

Department of Justice

2006/2007 OPERATIONAL PLAN



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Message from the Minister

I am pleased to present the 2006/07 Operational Plan for the Department of Justice. This document outlines the Department's current and planned initiatives to address the justice needs of Yukoners today and tomorrow.

Public confidence is the cornerstone of a well functioning justice system. Across Canada, citizens have high expectations of their justice system and demand a greater voice in policy-making and greater responsiveness to their needs.

This is also true of Yukoners. Over the past year, the Department of Justice has been engaged in a number of consultation processes with Yukoners. Yukoners have told us that they want their justice system to be built on values that are important to all of us: accountability, respect, responsibility and fairness. They want to see these values reflected in justice policies and programs that are cost-effective, responsive and linked to their communities.

Through the Consultation on Corrections, Yukoners told us they want a correctional system that focuses on *accountability* and *healing*. Offenders must be held accountable for the harm they have caused, but they must be held accountable in constructive ways that reduce the likelihood that they will re-offend. Yukoners also recognized the need for healing. Offenders need to address the issues that lead to their criminality: trauma, substance abuse and mental health problems.

The needs of victims and their families must also be addressed. Victims may have a range of emotions including fear, violation, anger, loneliness and worry about a loss of freedom. They may feel shame and guilt, or worry about being re-victimized when the offender returns to the community. Victims need support to rebuild a sense of safety and security. Timely access to services, support groups and community support are crucial.

The final report of the Consultation on Corrections provides the roadmap for moving towards a new correctional system that focuses on accountability and healing. Over the course of 2006/07, my Department will begin design work on a new correctional facility to replace Whitehorse Correctional Centre. Equally important, we will also begin developing a new correctional framework for the delivery of correctional services in the Yukon. This new framework will reflect the recommendations brought forward through the Consultation on Corrections.

Yukoners have also told us that they are concerned about the social disorder that is caused by drug trafficking and substance abuse. Whether in Whitehorse or in the communities, Yukoners have expressed concerns that the quality of life in their neighbourhoods is diminished by drug trafficking and the illegal distribution of alcohol.

In 2006/07, Government of Yukon will begin implementing the *Safer Communities and Neighbourhoods Act*. The Act provides citizens with another way to respond to crime and safety in their community or neighbourhood. It also holds property owners accountable for threatening or disruptive activities regularly taking place on their property.

I am committed to ensuring that the justice system is responsive to the needs of Yukoners and that the Department of Justice undertakes its operations in a manner that is responsible, efficient and focused on priorities that make the most difference to Yukoners.

Minister Elaine Taylor
Department of Justice

Consultation on Corrections Principles and Key Priorities

The Consultation on Corrections released its final report in April, 2005. The final report contained an Action Plan that included eight guiding principles, four key priorities, and 29 recommendations.

The principles that will guide this Action Plan are:

- partnerships
- a continuum of programs and services
- Yukon First Nations culture, traditions and practices
- evidence-based practice
- innovation
- community capacity
- healing, accountability and security
- prevention

The key priorities are:

- building a new facility
- developing and providing facility-based programs and services
- developing and providing counselling, support and after care
- developing and supporting community capacity

In 2006/07, the Department of Justice will begin the design phase of replacing Whitehorse Correctional Centre. The Department is also committed to developing a new correctional framework for delivering programs and services to victims and offenders.

The final report is available on the Consultation on Corrections website: <http://www.correctionsconsultation.yk.ca/>

I. Overview of the Department of Justice

The Mission of the Department of Justice

The Department of Justice, in accordance with the Rule of Law, administers a system of justice that is fair, humane, responsive and equitable and contributes to order and safety for individuals, families and communities.

The Department of Justice plays a key role in the administration of justice in the territory. The Department works in active partnerships to foster healthy and safe communities that are part of a just and peaceful society. The Department works with Yukoners to administer the justice system, to provide services that contribute to public safety and security and to provide legal services to the Government of Yukon.

The Department of Justice must serve the public interest and be open to public scrutiny. The Department is committed to a management style that is open and accountable to the public, that challenges employees to respond to the needs of Yukoners and that is fiscally responsible.

The Department's responsibilities are organized into three core services:

1. the administration of the courts and associated activities,
2. services to ensure that Yukon remains a safe, secure and healthy place to live and work, and,
3. legal services to the Government of Yukon.

1. The Administration of Courts and Associated Activities

The Department of Justice is responsible for maintaining an independent, impartial and accessible justice system. The Department provides support to the judiciary to ensure that the court system operates effectively and independently. The Department also provides services that assist with the collection of child support orders and amounts owed under civil court orders. The Department operates a number of regulatory services such as the Land Titles Office and the Public Guardianship and Trustee Office. It also oversees the operations of regulatory bodies such as the Yukon Legal Services Society, the Yukon Human Rights Commission, the Yukon Utilities Board and the Workers' Advocate Office.

Core Services to Yukoners include:

- Operation of three levels of court (Territorial Court, Supreme Court, Court of Appeal)
- Sheriff's Office
- Maintenance Enforcement Program
- Yukon Public Law Library
- Land Titles Office
- Public Guardianship and Trustee Office
- Witness Administration Program

2. Services to Ensure that Yukon Remains a Safe, Secure and Healthy Place to Live and Work

The Department of Justice contributes to the protection of society through the provision of a number of services. The Department directly contributes to the safety of Yukoners by working in partnership with the RCMP, which delivers police services across the Territory.

The Department also ensures that tools and resources are made available to the courts to respond to disputes and conflicts. Through its probation and correctional services, the Department holds offenders accountable for their actions and provides them with appropriate correctional programs. The Department also provides services to victims of crime to ensure that their needs are addressed.

Finally, the Department works with communities to help prevent crime from occurring. In particular, the Department has a number of agreements with First Nations communities and non-governmental organizations to deliver community-based crime prevention and community justice programs, services to victims and offenders and targeted initiatives such as the Aboriginal Court Worker program.

Core Services to Yukoners include:

- Victim services
- Family violence prevention programming
- Whitehorse Correctional Centre
- Community corrections and adult probation
- Policing services
- Crime prevention and community justice
- Coroner's service
- Workers' Advocate Office

3. Legal Services to the Government of Yukon

Under the *Department of Justice Act*, the Department is responsible for providing legal services to government and to Cabinet. The Department develops and drafts legislation in English and French, reviews policy, provides representation to the Government of Yukon in civil actions and child protection matters, prosecutes offences under territorial legislation and provides advice in a number of areas including contract law, aboriginal law and natural resources and environmental law. The Department is also engaged in discussions with self-governing First Nations on the administration of justice in First Nations communities.

This core service is central to the Department's role in seeing that public affairs are administered according to the rule of law.

Core Services to Yukoners include:

- Child protection matters
- Legal representation in maintenance enforcement matters
- Funding for legal aid, court workers and public legal education services
- Discussing administration of justice issues with First Nations
- Prosecution of territorial offences
- Drafting legislation and regulations in English and French

II. Report on 2005/06

During the past year, the Department of Justice made significant progress towards achieving the goals it established in its 2005/06 Operational Plan. The following are some of the highlights from 2005/06:

Outcome: A responsive and accessible justice system for Yukoners

Consultation on Corrections The Consultation on Corrections released its final report in April, 2006. The final report included an Action Plan that will help guide the delivery of correctional programs and services. The Action Plan is the result of a 15-month public consultation co-chaired by the Government of Yukon and the Council of Yukon First Nations. Approximately 160 consultation meetings were held across the Yukon.

Public Guardianship and Trustee Office By expanding the current Public Administrator's Office, the new *Adult Protection and Supported Decision Making Act* established an office of the Public Guardian and Trustee in the Department of Justice. The Act provides a legal framework and authority for supported and substitute decision making and the appointment of guardians to make decisions for people with reduced mental capacity. The office is fully operational and trustee and guardianship services are available for elderly people with dementia, people with intellectual disabilities, people with mental illnesses and people with brain injuries.

Evaluation of the Domestic Violence Treatment Option Court An evaluation of the DVTO was completed by the Canadian Research Institute for Law and the Family in 2005. The evaluation showed that twelve months after completing the program, only 9% of DVTO Court clients re-assaulted and after fifteen months of completing the program only 18% of DVTO Court clients re-assaulted. The evaluation concluded that "despite the fact that these clients are very difficult, the rates of re-assault are amazingly low." The evaluation also recommended changes that would improve the functioning of the court.

In 2006/07, a plan will be developed to implement these recommendations.

Amendments to the *Small Claims Court Act* The *Small Claims Court Act* amendments raised the limit for claims that can be heard in this court from \$5,000 to \$25,000. The changes also updated the appeals process and set in place a process to move matters to Supreme Court if the amount was likely to go higher than the new limit.

Amendments to the *Jury Act* In 2005, the *Jury Act* was amended to streamline the process for selecting juries.

Critical Incident Stress Debriefing Program for Jurors The Department of Justice worked in partnership with the courts to provide jury debriefing services to jurors who sat on murder trials. The aim of this project was to make counselling services available to jurors following the completion of a trial.

Outcome: Safe and healthy communities for all Yukoners

Substance Abuse Summit and Development of an Action Plan In June 2005, the Department hosted a Substance Abuse Summit. The Summit brought together 200 people from across the territory to discuss and develop strategies to combat substance abuse in the territory. This information was then included in a Substance Abuse Action Plan that was released in October, 2006. The Action Plan is a framework document that will guide how our government responds to drug and alcohol abuse. The Action Plan focuses on harm reduction, prevention and education, treatment and enforcement.

Family Violence Prevention Act The Government of Yukon completed the legislative amendments that were recommended in a review of the *Family Violence Prevention Act*. The legislative changes included updating the language of the act for consistency, including a new definition of abuse and changing the definitions of weapons to match those of the Criminal Code.

Intensive Supervision Program The goal of this project is to provide intensive supervision to individuals on remand or probation. The Department conducted a thorough review of existing intensive supervision programs across North America. An intensive supervision model has recently been implemented on a trial basis.

FASD Housing Offenders affected by FASD have specialized needs, including safe, secure housing. The Department has started some preliminary work to determine the type of housing that would meet the safety needs of Yukoners and the individual needs of the offenders. Work on this project will continue in 2006/07.

First Nations Cultural Programs for Offenders Programming activities designed specifically for First Nation inmates at Whitehorse Correctional Centre have been improved over the past year: a First Nation carving program is offered through Yukon College; Committee on Abuse In Residential Schools offers the Healing Path counselling program for First Nation inmates; and the Council of Yukon First Nations continues work with inmates on planning their release and transition to the community, as well as other First Nation cultural and recreational programming.

Mental Health Services at WCC With the completion of its mental health room, Whitehorse Correctional Centre has improved its ability to manage offenders with mental health issues. A nurse clinician with a psychiatric background has been hired to provide mental health counselling to offenders.

VictimLink Early in 2005, an agreement was reached with British Columbia that allows Yukoners to access VictimLink through a toll free number. A number of actions were taken to publicize this arrangement: wallet cards were provided to medical offices, schools and all RCMP officers in the Yukon; there was a media campaign during the winter months and the joint VictimLink and Protect Yourself/Protect Your Drink campaign to highlight both initiatives.

Family Violence Prevention Campaign This project is led by an interagency group known as Circles of Respect and Equality (CORE), which includes the Department of Justice. CORE has produced a safety kit, posters that highlight the effect that abuse has on its targets and a website (<http://www.stopviolenceinyukon.ca>) that contains useful information for persons in abusive situations or anyone who wants to help someone living in such an environment.

Outcome: Effective and strategic legal services that support the Government of Yukon

Review of Legal Service Delivery to the Government The Legal Services Branch conducted a review of its delivery of legal services to client departments. In the summer of 2005, the Yukon Bureau of Statistics conducted a Client Satisfaction Survey on behalf of the Legal Services Branch. The survey was sent to senior officials in all government departments and Crown corporations. The results of the survey were used to develop recommendations to improve the delivery of legal services. These recommendations will be implemented in 2006/07.

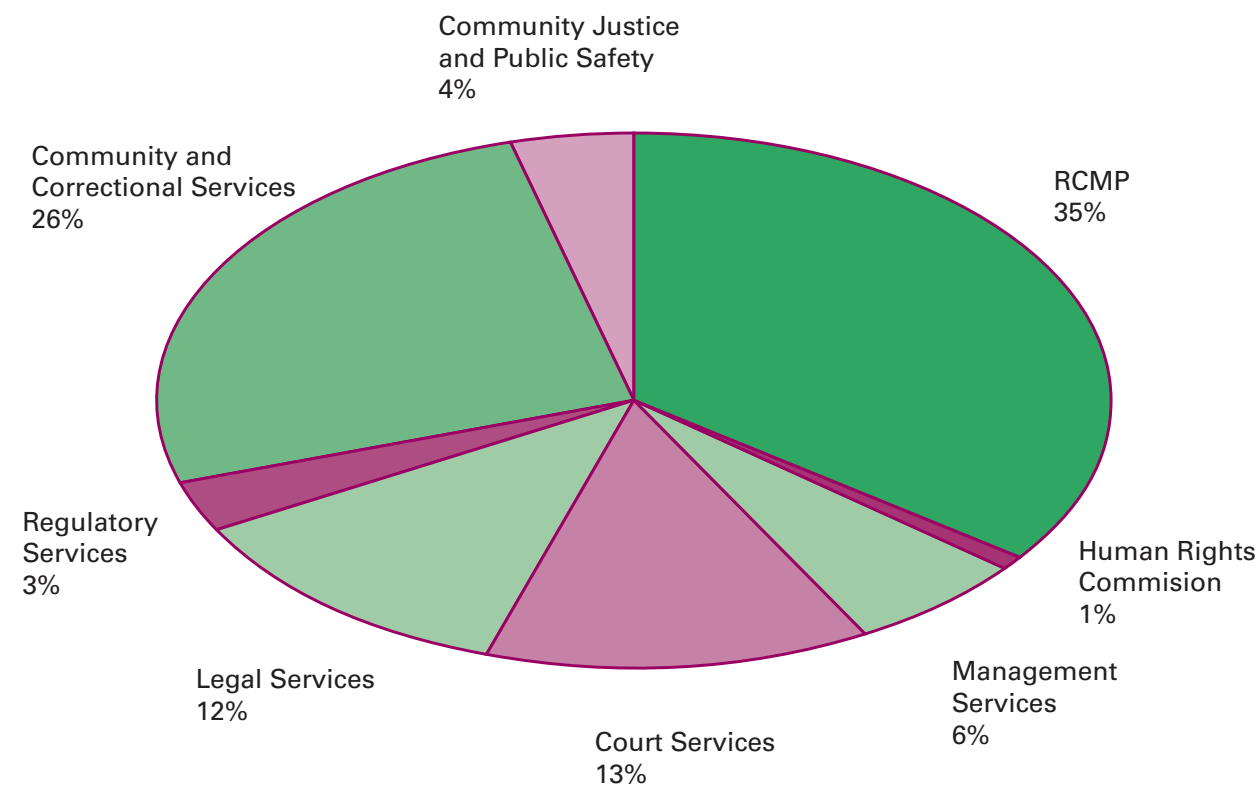
III. Resource Summary

The Department of Justice has about 200 full-time employees.

The budget for the Department of Justice in 2006/07 is \$39,629,000.

The following are some of the key departmental expenditures:

RCMP services	\$14.048 million or 35% of the total budget
Whitehorse Correctional Centre	\$ 6.706 million or 17% of the total budget
Court Services	\$ 5.112 million or 13% of the total budget
Family Violence/Victim Services	\$ 1.483 million or 4% of the total budget
Community Corrections	\$ 1.300 million or 3% of the total budget
Transfer payments	\$ 3.809 million or 10% of the total budget



A number of factors that cannot always be anticipated in advance can influence the Department's budget. Examples include: a large increase in the number of psychiatric assessments of accused persons and inmates, increased criminal activity that raises the number of court cases, seriousness of crimes committed in the communities; and changes to the *Criminal Code*. Throughout the year, the Department adjusts its budget to reflect these factors.

Examples of the Department's Activities, 2005/2006

- 67 new Maintenance Enforcement Program (MEP) files were opened and 199 were closed.
- there were a total of 437 admissions to WCC of which:
 - 14 were under federal sentence.
 - nine were immigration holds.
 - five were for parole violations.
 - 275 were on remand.
 - 134 were sentenced inmates.
- the average daily count at Whitehorse Correctional Centre was 57, of which 26 inmates were sentenced and 31 were on remand.
- 3,317 Criminal Code charges were laid.
- 886 civil files opened in Yukon courts.
- there were 2,999 prosecutions of Yukon legislation, of which 2,498 prosecutions were under the Motor Vehicle Act and 220 were under the Liquor Act.
- Department of Justice staff prepared 173 pre-sentence reports.
- there were 307 new probation orders and 536 individuals were on probation.
- 715 Victim Services files were opened and 223 individuals participated in group sessions.

Safer Communities and Neighbourhoods Act

"On any block, in any neighbourhood, it only takes one house that is harbouring illegal activities to undermine the safety of all residents of that community..."

The Government of Yukon has heard concerns from Yukoners about the social disorder that is caused by the abuse of drugs and alcohol: the ongoing potential for crime, health and safety issues due to discarded needles and a fear of residing in neighbourhoods where illegal activity is occurring.

In response to these concerns, safer communities and neighbourhoods legislation was identified as a priority in the draft Yukon Substance Abuse Action Plan, which was released in October, 2005.

This new legislation, enacted in April, 2006, will provide the Government of Yukon with a variety of ways to deal with illegal activities that negatively affect Yukon communities. These activities may include producing, selling or using illegal drugs, prostitution, solvent abuse or the unlawful sale and consumption of alcohol.

In 2006/07, the Department of Justice will begin implementing the legislation.

IV. Strategic Priorities for 2006/07

New Treatment Program For Children Witnessing Domestic Violence

In 2006/07, the Department of Justice will develop a new crisis counselling program for children who witness domestic violence.

The program will be offered to children whose parents are involved in the Domestic Violence Treatment Option Court. It will fit with other treatment services for traumatized children offered by the Department of Health and Social Services, but focus more on immediate assistance.

The need for such a program is supported by national research that shows that witnessing violence affects the development of children. Victim services workers currently focus on adult victims but have noted a need to provide services to the children of the families. A Program Advisory Committee will be set up in partnership with Family and Children Services at the Department of Health and Social Services.

In March, 2006, the Department of Justice held a three day information session for front-line workers who work with children who may witness violence. Representatives from the London Family Court in London, Ontario and the Zebra Child Protection Centre in Edmonton, Alberta made presentations.

The Department of Justice works in partnership with other government departments, First Nations communities, non-governmental organizations and Yukoners to achieve the following outcomes:

1. A responsive and accessible justice system for Yukoners
2. Safe and healthy communities for Yukoners
3. Effective and strategic legal services that support the Government of Yukon

1. A Responsive and Accessible Justice System for Yukoners

Yukoners rely on the justice system to provide an independent and impartial forum for resolving disputes. The justice system must be accessible and fair and it must reflect the diverse cultural traditions of the Yukon. Through initiatives like the Consultation on Corrections and in its negotiations on the administration of justice, the Department works closely with First Nations to ensure that the services it provides are responsive to the demands of communities.

The justice system also pays particular attention to the most vulnerable in society to ensure that their rights are protected and their interests are supported. A fair, modern, efficient and accessible justice system that respects the rule of law and is responsive to the demands of citizens provides the framework for a safe and prosperous society.

In 2006/07 and 2007/08, the Department will focus on the following strategic priorities to further a responsive and accessible justice system for Yukoners.

Outcome: A responsive and accessible justice system for Yukoners

Priority: Improve access to justice for Yukoners

- Seek long-term, stable funding for legal aid
- Conduct a feasibility study for Northern Institute of Justice
- Examine options for replacing existing court information technology systems

Priority: Be responsive to Yukoners who come into contact with the justice system

- Examine the creation of a law reform function for Yukon legislation
- Evaluate the Critical Incident Stress Debriefing Program for jurors

2. Safe and Healthy Communities for All Yukoners

The Department of Justice is committed to working with all Yukoners to promote a safe, secure and healthy society for all. The consultations that took place during the Consultation on Corrections and in the development of the Yukon Substance Abuse Action Plan indicate that Yukoners want a justice system that focuses on accountability and healing.

In order to achieve this goal, the Department must ensure that offenders are held accountable for their behaviour and that they are provided opportunities to address the factors that lead them to commit crime.

The needs of victims and their families must also be addressed. They must be treated with respect and services must be available for them when and where they are required. Finally, communities must be supported. Crime prevention through community development is an investment in a safe and healthy community for all Yukoners.

In 2006/07 and 2007/08, the Department will focus on the following strategic priorities to build safe and healthy communities for all Yukoners.

Outcome: Safe and healthy communities for all Yukoners

Priority: Improve coordination of services to victims and vulnerable persons

- Develop and implement a treatment program for children who witness violence
- Improve coordination with those agencies and departments that provide services to offenders who have mental health issues
- In partnership with other agencies, develop a Sexual Assault Response Team (SART) that will work to improve the investigation and prosecution of sexual offences
- Explore development of a specialized program to assist victims with cognitive developmental issues

Priority: Respond to the recommendations of the Consultation on Corrections

- Develop a work plan to implement the recommendations from the Consultation on Corrections
- Begin planning for the replacement of Whitehorse Correctional Centre
- Examine the current delivery of all correctional services in the Yukon and determine how these services can be aligned with the vision and principles set out by the Consultation on Corrections
- Develop a program that focuses on assisting "persistent violent offenders" to make positive changes

Priority: Support communities in addressing justice issues

- Implement the *Safer Communities and Neighbourhoods Act*
- Develop a therapeutic community court to provide targeted treatment programs for individuals with FASD, mental health issues and substance abuse problems

Northern Institute of Justice

Jurisdictions across Canada are experiencing increasing difficulty attracting and retaining qualified individuals to provide justice services to Canadians. This problem is particularly acute in the north. For the past several years, for example, the Department of Justice has experienced a chronic shortage of skilled individuals to compete for front-line service delivery jobs such as correctional officers, victims' service workers and community justice workers.

Other departments within public and First Nations governments in

the north provide a range of justice services. There are, for example, conservation officers, addictions counselors, social workers, health inspectors, liquor inspectors, and similar occupations involved in the administration of justice.

A northern institute of justice would help address the chronic shortage of qualified workers in justice related fields. Individuals would be trained in either the social services area or in related regulatory enforcement service in the North.

This feasibility study will identify the options available to meet northern justice needs.

The feasibility study is being led by the Department of Justice in collaboration with the Department of Education and the Public Service Commission; the Council of Yukon First Nations and Carcross/Tagish First Nation; government officials in the Northwest Territories and Nunavut; and the three territorial colleges — Yukon College, Aurora College and Arctic College. Other partners include Justice Canada, the RCMP and the Yukon Federal Council.

3. Effective and Strategic Legal Services that Support the Government of Yukon

Government departments and agencies require sound legal support to develop and deliver quality programs and services to Yukoners. With the devolution of federal programs to the Territory, the Government's legal needs have grown dramatically. The Department of Justice recognizes the need to keep pace with this change, to build and sustain its capacity to meet the changing legal needs within government and to work co-operatively with other government departments so that they may advance their priorities.

In 2006/07 and 2007/08, the Department will focus on the following strategic priorities in the pursuit of effective and strategic legal services for the Government of Yukon.

Outcome: Effective and strategic legal services that support the Government of Yukon

Priority: Enhance the quality and cost effectiveness of legal services to government departments

- Implement recommendations from 2005 Client Satisfaction Survey

Priority: Increase the capacity to manage legal risks and issues proactively and strategically

- Identify areas that respond to client needs and enhance in-house expertise
- Develop information on risk management
- Assess the impact of changes to the *Criminal Code* relating to liability of government organizations for government health and safety

Contact Information

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