

Ministry of
Attorney General

2009/10
Annual Service Plan Report



Ministry of Attorney General

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Published by the Ministry of Attorney General

Message from the Minister and Accountability Statement



It is with pleasure that I introduce the Ministry of Attorney General *2009/10 Annual Service Plan Report*.

This plan reflects the current work of the Ministry, our achievements of the past year and the strategies to build on those achievements. The justice system is a vital component of a democratic society and a foundation of a just and prosperous province. The Ministry of Attorney General plays a key role in strengthening this foundation.

The Ministry continues to implement a number of projects to increase the accessibility and responsiveness of the justice system and ultimately to enhance public confidence in the system. Projects underway include the Vancouver Downtown Community Court, the Prolific Offender Management Project and Bail Reform. The aim of these projects is to reduce the criminal behaviour of offenders through either incarceration or treatment for the underlying issues driving criminal behaviour.

The Ministry continues to support BC's fight against gang and gun violence. A specialized team of senior Crown Counsel are actively working with police and other investigative agencies on major gang cases, focusing on providing legal guidance at critical stages of investigations to ensure cases can be prosecuted as successfully as possible.

Our Nanaimo Justice Access Centre continues to bring access to early solutions to those with civil and family justice issues. The new Supreme Court civil and family rules will come in effect July 1, 2010. These new rules will support British Columbians' access to justice by reducing the time, cost and complexity of litigation.

In order to make the justice system more open and understandable to British Columbians, the Ministry has begun to explore ways to open up the courts to allow broader public and media access to justice system information. The ultimate goal of the Ministry's work is to make the British Columbia's justice system recognized by the public as accessible, affordable, fair and responsive.

These and many other accomplishments are a testament to the dedication and professionalism of those working in the Ministry.

Ministry of Attorney General

The Ministry of Attorney General *2009/10 Annual Service Plan Report* compares the actual results to the expected results identified in the Ministry's *2009/10 - 2011/12 Service Plan Update*. I am accountable for those results as reported.

A handwritten signature in black ink, appearing to read 'M. de Jong', with a stylized flourish at the end.

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

June 23, 2010

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Highlights of the Year

Highlights of the Ministry of Attorney General's achievements in 2009/10 include:

Combating Gangs and Guns

Due to Federal *Criminal Justice Reform Advocacy*, the ministry achieved considerable success in working with the federal government on organized crime and gang issues:

- New offences are now in force to address organized crimes, as well as new identity theft offences.
- We have also successfully worked to reduce credit for spending time in pre-sentence custody.
- We continue to work with the federal government to introduce other reforms such as modernizing lawful access and wiretap legislation, cracking down on the production, trafficking and use of synthetic drugs, updating evidence disclosure practices and bail reform.

More Prosecutors: the Ministry has now created ten new prosecutor positions to advise police investigating organized and gang crimes.

Prosecution Services - Of the 78,700 Reports to Crown Counsel received from investigative agencies in 2009/10, the prosecution service completed 59 per cent of charge assessments within the first full working day after receiving the report and 93 per cent within 30 days. The prosecution service also contributed to greater public understanding of the justice system by:

- Continuing to provide a Communications Crown Counsel to give information about prosecutions to the media and the public.
- Launching an internet site containing information about the prosecution process, and the role of Crown Counsel and special prosecutors.
- Teaching at schools, colleges and universities, speaking to community groups, and participating in province-wide Law Week events.

Domestic Violence Action Plan – This plan, launched by the Province in January 2010, will result in strengthened partnerships and additional advanced training for police and prosecutors. It involves the development of an integrated, cross-agency domestic violence protocol, highlighting the policy obligations and setting out the obligations and commitments for justice system partners and service providers involved in domestic violence cases, particularly those that are determined to be high-risk. Implementation of the plan is being supported by consultation with key community groups that provide domestic violence counselling and referral services. A new secretariat has also been established with the purpose of driving the action plan to completion. Additional training focuses on the use of standardized risk-assessment guidelines to help

professionals identify whether individuals accused of domestic violence should remain in custody or can be safely released on bail conditions.

Prolific Offender Management – This project is testing an integrated approach to prolific offender management between justice system, health and social services agencies. Pilots have been running successfully since spring 2008 in six locations in the province (Surrey, Victoria, Nanaimo, Prince George, Kamloops, and Williams Lake). A formal evaluation will examine how the project has succeeded in reducing reoffending behaviour of the most prolific offenders and how a collaborative approach between health and social services can improve community safety. Early evaluation results are positive, showing some offenders are willing to make changes and reduce their criminal behaviour while the offenders who do not, are receiving sentences in the interests of community safety.

Bail Reform – This project introduced a new process designed to provide better access to information to improve the decisions on bail, and to provide earlier access to counsel to expedite bail hearings using videoconference technology for counsel interviews and bail hearings to avoid the need to transport an accused to a courthouse. Bail Reform projects were piloted in three communities in the Peace–Fort St. John, Dawson Creek and Fort Nelson, and in Surrey and Delta. The project has been in operation since October 2008 in the north and January 2009 in the lower mainland. An independent evaluation showed a reduction in prisoner transports and highlighted the effectiveness and efficiency of video conferencing technology.

The Justice System in British Columbia

The *Criminal Justice System* works to stop crime from happening and addresses it 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 nearly 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 separation and 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.

Downtown Community Court - Downtown Community Court has been serving Vancouver's downtown since the fall of 2008 and celebrated its first anniversary on September 10, 2009. The court has dealt with 2,000 accused and 3,642 criminal cases in the first year of its operation.

Approximately 1,300 offenders resolved their cases in the community court; amounting to over 2,500 criminal cases. The court has connected many offenders to services in the community, including shelter and other housing, income assistance and health and other social services. The Downtown Community Court has also contributed 7,600 work service hours to the local community.

Justice Access Centres - Justice Access Centres (JACs) are testing an integrated approach to helping clients reach early and affordable solutions to their family and civil justice problems. The JACs provide core services such as early information and needs assessment, dispute resolution, limited legal advice and linking clients to appropriate services including community-based services. A pilot project has been running successfully in Nanaimo since November 2008. Evaluations of the project are positive indicating that the integrated approach is helpful, problems are being resolved, and the services offered are highly satisfactory and are reaching individuals who are typically underserved in the justice system. A second pilot project is being planned for Vancouver at Robson Square in 2010.

Family Maintenance Enforcement - In spite of the recent economic challenges faced by many parents, the total recovery through the Enforcement Program for 2009/10 will exceed \$172 million. This matches the recovery amount of the previous fiscal year and comes at a time when it is most needed by families. This is a positive reflection on parents who paid support for their children, our enforcement partners, and to the staff of the Family Maintenance Enforcement Program.

Courts Highlights:

During the Vancouver 2010 Olympic and Paralympic Winter Games 100 Sheriffs were deployed as peace officers and provided security services for several high risk Olympic Games venues.

- **Videoconferencing** - The use of videoconference systems throughout the province has resulted in a significant decrease in the number of prisoners transported to court from Correctional Centres, and overall travel for witnesses and judiciaries and has supported the out-of-courtroom testimony for vulnerable witnesses.
- **eResponse** - In January 2010, the Ministry launched eResponse, a web based system being piloted for a number of trials that will give potential jurors the option of responding to summonses electronically. Jurors participating will be able to use the Internet to verify if they can participate in the jury selection process, rather than mailing in their response or travelling to their local courthouse.
- **Integrated Courts Electronic Documents Project (ICED)** - provides greater opportunity for documents to be signed electronically and improves document management. Also, court registries will no longer need to provide paper copies to external partners such as corrections, crown, and police, as they will now be able to directly access electronic court documents in JUSTIN, the Ministry's criminal case management system. This electronic document functionality has been deployed to all 45 criminal court registries throughout BC.

Purpose of Ministry

The Attorney General is the law officer for the Crown in British Columbia 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 an investigation by police or other investigative agency, independently consider whether there is substantial likelihood of conviction based on the available evidence, and, if so, whether the public interest requires a prosecution.

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.

The ministry provides and funds 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 reform to promote timely and better solutions to legal problems, making the justice system more effective. 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 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). 98 per cent of British Columbians live within one hour of travel time to a court.

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 services*
- *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*

Strategic Context

The justice system is a vital component of democracy and provides a foundation for the economic and social well being of British Columbia's communities.

Significant external factors continue to influence the ministry's operations.

The ministry is only one of many participants in the justice system and does not, and should not, have full control or authority over the

system. Participants such as the judiciary and the Bar must be able to act and make decisions independently and free from interference. As a result, many of the demands on the justice system are outside of the ministry's control, and it is within this context that the ministry works to attain its goals.

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.

Public Confidence in the Justice System

British Columbians' confidence in the justice system continues to be a priority for the ministry. Confidence and trust in the justice system are essential to ensuring its legitimacy and the public's participation in the administration of justice. In 2008, Statistics Canada found that 53 per cent of British Columbians have "a great deal" or "a lot of confidence" in the justice system¹; this is up from 50 per cent in 2003². Research has shown that an important factor in public confidence is public understanding of the system.

The Changing Nature of Crime

Organized crime has crossed community, provincial and national boundaries. The justice system is seeing organized crime expand into all forms of criminal activity, including illicit drug production and trafficking, identity theft, payment card fraud, money laundering, cybercrime and firearms smuggling. Organized crime undermines legitimate economies and market integrity, affecting all British Columbians. With over 130 identifiable organized crime groups in British Columbia, the scope and magnitude of organized crime is significant.

Cost, Delay and Complexity

Cost, delay and complexity have continued to have a serious impact on the functioning of the civil, family and criminal justice systems.

¹ Statistics Canada, General Social Survey; Survey on Social Engagement in Canada – 2008 (Cycle 22)

² Statistics Canada, General Social Survey; Survey on Social Engagement in Canada – 2003 (Cycle 17).

² Statistics Canada, General Social Survey; Survey on Social Engagement in Canada – 2003 (Cycle 17).

Note: Previous Annual Reports reported on public confidence using data from the BC Omnibus Survey; as this survey has been discontinued, data from the Statistics Canada General Social Survey will now be used.

Ministry of Attorney General

In the area of civil justice, currently an average Supreme Court trial lasts five days with court and legal costs well over \$60,000 (the median after tax annual income for an average BC household)³. This is an increase of 250 per cent in the last 10 years and represents significant access to justice challenges. Technology has increased the availability and number of records in civil matters; some matters coming before the court now involve more than a million pages of documents. Unmet demand in family law cases is considerable. When the ministry has put services in place like justice access centres and family justice counsellors, these services are quickly filled to capacity.

British Columbia has one of the higher crime rates in Canada; however, the provincial rate has been declining since peaking in 1991. In 2008, the crime rate decreased by 8 per cent from 2007 - the lowest it has been in three decades.⁴ Despite this decrease in the crime rate, case complexity has continued to increase while remand populations have continued to grow. Organized crime, gang and white collar crime prosecutions are increasing; additionally, police have focused their efforts on more complex cases such as murder, assaults and weapons offences.

Criminal trials are increasingly expensive and lengthy. For example, in 1996, the average impaired driving trial lasted 2.5 hours; currently the same trial can run up to three days. In addition, trial procedures have become more complicated because of the interpretation of the *Canadian Charter of Rights and Freedoms*, the changes in the law of evidence and the implementation of amendments to the *Criminal Code* of Canada, other criminal legislation and legal processes. Further, technology has greatly expanded the complexity of the information available (e.g. expert DNA evidence) and increased the volume of materials in many criminal prosecutions. The result, again, is more resource-intensive prosecutions. On average, the amount of work required by Crown Counsel to prosecute a criminal case has risen by about 8.4 per cent since 2003.

The time required to schedule both civil and criminal matters in Provincial Court has increased. It currently takes approximately four months to schedule a family case conference, small claims settlement conference or trial; this is a slight increase over the last five years. It takes approximately seven months to schedule a criminal trial; this is an increase of one month over the past five years.

Since 2004/05, the average number of court appearances per concluded case has significantly increased in Provincial Court civil and criminal matters. In small claims matters, the number of appearances rose by 17 per cent and in family matters by 86 per cent. In adult criminal proceedings, the average number of court appearances per concluded case has increased 11 per cent.

³ Statistic Canada, 2006 Median after tax income by selected family types — British Columbia.

⁴ Statistics Canada, Uniform Crime Reporting Survey, 2008.

Legal Services

The need for legal advice for Government's strategic and policy priorities continues to increase; however, client and Ministry budget restrictions make it more difficult for appropriate legal services to be provided within the cost recovery model. Litigation matters involving Government continue to increase in complexity; examples include tobacco litigation, charter damages, administration of the Medical Services Plan and Pharmacare, the polygamy reference, and aboriginal litigation, particularly in respect of consultation.

Social, Demographic and Economic Trends

British Columbia's divorce rates are projected to remain at approximately 40 per cent. Combined with separations from cohabiting adults, this means that over 53,000 applications will be submitted to Provincial and Supreme family courts per year for divorce, custody, access, guardianship and maintenance.

Aboriginal people in British Columbia continue to be significantly over-represented in all aspects of the criminal justice system as both offenders and victims. A high youth population and difficult social conditions in Aboriginal communities contribute to this situation.

British Columbians have been experiencing the results of the recent global economic weakness. While forecasters have predicted that growth in British Columbia will resume in 2010, the present fiscal environment has created increased demands on the justice system. This demand, along with anticipated fiscal restraint in the next two fiscal years, has resulted in significant pressure on the justice system.

Report on Performance

Performance Plan Summary Table

Goal 1: Best Justice System in Canada (For greater detail see pages 14 to 21)	2009/10 Target	2009/10 Actual
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		
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	51%	53% ACHIEVED
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of: - Providing justice quickly - Helping the victim - Determining whether or not the accused is guilty - Ensuring a fair trial for the accused	19% 19% 34% 58%	DATA AVAILABLE BY END OF 2010
Percentage of British Columbians 15 years and older who perceive that the civil and family justice system does a good job of: - Providing justice quickly - Helping parties solve their problems - Determining the appropriate outcomes of disputes - Ensuring a fair process for all parties - Ensuring access to justice for all parties	12% 18% 18% 25% 26%	DATA NOT AVAILABLE
Median time to conclude provincial criminal cases	79 days	78 DAYS ACHIEVED
Median time to first substantive Small Claims Appearance	148 days	170 DAYS NOT ACHIEVED
Median time to trial for Civil Small Claims in Provincial Court	287 days	341 DAYS NOT ACHIEVED
Median time for Family Cases to reach first order	87 days	93 DAYS NOT ACHIEVED
Goal 2: Excellent Legal Services to Government (For greater detail see page 22)	2009/10 Target	2009/10 Actual
Objective 2.1: Timely, relevant and innovative legal advice		
Percentage of clients satisfied with quality, timeliness and consistency of legal services	89%	DATA AVAILABLE BY 2010/11

Goals, Objectives, Strategies and Performance Results

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

Strategies

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

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 services provide people with assessment, information, advice, referral and other services they require to help solve their civil and family legal problems.

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.

Criminal Justice System

- *Downtown 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 agencies⁵ 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.
- *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.
- *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 *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. Priorities included: 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

⁵ 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.

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	2007/08 Actual	2008/09 Actual	2009/10 Target	2009/10 Actual
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	46.5%	41.8%	44%	51%	53% ACHIEVED
<p>Data Source: 2007/08 and 2008/09 BC Omnibus Survey conducted by BC Statistics.</p> <p>Data Source: 2006/07 and 2009/10 Statistics Canada, General Social Survey on Social Engagement</p> <p>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).</p>					

Discussion of Results

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.

The targets are based on the averaged (rounded) public confidence results from the 2008/09 monthly BC Omnibus Survey conducted by BC Statistics. The margin of error is +/- 2.2 per cent. The BC Omnibus Survey uses a subset of the survey questions from the Statistics Canada 2003 General Social Survey on Social Engagement.

2009/10 actual results are from the recently released the Statistics Canada 2008 General Social Survey on Social Engagement (Cycle 22). Previous Annual Reports reported on public confidence using data from the BC Omnibus Survey; as this survey has been discontinued, data from the Statistics Canada General Social Survey will now be used. The Ministry plans to continue to rely on Statistics Canada data in future Service Plans to monitor long-term trends in public confidence.

Ministry Response

While this measure achieved its target, the Ministry will continue its efforts to improve public confidence in the justice system. The results continue to reinforce the importance of the Ministry's justice reform strategies which are identified in this report and in the 2010/11 Service Plan.

Performance Measure 2. Perceptions of the Criminal Justice System

Performance Measures	2006/07 Baseline	2007/08 Actual	2008/09 Actual	2009/10 Target	2009/10 Actual
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job ⁶ of:					
Providing justice quickly	13%	12%	11%	19%	DATA AVAILABLE BY END OF 2010
Helping the victim	13%	12%	13%	19%	
Determining whether or not the accused is guilty	28%	28%	26%	34%	
Ensuring a fair trial for the accused	52%	54%	49%	58%	
<p>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).</p>					

Discussion of Results

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 2008/09 monthly BC Omnibus Survey conducted by BC Statistics. The margin of error is +/-2.2 per cent. The BC Omnibus Survey uses a subset of the survey questions from the Statistics Canada 2004 General Social Survey on Victimization (Cycle 18).

As the Ministry did not participate in the BC Omnibus Survey in 2009/10 there is no data currently available for this measure. However the Ministry plans to use the results of the next Statistics Canada General Social Survey on Victimization for this measure. These results will be available later in 2010 and will be available through www.gov.bc.ca/ag/.

⁶ If respondents who perceive the criminal courts are doing an average or good job are included: roughly 54 per cent of respondents perceive the criminal courts are doing an average or good job providing justice quickly and helping the victim. Approximately 80 per cent of respondents perceive that the criminal courts are doing an average or good job determining whether the accused is guilty and 92 per cent 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 Measure	2007/08 Baseline	2008/09 Actual	2009/10 Target	2009/10 Actual
Percentage of British Columbians 15 years and older who perceive that the civil and family justice system does a good job ⁷ of:				
Providing justice quickly	10%	12%	14%	DATA NOT AVAILABLE
Helping parties solve their problems	16%	14%	20%	
Determining the appropriate outcomes of disputes	16%	15%	20%	
Ensuring a fair process for all parties	23%	22%	27%	
Ensuring access to justice for all parties	24%	23%	28%	
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 of Results

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 2008/09 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 (measure 2). The high number of ‘don’t know’ responses provides valuable information regarding the public’s knowledge of the civil and family justice system.

As the Ministry did not participate in the BC Omnibus Survey in 2009/10 there is no data currently available for this measure. Future survey data will be available through www.gov.bc.ca/ag/.

Performance Measure 4. Timeliness of Criminal Case Conclusion

Performance Measure	2007/08 Actual	2008/09 Actual	2009/10 Target	2009/10 Actual
Median time to conclude provincial criminal cases	79 days	77 days	79 days	78 days ACHIEVED
Data Source: Court Services Branch criminal management information system (CORIN). This data is from April 1, 2009 to March 31, 2010 and was extracted on April 22, 2010. Note: This data is preliminary and subject to change; final numbers will be available in September 2010				

Discussion of Results

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

⁷ Roughly 66 per cent of respondents perceive the civil and family justice system are doing an average or good job of performing these functions.

adult and youth provincial court cases completed in fiscal 2009/10 and reports on the median time it takes from the date information is sworn to the conclusion date.

Ministry Response

While the Ministry’s capacity to process its criminal caseload within the targeted timelines has become increasingly difficult due to increased case complexity, for fiscal 2009/10, the Ministry was able to achieve a time to case conclusion one day under the target number. This may be partially as a result of enhancements made to Courts management information system, whereby improvements made in relation to the data capture download from the operational system have lead to a more precise method for capturing concluded cases, particularly cases concluded in one day.

Much of the results can be attributed to continued strong working relationships between the Ministry’s Courts system and other justice system participants such as Crown Counsel, judiciary, defence, and police. A number of collaborative justice system projects have been undertaken and the success of those projects may be reflected here. Some of those projects include: Prolific Offender Management in some of the urban Provincial centres; establishment of the Downtown Community Court; implementation of Province wide of the Provincial Court criminal case flow management rules; and, Bail Reform in Surrey and the Peace River district aimed at reducing the number of inefficient bail appearances and unnecessary transfer of prisoners. The Ministry will continue to work closely with all of the justice system partners and continue to be innovative, collaborative and responsive in its approach to processing criminal court matters.

Performance Measure 5. Civil and Family Timeliness

Performance Measure	2007/08 Actual	2008/09 Actual	2009/10 Target	2009/10 Actual
Median time to first substantive Small Claims Appearance	161 days	150 days	148 days	170 days NOT ACHIEVED
Median time to trial for Civil Small Claims in Provincial Court	321 days	320 days	287 days	341 days NOT ACHIEVED
Median time for Family Cases to reach first order	92 days	96 days	87 days	93 days NOT ACHIEVED
Data Source: Courts Electronic Information System (CEIS). This data is from April 1, 2009 to March 31, 2010 and was extracted on April 22, 2010.				
Note: This data is preliminary and subject to change; final numbers will be available in September 2010.				

Discussion of Results

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. Small claims are cases valued at \$25,000 or less.

Median Time to First Substantive Small Claims Appearances

This measure was previously reported as the median time to first Small Claims Settlement Conference. With the introduction of the Small Claims pilot project at Robson Square and

Richmond, which has eliminated settlement conferences (approximately 25 per cent of the proportion of all settlement conferences), it has become necessary to develop this new more representative measure. This new measure, rather than focusing solely on settlement conferences, indicates the time taken to reach any type of substantive appearance including settlement conference, summary trial, simplified trial or mediation. This measure provides a more accurate representation of the speed and timeliness of the entire small claims process across the province regardless of whether traditional or transformative processes are used. The actuals and targets for this measure have been recalculated.

Unlike Criminal Court, Small Claims Court is largely a party driven system. Multi-defendant cases, problems with contacting the opposing party, changes of lawyers, additions of parties, and delays caused by pre-trial motions all impact the time it takes to get to a first substantive appearance and are likely a key contributing factor as to why the 2009/10 target was not met.

Median Time to Trial

This measure reports the median time it takes small claims cases to reach the trial stage in Provincial Court.

As noted, due to the complexities relating to a Small Claims Civil system that is largely party driven, it is difficult for the Ministry to have an impact in reducing the time to trial in Provincial Small Claims Court. It can take months for parties to resolve complicated pre trial motions, changes in counsel and work around multi-party issues before a trial can be scheduled

Scheduling of small claims matters, which is done by the Provincial Court Judiciary, also influences time to trial. Small Claims court competes with other areas of court, like Family Court and Criminal court, for judicial resources. These factors are likely the cause of not meeting the 2009/10 target.

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.

Justice system capacity and the parties themselves are both factors that impact the timeliness of the small claims and family processes. Availability of judicial/staff resources and settlement conference rooms affect the time it takes to reach settlement conference stage. Furthermore, length of time to serve notices, file a reply or reply with counterclaim (small claims), exchange evidence, or accommodate requests for transfer, and trial complexity can all contribute to delay.

Ministry Response

The Ministry and the Judiciary continue to work together to monitor and reduce backlogs and trial delays at each court location. The Ministry continues to examine ways to create process efficiencies with projects such as the Small Claims Court Pilot, held at the Richmond and Robson Square courthouses. Other examples include alternative methods of dispute resolution such as simplified trials, summary trials, mediations and trial conferences. The creations of Justice Access Centres as well as a review of the *Family Relations Act* are also both aimed at supporting early resolution in family matters.

Goal 2: Excellent Legal Services to Government

Objectives

2.1 Timely, relevant and innovative legal advice

Strategies

The Ministry's strategic priorities to advance this objective were:

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	2009/10 Actual
Percentage of clients satisfied with quality, timeliness and consistency of legal services	87%	89%	DATA AVAILABLE BY 2010/11
<p>Data Source: Legal Services Branch Client Satisfaction Survey.</p> <p>¹ 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 of Results

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.

The Ministry was not able to conduct the survey in 2009/10; results will be available for 2010/11.

Report on Resources Resource Summary

Resource Summary Table

Core Business Areas	Estimated ¹	Other Authorizations ²	Total Estimated	Actual	Variance(3)
Operating Expenses (\$000)					
Justice Transformation	9,362		9,362	8,359	(1,003)
Justice Services	104,617		104,617	104,937	320
Prosecution Services	119,595		119,595	122,126	2,531
Court Services	143,702		143,702	145,229	1,527
Legal Services	17,161		17,161	18,356	1,195
Executive and Support Services	49,662		49,662	43,816	(5,846)
Subtotal - Ministry Operations	444,099		444,099	442,824	(1,275)
Judiciary	69,081		69,081	66,550	(2,531)
<i>Crown Proceeding Act</i>	24,500	76,800	101,300	101,300	
B.C. Utilities Commission	1		1		(1)
Special Account (Public Guardian and Trustee)	9,978		9,978	9,870	(108)
Statutory - <i>Public Inquiry Act</i>		2,380	2,380	2,380	
Adjustment of Prior Year's Accrual				(888)	(888)
Total	547,659	79,180	626,839	622,036	(4,803)
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)					
Justice Transformation					
Justice Services	325		325	268	(57)
Prosecution Services	332		332	10	(322)
Court Services	1,815		1,815	990	(825)
Legal Services					
Executive and Support Services	455		455	570	115
Judiciary	750		750	661	(89)
<i>Crown Proceeding Act</i>					
B.C. Utilities Commission	10		10		(10)
Special Account (Public Guardian and Trustee)	500		500	257	(243)
Total	4,186		4,186	2,756	(1,430)
Other Financing Transactions (\$000)³					
Executive and Support Services (Interest on Trusts and Deposits)					
Receipts	(1,200)		(1,200)	(425)	775
Disbursements	1,200		1,200	425	(775)
Net Cash Source (Requirements)					

¹ Amounts correspond to the Estimates as presented on September 1, 2009.

² Other authorizations include statutory appropriations. The Public Inquiry Act is a statutory appropriation.

³ Variance display is consistent with the Public Accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

Operating Expenses – Variance Explanations

Justice Transformation: hiring restrictions and wind down of policy component of Justice Reform.

Justice Services: shared services costs (facilities) and technology expenses for systems projects.

Prosecution Services: shared services costs (facilities and technology) and unfunded parental leave.

Legal Services: shared services costs (facilities and technology); and under-recovered funding from client ministries.

Executive and Support Services: savings in shared services due to project freezes and delays; and reduced legal system charge-backs.

Judiciary: Provincial Court savings from delays in judicial appointments.

Crown Proceeding Act: this Core Business Area reports either payments or the recognition of liabilities due to claims against the Crown. In 2009/10 the expense exceeded the Crown Proceeding Act's budget by \$76.800 million in recognition of the cost of several large cases / actions that the Crown will likely lose.

Public Guardian and Trustee: additional recoveries of fees.

Adjustment of Prior Year Accrual: an accounting adjustment (\$0.888 million) was made in 2009/10 due to an over accrual of estimated liabilities (i.e. liability was overstated) recorded in the previous year for various programs.

Capital Expenditures (Consolidated Revenue Fund) – By Asset Category

Capital expenditures of \$2.641 million include \$1.741 million for information systems and hardware, \$0.223 million for specialized equipment and \$0.677 million for vehicles.

Capital Expenditures (Consolidated Revenue Fund) – Variance Explanations

Justice Services: project delays have deferred part of one systems project to 10/11.

Prosecution Services: delays in implementing various security upgrades have deferred a large systems project to 10/11.

Court Services: delays from longer than anticipated negotiations with an external vendor.

Provincial Judiciary: independent PC refresh is partly deferred to 10/11.

B.C. Utilities Commission: small amount for office equipment not required in 09/10.

Public Guardian and Trustee: savings from systems projects.

Annual Service Plan Report Appendix

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
Criminal Justice Branch	250 387-3840
Deputy Attorney General.....	250 356-0149
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

Ministry Operational Volumes:
www.ag.gov.bc.ca/public/ministry_operational_volumes.pdf

B.C.'s Prosecution Service, Ministry of Attorney General Criminal Justice Branch:
www.ag.gov.bc.ca/prosecution-service/