

# BUDGET 2004



*Ministry of Attorney General  
and Minister Responsible for  
Treaty Negotiations*

## **SERVICE PLAN 2004/05 – 2006/07**



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Ministry of Attorney General and  
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January 26, 2004

Honourable Geoff Plant  
Attorney General and Minister Responsible for Treaty Negotiations

Dear Colleague:

Since June 2001, our government has been working to implement our *New Era* vision to revitalize the economy, restore sound fiscal management, and put patients and students first.

Our *New Era* platform contained 201 specific commitments that our government would undertake on behalf of British Columbians. These included a commitment to “establish service plans that include measurable performance standards and targets for all programs that are annually audited and published, for all taxpayers to see.”

On June 25, 2001, I sent you a letter of instruction setting out the key priorities for your Ministry, including a list of the *New Era* commitments assigned to your Ministry. These commitments were also included in the Government Strategic Plan and Ministry Service Plans that were tabled in the Legislature in February 2002, covering fiscal years 2002/03 through 2004/05.

The Service Plan you are tabling today represents the final year of the first three-year plans. And it shows that we have made significant progress toward honouring our commitments. Specifically, of the 25 *New Era* commitments that involved your Ministry, the province has now completed or begun work on 22 of these. Accomplishments in your Ministry over the past two-and-a-half years include:

- Established the Citizens Assembly on Electoral Reform with representation randomly selected from each of the province’s 79 electoral districts.
- Adopted a plan to establish circuit courts in 15 communities.
- Set up the Civil Liability Review Project to consider issues of limits and fairness in civil liability.

Specific accomplishments relating to the Treaty Negotiations Office include:

- Signed a protocol agreement with the First Nations Summit to establish a new relationship of recognition and reconciliation with British Columbia First Nations.
- Ratified Agreements in Principle with Lheidli T’enneh (June 2003), Maa-nulth First Nations (September 2003) and Sliammon (November 2003).
- Dedicated funding for First Nations’ economic development – to date, over \$26 million and 124 projects have been approved.
- Committed \$15 million to a new B.C. Rail First Nations Benefits Trust.

In the coming year, the province will continue work on a number of priorities to honour the commitments that we have made. These are detailed in your Ministry Service Plan, and include:

- Better management of criminal and civil cases to reserve courts for the most serious cases while providing alternative non-court procedures for other cases.
- Make the justice system more efficient.
- Reform civil law and the administrative justice system.

Upcoming priorities for the Treaty Negotiations Office include:

- Continue to renew treaty negotiations and focus on opportunities to conclude treaty settlements that provide certainty for all British Columbians.
- Continue to support economic development to expand Aboriginal entrepreneurship and to add to the number of Aboriginal and non-Aboriginal business partnerships in key sectors.
- Expand efforts to achieve reconciliation with First Nations to build a foundation of trust upon which to base treaties and other agreements.

It is important to note that all of the province's achievements to date, and our priorities for the year ahead, will be accomplished while balancing the budget in 2004/05, and having significantly increased funding for health care and education.

Clearly, we will do more if we can, as new resources are available, to build on the funding priorities detailed in this Service Plan – in a way that is consistent with our balanced budget commitment.

As our measures to revitalize the economy continue to create new jobs, growth and investment, this will allow us to continue strengthening public services for the benefit of British Columbians. Opportunities like the 2010 Olympic and Paralympic Winter Games will showcase British Columbia to the world and generate economic benefits all across our province. Future service plans will further demonstrate those benefits.

I know that you will continue to build on the progress your Ministry has made. Let me conclude by thanking you for your commitment to serving the best interests of all British Columbians.

Yours sincerely,

A handwritten signature in black ink, reading "Gordon Campbell". The signature is written in a cursive, flowing style with a period at the end.

Honourable Gordon Campbell  
Premier



## Ministry of Attorney General and Minister Responsible for Treaty Negotiations



In 2001, we set out an ambitious agenda to rethink some aspects of the provincial justice system, especially the interaction between the public who use the system and the agencies that deliver it. It had become clear that such an undertaking was essential because the system was becoming too expensive and cumbersome for everyone — citizens, corporations, and government.

A justice system is not static. It is an ongoing process that must constantly be monitored, evaluated and revised to meet the changing needs of the people it serves. To do less could allow the system to become — by reason of cost, delay and procedural complexity — functionally irrelevant for much of society.

Our mission was to find ways to make the justice system more accessible, efficient, fair and affordable to those who needed it.

We believed that the concept of justice included more than a technically accurate legal resolution. We wanted to focus on the expectations that citizens held of justice. In particular, we wanted citizens to feel that at the end of the process, the system had worked for them and that their case had been fairly and accurately heard.

In pursuit of this end, and challenged by a need to bring expenditures under control, we implemented four key strategies. First, we expanded and promoted affordable dispute resolution alternatives to costly in-court litigation. Second, we reformed administrative practices, infrastructure requirements and program services in order to improve effectiveness and eliminate inefficiencies. Third, we strengthened partnerships across the justice system, encouraging our partners to work together to ensure that the system is expedient, accessible and impartial. Last, as a cost-avoidance strategy, we acted to improve liability management within government and reduce unnecessary exposure to civil litigation.

These four broad strategies were fundamental to our earlier service plans, and they remain integral to the direction the ministry has charted in this plan for the next three years. I am confident that we will continue to build on our progress and will achieve our commitment to shape a justice system that serves the best interests of all British Columbians.

Progress can only be confirmed if it is monitored and measured. Consequently we are always seeking more effective ways to measure our performance. This Service Plan contains some new performance measures that we believe will prove to be useful and relevant. However, this does not mean that all of the development work for these measures has been completed or that we have all of the necessary data systems in place to obtain the required information.

Improving our data collection methods and systems will take time and effort; but we believe that better performance measurement is achievable and that we are making significant progress in the right direction. This Service Plan demonstrates our ongoing resolve to give British Columbians meaningful and credible information about our accomplishments.

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

Honourable Geoff Plant  
Attorney General

February 4, 2004



## **Message from the Deputy Attorney General**



In my first year as Deputy Attorney General, I have come to appreciate the significant strides this ministry is taking toward justice reform in the province, as well as the challenges that still lie ahead.

We have taken important steps to build stronger working relationships with our justice partners, to increase the use of technology, to operate more efficiently, to ensure access to the justice system both in traditional ways (such as the use of circuit courts) and through newer non-court alternatives (such as alternative dispute resolution and alternatives to in-person court appearances), all the while maintaining core services in the face of fiscal restraint.

But our task is not yet over. We continue to seek solutions that can improve the administration of justice, provide better access for all British Columbians, and build public confidence in the province's justice system.

In collaboration with our partners, and with the commitment and dedication of our highly skilled public service workforce, we will move forward in pursuit of the goals outlined in this Service Plan. Over the next three years, we will strive to achieve results that will position British Columbia as one of the nation's leaders in establishing meaningful justice reforms that benefit citizens.

A handwritten signature in blue ink, appearing to read "Allan Seckel".

Allan Seckel  
Deputy Attorney General

February 4, 2004

## **Accountability Statement**

The 2004/05 – 2006/07 Ministry of Attorney General Service Plan was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared. All material fiscal assumptions and policy decisions as of January 30, 2004 have been considered in preparing the plan and I am accountable for achieving the specific objectives in the plan.



Honourable Geoff Plant  
Attorney General  
Ministry of Attorney General  
and Minister Responsible for Treaty Negotiations

February 4, 2004

## Ministry Overview

The Ministry of Attorney General and Minister Responsible for Treaty Negotiations has overall responsibility for the administration of justice in British Columbia, as well as for the negotiation and implementation of treaties and other agreements with First Nations. The Attorney General has a constitutional and statutory role as the government's lawyer, providing legal advice, representing the government in litigation and drafting legislation.

In fulfilling the justice mandate, five main core business areas of the ministry work together and with other justice partners, such as the police, the judiciary, defence counsel and other ministries. Collaboration among all key partners is vital to the effective and efficient delivery of services to the public. The ministry strives to enhance public confidence in the integrity and effectiveness of the justice system by fostering cooperation and shared initiatives among its partners.

The following core business areas contribute unique sets of programs and services that integrate with services from other justice partners and constitute the justice process.

**Court Services** offers administrative, security and enforcement services to support the independent judiciary and the operation of three separate levels of courts over which the judiciary presides — the Court of Appeal, the Supreme Court and the Provincial Court.

**Legal Services** provides advice to ministries and Cabinet, drafts legislation and represents the government in court and before administrative tribunals.

**Prosecution Services** prosecutes offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and offences arising from violations of provincial statutes.

**Justice Services** manages provincial funding of legal aid and is responsible for a range of civil and family law programs and services including dispute resolution and enforcement of registered maintenance orders and agreements.

**Executive and Support Services** provides administrative and other corporate-level services to the Ministry of Attorney General, the Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General.

The Ministry of Attorney General Service Plan presents a high-level description of these core business areas and explains the key goals, objectives, and activities or services associated with each business area. It provides resources and performance measures with planned targets for the next three years.

The ministry is also responsible for a sixth core business area, the **Treaty Negotiations Office**. This office negotiates agreements with First Nations in an effort to achieve legal certainty and thereby strengthen the province's economy. The Treaty Negotiations Office has published a separate service plan for 2004/05–2006/07. The plan as well as other information on treaty negotiations is available at <http://www.prov.gov.bc.ca/tno/>

# Resource Summary

Core Business Areas	2003/04 Restated Estimates <sup>1</sup>	2004/05 Estimates	2005/06 Plan	2006/07 Plan
<b>Operating Expenses (\$000)</b>				
<b>Court Services</b> .....	135,297	134,253	133,481	132,311
<b>Legal Services</b> .....	15,570	15,004	14,863	14,951
<b>Prosecution Services</b> .....	79,331	77,952	79,092	79,913
<b>Justice Services</b> .....	91,241	83,352	83,464	83,519
<b>Executive and Support Services</b> .....	60,019	60,188	59,134	59,262
<b>Treaty Negotiations Office<sup>2</sup></b> .....	34,904	28,904	21,851	21,851
<b>Judiciary</b> .....	51,664	51,771	51,758	51,789
<b>Crown Proceeding Act</b> .....	28,700	27,500	27,500	27,500
<b>B.C. Utilities Commission<sup>3</sup></b> .....	1	1	1	1
<b>Public Guardian &amp; Trustee (Special Account)</b> .....	10,854	10,442	10,406	10,453
<b>Total</b> .....	<b>507,581</b>	<b>489,367</b>	<b>481,550</b>	<b>481,550</b>
<b>Full-time Equivalents (FTEs)</b>				
<b>Court Services</b> .....	1,301	1,288	1,288	1,288
<b>Legal Services</b> .....	291	330	330	330
<b>Prosecution Services</b> .....	735	719	719	719
<b>Justice Services</b> .....	165	163	163	163
<b>Executive and Support Services</b> .....	278	261	261	261
<b>Treaty Negotiations Office</b> .....	88	88	88	88
<b>Judiciary</b> .....	396	395	395	395
<b>Crown Proceeding Act</b> .....	—	—	—	—
<b>B.C. Utilities Commission</b> .....	22	26	26	26
<b>Public Guardian and Trustee (Special Account)</b> .....	210	212	212	212
<b>Total</b> .....	<b>3,486</b>	<b>3,482</b>	<b>3,482</b>	<b>3,482</b>

<sup>1</sup> These amounts have been restated, for comparative purposes only, to be consistent with the presentation of the 2004/2005 Estimates.

<sup>2</sup> The Treaty Negotiations Office prepares a separate service plan. For additional resource information, consult the Treaty Negotiations Office Web site at <http://www.prov.gov.bc.ca/tno/>

<sup>3</sup> This commission is funded through the ministry, but operates independently and produces its own separate service plan and annual report, both of which can be viewed at <http://www.bcuc.com/>

*Ministry of Attorney General and Minister Responsible for Treaty Negotiations*

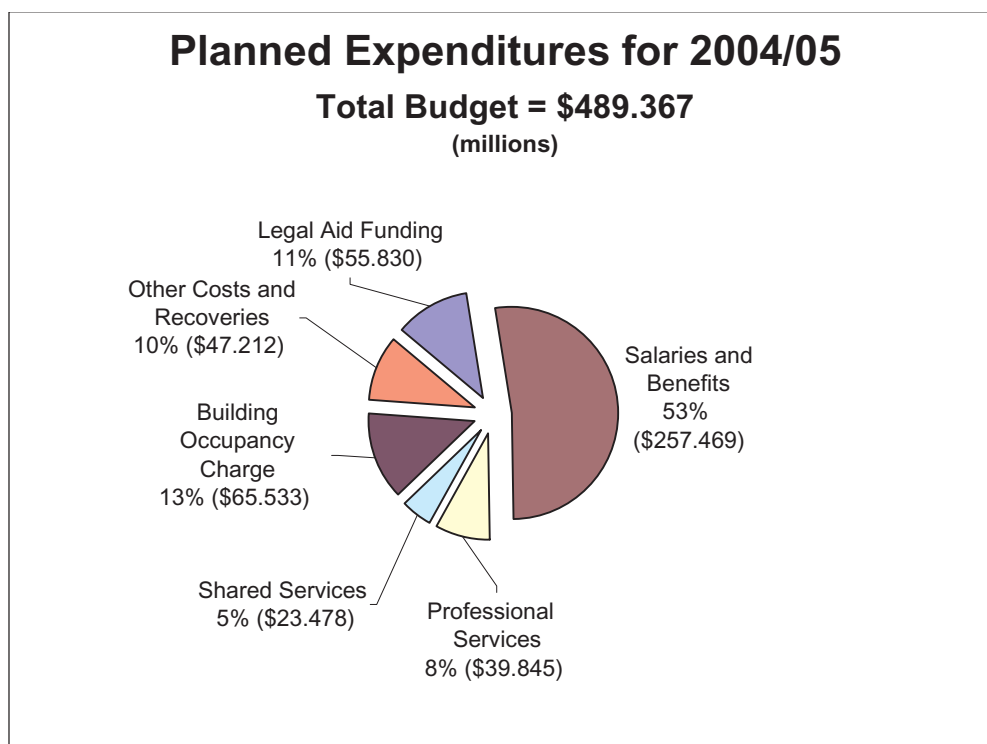
Core Business Areas	2003/04 Restated Estimates <sup>1</sup>	2004/05 Estimates	2005/06 Plan	2006/07 Plan
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000) By Core Business Area</b>				
<b>Court Services</b> .....	3,999	4,135	5,729	6,246
<b>Legal Services</b> .....	23	23	23	23
<b>Prosecution Services</b> .....	1,990	2,255	765	510
<b>Justice Services</b> .....	360	260	355	390
<b>Executive and Support Services</b> .....	1,978	871	865	865
<b>Treaty Negotiations Office</b> .....	3	331	10	10
<b>Judiciary</b> .....	581	402	1,675	547
<b>Crown Proceeding Act</b> .....	—	—	—	—
<b>B.C. Utilities Commission</b> .....	210	12	12	12
<b>Public Guardian and Trustee (Special Account)</b> .....	889	794	794	794
<b>Total</b> .....	<b>10,033</b>	<b>9,083</b>	<b>10,228</b>	<b>9,397</b>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000) By Capital Category</b>				
<b>Building, Tenant Improvement, Land, Land Improvement, Road, Bridges and Ferries</b> .....	2,707	2,675	2,455	3,375
<b>Vehicles, Specialized Equipment, Office Furniture and Equipment</b> .....	1,617	1,033	2,965	3,722
<b>Information Systems</b> .....	5,709	5,375	4,808	2,300
<b>Total</b> .....	<b>10,033</b>	<b>9,083</b>	<b>10,228</b>	<b>9,397</b>
<b>Consolidated Capital Plan Expenditures (CCP) (\$000)</b>				
<b>Refurbishment (Surrey Courthouse)</b> .....	0,000	2,650	2,430	0,000
<b>Total</b> .....	<b>0,000</b>	<b>2,650</b>	<b>2,430</b>	<b>0,000</b>

<sup>1</sup> These amounts have been restated, for comparative purposes only, to be consistent with the presentation of the 2004/2005 *Estimates*.

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Core Business Areas	2003/04 Restated Estimates <sup>1</sup>	2004/05 Estimates	2005/06 Plan	2006/07 Plan
<b>Other Financing Transactions (\$000)</b>				
<b>Executive and Support Services</b>				
Receipts .....	670	700	700	700
Disbursements .....	670	700	700	700
<b>Net Cash Source (Requirements) .....</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Treaty Negotiations Office</b>				
Receipts .....	0,000	0,000	0,000	0,000
Disbursements .....	17,589	16,967	2,189	1,029
<b>Net Cash Source (Requirements) .....</b>	<b>(17,589)</b>	<b>(16,967)</b>	<b>(2,189)</b>	<b>(1,029)</b>
<b>Total Receipts .....</b>	<b>670</b>	<b>700</b>	<b>700</b>	<b>700</b>
<b>Total Disbursements .....</b>	<b>18,259</b>	<b>17,667</b>	<b>2,889</b>	<b>1,729</b>
<b>Total Net Cash Source (Requirements) .....</b>	<b>(17,589)</b>	<b>(16,967)</b>	<b>(2,189)</b>	<b>(1,029)</b>

<sup>1</sup> These amounts have been restated, for comparative purposes only, to be consistent with the presentation of the 2004/2005 *Estimates*.



Notes:

1. Other Costs and Recoveries: All remaining costs such as: asset depreciation; transfers to external parties, excluding Legal Aid funding; less payments received from the federal government and other parties external to the ministry for various program costs.
2. Building Occupancy Charge: Cost of space occupied by the ministry, including courthouses, throughout the province.
3. Shared Services: Costs of services provided by the B.C. Shared Services Agency within the Ministry of Management Services.

## Core Business Areas

Each of the five core business areas described in this section contributes a unique set of programs and services that integrate with services from other justice partners and constitute the justice process.

The **Treaty Negotiations Office** is also one of the ministry's core business areas. It negotiates agreements with First Nations in an effort to achieve legal certainty and thereby strengthen the province's economy. The Treaty Negotiations Office has prepared its own separate service plan for 2004/05 – 2006/07 and will not be summarized in the Ministry of Attorney General Service Plan.<sup>1</sup> However, for consistency with the *Estimates*, resources for this office do appear in the Resource Summary.

The Resource Summary shows several other areas with separate appropriations. The following items have been included to make the summary consistent with the *Estimates*, but they are not covered in detail in this Service Plan.

- The B.C. Utilities Commission is funded through the ministry, but operates independently and produces its own separate service plan and annual report.<sup>2</sup>
- The Public Guardian and Trustee of British Columbia special account partially funds this independent organization.<sup>3</sup>
- The independent judiciary, which functions at arm's length from government, has a separate vote. It is discussed within the context of Court Services, the core business area responsible for supporting it.
- The *Crown Proceeding Act* vote provides for payments to be made pursuant to the Act, as a result of judgments against the government or of settlements reached in litigation.

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## Court Services

This core business area supports timely and equitable access to the Provincial Court, Supreme Court and Court of Appeal by providing:

- administrative services to the independent judiciary;
- special assistance to the judiciary on specific initiatives such as the Provincial Court's criminal case flow management process and rules;
- case documentation and trial support;

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<sup>1</sup> To view the Treaty Negotiations Office Service Plan for 2004/05 – 2006/07, visit <http://www.prov.gov.bc.ca/tno/>

<sup>2</sup> To view a service plan for this organization, visit <http://www.bcuc.com/>

<sup>3</sup> To view a service plan for this organization, visit <http://www.trustee.bc.ca/>



- prisoner custody and escort;
- court order enforcement;
- court and courthouse security; and
- maintenance of the facilities in which court is held.

These services, which are directly delivered by branch and ministry staff, enable the courts to operate safely and efficiently. They contribute to an independent, impartial and accessible justice system that serves the province's citizens, specifically:

- the judiciary;
- parties in litigation;
- counsel;
- police;
- public interest and volunteer groups;
- other ministries; and
- other governments including municipal, aboriginal, and federal.

This core business area delivers court support services at forty-four staffed courthouses and an additional forty-four circuit courts. Day-to-day operations involve continuing pressures and challenges associated with case volume, case complexity, duration and types of judicial sittings, and the implementation of new legislation. High-security trials continue to create special requirements. Technology applications are improving the efficiency and effectiveness of operations through:

- enhancements to the shared criminal case tracking system (JUSTIN);
- creation of a civil case tracking system;
- electronic filing;
- the increasing use of videoconferencing; and
- improvements to prisoner escort information.

Recent reforms to traffic dispute and municipal dispute bylaws are also contributing to improved efficiency in processing.

Major initiatives that will be supported during the period 2004/2005 to 2006/2007 include:

- implementing digital audio recording technology;
- implementing civil electronic filing and case processing;
- planning and implementing significant facility upgrades including modifications to the Surrey courthouse; and
- monitoring performance standards.

## Legal Services

This core business area utilizes in-house and contracted legal staff to advise government on civil law matters. It assists in fulfilling the Attorney General's role as official legal advisor to government. More specific responsibilities include:

- providing legal advice to ministries and agencies of government and to Cabinet;
- negotiating and drafting agreements;
- drafting legislation and regulations; and
- representing the government in litigation.

Legal Services' clients are government ministries, the Treaty Negotiations Office, the Attorney General, Cabinet, and Crown corporations and agencies. Client ministries fund a substantial portion of the services through annual service level agreements. The cost recoveries offset the costs of delivering the services and cover salaries, operating costs and contract costs.

The area does not provide direct services to the public. However, it does serve the public interest by ensuring that government operates lawfully and that risks associated with government and ministry operations are reduced.

Services are delivered through three main programs:

- Solicitor Services, which advises government agencies on lawful operations and risk reduction;
- Barrister Services, which represents government in litigation and seeks the best possible outcomes; and
- Legislative Counsel, which drafts legislation and regulations.

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## Prosecution Services

This core business area contributes to public safety and public confidence in the administration of the criminal justice system through the timely, fair and effective prosecution of *Criminal Code*, *Youth Criminal Justice Act*, and provincial statute offences. Services include:

- assessing and approving criminal charges;
- referring low-risk offenders to alternative measures programs;
- identifying high-risk and violent offenders for specific attention;
- prosecuting cases;
- presenting victim impact information to the court at sentencing;
- handling appeals;

- providing advice to government on all criminal law matters;
- providing appropriate responses to inquiries by the media, members of the public and those directly affected by criminal prosecutions; and
- cooperating with justice system partners in developing and implementing initiatives to improve the administration of criminal justice in the province.

These responsibilities are governed by the *Crown Counsel Act* and must be carried out objectively and fairly, without regard to improper influence or interference from any source. The goal is to deliver all prosecutorial services and advice to government in criminal matters in a timely, efficient manner.

Victims, witnesses, the general public and justice partners (police and other investigating agencies, courts, corrections and government) benefit in many ways from these services. The charge assessment process and assessment criteria ensure that the cases which are approved to court are sufficiently supported by the anticipated admissible evidence, and that prosecution will be in the public interest.

After assessment, some cases may be referred to alternative measures programs. Cases that do not warrant charges are not approved to court, and some may be referred back to the police for further investigation.

This process contributes to efficiency: those accused persons who can be adequately dealt with by a referral to an out-of-court alternative measures program are not brought into the court system, and those accused persons who present a high risk of violence are identified early in the process. Cases that do not meet the evidentiary or public interest criteria are not placed before the court. The charge assessment process can also reduce the potential for civil suits.

Responsiveness to inquiries concerning policy, the role of the Criminal Justice Branch and Crown counsel with respect to individual cases assists the public in understanding the criminal justice process and maintains their confidence in it. Cooperation among justice system partners supports the effective delivery of the services provided to the public.

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## **Justice Services**

This core business area promotes access to justice services such as legal aid and provides litigants with a choice of alternatives to court that emphasize affordability and accessibility.

- The Court Mediation Program offers free mediation for disputants in civil cases and is available in five Provincial Small Claims Court registries.
- The Notice to Mediate is available in Supreme Court and allows a disputing party to compel the other party(ies) to attend one mediation session.

- The Parenting after Separation Program is a three-hour free information session that is now mandatory for families in dispute at some court registries. The session helps parents make informed choices about separation and conflict and take into account the best interests of their children.
- The Facilitated Planning Meeting Program uses mediation to help families reach early resolution of child protection issues.
- The Family Justice Dispute Resolution Program provides dispute resolution services to assist families undergoing separation and divorce with issues related to child custody, access, guardianship and child or spousal support.
- The Family Maintenance Enforcement Program (FMEP) facilitates full payment of child and spousal maintenance by monitoring and enforcing all maintenance orders and agreements. Through this program, which is delivered by the private sector on contract, maintenance payments are calculated, received, recorded, and forwarded to the recipient.

This business area also manages the funding of legal aid in consultation with the Legal Services Society in the provision of legal aid. It also administers funding in respect of constitutional right to counsel cases involving publicly funded legal representation.

Most of the services, apart from legal aid, are provided by ministry employees and, to a lesser extent, through independent contractors. Volunteer boards participate in operating some programs.

Offering disputants in both civil and family cases a range of out-of-court options creates significant efficiencies in the justice system and reserves the resource-intensive court process for those cases that need it most. Dispute resolution processes benefit disputants by allowing all parties to be engaged actively in creating enduring agreements designed to meet their needs, rather than having resolution imposed by the court. Clients for dispute resolution services can range from individuals to families, government ministries and agencies, and aboriginal treaty tables.

The major projects and initiatives that this business area will support over the next three years involve:

- working with administrative tribunals and the Administrative Justice Office to develop dispute resolution processes for British Columbia tribunals;
- working with the Ministry for Children and Family Development and the Legal Services Society to expand the use of child protection mediation across the province; and
- supporting treaty tables in the development of dispute resolution provisions for future treaties.

## **Executive and Support Services**

This core business area provides administrative support and corporate-level services to the Ministry of Attorney General, the Treaty Negotiations Office and the Ministry of Public Safety and Solicitor General. Included among the services to these organizations are:

- financial and resource management;
- policy analysis and development;
- legislation development;
- corporate planning and reporting processes;
- information technology development;
- strategic human resource services; and
- logistical and administrative support to agencies, boards and commissions.

The Policy, Planning and Legislation Branch and the Management Services Branch are responsible for most of these services.

This area is often given responsibility for launching new ministry and government justice initiatives — or aspects of such initiatives — and developing them to a point where they can be turned over to other areas of the two ministries or to other agencies for further action.

The Citizens' Assembly on Electoral Reform is one example where Executive and Support Services oversaw development of the terms of reference governing the Assembly. The initiative is continuing to move forward under the auspices of the Legislative Assembly, with logistical and administrative support provided by Executive and Support Services.

Another example of support provided to new initiatives is the Administrative Justice Project (AJP), one of many justice reform efforts currently under way. The AJP reviewed the nature, quality and timeliness of the services delivered through administrative justice agencies such as the B.C. Parole Board and the Commercial Appeals Commission. Following the review, a separate Administrative Justice Office was set up to implement recommendations from the review. The Office continues its work with logistical and administrative assistance from Executive and Support Services.

This business area also analyses existing policies and legislation and develops new policy or legislation in support of priority initiatives that often involve reform. The ongoing civil liability review is one example of a ministry commitment that may require legislative reform.

Through the Management Services Branch, the area provides the two ministries and the Treaty Negotiations Office with:

- budget coordination and expenditure monitoring;
- revenue planning;
- accounting and financial reporting;
- payment processing;

- financial control and systems support;
- records management and freedom of information support;
- support for procurement, and for contract and risk management;
- strategic human resource services; and
- information technology solutions.

Services are delivered by staff and occasionally by contracted providers.

While there are no direct services provided to the public by this business area, the public interest is served in several ways. For example, criminal justice, civil justice and family justice policies are vital to the public interest and central to the tenets of a democratic society. The development of legislation is a key function of the provincial government. Articulating government direction and priorities through Service Plans and reporting on progress achieved through Annual Reports keep the public informed and the government accountable for its decisions. Citizens also benefit through the actions of the separate agencies, boards and commissions that have been established in the public interest.

## Goals, Objectives, Strategies and Measures

Service plans are revised and improved from year to year. The following performance section of this plan has been revised from the previous version to reflect the government's recommended enhancements.

This section presents a high-level summation of the ministry's key goals and the objectives, strategies and measures that support them. Each of the five key goals discussed below is linked to one of the ministry's separate business areas and represents a desirable outcome over which a specific business area has a considerable degree of control.

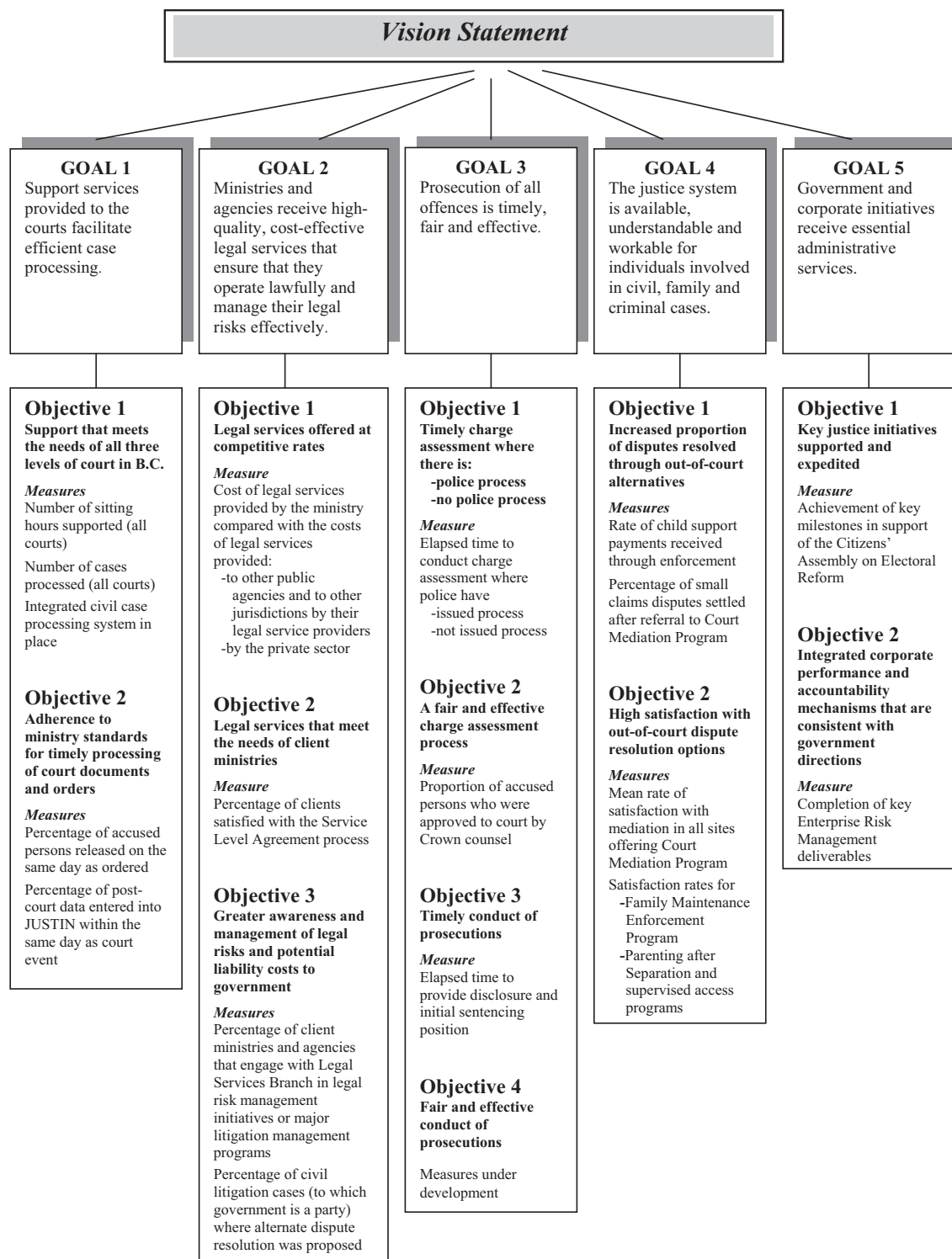
Ideally, each goal would have a corresponding goal-level measure that is also within the control of the responsible business area. This has been done for Goals 2 and 4, but it is not quite as feasible for the other goals. For example, a shared indicator is used as the key measure for Goal 3. There are disadvantages in using shared indicators as performance measures, and these are explained in the text, as well as in Appendix 2.

All objectives are supported by performance measures. Some of these measures are newly derived, as each core business area tries to find better ways of quantifying the results of their operations. Consequently, many of the newer measures require further development and must have a baseline established first before realistic targets can be set.

The diagram on the following page provides an overview of the key performance elements that are described in detail in this part of the Service Plan. The foundation for the five key goals is the ministry's vision statement; each goal upholds a separate part of that statement.

### ***Vision Statement***

***An accessible, responsive, accountable justice system that protects the rights of all citizens, offers a range of affordable, timely and fair ways to resolve disputes, and fosters confidence in the integrity, efficiency and effectiveness of the justice system. The knowledge that government operates lawfully and is achieving reconciliation with First Nations through negotiation contributes to the social stability and economic vitality of British Columbia.***





**Goal 1:** *Support services provided to the court facilitate efficient case processing.*

**Outcome:** *Services related to registry and trial support as well as to security and escorts that enable efficient case processing*

Efficient support services aid the flow of cases through the courts. Without the assistance of registry clerks, trial schedulers, and security staff among others, cases cannot proceed in a timely fashion, and justice may be compromised. Support services that are efficient and appropriate help to ensure that courts remain accessible and secure to all who need them and that the province’s citizens can have confidence in the way the courts are operated.

**Core Business Area:** *Court Services*

**Objective 1:** *Support that meets the needs of all three levels of court in British Columbia*

Each level of court assigns sitting time for its judges and other judicial officers. The number of judges and their assigned sitting time significantly defines the capacity of the court system. This business area is required to support all judicial sittings and associated case processing activities with registry services, trial support, security, escort of persons in custody, and various forms of administration associated with each of these types of services.

Objective 1 Performance Measures	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
• Number of sitting hours supported (all courts)	180,000	180,000	180,000	180,000
• Number of cases processed (new filings, all courts) <sup>1</sup>	338,000	318,000	318,000	318,000
• Integrated civil case processing system in place	New system; not applicable	By summer of 2004, operate in 43 civil locations	Maintain operations in 43 civil locations	Maintain operations in 43 civil locations

<sup>1</sup> The number of new cases is expected to decline due to municipal bylaw and traffic reforms.

As a measure, the number of sitting hours that are supported provides a baseline to assist the future development of more useful measures. For example, it is desirable to know the percentage of available sitting hours that are actually used for courtroom sittings. It is also desirable to examine this percentage separately for circuit courts and full-time courts. These potential new efficiency measures are now under consideration.

Efficiency in this business area has improved, due in part to technology and improved business processes. The third measure above tracks the implementation of a civil case processing system that has the capacity to produce even greater efficiencies.

In comparison with five years ago, the area has 12.2 per cent fewer full-time equivalent employees (FTEs) per judge; yet each FTE handles 8.3 per cent more cases. These two figures are indicators of both efficiency and operational pressures.

- Strategies:**
- 1. Provide staff with appropriate training, policies, and business processes.*
  - 2. Implement and enhance technology applications that support business and court processes.*
  - 3. Maintain high standards of security.*

**Objective 2:** *Adherence to ministry standards for timely processing of court documents and orders*

As discussed in Appendix 2: Supplementary Performance Information, many indicators of justice system efficiency are the cumulative results of actions by many agencies and are not within the direct management and control of this business area or any other single agency. Indicators such as the average months of trial delay in Provincial Court criminal cases, or the average number of appearances per completed case in Provincial Court, can be viewed as indicators of overall well-being and efficiency within the courts.

The Court Services Branch has developed some representative performance standards and measures that relate more directly to the services provided to the courts. The branch supports the judiciary in hearing and processing a diverse range of criminal, civil and family cases, both inside and outside courtrooms, and in locations that vary from one courtroom with small case volumes to more than forty courtrooms with high case volumes. Selecting meaningful performance standards within the branch's direct influence is challenging due to issues of significance, measurability, and variability. The range of case types and associated support activities necessitate selecting a limited number of standards that are proxies for, or indicators of performance for, broader activities. The measures below relate to some of these standards.

Objective 2 Performance Measures	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Percentage of accused persons released on the same day as ordered	Baseline to be developed	100 %	100 %	100 %
Percentage of post-court data entered into JUSTIN <sup>1</sup> within the same day as court event	Baseline to be developed	95 %	95 %	95 %

<sup>1</sup> JUSTIN is the ministry shared criminal case tracking system.

Promptly releasing accused persons when so ordered is a significant efficiency measure. It is also important in terms of carrying out court orders and having due regard for individual rights and personal freedom.

Entering post-court data promptly into the JUSTIN system is a significant measure of efficiency in handling case information. It also is important for public safety and law enforcement: accurate information with respect to outstanding warrants or conditions in judgments and court orders must be verifiable and accessible.

**Strategy:** *In conjunction with judiciary and other agencies, develop performance standards and measures.*<sup>4</sup>

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**Goal 2:** *Ministries and agencies receive high-quality, cost-effective legal services that ensure that they operate lawfully and manage their legal risks effectively.*

**Outcome:** *Legal services that ensure the administration of public affairs is in accordance with the law, and which help ministries and agencies fulfill their legal responsibilities*

The ministry supports the Attorney General, who, as the legal advisor to government, must ensure that the administration of public affairs is in accordance with the law. By providing legal advice to ministries, agencies and Cabinet, and by representing the government in court and before administrative tribunals, the ministry helps to ensure that public agencies operate in full compliance with the law.

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<sup>4</sup> A cooperative process between the ministry and Provincial Court to define appropriate performance standards commenced in January 2004.

The ministry offers its legal services according to a cost-recovery model that requires client ministries and agencies to bear the costs of a large portion of the legal services that are provided to them by the ministry. Annual service level agreements with each client ministry or agency establish specific terms of reference for service levels and payment. A cost-recovery model can encourage client ministries and agencies to plan carefully with the ministry, define their anticipated legal needs judiciously, and use resources efficiently.

However, in some circumstances, the cost-recovery model could also serve as a disincentive to ministries and agencies to fund their requirements sufficiently. Insufficient funding could, in turn, lead to increased legal risk and be incompatible with the goals of effective legal risk management.

To help avoid this situation, careful planning with the ministry through the service planning process is undertaken on an annual basis. As part of its commitment to that process, it is essential for the ministry to offer high-quality legal services that meet client needs at reasonable rates. Client satisfaction can serve as one measure of how services and service costs are being perceived.

Key Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Percentage of clients satisfied that legal services support their ministry objectives	91 %	≥ 91 %	≥ 91 %	≥ 91 %

Client satisfaction is measured through surveys of client ministries and agencies, taking into account whether staff have been responsive to the clients, have understood the issues at hand and have provided the required advice. Overall satisfaction measures not only the responsiveness of the ministry to its clients, but whether the legal advice and legal representation provided has supported the clients in their operations.

The ministry's client satisfaction rate of 91 per cent is one of the highest in Canada among government agencies offering similar services.

A complete measurement of success for the provision of legal advice is a long-term measure. Lack of timely legal advice or appropriate representation can manifest themselves years later, when legal problems arise. Client satisfaction cannot take into account a longer term outcome measurement of legal services; rather, it lends a more immediate view of service quality.

**Core Business Area:** *Legal Services*

**Objective 1:** *Legal services offered at competitive rates*

Legal services are provided by in-house counsel and through contracts with outside counsel. In providing its services, the Legal Services Branch is mandated to do so as cost effectively as possible.

At the present time, the Legal Services Branch is at the forefront of government law departments in Canada in its detailed financial analysis of its costs and operations as compared with other jurisdictions. However, while the branch can measure the overall cost of service, it may be difficult to ensure that the data obtained from other jurisdictions has been collected and measured in a way that makes comparison meaningful.

Objective 1 Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Cost of legal services provided by the ministry compared with the costs of legal services provided:				
<ul style="list-style-type: none"> <li>• to other public agencies and to other jurisdictions by their legal service providers</li> </ul>	Not available	Establish base data	Establish targets	To be developed
<ul style="list-style-type: none"> <li>• by the private sector</li> </ul>	Not available	Establish base data	Establish targets	To be developed

The Legal Services Branch assesses the most effective method of acquiring the legal services that government requires. In most cases, in-house counsel, through a combination of depth of knowledge and expertise on public law matters and the operation of government, and competitive costs, offer the highest quality and most cost-effective advice and representation. In situations where services are of a more routine nature and are geographically distributed (such as family law), contracted services are used.

Situations exist where in-house counsel cannot act. Professional conflicts of interest can arise in public law practices that necessitate the use of services of outside counsel. In some instances, specialized expertise may not exist within the branch, and the requirement for the particular skill or expertise may not be ongoing. In this situation, services will be contracted on a short-term basis.

Retainers of outside counsel for civil law legal services to government are required to be managed by the Legal Services Branch. This allows them to be monitored and the costs and nature of services provided to be considered as part of the assessment of the effectiveness and costs of legal services to government generally.

All of these factors are considered in determining competitive rates and in undertaking the following strategies.

- Strategies:**
1. *Continue development of operational model to establish best balance of internal and external service.*
  2. *Continue work on business practices to increase operational efficiencies.*

**Objective 2:** *Legal services that meet the needs of client ministries*

Legal Services Branch conducts an annual service level agreement process that includes a joint assessment with the client ministry or agency as to the level of legal services required, and development of a comprehensive agreement that sets out financial commitments, service commitments, and performance measures.

The Legal Services Branch is one of only two government legal services providers in Canada<sup>5</sup> that engages in detailed budgeting and service planning with its clients for full recovery of costs of its services through a process of this nature.

Certainty around legal services requirements and the ability to adapt them to constantly changing needs and demands is critical to this objective.

Objective 2 Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Percentage of clients satisfied with the service level agreement process	To be developed	Establish 3-year targets	To be developed	To be developed

- Strategies:**
1. *Maintain a consistent methodology for the annual review of legal services requirements and potential new demands.*
  2. *Generate monthly or quarterly reports on utilization of services.*
  3. *Continue to report management information to both client and branch managers.*

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<sup>5</sup> The other provider is the province of Manitoba.

**Objective 3:** *Greater awareness and management of legal risks and potential liability costs to government*

Objective 3 and its strategies are consistent with, and intended to support, the Enterprise-wide Risk Management initiative of the Ministry of Finance. Systematic legal risk management should be an integral part of this initiative, and is dependent upon it for both the education necessary for client ministries and agencies to understand and appreciate risk management and the resources in client ministries to attend to it. This objective assumes that ministries and agencies have provided training to staff to ensure awareness of the need for risk management, and are providing resources to implement this initiative.

Legal risk management and litigation may take different forms depending upon the ministry or agency involved. Some larger ministries that deal with a number of significant legal issues already have established units whose responsibilities include monitoring legal issues and litigation, and liaising with Legal Services Branch on these.

“Systematic” legal risk management initiatives contemplate at a minimum some regular engagement between Legal Services Branch and ministries or agencies on these issues. These would be consideration of legal risks and litigation on a more planned basis, and anticipating, not merely reacting to, issues as they arise. This may be a challenge when the attention of both senior officials in ministries and agencies and Legal Services personnel is regularly diverted to “reactive” issue management and advice and representation to support it.

A more structured analysis of litigation would include systematic consideration of the use of dispute resolution by the client ministry in management of disputes to avoid litigation and as an alternative to achieving final resolution of a dispute that is in litigation.

It would also contemplate engagement between Legal Services Branch and its clients following resolution of litigation (judgment or settlement) to consider whether the results of the litigation suggest that the issues that gave rise to the litigation might be managed differently in the future to avoid or reduce future exposure (post-mortem analysis, lessons learned).

Objective 3 Performance Measures	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Percentage of client ministries and agencies that engage with Legal Services Branch in legal risk management initiatives or major litigation management programs	Unknown until nature of project is established	Set targets <sup>1</sup>	To be developed	To be developed
Percentage of civil litigation cases (to which government is a party) where alternate dispute resolution was proposed	Not available	Base data determined	Set targets <sup>1</sup>	To be developed

<sup>1</sup> Subject to resourcing challenges.

- Strategies:**
1. *Ensure sufficient resources in Legal Services Branch to support legal risk management, and provide proactive advice.*
  2. *Identify, anticipate and manage legal risks in a structured way through existing ministry and agency mechanisms.*
  3. *Engage ministries in systematic reviews of the results of litigation.*
  4. *Review existing litigation files to ensure comprehensive and complete information on the current use of dispute resolution techniques in litigation.*
  5. *Continue to work with the Dispute Resolution Office to develop issue management that includes regular and systematic consideration of alternate dispute resolution opportunities as part of the management of legal issues both prior to, and in, litigation.*

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**Goal 3:** *Prosecution of all offences is timely, fair and effective.*

**Outcome:** *Prosecutions that are consistent with, or which surpass, performance targets for timeliness*

Timely prosecution contributes to fair and effective processing of criminal matters. This goal helps foster public confidence in the integrity and effectiveness of the justice system.



If the processing of criminal matters is not done within a reasonable period of time, the charges against the accused may be dismissed by the courts, without an adjudication on the merits of the case.

Persons accused of committing a crime should be brought before justice as expeditiously, fairly, and effectively as possible for a number of reasons.

- At trial, the evidence is more complete and accurate if the trial is closer in time to the events it concerns.
- Delay in getting to trial may make it more difficult for the accused to obtain and present defence evidence.
- Minimizing pre-trial detention or bail supervision contributes to fairness as an accused person is presumed to be innocent, until proven guilty.
- Minimizing the length of bail supervision or pre-trial detention contributes to the effective use of resources.
- Sentences are more meaningful if imposed closer in time to the offending behaviour, especially for young offenders.

Witnesses, victims and their families suffer increased distress and disruption of their lives until the matter is concluded. Timely processing of criminal matters allows victims and witnesses to begin the process of bringing closure to the matter.

Key Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Median time to disposition <sup>1</sup>	To be developed	To be developed	To be developed	To be developed

<sup>1</sup> This measure is more appropriately included in Appendix 2 as a shared indicator of justice system efficiency. Although median time to disposition is not controlled exclusively by Prosecution Services, it is temporarily being used as a high-level proxy measure for this business area until a more suitable key measure can be developed.

Time to disposition is defined as the median number of days elapsed from the swearing of the first Information to the conclusion of sentencing. It is considered a measure of the overall timeliness of processing criminal matters through the court system.

However, time to disposition is not a measure of the work only of the branch responsible for prosecutions, nor is it a measure of the work of the Ministry of Attorney General in isolation. Time to disposition can be viewed as a measure of the combined components of the criminal justice system.

Several branches of the ministry have roles to play in the timely processing of criminal cases through the courts, but no one branch has exclusive control over this measure. For instance, the Criminal Justice Branch can make its decisions and prepare its documents in a timely manner, but these activities are not necessarily determinants of the median number of days to disposition.

Other justice partners may have considerable influence upon the time to disposition. These independent justice partners have different and sometimes competing interests. They include:

- judiciary;
- defence bar and legal aid;
- trial schedulers;
- Court Services Branch;
- Corrections Branch;
- police; and
- Federal Crown counsel and prosecution services.

In addition, some factors that can greatly affect the time to disposition are outside of the sphere of influence of the Ministry of Attorney General, such as:

- economic climate;
- social conditions;
- complexity of crimes;
- crime rate;
- level of police activity;
- changes to law and procedure created by case law or legislation (e.g., *Youth Criminal Justice Act*, etc.);
- changing demographic patterns;
- movement of people across the country;
- involvement and availability of witnesses (expert, civilian, and children or other vulnerable witnesses);
- unrepresented accused or mentally ill or addicted accused persons; and
- defence appeals and re-trials.

Although median time to disposition has not yet been tested, it is anticipated that it will provide an indicator of the timely and effective delivery of prosecution services. This measure will require development and thorough testing before baseline information and targets can be determined. Despite the factors noted above, within current resource constraints, the measure and targets will maintain the time to disposition within a range of 5-10 days of a baseline level.

**Core Business Area:** *Prosecution Services*

**Objective 1:** *Timely charge assessment where there is:*

- *police process*
- *no police process*

In British Columbia, the prosecution of offences has two distinct phases: Crown charge assessment and conduct of the prosecution. Objective 1 addresses the timeliness of the first phase — charge assessment — under two different circumstances: with, and without, police process.

The following two-part measure of elapsed time to conduct charge assessments is thought to indicate a meaningful measure of the timeliness of decisions made by Criminal Justice Branch. Because the measure is new, it will require development and thorough testing to establish baselines and targets.

Objective 1 Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Elapsed time to conduct charge assessment where police have:				
• issued process	To be developed	To be developed	To be developed	To be developed
• not issued process	To be developed	To be developed	To be developed	To be developed

For the first part of this measure, targets will specify that, where the police have released the accused and have served the accused with a document that requires the accused to attend court on a specified first appearance date, Crown counsel will conduct the charge assessment within a set number of days (the target for this situation) after receiving the investigative report (Report to Crown counsel).

For the second part of the measure, targets will specify that, where a first court appearance date has not been set by police, Crown counsel will conduct the pre-charge screening within a specified period of time after receiving the investigative report (Report to Crown counsel).

If charge assessments are conducted early:

- victims can be contacted and given the opportunity to provide information on the impact of the offence on them;
- disclosure of information about the Crown’s case and initial sentence position can then be provided to the accused (or defence counsel) giving the accused and counsel more time to decide their course of action before the first court appearance. Consequently, the first appearance can become a meaningful event, thereby avoiding an adjournment;

- if any further police investigation is required, the additional investigation can be conducted early making the first appearance a more meaningful event and avoiding an adjournment;
- if the police have not given the accused a court date, the earlier a charge is approved, the sooner a summons (or warrant) can be issued by the Judicial Justice of the Peace and the sooner the court process can commence; and
- if the charge assessment is not completed early, the provision of information cannot be completed in time for the defence to be prepared to commit to a course of action by the first court date and it will have to be adjourned.

Although these two measures have not been tested, it is thought that they will provide a clear indication of the contribution made by this core business area to the timeliness of processing the matter to the next stage.

**Objective 2:** *A fair and effective charge assessment process*

Objective 2 addresses fairness and effectiveness of the charge assessment process within current resource constraints. Fairness and effectiveness can be maintained by proceeding to court with only those cases that should go to court, seeking alternate solutions where appropriate and screening out charges that should not be seen by the court.

Objective 2 Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Proportion of accused persons who were approved to court by Crown counsel <sup>1</sup>	83 % <sup>2</sup>	83 % <sup>3</sup>	83 %	83 %

<sup>1</sup> This measure represents the proportion of the total number of individuals who were the subject of police reports received by Crown counsel for charge assessment (i.e., accused persons) against whom Crown counsel approved one or more charges (i.e., accused approved to court).

<sup>2</sup> Since 2003/04 was not complete at publication time, the 2003/04 Actual/Base is an estimate based on historical performance.

<sup>3</sup> The target figures for all future years (2004/05 to 2006/07) are NOT actual targets. These figures are estimates based on historical performance.

Historically, approximately 83 per cent of all accused persons have charges that are approved to court by Crown counsel. The remaining accused persons received the following charge assessment decisions.

- Nine per cent were not charged.
- Four per cent completed the Alternative Measures Program.
- For three per cent, the matters were returned to police for more information.
- One per cent received caution letters.

## Strategy for Objectives 1 and 2:

1. Conduct early pre-charge screening following receipt of the investigative report (Report to Crown counsel).<sup>6</sup>

## Objective 3: Timely conduct of prosecutions

Timeliness, in part, is reflected by Crown's prompt provision of the disclosure documents and the initial sentencing position to the accused person (or to their defence counsel), which enables the accused to prepare their defence and make the court appearances meaningful.

When disclosure and the Crown's initial sentencing position are provided promptly, the accused can make early and informed decisions such as whether to:

- retain counsel;
- dispute the charges;
- plead guilty; and
- dispute or accept the Crown's position on sentence.

Objective 3 Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Elapsed time to provide disclosure and initial sentencing position	Not available	Not available	Availability of measure determined	Availability of measure determined

This measure is considered to be a very valuable and relevant measure of performance. However, the measure is not currently available in the JUSTIN database. The Criminal Justice Branch will continue to pursue avenues to acquire this measure by requesting changes to the JUSTIN database.

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<sup>6</sup> Crown counsel conduct the pre-charge screening of the investigative report based on two criteria: first, whether there is sufficient evidence to support a prosecution; second, whether a prosecution is in the public interest. Application of the charge assessment standards may result in one of the following decisions by Crown counsel: (1) The matter is approved to court for adjudication. (2) The accused person is referred for an assessment of their suitability for an alternative measures program. (3) The accused person is sent a caution letter. (4) No charges are laid. (5) The matter is returned to police for further investigation.

This measure will capture multiple functions that Crown performs on a routine basis, all of which contribute to timely prosecutions. For example, the provision of disclosure involves the following functions.

- When charges are approved, Crown reviews file material to determine relevant and appropriate disclosure.
- The disclosure package is prepared prior to first appearance for delivery to the accused or counsel.
- When new information is received, it is immediately reviewed and disclosed to the accused or counsel, if appropriate.

The measure will also capture functions involved with the provision of an initial sentencing position (ISP). This process requires Crown counsel at charge approval to:

- review circumstances of the offence and of the history and circumstances of the accused;
- obtain and review relevant information on the impact of the offence (financial, emotional and physical) on victims and the community, the risk to individuals and the community, and the availability of appropriate correctional or community facilities and programs;
- engage in appropriate consultation or notification (police, Corrections, victims, other Crown counsel offices with outstanding charges); and
- ensure delivery of the initial sentencing position, if one is formulated, and explain it to unrepresented accused persons.

**Strategy:** *Contribute to the timeliness of prosecuting criminal matters by promptly providing disclosure documents and the initial sentencing position.*

**Objective 4:** *Fair and effective conduct of prosecutions*

Fairness and effectiveness involve a balance that reflects the interests of the accused, the witnesses, victims and the public. For example, Crown counsel provide information about the case and the Crown's position and assist unrepresented accused persons. As well, Crown counsel respond to the requests of victims for information, appropriate input and for court orders that protect their safety and privacy.

A fairness and effectiveness objective is very relevant. Measuring fairness, however, is a challenge facing every justice system. Many jurisdictions, including British Columbia, are working to resolve the complexities of measuring this concept.

Information on effectiveness that might be used to develop measures is not currently captured by the ministry's JUSTIN database. The ministry continues to explore ways of acquiring measures for this objective by assessing possible changes to the JUSTIN database.

When they are developed, these measures will capture many routine functions that Crown performs to ensure fair, effective prosecutions. Fairness and effectiveness include consideration for the accused as well as for witnesses, victims and their families during the course of the prosecution. Consideration by Crown counsel and staff can comprise:

- provision of disclosure;
- post-charge assessment review of the case prior to trial, on the basis of the charge assessment criteria, to ensure its continuing viability;
- consideration of defence requests, post-charge assessment, and alternative measures referral;
- provision of information to victims and their families about the case, victim services and general information about the justice system;
- requests for terms to protect the safety of victims or witnesses in bail or sentence orders; and
- application for testimonial aids for witnesses, such as screens or the use of video link technology.

**Strategy:** *Contribute to fair and effective prosecutions through efforts to:*

- *reduce unnecessary distress, cost and inconvenience to witnesses, victims and their families;*
- *balance the interests of the accused, the witnesses, victims and the public;*
- *monitor any developments in the available evidence and ensure that if the case no longer meets the charge assessment criteria, the Crown will stay the proceedings;*
- *disclose new material to the accused when received by Crown counsel, including victim impact information; and*
- *ensure that Crown prosecutorial discretion is guided by principles consistently applied throughout the province.*

**Goal 4:** *The justice system is available, understandable and workable for individuals involved in civil, family and criminal cases.*

**Outcome:** *A justice system in which litigants have access to innovative dispute resolution systems and to services and processes that assist them in reaching fair, workable and enduring resolutions to justice-related disputes*

Key Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Number of mediations conducted	To be developed	To be developed	To be developed	To be developed

The ministry, through its Justice Services Branch, delivers a broad range of services related to many different types of disputes and dispute resolution systems. There is no single key measure that is capable of fully representing the extent to which the ministry is achieving its overall goal for this business area. However, there are a number of different measures that can indicate separate aspects of performance success, and several of these are included under other objectives below. When viewed as an integrated set, these measures offer a more complete representation of performance.

One indicator of success is the extent to which alternatives to litigation are used to resolve disputes. The key measure above focuses on mediation as an important process in the resolution of disputes outside the court. While reporting on the number of mediations conducted does not fully demonstrate goal achievement, it does reflect progress made toward the goal. It also is a partial performance indicator for the Family Justice Services Division and the Dispute Resolution Office.

Many studies from B.C. and around the world demonstrate the effectiveness of mediation as a user-friendly and cost-effective method of achieving quality outcomes to disputes. When the number of mediations conducted in the province increases, it is an indication that justice system users have access to innovative dispute resolution systems that produce fair, workable and enduring resolutions to their disputes.

The ministry does not have total control over achievement of the goal or of the targets that will be set out for the key measure. While the ministry provides some direct mediation service (through the Family Justice Services Division) and has implemented some mandatory processes (e.g., Small Claims, Family Court Rule 5), many mediation processes are voluntary and outside ministry control.

However, the ministry is continuing to promote mediation by providing information and support for training and education. In pursuit of its goal, the ministry's Justice Service Branch is acknowledged as a leader and facilitator in the movement toward the increased use of mediation in many sectors.



There are challenges in developing the key measure for Goal 4. While the ministry currently measures the number of mediations in specific programs, these measures do not capture the number of mediations conducted on a voluntary basis in the court system. In addition, the Family Justice Services Division delivers a broad range of dispute resolution services, including mediation, and careful consideration will have to be given as to how and if those can be included in the measure. The ministry is considering a study that will, as a starting point, take a snapshot of the number of mediations conducted across the civil and family justice system. A longer term goal may be to build systems capable for tracking the number of mediations on an ongoing basis. Whether or not that is feasible will depend, to some extent, on the cost of developing and maintaining such a tool as weighed against its benefits.

**Core Business Area:** *Justice Services*

**Objective 1:** *Increased proportion of disputes resolved through out-of-court alternatives*

One aspect of the goal for this business area is to ensure justice system users have access to innovative dispute resolution systems. These are often, but not always, alternatives to litigation (i.e., some innovative processes exist within the court). Out-of-court dispute resolution options can provide less costly, more expedient and less complex alternatives for a wide variety of cases, thereby contributing to a more available and workable justice system.

While innovative dispute resolution systems include mediation, which is the focus of the key measure, the term also encompasses other processes and programs. For example, the Family Maintenance Enforcement Program has had the effect of diverting a large number of enforcement proceedings from the court, providing its users with an alternative to litigation.

The measures for Objective 1 differ from the key measure in that they focus on the process outcomes, not just their availability. The measures presented below are selective; i.e., they do not reflect all of the programs and services provided or supported by the Justice Services Branch. The branch is working to improve its capacity for measuring outcomes.

The branch has some control over these two measures to the extent that the quality of the service should promote better outcomes. Failure to meet targets would indicate a need to examine and alter the design or delivery of the program.

Objective 1 Performance Measures	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Rate of child support payments received through enforcement	\$ .79 per \$1.00 due	\$ .78 per \$1.00 due	\$ .79 per \$1.00 due	\$ .79 per \$1.00 due
Percentage of small claims disputes settled after referral to Court Mediation Program	60%	≥ 60%	≥ 60%	≥ 60%

- Strategies:**
1. *Expand the number of communities served by the Family Justice Services Division's Supervised Access and Access Exchange Program.*
  2. *Provide the Family Justice Registry (Rule 5) and Comprehensive Child Support Services programs in certain locations across the province.*
  3. *Implement the Comprehensive Child Support Services Program in two additional sites.*
  4. *Work with the Ministry for Children and Family Development and the Legal Services Society to expand the use of child protection mediation across the province.*
  5. *Support treaty tables in the development of dispute resolution provisions for future treaties.*

**Objective 2:** *High satisfaction with out-of-court dispute resolution options*

User satisfaction is both an objective and a measure of success for a justice system that is available, understandable and workable. To gain a greater acceptance and use of innovative dispute resolution — both inside and outside of the court system — it is preferable that processes themselves be favourably perceived by the clients who have used them.

As with the outcome measures for Objective 1, the branch has some control over satisfaction rates to the extent that it controls the quality of the program through its design and delivery. As above, failure to meet targets would indicate a need to examine and likely make changes to the program.

The following measures are not wholly representative of the full range of services and programs offered and supported by the Justice Services Branch. In some cases, satisfaction rates are captured as part of an evaluation conducted on a pilot (e.g., Surrey Court Project Child Protection Mediation) or administered at a given point in the lifespan of a program, but are not collected on an ongoing basis. Several other programs offered by this core business area presently have no systems in place to capture satisfaction levels.

Objective 2 Performance Measures	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Mean rate of satisfaction with mediation in all sites offering Court Mediation Program (1 = very dissatisfied; 5 = very satisfied)	4	≥ 4	≥ 4	≥ 4
Client satisfaction rate for the Family Maintenance Enforcement Program	None; new measure	Establish Baseline	To be developed	To be developed
Client satisfaction rate for Parenting after Separation and supervised access programs	None; new measure	Establish Baseline	To be developed	To be developed

- Strategies:**
1. *Canvass clients in the Family Maintenance Enforcement Program to determine their needs. Respond with program shifts where possible, with a focus on increased client self-service opportunities.*
  2. *Implement and monitor curriculum enhancements to the Parenting After Separation Program.*
  3. *Conduct longitudinal research on the need characteristics (demographics, case, services) of Family Justice Services Dispute Resolution clients, the type of services provided, the utility of services, and whether dispute resolution services lead to improved parent and child outcomes.*
  4. *Provide ongoing support to the B.C. Mediator Roster Society and Child Protection Roster, including orientation and training opportunities to maintain and improve quality of mediators.*

**Goal 5:** *Government and corporate initiatives receive essential administrative services.*

**Outcome:** *Administrative support for government and corporate initiatives that concurs with government directions and fiscal realities*

Government and corporate commitments are more likely to be achieved in accordance with expectations if they are given timely and adequate administrative support during their development and implementation. Careful administrative management during these initial phases helps to ensure that priorities are carried forward on schedule and that they adhere to government specifications.

The nature of administrative support required can vary depending on the initiative. Such support can range from procuring suitable office space, equipment and furniture to processing board appointments and payments, to archiving files. Support can also involve developing policy and legislation, providing information technology solutions and strategic human resource services, and establishing agreements.

Because initiatives can vary widely in terms of the kind of support they require and the timelines allowed for development, performance measures tend to be project-specific and short-term. Therefore, rather than using a single key measure, this core business area uses proxy (i.e., substitute) output measures to indicate performance for each objective.

**Core Business Area:** *Executive and Support Services*

**Objective 1:** *Key justice initiatives supported and expedited*

Proxy Output Performance Measure	2003/04 Base Data	2004/05 Target	2005/06 Target	2006/07 Target
Achievement of key milestones in support of the Citizens' Assembly on Electoral Reform <sup>1</sup>	Membership confirmation processes completed by January 9, 2004	Analysis of the Assembly's final report completed by March 2005  Subsequent action determined		

<sup>1</sup> The budget for Citizen's Assembly is outside the ministry and is included under Other Appropriations in the 2004/2005 Estimates. Citizens' Assembly has a budget of \$2.600 million in 2004/2005. The Assembly's restated budget for 2003/2004 is \$3.400 million.

The ministry is responsible for ensuring that some justice-related initiatives such as the Citizens' Assembly on Electoral Reform have the means to complete its mandate. One important aspect of the service provided to this independent Assembly by the ministry was timely preparation of all documents confirming membership. Because the Assembly must finish its work by December 15, 2004, it was critical that all 160 members of the Assembly were ready to begin work by January 9, 2004, as set out in the terms of reference and that all administrative procedures regarding membership were completed as expeditiously as possible. The base data indicates timely completion of all administrative procedures regarding membership. This level of support is consistent with that envisioned in Goal 5 and Objective 1.

After the Assembly convenes, it carries out its mandate independently of the ministry. Executive and Support Services provides basic administrative support only. Such support

includes remuneration and travel expense payments to members, payment of facility rentals, budget reviews and forecasts, and expenditure tracking.

The Assembly is responsible for producing a final report by December 15, 2004. The report will then be analysed within the policy area of Executive and Support Services by or before March 2005. This service is also consistent with the support envisioned in Goal 5 and Objective 1.

- Strategies:**
1. *Assist the Citizens' Assembly on Electoral Reform in carrying out its mandate.*
  2. *Implement the strategic technology solutions outlined in the ministry's Information Resource Management Plan (Appendix 3).*
  3. *Develop legislation as required to implement government and ministry priorities.*

**Objective 2:** *Integrated corporate performance and accountability mechanisms that are consistent with government directions*

Proxy Output Performance Measure	2003/04 Actual/Base	2004/05 Target	2005/06 Target	2006/07 Target
Completion of key Enterprise Risk Management (ERM) deliverables [Ministry of Attorney General, Treaty Negotiations Office, and Ministry of Public Safety and Solicitor General]	PHASE 1: ERM charter established  Training in progress	PHASE 2: Ministry risk registers developed	PHASE 3: Ministry risk registers implemented	PHASE 4: All risk registers updated

Enterprise-wide risk management is a useful and essential process for making decisions about long-term planning, major projects and programs, and resource investments. Risk management plans identify potential risks that could affect ministry performance and impede progress toward its goals. Risk management plans also include risk assessment, avoidance and management strategies.

Government is encouraging all ministries to develop risk management plans over a three-year period, to report on the progress made in implementing this initiative, and to include in their service plans an appropriate reference to enterprise risk management. Executive and Support Services is responsible for coordinating this initiative and for working with respective Executive Committees to establish risk registers for the Ministry of Public Safety and Solicitor General, the Treaty Negotiations Office, and the Ministry of Attorney General.

The base data reflects work already undertaken in support of this initiative. Targets represent milestones for each formative phase. Reaching these targets will indicate steady progress toward the kind of accountability mechanisms envisioned in Objective 2 and the government initiatives covered by Goal 5.

- Strategies:**
- 1. Coordinate government's Enterprise Risk Management initiative in the Ministry of Public Safety and Solicitor General, the Ministry of Attorney General and the Treaty Negotiations Office.*
  - 2. Communicate government guidelines for accountability processes and deliverables to all relevant internal staff.*

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## **Deregulation**

The Ministry of Attorney General recognizes the significance of continuing the government's commitment to reduce the regulatory burden. The ministry is lean with regard to regulatory requirements in comparison to the number of statutory provisions it administers. The ministry will continue to be mindful of government's commitment to deregulation when developing new legislation and regulations. Whenever appropriate, it will undertake to streamline, consolidate and/or simplify legislation.

# Appendix 1. Strategic Context

## Vision, Mission and Values

### Vision

An accessible, responsive, accountable justice system that protects the rights of all citizens, offers a range of affordable, timely and fair ways to resolve disputes, and fosters confidence in the integrity, efficiency and effectiveness of the justice system. The knowledge that government operates lawfully and is achieving reconciliation with First Nations through negotiation contributes to the social stability and economic vitality of British Columbia.

### Mission

To promote the safety and security of communities (in cooperation with the Ministry of Public Safety and Solicitor General); administer an independent, impartial and accessible justice system; facilitate the timely, fair and lasting resolution of civil legal disputes (including family); provide high-quality legal services to government; and, through negotiation, achieve reconciliation with the First Nations of British Columbia and legal certainty over the ownership and use of Crown land and resources in British Columbia.

### Values

The Ministry of Attorney General shares with all government organizations a commitment to affordability, efficiency, timeliness, accountability, innovation and reform, and a healthy, supportive workplace. In addition, the ministry strives to deliver its unique services in accordance with these values.

- Accessibility
- Certainty
- Independence
- Impartiality and fairness
- Processes that are appropriate to the nature of the dispute
- Respect for the law

## **Planning Context**

Many factors influence the ministry's ability to carry out its mandate and achieve its goals and objectives. Some of these factors place the ministry in a strong position to move forward and build on past successes. Others present opportunities to change direction or take a different approach. New and unexpected opportunities can lead to significant improvements in the way the ministry provides its services. The strengths and opportunities that currently affect ministry planning — or that could affect it — appear in this section of the document.

### **Strengths**

- The ministry has built a solid foundation of cooperation and collaboration among the judiciary, the police, the legal community and other justice partners. This foundation has strengthened the ability of all partners to administer justice programs and services in the province.
- The province-wide implementation of JUSTIN, an integrated criminal justice information system, is creating significant efficiencies for justice agencies. It is enabling the rapid and accurate transmission of case information which in turn supports the processing of large volumes of case activity. It is eliminating duplicate data entry and providing credible management information. It has also led to the development of an interface between court records and the Protection Order Registry which will allow automated notification of protection orders. A case management system for civil cases is now being piloted to enable similar improvements in efficiency and accuracy.
- The ministry has a progressive Human Resource Management Plan focused on leadership, human resource planning that is specific to business requirements, employee performance and development, and safety in the workplace. See Appendix 3 for a summary of this plan.
- The ministry's Legal Services Branch leads other Canadian jurisdictions in the detailed financial analysis of the costs and operations required to provide legal advice to government. This accomplishment strengthens the ministry's efficiency and accountability efforts.
- The Legal Services Branch continues to enjoy one of the highest client satisfaction rates among comparable organizations in the country. The confidence of its clients and the strong relationships engendered by it facilitate effective management of legal issues and risks.
- The Legal Services Branch has achieved notable success in recent court decisions, in the face of what might otherwise have resulted in very significant liabilities for government. Not only has this achievement reduced potential liability, but several of these cases have set precedents that will enable more effective risk and litigation management in the future.



- The Justice Services Branch is acknowledged as a leader and facilitator in the movement toward the increased use of alternatives to litigation. Resolution of civil and family disputes outside the courts is usually more cost-effective and less confrontational than in-court processes are. With greater access to out-of-court dispute resolution, justice system clients can choose an alternative to suit their situations and means.
- The Justice Services Branch has been actively developing and promoting out-of-court alternatives to litigation. As a result, an increasing number of citizens are becoming aware of the range of options available to resolve disputes outside of the court system, and more people are taking advantage of the alternatives, with positive results. As acceptance of out-of-court alternatives grows, public access to the justice system is improved, allowing the Justice Services Branch to provide better assistance to British Columbians.
- Criminal court backlogs have been reduced from their peak in the late 1990s. Today there are fewer cases pending and their age in the system has decreased, reducing the likelihood of dismissal due to unreasonable delay.
- Installation of videoconference equipment in courts and correctional centres has introduced efficiencies by reducing the need for in-person escorts and improving courthouse security. In 2002 and 2003, more than 10,000 court appearances by persons in custody occurred by videoconference. This represented 10,000 escorts that were not required.

## **Opportunities**

The quest for more efficient ways to administer justice in the province has led to significant reforms and produced many benefits. The changes below represent new directions the ministry has taken in response to recent opportunities.

- Stronger and more compelling partnerships with federal, provincial and territorial governments regarding justice reform and efficiencies.
- Greater collaboration with family justice partners.
- Development of a province-wide civil justice electronic information system.
- Adoption of standards and common software for disclosure of evidence in criminal cases, which facilitates effective and efficient information exchange among police, Crown counsel and defense counsel.
- Increased use of technology, such as electronic filing of civil court documents.
- Increased use of the web for self-service to external clients and ministry staff.
- Bylaw reforms that allow municipal bylaw disputes to be resolved outside the courtroom, thereby expediting resolution and offloading some workload pressures in the courts.
- Use of videoconference technology in high security cases, thereby avoiding the costs of high security escorts and reducing security risks at court.
- Use of circuit courts to continue access to services in several communities where courthouses had to be closed in order to reduce facility overhead costs.

- Traffic reforms that permit certificate evidence and result in a streamlined and a more efficient dispute process, particularly for police.
  - Implementation of full cost recovery for legal services provided to government, leading to a more efficient and effective use of those services.
  - Employee Performance and Development Plans (EPDPs) for all employees that encourage individual and organizational learning as well as development and performance, and align individual performance with the goals and objectives of the ministry.
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## **Highlights of Strategic Shifts and Changes from the Previous Service Plan**

### **Changes in Strategic Direction**

There have been no significant changes in strategic directions since the ministry's last Service Plan was published in February 2003. The ministry is continuing to explore and implement reforms that address the interaction between citizens and the justice system and emphasize **accessibility**, **efficiency**, **fairness** and **affordability**. These four attributes emerged from the 2001 core review of ministry programs and services and became the foundation on which subsequent strategic shifts and reforms were based. They continue to guide ongoing improvements.

- **Accessibility:** British Columbia is a diverse province with a diverse population. The justice system must continue to be accessible to all people in the province, regardless of where they live or what their personal circumstances may be.
- **Efficiency:** The justice system must be efficient. Trials must take place within a reasonable time and courtrooms must operate in a way that makes the best use of resources.
- **Fairness:** As part of its responsibility to protect citizens and maintain order and public safety, the justice system must continue to apply the rules of law fairly and equally.
- **Affordability:** The justice system must be affordable to all citizens who use it. The costs to government and litigants must be reasonable.

Challenged by increasing complexities within the justice system and by a need to reduce expenditures, the ministry undertook four key strategies that could help achieve the intended reforms and also make optimum use of the ministry's limited resources. These key strategies continue to be integral to the direction the ministry is undertaking in this Service Plan.

- **Find alternatives to litigation:** More and more Canadians are unable to use the justice system to resolve civil disputes because it is simply too expensive. Litigating a small claim, for example, could cost more than the claim is worth. Many reports from across Canada and around the world have found that increasing the use of consensual dispute

resolution processes, such as mediation, holds the greatest promise for increasing access to justice.

Similarly, in the family area, it has been recognized for many years that the courts are often the wrong forum for resolving the emotionally charged issues facing families going through separation and divorce.

The Dispute Resolution Office (DRO) in the ministry's Justice Services Branch supports the use of a wide range of dispute resolution options within the civil and family justice system. Through the DRO, the ministry continues to support the development of processes and programs that will provide people with alternatives to litigation. The ministry also is continuing to support the development of a strong pool of highly qualified mediators in the province to meet the growing public demand.

In the area of criminal law, the ministry is strengthening its efforts to screen cases rigorously and, where appropriate, direct low-risk offenders to out-of-court options that are suitable to the nature of the offence, but which avoid costs that would otherwise be incurred by an in-court process.

- **Improve liability management:** The ministry is improving proactive risk management procedures both within and outside the ministry. Existing and new legislation is reviewed in an effort to avoid litigation wherever possible. The ministry is considering several new mechanisms to encourage all ministries to share in the responsibility for managing risk and avoiding unnecessary exposure to litigation and civil liability.
- **Strengthen partnerships across the justice system:** The ministry is continuing its efforts to make the justice system more effective and efficient by encouraging stronger partnerships among the independent judiciary, the legal profession, police, Crown counsel, and federal and municipal governments.

Working closely with the independent judiciary, court scheduling has been improved, which in turn makes better use of police and Crown counsel time. Joint efforts with police and Crown counsel are enhancing the charge approval process, especially regarding the diversion of less serious offenders to cost-efficient out-of-court alternatives. Police and Crown counsel are also working together to streamline and simplify the process for dealing with traffic offences.

Municipal bylaws have traditionally been enforced in provincial court. In consultation with municipalities, the ministry has moved toward increasing the capacity of municipalities to enforce their own bylaws in a way that is less expensive than provincial court and more responsive to municipal needs.

- **Reform practices and programs:** This strategy is also directed at bringing greater effectiveness and efficiency to the justice system, and many of these reforms are already in place. For example, the ministry reviewed its infrastructure requirements and closed courthouses that were not considered efficient operations. Several less costly circuit courts were established to continue services in those areas where courthouses had been closed.

The ministry installed more videoconferencing units to allow witnesses and accused to testify without incurring travel costs. Work began and is continuing on the electronic filing of civil documents as another efficiency measure that could also cut costs.

In a major review of the province's administrative justice agencies, the ministry sought assurance that agencies were meeting the needs of the clients and communities they were serving, that their mandates were current and relevant, and that their operations were efficient, open and accountable. On recommendations from the review, some overlapping agencies and services were eliminated, and many other administrative procedures were streamlined through a newly established Administrative Justice Office. This Office is continuing to oversee the implementation of similar modifications and appropriate efficiencies.

## **Changes to Structure and Content**

Each year, government issues new guidelines for developing the next three-year service plans. The guidelines change from year to year as more and better ways are found to improve the plans and make them more consistent across government. The ultimate goal is a service plan model that is compatible with most ministries and presents consistent information at the appropriate level according to a standardized format.

All of the changes in appearance, layout and depth of coverage for this service plan over the previous year's plan are due in large part to the new guidelines.

Last year's plan had three high-level shared goals for the ministry and two goals that were specific to individual core business areas. This year's plan is simplified to have a single goal and outcome statement for each core business area, with supporting objectives, measures and targets.

The previous plan presented objectives, strategies, measures and targets in a table with very little supporting text. This year's plan limits the number and scope of all performance elements — especially measures. It also provides more text describing how the elements are linked and how they are expected to assist in achieving and measuring results.

Many of the objectives used in the previous plan have been restated to make them more relevant to the new core business area goals or to reflect more accurately the direct accountabilities of a given core business area. Targets themselves have been adjusted where necessary to reflect changing fiscal realities, staff and program reductions, and other challenges involved in balancing the ministry's overall budget.

## **Consistency with Government Strategic Plan**

The Government Strategic Plan provides a broad framework within which individual ministries pursue their goals. Government's vision for British Columbia is of a prosperous and just province, whose citizens achieve their potential and have confidence in the future.

One of the three goals in the government plan calls for a supportive social infrastructure, part of which is a justice system that is accessible, efficient, fair and affordable. Another government goal speaks to safe, healthy communities and individual well-being. All of the concepts embodied in these goals are fundamental to operations within the ministry's core business areas. As well, the ministry's guiding principles, described earlier in this document, support government's vision for the province and are based on values that reflect and affirm those in the Government Strategic Plan.

Further, as shown below, ministry core business areas are working separately and together to address all justice-related strategies in the Government Strategic Plan. Strategies for which the Treaty Negotiations Office is the lead agency are shown in that Office's separate service plan.

<b>Government Strategic Action</b>	<b>Responsible Ministry Core Business Areas</b>
Ensure criminal cases move through the justice system in a timely and efficient manner.	Prosecution Services, Court Services, Justice Services
Facilitate access to justice through innovative dispute resolution systems, integrated justice services and technological solutions.	Justice Services, Court Services, Prosecution Services, Executive and Support Services
Support the Citizens' Assembly on Electoral Reform in assessing options for the electoral process in British Columbia.	Executive and Support Services

## **Appendix 2. Supplementary Performance Information**

The performance measures that appear earlier in this plan relate to specific activities that are conducted within separate core business areas. Responsibility for this kind of performance measure and control over the results reside largely within each respective business area.

However, within the provincial justice system, there are other broader measures of performance that do not fall exclusively under the auspices of a single core business area. These other measures are referred to as system indicators, and they differ in several ways from performance measures.

System indicators summarize results of entire justice system processes (as opposed to isolated aspects of a process) and represent the combined outcomes of responsibilities and accountabilities of two or more business areas, as well as of other partners in the process such as the judiciary and the police. Although each separate business area and each partner contributes to system indicators, no single business area or partner has sole responsibility for, or control over, such indicators, or the ability to achieve targets single handedly.

Shared responsibilities create shared challenges for performance measurement within a ministry that operates through discrete branches. For example, criminal case processing is a significant component of the justice system. Improved case processing efficiency is a desirable outcome that requires the combined activities and cooperation of Court Services, Prosecution Services, Justice Services, the independent judiciary, defence bar and the police. If cases are not processed efficiently and are therefore delayed, the associated costs can increase. Unacceptable delay in case processing can also be grounds for dismissing charges.

The three indicators shown below are used by the ministry to track and demonstrate case processing efficiency, but they are not under the exclusive control or direction of a single business area or justice partner, and therefore do not fit the criteria required for performance measures in this year's service plan. For that reason, they are included in this plan as supplementary performance information that reflects the cumulative results of actions by thousands of individuals dealing with tens of thousands of cases.

The associated efficiency estimates are projections as opposed to true targets. While overall increased efficiency is a desirable outcome and may be achieved as new resources are made available or as significant reforms to policies and procedures are implemented, these projections are stable. They are based on the expectation that the ministry and its partners will be able to maintain services at the 2003/04 efficiency level and still be consistent with government's commitment to a balanced budget.

<b>Key Indicators of Provincial Justice System Efficiency</b>	<b>2003/04 Actual/Base</b>	<b>2004/05 Estimate</b>	<b>2005/06 Estimate</b>	<b>2006/07 Estimate</b>
• Median number of days to disposition from first appearance in court for criminal cases <sup>1</sup>	44	44	44	44
• Average months of trial delay in Provincial Court criminal cases	6	6	6	6
• Average number of appearances per completed case in Provincial Court	5.6	5.4	5.2	5.2

<sup>1</sup> This measure represents all criminal cases, including those that do not proceed to trial.

## Appendix 3. Summary of Related Planning Processes

### Human Resource Management Plan

The 2004/05 – 2006/07 Ministry Human Resource Management Plan (HRMP) highlights how the Ministry of Attorney General will continue to work towards developing excellence within the Public Service. It reflects the ministry's ongoing view that people are our most valued asset. In addition, it forms an important linkage with the government's commitment to accountability.

The ministry HRMP has been developed within the framework provided by government's Corporate Human Resource Plan (CHRP) and continues the ministry's commitment to the six goals of Public Service Renewal<sup>7</sup>:

- Effective People Strategy
- Proactive and Visionary Leadership
- Performance Focused Workplace
- Learning and Innovative Organization
- Flexible and Motivating Work Environment
- Progressive Employer-Employee Relations

The 2004/05 – 2006/07 HRMP builds on the initiatives commenced under last year's plan. A number of key ministry-wide initiatives have been developed over the past year to support each of the six renewal goals. These include:

- Supporting the management of change
- Succession planning
- Management development
- Performance development
- Employee safety in the workplace

These initiatives will continue to be moved forward, strengthened and developed as the ministry advances towards its people management objectives. In addition to continuing to build on these successes, the ministry will focus on developing new initiatives in 2004/05 such as:

- **Strategic Human Resources Planning** — Each branch is unique in its business needs. To best align these needs with the management of its people, each branch is encouraged to develop their own human resource strategies to fit their distinct business circumstances.

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<sup>7</sup> [http://www.renewal.gov.bc.ca/down/CHRP\\_final.pdf](http://www.renewal.gov.bc.ca/down/CHRP_final.pdf)



- **Leadership** — Effective, quality leadership is the ultimate enabler of Public Service Renewal; therefore the ministry will continue to work towards developing leadership at all levels of the organization. This includes the continued participation in various leadership initiatives being sponsored by the Deputy Attorney General.
- **Occupational Safety and Health (OSH)** — The safety and well-being of our staff is critical to the ministry, therefore the current OSH program will be both strengthened and expanded as part of our overall human resource strategy.
- **Employee Professional Development Program** — The ministry will continue to focus on developing employee performance and development plans that encourage individual and organizational learning as well as development and performance, and align individual performance with the goals and objectives of the ministry. The ministry is committed to have all employees complete such plans (EPDPs) in consultation with their supervisors by the end of the fiscal 2004/05 year.

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## **Information Resource Management Plan**

### **Strategic Direction**

The ministry will continue to plan and implement strategic technology solutions to improve the value of information and services to citizens and business. This will be achieved by the following strategies:

- Financial accountability and service plan alignment through branch executive approval and sponsorship for all capital projects;
- Continued application of formal project management methodologies on all projects to minimize risk, ensure value, and achieve more project successes;
- Electronic service delivery to citizens and business, where feasible, through shared government information technology services or alternate service delivery programs, allowing the ministry to focus on its core business;
- Continued focus on sound security policy and procedures for ensuring the protection of justice information and promoting good privacy practices for information sharing with business partners and government;
- Use of executive and enterprise reporting tools to measure program performance against the service plan and provide improved data for planning;
- Incorporation of document management and workflow technologies into applications to better manage information and records; and
- A focus on data-sharing and system-integration opportunities across aligned ministries, and across government, the broader B.C. public sector, and inter-jurisdictional justice partners.

These strategies will enable the ministry to deliver on its service plan and focus on its core business while continuing to deliver valuable services to the citizens and businesses of British Columbia.

## **Major Projects**

- **Litigation Management System:** This system will assist Crown counsel in the efficient management of documents for case/trial preparation. Special emphasis will be placed on major cases.
- **Court Services Online:** Electronic web-based system will allow:
  - electronic filing of documents, thereby reducing court registry workload; and
  - electronic search capabilities to access court files and related documents, thereby providing improved customer service.