



# **NUNAVUT COURT OF JUSTICE**

## **Evaluation Framework**

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**Evaluation Division**  
**Policy Integration and Coordination Section**



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## CONTEXT

Canada's first unified<sup>1</sup> Court is a development that other jurisdictions in Canada are following with a view to possible implementation. An evaluation will therefore be read with interest. The purpose of drafting an evaluation framework is to provide a planning aid to help the Court clarify its objectives, to decide how those objectives will be measured, and to create processes for continuous improvement. It should be stressed that the purpose of the evaluation is to assist in planning.

This evaluation framework will help planners consider the relevant issues and questions as the Court's information system continues being developed. In February 1999, just prior to the elimination of the Territorial Court, consultants spoke with various stakeholders (including members from the judiciary, the Crown, the Department of Justice, Legal Aid, the private bar, Court personnel, and others involved with the Court system) and integrated their questions into the framework. In March 2000, consultants conducted a second set of interviews to gain knowledge from those who were directly involved in the operation of the new Court. New questions arising from these interviews were also included in the evaluation framework. The framework was updated in March 2004 and again in March 2005 on the basis of further discussions with stakeholders.

A logical outcome of this framework development is a monitoring process, which will enable planners to review and amend procedures as the Nunavut Court of Justice continues to evolve.

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<sup>1</sup> Unified Court refers to the elimination of the lower Territorial Court.

## **1. INTRODUCTION**

Nunavut, Canada's third territory, was created effective April 1, 1999. The territory has a unified Court which is unlike the system currently used elsewhere in Canada. The *Nunavut Act* created a unified court system for the Territory of Nunavut in order to provide an efficient and accessible court structure capable of responding to the unique needs of the Territory, while at the same time maintaining substantive and procedural rights equivalent to those enjoyed elsewhere in Canada.

The federal government and Government of Nunavut officials recognize the need to plan for an evaluation to assess the impact of the unified Court and the requirements for future judicial resources in Nunavut. This report presents a framework for the evaluation of the unified Court system.

### **1.1. Structure of the Report**

The report is divided into four main areas:

- a comparison of the old and new Court structures
- a profile of the Court
- logic models of the criminal and civil components of the Court
- an evaluation framework.

## 2. A COMPARISON OF THE COURT STRUCTURES BEFORE AND AFTER APRIL 1, 1999

On April 1, 1999, the Northwest Territories was divided to form a new territory, Nunavut. Nunavut has its own Court system, which is different from that of the Northwest Territories. This section explains the Court system that was in place prior to April 1, 1999 and the structure that replaces it.

All cases commencing after April 1, 1999 arising in Nunavut are heard by the Nunavut Court. All cases and actions initiated prior to April 1, 1999 continued to be heard by the Northwest Territories Courts unless specifically transferred to the Nunavut Court.

Figure 1 provides a general overview of the two Court structures in the Northwest Territories and Nunavut and Table 1 (next page) discusses the differences between them.

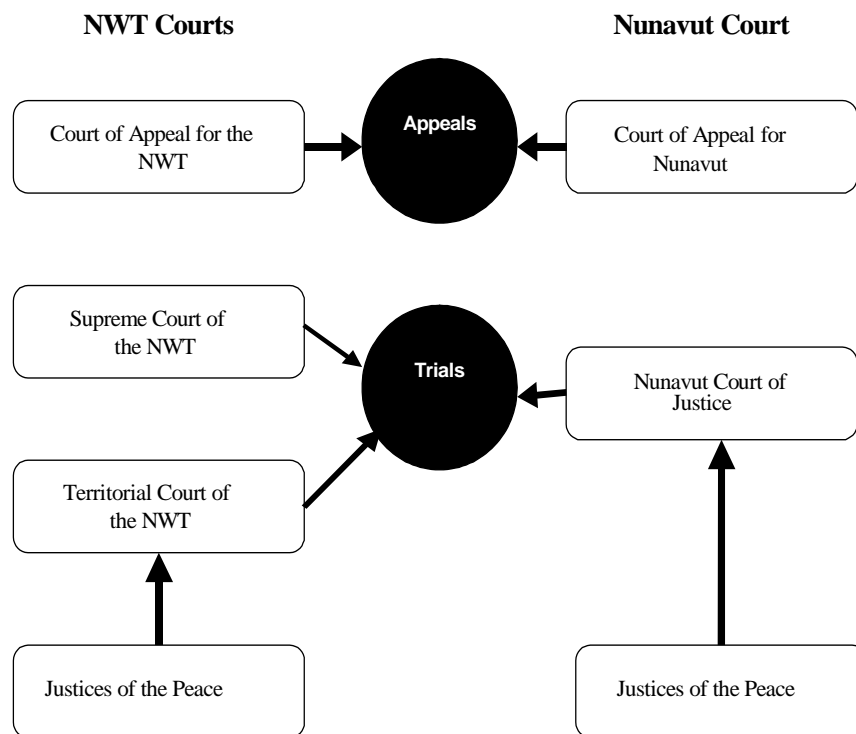


Figure 1

**Table 1: Comparison of the NWT Courts (pre-April 1, 1999) to the Nunavut Courts**

<b>Court Level</b>	<b>Description of Court</b>	<b>NWT</b>	<b>Nunavut</b>
<b>Court of Appeal</b>	<b>Composition</b>	<p>The Court of Appeal for the Northwest Territories consists of the justices of the Northwest Territories Supreme Court, and the justices and supernumerary Judges of the Court of Appeal of Alberta and Saskatchewan, all of whom are appointed by the Governor-in-Council.</p> <p>The Court sits with a panel of three justices.</p>	<p>The Alberta Court of Appeal will continue to function as the Appellate Body for issues arising in Nunavut.</p> <p>Some appeal mechanisms are different. For example, the first level of appeal in some matters is a single Justice of the Court of Appeal (i.e., on summary conviction appeals from a Nunavut Court of Justice judge). The appeal thereafter is to a full panel of the Court of Appeal.</p>
	<b>Geographic location</b>	The Court may sit in the Northwest Territories and in Alberta and there are regular sittings in Yellowknife.	The Court may sit anywhere in Canada unless otherwise restricted by statute in Nunavut.
	<b>Jurisdiction</b>	This Court has the jurisdiction to hear appeals in criminal and civil matters from the Supreme Court of the Northwest Territories and the Territorial Court.	The Court hears appeals in criminal and civil matters from the Nunavut Court of Justice.
<b>The Superior Court</b>	<b>Name</b>	The Supreme Court of the NWT	The Nunavut Court of Justice
	<b>Composition</b>	The Court consists of four judges who are appointed by the Governor-in-Council.	There are presently 3 judges in Nunavut appointed by the Governor-in-Council.
	<b>Geographic Location</b>	The Court is resident in Yellowknife and travels on circuit throughout the territory as required. The Court registry and office is located in Yellowknife.	The Nunavut Court of Justice is located in Iqaluit. The Court sits in Iqaluit and travels on circuit throughout Nunavut.

Court Level	Description of Court	NWT	Nunavut
	<b>Jurisdiction</b>	<p>This Court is a Court of original jurisdiction and, therefore, has jurisdiction in all cases arising in the Northwest Territories, except those matters or cases expressly excluded by statute.</p> <p>In civil cases, there is no monetary amount limiting jurisdiction, although the Court generally only hears matters with claims exceeding \$5,000.</p>	<p>The Nunavut Court of Justice hears <i>all</i> criminal, civil and family matters. The Nunavut Court of Justice has a reduced appellate function because there is no lower Court from which to appeal decisions. The Nunavut Court of Justice serves as an appellate body for decisions of the Justices of the Peace.</p>
		<p>The Court can hear most family law cases.</p> <p>In criminal cases, the Court has jurisdiction over indictable offences and hears summary conviction appeals from the Territorial Court. The Court also has an appellate capacity in some civil matters.</p>	
<b>The Territorial Court</b>	<b>Name</b>	Territorial Court of the NWT	N/A
	<b>Composition</b>	This Court is established under the <i>Territorial Court Act</i> (NWT). There are 4 judicial appointments that are made by the Commissioner of the Northwest Territories.	
	<b>Geographic location</b>	The Court is resident in Yellowknife, Iqaluit, Hay River and Inuvik and travels a circuit throughout the territory.	

Court Level	Description of Court	NWT	Nunavut
	<b>Jurisdiction</b>	<p>This Court is a court of record and it has jurisdiction throughout the territory to exercise all the power and perform all the duties conferred by or under any Act of the Territory or of Canada.</p> <p>In particular, the Court has jurisdiction in the following matters:</p> <ul style="list-style-type: none"> <li>• most civil claims under \$5,000</li> <li>• support/maintenance, child welfare, paternity, guardianship, and intra-family Criminal Code offences</li> <li>• this Court is a Youth Court within the meaning of the Young Offenders Act and has all the powers of that Act</li> <li>• the Court has absolute jurisdiction to hear some adult criminal matters and may hear other criminal matters</li> <li>• preliminary inquiries</li> </ul>	
<b>Justice of the Peace</b>	<b>Name</b>	Justice of the Peace	Justice of the Peace
	<b>Composition</b>	<p>The Justice of the Peace Court is a component of the Territorial Court. Justices of the Peace are appointed by the Commissioner of the Northwest Territories.</p> <p>There is no Court support for the Justice of the Peace, and the Justice of the Peace is responsible for recording the proceedings and forwarding all documents to the nearest Court Office.</p> <p>Justices of the Peace are not required to have formal legal training or be members of the Bar.</p>	<p>Justices of the Peace are governed by the <i>Justices of the Peace Act</i>, a Nunavut Statute. Appointments are made by Nunavut’s Commissioner in Executive Council. Justices of the Peace are under the supervision of the Senior Judge of the Nunavut Court of Justice. A Justice of the Peace Coordinator, responsible for overseeing the program, resides in Iqaluit.</p> <p>The plan is for Justices of the Peace to be able to update cases electronically.</p> <p>There are no formal educational requirements for Justices of the Peace.</p>



Court Level	Description of Court	NWT	Nunavut
	<b>Geographic location</b>	In 1997, there were approximately 180 Justices of the Peace in the Northwest Territories and usually a minimum of one in a community.	Nunavut will attempt to maintain the current level of Justice of the Peace service in each community. If Justices of the Peace are expected to hear more matters, the number of appointments may increase if funding permits.
	<b>Jurisdiction</b>	<p>The duties of the Justice of the Peace may include the following:</p> <ul style="list-style-type: none"> <li>• receive and swear Informations</li> <li>• confirm or cancel Appearance Notices, Promises to Appear and Recognizances</li> <li>• issue or cancel a summons, Warrant for Arrest or Subpoena</li> <li>• grant adjournments</li> <li>• perform marriages</li> <li>• interim child custody</li> <li>• bail applications (limited)</li> <li>• hear summary and territorial offences matters.</li> </ul>	The legal power given to Justices of the Peace in Nunavut extends to the summary conviction crimes under the Criminal Code, as well as Nunavut Statutes. They have limited power to deal with family and civil matters and can also conduct bail hearings on indictable offences. Justices of the Peace may also perform marriage ceremonies and swearing of oaths.
		<p>In the Northwest Territories, there are three functional levels of the Justice of the Peace:</p> <ul style="list-style-type: none"> <li>• Administrative</li> <li>• Sentencing</li> <li>• Trial</li> </ul> <p>These levels are based upon the training of the Justice of the Peace. In practice, there are few Justices of the Peace operating at the third level and few of those justices conduct summary offence trials.</p>	<p>As in the Northwest Territories, there are three levels of Justice of the Peace based on training and experience. A Justice of the Peace Coordinator manages the program. This includes recruitment and ongoing training for Justices of the Peace.</p> <p>It is anticipated that eventually some Justices of the Peace will achieve a level of competence to be able to more fully exercise their statutory jurisdiction and take on a greater number of criminal and possibly civil matters. The intent of this is to increase access to judicial services in remote communities throughout Nunavut.</p>

### 3. RELATIONSHIP BETWEEN THE NUNAVUT COURT OF JUSTICE AND OTHER AGENCIES, ORGANIZATIONS AND DEPARTMENTS

The linkages between the Nunavut Court of Justice and other agencies, departments, and organizations are shown in Figure 2 below. See Appendix A for a detailed description of the various components in Figure 2.

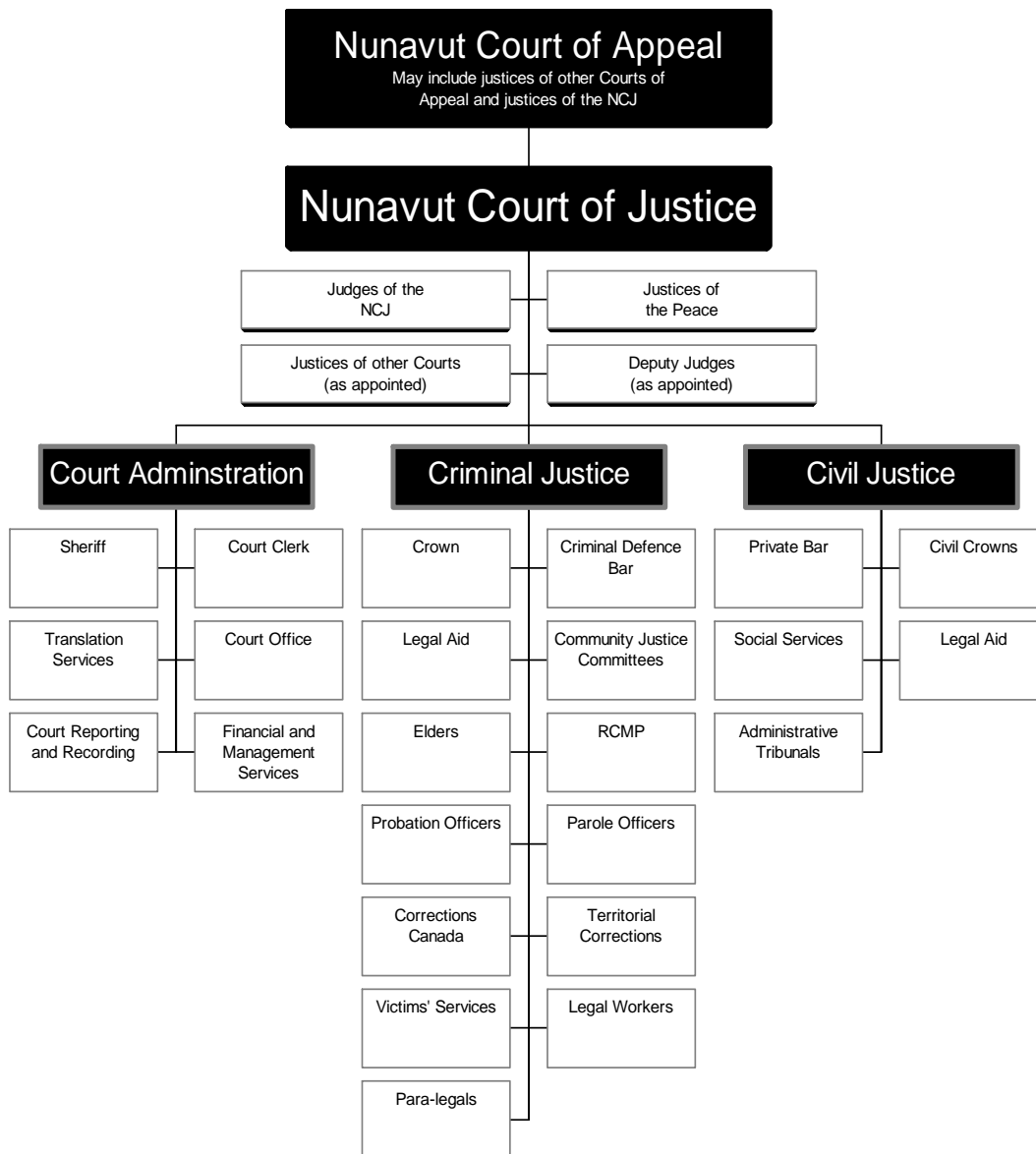


Figure 2 is intended to show linkages, not lines of authority. Community Justice Committees, for example, are entities created by and responsible to the Nunavut Department of Justice. Crown Prosecutors are federal employees. And Elders are independent, although they may assist the Court in various ways. These distinctions are laid out in Appendix A.

## **4. LOGIC MODELS**

As part of the evaluation framework, all activities of the Nunavut Court of Justice are identified and indicators of success established. The logic model links all activities of the Court to the various elements of each activity. The elements are:

- actors - describes all participants involved for each activity
- objectives - describes the intent of each activity
- inputs - describes the action involved in each activity
- outputs - describes the expected result of each activity
- short-term outcomes - describes the desired effects shortly after the activity occurred
- long-term outcomes - are not included in this logic model as they include many elements of the justice system that are not uniquely within the control of the Court.

The intended outcomes for each activity reflect the underlying objectives of this new Court system, which are accessibility, increased cultural sensitivity and efficiency.

For greater clarity, the logic model has been divided into two charts: one for adult and youth criminal matters, and the other for civil matters. Although the Nunavut Court of Justice can hear both types of matters, the sequence and types of activities differ as indicated by the series of events identified at the top of each logic model. The differences in processing criminal and civil matters are more or less common in all court jurisdictions.

### **4.1. Adult and Youth Criminal Court Logic Model**

The activities involved in adult and youth criminal matters are described in the chart below in the order that they would be expected to occur in criminal proceedings.

The model assumes that administrative procedures will be in place to track all charges through the system. This is not necessarily the case, however, as the Nunavut Court's data storage and retrieval system is still under development.

**Chart 1: Adult and Youth Criminal Court Logic Model**

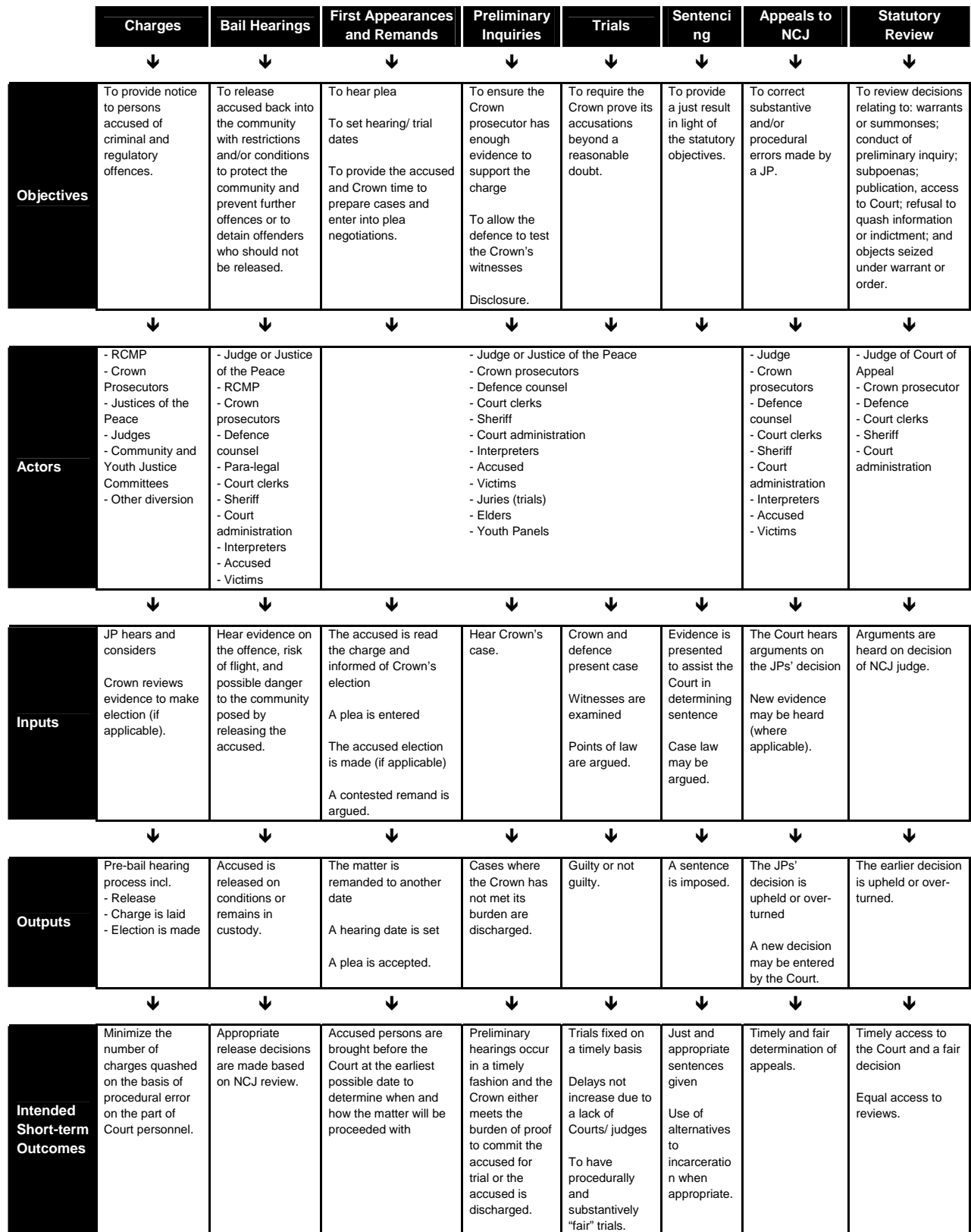


Table 2 provides a brief description of each activity and notes some implications that may arise as a result of the Nunavut Court structure (criminal).

**Table 2: Description of activities and implications of the change in Court structure (criminal)**

Activity	Descriptions	Implication of Change to Court
<b>Charges</b>	The involvement of the Court in laying charges is limited. The RCMP and the Crown prosecutors prepare the matter before it is brought to the Court.	The new Court structure has not resulted in significant changes in the manner in which charges are laid. However, with increased caseloads and additional responsibilities upon judges, Court staff, Crown counsel, defence lawyers, etc. will make the delivery of services more complex, necessitating increased staff training and increased resources.
<b>Bail Hearings</b>	In some cases, the resident Justice of the Peace will be able to hear the bail application in the community where the offence took place. This procedure currently occurs in the Northwest Territories.	Increased Justice of the Peace training may result in more bail applications being heard in communities, thereby reducing the Nunavut Court of Justice judges' workload. Also, new technology may be developed and implemented to facilitate bail hearings in communities.
<b>First Appearances</b>	The first appearance is an opportunity for the accused to make a plea, set a trial or hearing date, or set the matter over to another date in order to obtain counsel.	First appearances are largely determined by the fixing of regular arraignment days by the Court. Recruitment and training of more Justices of the Peace may enable the Court to increase the number of days scheduled for first appearances.
<b>Preliminary Inquiries</b>	<p>The Preliminary Inquiry serves three main functions:</p> <ul style="list-style-type: none"> <li>• The Crown must present evidence to support the charge and if there is insufficient evidence, that charge will be dismissed.</li> <li>• The Crown discloses its theory of the case and evidence to the accused and his or her counsel, which may facilitate a plea agreement.</li> <li>• The defence has an opportunity to test the Crown's witnesses and evidence.</li> </ul>	With the Nunavut Court of Justice having only 3 (at this time 2) judges, conflicts may arise since the judge who heard the preliminary inquiry should not hear the trial. This may be resolved if the level of training of some Justices of the Peace reaches an appropriate level to conduct Preliminary Inquiries.
<b>Trials</b>	The Nunavut Court of Justice will try more types of matters than the Supreme Court of the Northwest Territories.	Scheduling timely trials along with the additional matters heard by the Nunavut Court of Justice may be challenging. Increased caseloads and additional responsibilities upon the limited number of actors in the Court may create a need for additional resources.

Activity	Descriptions	Implication of Change to Court
		<p>Compared with the Northwest Territories, a larger proportion of Nunavut’s population speaks Inuktitut. There may be increased use of translation services at trial, which could have implications for cost and scheduling.</p>
<b>Sentencing</b>	<p>Changing the Court system does not affect the principles behind sentencing nor the Court’s authority to impose sentences.</p>	<p>If the Justices of the Peace conduct more trials, they will be sentencing more people from their own community. Given that some of the communities are small, there is a concern about the ability of the Justice of the Peace to appear impartial. There is a potential for external pressure to be placed on the Justice of the Peace, which may affect sentences. Moreover, pressure of this type may restrict the ability of the Court to recruit new Justices of the Peace.</p>
<b>Appeals to NCJ</b>	<p>The appellate function of the Nunavut Court of Justice is more limited than that of the Northwest Territories Supreme Court.</p>	<p>In the Northwest Territories Courts, decisions of the Territorial Court are often appealed to the Northwest Territories Supreme Court. In Nunavut since there is no lower court, the only appeals heard by the NCJ will be decisions of the Justice of the Peace.</p>
<b>Statutory Review</b>	<p>This process has replaced prerogative writs, which were infrequently used. An application for statutory review may be made in cases where a judge has made a decision:</p> <ul style="list-style-type: none"> <li>• relating to a warrant or summons</li> <li>• relating to the conduct of a preliminary inquiry</li> <li>• relating to a subpoena</li> <li>• -relating to the publication or broadcast of information or access to the courtroom</li> <li>• To refuse to quash an Information or indictment</li> <li>• relating to the detention, disposal or forfeiture of any thing seized under a warrant or order.</li> </ul> <p>A single judge of the Court of Appeal hears the application.</p>	<p>It is expected that statutory review will be used infrequently. However, a substantial decrease in the use of this remedy may indicate that the new process has reduced accessibility. Prerogative writs were available from the Superior Court; the statutory remedy is now available from the Appellate Court.</p>

#### **4.2. Civil and Family Matters – Logic Model**

The residents of Nunavut have historically not utilized the Civil Court to any great extent. Some of the reasons may be linked to:

- limited access to Courts
- lack of community support for civil actions
- the use of community dispute resolution mechanisms
- a lack of understanding civil processes
- limited access to lawyers and legal aid.

Nunavut has worked to create civil and family laws reflective of the needs and values of Nunavummiut.

Activities that arise in civil and family matters are described on the following page in the order that they may be expected to occur. The model assumes that administrative procedures will be in place to track all cases through the system, although – as for criminal cases – this might not be the case by the time of the evaluation.



**Chart 2: Civil and Family Matters Logic Model**

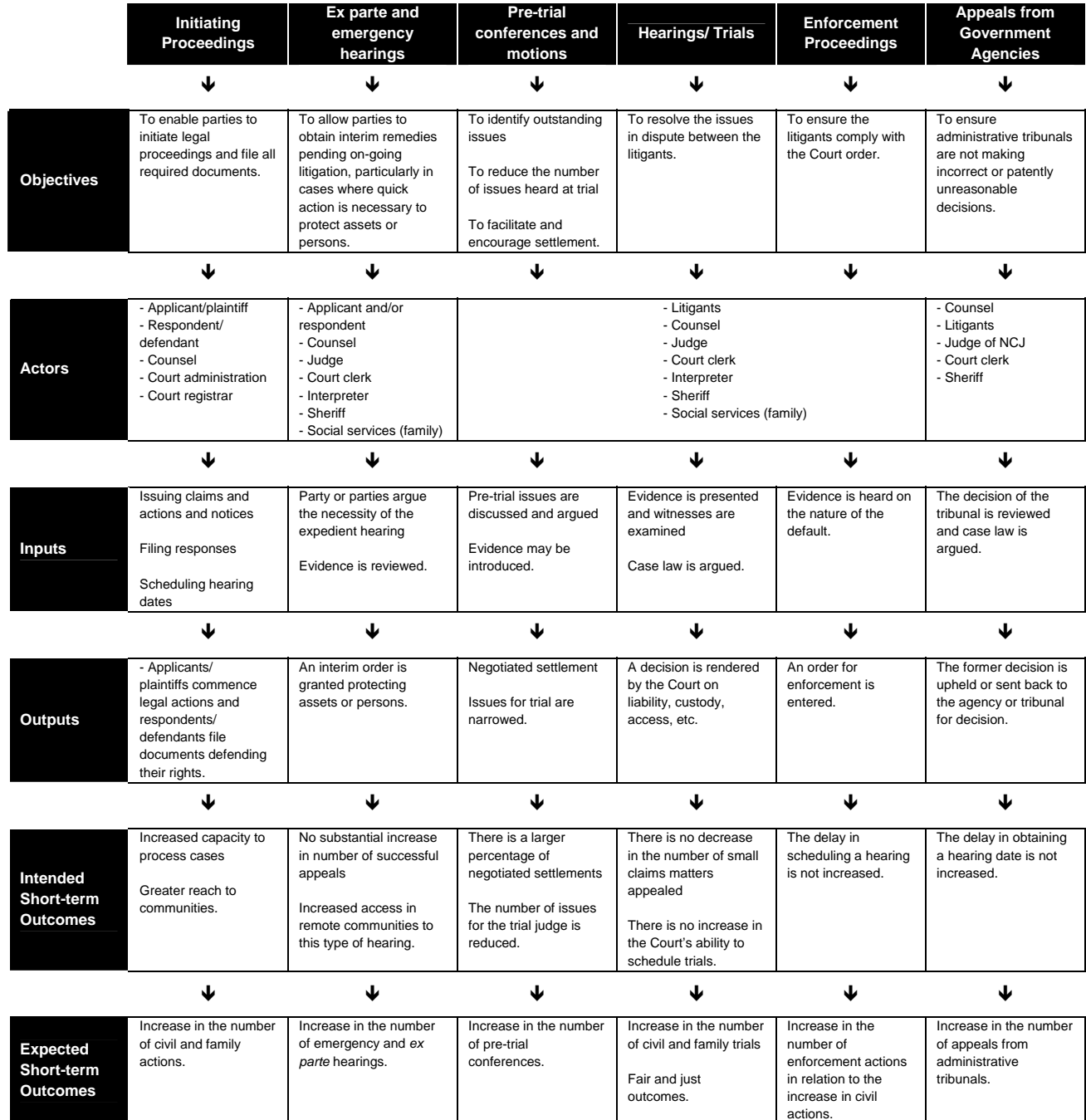


Table 3 provides a brief description of each activity and notes some implications that may arise as a result of the Nunavut Court structure (civil and family).

**Table 3: Description of activities and implications of the change in Court structure (civil and family)**

Activity	Descriptions	Implication of change to Court
<b>Initiating proceedings</b>	All civil and family proceedings may now be commenced in Iqaluit.	Access to the Court to initiate proceedings should increase for those living in Iqaluit. Access in the remaining 25 communities will continue to be somewhat limited. Additional lawyers will be needed to handle civil and family matters.
<b>Ex parte and emergency hearings</b>	In <i>ex parte</i> and emergency hearings time is of the essence. These proceedings are designed to protect the interests in property or personal safety on an interim basis until the issues can be resolved at trial or final hearing.	The presence of the Court in Iqaluit will increase access there, but for those living outside of Iqaluit, the ability to use remedies derived from these hearings are still limited. Telephone may be used in some circumstances to facilitate access.  In child custody issues, the Justices of the Peace may be expected to hear interim child custody issues on an emergency basis but may be somewhat reluctant to hear these matters.
<b>Pre-trial conferences and motions</b>	Pre-trial conferences and motions are used in the Northwest Territories Courts and will continue to be used in the Nunavut Court of Justice. Pre-trial motions and conferences help narrow and focus issues to be heard at trial.	Anticipated increased civil caseloads will likely increase the usage of pre-trials.
<b>Hearings/trials</b>	The trial or hearing is where the matter is resolved after witnesses are examined, evidence reviewed and case law argued.	The elimination of the two-level Court system in family matters has the potential to increase efficiency by having one Court administration system.  At this time, Justices of the Peace have very limited power to deal with family and civil matters. With training and experience, some of the restrictions may be relaxed.
<b>Enforcement proceedings</b>	Enforcement proceedings are actions taken to ensure compliance with Court orders.	With the anticipated increased use of civil and family law remedies, there will be an increased need for enforcement of Court orders.
<b>Appeals from Government agencies, boards and tribunals</b>	The Northwest Territories Supreme Court sometimes functions as an appellate body for territorial administrative tribunals/agencies, e.g., Social Assistance Reviews, Worker's Compensation Appeals. In these cases, all appeals within the administrative framework have been exhausted and the appellant is generally asking the Court to review the decision of the Appeal Board.	The Nunavut Court of Justice will continue to hear these appeals.

## **5. EVALUATION FRAMEWORK AND METHODOLOGY**

### **5.1. Purpose, Scope and Issues**

#### Purpose

The Department of Justice Canada and the government of Nunavut Department of Justice wish to undertake an evaluation of the Nunavut Court of Justice that would:

- provide the Government of Nunavut Department of Justice, the Nunavut Court of Justice and the Department of Justice Canada, with an assessment of the implementation and results to date of the NCJ; and
- provide input on whether any adjustments to legislation or processes might be beneficial to improve effectiveness.

#### Scope of the Evaluation

The scope of this evaluation is to provide information on the departmental planning, implementation of the Nunavut Court of Justice and improvement in service delivery. This evaluation will not assess the decisions of the Nunavut Court of Justice. Therefore, outcomes referring to the decision and fairness will not be examined in this evaluation

#### Evaluation Issues

This evaluation will address the following broad evaluation issues:

- a) To what extent has the Nunavut Court of Justice been implemented as planned?
- b) Are the necessary elements in place to achieve the intended results of the single level court?
  - i) Are resource levels (both fiscal and human) sufficient for successfully implementing the single level court?
  - ii) Are there adequate processes and systems in place to plan, implement, coordinate and monitor activities?
  - iii) To what extent has an information management strategy been implemented?

- iv) Are there barriers/challenges to implementing the Nunavut Court of Justice as planned, and, if so, how should they be addressed?
- c) To what extent have the intended results of the Nunavut Court of Justice been achieved?
- d) Are there any gaps that should be addressed in order to achieve the intended results of the Nunavut Court of Justice?
- e) Have there been any unintended impacts of the court, either positive or negative?
- f) What changes could be made to improve results?

Detailed questions are listed in the Evaluation Framework, below.

## **5.2. Evaluation Methodology**

### General

The evaluation will use multiple lines of evidence; more specifically, case tracking and review, review of administrative data, key informant interviews and community meetings. See Appendices B, C and D for detailed information needs.

Two major types of information are represented in the evaluation framework. The first could be called process issues. Generally, these issues concern the operations of the Court with respect to such matters as changes in volume of cases. The second type concerns innovation issues. These issues are linked to the “broader picture” of justice in Nunavut – the aspects of Nunavut justice that enable the formal system to work together with the more informal, community based system. The two systems are not separable, and personnel working within both see that the success of one will depend, in part, on the flexibility and innovation of the other. Innovation issues reflect the ideals espoused at the creation of Nunavut and the Nunavut Court of Justice.

It has been suggested by both Justice Canada and Nunavut Justice officials that the evaluation should focus on the service delivery aspect of the Court. The main question is: What has been the impact of the Court on access to justice at the community level? Other stakeholders agree with this question, indicating that implementing new community oriented approaches continues to be a key aim of the Court and the rest of the justice system in Nunavut.

It will be important to determine whether findings are consistent throughout the twenty-six communities of Nunavut. This can be done by comparing the communities selected on a regional

basis (see below). If there are differences, it will be useful to learn the nature of the differences, where they are occurring, and why they are occurring.

### Case Tracking and Review

The computerized information system for criminal cases was started in 2001. Accurate data are available from 2002. Prior to 2001, all criminal case information was kept in manual files. With regard to civil and family files, the computerized system has only recently been built. Civil and family files are available in computerized format from 2004. Earlier files are still kept in manual form.

In terms of analysis, simple descriptions of activity, case attributes, and other basic case descriptors are useful for planning and resource allocation. As well, tracking information over time is an effective means of identifying change. Access to detailed NWT court data either before or after April 1, 1999 is not possible, thus precluding a comparison between the pre-division and post-division courts or between the NWT and Nunavut courts after division.<sup>2</sup> The comparative approach will therefore be to develop a Nunavut baseline from April 1, 1999 over a one-year period and to monitor (and compare) change over time. It is recommended that the periods to be monitored for comparative purposes be of one-month duration. It is further recommended that the Year One baseline be built on the months of April 1999, July 1999, October 1999, and January 2000. (Building the baseline on all twelve months would involve an unnecessary investment of time and effort in manual file review.) Year One and the subsequent months for comparison would be as follows:

- Year One: April 1999, July 1999, October 1999, January 2000
- Year Two: April 2000, October 2000
- Year Three: July 2001, January 2002
- Year Four: April 2002, October 2002
- Year Five: July 2003, January 2004
- Year Six: April 2004, October 2004
- Year Seven: July 2005

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<sup>2</sup> The Research and Statistics Division, Justice Canada has access to data compiled by the Canadian Centre for Justice Statistics. The data will show court caseloads for the Northwest Territories before April 1, 1999 and for the Northwest Territories and Nunavut after April 1, 1999. These data can demonstrate volume by type of charge. However, the level of case detail indicated in the evaluation framework, below, and required for this evaluation are not available through CCJS.

The variation in months selected for comparative purposes is intended to account for possible seasonal differences in volume of cases and court operations.

The data required through case tracking and review for criminal, civil and family matters is identified in detail both in Table 4 and in Appendix B.

### Administrative Data Review

Administrative data, as identified throughout the evaluation framework (Table 4), refers to three sets of information. First, it refers to the specific case files from which relevant information will be taken. All case files for the months listed above will be reviewed and data extracted. Second, administrative data refers to the Court's financial files, which will be reviewed for information regarding such items as travel and training costs. Finally, administrative data includes the Court's general files, which will be accessed for information regarding Court operations; for example, the operations of the Justice of the Peace program. Court staff will be required to assist the evaluator in selecting and accessing the appropriate files.

In certain instances, administrative data will come from sources other than the Court. RCMP "V" Division in Iqaluit will provide information on charging rates in the communities. The Nunavut Department of Justice will provide data on incarceration rates (on behalf of the Baffin Correctional Centre) and on pre- and post-charge diversions to Community Justice Committees.

### Key Informant Interviews

It is proposed that representatives of the following groups be interviewed.

- Judges
- Crown Prosecutors
- Defence counsel (private bar)
- Legal aid counsel, including Executive Director, Legal Services Board
- RCMP
- Justices of the Peace (sample)

- Court staff
  - Director of Courts
  - Manager, Court Operations
  - Manager, Administration
  - Administrator, Justice of the Peace Program
- Nunavut Department of Justice officials
  - Deputy Minister
  - Assistant Director, Community Justice
  - Regional Community Justice Specialists.

The number of respondents in each category will depend on two factors: first, on the availability of individuals during the course of the evaluation (e.g., judges); and, second, on the resources available for travel to meet with individuals (e.g., Justices of the Peace) in communities.

Detailed information requirements for key informants are listed in Table 4 and in Appendix C.

### Community Interviews and Meetings

On-site key informant interviews and community meetings are essential for this evaluation. It will be important to visit as many communities as possible, in addition to Iqaluit. There is a significant variation across Nunavut in terms of culture, socio-economic conditions and community capacity, particularly regarding community justice. Inclusive coverage is therefore important. At least one community from each of the four regions<sup>3</sup> should be visited for purposes of meeting the local Justice(s) of the Peace, the Community Justice Committee, and other community residents. The five Regional Community Justice Specialists are able to assist in setting up meetings with the Community Justice Committees and other community residents. These meetings are best held on a group basis.

The information needs from community interviews and meetings are identified in detail in Table 4, as well as in Appendix C (Justices of the Peace) and Appendix D (Community Justice Committees and community residents).

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<sup>3</sup> The four regions are Kitikmeot, Kivalliq, North Baffin and South Baffin. In South Baffin, Iqaluit and at least one other community should be visited.

## Evaluation Framework

The evaluation issues, questions, indicators, and data collection methods outlined in the evaluation framework table, below, have been developed over a period of several years and are based on discussions with Court personnel and other key informants working in the justice system in Nunavut.

**Table 4: Evaluation Framework**

Issues	Questions	Indicators	Data Collection
<b>Community Profiles</b>	<p>What are community sizes by population (youth and adult)?</p> <p>What is the rate of reported crime by offence by community?</p> <p>What is the rate of charging by youth/adult by offence by community?</p> <p>What is the number of civil cases by community?</p> <p>What is the number of family cases by community?</p> <p>How often does the Nunavut Court of Justice visit individual communities?</p> <p>What is the number of residents incarcerated (federal and territorial)?</p> <p>How many cases are diverted to the local Community Justice Committees (pre- and post-charge) by youth/adult and type of offence?</p> <p>How many cases are heard by local JP?</p>	<ul style="list-style-type: none"> <li>- population sizes</li> <li>- reported crime rates</li> <li>- charging rates</li> <li>- number of civil cases before NCJ</li> <li>- number of family cases before NCJ</li> <li>- frequency of visits per year</li> <li>- incarceration rates</li> <li>- diversion rates</li> <li>- cases per community</li> </ul>	<ul style="list-style-type: none"> <li>- review Government of Nunavut data</li> <li>- review RCMP data</li> <li>- review RCMP data</li> <li>- review admin data</li> <li>- review admin data</li> <li>- review admin data</li> <li>- Baffin Correctional Centre files</li> <li>- Nunavut Justice files</li> <li>- review admin data</li> </ul>
<b>Implementation - criminal</b>	<p>What are the numbers of adult and youth matters handled by the Court?</p> <p>How are cases defined?</p>	<ul style="list-style-type: none"> <li>- number of adult matters</li> <li>- number of youth matters</li> </ul> <p>In criminal (adult and youth) matters, the number of:</p> <ul style="list-style-type: none"> <li>- Informations sworn</li> <li>- search warrants</li> <li>- arrests</li> <li>- criminal charges</li> </ul>	<ul style="list-style-type: none"> <li>- review admin data</li> <li>- review admin data</li> </ul>



Issues	Questions	Indicators	Data Collection
	<p>How are case outcomes defined?</p> <p>What is the average docket size (by community) for criminal cases?</p> <p>How much time is required to process adult and youth matters?</p> <p>How often are pre-trials used?</p> <p>Do they reduce the number and length of trials?</p> <p>How much is collected in fine surcharges?</p> <p>In what cases are fine surcharges being collected?</p>	<ul style="list-style-type: none"> <li>- guilty pleas</li> <li>- summary offences</li> <li>- indictable offences</li> <li>- adjournments/remands</li> <li>- bail applications</li> <li>- bail reviews</li> <li>- preliminary inquiries</li> <li>- trials</li> <li>- jury trials</li> <li>- statutory review applications</li> <li>- appeals to NCJ from Justice of the Peace</li> <li>- fines</li> <li>- undertaking</li> <li>- recognizances</li> <li>- show cause hearings</li> <li>- probation orders</li> <li>- court orders (non-probation)</li> <li>- types of election by charge</li> <li>- convictions/ incarceration rates</li> <li>- unrepresented accused</li> </ul> <p>In criminal matters, the factors that most clearly define case outcomes:</p> <ul style="list-style-type: none"> <li>- types of election by charge</li> <li>- conviction rates</li> <li>- probation orders</li> <li>- court orders (non-probation)</li> <li>- fines</li> <li>- incarceration rates</li> </ul> <p>Number of cases per Court sitting (by community)</p> <p>Time from arrest to disposition by Court (averages for adult and youth)</p> <p>Monthly number of pre-trials (average)</p> <p>Views of informants</p> <p>Monthly amounts</p> <p>Views of informants</p>	<ul style="list-style-type: none"> <li>- review admin data</li> <li>- review admin data</li> <li>- review admin data and key informant interviews</li> <li>- review admin data</li> <li>- key informant interviews</li> <li>- review admin data</li> <li>- key informant interviews</li> </ul>

Issues	Questions	Indicators	Data Collection
<b>Implementation - civil</b>	<p>How many civil matters are handled by the Court?</p> <p>What is the average docket size (by community) for civil cases?</p> <p>How much time is required to process civil matters?</p> <p>What types of claims, applications, and motions are initiated?</p>	<p>In civil matters, the number of:</p> <ul style="list-style-type: none"> <li>- claims</li> <li>- defences</li> <li>- counter-claims</li> <li>- cross claims</li> <li>- third party claims</li> <li>- default judgments</li> <li>- applications</li> <li>- motions</li> <li>- claims under \$5000</li> <li>- pre-trial conferences</li> <li>- trials</li> <li>- enforcement hearings</li> <li>- wills probated</li> </ul> <p>Number of cases per Court sitting (by community)</p> <p>Time from registration of claim to disposition (average)</p> <p>Specify types and numbers</p>	<ul style="list-style-type: none"> <li>- review admin data</li> <li>- review admin data</li> <li>- key informant interviews</li> <li>- review admin data</li> </ul>
<b>Implementation - family</b>	<p>How many family matters are handled by the Court?</p> <p>What is the average docket size (by community) for family cases?</p> <p>In family matters, the number of:</p> <ul style="list-style-type: none"> <li>- applications</li> <li>- motions</li> <li>- petitions</li> <li>- undefended actions</li> <li>- interim orders</li> <li>- final orders</li> <li>- variances</li> <li>- enforcement proceedings</li> </ul> <p>How much time is required to process family matters?</p> <p>Under what statutes are actions being brought in family matters?</p>	<p>Number of applications</p> <p>Number of cases per Court sitting (by community)</p> <p>Number by type</p> <p>Time from application to disposition (average)</p> <p>Specify statutes</p>	<ul style="list-style-type: none"> <li>- review admin data</li> <li>- review admin data</li> <li>- review admin data</li> <li>- key informant interviews</li> <li>- review admin data and key informant interviews</li> </ul>
<b>Implementation - general issues</b>	<p>What is the average caseload (criminal, civil, family) of:</p> <ul style="list-style-type: none"> <li>- Judges</li> <li>- JPs</li> </ul>	<p>Average number of cases per month for each of:</p> <ul style="list-style-type: none"> <li>- Judges</li> <li>- JPs</li> </ul>	<ul style="list-style-type: none"> <li>- review admin data</li> </ul>

Issues	Questions	Indicators	Data Collection
	<ul style="list-style-type: none"> <li>- Crowns</li> <li>- Legal Aid lawyers</li> </ul> <p>Has the number of adjournments/remands increased or decreased?</p> <p>How long are adjournments/remands?</p> <p>What are the reasons for adjournments/remands and other delays in the various stages and types of Court appearances?</p> <p>Has there been an increase in the number of court ordered mental health assessments? If so, why and are these orders causing delays?</p> <p>In what circumstances are alternatives to incarceration being used?</p> <p style="padding-left: 40px;">What alternatives are being used?</p> <p style="padding-left: 40px;">Do they differ by community?</p>	<ul style="list-style-type: none"> <li>- Crowns</li> <li>- Legal Aid lawyers</li> </ul> <p>Number of adjournments per month (average)</p> <p>Average length by offence</p> <p>Reasons cited by key informants</p> <p>Comparative numbers</p> <p>Views of informants</p> <p>Views of informants</p> <p>Views of informants</p>	<ul style="list-style-type: none"> <li>- review admin data</li> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- review admin data and key informant interviews</li> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- key informant interviews</li> </ul>
<b>Accessibility</b>	<p>Is the number of civil actions increasing over time?</p> <p>Is the number of family actions increasing over time?</p> <p>Is the number of emergency and ex parte motions increasing over time?</p> <p>Are enforcement actions increasing over time?</p> <p>Is the number of claims matters increasing over time?</p> <p>Do litigants understand how to access the Court and legal remedies?</p>	<p>Change in number of civil actions</p> <p>Change in number of family actions</p> <p>Change in number of emergency and ex parte motions</p> <p>Change in number of enforcement actions</p> <p>Change in number of claims matters</p> <p>Views of community members and key informants</p>	<ul style="list-style-type: none"> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- key informant interviews</li> <li>- community respondents and key informant interviews</li> </ul>
<b>Efficiency and Cost-Effectiveness</b>	<p>What is the time from charge to bail hearing?</p> <p>How does it vary by community?</p>	<p>Views of informants</p> <p>Views of informants</p>	<ul style="list-style-type: none"> <li>- key informant interviews</li> <li>- key informant interviews</li> </ul>

Issues	Questions	Indicators	Data Collection
	Are there delays in the criminal hearing process (i.e., arrest to first appearance, preliminary inquiry to trial, etc.)?	Views of informants	- key informant interviews
	Do delays vary by community?	Views of informants	- key informant interviews
	What are the reasons for delays?	Views of informants	- key informant interviews
	Are police able to access a JP when required?	Views of informants	- key informant interviews
	Has there been a change in the number of preliminary inquiries?	Monthly number of preliminary inquiries	- key informant interviews
	What are the reasons for the change?	Views of informants	- key informant interviews
	How often do appeals result from preliminary inquiries?	Number of appeals from preliminary inquiries	- review admin data and key informant interviews
	From sentences?	Number of appeals from sentences	- review admin data and key informant interviews
	Who hears them?	Court where appeals are heard	- review admin data and key informant interviews
	How many decisions are overturned?	Number overturned	- review admin data and key informant interviews
	What is the nature of the judicial review process?	Description of process and when used	- key informant interviews
	How often has it been used?	Frequency	- review admin data
	Are there any barriers to selecting juries in any of the communities?	Views of informants	- key informant interviews
	How long does it take to obtain a statutory review (prerogative writ) remedy?	Views of informants	- key informant interviews
<b>Sufficiency of resources</b>	What are the operating costs of the Nunavut Court of Justice?	Total monthly operating costs for NCJ	- review financial data

Issues	Questions	Indicators	Data Collection
	What are the travel costs?	Total monthly travel costs	- review admin data
	Have travel costs decreased with the Nunavut Court of Justice?	Compare travel costs since start of NCJ	- key informant interviews
	What are the training costs (staff, JPs, interpreters, etc.)?	Total monthly training costs	- review admin data
	Do judges feel that judges' caseloads are manageable?	Views of informants	- key informant interviews
	How are Deputy Judges used?	Views of informants	- key informant interviews
	Are Deputy Judges able to operate as effectively as resident judges in the communities?	Views of informants	- key informant interviews
	Do JPs feel equipped to perform their expanded duties?	Views of informants	- key informant interviews
	Are JP caseloads manageable?	Views of informants	- community respondents
	Is JP training adequate and effective?	Views of informants	- key informant interviews
	Are JPs able to meet the needs of the communities?	Views of community members	- community respondents
	How does Court staff perceive the quality of services they provide to their clients?	Views of NCJ staff	- key informant interviews
	Are the numbers of Court staff adequate to run the Court efficiently and effectively?	Views of NCJ staff, judges, lawyers	- key informant interviews
	Does Court staff require additional training?	Views of NCJ staff, judges	- key informant interviews
	If so, what training is required?		
	Are there adequate facilities in which to hold Court?	Views of NCJ staff, judges, lawyers	- key informant interviews
	Are additional resources required to develop an efficient and effective Court information management system?	Views of court staff	- key informant interviews
	If so, what are the developmental needs?	Views of court staff	- key informant interviews
	Are the dockets manageable for the Crown Prosecutors?	Views of lawyers (Crown Prosecutors)	- key informant interviews



Issues	Questions	Indicators	Data Collection
	<p>What role do the communities play in the justice system (e.g., community justice committees, involvement of Elders, etc.)?</p> <p>Are the Community Justice Committees capable of handling pre-charge and post-charge referrals?</p> <p>If not, what do they need in order to develop the capacity?</p> <p>Is the Court able to meet the needs of communities; e.g., adequate translation services; remand time?</p> <p>Is the NCJ compatible with the needs and traditions of Nunavummiut?</p> <p>Does the Court understand the unique culture, communities, and socio-economic conditions of Nunavut?</p> <p>Does the Court promote the concept of justice in light of the unique culture, communities and socio-economic conditions of Nunavut?</p>	<p>Views of key informants, community respondents</p> <p>Views of key informants (including Justice Committees)</p> <p>Views of community respondents</p> <p>Views of key informants</p> <p>Views of community respondents</p> <p>Views of key informants</p> <p>Views of community respondents</p> <p>Views of key informants</p> <p>Views of community respondents</p> <p>Views of key informants</p> <p>Views of community respondents</p>	<p>community respondents</p> <p>- key informant interviews and community respondents</p> <p>- key informant interviews</p> <p>- community respondents</p> <p>- key informant interviews</p> <p>- community respondents</p> <p>- key informant interviews</p> <p>- community respondents</p> <p>- key informant interviews</p> <p>- community respondents</p> <p>- key informant interviews</p> <p>- community respondents</p>

Appendices B, C and D provide further guidance on data needs and methods for collection.

#### Appendix B – Case Data

- Criminal Case Data – File Review
- Civil Case Data – File Review
- Family Case Data – File Review
- Average Caseloads

- Comparisons Over Time

#### Appendix C – Key Informant Interviews

- Judges
- Crown Prosecutors
- Defence Counsel (private bar)
- Legal Aid Counsel
- RCMP
- Justices of the Peace
- Court Staff
- Nunavut Department of Justice Officials

#### Appendix D – Community Respondents

- Community Justice Committees
- Community Residents



**APPENDIX A:  
DESCRIPTION OF ORGANIZATIONS, AGENCIES, AND  
DEPARTMENTS LINKED TO THE NUNAVUT COURT OF JUSTICE**

## **DESCRIPTION OF ORGANIZATIONS, AGENCIES, AND DEPARTMENTS LINKED TO THE NUNAVUT COURT OF JUSTICE**

### **Sheriff's Office**

The Sheriff's office is accountable to the Court. Sheriff's officers perform four main functions:

- Service of documents
  - Civil Summonses and Subpoenas, garnishee orders, petitions, notices and any other civil documents
- Court security (NCJ only)
  - Escort and protect judges while attending Court
  - Protect the public attending Court
  - Separate and protect witnesses
  - Arrest on order of the judge (contempt)
- Jury Management
  - Summons juries
  - Prepare attendance lists
  - Payment to jurors
  - Seclude and guard juries
- Executions
  - Writs of seizure and sale and other writs of execution issued under Nunavut Court of Justice Court rules
  - Writs of the Federal Courts
  - Warrants to arrest ships
  - Sheriff sales
  - Order of Replevin

The RCMP and fee-for-service bailiffs serve criminal documents in Nunavut. The RCMP provide courtroom security for Justice of the Peace Courts outside of Iqaluit.

### **Court Office**

The Court Office is located in Iqaluit and offers the following support services:

- Receiving and processing legal documents

- Issuing service
- Storage and retrieval of Court documents
- Coordinating trial scheduling under the direction of judges
- Accounting for monies paid into or out of Court in the form of
  - Fines
  - Fees
  - Funds held in trust
  - Payments to witnesses and interpreters
- Receiving, storing and maintaining the integrity of Court exhibits
- Providing Justices of the Peace before whom police can swear Informations
- Providing clerks in Court who call Court to order, administer oaths, take custody of evidence, record pertinent information about the proceedings
- Making arrangement for Circuit Court sittings
- Providing information to the general public and lawyers on procedural requirements

### **Financial and Management Services**

This section of the Court administration is responsible for the following tasks:

- Recording of all expenditures and commitments for court related services
- Invoicing for circuit travel by air
- Development of budgets

### **Crown Prosecutors**

The Federal Department of Justice conducts prosecutions in Nunavut. This is different from the provinces where the Provincial Departments of Justice or Attorney General handle most prosecutions, with the exception of drug and federal regulatory offence prosecutions.

### **Criminal Defence Bar**

The Criminal Defence Bar continues to operate as it had prior to the implementation of the unified Court. Defence attorneys act on behalf of accused in various criminal matters.

There are Legal Aid clinics in Iqaluit, Cambridge Bay, Rankin Inlet, and Pond Inlet. However, there are few criminal defence counsel and fewer family and civil lawyers in Nunavut.

### **Legal Aid**

The Legal Aid program is managed by the Legal Services Board, an agency of the Government of Nunavut. The program is authorized by statute and provides eligible applicants with funding for legal counsel. Legal Aid continues to operate as it did in the Northwest Territories Courts. For the most part, civil litigation is not funded by Legal Aid with the exception of family matters. Family law matters may become an issue if there is a substantial increase in the number of actions outside of Iqaluit where resources may be more limited.

There may be delays caused by an insufficient number of lawyers to represent accused. These delays are the result of factors outside of the control of the Court and not due to the change in the Court structure.

### **Community Justice Committees**

These committees are not part of the formal Court system, but play a significant role in pre-charge diversions in which the accused, both adult and young offenders, participate in reconciliation and rehabilitation activities as an alternative to having a formal charge laid. Community Justice Committees also handle post-charge referrals from the Court (Crowns).

### **Elders and Youth Panels**

The involvement of Elders in criminal matters has increased in recent years. In some communities Elders sit with the judge during the proceedings and provide input on sentencing and other disposition matters, although judges vary in their engagement of Elders. The Chief Judge has also recently established Youth Panels to assist in sentencing in Iqaluit and Arviat. Both Elders and youth are independent and work with the Court voluntarily.

### **Royal Canadian Mounted Police (RCMP)**

The RCMP are responsible for policing in Nunavut as they are in the Northwest Territories. RCMP officers can also act as prosecutors in trials and bail hearings before Justices of the Peace.

### **Probation and Parole Officers**

Community Corrections Officers, employed by Nunavut Justice in ten communities, are responsible for ensuring released offenders comply with the conditions of their release.

### **Corrections Canada – Parole**

Corrections Canada is responsible for the custody of all inmates who have received a sentence of two or more years from the Court. These inmates are held in federal facilities south of 60.

### **Territorial Corrections**

Territorial Corrections are the responsibility of the territory (Nunavut Department of Justice) and maintain custody of offenders receiving sentences of less than two years. Incarceration rates of the Nunavut Court of Justice continue to have a direct impact on the ability of the correctional facilities to manage their caseloads.

### **Victims' Services**

There are limited services currently available in Nunavut. A Victim-Witness Program, which is restricted to criminal court matters, is run from the Crown office. Nunavut Justice recently established a Victims Assistance program to encourage communities to apply for Victim Assistance Fund resources to mount local programs.

### **Court Workers**

Court Workers provide support and counseling to accused prior to trial and sentencing. They assist the accused understand the process and workings of the judicial system. However, these services are limited, primarily due to lack of funding, and the potential for Court Workers has not been realized.

### **Civil and Family Justice**

The civil system is little used by the residents of Nunavut, although that is beginning to change, particularly in Iqaluit.

### **Private Bar**

There is very limited availability of lawyers, especially civil litigators. Having the Circuit Court travel to communities may not necessarily increase access to civil remedies if there are no legal resources in that community. The cost of conducting a civil trial in the Circuit Court may be prohibitive for litigants if they must pay for a lawyer to travel and stay in the community. Otherwise, litigants must travel to Iqaluit to have their matter heard.

### **Social Services**

Social Services acts in custody and access cases where issues of abuse and neglect have been raised and cases where one parent is receiving social assistance. The role is to ensure that the best interests of the child are fully represented. Administrative responsibility rests with the Nunavut Department of Health and Social Services.

### **Administrative Tribunals/Agencies**

There has not been a great deal of change in the manner in which administrative tribunals (e.g., Human Rights, Worker's Compensation) interact with the Courts. Generally, the Court will only hear an appeal from an administrative tribunal if there is a claim that a Board's decision was patently unreasonable.

**APPENDIX B:  
CASE DATA**

## **CASE DATA**

### **Criminal Case Data - File Review**

Criminal case data will be collected primarily from the Court's individual case files, as well as from other relevant files. While case files were maintained in computerized format from 2001, Court staff advises that the computerized files can be considered accurate only from 2002. Thus, it is recommended that files from 2001 (and earlier) be reviewed manually. The number of cases for youth and adults for the sample months can simply be counted. This count may involve a particular accused allegedly committing different offences at different times or the same offence more than once. This is a significant question in northern justice. Informants advise that, particularly in the smaller communities, much of the police and court workload results from the activities of a relatively small number of offenders. This factor can be assessed during the individual case file review.

Each case file, whether manual or computerized, for the selected months will be reviewed for the information listed below. Information from youth and adult files will be compiled separately. It is important to note that the information listed below is not necessarily kept in a single physical file. For example, information on appeals to the Court from Justices of the Peace will not be maintained in the same physical files as information regarding charges and pleas, etc. Individual case files will have to be built from various sources in the Court office. Criminal case information should be compiled regarding the following variables:

- identification of accused
- search warrant: yes/no
- criminal charge(s): specify
- summary offence or indictable offence
- show cause hearing: yes/no
- information sworn: yes/no
- represented accused: yes/no
- plea: guilty/not guilty
- type of plea by charge (will require cross-reference)
- preliminary inquiry: yes/no
- appeal from preliminary inquiry: yes/no



- decision overturned on appeal from preliminary inquiry: yes/no
- adjournments: dates, duration and reason
- remands: dates, duration and reason
- bail application: yes/no
- bail review: yes/no
- trial by judge alone: yes/no
- trial by jury: yes/no
- type of trial election by charge (will require cross-reference)
- statutory review application: yes/no
- appeal to Court from Justice of the Peace: yes/no
- conviction: yes/no
- fine: yes/no; amount
- fine surcharge: yes/no; amount
- undertaking: specifics
- recognizance: specifics
- probation order: specifics (including community justice order)
- court orders (non-probation): specifics (including community justice orders)
- incarceration: specifics (duration, territorial/federal)
- appeal of sentence: yes/no
- decision overturned on appeal of sentence: yes/no
- who hears appeals
- time from charging to dispensation by Court (calculated according to dates in Court file)
- average docket size for criminal matters: average for selected months

### **Civil Case Data - File Review**

Similar to criminal case data, civil case data can be acquired from individual case files. For certain data, however, separate Court files will have to be accessed (e.g., wills probated). The volume of cases can be identified by totaling the number of case files. The sample months, including the baseline months of April, July, October 1999 and January 2000, should be the same as for criminal cases.

Civil case information can be compiled with regard to the following factors:

- nature of the claim: specify
- claim under \$5,000: yes/no
- defence(s): yes/no; specify number
- counter-claim(s): yes/no; specify number; specify nature
- cross claim(s): yes/no; specify number; specify nature
- third party claim(s): yes/no; specify number; specify nature
- default judgment: yes/no; specify number
- application(s): yes/no; specify number; specify nature
- motion(s): yes/no; specify number; specify nature
- pre-trial conference(s): yes/no; specify number
- trial: yes/no
- enforcement hearing: yes/no
- wills probated: specify numbers for sample month
- time from filing of claim to dispensation by Court (calculated according to dates in Court file)
- average docket size for civil matters: average for selected months

### **Family Case Data - File Review**

Similar to criminal and civil case data, family case data can be acquired from individual case files. For certain data, however, separate Court files will have to be accessed (e.g., ). The volume of cases can be identified by totaling the number of case files. The sample months, including the baseline months of April, July, October 1999 and January 2000, should be the same as for criminal and civil cases.

Family case information can be compiled with regard to the following factors:

- nature of the application: specify
- statute: specify
- motion(s): specify number
- petitions: specify number
- undefended actions: specify number
- interim orders: specify number
- final orders: specify number

- variances: specify number
- enforcement proceedings: specify number
- time from filing of application to dispensation by Court (calculated according to dates in Court file)
- average docket size for family matters: average for selected months

### **Average Caseloads**

Average caseloads can be calculated for the selected months for each year covered by the evaluation. The data can be acquired from the relevant sources:

- Judge and Justice of the peace caseloads - court files
- Crown Prosecutor caseloads - Justice Canada files
- Legal Aid caseloads - Legal Service Board files

### **Comparisons Over Time**

Each of the following comparisons will be based on the appropriate case files for the selected months for all years:

- Changes in numbers of criminal, civil and family cases
- Changes in numbers of emergency and *ex parte* motions
- Changes in the number of enforcement actions
- Changes in the number of claims matters.

**APPENDIX C:  
KEY INFORMANT INTERVIEWS**

## **KEY INFORMANT INTERVIEWS**

Key informant interviews will be held with the categories of respondent listed below. The number of respondents in each category will depend on two factors: first, on the availability of individuals during the course of the evaluation (e.g., judges); and, second, on the resources available for travel to meet with individuals (e.g., Justices of the Peace). Telephone interviews are not recommended.

- Judges
- Crown Prosecutors
- Defence counsel (private bar)
- Legal aid counsel, including Executive Director, Legal Services Board
- RCMP
- Justices of the Peace (sample)
- Court staff
  - Director of Courts
  - Manager, Court Operations
  - Manager, Administration
  - Administrator, Justice of the Peace Program
- Nunavut Department of Justice officials
  - Deputy Minister
  - Assistant Director, Community Justice
  - Regional Community Justice Specialists

The following are lists of information needs that should be built into interview schedules. The information needs correspond to questions identified in the Evaluation Framework. The evaluator will want to finalize the format of the interview schedules according to his/her practice.

### **Judges**

- Reasons for adjournments, remands and other delays
  - Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?
  - Under what circumstances are they being used?

- Do alternatives differ by community?
- Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
  - Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
  - Time required to process criminal, civil and family matters
  - Factors affecting case processing time and delays
  - If there has been a change in the number of preliminary inquiries, what are the reasons for the change?
  - Effectiveness of the judicial review process
  - Barriers to selecting juries
  - Time required to obtain a statutory review (prerogative writ) remedy and reasons
  - Reasons for use of pre-trials
  - Effects of pre-trials
  - Does the Court spend enough time in communities? Why or why not?
  - Effectiveness of JPs
  - Judicial caseloads
  - Deputy Judges - use and effectiveness
  - Adequacy of court facilities
  - Numbers of court staff adequate
  - Effectiveness of court staff; additional needs
  - Effectiveness of court information management system; additional needs
  - Effects of YCJA
  - Effectiveness of probation and parole services in communities
  - Adequate numbers of legal aid counsel, private bar
  - Adequacy of public legal education
  - Effectiveness of community justice committees
  - Needs of community justice committees
  - Ideal role for community justice committees
  - Goals for court - community justice relationship
  - Challenges for court in communities; e.g., translation, remand times
  - Cultural sensitivity and relevance of the Court
  - Effectiveness of the Court in meeting the needs of Nunavummiut

## **Crown Prosecutors**

- Reasons for adjournments, remands and other delays
- Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?
  - Under what circumstances are they being used?
  - Do alternatives differ by community?
  - Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
- Time required to process criminal matters
- Factors affecting case processing time and delays
- If there has been a change in the number of preliminary inquiries, what are the reasons for the change?
- Effectiveness of the judicial review process
- Barriers to selecting juries
- Reasons for use of pre-trials
- Effects of pre-trials
- Do Crown Prosecutors spend enough time in communities? Why or why not?
- Does the Court spend enough time in communities? Why or why not?
- Effectiveness of JPs
- Crown Prosecutor caseloads
- Deputy Judges - use and effectiveness
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Effects of YCJA
- Effectiveness of probation and parole services in communities
- Adequate numbers of legal aid counsel, private bar
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees
- Ideal role for community justice committees
- Goals for court - community justice relationship

- Challenges for court in communities; e.g., translation, remand times
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut

### **Defence Counsel (private bar)**

- Reasons for adjournments, remands and other delays
- Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?
  - Under what circumstances are they being used?
  - Do alternatives differ by community?
  - Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
- Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
- Time required to process criminal, civil and family matters
- Factors affecting case processing time and delays
- If there has been a change in the number of preliminary inquiries, what are the reasons for the change?
- Effectiveness of the judicial review process
- Barriers to selecting juries
- Time required to obtain a statutory review (prerogative writ) remedy and reasons
- Reasons for use of pre-trials
- Effects of pre-trials
- Does the Court spend enough time in communities? Why or why not?
- Effectiveness of JPs
- Defence counsel (private bar) caseloads
- Deputy Judges - use and effectiveness
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Effects of YCJA



- Effectiveness of probation and parole services in communities
- Adequate numbers of legal aid counsel, private bar
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees
- Ideal role for community justice committees
  - Goals for court - community justice relationship
  - Challenges for court in communities; e.g., translation, remand times
  - Cultural sensitivity and relevance of the Court
  - Effectiveness of the Court in meeting the needs of Nunavummiut

### **Legal Aid Counsel**

- Reasons for adjournments, remands and other delays
- Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?
  - Under what circumstances are they being used?
  - Do alternatives differ by community?
  - Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
- Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
- Time required to process criminal, civil and family matters
- Factors affecting case processing time and delays
- If there has been a change in the number of preliminary inquiries, what are the reasons for the change?
- Effectiveness of the judicial review process
- Barriers to selecting juries
- Time required to obtain a statutory review (prerogative writ) remedy and reasons
- Reasons for use of pre-trials
- Effects of pre-trials
- Does the Court spend enough time in communities? Why or why not?
- Effectiveness of JPs
- Legal aid caseloads - criminal, civil, family

- Deputy Judges - use and effectiveness
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
  - Effects of YCJA
  - Effectiveness of probation and parole services in communities
  - Adequate numbers of legal aid counsel, private bar
  - Adequacy of public legal education
  - Effectiveness of community justice committees
  - Needs of community justice committees
  - Ideal role for community justice committees
  - Goals for court - community justice relationship
  - Challenges for court in communities; e.g., translation, remand times
  - Cultural sensitivity and relevance of the Court
  - Effectiveness of the Court in meeting the needs of Nunavummiut

## **RCMP**

- Number of arrests by type of offence during the selected months
- Are police able to access a JP when required?
- Level of public understanding of the criminal court process
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Goals for court - community justice relationship
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut

## **Justices of the Peace**

- Reasons for adjournments, remands and other delays
- Are police able to access a JP when required?
- Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?

- Under what circumstances are they being used?
- Do alternatives differ by community?
- Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
- Time required to process criminal matters
- Factors affecting case processing time and delays
- Barriers to selecting juries
- Does the Court spend enough time in communities? Why or why not?
- JP caseloads
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Effects of YCJA
- Effectiveness of probation and parole services in communities
- Adequate numbers of legal aid counsel, private bar
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees
- Ideal role for community justice committees
- Goals for court - community justice relationship
- Challenges for court in communities; e.g., translation, remand times
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut

### **Court Staff**

- Reasons for adjournments, remands and other delays
- Level of public understanding of the criminal court process
- Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
- Time required to process criminal, civil and family matters
- Factors affecting case processing time and delays

- If there has been a change in the number of preliminary inquiries, what are the reasons for the change?
- Barriers to selecting juries
- Time required to obtain a statutory review (prerogative writ) remedy and reasons
- Reasons for use of pre-trials
- Effects of pre-trials
- Does the Court spend enough time in communities? Why or why not?
- Judicial caseloads
- Deputy Judges - use and effectiveness
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Effects of YCJA
- Adequate numbers of legal aid counsel, private bar
- Challenges for court in communities; e.g., translation, remand times
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut

### **Nunavut Department of Justice Officials**

- Alternatives to incarceration
  - Are they being used?
  - What kinds of alternatives are being used?
  - Under what circumstances are they being used?
  - Do alternatives differ by community?
  - Are alternatives effective? Why or why not?
- Level of public understanding of the criminal court process
- Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
- Time required to process criminal, civil and family matters
- Factors affecting case processing time and delays
- Effectiveness of the judicial review process
- Does the Court spend enough time in communities? Why or why not?

- Effectiveness of JPs
- Adequacy of court facilities
- Numbers of court staff adequate
- Effectiveness of court staff; additional needs
- Effectiveness of court information management system; additional needs
- Effects of YCJA
- Effectiveness of probation and parole services in communities
- Adequate numbers of legal aid counsel, private bar
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees
- Ideal role for community justice committees
- Goals for court - community justice relationship
- Challenges for court in communities; e.g., translation, remand times
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut

**APPENDIX D:  
COMMUNITY RESPONDENTS**

## **COMMUNITY RESPONDENTS**

It will be important for the evaluator to visit as many communities as the project budget will allow. There is significant variation across Nunavut in terms of culture, socio-economic conditions, and community capacity, particularly regarding community justice. It is recommended that the four regions - Kitikmeot, Kivalliq, north Baffin and South Baffin - be visited. At least one community from each region, in addition to Iqaluit, should be visited for purposes of meeting the local Justice(s) of the Peace, the Community Justice Committee, and other community residents. The five Regional Community Justice Specialists are able to assist in setting up meetings with the Community Justice Committees and other community residents. These meetings are best held on a group basis.

The issues that should be addressed at the community level are listed below.

### **Community Justice Committees**

- Does the Court refer cases to the Committee?
- What kinds of cases are referred - youth/adult, severity of offence
- How many cases are referred to the Committee by the Court?
- Justice Committee caseloads
- How does the referral process work?
- Is the referral process effective?
- Are communications between the Committee and the Crown Prosecutor effective? Why or why not?
- Do the judges communicate with the Committee?
- Level of public understanding of the criminal court process
- Time required to process criminal matters by the Court
- Barriers to selecting juries
- Challenges for court in communities; e.g., translation, remand times
- Does the Court spend enough time in communities? Why or why not?
- Effects of YCJA
- Effectiveness of probation and parole services in communities
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees

- Ideal role for community justice committees
- Goals for court - community justice relationship
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### **Community Residents**

- Level of public understanding of the criminal court process
- Level of understanding of litigants regarding procedures for accessing the Court and legal remedies
- Time required to process criminal matters by the Court
- Barriers to selecting juries
- Challenges for court in communities; e.g., translation, remand times
- Does the Court spend enough time in communities? Why or why not?
- Effectiveness of probation and parole services in communities
- Adequacy of public legal education
- Effectiveness of community justice committees
- Needs of community justice committees
- Ideal role for community justice committees
- Goals for court - community justice relationship
- Cultural sensitivity and relevance of the Court
- Effectiveness of the Court in meeting the needs of Nunavummiut.