

British Columbia  
**JUSTICE AND PUBLIC SAFETY COUNCIL**

**Strategic Plan** for the Justice and  
Public Safety Sector 2018-21

INCORPORATING

**Sector Performance Update** 2017-18

MARCH 31, 2018

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## CHAIR'S MESSAGE



Richard J. M. Fyfe,  
QC

As Chair of the Justice and Public Safety Council, I am pleased to present the 2018-19 update of the Council's strategic plan.

In the five years since the Council came into being through the *Justice Reform and Transparency Act*, many of the aspirations underpinning the legislation have been realized. In 2013, it was imperative to be able to consider the sector as a whole, and in so doing, to find new ways to work together, improve our services and strengthen public confidence. It is now the expected norm that issues of relevance across our sector are dealt with in an inclusive and collaborative way, using dialogue as a key enabler. The Justice Summits have done much to build this momentum, but it is also evident in the work of Access to Justice B.C., and in the very promising partnership between the Aboriginal Justice Council of British Columbia and the Ministries of Attorney General and Public Safety and Solicitor General on development of an Indigenous Justice Strategy for our province. I know my colleagues on the Council will agree with me when I say that people across the sector, in leadership and operational roles, deserve enormous credit for creating and sustaining this collaborative spirit.

In the Council's plan for 2018-19, the existing priorities of Indigenous justice, justice and mental health, access to justice, and violence against women are reaffirmed. As this document sets out, the sector continues to make progress, but substantial challenges remain. Indigenous justice issues, including continuing high levels of Indigenous incarceration, will be the focus of the 2018 Justice Summits. Bail and remand issues remain of concern given the rising remand population. And like other provinces, we face the very real challenge of implementing forthcoming federal legislation on legal cannabis.

Lastly, I would also like to take this opportunity on behalf of my colleagues on the Council to thank Lori Wanamaker for her four years of service as our first Chair.

I am certain that we have the skill and the wisdom to address the challenges and opportunities in front of us, together. I invite you to review and share this updated plan.

Richard J. M. Fyfe, QC

## EXECUTIVE SUMMARY

British Columbia has enjoyed declining indicators of crime for a generation, including measures of reported crime, crime severity, and violence. In recent years, a number of these indicators have stabilized. An important exception is violent crime, which continues to decline. The youth crime rate remains low. System expenditures, presented in different format this year, show a recent increase after many years of stability.

The period from April 2017 to March 2018 witnessed a number of positive developments in the priority areas the Council has identified for the sector. Regarding Indigenous justice, in September 2017, a memorandum of understanding was signed between the Attorney General, the Solicitor General, and the Co-Chairs of the Aboriginal Justice Council of British Columbia, to create an Indigenous Justice Strategy. Important work has also occurred in the area of Indigenous courts. Regarding mental health and justice, in an important development for continuity of care for the corrections population, B.C. Corrections in 2017 transferred responsibility for health services provided in B.C. correctional centres to the Provincial Health Services Authority. In access to justice work, further steps have been taken to increase the quality of data available to those seeking to improve the sector's performance in this area. And with respect to work combatting violence against women, significant strides have been made this year towards implementation of a trauma-informed practice curriculum for the sector.

The 2017 Justice Summit cycle drew the attention of the sector's leadership to pressing issues within the sector pertaining to technology, with participants at the Ninth Summit in recommending creation of a digital information management strategy for the sector. The 2018 Summits will focus on Indigenous justice, linking with and supporting the development of the Indigenous Justice Strategy.

For 2018-19 the Council reaffirms the essential elements of its plan, and the four goals of Fairness, Protection of People, Sustainability, and Public Confidence. The operational priorities the Council has identified continue to be Indigenous Justice, Access to Justice, Justice and Mental Health, and Violence Against Women.

## THE JUSTICE AND PUBLIC SAFETY COUNCIL

### The Council

The Justice and Public Safety Council (JPSC, or the Council) was established in April 2013 under the terms of the *Justice Reform and Transparency Act*. Members of the Council are appointed by British Columbia's Attorney General.

The Council's objectives under the provisions of the Act include:

- Development of a strategic vision for the justice and public safety sector;
- Establishment of an annual Justice and Public Safety Plan;
- Collection of information on the sector to assist in the Council's functions;
- Facilitation of the collection and sharing of information needed to enhance the ability to ensure careful management and prudent expenditure of public resources, engage in evidence-based decision making, make informed evaluations of performance, and design strategies to improve that performance;
- Promotion of collaboration and cooperation among participants in the sector; and
- Provision of advice and recommendations to the Minister.

A list of the Council's current membership can be found in Appendix 3.

### The Strategic Plan

The Act provides for the Council to produce (and refresh annually) a three-year plan for the sector to achieve progress towards its vision.

In its work, the Council consults broadly within the sector, including but not limited to leaders of key sector institutions and agencies, non-governmental organizations, professional bodies, subject matter experts and participants at British Columbia Justice Summits. By law, the Council's annual plan is delivered at the end of March, and is made available to the public at the same time.

## DEVELOPMENTS IN B.C.'S JUSTICE AND PUBLIC SAFETY SECTOR IN 2017-18

The period from April 2017 to March 2018 witnessed a number of positive developments in the sector, regarding Indigenous justice, technology and justice, responses to individuals with mental health and substance use (MHSU) disorders, steps to combat violence against women and empirical understanding of key trends and challenges in access to justice.

The overall note the Council wishes to strike is a positive one. The trend towards better integrated, collaborative approaches to collective problems faced by the sector's participants has continued, and arguably accelerated over the last year. It remains critical that such efforts continue and in doing so become the 'new normal' for the Sector. In the last year, initial but potentially meaningful steps have been taken towards fundamental change in the relationship between the province's Indigenous peoples and the justice system. Efforts regarding trauma-informed practice in the justice system, and our approach to those with MHSU disorders, have continued in collaborative fashion. A set of coordinated, voluntary initiatives to improve access to justice has seen significant institutional groundwork aimed at addressing the longstanding empirical deficit in that area of work. Leaders and subject matter experts in the sector have come together once again through the Summit process, this time addressing persistent issues associated to digital information, and making concrete recommendations.

The Council reports that while momentum on the part of broad-based, collaborative reform initiatives is now obvious, there is still much to do. Most notably, as statistical tables elsewhere in this Plan substantiate, there has been no meaningful recent improvement in the circumstances of British Columbia's Indigenous peoples with respect to the criminal justice system – and by some measures, the situation has worsened over this same period.

The Council is encouraged by the positive work that is occurring, and supports continued efforts to address directly the four priority areas identified later in this document. Noteworthy developments within the sector over the last year are summarized here.

## Indigenous justice

The broader context for Indigenous justice in British Columbia remains that of enduring overrepresentation of Indigenous people in the criminal justice system, and of Indigenous families in the child protection system. While these major challenges remain, 2017-18 saw positive developments with respect to Indigenous justice, which if pursued further offer the promise of better outcomes for Indigenous people in the medium term.

As the Council has identified in its list of sector performance gaps (see below), our province requires “an integrated strategy to address over-representation of Indigenous people in the court and correctional systems.” In September 2017, a memorandum of understanding was signed between the Attorney General, the Solicitor General, and the Co-Chairs of the Aboriginal Justice Council of British Columbia, to develop an Indigenous Justice Strategy. The Strategy will focus on reconciliation with Indigenous peoples, decreasing the overrepresentation of Indigenous peoples in the justice system, addressing violence against Indigenous peoples – especially women and girls – improving access to justice and justice services for Indigenous peoples and designing services for Indigenous peoples that are culturally relevant and appropriate. The MOU was accompanied by capacity funding to sustain participation and enable joint development of the strategy.

While the strategy is under development, potential areas of work include greater compliance with the Supreme Court’s ruling in *R. v. Gladue*; increased cultural competency and Indigenization within the sector, and measures to increase Indigenous access to justice. In 2018, in furtherance of the goals of the Strategy, the B.C. Justice Summit cycle will take Indigenous justice as its focus.

In a development which should increase the ability within B.C. and Canada to consider law and institutions through an Indigenous lens, the University of Victoria Faculty of Law established a joint degree program in Common Law and Indigenous Legal Orders (JD/JID in 2018). The curriculum is designed to impact areas such as environmental protection, Indigenous governance, economic development, housing, child protection and education, producing the capacity to bring insights from Indigenous peoples’ law to bear on institution-building.

## Indigenous courts

Indigenous Courts (also called “First Nations Courts”) are initiatives that have been developed in consultation with the government, local First Nations, community members, police, defence lawyers, and other support service groups like the Native Court Workers and Counselling Association of British Columbia and with the support and approval of the Office of the Chief Judge. They represent a partnership between the government and Indigenous communities and organizations in order to improve outcomes for Indigenous offenders and victims. Indigenous Courts take a holistic, culturally appropriate approach to Indigenous offenders with the goal of finding solutions to the problems underlying their criminal behaviour other than incarceration.

Indigenous Courts currently operate in five B.C. communities: New Westminster; North Vancouver; Kamloops; Duncan and Merritt. A sixth court will open in April of this year in Prince George.

The Council welcomes these positive steps.

## Technology and justice

The 2018 Justice Summit cycle drew the attention of the sector’s leadership to pressing issues within the sector pertaining to technology. Chief amongst these is the impact of the “digital tsunami,” which refers to the exponential growth in resources needed to gather, protect, store and share digital information within the sector, and the growing complexity of managing this information.

Participants at the Eighth Summit in June 2017 conducted four separate discussions. The Summit focused first on the challenges of the growing volume of digital information. Participants then focused on technology as a means of enhanced access to justice, and on the impact on the justice system of private innovation and disruptive technologies. The final session addressed predictive policing, privacy and the Internet of Things.

Based on these discussions, participants at the Ninth Summit in November 2017 recommended creation of a digital information management strategy for the sector, including the establishment of a sector-wide steering committee tasked with overseeing the development and implementation of such a strategy. Participants also recommended the development of a set of minimum provincial baseline technology access standards in

courthouses, including a means for updating these standards in step with technological change.

The Council endorses the recommendations of the Ninth Summit, and looks forward to supporting the development of the strategy, including the establishment of appropriate project governance.

## **Mental health, justice and public safety**

The continuing opioid crisis in British Columbia reached greater proportions in 2017, with at least 1436 illicit overdose deaths, of which 81% were associated to fentanyl. Comparable figures for 2016 and 2015 were 985 and 519, respectively.<sup>1</sup>

The crisis represents a mounting challenge for the province as a whole, beyond any sectoral considerations. The impact of organized crime on drug trafficking and the exploitation of vulnerable individuals, including those with a substance use disorder, has given rise to high levels of street violence, money laundering, extortion and other serious criminal activity. Furthermore, at least one-third of those currently in a B.C. Corrections facility have opioid use disorder.<sup>2</sup>

In the context of these deeply disturbing figures, the Council notes that there is evidence of effectiveness of recent countermeasures. Access to critical supports such as naloxone, drug checking services, and supervised consumption and overdose prevention services have been expanded and have saved lives. For example, there have been hundreds of thousands of overdoses reversed and zeros deaths at sites providing supervised consumption and overdose prevention services across the province.

Following two years of planning, and further to the second recommendation of the Seventh (2016) B.C. Justice Summit on “Mental Health and Justice” regarding continuity of care across the correctional and civilian health care systems, in October 2017, B.C. Corrections transferred responsibility for health services provided in B.C. correctional centres to the Provincial Health Services Authority (PHSA).

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<sup>1</sup> Data source: Office of the BC Coroner, data as of January 31, 2018.

<sup>2</sup> Dr. Diane Rethon, Medical Director, BC Corrections, personal communication dated August 31, 2017.

This partnership development has significant positive implications regarding service capacity for people within the correctional system with a mental health or substance use (MHSU) disorder. Correctional Health Services is operated as part of PHSA's B.C. Mental Health & Substance Use Services (BCMHSUS) portfolio, which includes Forensic Psychiatric Services. BCMHSUS provides health care services for individuals with complex needs, including severe mental health and substance use issues.

Work continues on the first recommendation from the Seventh Summit, which calls for coordinated response on the part of the justice, public safety and health systems, to people with MHSU disorders in crisis in the community. Examples of coordinated priorities going forward include ensuring smooth communication between the Ministry of Mental Health and Addictions' Overdose Emergency Response Centre and the justice and public safety sector; increasing health care service delivery levels, including opiate agonist treatment, to meet the needs of inmates with addiction to opioids, through partnership with the Provincial Health Services Authority; and collaboration between community action teams, which escalate coordination and collaboration between systems in high needs communities, and multi-agency situation tables, as those tables expand.

### Specialized courts

Specialized courts yield direct benefit to British Columbians through their capacity to increase access to justice and improve outcomes and user experience by providing a problem solving approach to justice and a focal point for people to access resources. The Council notes the positive development of a Provincial Advisory Committee for Indigenous and Specialized Courts and Related Justice Initiatives. This body was created in February 2017 in a manner consistent with the provincial government's Specialized Courts Strategy released in March 2016. The committee is jointly chaired by the Provincial Court, the Aboriginal Justice Council and the Ministry of Attorney General. Several proposals have been considered including a number of Indigenous Court proposals (see above) as well as other types of initiatives in the suburban regions in the Lower Mainland. The Justice and Public Safety Council welcomes these developments, and looks forward to supporting the work of the Provincial Committee as may be appropriate.

## Development of trauma-informed practice curriculum

The work of the multi-disciplinary Steering Committee on Trauma Informed Practice (TIP) continues, following the Fifth B.C. Justice Summit's recommendation to develop education, awareness and training promoting a trauma-informed justice system in British Columbia. Last year, a major training conference for front-line service providers was delivered. This year, the Committee has taken significant steps in partnership with the Justice Institute of B.C. in the development of a trauma-informed practice curriculum for the sector.

The curriculum is intended to operationalize the principles of trauma-informed service by integrating practices such as universal screening for and identification of the effects of trauma, trauma-informed investigations and interviews, strengths-based assessment, and education about trauma. These principles and practices will be underpinned by provision of training and clinical supervision, development of service partnerships, meaningful involvement and inclusion of people accessing the justice system and culturally competent practice. The objectives of the project will be for justice, public safety and anti-violence community sector personnel to be able to:

- Recognize and understand trauma and its effects on victim/survivors and witnesses and have a clear understanding of how violence and abuse shapes victim/survivor responses;
- Assess their own practices and processes with a trauma-informed lens; and
- Incorporate trauma-informed learnings to reduce potential re-traumatization experienced by victim/survivors and witnesses participating in the justice system.

With the selection of the Justice Institute of B.C. to administer the curriculum, work is ongoing in 2018 in the development of course and training materials, and the development of a provincial TIP Community of Practice.

## Access to justice

### Improving empirical understanding of access to justice

Access to Justice B.C. or A2JBC, the provincial coordinating committee established under the leadership of the Chief Justice of British Columbia to consider improvements to the B.C. civil and family justice system, is entering its third year of operation. A2JBC has a “Triple Aim” of improved user experience, improved outcomes for the population and sustainability.

A2JBC has begun taking steps to address one of the long-standing challenges in the area of access, the question of measurement, with developments over the last year including the production of a Measurement Framework and accompanying User’s Guide. The Framework promotes “a shared approach to monitoring and evaluating improvements in access to justice” and elaborates potential measurement approaches to 12 dimensions of the Triple Aim, broken down into 50 separate measurement components.

In a related development, the University of Victoria has established an Access to Justice Academic Centre of Excellence (ACE). ACE has taken the lead in developing an Access to Justice Research Framework Working Group, endorsed by A2JBC. The establishment of the Working Group “is intended to create the capacity to ask and answer important empirical questions about access to justice in the province being posed by system leaders, support the development of a nationally-needed academic Centre of Excellence on access to justice and promote a collaborative and multidisciplinary approach to the policy questions around access.”<sup>3</sup>

In 2017-18, the Council endorsed the Triple Aim approach, and remains strongly supportive of A2JBC. JPSC welcomes the related developments on empirical measurement which relate directly to the Council’s objective of a performance-focused sector.

### A cross-governmental approach to access to justice

In the context of the work of A2JBC, the Ministry of Attorney General is engaging partners and stakeholders in the development of an access to justice framework that will guide

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<sup>3</sup> UVic Faculty of Law Access to Justice Centre for Excellence 2018/19 Plan

and inform policy, program, resource and funding decisions. The framework will address the need for increased access to the justice system and services in the civil, criminal, family, human rights and Indigenous areas, but will initially prioritize family and Indigenous justice.

The framework will broadly outline the direction the government intends to go in improving access to justice, define the nature and context of the problem, define strategic directions and actions government and the access to justice community need to take to achieve progress on the issue and expected outcomes for British Columbians; and determine ways to measure our progress, informed in part by the Access to Justice Measurement Framework developed by A2JBC.

### The growing remand population

After a period of decline, in the past three years the overall average number of adults incarcerated in the B.C. correctional system has increased significantly. This change has been driven entirely by steep year-over-year increases in the average number of adults remanded in custody awaiting trial.<sup>4</sup>

As a consequence of these recent trends, British Columbia's prison population remains increasingly dominated by those awaiting trial, rather than those serving sentences. The average daily count of adult accused remanded in custody has now risen in B.C. for three consecutive years, from 1,173 in 2013-14 to 1,668 in 2016-17. This represents an absolute increase of 42 percent. Moreover, the daily average number of persons remanded has risen faster than the number admitted to remand, suggesting that once admitted, accused persons are spending a longer period in custody prior to trial.<sup>5</sup>

Growth in the absolute and proportional remand count, and the reasons this is occurring, are not yet well understood locally or in Canada more broadly. The Council views these

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<sup>4</sup> In previous plans, incarceration averages were reported on a calendar year basis. For greater ease of retrieval, data are now presented on a fiscal year (i.e. April to March) basis.

<sup>5</sup> Data from Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. This measure is a rate of all admissions, not unique admissions. This means that individuals who are admitted more than once in a given year will be counted more than once. The definition of admission does not include a status change from remand to sentenced.

patterns and their understanding as questions of increasing importance and concern for the administration of justice in British Columbia, particularly in light of the pressures on the system stemming from the ruling in *R. v. Jordan*.

### Bail practices

As noted in the Council's previous plan document, the 2016 ruling of the Alberta Court of Queen's Bench and prior Alberta government review regarding the legality of police officers assuming the role of prosecution in bail hearings has brought significant resource pressure to bear. In finding that no such right in law exists, the Queen's Bench ruling put an end to such practice in Alberta and cast existing practice in other jurisdictions into question.<sup>6</sup>

As in Alberta, the practice of police officers standing in for Crown prosecutors has been common in British Columbia for many years, with commensurate potential impact on Crown resourcing. The B.C. Prosecution Service has determined that the implication of the Alberta ruling is a process where Crown Counsel conduct all bail hearings in British Columbia, a conclusion supported by the police community. BCPS has sought to develop a workable model for Crown-led afterhours bail coverage to bring B.C. in line with the rest of Canada and within the legal requirements of the bail provisions of the *Criminal Code*, in collaboration with the Provincial Court, the Justice Centre, the Ministry of Attorney General, the Public Prosecution Service of Canada, the Legal Services Society, and all RCMP and municipal police agencies. The model to be implemented in the spring of 2018 is that of regional "hubs," with each hub office conducting afterhours bail hearings by video or telephone. The hub office within each region (located in Victoria, Vancouver, Surrey, Kelowna, Prince George) will be staffed with Crown Counsel, Administrative Staff, and duty counsel, who will work with a court liaison officer or NCO to receive and assess charges from all detachments within that region, and to conduct bail hearings.

It is clear that there will be significant resource implications for most if not all of the participants in developing this seven-day after-hours service. There are also expected to be resource and/or service benefits from the approach. BCPS and duty counsel

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<sup>6</sup> Alberta Court of Queen's Bench, *Hearing Office Bail Hearings (Re)*, 2017 ABQB 74. The ruling may be found at <http://www.canlii.org/en/ab/abqb/doc/2017/2017abqb74/2017abqb74.html>.

involvement with afterhours bail files should facilitate principled use of consent releases and consent remands, thereby reducing weekday pressures on BCPS and courts that currently exist on Monday mornings. The availability of legal counsel (Crown and defence) to conduct afterhours bail hearings sooner should also lead to a reduction in the number of short remands of accused persons who would otherwise qualify for immediate release, thus improving access to justice.

Overall, the Council continues to view the resource requirements of the bail process, and possible reforms and efficiencies, as being of great significance.

### **Impact of *R. v. Jordan***

As the most significant ruling on delay since *R. v. Askov*, the ruling in *Jordan* has profound implications for practice in Canadian criminal proceedings and for the resources applied to those proceedings, particularly on the part of the Crown and the Courts. Intense pressure remains on Canadian federal and provincial justice systems to manage the available caseload in ways which are consistent with the right to a speedy trial under Section 11(b) of the Charter of Rights and Freedoms.<sup>7</sup> Prior analysis of B.C.'s existing criminal docket suggested that the risk of stays of proceedings under *Jordan* is low relative to other jurisdictions, and this analysis appears to have been validated in light of the continued low number of stays issued under *R. v. Askov* in the most recent data for B.C. courts available (see below).

### **Federal review of justice policy and potential legislation**

The Council previously noted the existing mandate of the federal Minister of Justice to review and address a number of areas of justice policy. These include a number of matters of direct interest to British Columbians, including the legalization and regulation of non-medical cannabis (since introduced), sentencing reform, the rate of incarceration amongst Indigenous Canadians, the treatment of those with mental illness, improved use of information technology, and unified family court.

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<sup>7</sup> "Courts Shaken by Solutions to Delays." *Globe and Mail*, March 12 2017.  
<http://www.theglobeandmail.com/news/national/courts-shaken-by-search-for-solutions-todelays/article34275019/>

Of particular note, sentencing practices and Indigenous incarceration rates, as noted elsewhere in this document, remain topical in the province; cannabis use and cultivation have long been a central focus for law enforcement, public order, and justice; and the intersection of those with mental health and substance use disorders with the justice system have – along with family law – been the subject of B.C. Justice Summits over the past three years.

The Council's membership anticipates forthcoming activity on the part of the federal government on many of these issues, and looks forward to supporting work in these areas in 2018-19.

### **Non-medical cannabis legalization: implementation**

On April 13, 2017, the Government of Canada introduced two Bills: the Cannabis Act (Bill C-45) to legalize, regulate, and restrict access to cannabis in Canada; and the Act to amend the Criminal Code (Bill C-46) to address, among other things, cannabis-impaired driving. The Bills are currently making their way through the federal parliamentary process, and the legalization date is expected to be in the late summer of 2018. The drug impaired driving provisions of Bill C-46 are expected to be brought into force upon receiving Royal Assent; however, there is no current timeline for when Bill C-46 will be voted on by the Senate.

Under the proposed Cannabis Act, the Government of Canada would have responsibility for establishing and maintaining a comprehensive and consistent national framework for regulating production, setting standards for health and safety, and establishing criminal prohibitions, while provinces and territories will authorize and oversee the distribution and retail sale of non-medical cannabis within their respective jurisdictions, subject to minimum federal conditions. Provinces and territories will also have the authority to further restrict the minimum legal age for purchase, possession, and consumption of non-medical cannabis, and will be responsible for regulating public consumption, amending provincial traffic safety laws, and establishing more restrictive limits on personal cultivation.

The Province of British Columbia is developing a provincial regulatory framework guided by the following goals:

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- protect children and youth;
- prioritize the health and safety of British Columbians;
- keep the criminal element out of cannabis to reduce crime;
- educate drivers and support the enforcement of drug-impaired driving laws that keep roads safe; and
- support British Columbia's economic development.

The new provincial regulatory regime will have potential impacts on the administration of justice in the province, including in relation to criminal prosecutions, regulatory prosecutions, enforcement, judicial review of administrative decisions and civil proceedings and potentially civil forfeiture proceedings.

Provincial legislation and regulations will establish restrictions on possession, public use and personal cultivation, as well as create new provincial offences for contraventions of these restrictions, many of which will be enforceable by ticket, rather than prosecution. Work is underway to assess the impact of the introduction of these new offences on police, the courts and prosecutions. British Columbia will also toughen provincial regulations to deter drug-affected driving, including a new administrative driving prohibition and zero tolerance for the presence of THC for drivers in the Graduated Licensing Program.

The Council is conscious that implementation of the new legislation will have significant resource implications for our sector. The Province is developing a new provincial enforcement unit to monitor and inspect cannabis-related activities, including unlicensed cannabis retail storefronts. The Province will require additional training for law enforcement in support of cannabis regulation, and to build capacity to enforce new and stronger laws related to drug-impaired driving. Provincial training of additional SFST and DRE officers is currently underway. In addition, there will be substantial costs associated with implementing a provincial regulatory regime for legalized cannabis, including the development and implementation of cannabis-related compliance and enforcement activities.

## ISSUES AND TRENDS: STATISTICAL CONTEXT

The Council's legislated mandate includes facilitation of the collection and sharing of information needed to enhance the ability to ensure careful management and prudent expenditure of public resources, engage in evidence-based decision making, make informed evaluations of performance and design strategies to improve that performance.

This section of the 2018-21 plan document sets out numerous statistical tables intended to illuminate key issue areas within the sector, together with analysis of those data where a meaningful trend is apparent.

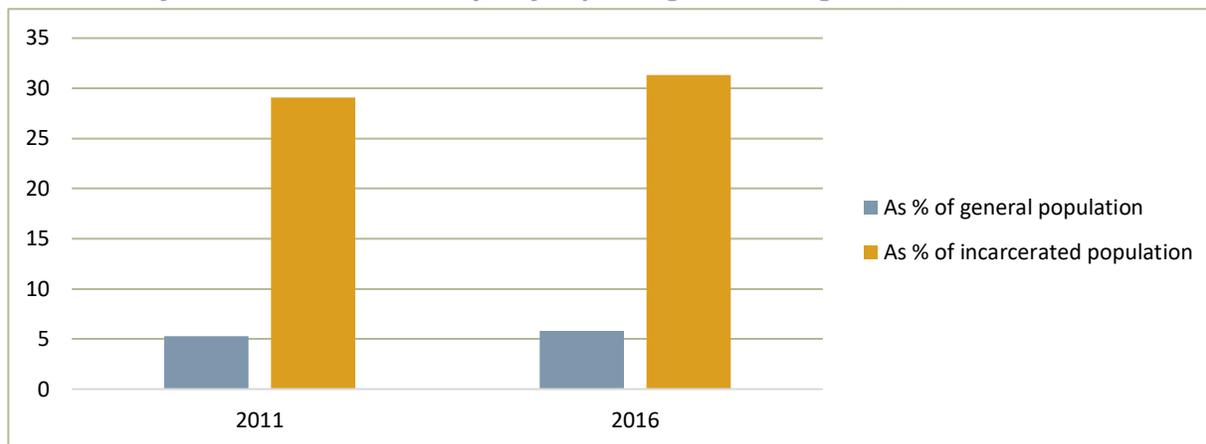
This section also incorporates the 2017-18 *Performance Measurement Update*. The *Update* was previously published by the Council as a separate document in 2015-16 and 2016-17, as an annual set of performance indicators relating to general trends in the sector. These indicators were selected with the assistance of a technical working group and a multidisciplinary External Review Committee comprised of academic experts, justice and public safety executives, NGOs, Indigenous organizations and observers on behalf of the judiciary. Participation on the Review Committee was solicited at the Second Justice Summit in November 2013. Data is provided by organizations within the sector according to responsible stewardship. Prior *Updates* are archived at [www.justicebc.ca](http://www.justicebc.ca).

In general, British Columbia has now seen two consecutive years of increasing crime rates and increasing crime severity after an extended period of crime rates declining consistently to lows not seen since the late 1960s. Violent crime, too, has increased in the most recent year of recorded data. Youth crime remains low, while youth re-offending has risen slightly for the first time in several years. System costs, consistent with increases in crime and case volumes, and custody counts, have increased after several years of relative stability. It may be the case that after a generation of declining crime indicators, the province is witnessing a reversal of these trends.

## Indigenous overrepresentation in the justice and public safety sector

One resilient feature of Indigenous over-representation in the sector is incarceration rates<sup>8</sup> of British Columbia’s Indigenous people. Recent data from the 2016 Canada Census allows us to conclude that this situation is not only concerning, but static.

*Figure 1: Indigenous proportion of general population vs. proportion of persons released from sentenced custody self-reporting as “Aboriginal”, B.C. 2011 and 2016<sup>9</sup>*



This analysis uses self-reported ethnicity on release from custody as a proxy measure of overall incarceration rates. Unique episodes of custody for Indigenous people in B.C. in 2015-16 accounted for approximately 31% of all custody releases, despite the Indigenous population being just 5.8% of the general provincial population. Indigenous incarceration thus continues to occur at a rate more than five times greater than expected given the percentage of the population which is Indigenous, and was substantively unchanged between the two census periods of 2011 and 2016.<sup>10</sup>

<sup>8</sup> In this section and the section following, incarceration rates are used to show patterns of remand, custodial sentences, and levels of representation in the criminal justice system according to ethnicity. While the data shown are commonly used to provide insight in the functioning of the criminal justice system, they cannot tell the whole story, as criminal behaviour is a highly complex phenomenon involving a variety of individual and societal factors, many of which are outside of the control of the justice system.

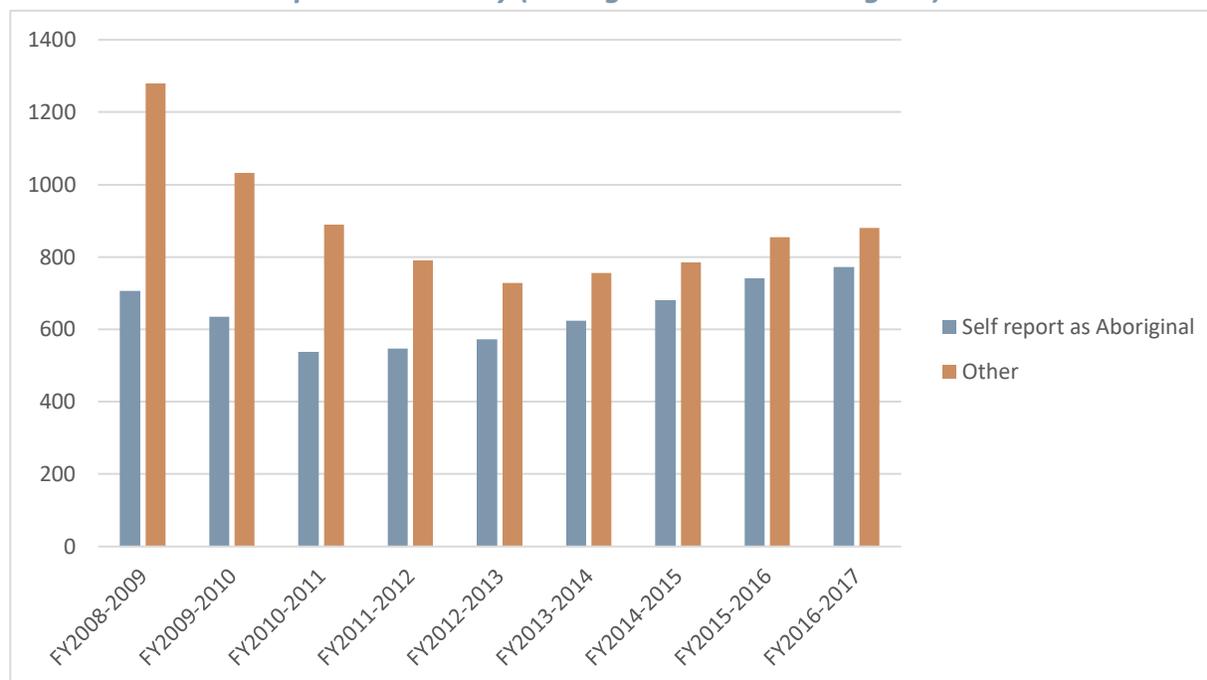
<sup>9</sup> Indigenous peoples were identified as 5.3% of the provincial population in the 2011 census, and 5.8% in 2016.

<sup>10</sup> Source: Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system; demographic data from Statistics Canada census 2011 and 2016 population tables. In BC’s justice and public safety sector, self-report on admission to corrections is the sole indicator of ethnicity gathered. The rate of releases of individuals from a custody centre who self-report “Aboriginal”, “First Nations”, “Metis” or “Inuit” status in comparison to those who self-report other categories. This is a measure of all releases, not unique releases of individuals for

## JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

Moreover, the contrast between incarceration of Indigenous and non-Indigenous people in British Columbia becomes even greater when viewed through the lens of gender: Indigenous women represented 47 percent of persons remanded in 2016-17 (up from 36 percent in 2008-09), and 48 percent of those released from sentenced custody (up from 35 percent in 2008-09). For Indigenous women, the problem of overrepresentation in the correctional system is not static, but getting worse.

*Figure 2: Female remand admissions, B.C. Corrections, 2008-09 to 2016-17, by self-reported ethnicity (Aboriginal vs. non-Aboriginal)<sup>11</sup>*

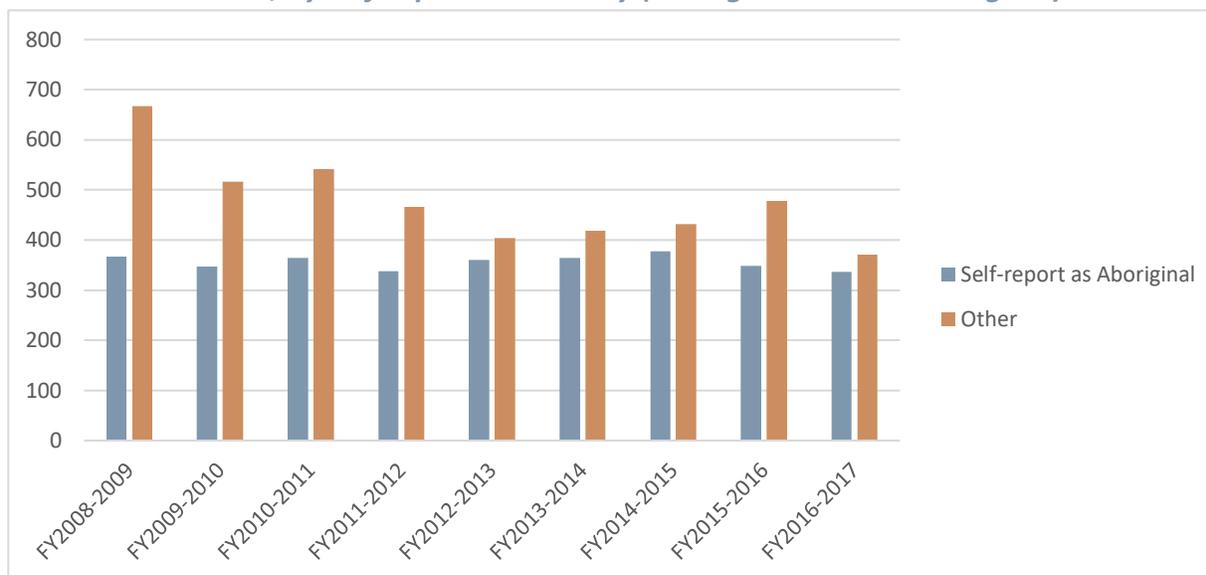


the following legal hold statuses: dual status, federal, immigration, not stated, and provincially sentenced. This measure does not include releases for clients on remand status. As this is a measure of all releases, not unique releases means that individuals who are released more than once in a given year will be counted more than once. The definition of release does not include a status change from remand to sentenced or sentenced to remand; however, it does include individuals released from custody to probation.

<sup>11</sup> Source: For Figures 2 and 3, Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. The rate of remand admissions (Fig 2) and releases of individuals from sentenced custody (Fig 3) who self-report as female and as “Aboriginal”, “First Nations”, “Metis” or “Inuit” status in comparison to those who self-report other categories. Other caveats as in notes 8-10 above.

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*Figure 3: Female inmates released from sentenced custody, B.C. Corrections, 2008-09 to 2016-17, by self-reported ethnicity (Aboriginal vs. non-Aboriginal)*



## The remand and bail populations

After a period of decline, in the past three years the overall average number of adults incarcerated in the B.C. correctional system has increased significantly. This change has been driven entirely by steep year-over-year increases in the average number of adults remanded in custody awaiting trial.<sup>12</sup>

As a consequence of these recent trends, British Columbia's prison population remains increasingly dominated by those awaiting trial, rather than those serving sentences. This is not unique to our province: B.C., like Canada as a whole, has experienced a rise in the justice system's use of remand, such that it is now common to find greater numbers of people in jail and awaiting trial than actually serving jail sentences. In a national comparison completed in 2014-15, Nova Scotia (68%), Alberta (67%), Manitoba (65%), Ontario (65%), Yukon (59%) and British Columbia (57%) had a higher proportion of adults

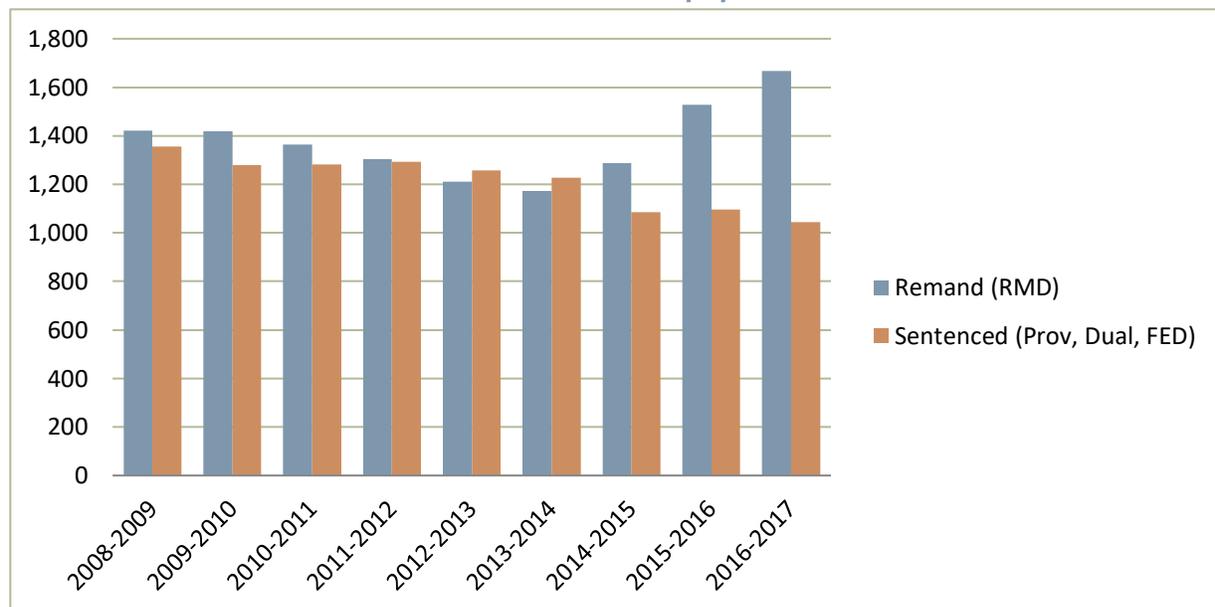
<sup>12</sup> In previous plans, incarceration averages were reported on a calendar year basis. For greater ease of retrieval, data are now presented on a fiscal year (i.e. April to March) basis.

## JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

in remand than were serving custodial sentences.<sup>13</sup> In B.C., by 2016-17 those remanded exceeded those serving sentences by 60% according to daily averages.<sup>14</sup>

The average daily count of adult accused remanded in custody has now risen in B.C. for three consecutive years, from 1,173 in 2013-14 to 1,668 in 2016-17. This represents an absolute increase of 42%. Moreover, evidence suggests that once remanded, the wait for trial is increasing: adult remand admissions in B.C. rose 22.9% in the three years from 2013-14 to 2016-17, but over the same period (as noted above) the average remand population rose at nearly twice that rate. The fact that the daily average number of persons remanded has risen faster than the number admitted to remand suggests that, once admitted, accused persons are spending a longer period in custody prior to trial.<sup>15</sup>

*Figure 4: Adults in custody, B.C. Corrections, annual daily average 2008-09 to 2016-17: remand vs. sentenced populations*



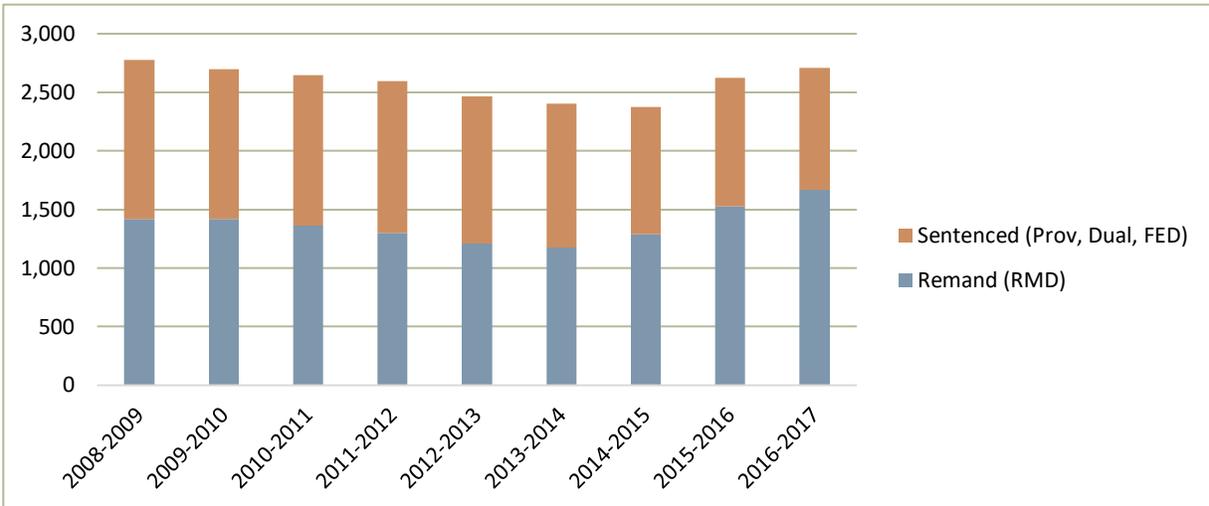
<sup>13</sup> Statistics Canada, *Trends in the use of remand in Canada, 2004/2005 to 2014/2015*.

<sup>14</sup> Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system.

<sup>15</sup> Data from Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. This measure is a rate of all admissions, not unique admissions. This means that individuals who are admitted more than once in a given year will be counted more than once. The definition of admission does not include a status change from remand to sentenced.

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*Figure 5: Adults in custody, B.C. Corrections: annual daily average 2008-09 to 2016-17: total population, remand and sentenced*



As there are approximately nine times as many clients being supervised in the community as those being held in custody, it is worth mentioning that the community corrections population is also becoming increasingly complex. Specifically, over the last ten years, there has been an increase in the number of high risk offenders on probation officer caseloads (an increase of 50%, from 3,051 in fiscal year 2007/08 to 4,562 in fiscal year 2016/17). Further, a larger proportion of the community caseload is comprised of those being supervised on bail; the average daily count of bail clients has steadily increased over the last decade, from 6,628 in 2007/08 to 8,329 in 2016/17. Importantly, this growth is, at least in part, being driven by an increase in sex offenders (SOs) and domestic violence (DV) offenders being placed on bail. While SOs and DV offenders made up approximately 5% and 17% of the bail caseload in 2006/07 respectively, they made up nearly 12% and 21% of the average daily bail caseload in 2016/17.

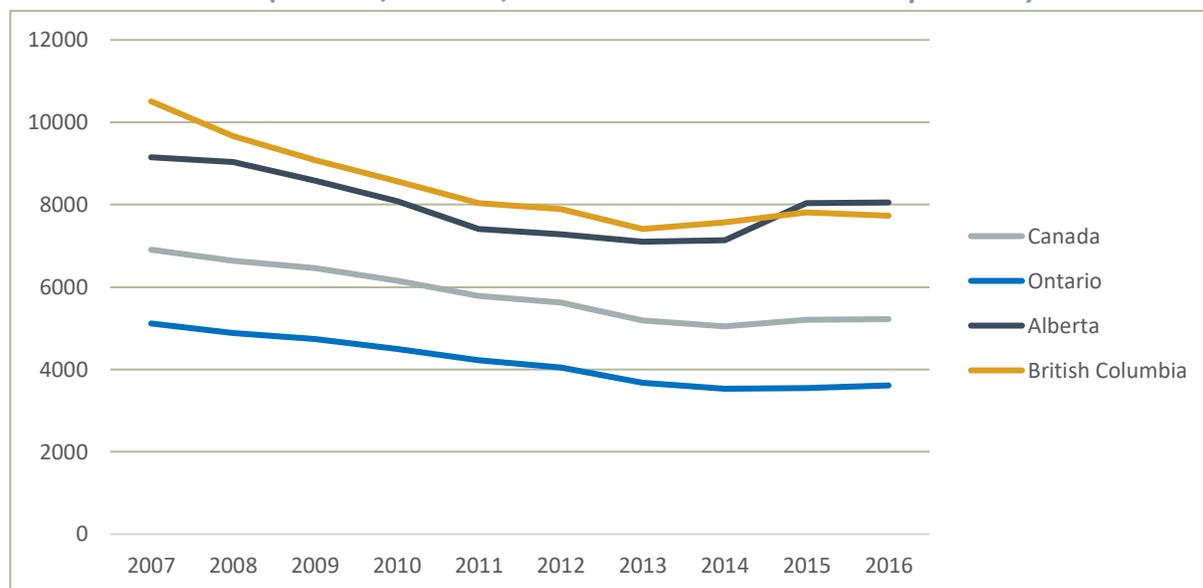
It should be noted that the overall number of bail admissions has in fact remained relatively stable over the last decade (12,296 in 2008/09 to 11,885 in 2016/17), suggesting that the growth in the average bail count may be the result of lengthier bail

supervision periods, as opposed to an increase in the number of clients being placed on bail.<sup>16</sup>

## Crime rates (reported)

The most recent crime statistics available are for 2016. After two consecutive years of increase, the B.C. crime rate fell in 2016 to approximately 7,738 recorded incidents per 100,000 population, a 0.9 per cent decrease from 2015.

*Figure 6: Reported crime incidents per 100,000 population (excluding traffic), B.C. 2007-2016 (Canada, Ontario, and Alberta included as comparators)*



The long term pattern in British Columbia, and nationally, has seen crime decline markedly since 1991. B.C.'s rate has remained essentially flat since 2011, hovering just under 8,000; for context, the rates recorded in this period are the lowest annual rates since the early 1970s.

<sup>16</sup> Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system.

As is typical of Canada's western provinces, the rate of reported crime in British Columbia remains substantially higher (more than double) the rate in Ontario. For the second consecutive year, B.C.'s crime rate is lower than that of neighbouring Alberta.<sup>17</sup>

### Violent crime

The rate of violent crime reported to police has declined significantly in British Columbia over the last decade, and accounts for much of the overall decline in the crime rate from 2015 to 2016. B.C.'s rate of violent crime incidents per 100,000 population declined by 6.1% in 2016.

One of the most significant developments in the B.C. crime picture in recent years has been the narrowing of the gap between the rate of violent crime in our province and the national average. In 2007, B.C.'s violent crime rate was 32% higher than the rate across Canada. By 2016 the gap had narrowed to 8%. While remaining high relative to rates in central Canada, over that 10-year period B.C.'s violent crime rate itself declined by more than a third (-36%), by far the fastest rate of decline over that period of any province or territory.<sup>18</sup>

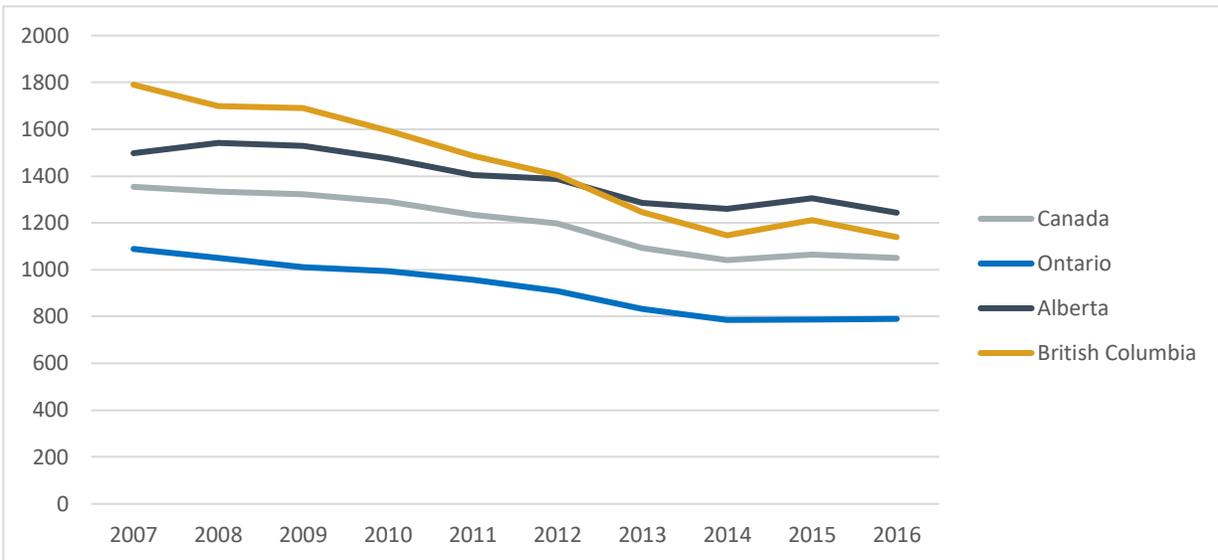
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<sup>17</sup> Source: *Canadian Centre for Justice Statistics*. These figures reflected reported crimes. They do not reflect crimes which are for one reason or another unreported to police, and they are therefore necessarily an incomplete picture of criminal occurrences. The rate of victimization, typically determined by population survey, is considered a more accurate picture of total criminal activity. However, victimization rates are currently measured nationally every five years – too infrequently to serve as a useful policy tool – and are not included here. The reader should also note that the crime rate is at best an incomplete measure of police workload, as it does not capture the range of proactive community or public order activity required of police agencies, enforcement of non-criminal statutes (e.g. *Motor Vehicle Act*) or non-criminal requests for service from the public.

<sup>18</sup> Source: *Canadian Centre for Justice Statistics*. For comparison, the 10-year declines for Ontario and Quebec were 27% and 12%, respectively. Most recent data year is calendar 2016. See caveats in footnote 1, above.

# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

*Figure 7: Reported violent crime incidents per 100,000 population, B.C. 2007-2016 – Canada, Ontario, and Alberta included as comparators*



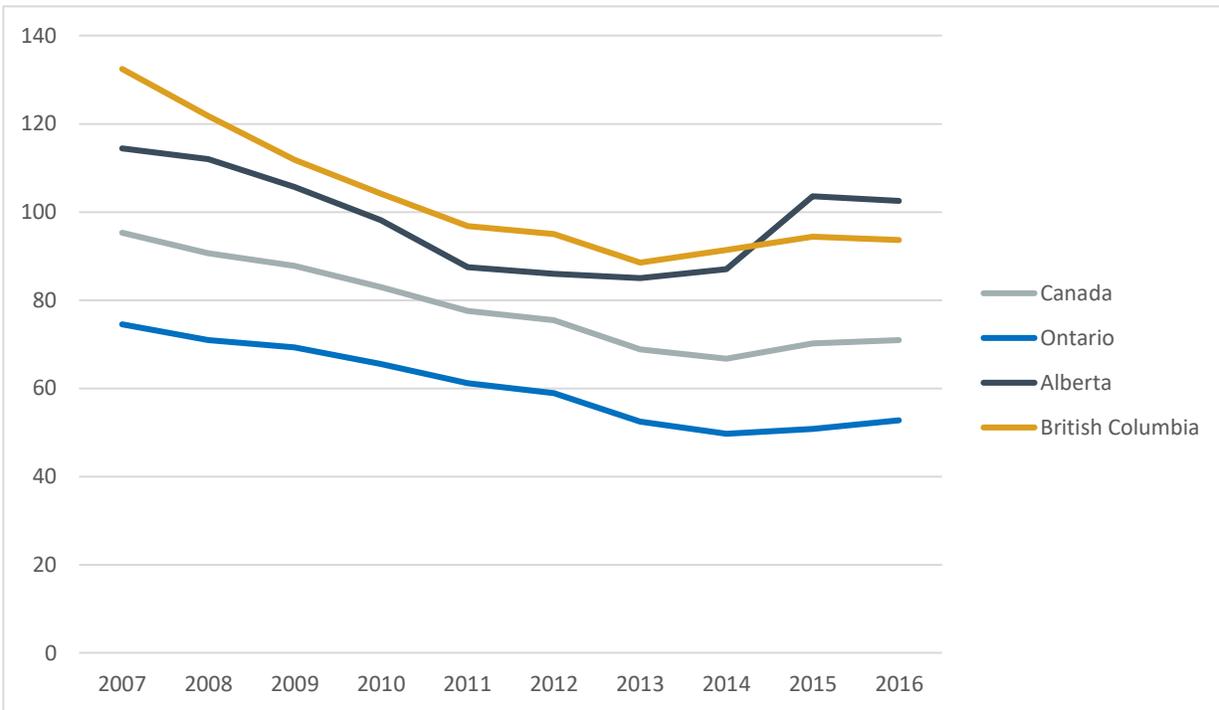
## Crime severity

Along with the crime rate, the relative severity of crime has fallen in B.C. after two years of increase. In 2016, British Columbia’s crime severity index (a measure of the seriousness of criminal offences being committed which addresses some limitations of the traditional “crime rate” measure, specifically its lack of capacity to distinguish differences between, for example, homicide and mischief) declined by 0.7 per cent from the prior year. B.C.’s crime severity pattern over the past decade is generally consistent with national trends, now below that of Alberta but remaining significantly greater than that of Ontario.<sup>19</sup>

<sup>19</sup> Source: *Canadian Centre for Justice Statistics*. Most recent data year is calendar 2016. The Police Reported Crime Severity Index (PRCSI) measures changes in the level of severity of crime in Canada from year to year. In the index, all crimes are assigned a weight based on their seriousness. The level of seriousness is based on actual sentences handed down by the courts in all provinces and territories. More serious crimes are assigned higher weights, less serious offences lower weights. As a result, more serious offences have a greater impact on changes in the index.

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Figure 8: Crime severity index B.C. 2007-2016 (Canada, Ontario, and Alberta included as comparators)



## Sector costs (provincial): rate of change

In prior publications, the Council has shared information on provincial expenditure on the sector based on actual dollar amounts, year of year. Beginning this year, in the interest of added context, the data are presented in the terms of the rate of change over the prior decade, rather than as an absolute dollar amount. In addition, two other variables are introduced: population change, and the rate of change in the provincial Consumer Price Index. The chart in Figure 9 below thus presents two time-series trends, for comparison, setting the value of the first year in the data set (2007-08) at 1.00, and presenting subsequent years' data as a ratio in comparison to the base year. The data presented are:

- the rate of change in actual dollars spent; and
- the rate of change in actual dollars spent per capita and adjusted for CPI changes (*i.e.*, controlling for population growth and inflation).

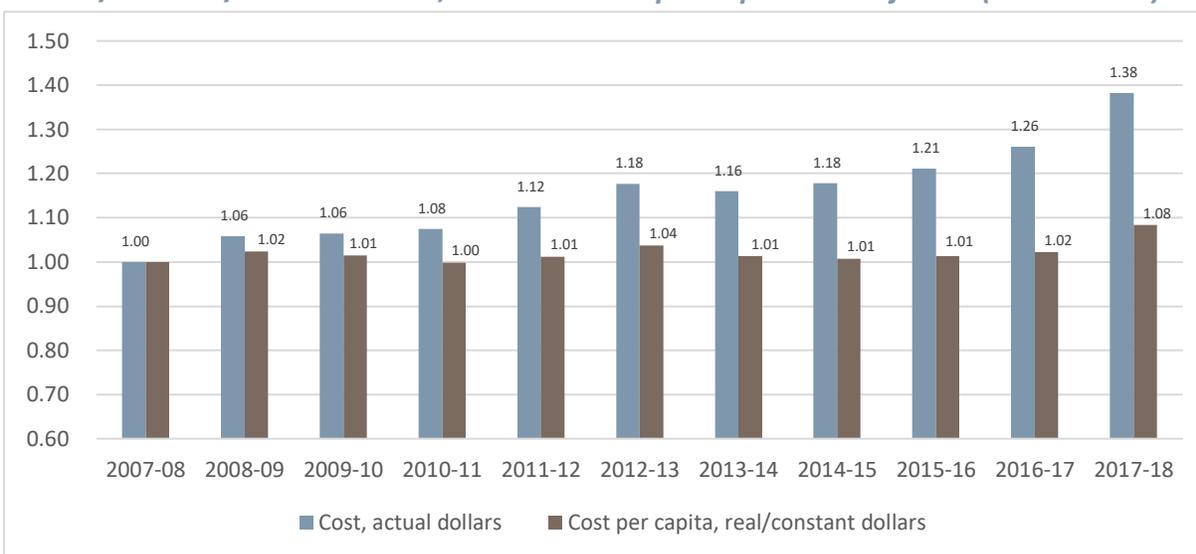
In terms of actual (unadjusted) dollars, 2017-18 expenditure is estimated at \$1.106 billion, an increase of 9.5% from 2016-17; this follows a 4% increase the previous year.

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This increase occurs after a period of stability or only marginal increases, and was distributed across the major functions on both the justice and public safety sides; the largest increases were associated to corrections and policing, and with a significant decrease in RoadSafetyBC expenditure. Overall, actual-dollar expenditures have increased by approximately 38% over the past decade.

However, the picture for expenditure looks substantially different when adjusted for changes in population and factoring in inflation. As Figure 9 indicates, when controlling for these factors the annual expenditure by the province on the sector was effectively unchanged for the ten years between 2007-08 and 2016-17 (inclusive), by which point expenditure was 2% greater in real terms than the earliest comparison point. With this context factored in, it is in the last year that the most substantial change in sector expenditure occurs, with an increase of approximately 6% between 2016-17 and 2017-18.

*Figure 9: Rate of change in provincial government justice and public safety sector costs, 2007/08-2017/18: actual cost, vs. actual cost per capita CPI-adjusted (2007-08 = 1)<sup>20</sup>*



<sup>20</sup> Source: BC Government Justice and Public Safety Sector, Corporate Management Services Branch (sector actual costs); BC stats (annual population estimates and annual provincial Consumer Price Index). Most recent data year is fiscal 2017-18 (actual expenditures, estimated to year end for 2017-18 at March 1, 2018). Population and CPI data are calendar year data. This chart incorporates budget figures from the Ministries of Justice and Attorney General and of Public Safety and Solicitor General, and of their antecedent Ministries, and combines salary and operating costs, for core sector functions. Figures include amounts for Corrections, the Corrections work program, police services, community safety and crime prevention, RoadSafetyBC, justice transformation, justice services, prosecution services, and court services. Figures exclude amounts not consistently funded via the Ministries' budget(s) for services (government corporate infrastructure and facilities) and programs (for example, emergency management, liquor control and licensing, and gaming policy and enforcement). The

## New case volumes (provincial)

The annual number of new Provincial Court cases entering the system, which declined by 14.5 per cent between 2009/10 and 2013/14, has now increased by four percent over the last three years. Of interest, adult criminal cases have increased in the last three years after six consecutive years of decline. It should be noted in interpreting these figures that the substantial decline in criminal cases which drove the steep decline after 2009 is commonly associated with changes in process for impaired driving, and thus may mask patterns related to other crime types.

Figure 10: New Provincial Court cases by type (excluding traffic) 2007/08-2016/17<sup>21</sup>

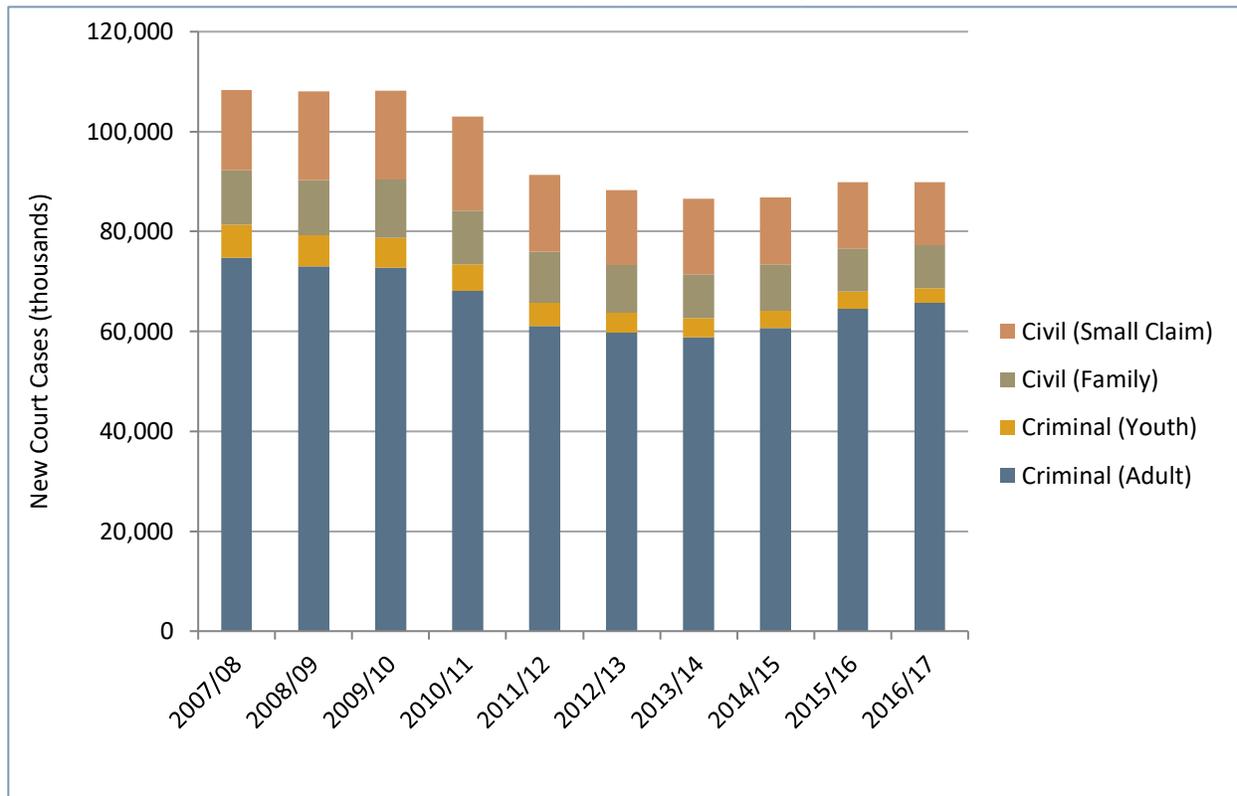


chart also excludes funds for the judiciary, and federal and municipal budget figures for justice and public safety (including policing costs).

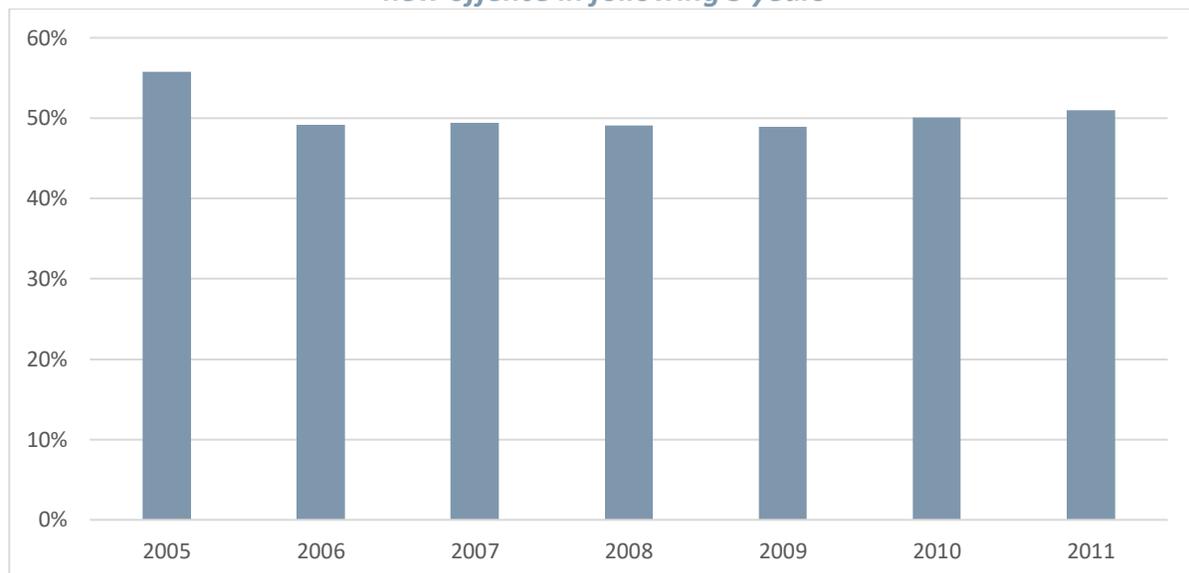
<sup>21</sup> Source: BC Ministry of Attorney General, Court Services Branch.

## Youth justice

Youth justice in recent years represents a continuing success story in British Columbia, as youth crime continues to decline, and the number of youth in provincial custody remains well below 100, so low that annual fluctuations in those numbers have little statistical meaning. However, there is a major caveat to these trends: Indigenous youth have increased as a percentage of the remaining youth custody population in recent years. There are, as in the adult population, significantly more youth under community sentence.

In recent years, the rate of youth re-offending has been relatively stable. In 2016, the most recent years for which 5-year data are available (i.e., the period which commenced in 2011), the percentage of youth not reoffending within five years of a first community sentence increased from 50% to 51%.<sup>22</sup>

*Figure 11: Percentage of youth receiving first community sentence in given year with no new offence in following 5 years*



<sup>22</sup> **Data source and considerations:** Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. Percentage of Youth Justice clients (ages 12-17) receiving a first community sentence who are not convicted of a new offence within the following five years (includes offences in adulthood). A five-year follow-up period is used for this metric. The metric counts recidivism of individual clients; therefore, individuals who are admitted more than once in a calendar year will only be counted once.

## Performance measurement update 2017-18

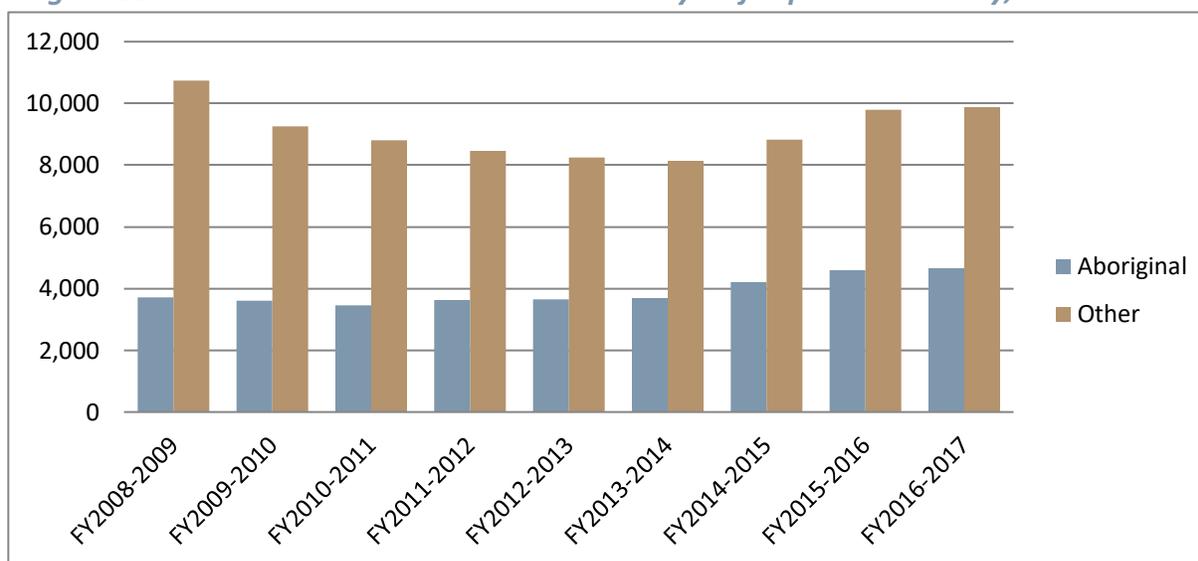
The following statistics reflect the suite of measures developed by the Council in 2013-15 and published in the last two years as the separate document entitled *Performance Measurement Update*.

### Indicator 1: Rate of Indigenous incarceration (remand)

**Definition:** Admissions to a provincial custody centre of individuals who self-report “Aboriginal” or “Metis” status in comparison to those who do not.<sup>23</sup>

**Why this indicator matters:** When there is a higher proportion of Indigenous people remanded in custody than one would expect in light of the proportion of the overall population which is Indigenous, it is an indicator of the extent of the over-representation of Indigenous offenders in the criminal justice system.

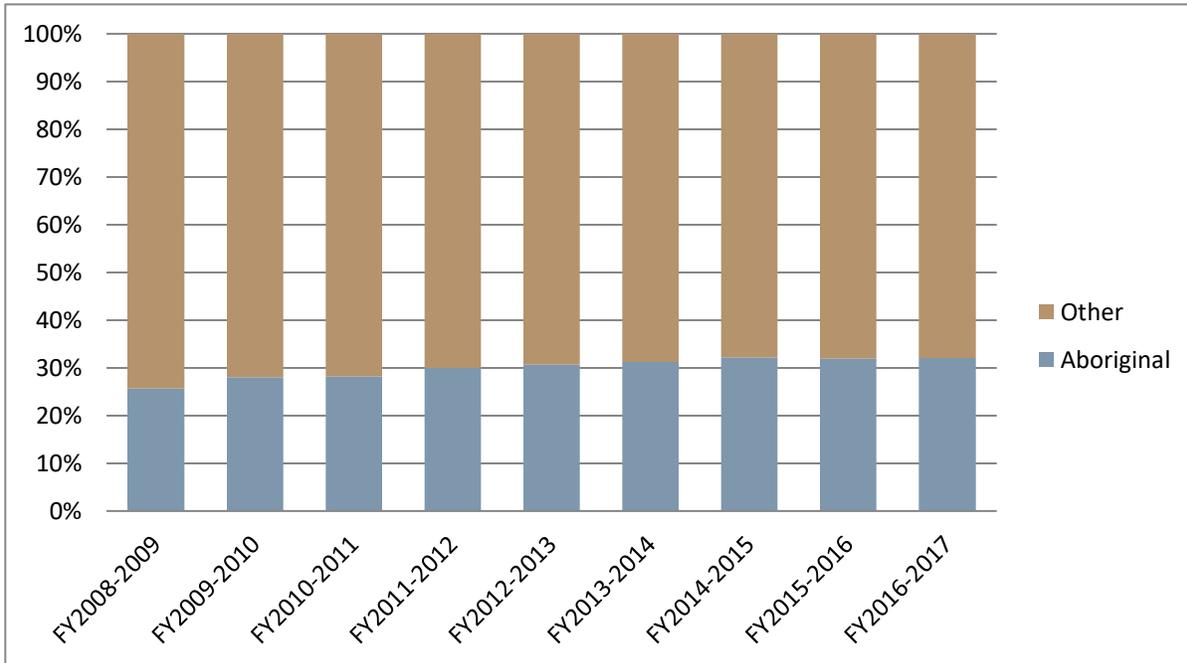
*Figure 12: Individuals admitted under remand by self-reported ethnicity, annual totals*



<sup>23</sup> **Data source and considerations:** Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. This measure is a rate of all admissions, not unique admissions. This means that individuals who are admitted more than once in a given year will be counted more than once. The definition of admission does not include a status change from remand to sentenced. Other caveats as in notes 8-10 above.

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*Figure 13: Individuals admitted under remand by self-reported ethnicity, as % of overall total*



## Indicator 2: Rate of Indigenous incarceration (sentenced)

**Definition:** This Indicator is the rate of releases of individuals from a custody centre who self-report “Aboriginal” or “Metis” status in comparison to those who do not.<sup>24</sup>

**Why this indicator matters:** When there is a higher proportion of Indigenous people incarcerated than one would expect in light of the proportion of the overall population which is Indigenous, it is an indicator of the extent of the over-representation of Indigenous offenders in the criminal justice system. It is also an indicator of the degree of

<sup>24</sup> **Data source and considerations:** Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. This is a measure of all releases, not unique releases. This means that individuals who are released more than once in a given year will be counted more than once. The definition of release does not include a status change from remand to sentenced or sentenced to remand; however, it does include individuals released from custody to probation. Other caveats as in notes 8-10 above.

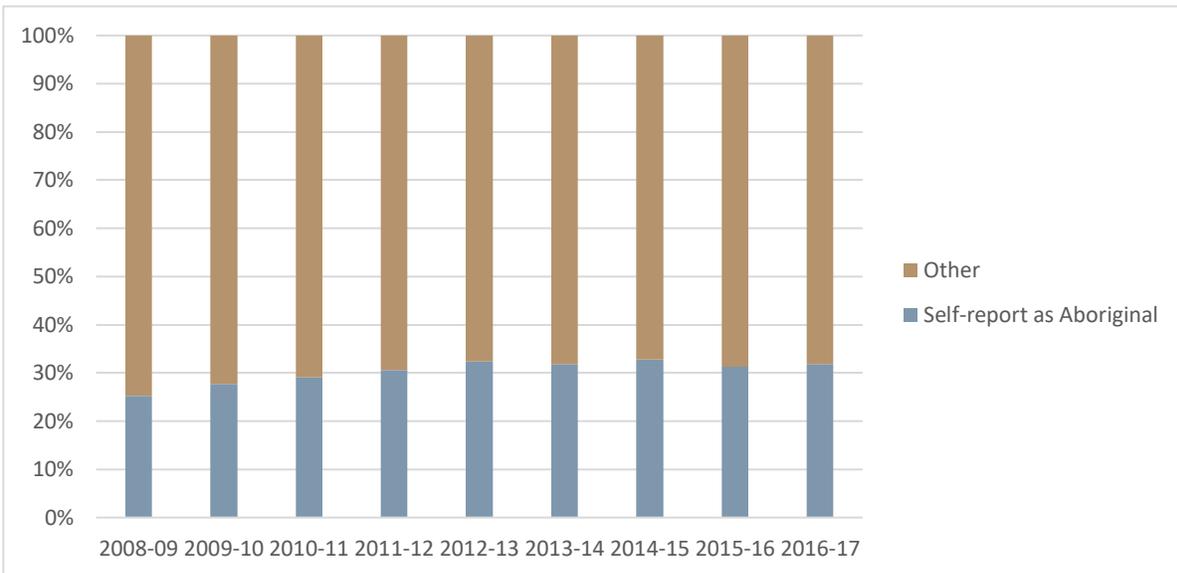
# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

success of the justice system in remediating the absolute fact of over-representation per capita, all other things being equal.<sup>25</sup>

**Figure 14: Persons released from custody by self-reported ethnicity, annual totals, 2008-09 to 2016-17**



**Figure 15: Persons released from custody by self-reported ethnicity, proportion of total, 2008-09 to 2016-17**



<sup>25</sup> In 1996, Parliament enacted s.718.29(e) of the *Criminal Code*, which places a statutory duty on sentencing judges to consider an offender's Indigenous circumstances in the determination of what constitutes a fit sentence. The leading authority on interpretation of this provision is *R. v. Gladue*, [1999] 1 S.C.R. 688.

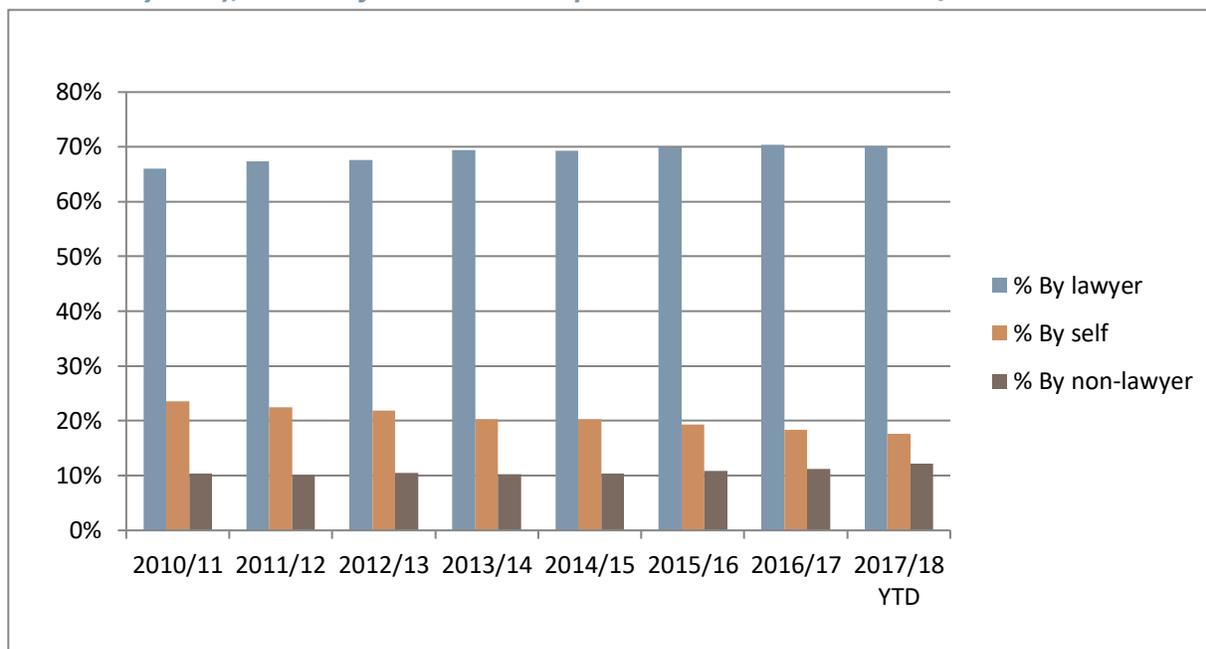
# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

## Indicator 3: Accused representation at Provincial Criminal Court appearances

**Definition:** The number of Provincial Court adult and youth criminal case appearances where the defence attendance indicated that an accused appeared in court represented by themselves, by legal counsel, or by a non-lawyer agent, expressed as a proportion of total appearances.<sup>26</sup>

**Why this indicator matters:** Competent and informed representation in a court of law is considered significant in the question of whether or not an individual accused can be said to have had appropriate “access to justice,” where such access is defined as a person having the knowledge, resources and services to deal effectively with legal matters.

*Figure 16: Accused representation at Provincial Criminal Court appearances (adult & youth), as a % of total where representation status known/available*



<sup>26</sup> **Data source and considerations:** Provincial Court of British Columbia; Justice Information Network (JUSTIN). Note that the Court Services Branch of the Ministry of Justice is in the process of transitioning to a new criminal case business intelligence system which incorporates a different methodology. Initial data reporting from the new system is expected to begin in 2015/16 and may produce some alterations in metrics, to be identified at that time. “By lawyer” indicates a represented appearance, where any counsel (designated counsel; duty counsel; counsel) is recorded in JUSTIN as appearing in court regardless of whether the accused is present, or an agent is present in the accused absence. “By self” indicates self-representation appearance where the accused is recorded as appearing in court with no counsel or agent present. “By non-lawyer” otherwise known as an agent appearance, is where the accused is represented by an agent other than legal counsel. An agent appearance is considered an unrepresented appearance.

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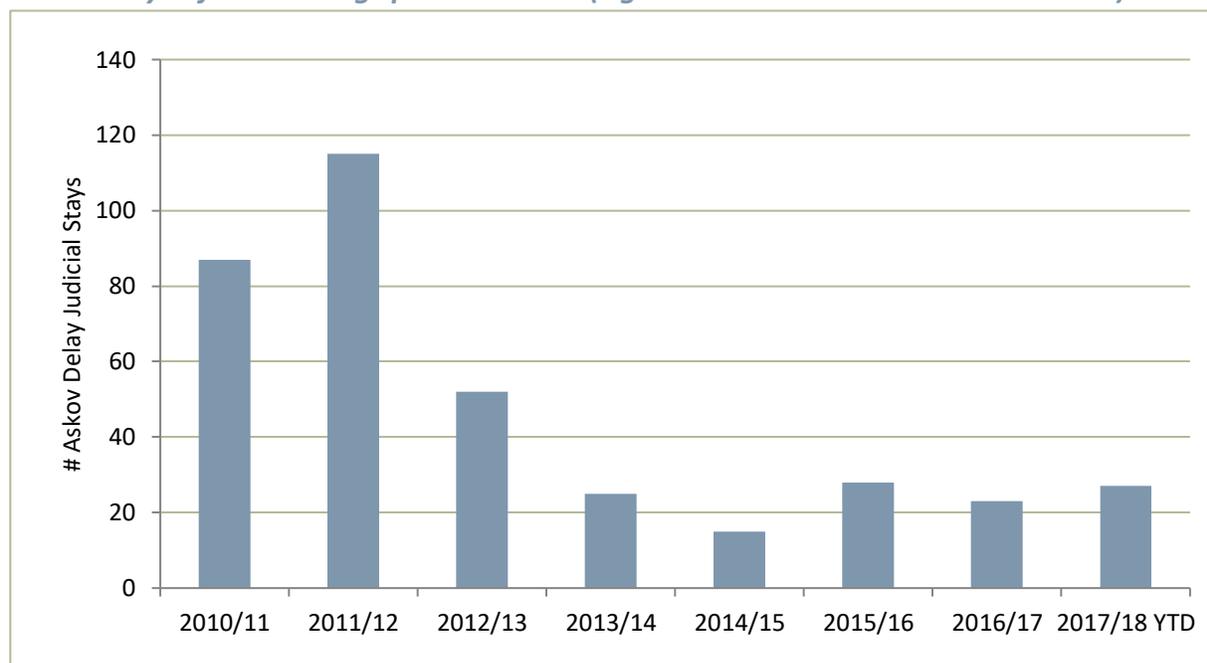
## Indicator 4: Number of criminal cases judicially stayed due to systemic delay

**Definition:** Number of Provincial and Supreme Court adult and youth criminal cases judicially stayed due to systemic delay.<sup>27</sup>

**Why this indicator matters:** This and the following two measures are indicators of court timeliness and, more broadly, the accessibility of the justice system. To effectively support the rule of law, and to fulfill its legal obligations to the public, the Court must process cases within a reasonable time.

This first indicator is the number of successful “Askov-related” delay applications, reflecting the Supreme Court’s decision in *R. v. Askov* (1990) which established the criteria and standards by which Canadian courts judge whether an accused’s right under the Canadian Charter of Rights and Freedoms, Section 11(b) “to be tried within a reasonable time” has been infringed.

*Figure 17: Provincial Court (adult/youth criminal) and Supreme Court Criminal Judicial Stays of Proceedings per R v. Askov (right to trial within a reasonable time)*



<sup>27</sup> **Data source and considerations:** Provincial Court of British Columbia; Justice Information Network (JUSTIN); field as defined under Court Services Branch business rules, cases in which a judicial stay of proceedings is ordered on application with appeal to the precedent established in *R. v. Askov*.

## Indicator 5: Time to trial in provincial court

**Definition:** The Provincial Court determines available hearing dates through published semi-annual surveys of the “time to trial.”<sup>28</sup> The surveys are conducted at every Provincial Court location and reflect the time to schedule a trial for each area of the Court’s jurisdiction. Location based survey data are used to generate average provincial wait times (weighted by caseload), in months, from the time a request is made to the ‘first available date’ for various types of proceedings. The Office of the Chief Judge has established standards for wait times for categories of trial.

**Why this indicator matters:** This is an indicator of court timeliness and, more broadly, the accessibility of the justice system.

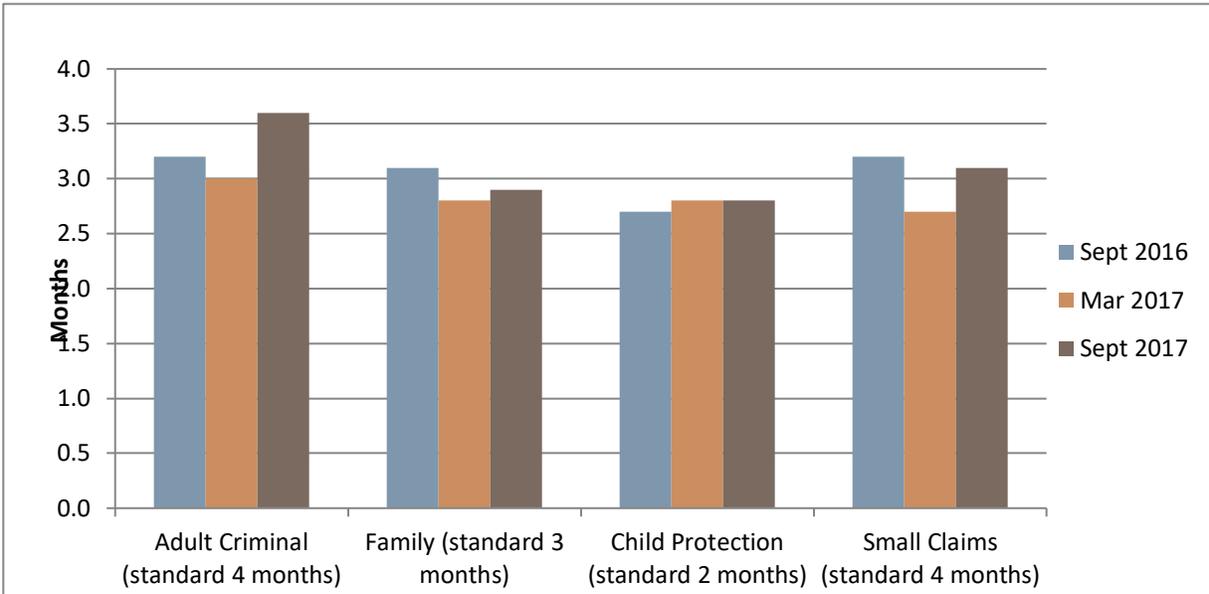
**Important Note:** With longer hearings becoming more common, the Provincial Court decided in 2016 that additional data collection was needed on different categories of estimated trial length. This led to revised reporting categories and associated standards of the quarterly “Time to Trial” report. Data before and after this change are no longer comparable. See footnotes for details.

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<sup>28</sup> **Data source and considerations:** Provincial Court’s “Time to Trial” published semi-annual survey results. The survey is administered by the Provincial Court and the results are published semi-annually in their *Time to Trial* reports which provide trend data by comparing the current quarter’s results with previous quarters, as well as with the Office of the Chief Judge (OCJ) Delay Standard. Link to the Provincial Court’s reports: <http://www.provincialcourt.bc.ca/news-reports/court-reports>. Adult Criminal Trials - wait time represents the number of months between an Arraignment Hearing/Fix Date and the first available court date for typical adult criminal trials of various lengths. Family Hearings - wait time represents the number of months between when a judge directs a conference to be set and the first available court date for a case conference PLUS the number of months between the case conference and the first available court date for a typical family (FLA) trial of various lengths. It no longer takes into account the time between a first appearance and case conference. Child Protection Hearings - wait time represents the number of months between when a judge directs a conference to be set and the first available court date for a case conference PLUS the number of months between the case conference and the first available court date for a typical CFCSA trial of various lengths. It no longer takes into account the time between a first appearance and case conference. Small Claims Trials - wait time represents the number of months between the final document filing and the first available court date that a typical settlement conference can be scheduled into PLUS the number of months between a settlement conference and the first available court date for a typical small claims trial of various lengths. A new Summary Proceedings Court (SPC) was implemented in 7 assignment court locations: Victoria, Vancouver Provincial, Robson Square, Surrey, Port Coquitlam, Abbotsford, and Kelowna. SPC cases will generally be less complex, have historically high collapse rates, and a time estimate of less than half a day. Survey results for SPC will be reported separately, will replace the <2day category for SPC locations, and will be held to a stricter standard.

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*Figure 18: Weighted Provincial Time for Summary Proceedings Court*



*Figure 19: Weighted Provincial Time to Adult Criminal Trials*

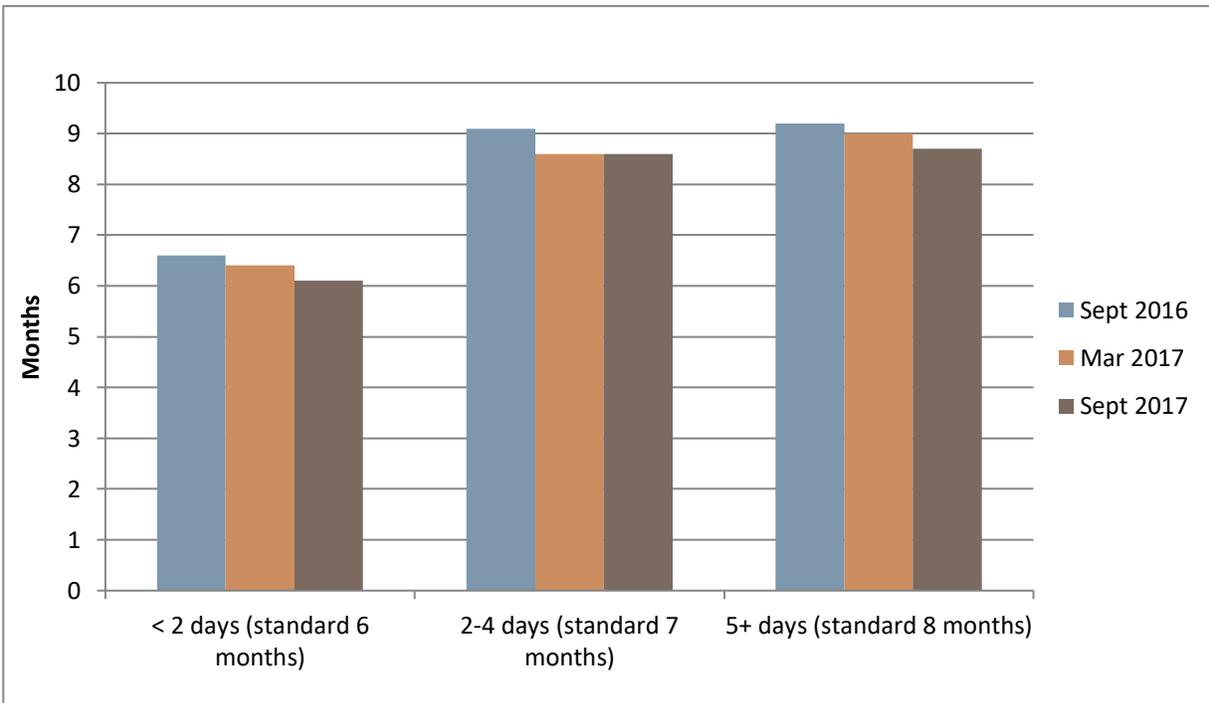
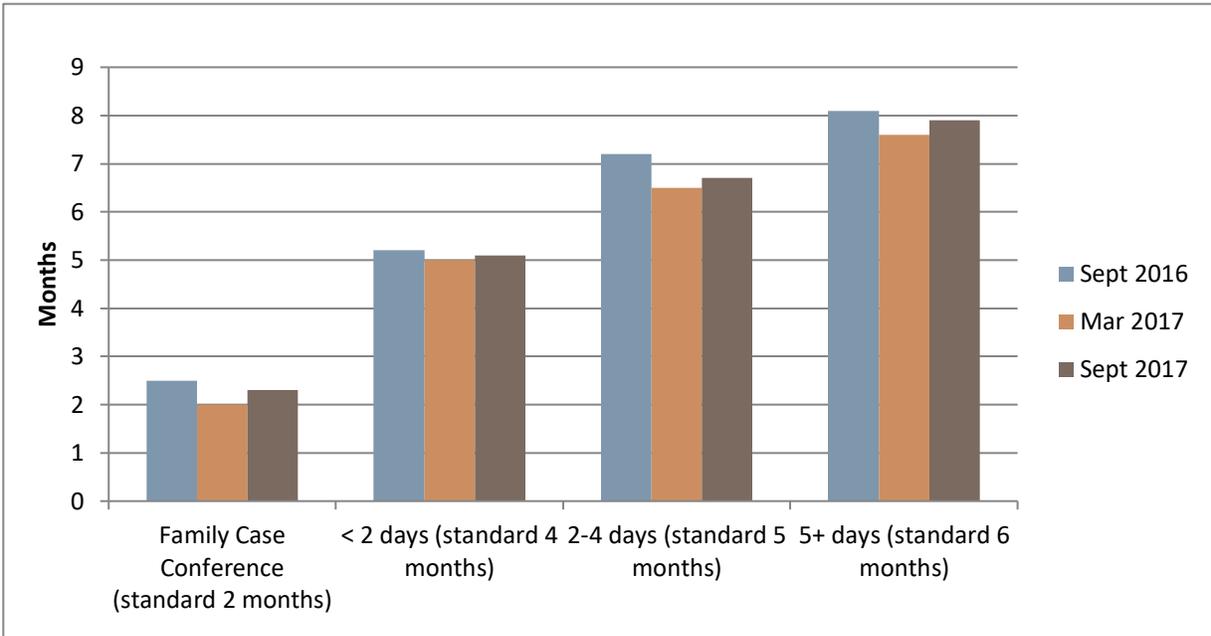


Figure 20: Weighted Provincial Time to Family Trials



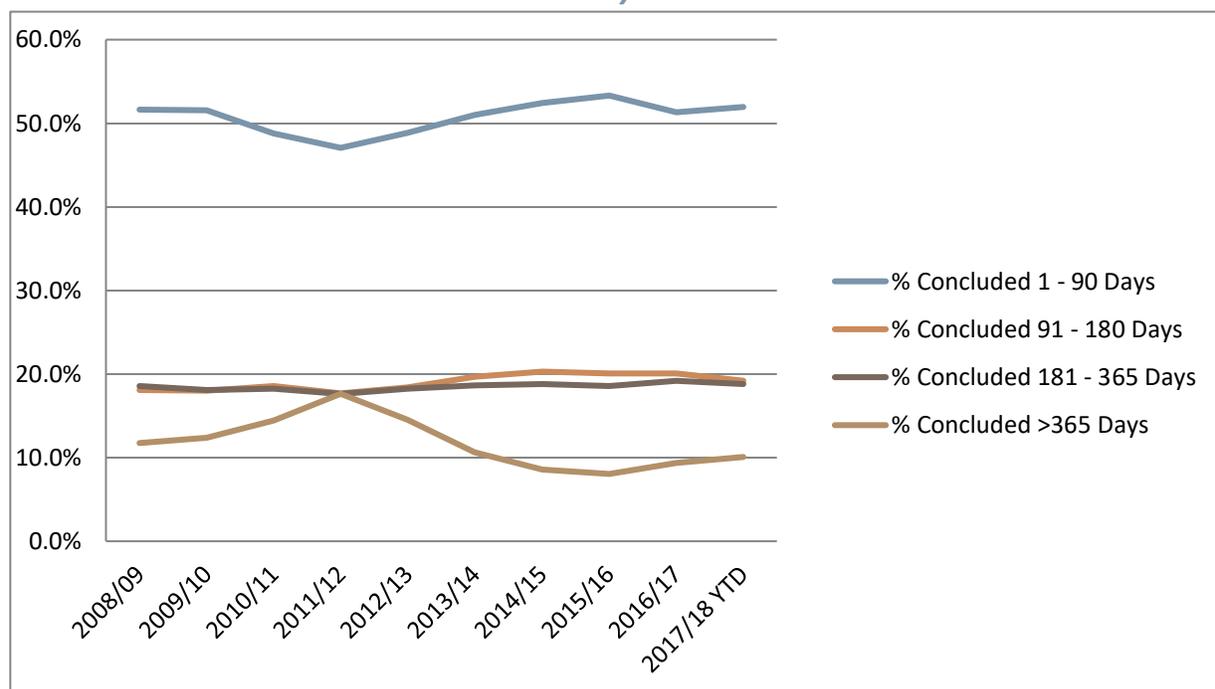
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## Indicator 6: Percentage of criminal cases resolved in Provincial Court within 90/180/365 days

**Definition:** The proportion of all Provincial adult criminal and youth concluded cases where the number of days between their sworn date and case conclusion date is within 90, 180, and 365 days.<sup>29</sup>

**Why this indicator matters:** This is an indicator of court timeliness and, more broadly, the accessibility of the justice system. Many factors contribute to the time it takes to conclude a criminal case – delays in scheduling cases for trial and increasing case complexity are seen as two key factors.

*Figure 21: Percentage of criminal cases resolved in Provincial Court within 90/180/365 days*



<sup>29</sup> **Data source and considerations:** Provincial Court of British Columbia; Justice Information Network; Court Services Branch MIS system. Court Services Branch defines a concluded case as one that has had a disposition entered against all charges on the case.

## Indicator 7: Percentage of adult offenders who are not reconvicted in B.C. within two years of release

**Definition:** Percentage of adult offenders who are not re-convicted in B.C. within two years of release from custody, commencement of community supervision or active supervision.<sup>30</sup>

**Why this indicator matters:** Rates of non-reoffending are used as a litmus test when assessing the overall effectiveness of the justice system in deterring and rehabilitating offenders. However, criminal behaviour is a highly complex phenomenon involving a variety of individual and societal factors, many of which are outside of the control of the justice system. Therefore, trends in non-reoffending rates are best examined over the long term, as it is expected that there will be minor fluctuations in these rates from year to year.

*The Council has been advised by BC Corrections that:*

- *in August 2017, a problem was identified in the justice and public safety sector business intelligence application that is used to generate rates of non-reoffending.*
- *It has been determined that the problem may have started several years ago and may have impacted rates of non-reoffending previously published.*
- *Work is underway to address the issue and updated rates will be made available as soon as the integrity of the data has been validated.*
- *Steps are also being taken to further strengthen the sector's data quality control procedures to prevent a similar situation from occurring in the future.*

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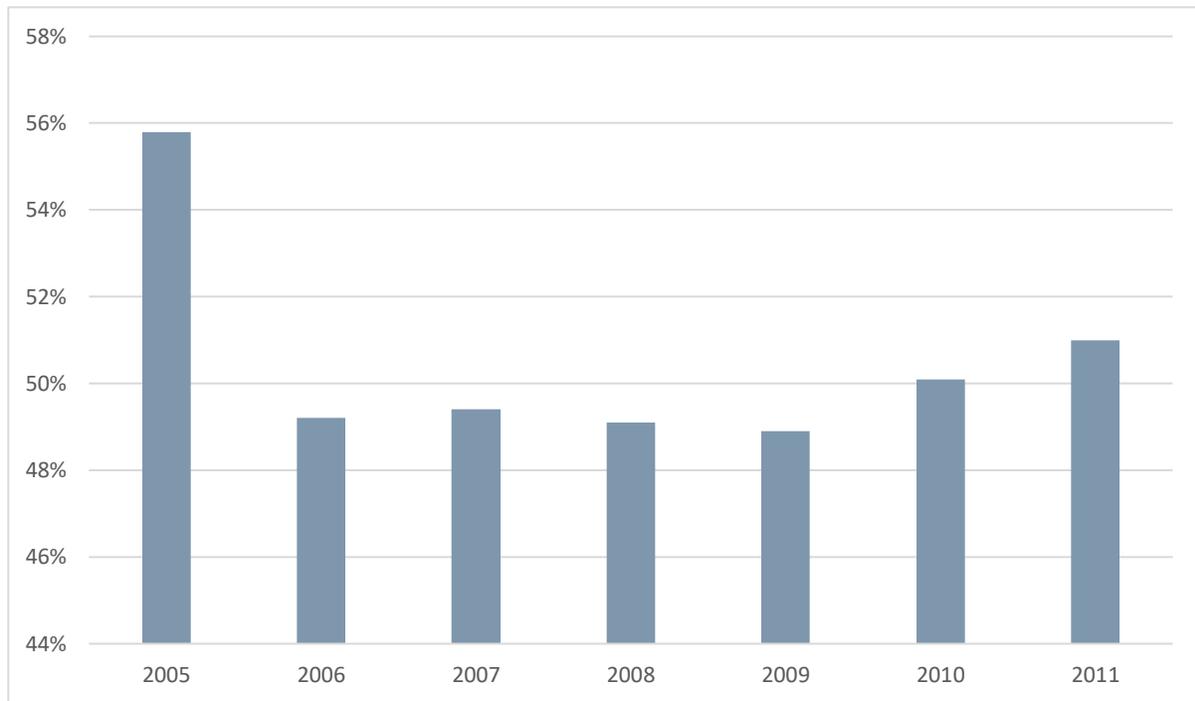
<sup>30</sup> **Data source and considerations:** Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. Each year's rate is based on the cohort two years prior; for example, the rate for 2014/15 is based on offenders admitted and/or released in 2012/13. The measure is based on offence date rather than sentence date. That means it includes all individuals, regardless of court date, who are not reconvicted with an offence date that falls within the two-year follow-up period. The Community Corrections rate is derived from individuals whose supervision was all or mostly in the community. It is the percentage of offenders who do not return to Corrections within two years of commencement of active community supervision. The Custody rate is derived from individuals who were released from custody and did not receive follow-up supervision in the community. It is the percentage of offenders who do not return to Corrections within two years of their release from custody. The Overall rate of non-reoffending is the percentage of offenders who do not return to Corrections within two years of commencement of active supervision in the community or release from custody.

## Indicator 8: Percentage of youth justice clients receiving first community sentence who are not reconvicted in B.C. within the following five years

**Definition:** The percentage of Youth Justice clients (ages 12-17) receiving a first community sentence who are not convicted of a new offence within the following five years (includes offences in adulthood).

**Why this Indicator matters:** Indicators of non-recidivism for both adult offenders and Youth justice clients are indicators of the success of the justice system in deterring and rehabilitating offenders. That said, criminal behavior is a highly complex phenomenon involving a variety of individual and societal factors, many of which are outside of the control of the justice system.

*Figure 22: Youth justice clients receiving first community sentence who did not commit a new offence in the following 5 years (%)*



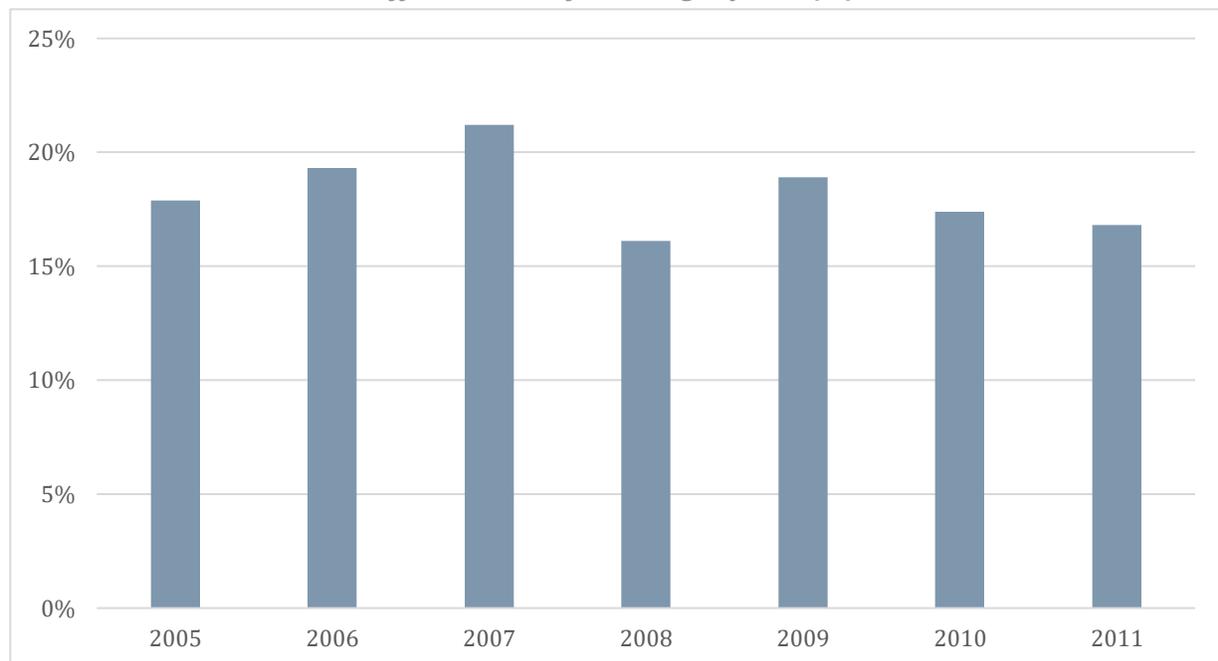
# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

## Indicator 9: Percentage of youth justice clients receiving first custody sentence who are not reconvicted in B.C. within the following five years

**Definition:** The percentage of Youth Justice clients (ages 12-17) receiving first custody sentence who are not convicted of a new offence within the following five years (includes offences in adulthood).<sup>31</sup>

**Why this Indicator matters:** Indicators of non-recidivism for both adult offenders and Youth Justice clients are indicators of the success of the justice system in deterring and rehabilitating offenders. That said, criminal behavior is a highly complex phenomenon involving a variety of individual and societal factors, many of which are outside of the control of the justice system.

*Figure 23: Youth justice clients receiving first custodial sentence not commit a new offence in the following 5 years (%)*



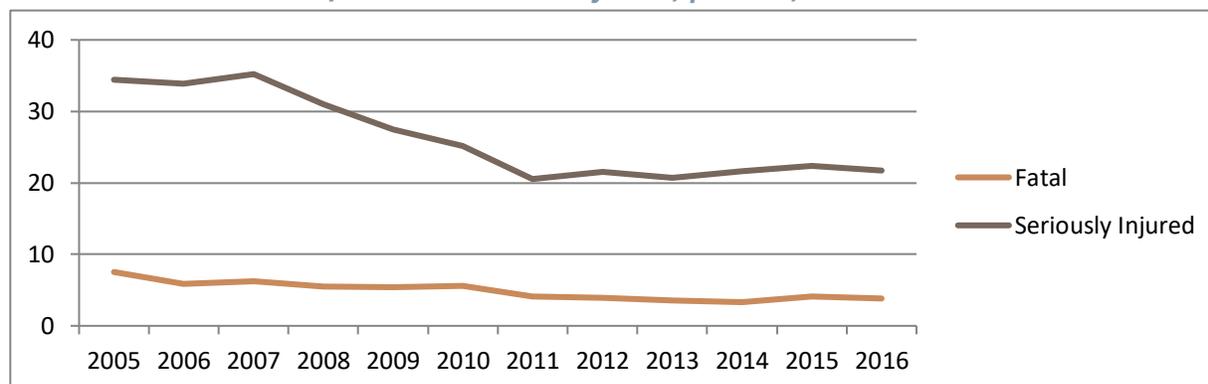
<sup>31</sup> **Data source and considerations:** Government of British Columbia; BC Corrections Operations Network (CORNET), extracted through the Cognos business intelligence system. A five-year follow-up period is used for this metric. The metric counts recidivism of individual clients; therefore, individuals who are admitted more than once in a calendar year will only be counted once.

## Indicator 10: Number of traffic casualties involving high-risk driving per 100,000 population

**Definition:** The number per 100,000 population in British Columbia of serious injuries and fatalities resulting from a crash where police assess that one or more of the following were a factor: alcohol or drugs; speeding; and distraction.<sup>32</sup>

**Why this Indicator matters:** This is an indicator of success in protecting the public from these high-risk driving behaviours that are the focus of RoadSafetyBC programs. Drivers who have received sanctions for these driving behaviours may receive interventions from RoadSafetyBC’s Driver Improvement Program or Remedial Driver Program and will be charged a Driver Risk Premium by ICBC. Although other driving behaviours, like not wearing a seatbelt or running red lights, increase casualty risk, these behaviours do not cause as many casualties as the factors listed above. Medical conditions are also not included in this indicator as there are considerable differences with drivers who choose high-risk driving behaviour.

*Figure 24: Traffic casualties resulting from crashes where alcohol, drugs, speeding, or distraction/inattention was a factor, per 100,000 B.C. residents*



<sup>32</sup> **Data source and considerations:** Count of victims from Traffic Accident System (police reported), ICBC Reports #2015CMN3308-0 and 2016CMN2819-0. BC population estimates are prepared by BC Stats (<http://www.bcstats.gov.bc.ca/StatisticsBySubject/Demography/PopulationEstimates.aspx>). A fatality refers to a road user who died within 30 days after the date when an injury was sustained in a collision, involving at least one motor vehicle on a 'highway' as defined in the Motor Vehicle Act (largely any public roadway). Fatal victims of off-road snowmobile accidents, homicides, or suicides are excluded from this report. A seriously injured victim: crash victim admitted to hospital for at least one night. In 2008, legislation changed so that police are no longer required to attend all crashes and attendance is at their discretion. For this reason, there has been a marked decrease in the number of police-attended reports submitted to ICBC. Decreasing crash counts which include police-reported data may be misleading.

## UPDATING THE STRATEGIC PLAN

This is the fifth edition of the rolling three-year strategic plan initially developed by the Justice and Public Safety Council of British Columbia in March 2014.

The plan was and is based on the Council's vision for the justice and public safety sector. The plan emphasizes the strengths of the sector, and also identifies gaps between where the sector is today and where it should be to meet the needs of citizens.

### Scope and limitations of the plan

The plan applies broadly to publicly-funded programs and services that contribute to the administration of justice, to the delivery of justice services, and to public safety in British Columbia, within or outside government – referred to collectively as “the sector.” The sector includes:

1. The formal justice system, which includes administrative law, civil law, criminal law, court processes, family law, prosecution, and related work.
2. The closely related functions of protection of the public, such as policing, corrections, crime prevention, and services to victims of crime.
3. Regulatory, protective and/or response functions such as motor vehicle licensing and fines, civil forfeiture, and coroner services.
4. The reform of provincial statutes, the modernization of which is of importance not just to public justice participants, but to users of the justice system.
5. The governing and administrative activity – the bureaucracy – which supports all of the justice and public safety work on which British Columbians rely.

### Goals, objectives and performance gaps

The Council's plan, set out over the following pages, identifies specific gaps where the current reality of the sector does not match the aspirations of the vision. Against each goal and objective, ‘performance gaps’ are set out, as identified through dialogue among sector participants. The gaps are reviewed annually by the Council in light of work done over the preceding twelve months.

# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

GOAL	OBJECTIVE	PERFORMANCE GAP(S)
<b>OUR SECTOR IS FAIR</b>	<p><b>Accessible</b> We offer services accessible to all regardless of means or location, provide meaningful redress and ensure access to justice for vulnerable and marginalized people proactively.</p>	<p>Improved access to justice is needed in civil, family and administrative disputes, in both urban and rural settings.</p> <p>We need to better balance the application of public resources to increase access to justice for accused persons.</p>
	<p><b>Impartial</b> We model integrity, fairness and natural justice in our procedures and in delivering services, treating people equally.</p>	<p>We require an integrated strategy to address over-representation of Indigenous people in the court and correctional systems.</p> <p>We must ensure fair treatment of victims of violent trauma and sexual violence through comprehensive implementation of Trauma-informed Practice.</p>
	<p><b>Timely</b> We work together to reduce systemic delay as an impediment to justice; we seek early resolution of individual processes wherever possible.</p>	<p>The administration of the court system must continue to be modernized to improve scheduling and decrease unproductive appearances.</p> <p>We need to further incorporate established risk/need-assessment practices beyond corrections, in prosecution and police policy.</p>

# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

GOAL	OBJECTIVE	PERFORMANCE GAP(S)
<b>OUR SECTOR PROTECTS PEOPLE</b>	<p><b>Prevention</b> We offer early, appropriate and effective interventions to reduce antisocial behaviour, assisting people in rebuilding healthy, productive lives.</p>	<p>Cross-sector, community-based strategies are required to protect vulnerable populations. We need to address the factors associated with prolific offending, and also address the factors that make people more vulnerable to victimization.</p> <p>To improve road safety compliance, we need to better link critical information regarding high-risk drivers, such as driver records, prohibitions, administrative reviews and driver remedial actions.</p>
	<p><b>Protection</b> We work together to reduce threats to public safety, protect complainants and victims of crime, and prevent re-victimization of the vulnerable by the system.</p>	<p>We need a coordinated, evidence-based framework for managing and supporting sexual and domestic violence cases through the courts, ensuring coordination with family process, and ensuring referrals to support services.</p> <p>We require better tools to increase the frequency with which missing persons are located.</p>
	<p><b>Systemic Approach</b> We work across all levels of government to understand and address root causes of crime, and support and participate in effective alternative interventions and innovation.</p>	<p>Meaningful options need to be available to the courts in support of alternatives to incarceration consistent with <i>R v Gladue</i>.</p> <p>The recommendations of the Seventh Justice Summit regarding mental health, coordinated crisis response and continuity of care should be fully implemented.</p>

# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

GOAL	OBJECTIVE	PERFORMANCE GAP(S)
<b>OUR SECTOR IS SUSTAINABLE</b>	<p><b>Focused efforts</b> Based on measurable demand, we make evidence-based decisions to resource the system’s necessary functions, ensuring these services are delivered efficiently.</p>	<p>We need better measures of demand and workload for sector processes around which resource planning can occur.</p> <p>Sustainable models for policing service delivery are required at the provincial, regional and municipal levels.</p>
	<p><b>Managed resources</b> We allocate resources prudently across the system according to clear and demonstrated cause and effect.</p>	<p>All significant public investments, in cash or in kind, need to be evaluated against expected outcomes identified in advance.</p> <p>Savings or efficiencies created from reforms should be clearly identified through planning and measurement, and be reallocated where resources are most required.</p>
	<p><b>Effectiveness</b> We measure and improve the return on investment of public resources, collectively and as institutions.</p>	<p>We require a methodology to define the cost per key output for each of the sector’s major functions.</p>

# JUSTICE AND PUBLIC SAFETY PLAN 2018-2021

GOAL	OBJECTIVE	PERFORMANCE GAP(S)
<b>OUR SECTOR HAS THE PUBLIC'S CONFIDENCE</b>	<b>Adaptive</b> We offer services and programs that are nimble; we solicit and respond to the needs of people and monitor the effectiveness of our programs	We need to establish, to report on, and to respond to feedback loops with sector client populations.  We require a resource-effective model to manage digital information from acquisition through to sentencing.
	<b>Performance-focused</b> We assume collective and respective responsibility for system performance, engaging British Columbians in dialogue as users and observers of the system.	Meaningful performance reports on core sector deliverables and services should be regularly published.
	<b>Empowering</b> People entering the system have sufficient opportunity and support to learn its rules and practices at their level of need; the public both understands and values the system; we treat the time of every participant as valuable.	People must be better informed and educated about ways in which the sector can assist them in adapting to change and resolving disputes.  More user-needs-driven information should be made available and provided proactively at the outset of proceedings.

## REAFFIRMATION AND/OR CHANGE OF PLAN ELEMENTS

### Continuity of vision

For the plan renewal applicable to the period 2018-19 to 2020-21, the Council reaffirms the relevance of its four goals for the sector – **fairness, protection of people, sustainability, and public confidence** – and their enduring relevance to the work of justice and public safety professionals in British Columbia. The Council also reaffirms the twelve objectives derived from these goals.

### Revision of identified performance gaps

**Goal: PUBLIC CONFIDENCE | Objective: ADAPTIVE** – In recognition of gaps identified at the Eighth and Ninth B.C. Justice Summits on “Justice and Technology,” the Council has added the following text: “We require a resource-effective model to manage digital information from acquisition through to sentencing.”

### Sector operational priorities for 2018-19

The following areas have been reaffirmed by the Justice and Public Safety Council as its priorities for the sector in 2018-19.

#### Indigenous justice

The problems affecting B.C.’s Indigenous peoples with respect to justice and public safety have been highlighted earlier in this document but can be revisited in more detail here. Important issues to be addressed, identified as priorities by the Aboriginal Justice Council of British Columbia in its own terms of reference, include the overrepresentation of Indigenous people in the criminal courts and correctional systems, and the overrepresentation of Indigenous children in removals under the Child, Family and Community Service Act. Indigenous peoples are also disproportionately affected by violence of all kinds (homicides, violence in relationships, sexual violence, and other violent crime), go missing at rates far higher than the general population, and encounter substantial barriers in obtaining access to justice. The legacy of residential schooling, colonialism and systemic racism, including those effects still ongoing, is expressed in trauma which is transmitted across generations and interferes in its own right with the

ability to access justice. JPSC looks forward in 2018 to supporting, together with the Aboriginal Justice Council and key elements within the provincial justice system, the development of an Indigenous Justice Strategy. In addition, as this dialogue progresses JPSC looks forward to opportunities, as they may emerge, to use the B.C. Justice Summit process to build consensus and accelerate needed change.

### Justice and mental health

The prevalence of police encounters with mentally disordered people in the community, combined with the rates of mental disorder and substance dependency amongst the sentenced population, make clear the need for coordinated work in addressing the needs of mentally disordered British Columbians. The progress made on these and other issues at the Sixth and Seventh Summits, the partnership between B.C. Corrections and PHSA regarding the transfer of health services in correctional institutions, and the pending development of a crisis response plan based on the Summit recommendations, are important and positive steps. The Council looks forward to supporting this work through agreement to implementation and monitoring of progress.

### Access to justice

Concerns over the ability of people to identify, obtain and afford services, understand and exercise their rights and obligations and/or participate in proceedings on a level footing have been a continued focus amongst sector leaders over the past year. Recognizing these concerns are national in scope, the response must primarily be provincial. The work of A2JBC will be important in working towards solutions to these challenges which place British Columbians' access to justice at the centre. The situation overall remains a priority for the sector. The Council looks forward to supporting the work of A2JBC, and to the current work on access metrics which will be necessary to gauge progress going forward.

### Violence against women

With respect to violence against women, including domestic violence and sexual violence, it remains an important objective to establish the most effective means of managing criminal cases through the system. The work to establish a trauma-informed practice curriculum for the sector will take us closer to that objective. Continued implementation of this and of other coordinated approaches is of great importance to the sector in 2018-

19. As previously noted, we still require a means of measuring prevalence and repeat offending when these crimes go unreported, so we may understand and implement best practices in protecting women from violence.

\* \* \*

The Council continues, in support of these priority areas, to encourage efforts to collaborate and innovate in broadening the empirical grounding of our sector's policies and operations, through the individual and collaborative development of business analytics and transparent reporting. It is as important as ever to know what works, and to understand how we can reliably and transparently determine what works.

## LOOKING AHEAD

The Council, in looking ahead to 2018-19, anticipates positive developments in a number of areas in the sector, including:

- Implementation of the recommendations of the Ninth 2017 Justice Summit concerning creation of a digital information management strategy for the sector, including the establishment of appropriate project governance to oversee the development and implementation of such a strategy.
- The opportunity, in partnership with the B.C. Aboriginal Justice Council, the provincial government, the courts, and other participants in the system, to contribute to an Indigenous Justice Strategy for British Columbia, including use of the Justice Summit process in 2018 with a theme of “Indigenous Justice” as a means of building consensus on Truth and Reconciliation in the sector, and to identify and accelerate meaningful change.
- Further follow-up on the recommendations of the Seventh B.C. Justice Summit, particularly as regards the development of local protocols for coordinated response to MHSU individuals in crisis in the community.
- Further follow-up on the recommendations of the Fifth B.C. Justice Summit regarding the development of trauma-informed practice in the criminal justice arena, and progress on information sharing practices where family justice, domestic violence and child protection processes intersect.
- Continued development of the work of A2JBC in addressing significant barriers which still confront British Columbians as they engage our system, including necessary work on defining and measuring access to justice; and the associated work of ACE and the Research Framework Working Group in contributing to realizing the Triple Aim of A2JBC.

## PLAN FEEDBACK

Comments are encouraged and may be emailed to [justicereform@gov.bc.ca](mailto:justicereform@gov.bc.ca). Written communication may be sent to:

*The Chair*

*British Columbia Justice and Public Safety Council*

*c/o Coordinator, Justice and Public Safety Council and B.C. Justice Summits*

*11<sup>th</sup> floor, 1001 Douglas Street*

*Victoria, B.C. V8W 3V3*

## APPENDIX 1: SECTOR VISION

British Columbia is committed to a justice and public safety sector founded on the rule of law. The sector encompasses criminal, civil, family and administrative law. It is **fair**, **protects people**, is **sustainable**, and has the **public's confidence**.

### Goal 1: Our sector is fair

#### *Objectives*

Accessible – We offer services accessible to all regardless of means or location, provide meaningful redress, and ensure access to justice for vulnerable and marginalized people proactively.

Impartial – We model integrity, fairness and natural justice in our procedures and in delivering services, treating people equally.

Timely – We work together to reduce systemic delay in the sector as an impediment to justice; we seek early resolution of individual processes wherever possible.

### Goal 2: Our sector protects people

#### *Objectives*

Preventative – We offer early, appropriate and effective interventions to reduce and redress antisocial behaviour, assisting people in rebuilding healthy, productive lives.

Protective – We work together to reduce threats to public safety, protect complainants and victims of crime, and prevent re-victimization of the vulnerable by the sector.

Systemic approach – We work across all levels of government to understand and address root causes of crime and support and participate in effective innovative interventions.

### Goal 3: Our sector is sustainable

#### *Objectives*

Focused – Based on measurable demand, we make evidence-based decisions to resource the sector's necessary functions, ensuring that services are delivered efficiently.

Managed – We allocate resources prudently across the sector according to clear and demonstrated cause and effect.

Effective – We measure and improve the value realized from public investment, collectively and as institutions.

## **Goal 4: Our sector has the public’s confidence**

### *Objectives*

Adaptive – We offer services and programs that are nimble; we solicit and respond to the needs of people, respond to changes in communities and monitor the effectiveness of our programs.

Performance-focused – We assume collective and respective responsibility for system performance, engaging British Columbians in dialogue as users and observers of the system.

Empowering – People entering the system have sufficient opportunity and support to learn its rules and practices at their level of need; the public both understands and values the system; we treat the time of every participant as valuable.

## APPENDIX 2: VALUES OF OUR SECTOR

In a justice and public safety sector within a free and democratic society, the rule of law and principles of fundamental justice must guide the behaviour of the sector. Based on this foundation, the following values apply to work within the sector, such that our actions are:

### ***Fair and equitable***

Acting without discrimination with regard to ethnicity, age, religion, gender, gender identification, sexual orientation, belief or socio-economic status

### ***Open and responsive to change***

Thinking critically about existing practice, considering information that challenges orthodoxy and responding actively to environmental changes

### ***Outcome-focused***

Setting realistic objectives, assessing our work according to results and working together to ensure our activities do not have unintended adverse consequences

### ***Accountable***

Engaging the public on the effectiveness of our work, and reporting regularly on meaningful aspects of our performance

### ***Evidence-based***

Managing operations and innovating through shared collection and analysis of data about what works, and by enabling rigorous research through partnership

### ***Proportionate***

Allocating resources in ways that are necessary and reasonable, according to agreed-upon risks, and taking action in consideration of the sector's goals as a whole

### ***Transparent***

Making information broadly available about the sector's functions, enabling constructive democratic dialogue about goals, outcomes, services and performance

## APPENDIX 3: JUSTICE AND PUBLIC SAFETY COUNCIL

Under provisions of the *Justice Reform and Transparency Act*, Council members are appointed by Ministerial order and may include: an individual who is in a senior leadership role in the government and who has responsibility for matters relating to the administration of justice in British Columbia or matters relating to public safety, and includes any other individual the minister considers to be qualified to assist in improving the performance of the justice and public safety sector. The current membership includes:

Richard Fyfe (Chair)	Deputy Attorney General, Ministry of Attorney General
Mark Sieben (Vice-Chair)	Deputy Solicitor General, Ministry of Public Safety and Solicitor General
Elenore Arend	Assistant Deputy Minister, B.C. Corrections, Ministry of Public Safety and Solicitor General
Allison Bond	Deputy Minister, Ministry of Children and Family Development
Patti Boyle	Assistant Deputy Minister, Community Safety and Crime Prevention, Ministry of Public Safety and Solicitor General
Lynda Cavanaugh	Assistant Deputy Minister, Court Services, Ministry of Attorney General
Peter Juk	Assistant Deputy Attorney General, British Columbia Prosecution Service, Ministry of Attorney General
Clayton Pecknold	Assistant Deputy Minister, Policing and Security Branch Ministry of Public Safety and Solicitor General
Kurt Sandstrom	Assistant Deputy Attorney General, Justice Services, Ministry of Attorney General
Taryn Walsh	Assistant Deputy Minister, Corporate Services and Financial Accountability, Ministry of Mental Health and Addictions