

**Ministry of
Attorney General**

**2009/10 – 2011/12
SERVICE PLAN UPDATE**

September 2009



For more information on the British Columbia
Ministry of Attorney General
see Ministry Contact Information on Page 20 or contact:

Ministry of Attorney General:

PO BOX 9206
STN PROV GOVT
VICTORIA, BC
V8W 9N3

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

Published by the Ministry of Attorney General



Queen's
Printer BC

Message from the Minister and Accountability Statement



I have the honour of submitting the Ministry of Attorney General Service Plan Update for 2009/10 – 2011/2012.

On February 13, 2009, the Premier announced funding for ten new prosecutors, along with more police, as part of a comprehensive initiative to strengthen B.C.'s fight against gang and gun violence. I am pleased to state that prosecutors have been hired and are actively working with police on major gang cases, focusing especially on providing legal advice in critical stages of investigations to ensure appropriate cases can be prosecuted successfully.

This Plan also outlines the Ministry's justice reform priorities. In the civil and family justice system, we are developing a second Justice Access Centre, located in Vancouver. The Centre will provide a hub for individuals to access a variety of resources, such as legal information, referrals and mediation services to help them solve family issues. New civil and family court rules, which will come into effect on July 1, 2010, will support British Columbians' access to justice with the reduction of time, cost and complexity of litigation in B.C.

Our criminal justice reform work centres on operating the Community Court and related initiatives such as the Prolific Offender Management pilot project. This work aims to reduce the criminal behaviour of offenders, through either incarceration or treatment for the underlying issues driving their criminal behaviour.

I look forward to working with the Ministry to make significant progress toward earlier solutions and faster justice.

The Ministry of Attorney General *2009/10 – 2011/12 Service Plan Update* 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 August 24, 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 'Michael de Jong'.

Michael de Jong, Q.C.
Attorney General and
Government House Leader

August 24, 2009

Table of Contents

Message from the Minister and Accountability Statement	3
Purpose of the Ministry	5
Strategic Context	7
Goals, Objectives, Strategies and Performance Measures	9
Resource Summary Table.....	18
Ministry Contact Information	20
Hyperlinks to Additional Information.....	20

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.

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.

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.*

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 89 locations). Ninety-eight per cent of British Columbians live within one hour of travel time to a court.



Courthouses across British Columbia

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.



Vancouver Courthouse

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.

About 50 per cent of reported crimes in British Columbia are committed by about 10 per cent of offenders. A number of criminal justice reform projects aim to address the underlying causes of criminal behaviour, which are often driven by health and social issues.

A 2006 review of bail statistics by the Provincial Court of British Columbia found in almost 40,000 of the approximately 107,000 bail appearances no bail decision was made. Inefficient use of court resources leads to unnecessary prisoner transfers and delays in bail decisions.

Cost, delay and complexity are seriously limiting access to the civil and family justice system. An average Supreme Court trial lasts five days and costs well over \$60,000 (the median after tax annual

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.

income for an average BC household)¹. This is an increase of 250 per cent in the last ten years. Within the family court system the average time between the filing and resolution of a family law case is 272 days. The Ministry continues to work towards a civil and family justice system that is more accessible, effective and oriented toward the needs of British Columbians.

This strategic context continues to drive the Ministry's pursuit of justice system transformation, including pioneering the use of technology. For example, Court Services 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.

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 Carbon Neutral Action Plan to reduce its greenhouse gas emissions.

Managing Staffing Costs

Managing staffing costs has always been one of the prime considerations in maintaining overall government affordability, and since 2001 this government has been diligent in reviewing staff spending each year. This is particularly true in these current economic times. All governments are in the similar position of having to balance spending and service levels against revenues that have declined over the past year in this extraordinary fiscal climate.

Staffing costs can be managed through removal of unfilled positions, retirements, staff efficiencies gained through coordination and collaboration across government, administrative program changes and, if necessary, a reduction in the staffing budget. In the 2010/11 budget, we will be managing staffing costs in the context of the current economic climate, examining all opportunities to continue to reduce these costs where possible. In the 2009/10 budget every effort has been made to preserve high staffing levels for frontline services.

In future years, government will continue to review its staffing budget to ensure those resources are allocated prudently, efficiently and toward government's key priorities.

¹ Statistic Canada, 2006 Median after tax income by selected family types — British Columbia

Goals, Objectives, Strategies and Performance Measures

Goal 1: The Best Justice System in Canada

Objectives

- 1.1 Fair, just and impartial justice services
- 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 2007/08, the Ministry received three years of funding for Justice Transformation pilot projects. 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 forming a Justice Access Centre in the Fall of 2008. A Vancouver Justice Access Centre is under development.

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. The new family rules will come into effect on July 1, 2010.
- *Supreme Court Civil Rules* - Streamline litigation practice so that it is proportionate, focused on the true issues and less costly to citizens. The new civil rules will come into effect on July 1, 2010.



Announcement of new Supreme Court Civil and Family Rules. From L-R: Task force chair William Everett, B.C. Supreme Court Chief Justice Donald Brenner, Attorney General Michael de Jong and former Attorneys General Geoff Plant and Wally Oppal.

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 approximately 2,000 offenders each year and connect them to the services they need to treat the issues (such as homelessness, addictions and mental illness) that drive their criminal activities. This pilot initiative allows the Ministry to test non-traditional approaches and the lessons learned may inform broader changes in the justice system.

- *Prolific Offender Management* - Enforcement and social service agencies² 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 the Spring of 2008 and will be evaluated. The key objective of the pilot is to reduce the criminal behaviour of these offenders, whether through incarceration or treatment for the underlying issues driving their criminal behaviour.
- *Bail Reform* - The bail reform project is designed to provide better access to information to improve the decisions on bail, earlier access to counsel to expedite hearings and using videoconference technology for the interview and hearing process to avoid the necessity of transporting an accused to a courthouse for a hearing. The project was launched in three communities in the Fall of 2008 in the Peace Region (Dawson Creek, Fort St. John and Fort Nelson), and a weekend pilot was launched in Surrey and Delta in January 2009.
- *Justice Efficiencies* – This project commenced with research conducted by the International Centre for Criminal Law Reform and Criminal Justice Policy to identify sources of delay and

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.

² 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, Correctional Service of Canada, Public Prosecution Service of Canada, and other related agencies.

inefficiency throughout the criminal justice system, and recommend reforms. The research has led to a consultation process with senior representatives of all agencies and branches involved in the criminal justice system to develop initiatives to make the criminal justice system more efficient.

Federal Criminal Justice Reform Advocacy - Focused and effective advocacy is needed to achieve national level criminal justice reforms and an improved Canadian criminal justice system. Current priorities include: federal law reform aimed at combating organized crime and gang violence; reducing unnecessary delays in the justice system; reforming federal legislation to address cyber-crime, including modernizing lawful access and wiretap legislation; improving federal youth justice legislation; cracking down on the production, trafficking, and use of synthetic drugs; and updating evidence disclosure practices.

Performance Measure 1: Public Confidence in the Justice System

Performance Measure	2006/07 Baseline	2008/09 Actual	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%	44%	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 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 Actual	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 ³ of:					
Providing justice quickly	13%	11%	19%	21%	22%
Helping the victim	13%	13%	19%	21%	22%
Determining whether or not the accused is guilty	28%	26%	34%	36%	38%
Ensuring a fair trial for the accused	52%	49%	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 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).

³ If you include those respondents who perceive the criminal courts are doing an average or good job: 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 Actual	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: ⁴					
Providing justice quickly	10%	12%	14%	16%	18%
Helping parties solve their problems	16%	14%	20%	22%	24%
Determining the appropriate outcomes of disputes	16%	15%	20%	22%	24%
Ensuring a fair process for all parties	23%	22%	27%	29%	31%
Ensuring access to justice for all parties	24%	23%	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 there are two and a half times as many ‘don’t know’ responses as in the criminal justice survey

⁴ Roughly 66 percent of respondents perceive the civil and family justice system are doing an average or good job of performing these functions.

(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 Actual	2009/10 Target	2010/11 Target	2011/12 Target
Median time to conclude provincial criminal cases	82 days	85 days	79 days	78 days	77 days
Data Source: Court Services Branch criminal MIS system (CORIN).					

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.

Performance Measure 5: Civil and Family Timeliness

Performance Measures	2006/07 Baseline	2008/09 Actual	2009/10 Target	2010/11 Target	2011/12 Target
Median time to settlement conference for Small Claims Cases in Provincial Court	153 days	171 days	148 days	147 days	146 days
Median time to trial for Civil Small Claims in Provincial Court	296 days	320 days	287 days	284 days	281 days
Median time for Family Cases to reach first order	90 days	96 days	87 days	86 days	85 days
Data Source: Courts Electronic Information System.					

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 this objective 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 ¹	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of clients satisfied with quality, timeliness and consistency of services	87%	89%	90%	90%

Data Source: Legal Services Branch Client Satisfaction Survey.

¹ The Ministry was not able to conduct the survey in 2008/ 2009; results will be available for 2009/10. The forecast is based on past results of similar surveys.

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).

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.

Resource Summary

Full Time Equivalent (FTE) numbers for each Ministry are currently being reviewed across government and therefore are not reported in this Service Plan Update. FTEs are routinely reported in the Public Accounts and more detailed information will now be publicly reported in a new Annual Report on the Corporate Human Resource Plan, released each fall. For more information, see the Budget and Fiscal Plan documentation.

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	9,362	4,542	365
Justice Services	101,317	104,617	103,345	103,967
Prosecution Services	108,049	119,595	120,037	114,686
Court Services	145,706	143,702	139,931	139,002
Legal Services	18,153	17,161	18,521	18,799
Executive and Support Services	45,559	49,662	49,411	48,465
Judiciary	68,135	69,081	70,392	70,391
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	9,978	10,039	10,039
Total	530,644	547,659	540,719	530,215
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Justice Transformation				
Justice Services	300			
Prosecution Services	300			
Court Services	5,129			

Core Business Area	2008/09 Restated Estimates ¹	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Legal Services	150			
Executive and Support Services	887	2,926	1,681	2,721
Judiciary	750	750	330	540
Crown Proceeding Act				
BC Utilities Commission	12	10	10	10
Special Account (Public Guardian & Trustee)	500	500	500	500
Total	8,028	4,186	2,521	3,771
Other Financing Transactions (\$000)				
Executive and Support Services - Interest				
Receipts	(1,806)	(1,200)	(1,300)	(1,300)
Disbursements	1,806	1,200	1,300	1,300
Net Cash Source (Requirements)	0	0	0	0
1 Amounts have been restated, for comparative purposes only, to be consistent with Schedule A of the 2009/10 Estimates.				

Note: Executive and Support Services holds the capital budget for all core businesses, except Judiciary, *Crown Proceeding Act*, BC Utilities Commission, and Public Guardian and Trustee

Ministry Contact Information

For more information on the British Columbia Ministry of Attorney General

visit our website at: 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
Criminal Justice Branch	250 387-3840
Family Justice Information Line	1 888 216-2211

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:

www.ag.gov.bc.ca/legislation/AG-legislation.htm

Crowns, Agencies, Boards and Commissions:

www.ag.gov.bc.ca/abc