



TORONTO DISCLOSURE PILOT PROJECT
Evaluation Framework

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Evaluation Division
Policy Integration and Coordination Section



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1. INTRODUCTION

In approving resources for the Disclosure Pilot Project under the Strategic Investment Fund, the Federal Prosecution Services is required to conduct evaluations of the project's performance. The development and implementation of an evaluation framework is an important component of a good project monitoring strategy. An evaluation framework documents the project rationale, objectives, structure, resources, activities and expected results. It also documents the program/project measurement and evaluation strategy, including the evaluation questions, indicators and sources of information measures for assessing:

- the success of the project in achieving its objectives or intended outcomes;
- the relevance and continued need for, or expansion of, the initiative;
- the cost effectiveness of the project and whether alternative ways of achieving the same results might be available.

The objectives of this evaluation framework are to:

- describe the rationale for and objectives of the Toronto Disclosure Pilot Project;
- explain the project structure, roles and responsibilities;
- describe the project activities and expected results; and
- propose a measurement and evaluation strategy.

2. RATIONALE

Disclosure is a non-discretionary prosecutorial function mandated by the Charter. Crown counsel is required to ensure that all relevant information pertaining to a case is made available to the defence upon request. As well, counsel must ensure that all such relevant information has been received from police, and has been carefully reviewed in order to assert claims of privilege. Finally, disclosure, in general, is to be made before the accused elects the mode of trial or enters a plea.

Vast quantities of material can be involved in the disclosure process, even in the most routine of cases. The larger and more complex the police investigation, the greater the volume of materials that will need to be assembled, reviewed and vetted. Complex cases have tended to raise complex disclosure issues. A study of complexity undertaken by the Department in 1998 revealed that high complexity or mega cases typically featured three or more "disclosure issues".

A number of issues and factors have come together to suggest that the development of a three-year pilot project in the Toronto area would be timely.

- As a function of certain file management processes and procedures within the RCMP, inadvertent releases of sensitive information have occurred resulting in Government liability.
- Concerns have been raised that because police disclosure timelines and charge dates have not coincided, prosecution cases have not been adequately ready to proceed.
- The police and the prosecutors have to learn how to address disclosure issues at the beginning of the investigation. It is extremely difficult to address disclosure problems after the investigation is finished.
- Because disclosure requirements have not been met in a timely manner trials are delayed prosecutors have had to be more involved in the disclosure process, thereby increasing their workload.
- There have been increasing demands by the RCMP for pre-charge legal advice from Justice counsel, as well as advice on disclosure planning and the preparation of court briefs.

The Department's Strategic Directions and Reference Level Review priorities reflect these issues. This means capitalizing on our strengths by enhancing our working relationships with partners, building capacity and providing high value by efficiently and effectively managing growing workloads and changing needs. More specifically, the project should contribute to the reduction of current workload pressures on legal services.

3. PROJECT PROFILE

3.1 Objectives

The primary objective of the project is to:

- Improve various RCMP disclosure processes, practices and systems thereby ensuring disclosure obligations are met in a timely manner.

3.2 Resources

Funding for the pilot project comes from the Strategic Investment Fund, a sub-component of the Reference Level Review funding supports from Treasury Board. A total of \$373,926 was

budgeted for the project for the first year (2000/01). These monies are to be used to resource Counsel and paralegal positions including O&M and travel (Table 1).

Table 1			
Disclosure Pilot Project Resources¹			
	2000/01	2001/02	2002/03
Counsel (3)	\$288,215	\$301,470	\$301,470
Paralegal (2)	\$ 85,711	\$ 86,609	\$ 86,609
Total \$	\$373,926	\$388,079	\$388,079
Total FTEs	5	5	5

¹ O&M allocation/expenditures not included in above totals. O&M costs include \$30,000 per annum.

3.3 Structure and Accountability

Ultimate project accountability is tied to the Treasury Board Reference Level Review funding through the departmental Strategic Investment Fund. The Departmental Resource Management Committee approved the pilot proposal from the Federal Prosecution Service. Direct project responsibility and accountability lies with the Director, Federal Prosecutions Service, Ontario Regional Office. The Acting Deputy Director, Ontario Regional Office, will manage the project.

3.4 Activities and Expected Results

In order to meet the pilot objective, three Counsels, one in Milton, and two who will divide their time between Newmarket and Bowmanville, will be hired. Counsel activities will primarily involve:

- Working with the RCMP officer in charge and disclosure officer on one or more major cases to ensure they are "ready to go" when charges are laid.
- Developing and implementing standards, checklists, model briefs and training sessions related to disclosure.
- Developing recommendations for improvements to the RCMP file management system.
- Providing legal advice on pre-charge issues, disclosure and the preparation of court briefs.

The expected results of all these activities can be grouped into four categories, outputs, immediate, intermediate and ultimate outcomes or impacts. As a direct consequence of conducting the above activities, specific products (outputs) will be generated.

- Completed and/or worked on cases.
- Standards, checklists, models/menus and training sessions developed and/or conducted.
- File management system recommendations.
- Advice and opinions.

Over the short term (next 3 years), it is anticipated that as a direct function of the above activities and outputs, there will be numerous positive outcomes.

- More cases, specifically major cases, will be more ready to proceed at the time charges are laid.
- The risk of sensitive/protected information being released will be reduced.
- Improved tools, processes, practices and systems will be in place to meet disclosure obligations, particularly for complex cases.
- Case briefs will have improved.
- RCMP satisfaction will have increased.
- Trial Crown satisfaction will have increased.

Over the intermediate or longer term (3 to 5 years), the project is expected to have varying impacts.

- Disclosure obligations are met/respected in a timelier manner.
- A reduction in prosecution and/or court time and costs (workload) associated with disclosure.
- A reduction in the risk of RCMP liability or risk.
- Increase in guilty pleas and therefore reductions in the use of trials.

Ultimately, this type of work will contribute to overall national goals. These include:

- The Crown and police comply with their legal obligation to provide disclosure, protect privileged information, and hold trials in a reasonable time
- A more efficient and effective justice system; and
- Public confidence in the justice system.

Figure 1 provides a summary logic model of the relationship between the activities and expected results. In addition, Table 2 identifies the potential indicators that could be used to measure the expected immediate and intermediate outcomes.

Figure 1
Disclosure Pilot Project: Logic Model

Objectives

To improve various RCMP disclosure processes, practices and systems thereby ensuring disclosure obligations are met in a timely manner.

Activities

- Working with the RCMP on major cases to ensure they are "ready to go" when charges are laid.

- Developing and implementing various tools and training
- Developing file management recommendations.

- Providing legal advice on pre-charge issues, disclosure and the preparation of court briefs.

Outputs

- Completed/worked on cases.

- Standards, checklists, models/menus and training sessions developed/conducted.
- File management system recommendations.

- Advice/opinions.

Immediate Outcomes

- More cases, specifically major cases, will be ready to proceed at the time charges are laid.
- The risk of sensitive/protected information being released will be reduced.
- Improved tools, processes, practices and systems will be in place to meet disclosure obligations, particularly for complex cases.
- Case briefs will have improved.
- RCMP satisfaction will have increased.

Intermediate Outcomes

- A reduction in prosecution and/or court time and costs (workload) associated with disclosure.
- A reduction in the risk of RCMP liability.
- Increases in guilty pleas and therefore reductions in the use of trials.
- Disclosure obligations are met/respected in a timely manner.

Ultimate Outcomes

- More efficient and effective justice system
- Community confidence in justice system

**Table 2
Outcome Performance Indicators**

Potential Outcomes	Potential Performance Indicators	Potential Source of Information	Responsibility
<p>Immediate Outcomes</p> <ul style="list-style-type: none"> • More cases, specifically major cases, will be ready to proceed at the time charges are laid. • The risk of sensitive/protected information being released will be reduced. • Improved tools, processes, practices and systems in place to meet disclosure obligations, particularly for complex cases. • Improved case briefs. • RCMP satisfaction will have increased. 	<ul style="list-style-type: none"> - Perceptions on extent to which major cases ready to proceed at time charges laid (manageable # of accused, proper bail materials available, adequate case brief, adequate disclosure process and available within 30 days of arrest) - Trends in number of cases where sensitive information released - Perceptions of Unit Counsel, Prosecutors, RCMP on risk - Nature and extent of tools, processes, recommendations, etc., in place and being used - Perceptions on extent of improvements and impact on quality of files; - Extent RCMP has learned how to handle major cases better. - Perceptions of Unit Counsel, Prosecutors, RCMP on quality - Perceptions of RCMP on timeliness, quality, usefulness of advice/opinions, tools, recommendations. 	<ul style="list-style-type: none"> - Interviews - Survey of Investigator, Focus group - Unit counsel self assessment; Survey of RCMP investigators - Interviews/survey - Interviews/survey questionnaire 	<ul style="list-style-type: none"> Evaluation Evaluation Evaluation Evaluation Evaluation
<p>Intermediate Outcomes</p> <ul style="list-style-type: none"> • A reduction in prosecution and/or court time and costs (workload) associated with disclosure. • A reduction in the risk of RCMP liability. • Increases in guilty pleas / reductions in the use of trials. • Disclosure obligations met/respected in a timely manner 	<ul style="list-style-type: none"> - Trends in prosecution case/court time costs for disclosure - Perceptions/assessments on nature and extent of time, cost and workload reductions - Trends in liability (damage costs for releasing information) - Trends in charge/case outcomes; trends in volume of trials (at least for larger cases) - Trends in volume of cases where disclosure documents available within 30 days of arrest - Trends in complaints/suits - Perceptions of Unit Counsel, Prosecutors, RCMP 	<ul style="list-style-type: none"> - Caseview; Counsel self-assessment questionnaire - Interviews - RCMP reports - Caseview; Interviews - Caseview, Counsel self-assessment questionnaire, interviews. - Focus group; survey of investigators 	<ul style="list-style-type: none"> FPS/Evaluation RCMP FPS/Evaluation FPS RCMP Evaluation

4. PERFORMANCE MEASUREMENT

Project management is accountable for monitoring and reporting on project performance. This means documenting and reporting operational information on the nature, volume, efficiency (e.g., timeliness, cost) and satisfaction with activities performed and products/outputs produced. It means tracking, on an on-going and/or periodic basis, information on the results of these activities as they relate to the expected outcomes. As well, it means conducting periodic assessments of the continued relevance, success, cost effectiveness of project activities along with the adequacy of management processes, practices, systems and controls.

While management is accountable for monitoring and reporting, rarely do they have the capacity to implement all the levels of monitoring and assessment needed. Both the audit and evaluation functions provide support in these areas. The next section describes the proposed project measurement and evaluation strategy, including the evaluation issues, questions, indicators and data sources.

4.1 Measurement and Evaluation Strategy

The proposed strategy for the on-going monitoring and evaluation of the Diversion Pilot project comprises several elements.

- Ongoing project performance measurement
- A mid-term (12-18 months) implementation evaluation.
- A final evaluation (year 3).

a) Ongoing Project Performance Measurement

As part of ongoing project management and accountability, performance information on operational activities will be regularly monitored through project reporting systems. This includes:

- Resource time and costs
- The nature of activities and accomplishments associated with each major activity area

Table 3 summarizes the indicators and sources of information that could be used to track operational activities and outputs.

Table 3 Operational Performance Indicators		
Activities & Outputs	Potential Performance Indicators	Potential Source of Information
Resources	<ul style="list-style-type: none"> - Planned to actual \$ - Planned to actual # of resources implemented 	- Financial System
Activities and Outputs <ul style="list-style-type: none"> - Work with officer in charge and disclosure officer on one or more cases (priority) - Develop & implement standards/ checklists, model briefs, training sessions (priority) - Develop recommendations for file management - Provide advice on wire-taps, other issues 	<ul style="list-style-type: none"> - Extent priority areas covered through estimate of percent of time spent on key activity areas - Reasons for variance - The nature of activities and accomplishments for each activity area (e.g., models, recommendations, sessions conducted) - Extent products and services have been implemented and influenced changes in RCMP processes, practices and systems 	<ul style="list-style-type: none"> - Project reports - Counsel self-assessment questionnaire, interviews

b) Mid-term Implementation Evaluation

The purpose of the mid-term evaluation work is to focus on project implementation issues related to the appropriateness of initial resources, activities, project design and delivery mechanisms, any adjustments, and to identify any preliminary project results. This phase will be conducted by or through the Evaluation Division and is expected to be initiated within 12 to 18 months of project implementation.

c) Final Evaluation

This evaluation, expected to be completed in the third and final year of the project, will assess the extent to which the project has succeeded in meeting its objectives. In addition, this study will address issues of relevance and continued appropriateness, unintended effects, and cost effectiveness and alternatives.

4.2 Research Design

The overall research design for the evaluation work will utilize a variety of methodologies.

- Literature Review - A review of disclosure issues (court decisions) including any performance information will be conducted.

- Satisfaction Surveys - Two surveys (mid-term and final project evaluation) are planned to obtain information on RCMP and prosecution assessments of various processes, tools, products and services over time.
- Interviews - Interviews with various stakeholders and project staff will provide valuable assessments and insights on several evaluation issues and questions. These include the project's long-term relevance; appropriateness of roles, responsibilities and activities; adequacy of resources and monitoring systems; preliminary project success and added value; any unintended impacts; and ways to improve performance.
- Operational Data Review - For evaluation purposes, operational performance information will assist in assessing preliminary project results, such as the extent to which priorities have been worked on, the nature and type of activities engaged in, key accomplishments and RCMP implementation. This review will involve an analysis of Unit Counsel project reports.

From a longer-term outcome perspective, access to RCMP information on disclosure readiness, incidence reports, and annual liability figures related to inappropriate disclosure, would provide more concrete evidence of the relationship between Unit Counsel activities, RCMP implementation and expected outcomes. As well, systematic information on the extent to which Unit changes has affected prosecution time and costs related to disclosure would be very useful.

4.3 Evaluation Issues and Questions

The purpose of this section is to outline the range of evaluation issues, questions, indicators and sources of information that could be considered as part of the evaluation process. The proposed issues to be addressed include relevance, appropriateness, success, unintended impacts/outcomes, cost effectiveness and alternatives and management effectiveness. Each issue is described briefly below. As well, the proposed evaluation questions, indicators, and sources of information are presented in Table 4.

4.3.1 Relevance and Appropriateness

Relevance questions ask about the continued need for and/or expansion of the project along with the continued relevance of the project objectives given time and experience. Appropriateness

issues include the appropriateness of resources, types of activities engaged in, and the project design and delivery mechanisms, including project implementation plans.

4.3.2 Success and Unintended Impacts

Questions about success relate to what has been accomplished as a result of the project and their relationship to the objective. At this stage, it means the extent to which the anticipated immediate and perhaps some intermediate outcomes identified in the logic model have occurred. As well, it means identifying any other unintended outcomes (positive or negative) resulting from the project.

It is important to recognize that because of the inherent nature of the criminal justice system and the processes that support it, it is difficult to attribute certain results to any one project. As well, many of the anticipated outcomes associated with projects are subject to influences from a variety of factors - factors well beyond the scope of any project. Therefore, these realities must be taken into account in assessing the overall success of the project. Despite these difficulties, it is important to ensure that success is monitored in a meaningful way to allow management not only to demonstrate accountability, but also to manage for and by results.

4.3.3 Cost Effectiveness and Alternatives

These questions attempt to determine whether project benefits outweigh the costs, and consider whether alternative ways of achieving the same results might be more effective and/or cost efficient.

4.3.4 Management Effectiveness

Successful implementation of initiatives, programs and projects requires strong management commitment. This includes clear and agreed to objectives, roles and responsibilities, as well as sufficient resource capabilities and adequate processes, practices and systems in place to plan, organize and co-ordinate activities, communicate, monitor, adjust and report.

Table 4

Evaluation Issues and Questions for Disclosure Pilot Project

Issues	Potential Evaluation Questions	Potential Indicators	Potential Source of Information
A. Project Relevance	1. Is there a continuing need for and/or expansion of the project? (In Ontario or across the country?)	<ul style="list-style-type: none"> - Extent and type of problems with current processes and procedures for major cases. - Extent major cases ready to go - Extent inadvertent releases of sensitive information - Trends in and/or perceptions of prosecution/court time/costs for disclosure - Perceptions of quality of case briefs 	<ul style="list-style-type: none"> - Interviews with Unit Counsel, Prosecutors, RCMP - Interviews with Unit Counsel, Prosecutors, RCMP; RCMP reports - Interviews and/or survey questionnaire with prosecutors; Caseview Interviews with Unit Counsel, Prosecutors, RCMP
B. Appropriateness*	<ol style="list-style-type: none"> 1. Are sufficient resources in place to successfully implement the project? 2. Has the project been implemented according to plan? What obstacles, if any, have there been? 3. Are these the right objectives, activities, people, locations? 4. Have priority targets been identified and have activities focussed on these targets? 5. Should these activities be delivered in the same manner (specific Unit Counsel)? 6. Ways to improve? 	<ul style="list-style-type: none"> - Percentage of time spent on priority activities; Qualitative assessment - Qualitative assessment; extent project plans implemented - Agreement by all partners - Agreement by all partners; extent priority activities identified and focussed on - Qualitative assessment/perceptions 	<ul style="list-style-type: none"> - Unit Counsel project reports; Interviews with Unit Counsel, managers - Interviews with managers; project documentation - Interviews with Unit Counsel, managers, RCMP - Interviews with Unit Counsel, managers; project reports
C. Success*	<p>1. What progress has been made / to what extent has the project achieved its objectives, i.e., achieve its immediate and some intermediate outcomes?</p> <p>Immediate Outcomes</p> <ul style="list-style-type: none"> • More cases, specifically major cases, will be ready to proceed at the time charges are laid. • The risk of sensitive/protected information being released will be reduced. • Improved tools, processes, practices and systems in place to meet disclosure obligations, particularly for complex cases. • Improved case briefs. • RCMP satisfaction will have increased. 	<ul style="list-style-type: none"> - Extent to which major cases ready to proceed at time charges laid (manageable # of accused, proper bail materials available, adequate case brief, adequate disclosure process and available within 30 days of arrest) - Trends in number of cases where sensitive information released - Assessments/perceptions of risk - Nature and extent of tools, processes, recommendations, etc., in place and being used - Assessments/perceptions on extent of improvements and impact on quality of files. - Assessments/perceptions on quality of briefs - Assessments/perceptions on timeliness, quality, usefulness of advice/opinions, tools, recommendations; extent have learned how to handle major cases better. 	<ul style="list-style-type: none"> - Interviews with Unit Counsel, Prosecutors, RCMP, survey of RCMP investigators, Caseview reports. - Unit counsel project reports; Survey of RCMP investigators - Interviews with Unit Counsel, Prosecutors, RCMP - Counsel self-assessment questionnaire, Survey of RCMP investigators- Interviews and/ or survey questionnaire with of Unit Counsel, Prosecutors, RCMP - Interviews and/or survey questionnaire of RCMP

Issues	Potential Evaluation Questions	Potential Indicators	Potential Source of Information
Success*	<p>Intermediate Outcomes:</p> <ul style="list-style-type: none"> • A reduction in prosecution and court time and costs associated with disclosure. • A reduction in risk of RCMP liability • Increases in guilty pleas / reductions in the use of trials. • Disclosure obligations met/respected in a timely manner <p>2. Are there other ways to improve results?</p>	<ul style="list-style-type: none"> - Trends in prosecution case/court time/costs (workload) for disclosure - Perceptions of prosecutors on nature and extent of time and cost reductions - Trends in liability (damage costs for releasing information) - Trends in charge/case outcomes; trends in volume of trials (at least for larger cases) - Assessments/perceptions - Trends in volume of cases where documents available within 30 days of arrest - Assessment/perceptions - Perceptions 	<ul style="list-style-type: none"> - Interviews with prosecutors - Interviews with RCMP; Survey of RCMP investigators - Caseview - Interviews with prosecutors - Caseview reports. - Interviews with Unit Counsel, prosecutors, RCMP - Interviews with Unit Counsel, managers, prosecutors, RCMP; Survey of RCMP investigators; Unit Counsel self-assessment questionnaire
D. Unintended impacts (positive or negative)	<ol style="list-style-type: none"> 1. What were the impacts of the new positions on employees' relationships with RCMP, Prosecutors, the amount/type of work, priorities, level of influence, awareness? 2. Any other unintended impacts (positive or negative) on project players, communities, justice system 	<ul style="list-style-type: none"> - Assessments/Perceptions 	<ul style="list-style-type: none"> - Interviews with Unit Counsel, managers, prosecutors, RCMP
E. Cost Effectiveness/ Alternatives	<ol style="list-style-type: none"> 1. What were the costs to the benefits 2. What would have happened without this project 3. Is there a more cost efficient and/or effective way to deliver this project? 	<ul style="list-style-type: none"> - Assessments/perceptions of added value of project - Perceptions - Perceptions 	<ul style="list-style-type: none"> - Financial reports - Interviews with Unit Counsel, managers, prosecutors, RCMP
F. Management Implementation*	<ol style="list-style-type: none"> 1. Clear and measurable objectives and understanding and agreement by all partners 2. Roles and responsibilities documented, understood, agreed to and implemented. 3. Adequate processes, systems in place to monitor, adjust and report 4. Adequate training 5. Adequate communication/ consultation process in place 6. To what extent has the project organisational structure contributed to efficiency (co-ordinated activities) and accountability 7. Lessons learned/improvements 	<ul style="list-style-type: none"> - Perceptions on extent objectives measurable, understood and agreed upon - Documented roles and responsibilities, understood and agreed to by stakeholders - Processes and systems in place - Training needs assessment, plans and implementation - Communication and consultation process in place, stakeholder satisfaction - Perceptions - Perceptions 	<ul style="list-style-type: none"> - Project documentation and interviews with Unit Counsel, managers, RCMP investigators

* Focus of mid-term evaluation.