



Ministry of
Attorney General
and Minister Responsible for
Multiculturalism

2009/10–2011/12
Service Plan

February 2009



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Message from the Minister and Accountability Statement

I am pleased to present the Ministry of Attorney General service plan for 2009/10 - 2011/12. This plan is based on the Ministry's commitments to increasing access to the justice system, excellence in legal service and supporting communities in welcoming diversity.

2009/10 will mark the third year of the Ministry's Justice Transformation agenda. As part of this agenda we have opened and then expanded the Justice Access Centre in Nanaimo, launched the Community Court in Vancouver and piloted Prolific Offender Management programs in six British Columbia communities. This year we are looking forward to initiatives such as the opening of the Vancouver Justice Access Centre, the continuation of the streamlined small claims pilots, and the new Fraser Region Bail Reform Pilot.

The Province of British Columbia continues to be a leader of using technology to enable increased access to justice. We will continue to build on successes, such as ECourt Services Online and videoconferencing, that enable greater access to the justice system.

Communities in British Columbia are increasingly culturally, racially and linguistically diverse with immigrants now accounting for approximately 28 per cent of our population. This highlights the importance of our work to promote inclusive communities where diversity is accepted, understood and honoured.

The Ministry has skilled and committed staff dedicated to access to justice for all British Columbians. We will continue to work together with stakeholders and across government to achieve the goals outlined in this plan.

The Ministry of Attorney General 2009/10 – 2011/12 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 February 12, 2009, have been considered in preparing the plan and I am accountable for achieving the specific objectives in the plan.

A handwritten signature in black ink, appearing to read 'Wally Oppal'.

Honourable Wally Oppal
Attorney General and Minister Responsible for Multiculturalism
February 12, 2009

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Purpose of the Ministry

The Attorney General is the law officer of the Crown and has a legal duty to see that the administration of public affairs is in accordance with the law. As the Minister Responsible for Multiculturalism, the Attorney General supports and promotes multiculturalism and inclusive communities across the province.

The Ministry is responsible for legal services in two separate and distinct areas - the independent prosecution of criminal matters and the provision of legal services to government.

Our Key Priorities

Justice Transformation — Early Solutions and Faster Justice
Promote Multiculturalism and Inclusive Communities

Prosecutions are conducted by Crown counsel who, following a police investigation, independently consider whether there is substantial likelihood of conviction based on the available evidence, and, if so, whether the public interest requires a prosecution.

What we do:

- *Give legal advice to government.*
- *Represent government before courts and tribunals.*
- *Prosecute criminal matters.*
- *Fund Legal Aid and Family Maintenance Enforcement.*
- *Provide family justice counselling.*
- *Provide services for the operation of the courts.*
- *Draft legislation.*
- *Fund the Human Rights system.*
- *Fund and deliver multiculturalism and anti-racism initiatives*

What we don't do:

- *Give legal advice to or represent individuals or groups outside government.*
- *Pay directly for individuals or groups to have legal representation.*
- *Interfere with decisions of judges, Crown counsel, or administrative tribunals.*

The Ministry provides civil legal services to Cabinet, ministries and certain public agencies to assist them in fulfilling their business objectives in accordance with the rule of law.

We provide and fund justice services that enable disputes to be settled out of court. In consultation with the Legal Services Society, we manage the provincial funding of legal aid. The Family Maintenance Enforcement Program assists in the collection of child and spousal maintenance from spouses who have not honoured their support payment obligations.

The Ministry leads criminal, civil, family and administrative justice transformation to promote early solutions to problems and faster justice. Our responsibilities also include the province's human rights system and policy support for government's democratic reform priorities. The Ministry also provides court services, such as facilities, registry services, and security, to British Columbia courts: the British Columbia Court of Appeal (in four locations), the British Columbia Supreme Court (in 26 locations) and the Provincial Court of British Columbia (in 87 locations). Ninety-eight per cent of British Columbians live within one hour of travel time to a court.

The Ministry leads the design and delivery of multicultural programs through third party agencies. It also funds communities and organizations to promote multiculturalism and eradicate racism.

Strategic Context

Significant external factors influence the Ministry's operations and its ability to achieve its goals.

Justice System

Access to justice is one of the most fundamental values in a democratic society. It is also one of the most constant challenges of the justice system.

The ministry is only one of many participants in the justice system and does not have full control or authority over that system. The Criminal Code of Canada is federal legislation administered by the province. Criminal, civil and family justice system participants such as judges, the police, lawyers and Crown counsel must act and make decisions independently and free from interference. Yet all participants must work together to ensure a fair system that serves the public interest and is open to public scrutiny.

Rule of Law

The rule of law is a fundamental principle in a free and democratic society. It means that only laws properly made or created can affect or limit our freedom. No person is above the law and we are all protected by the law and its process.



Vancouver Court House

Crimes are becoming increasingly complex. Crimes such as gang violence, organized crime, and technology-based crimes such as child pornography, debit and credit card fraud, and identity theft are difficult to prosecute. The hardening of the criminal population (longer criminal records, more serious crime and increased incidence of mentally disordered criminals) also adds to prosecution complexity. There are heightened requirements for electronic information management and the overall security of the justice system.

Longer delays, increasing costs and complexities in the civil and family justice systems continue to call for significant justice reforms. It is estimated the cost of an average three day trial in British Columbia's Supreme Court has risen 250 per cent in the last ten years to approximately \$60,000. Most British Columbians cannot afford such costs.

This strategic context continues to drive the Ministry's pursuit of justice system transformation, including pioneering the use of technology. For example, Court Service Online improves court access by enabling individuals to electronically search civil and criminal files and to electronically file documents on civil files. Increased use of videoconferencing reduces prisoner movement and lowers costs for witness appearances.

Legal Services

Government's strategic and policy priorities contribute to the need for legal services. The nature of public service law and the volume and complexity of civil legal issues affecting government also increases the demand for legislative drafting services, representation of government before courts and tribunals and the provision of legal advice to government. Legal advice is also required both to support sound project planning and implementation, and to defend statutory decisions when challenged on judicial review.

Multiculturalism and Inclusive Communities

Immigrants account for almost 28 per cent of the province's population. Immigration into British Columbia continues to grow, increasing cultural, racial and linguistic diversity.

Specifically, the 2006 Canadian Census shows the following for British Columbia:

- Of the more than a million immigrants who came to Canada in the past five years, 177,800 (or 16 per cent) came to British Columbia.
- Close to five per cent of the British Columbia population self-identified as Aboriginal.
- The proportion of British Columbians who self-identified as a 'visible minority' increased to 25 per cent in 2006 from 21 per cent in 2001.
- Between 2001 and 2006, the percentage of British Columbians whose mother tongue is neither English nor French increased from 22 per cent to 27 per cent.

Climate Change

As a large Ministry operating court houses and transporting prisoners, government's leadership in addressing climate change has significant implications for Ministry operations. The *Greenhouse Gas Reduction Targets Act* requires that government operations be carbon neutral by 2010. The Ministry is implementing a Climate Action Plan to reduce its greenhouse gas emissions.

People and Service

As with other employers, the public service is facing the reality of increasing retirement rates, increasing competition for skilled employees and increasing demands for service from the public while maintaining our fiscal responsibilities.



Green Team Second Anniversary Event

Goals, Objectives, Strategies and Performance Measures

Goal 1: The Best Justice System in Canada

Objectives

- 1.1 Fair, just and impartial justice service
- 1.2 Accessible and efficient justice services
- 1.3 Safe, timely, and reliable justice services
- 1.4 Continually improved law and justice processes
- 1.5 Public has knowledge of and understands the justice system



*Deputy Attorney General at
Oath of Employment Ceremony*

Independence of the Justice System

A free and democratic society based on the rule of law must have a justice system where judges and other participants in the justice system, such as police and Crown counsel, make decisions free of interference or control by others, including government. This independence is central to having a fair system that operates in the public interest.

Strategies

The Ministry's strategic priorities to advance these objectives are:

Justice Transformation - In 2006/07, the Ministry received approval for funding on a pilot basis for justice transformation initiatives. With this funding, projects have been undertaken to support a problem solving approach to justice, earlier resolution of cases, and improved public confidence in the justice system.

Civil and Family Justice Systems

Justice Access Centres - Front end, accessible justice information and service ‘hubs’ provide people with assessment, information, advice, referral and other services they require to help solve their civil and family legal problems. The Nanaimo Family Justice Services Centre was expanded to include civil justice services in the Fall of 2008. A second Justice Access Centre is scheduled to open in Vancouver later in 2009.

The Justice System in British Columbia

The ***Criminal Justice System*** works to stop crime from happening and addresses it quickly when it does occur; it brings offenders to justice with resolutions focused on reducing and tackling the causes of crime. The major components of the criminal justice system are: police, prosecution, legal aid, courts, judiciary, and corrections.

Both the ***Civil and Family Justice Systems*** touch everyone in the province and help private parties solve legal problems and disputes. This may involve going to court or making use of other dispute resolution processes such as mediation.

The ***Civil Justice System*** handles issues such as negligence or personal injury, small claims, commercial and corporate disputes, and enforcement of rights.

The ***Family Justice System*** handles issues such as divorce and matters affecting children.

Through the ***Administrative Justice System*** British Columbia’s Administrative Tribunals help resolve disputes between private parties and also between individuals and government. They may decide matters ranging from individual liberty to property values. They regulate complex economic activities and resolve disputes about public affairs such as the environment and public safety.



Expansion of Nanaimo Justice Access Centre

Streamlining Small Claims Court Proceedings - A simplified trial process before a Justice of the Peace for claims under \$5,000 is being tested in Vancouver's Robson Square and Richmond. At Robson Square, a summary trial process before a Provincial Court judge for simple debt claims of any value, mandatory mediation for claims between \$5,000 and \$25,000, and a “night court” for simplified trials are also being tested.

Civil and Family Law Reform - Simplify, modernize, and update the law, including a multi-year review of the *Family Relations Act* and an ongoing review of various civil law statutes including advancing a *Wills, Estates and Succession Act*.

Court Rule Reform

- *Supreme Court Family Rules* - Reform Family Court process by creating a new set of simplified and streamlined Supreme Court Rules that are harmonized, to the greatest extent possible, with Provincial Court Rules.
- *Supreme Court Civil Rules* - Streamline litigation practice so that it is proportionate, focused on the true issues and less costly to the citizen.

Criminal Justice System

Criminal Justice Reform

- *Community Court* - Opened in September 2008 to bring into one place prosecution, defence, corrections, victims services, health, housing and social services agencies to hold offenders accountable in a more timely way, and also to help them break their cycle of crime. The court will work with about 1,500 offenders each year and provide the services they need to treat the issues (such as homelessness, addictions and mental illness) that drive their criminal activities.
- *Prolific Offender Management* - Enforcement and social service agencies¹ in six pilot communities are working together to test a coordinated approach to reducing crime through more intensive management of the small number of offenders who commit a large proportion of crime. Evidence demonstrates that focusing law enforcement on prolific offenders while referring them to services that address the root causes of criminal behaviour has broad benefits for communities by reducing crime rates and chronic criminal behaviour. This two- year project was started in six pilot communities in the Spring of 2008.
- *Bail Reform* - Increase efficiency and effectiveness of bail processes. Successful reform will mean: better information and decision making; earlier releases where appropriate; reduced transport of accused; reduced incidents in which the accused are released away from their home community; and fewer interruptions to scheduled court events leading to fewer trial delays. The project was launched in three communities in the Peace District in the Fall of 2008; weekend and daytime pilots will be launched in the Fraser Region in 2009.



Opening of Community Court

¹ Ministries of Attorney General, Public Safety and Solicitor General, Housing and Social Development, Children and Family Development, Health Services and BC Housing, RCMP, municipal police, health authorities, federal corrections and other related agencies

- *Justice Efficiencies* - Research and consultation to identify sources of delay and inefficiency throughout the criminal justice system, and recommend reforms.
- *Provincial Community Safety Steering Committee* – The Committee represents agencies responsible for criminal justice, health and social service operations in British Columbia at the provincial, federal and municipal levels. It is a forum to consider emerging issues and trends in the justice system and to seek opportunities for effective inter-agency collaboration.

Federal Criminal Justice Reform Advocacy - Focused and effective advocacy to achieve national level criminal justice reforms and an improved Canadian criminal justice system. The ministry works to ensure that BC's interests and priorities are reflected in federal justice policies and legislation. Current priorities include improving justice system effectiveness; establishing a national chronic offender initiative; addressing the large number of missing and murdered women; reducing the production and dangerous use of synthetic drugs; reforming federal legislation to address cyber-crime; and improving federal youth justice legislation.

Performance Measure 1: Public Confidence in the Justice System

Performance Measure	2006/07 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	46.5%	47%	51%	53%	55%
Data Source: BC Omnibus Survey conducted by BC Statistics.					
Note: In the 2006/07 and 2007/08 Service Plans the data source for this baseline was the Statistics Canada 2003 General Social Survey on Social Engagement. (Cycle 17).					

Discussion

Public confidence in the justice system is a key indicator of an effective justice system. This performance measure gauges long- term trends in societal perceptions of the justice system. It is also being used by the Ministry of Public Safety and Solicitor General.

The forecast and targets are based on the averaged (rounded) public confidence results from the 2007/08 monthly BC Omnibus Survey conducted by BC Statistics. The margin of error is +/- 2.2 percent. The BC Omnibus Survey uses a subset of the survey questions from the Statistics Canada 2003 General Social Survey on Social Engagement.



Performance Measure 2: Perceptions of the Criminal Justice System

Performance Measures	2006/07 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job ² of:					
Providing justice quickly	13%	15%	19%	21%	22%
Helping the victim	13%	15%	19%	21%	22%
Determining whether or not the accused is guilty	28%	30%	34%	36%	38%
Ensuring a fair trial for the accused	52%	54%	58%	60%	62%
Data Source: BC Omnibus Survey conducted by BC Statistics.					
Note: In the 2006/07 and 2007/08 Service Plans the data source for the baseline was the Statistics Canada 2004 General Social Survey on Victimization (Cycle 18).					

Discussion

Public perceptions of specific functions of the criminal courts are indicators of an effective criminal justice system and may contribute to understanding the sources of public confidence in the criminal justice system.

The forecast and targets are based on the averaged (rounded) public confidence results from the 2007/08 monthly BC Omnibus Survey conducted by BC Statistics. The margin of error is +/-2.2 percent. The BC Omnibus Survey uses a subset of the survey questions from the Statistics Canada 2004 General Social Survey on Victimization (Cycle 18).

² Roughly 54 percent of respondents perceive the criminal courts are doing an average or good job providing justice quickly and helping the victim. Approximately 80 percent of respondents perceive that the criminal courts are doing an average or good job determining whether the accused is guilty and 92 percent perceive the criminal courts are doing an average or good job of ensuring a fair trial for the accused.

Performance Measure 3: Perceptions of the Civil and Family Justice Systems

Performance Measures	2007/08 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of British Columbians 15 years and older who perceive that the civil and family justice system does a good job of: ³					
Providing justice quickly	10%	12%	14%	16%	18%
Helping parties solve their problems	16%	18%	20%	22%	24%
Determining the appropriate outcomes of disputes	16%	18%	20%	22%	24%
Ensuring a fair process for all parties	23%	25%	27%	29%	31%
Ensuring access to justice for all parties	24%	26%	28%	30%	32%
Data Source: BC Omnibus Survey conducted by BC Statistics.					

Discussion

Public perceptions of specific functions of the civil and family justice system are indicators of an effective justice system and may contribute to understanding the sources of public confidence in the civil and family justice system.

The forecast and targets are based on the averaged (rounded) results from the 2007/08 monthly BC Omnibus Survey conducted by BC Statistics. The average margin of error is +/-2.17 per cent, and

³ Roughly 66 percent of respondents perceive the civil and family justice system are doing an average or good job of performing these functions.

there are two and a half times as many ‘don’t know’ responses as in the criminal justice survey (measure 2). The higher margin of error is due to the number of ‘don’t know’ responses. The high number of ‘don’t know’ responses provides valuable information and will continue to be monitored.

Performance Measure 4: Timeliness of Criminal Case Conclusion

Performance Measure	2006/07 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Median time to conclude provincial criminal cases	82 days	89 days	79 days	78 days	77 days
Data Source: Court Services Branch criminal MIS system (CORIN). This data is from April 1, 2006 to March 31, 2007.					

Discussion

Timeliness in reaching case conclusion is an indicator of an effective criminal justice system and may contribute to public confidence in the justice system. This measure includes all criminal adult and youth provincial court cases completed in each fiscal year and reports on the median time it takes from the date information is sworn to the conclusion date.



Court Houses across British Columbia

Performance Measure 5: Timeliness of Civil and Family Cases

Performance Measures	2006/07 Baseline	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Median time to settlement conference for Small Claims Cases in Provincial Court..	153 days	155 days	148 days	147 days	146 days
Median time to trial for Civil Small Claims in Provincial Court..	296 days	295 days	287 days	284 days	281 days
Median time for Family Cases to reach first order.	90 days	88 days	87 days	86 days	85 days
Data Source: Courts Electronic Information System. This data is from April 1 2006 to March 31, 2007					

Discussion

Timeliness in small claims and family cases is an indicator of an effective civil and family justice system and may contribute to public confidence in the justice system.



Median Time to Small Claims Settlement Conference:

This measure reports the median time between opening a case and the first settlement conference for small claims in Provincial Court. Small claims are cases valued at \$25,000 or less. In 2007/08, 53 per cent of small claims cases reached settlement conference within six months.

Median Time to Small Claims Trial:

This measure reports the median time it takes small claims cases to reach the trial stage in Provincial Court. In 2007/08, 10 per cent of small claims trials were held within six months and 58 per cent were held within 12 months.

Family Cases to First Order:

This measure reports the median time between the filing of an Application to Obtain an Order (or Application to Change/Cancel an Order) and the date the first corresponding order is granted. In 2007/08, 62 per cent of family matters were granted an order within six months and 75 per cent were granted an order within 12 months.

Goal 2: Excellent Legal Services to Government

Objective

2.1 Timely, relevant and innovative legal advice

Strategies

The Ministry's strategic priorities over the next three years to advance these objectives are:

Interdisciplinary Excellence - Extending the team approach piloted with the Climate Action Legal Team to foster centers of interdisciplinary excellence in other areas of the public sector practice of law.

Client Focused Legal Services Delivery - Strengthening client focused legal service delivery by approaching clients' legal issues with a comprehensive understanding of their business and supporting the client to find solutions and identify strategies that will help achieve their goals in accordance with the law.

Performance Measure 6: Satisfaction with Legal Services

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of clients satisfied with quality, timeliness and consistency of services	87%	89%	90%	90%
<p>Data Source: Legal Services Branch Client Satisfaction Survey. BC Statistics Survey to be conducted between January and March 2009. The forecast is based on past results of similar surveys.</p> <p>Note: This performance measure represents the average of the overall satisfaction rating which is based on five questions that ask, 'What is your overall satisfaction with the service,' (Solicitors, Barristers, Legislative Counsel, Outside Counsel and Service Level Agreements).</p>				

Discussion

The Ministry delivers legal services to government on the basis of service level agreements with each ministry and agency. These agreements set out the services that are to be delivered and the costs of the services. Client satisfaction with services is the performance measure to determine the quality of legal services being provided.

Goal 3: Communities in British Columbia are inclusive and take pride in multiculturalism

Objective

3.1 Individuals feel a sense of belonging and acceptance within their communities.

Strategies

The Ministry's strategic priorities over the next three years to advance this objective are:

Promote Multiculturalism in British Columbian Communities - Provide opportunities for diverse sectors and groups to promote multiculturalism through collaboration and partnerships. Support cultural diversity training.



Build Anti-racism Knowledge and Capacity in British Columbian Communities - enable capacity for British Columbian communities to address racism and hate in their neighbourhoods. Provide advice to local governments and workplaces on anti-racism and strengthening cultural competencies.

Resource Summary Table

Core Business Area	2008/09 Restated Estimates ¹	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Operating Expenses (\$000)				
Justice Transformation	8,771	9,617	4,708	390
Justice Services	101,330	102,879	102,073	102,071
Prosecution Services	108,049	109,625	112,167	106,781
Court Services	145,719	145,804	140,359	136,776
Legal Services	18,334	17,956	19,256	19,239
Multiculturalism and Inclusive Communities	675	667	667	667
Executive and Support Services	59,487	65,848	64,064	62,361
Judiciary	68,135	69,282	70,590	70,590
Crown Proceeding Act	24,500	24,500	24,500	24,500
BC Utilities Commission	1	1	1	1
Special Account (Public Guardian & Trustee)	10,453	10,215	10,293	10,293
Total	545,454	556,394	548,678	533,669
Full-time Equivalents (Direct FTEs)				
Justice Transformation	60	56	22	3
Justice Services	177	178	178	178
Prosecution Services	767	768	725	661
Court Services	1,300	1,341	1,300	1,240
Legal Services	424	424	424	424
Multiculturalism and Inclusive Communities	5	5	5	5
Executive and Support Services	243	245	254	254
Judiciary	389	387	387	387
Crown Proceeding Act	0	0	0	0

Ministry of Attorney General

BC Utilities Commission	28	28	28	28
Special Account (Public Guardian & Trustee)	234	234	234	234
Total	3,627	3,666	3,557	3,414
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Justice Transformation	0	0	0	0
Justice Services	300	0	0	0
Prosecution Services	300	0	0	0
Court Services	5,129	0	0	0
Legal Services	150	0	0	0
Multiculturalism and Inclusive Communities	500	0	0	0
Executive and Support Services	900	1,332	1,817	3,654
Judiciary	750	636	636	1,106
Crown Proceeding Act		0	0	0
BC Utilities Commission	12	12	12	12
Special Account (Public Guardian & Trustee)	500	500	500	500
Total	8,541	2,480	2,965	5,272
Other Financing Transactions (\$000)				
Executive and Support Services - Interest on Trusts and	0	0	0	0
Receipts	(1,806)	(1,200)	(1,300)	(1,300)
Disbursements	1,806	1,200	1,300	1,300
Net Cash Source (Requirements)	0,000	0,000	0,000	0,000
1 Amounts have been restated, for comparative purposes only, to be consistent with Schedule A of the 2009/10 Estimates.				

Ministry Contact Information

For more information on the British Columbia Ministry of Attorney General and Minister Responsible for Multiculturalism:

visit our website at: <http://www.gov.bc.ca/ag/>

call or write the: Ministry of Attorney General Communications Branch

PO Box 9206 Stn Prov Govt

Victoria BC V8W 9J1

250 387-4090

Call the following headquarters numbers:

Court Services Branch	250 356-1550
Deputy Attorney General.....	250 356-0149
Family Justice Information Line	1 888 216-2211
Multiculturalism and Inclusive Communities Office.....	604 660-2203

For other contact information, please call Enquiry BC at:

250 387-6121 in Victoria or Toll-Free at 1 800 663-7867

Hyperlinks to Additional Information

Ministry of the Attorney General Legislation:

<http://www.ag.gov.bc.ca/legislation/AG-legislation.htm>

Crowns, Agencies, Boards and Commissions:

<http://www.ag.gov.bc.ca/abc>

