical and review committees each contributing to the process in substantive ways.

PLAN FEEDBACK

Comments are encouraged and may be emailed to justicereform@gov.bc.ca. Written communication may be sent to:

The Chair
British Columbia Justice and Public Safety Council
c/o Justice and Public Safety Secretariat
1001 Douglas Street
Victoria, BC V8W 3V3

APPENDIX I: VALUES OF OUR SECTOR

With the publication of its first Plan in March 2014, the Council outlined the essential values which should apply across the work done to ensure justice and public safety. The statement of values was developed in consultation with sector leaders and stakeholders, including consideration at the second B.C. Justice Summit in November 2013.

In a justice and public safety sector within a free and democratic society, the **rule of law** and principles of **fundamental justice** must guide the behaviour of the sector. Based on this foundation, the following values apply to work within the sector, such that our actions are:

Fair and equitable

Acting without discrimination with regard to ethnicity, age, religion, gender, gender identification, sexual orientation, belief or socio-economic status

Open and responsive to change

Thinking critically about existing practice, considering information that challenges orthodoxy, and responding actively to environmental changes

Outcome-focused

Setting realistic objectives, assessing our work according to results, and working together to ensure our activities do not have unintended adverse consequences

Accountable

Engaging the public on the effectiveness of our work, and reporting regularly on meaningful aspects of our performance

Evidence-based

Managing operations and innovating through shared collection and analysis of data about what works, and by enabling rigorous research through partnership

Proportionate

Allocating resources in ways that are necessary and reasonable, according to agreed-upon risks, and taking action in consideration of the sector's goals as a whole

Transparent

Making information broadly available about the sector's functions, enabling constructive democratic dialogue about goals, outcomes, services and performance

APPENDIX II: JUSTICE AND PUBLIC SAFETY COUNCIL MEMBERSHIP

Under provisions of the *Justice Reform and Transparency Act*, Council members are appointed by the Minister of Justice. Membership on the Council may include: an individual who is in a senior leadership role in the government and who has responsibility for matters relating to the administration of justice in British Columbia or matters relating to public safety, and includes any other individual the minister considers to be qualified to assist in improving the performance of the justice and public safety sector.

Further to Ministerial Order, the current membership is as follows:

Cavanaugh, Lynda	<i>Assistant Deputy Minister, Community Safety and Crime Prevention, Ministry of Justice</i>
Chalke, Jay	<i>Assistant Deputy Minister, Justice Services Branch, Ministry of Justice</i>
DeWitt-Van Oosten, Joyce	<i>Assistant Deputy Attorney General, Criminal Justice Branch, Ministry of Justice</i>
Faganello, Tara	<i>Assistant Deputy Minister, Corporate Management Services, Ministry of Justice</i>
Fyfe, Richard (Vice-Chair)	<i>Deputy Attorney General, Ministry of Justice</i>
Jardine, Kevin	<i>Assistant Deputy Minister, Court Services Branch, Ministry of Justice</i>
Merchant, Brent	<i>Assistant Deputy Minister, Corrections Branch, Ministry of Justice</i>
Pecknold, Clayton	<i>Assistant Deputy Minister, Policing and Security Programs, Ministry of Justice</i>
Sadler, Bobbi	<i>Chief Information Officer, Ministry of Justice</i>

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Sandstrom, Kurt	<i>Assistant Deputy Attorney General, Legal Services Branch, Ministry of Justice</i>
Sieben, Mark	<i>Deputy Minister, Ministry of Children and Family Development</i>
Wanamaker, Lori (Chair)	<i>Deputy Minister and Deputy Solicitor General, Ministry of Justice</i>