

British Columbia
JUSTICE SUMMIT

SECOND JUSTICE SUMMIT
NOVEMBER 8 – 9, 2013

REPORT OF PROCEEDINGS

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REPORT OF PROCEEDINGS

This Report of Proceedings was prepared for the Honourable Suzanne Anton, Attorney General and Minister of Justice; the Honourable Chief Justice Robert Bauman, Chief Justice of British Columbia; the Honourable Chief Justice Christopher Hinkson, Supreme Court of British Columbia; and the Honourable Chief Judge Thomas Crabtree, Provincial Court of British Columbia.

BRITISH COLUMBIA JUSTICE SUMMITS

Justice Summits are convened by the Attorney General and Minister of Justice of British Columbia, at least once a year, to facilitate innovation in, and collaboration across, the justice and public safety sector. As indicated in s. 9 of the *Justice Reform and Transparency Act*, a Summit may:

- a. review and consider initiatives and procedures undertaken in other jurisdictions in relation to the justice system in those jurisdictions;
- b. provide input to assist the Justice and Public Safety Council of British Columbia in creating a strategic vision for the justice and public safety sector;
- c. make recommendations relating to priorities, strategies, performance measures, procedures and new initiatives related to the justice and public safety sector;
- d. assess the progress being made in justice reform in British Columbia, and
- e. engage in any other deliberations that the Justice Summit considers appropriate.

On the conclusion of its deliberations, a Justice Summit must report to the Minister on the outcome of those deliberations. By agreement between the executive and judicial branches of government, the report of the Justice Summit is simultaneously submitted to the Chief Justice of British Columbia, to the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia.



Grand Chief Edward John of the British Columbia First Nations Summit addresses the plenary.

BACKGROUND TO THE SECOND BC JUSTICE SUMMIT

The *Justice Reform and Transparency Act (2013)* provides for the Attorney General to convene a British Columbia Justice Summit by invitation at least annually. Currently held twice a year, Summits are intended to encourage innovation and facilitate collaboration across the sector, by providing a forum for frank discussion between sector leaders and participants about how the system is performing and how it may be improved. As the Act also establishes a Justice and Public Safety Council, appointed by the Minister, to develop a Vision and an annual plan for the sector across the province, the Summit represents a key source of input and recommendations into the Council's planning process, and is a forum to assess the plans and the progress made under them.

The inaugural Justice Summit, held in March 2013, was based on the theme of criminal justice. The agenda for the Summit focused primarily on consideration of the basic values of the criminal justice system as a foundational element of future discussions around planning and system performance. The first Summit also provided an initial opportunity for participants to identify and discuss criminal justice policy priorities. Finally, both during the first Summit and in subsequent dialogue with participants, Summit organizers were provided with important feedback concerning the makeup and content of future Summits. The first Summit's deliberations were summarized in a *Report of Proceedings* in June 2013.

Participants at the March Summit agreed to return to a second Summit dealing with criminal justice in the fall, at which time it was anticipated that work done by the Justice and Public Safety Council on a Vision and set of Values for the sector – informed by the work of the Summit – would be tabled for discussion. Participants at the March Summit also expressed a desire to see a more diverse and representative population at future Summits, including increased participation by aboriginal organizations.

GOVERNANCE AND PLANNING

The Justice Summit saw the establishment of a Steering Committee (see Appendix 3) with representation from the executive and judicial branches of government, as well as independent legal and policing organizations. The Steering Committee was supported by an internal Working Group (see Appendix 3).

The Steering Committee met between April and November 2013, its principal tasks being to consider the deliberations of the first Summit; develop an agenda in furtherance of the discussion in March and informed by the work of Justice and Public Safety Council; settle on a representative list of participants; and reach agreement on facilitation, location, and other planning matters. Consistent with the theme of the first Summit, criminal justice was reconfirmed by the Committee as the broad-based topic of the second Summit, and as an organizing principle to determine participation.

Attendance at the first Summit had been consciously restricted in numbers to allow candid and productive dialogue in a new and untried forum. Based on the success and collaborative nature of the first event, the Steering Committee worked to increase participation from less than 50 to nearly 70 attendees.

As was the case in March, the Committee agreed that, consistent with protocol in similar gatherings in other jurisdictions to encourage free expression, no comments made by participants during the Summit would be attributed to those individuals or to their organizations in the Summit report.

Prior to the Summit, a productive bilateral meeting was held between the Attorney General and Minister of Justice, the Chief Justice of the Court of Appeal, and the Chief Judge of the Provincial Court (at the time of the meeting the Chief Justice of the Supreme Court had not yet been appointed). In this meeting the judiciary expressed strong support for this multilateral Summit process. It was also agreed that a high priority would be placed on completion of a Memorandum of Understanding between the executive and the judiciary that will outline how continued bilateral meetings will take place between these two branches of government and their relationship to the Justice Summit process.

AGENDA DEVELOPMENT

While the first Summit had established an important precedent for dialogue at this level, the Steering Committee believed that the agenda for the second Summit should focus more on substantive questions of criminal justice reform. In developing the agenda, the Committee saw an opportunity for participants to achieve four objectives.

First, it was appropriate for the Summit to return to the topic of values, first raised in March, to assess progress. Since the first Summit's work on the values that characterize the criminal justice system, the Justice and Public Safety Council had developed draft Vision and Values statements for the BC justice and public safety sector, in consultation with Summit participants (Appendix 4). One key opportunity for the Summit in November, therefore, was to **consider the progress made by the Council in developing a sector Vision and statement of Values** as foundational documents for governance and reform of the system.

Second, on the assumption that the Vision identified by the Council was sufficiently reflective of participants' goals for the criminal justice system, the Committee saw the Summit as an ideal opportunity for participants to **identify any gaps between the Vision for the system and reality**, in constructive but candid terms. In other words, participants would identify and discuss areas in which the criminal justice system was failing to meet commonly held aspirations. This would be achieved through sessions focusing on each of the four goals comprising the Vision: fairness, protection of people, sustainability, and public confidence.



The Honourable Suzanne Anton, Attorney General and Minister of Justice, addresses Summit participants on the first morning of the Summit.

Third, based on this gap analysis the Summit was well placed to **recommend priority actions to close these gaps**: participants were therefore encouraged to specify steps which should be given priority by sector organizations in terms of resources and effort. These recommendations, issued as part of the Summit's report, would offer a meaningful contribution to public debate over reform of the system, and would represent important input into the development of the Justice and Public Safety Council's first annual strategic plan in March 2014.

Fourth, and finally, the Summit was seen by the Committee as an opportunity to **consider the challenges and opportunities of sector-level performance measures and targets**, required by statute as a component of the Council's planning process. While the development of performance measures for the sector is still in its early stages, the relevance of these measures for Summit participants led the Committee to save space on the agenda for an initial presentation on performance measurement in justice systems.

SUMMIT PROCEEDINGS

VISION AND VALUES DOCUMENTS

OVERVIEW OF DEVELOPMENT

In accordance with its statutory mandate, and further to dialogue at the first Summit, between April and August 2013 the Justice and Public Safety Council (Appendix 5) developed a draft statement of Values applicable to the justice and public safety sector in British Columbia, as well as a draft Vision for the sector, with accompanying goals.

Participants were provided by the Council's Vice-Chair with an overview of the development of these documents, the manner in which Summit participants' recommendations in March had been incorporated, and the subsequent consultation activities undertaken by the Council with Summit participants between August and October 2013. It was noted that during consultation, Summit participants had provided feedback both on the draft Vision and Values, but also on policy questions relevant to the development of the Council's strategic plan in March 2014. The Council had returned a revised Vision statement and listing of Values (Appendix 4) to the Summit for consideration. The revised Vision statement was offered as the basis for the Summit's two days of deliberations around the four goals identified in the Vision: fairness, protection of people, sustainability, and public confidence in the system.

It was also acknowledged that the documents required that other voices be heard – as they did not yet reflect the product of consultation with aboriginal peoples, nor had they been subjected to a complete analysis from the perspective of family or civil justice – and were, thus, being tabled at the Summit by the Council as living documents.

Following the overview, the Summit facilitator posed a question to the room:

Recognizing that there is still work to do, has the Council done enough to start a useful conversation around these four goals – fairness, protection of people, sustainability, and public confidence – to begin considering how far we are from the ideal, and what we might do to bridge the gap?

PLENARY DISCUSSION

In plenary discussion, participants offered the following observations as important consideration with respect to the Vision and Values:

- Commitment to implementing the Vision implies a similar commitment to measure progress. This includes baseline measurement of our current situation and performance, in order to be able to show progress.
- Further clarity is required to communicate that the Vision is intended by the Council to reflect the full system of justice and public safety – including civil, family and administrative justice – not simply the criminal justice system.
- The Council has incorporated feedback from stakeholders, but the meaning of the Values and Vision as applied will become clearer as a plan emerges. How concepts such as proportionality or fairness are applied depends on the perspective brought to the issue and on the details of implementation.
- In the documents there could still be greater emphasis on education and information of the public with respect to the system, particularly early in life.
- Although words such as transparency and accountability are present, the power and intent of dialogue over these themes at the first Summit does not yet come through in the Vision.
- The role and interests of the accused and of offenders in the system is not yet sufficiently reflected in these documents, both in terms of rights of the accused and also with respect to rehabilitation.
- As the Vision leads to sector-wide planning, continuing awareness is required with respect to ways in which decisions made at one level of government can have significant impact on other levels of government – with respect to policing, but also regarding other services and system functions as well.
- Competence should be considered for inclusion within the Vision. The tools and training made available to personnel within the system need to match expectations created around the system's functioning and performance.

- With this Vision developed, it now needs to be shared with the public, people working in the system, and people experiencing the system. The Council and the Summit need to hear directly from the people who will be affected.
- As developed by the Council, these documents neither exclude nor assume the addition of new resources for the system. They are an exercise in prioritization towards most effective use of whatever resources are available.

Further to this discussion, with respect to the question put forward by the Summit facilitator, participants were satisfied that the documents were sufficiently developed to proceed with a comparison of the Vision and the current system. It was also agreed that should there be concerns arising during the Summit's remaining work, the Vision and Values documentation would be revisited at the conclusion of the Summit.

COMPARING THE VISION WITH REALITY

PUBLIC CONFIDENCE

The Summit heard a panel discussion on the question of public confidence in the system, followed by intensive work by all participants in small groups. Participants were asked to consider the goal of public confidence as defined in the Vision statement:

PUBLIC CONFIDENCE

Adaptive – We offer services and programs that are nimble; we solicit and respond to the needs of people 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 to learn its rules and practices at their level of need; the public both understands and values the system.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. *What are the most significant gaps between this Vision and our criminal justice system as it is?*
2. *To close these gaps, where could we apply major change efforts (e.g., innovation, resources)?*

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting participant consensus.

More effective education, information and engagement is required

- It is important to engage proactively with the public, in a structured and appropriately designed manner, to identify issues or areas where confidence in the system is most important, and to monitor confidence in those areas. Questions of confidence should relate both to the specific internal workings of the system, but also to more general external perception.
- The system must be explained to British Columbians in simple, non-technical and accessible ways, accenting the human characteristics of the system and its processes.
- Efforts to inform and educate people about the system – what they need to know – should occur early, as part of basic life education, and at appropriate opportunities later in life, reflecting the importance of the system for life in our province. Education strategies should be tailored to reflect differing needs across society.

Greater transparency is required in working with the media

- In working with media, true transparency means reporting both good and bad news stories, and a willingness to distinguish successes and failures. Similarly,

as part of a more transparent regime, in the public interest there is a need to challenge inaccuracies and public misinformation.

- Information should be delivered proactively, with more public release of documentation. Media strategies should be channeled to providing meaningful information to target audiences; media lock-ups should be continued or expanded for important stories or events.
- Where this is possible given the independent roles of various elements of the sector, it is useful to deliver joint messages from system participants on the same issue, as opposed to segmented news releases.

Accountability and performance measures contribute to public confidence

- There will be an enduring lack of trust in system reporting unless performance is independently assessed. This includes complete reporting on the effectiveness of reforms, what is working and what has not worked.
- When there is a gap between our goals and our current effectiveness, measurement must also be aligned with incentives to improve.
- The appropriate methodologies for research and reporting on effectiveness exist and do not need to be created. Some have already been applied in other jurisdictions, from whom we can learn.
- Both qualitative and quantitative data are necessary to demonstrate progress, and appropriate investment is required (e.g., for survey methods and necessary information technology supports). In some areas of the system further work is required to capture progress.
- Research and reporting are necessary but not sufficient with respect to performance. We require a knowledge management strategy to translate our findings into policy and operations. This strategy needs to be effective at the community level, not just centrally.

Areas impacting directly on public confidence should be clearly identified and addressed

- There are several issues of significant concern which require public identification and attention. These include:
 - affordability of securing appropriate representation in justice processes;
 - the over-representation of aboriginal people in the criminal justice system.
- Wherever possible and appropriate, we need to demonstrate action, not simply engage in dialogue.

Broader engagement on justice reform is required

- The membership of the Justice and Public Safety Council should be expanded beyond the current Ministry of Justice executive.
- Documents developed within the reform process should be released proactively, with appropriate public consultation.

PROTECTION OF PEOPLE

The Summit heard a panel discussion on the question of the protection of people by the system, followed by intensive work by all participants in small groups. Participants were asked to consider the goal of protection of people as defined in the Vision statement:

PROTECTION OF PEOPLE

Preventative – We offer early, appropriate and effective interventions to reduce 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 system.

Comprehensive – We work across all levels of government to understand and address root causes of crime, and support and participate in effective alternative interventions.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

- 1. What are the most significant gaps between this Vision and our criminal justice system as it is?*
- 2. To close these gaps, where could we apply major change efforts (e.g., innovation, resources)?*

The following points emerged in the small group discussions and were reported in plenary on behalf of the groups. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting participant consensus.

A distinct strategy is required to protect vulnerable populations

- Vulnerable populations include those vulnerable as victims and those with a high probability of criminal involvement. These categories, in some situations, may overlap.
- Any broad approach to justice and public safety requires recognition of the specialized needs of aboriginal peoples. Other vulnerable populations requiring specialized attention include the elderly, the mentally ill, addicted persons, domestic and sexual violence victims, and the homeless.
- Prolific offending is often a manifestation of vulnerability – a specialized approach should be taken with respect to prolific offenders.
- There is often a lack of services to address victim needs, poor knowledge of services available, or regional disparity in service. There is a need for more comprehensive and specialized services to support victims.
- Protection of vulnerable people needs to address alienation of individuals from the community. We must get communities more involved, not just professionals, to create communities of care. Through addressing environmental factors we have an opportunity to prevent people from becoming victims.
- We have exhibited a lack of creativity in addressing needs, including protective services. We need to develop and expand multi-disciplinary coordinated approaches. The criminal justice system is a last resort and an implicit recognition that other systems have failed an individual or a group; therefore, our system needs to connect better with other systems.



The Honourable Robert Bauman, Chief Justice of British Columbia, addresses the plenary at the close of the Summit.

- Proactive operational responses, including policing, must be proportionate in nature, targeting the right people and the right resources.
- The system's clients need better-coordinated services and early intervention
- Information sharing is vital, and must overcome existing obstacles in the need to balance privacy considerations with the goals of protection and fairness. Similarly, processes which impede timely protective activity unduly should be examined (e.g., making protection orders accessible without court intervention).
- Triage of individuals into one system or another is critical to avoid criminalization being the only option available (e.g., mental health workers working as first responders with police).
- The Justice and Public Safety Council should include other sectors to facilitate an overall provincial framework and strategy for services, such as education, health and social development. Cross-sectoral leadership is needed to sustain support for promising multi-disciplinary approaches, and to identify how changes in one sector can cause pressures in another (e.g., mental health treatment referrals).
- Broader strategies must overcome the pressures of the budget cycle and the election cycle – an inconvenient truth. Cross-sectoral preventative investments are required to realize future savings, but may require “double funding” in transition periods until effects are realized.
- We should show courage with innovation where this requires significant change (e.g., restorative justice, supervised injection site), piloting and considering local initiatives for broader application. Innovation may involve specialized courts, including consideration of the appropriate role of the judiciary and expanded use of discretion regarding appropriate responses.
- Training and investment in early assessment (of e.g. risk, lethality), education, prevention and care across sector service lines can address causes rather than symptoms. Arbitrary thresholds for service delivery (e.g. age) should be revisited.

SUSTAINABILITY

The Summit returned to plenary for a panel discussion on the question of the sustainability of the system, followed by intensive work by all participants in small groups. Participants were asked to consider the goal of sustainability as defined in the Vision statement:

SUSTAINABILITY

Effective – We measure and improve the return on investment of public resources, collectively and as institutions.

Managed – We allocate resources prudently across the system according to clear and demonstrated cause and effect; we treat the time of every participant as valuable.

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

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. *What are the most significant gaps between this Vision and our criminal justice system as it is?*
2. *To close these gaps, where could we apply major change efforts (e.g., innovation, resources)?*

The following points emerged in the small group discussions and were reported in plenary on behalf of the groups. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting participant consensus.

The need for long-term integrated strategies

- Complex systems of governance, accountability and financing are barriers to integrated long-term strategies. Governance of the system and its reform should be clear and should reflect alignment of decision-making and funding authority wherever possible.
- A cross-sector (as opposed to program-specific) approach should be taken to resource discussions, reflecting a continuum of decision-making. Policy choices should reflect understanding of the impacts of each decision on the whole system. The cheapest solutions within one program area may not be best for the system as a whole.
- Real change requires recognition of downstream impacts; we should not let short-term goals trump the public's long-term needs. Holistic planning cannot be based on short-term political priorities, and the system's tendency to respond reactively to high profile incidents works against longer-term reform.

The need for a robust evidence base

- Datasets used for performance metrics should be comprehensive and carefully chosen. Lots of data does not always translate into useful information, and likewise overly simple data should not drive decisions.
- Rigorous analysis should be undertaken regarding the effectiveness of system programs, requiring agreement in advance on definitions of success. Data should be openly available to allow meaningful analysis by those from outside the system.
- An evidence-based approach should not be an undue impediment to creative solutions.
- New capacity created by reform projects needs to be identified in advance and protected for reinvestment.
- Return on investment can be characterized as justice outcomes rather than cost (i.e., in terms of quality versus efficiency outcomes).

- System agencies should take advantage of existing, well-established and empirically supported research and tools on risk assessment.
- Innovation and risk taking should be valued.
- A culture of continuous improvement requires that leadership rewards risk-taking. A sustainable framework must support and encourage innovation.
- Resistance to change may be addressed through introducing appropriate incentives.
- Creative solutions to complex problems may include collaborative approaches (e.g., Victoria Integrated Court), while stand-alone services (e.g., traditional courthouses) may be a dated approach.

FAIRNESS

The Summit returned to plenary for a panel discussion on the question of the fairness of the system, followed by intensive work by all participants in small groups. Participants were asked to consider the goal of fairness as defined in the Vision statement:

FAIRNESS

Accessible – We offer services accessible to all regardless of means, 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 as an impediment to justice; we seek early resolution of individual processes wherever possible.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. *What are the most significant gaps between this Vision and our criminal justice system as it is?*
2. *To close these gaps, where could we apply major change efforts (e.g., innovation, resources)?*

Remarks on aboriginal justice

As part of the panel session, participants heard a presentation by Grand Chief Edward John of the BC First Nations Summit and First Nations Leadership Council. Key points of this presentation included the following:

- Aboriginal peoples are significantly overrepresented in the Canadian prison system, but are underrepresented in positions of authority within the justice system as a whole.
- Understanding and application of the Gladue decision (requiring the courts to consider all reasonable alternatives to incarceration for aboriginal offenders) is lacking. The ‘crisis’ of overrepresentation at the time of Gladue has only worsened in terms of the numbers of incarcerated aboriginal people.
- The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) report – which identifies significant connections between historical injustice and discrimination towards indigenous people, their current social and economic circumstances, and access to justice – is an instructive and useful document which may be of assistance to the Council in its planning activity.
- In British Columbia, the First Nations Leadership Council has concluded a protocol agreement with the Native Courtworker and Counselling Association of BC (NCCABC) for it to undertake a lead role in facilitating better justice outcomes for First Nations peoples and communities. An important step in that regard is the recent NCCABC report, *Better Outcomes for Aboriginal People and the Justice System*.

The following points emerged in the small group discussions and were reported in plenary on behalf of the groups. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting participant consensus.

Action is required on specific fairness issues, particularly regarding aboriginal justice

- We require a strategy to address overrepresentation of aboriginal people in the court and correctional systems. This response needs to be based at the community level. We require a strategy to address overrepresentation of aboriginal people in the court and correctional systems. This response needs to be based at the community level.
- There are structural requirements to achieve fairness in the justice and public safety sector for the aboriginal community. We must address underrepresentation of aboriginal people in the justice professions and system leadership roles. More generally, we need to address barriers to justice which may lead to systemic discrimination on racial lines.
- Aboriginal justice issues warrant creation of a specific advisory board under the *Justice Reform and Transparency Act*.

Fairness is informed by the circumstances of the participants

- Fairness is both foundational and the measure by which we gauge our other efforts. Fairness can be enhanced by collaborative activities and by providing space to a range of perspectives.
- Fairness is, above all, a perception. Achieving or maintaining system fairness requires differing perceptions of fairness to be identified and addressed, such as those of accused persons, or those who are victims of crime.
- Within the Vision statement:
 - The wording around “impartial” should not suggest treating people the same regardless of other circumstances.

- Civility, empathy and respect are lacking in the overall wording of the goal of fairness.

Importance of accessibility as part of fairness

- Our adversarial system requires sufficient resourcing of both the accused and the state. However, improved access is not resolved through blanket resource increases to existing structures, but also entails effective targeting of resources, making use of key enablers such as e.g., outreach workers, and addressing imbalance between urban and rural accessibility. It also entails addressing how to ensure competent representation for the most vulnerable persons.
- Legal aid is inadequately funded, which represents a barrier to fairness. Changes to legal aid funding should clearly establish expected improvement in outcomes, as part of broader education regarding legal aid funding needs.
- Flexibility and specialization may increase access. We should explore the potential of specialized courts/court days in meeting specific needs; moving beyond “9 to 5” courtrooms and using weekends; and using technology to innovate where traditional access is ineffective.
- Balance in the resources allocated to represent the interests of accused persons with those representing state interests (police and crown) is critical to fairness. Adequate compensation to defence lawyers allows for the mentorship of young criminal lawyers which is essential to developing competent defence counsel to match competent, adequately-funded Crown counsel.
- In addition to the rights of the accused, access to justice should also address the needs of victims, and of offenders post-conviction.
- There is an enduring need to address the “culture of delay,” which relates inherently to access, through increased judicial control over what is occurring in the courts.

- An independent advocacy office function with respect to the justice system should be considered.

Need for stamina, collaboration and strategic focus in provincial criminal justice policy

- Real policy change entails risk. Getting more resources and seeking real change in the system entails risk to careers and institutions, and requires political will, effective communications and sustained support for those who assume risk.
- System reform cannot be accomplished through individual programs and silos. We require leadership in overall direction, and common training and language in the field.
- We need to recognize and accommodate significant delay for positive outcomes associated to new programs. Clarity of objective and commitment to measurement are required to maintain focus on long term benefits and outcomes, as some of the key determinants of crime are social (e.g., poverty).
- We should acknowledge that the criminal justice system cannot address all social conditions: prevention is the key. Effective investment in prevention requires active and reciprocal collaboration with other parts of government. An effective criminal justice system would achieve justice outcomes through broader community engagement and support.
- We require dialogue with the federal government, through federal-provincial-territorial meetings or other venues, to address unnecessary limitations placed on discretion within the system (e.g., minimum sentences).

PERFORMANCE MEASUREMENT

In light of the Council's requirement to produce a strategic plan by March 2014, complete with performance measures and targets, participants were provided with a presentation by Professor Yvon Dandurand of the University of the Fraser Valley on the development of useful measures of performance in the justice and public safety sector. While the

presentation was not the subject of plenary discussion, the key points of the presentation were as follows:

- **Clear measures and timely data:** successful justice reforms require clear goals and objectives to be achieved collectively and by each agency; explicit and measurable performance targets and expected timeframes; collection and timely analysis of relevant data.
- **Limited, clear, accepted and repeated measurement:** success also depends on a limited number of measures (with established targets/benchmarks); which are not controversial and represent in clear terms what the system is intended to deliver; which offer sensible feedback to managers and policy makers; which make sense to the population; and which are measured consistently over time.
- **Types of measures** can include workload, activity/input, output/cost, and outcome indicators.
- **Outcome indicators** might include timeliness, access to justice, social equity, public confidence, public trust and respect, public safety, public order, fear of crime, crime reduction, responsiveness to change, offender accountability, and reintegration. Groups of indicators are preferable to individual proxies.
- **Types of data** can include administrative data (statistical indicators), perception data (from the public, experts or key actors) or survey data about experience with the justice system (e.g., victimization).
- **Good examples** include key indicators developed by the Kennedy School of Government, the American Bar Association, the United Nations and Scotland's Ministry of Justice.
- **Pitfalls** include measures that are poorly designed, creating perverse incentives, "gaming" of the system, adverse effects on morale (constrains professionalism) and poor performance; and measures which focus on outputs instead of outcomes.

- **Obstacles** encountered implementing performance indicators may include confusion, different types of indicators, lack of data, competing interests within the system, unrealistic expectations that the indicators will satisfy all and every need for data/feedback, the challenge of an incremental process which is slow and long and may lead to wavering commitment.
- **Performance measures are challenging:** they are hard to define and difficult to implement; they are instruments of power; they define accountability; and they affect the reward structure within institutions. They may negatively affect behaviour and operations. Done well, they can be sources of insight and pride, promoting good governance, accountability and transparency through inspiration rather than coercion. They must be the result of a process of consultation and discussion. There is a technical aspect to “measurement,” but it should not entirely dictate the choice of indicators.

THE FORTHCOMING JUSTICE AND PUBLIC SAFETY PLAN

The Chair of the Justice and Public Safety Council provided participants with an overview of the process leading to the first Justice and Public Safety Plan by March 2014. Key points of the presentation included the following:

- The plan will be a strategic plan for the sector, covering the full range of justice and public safety. By statute it is the Council’s plan, not the Summit’s. Rather, the Summit provides the greatest single opportunity for input into the plan from leaders across the justice system not directly represented on the Council.
- The plan, released publicly and inviting public attention, will articulate goals for the sector, and identify ways in which progress towards these goals may be measured. As a Council document, it will not be binding on any one entity or agency. The different elements of the sector (such as the Ministry of Justice) will reflect elements of the plan which they are able to address in their own business planning.

- The Council is aware of the need not to conflate the ministry's perspective with that of the sector as a whole. As the Council membership evolves in the medium term to include individuals appointed by the Minister from outside the Ministry of Justice and/or the provincial government, this distinction will become clearer, and will make the Council itself and discussions at the Summits stronger. The Council has to speak to the entire sector. It should not, and will not, be a rebranded version of the interests of the executive branch.
- The plan will include the Vision that the Council has developed. The plan must contain positive actions, no matter how limited a first-year plan may be, and the Council will engage on the content of these actions. The sector has received abundant feedback and is in receipt of half a dozen or more major reviews and reports that point the way to needed reforms.
- The plan will include performance measures and targets. Initially, these will comprise a limited, manageable set of measures that relate directly to our goals.

2014 JUSTICE SUMMITS (SPRING AND FALL)

The Chair of the Summit Steering Committee provided participants with details around the planning of Justice Summits in the coming year (calendar 2014).

While the focus of the Summits will move from criminal justice in the short term, the work of participants is not yet finished. Based on the Vision for the sector, the input from participants at the March and November 2013 Summits, and other consultation, the Justice and Public Safety Council will finalize its strategic plan for the sector in the coming months. Participants will be provided with draft versions of the plan for review and comment as it moves from draft to publication.

The 2014 Summits will move in focus to other parts of the justice system to match progress achieved to date with respect to criminal justice, in particular, family justice and civil justice. This move reflects the need to attend to significant issues in these areas, and

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capitalizes on the work of the National Action Committee on Access to Justice in Civil and Family Matters: A Roadmap for Change.

Once initial family and civil Summits – or Summits on other key areas of the sector – have been held, the focus will return to criminal justice, such that the leaders gathered here today can assess the progress made in planning and implementing reforms.

As the system achieves a “mature state” of Summits, the annual cycle will include two Summits: a proactive, aspirational, issue-focused summit in the Spring of each year, and Fall Summits in which the Council consults on its draft three-year strategic plans, plans which will include criminal, civil and family justice.



Professor Yvon Dandurand addresses the plenary.

APPRECIATION

The Steering Committee would like to express its thanks to the participants at the Second British Columbia Justice Summit, whose continuing commitment and goodwill contributed greatly to the event.

For assistance in the development and realization of the second Summit, special thanks are due to: the Court of Appeal for British Columbia, the Supreme Court of British Columbia, the Provincial Court of British Columbia; the Law Society of British Columbia; the British Columbia Association of Chiefs of Police; the Canadian Bar Association (BC Branch); the Legal Services Society; the Public Prosecution Service of Canada; the Native Courtworker and Counselling Association of BC; and the Union of British Columbia Indian Chiefs.

Thanks, too, are due to those invited participants who made time to prepare presentations for panel discussions, including: Ken Walker, Len Goerke, Dr. Sharon McIvor, Mark Benton, Dr. Ray Corrado, Jonny Morris, Brad Haugli, Chief Doug White, Richard Fowler, Murray Dinwoodie, Tracy Porteous, and Grand Chief Ed John.

The Steering Committee would also like to thank Dean Mary Anne Bobinski and staff of the University of British Columbia, Faculty of Law, as well as the Law Society of British Columbia and their Chief Executive Officer (and Summit Moderator) Tim McGee, for their generosity and flexibility in again creating an excellent setting for the Summit.

Finally, the Steering Committee would like to thank the Summit facilitator, George Thomson; Professor Yvon Dandurand; Darlene Shackelly; Michelle Burchill; and the many individual employees of justice and public safety organizations in British Columbia who made direct personal contributions to the success of the Justice Summit.

SUMMIT FEEDBACK

Comments on this *Report of Proceedings* and the Summit process are encouraged and may be emailed to justicereform@gov.bc.ca. Written communication may be sent to:

Ministry of Justice
Province of British Columbia
1001 Douglas Street
Victoria, BC V8W 3V3
Attention: Justice Summit

APPENDIX 1: SUMMIT AGENDA

Second Justice Summit
 Allard Hall, Faculty of Law, UBC
 Friday, November 8 and Saturday, November 9, 2013

Friday, November 8

8:15	Registration and coffee	
8:45	Introduction	Tim McGee (Summit Moderator), Law Society of BC
	Greeting	Elder Debra Sparrow , Musqueam First Nation *
	Welcome from UBC	Emma Cunliffe , UBC Faculty of Law
	Welcome to participants	The Honourable Suzanne Anton , Attorney General and Minister of Justice
	Summit overview	George Thomson (Summit Facilitator)
9:20	Remarks: <i>Draft Vision, Goals and Values: Summary of Progress to Date</i>	Richard Fyfe , Deputy Attorney General and Vice-Chair, Justice and Public Safety Council
9:35	Plenary discussion on Vision and Values	George Thomson
10:00	Break	
10:15	Comparing our Vision to the sector today: Public Confidence	<i>Panel participants</i> Chief Doug White III , Snuneymuxw First Nation * Len Goerke , BC Association of Chiefs of Police Ken Walker , Law Society of BC
10:45	Small groups discuss, report	George Thomson

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12:00	Lunch Remarks: <i>Developing Useful Performance Measures in the Justice System</i>	Yvon Dandurand , University of the Fraser Valley
1:00	Comparing our Vision to the sector today: Protection of People	<i>Panel participants</i> Jonathan Morris , Canadian Mental Health Association Sharon McIvor , Nicola Valley Institute of Technology * Brad Haugli , BC Association of Chiefs of Police
1:30	Small groups discuss, report	George Thomson
2:45	Break	
3:00	Comparing our Vision to the sector today: Sustainability	<i>Panel participants</i> Mark Benton , Legal Services Society Murray Dinwoodie , City of Surrey Ray Corrado , Simon Fraser University
3:30	Small groups discuss, report	George Thomson
4:45	Daily wrap/ housekeeping	Tim McGee
5:00 to 7:00	Reception (Allard Hall)	<i>Sponsored by the Law Society of BC</i>

* Note: Due to unforeseen circumstances affecting travel, some participants were unable to attend as planned.

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Saturday, November 9

Time	Event	Lead
8:30	Coffee	
9:00	Welcome	Tim McGee
	Mid-point overview	George Thomson
9:15	Comparing our Vision to the sector today: Fairness	<i>Panel participants</i> Tracy Porteous , End the Violence Association Grand Chief Edward John , First Nations Summit Richard Fowler , Fowler, Smith
9:45	Small groups discuss	George Thomson
10:30	Break	
10:45	Small groups report	George Thomson
11:15	Presentation: <i>Towards a First Justice and Public Safety Plan</i>	Lori Wanamaker , Deputy Minister of Justice and Chair, Justice and Public Safety Council
11:30	Plenary discussion on developing Plan	George Thomson
12:00	Lunch	
1:00	Recap of Summit recommendations Plenary discussion to check accuracy and amend	George Thomson
2:00	Preview of Spring 2014 Summit	Jay Chalke , Chair, Justice Summit Steering Committee

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2:15	Closing remarks	The Honourable Robert Bauman , Chief Justice of British Columbia
2:30	Final remarks	Tim McGee
2:45	Summit concludes	

APPENDIX 2: SUMMIT PARTICIPANTS

Anton	Honourable Suzanne	Attorney General and Minister of Justice	Government of British Columbia
Bauman	Honourable Robert	Chief Justice	Court of Appeal for British Columbia
Benedet	Janine	Associate Professor	Faculty of Law, University of British Columbia
Benton	Mark	Executive Director	Legal Services Society
Blenkin	Johanne	Chief Executive Officer	BC Courthouse Library Society
Callens	Craig	Deputy Commissioner and Commanding Officer	"E" Division RCMP
Cavanaugh	Lynda	Assistant Deputy Minister	Community Safety and Crime Prevention Branch, Ministry of Justice
Chalke	Jay	Assistant Deputy Minister	Justice Services Branch, Ministry of Justice
Christensen	Tom	Chair	Legal Services Society Board
Corrado	Ray	Professor, Criminology Department	Simon Fraser University
Corrigan	Kathy	Opposition Critic for Public Safety and Solicitor General	British Columbia Legislative Assembly
Crabtree	Honourable Thomas	Chief Judge	Provincial Court of British Columbia
Craig	Rick	Executive Director	Justice Education Society
Crawford	Dean	President	Canadian Bar Association – B.C.
Cronin	Kasandra	Barrister	LaLiberté Cronin
Cullen	Honourable Austin	Associate Chief Justice	Supreme Court of British Columbia
Cunliffe	Emma	Associate Professor	Faculty of Law, University of British Columbia
Dandurand	Yvon	Professor and Associate Vice-President	Research and Graduate Studies, University of the Fraser Valley
DeWitt-Van Oosten	Joyce	Assistant Deputy Attorney General	Criminal Justice Branch, Ministry of Justice
Dicks	Bev	Assistant Deputy Minister	Provincial Office of Domestic Violence

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			and Strategic Initiatives, Ministry of Children and Family Development
Dinwoodie	Murray	Chief Administrative Officer	City of Surrey
Eder	Birgit	LAAC Co-chair	Trial Lawyers Association of BC
Faganello	Tara	Assistant Deputy Minister	Corporate Management Services Branch, Ministry of Justice
FitzGerald	Amy	Policy and Program Analyst	Ending Violence Association
Fowler	Richard	Barrister	Fowler and Smith
Fyfe	Richard	Deputy Attorney General	Ministry of Justice
German	Peter	Regional Deputy Commissioner	Correctional Service Canada
Gill	Honourable Gurmair	Associate Chief Judge	Provincial Court of British Columbia
Goerke	Len	Deputy Chief Constable	Abbotsford Police Department
Gottardi	Eric	Barrister	Peck and Company
Graham	Jamie	President	BC Association of Municipal Chiefs of Police
Grant-John	Wendy	Chair	Minister's Advisory Council on Aboriginal Women
Gutray	Bev	Chief Executive Officer	Canadian Mental Health Association, BC
Haugli	Insp. Brad	President	BC Association of Chiefs of Police
Jamieson	Gene	Legal Officer	Provincial Court of British Columbia
Jardine	Kevin	Assistant Deputy Minister	Court Services Branch, Ministry of Justice
John	Edward	Grand Chief	First Nations Summit
Jones	Dave	Chief	New Westminster Police Department
Juk	Peter	Director, Appeals and Special Prosecutions, Criminal Law Division	Criminal Justice Branch, Ministry of Justice
Kraemer	Frank	Executive Director and Senior Counsel	Superior Courts Judiciary
Krog	Leonard	Opposition Critic for Attorney General	British Columbia Legislative Assembly

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LeBlanc	Robert	Lawyer, Prosecution Office	City of Vancouver
LePard	Doug	Deputy Chief Constable	Vancouver Police Department
MacLeod	Sam	Superintendent of Motor Vehicles	Ministry of Justice
Mason	Heidi	Director, Legal Advice and Representation	Legal Services Society
McBride	Heidi	Legal Counsel	Supreme Court of British Columbia
McGee	Tim	Chief Executive Officer	Law Society of British Columbia
Merchant	Brent	Assistant Deputy Minister	Corrections Branch, Ministry of Justice
Morris	Jonathan	Director, Public Safety	Canadian Mental Health Association, B.C.
Morrison	Brenda	Director, Centre for Restorative Justice and Assistant Professor, School of Criminology	Simon Fraser University
Moyse	Geoff	A/Assistant Deputy Attorney General	Legal Services Branch, Ministry of Justice
Nevin	Caroline	Executive Director	Canadian Bar Association – B.C.
Outerbridge	Tim	Legal Counsel	Court of Appeal for British Columbia
Pearson	Paul	Barrister	Mulligan, Tam, Pearson
Pecknold	Clayton	Assistant Deputy Minister	Policing and Security Programs Branch, Ministry of Justice
Phillips	Honourable Nancy	Associate Chief Judge	Provincial Court of British Columbia
Plecas	Darryl	MLA and Parliamentary Secretary, Crime Reduction	Government of British Columbia
Porteous	Tracy	Executive Director	Ending Violence Association
Prior	Robert	Chief Federal Prosecutor	Public Prosecution Service of Canada (British Columbia)
Robertson	Wayne	Executive Director	Law Foundation
Ruebsaat	Gisela	Legal Analyst	Ending Violence Association
Shackelly	Darlene	Executive Director	Native Courtworker and Counselling Association of B.C.

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Sieben	Mark	Deputy Minister	Ministry of Children and Family Development
Somers	Julian	Professor	Faculty of Health Sciences, Simon Fraser University
Vance	Ken	Senior Policy Advisor	Union of British Columbia Municipalities
Veresh	Tim	Executive Director	John Howard Society, Lower Mainland
Walker	Ken	Second Vice President	Law Society
Wanamaker	Lori	Deputy Solicitor General and Deputy Minister, Justice	Ministry of Justice
Wilkinson	Craig	Executive Director	Provincial Court of British Columbia

APPENDIX 3: STEERING COMMITTEE AND WORKING GROUP

Steering Committee

Members:

Mark Benton	Executive Director, Legal Services Society
Jay Chalke (Chair)	Assistant Deputy Minister, Justice Services Branch Ministry of Justice
Joyce DeWitt-Van Oosten	Assistant Deputy Attorney General, Criminal Justice Branch Ministry of Justice
Mark Fisher	Chief Constable, Oak Bay Police BC Association of Chiefs of Police
Eric Gottardi	Barrister, Peck and Company/Canadian Bar Association BC Branch
Gene Jamieson	Legal Officer, Provincial Court of British Columbia
Heidi McBride	Legal Counsel, Supreme Court of British Columbia
Tim McGee	Chief Executive Officer, Law Society of BC (Summit Moderator)
Tim Outerbridge	Legal Counsel, Court of Appeal for British Columbia
Robert Prior	Chief Federal Prosecutor, Public Prosecution Service of Canada

Facilitator:

George Thomson Director, National Judicial Institute

Ex-officio:

Allan Castle Executive Lead, Justice and Public Safety Secretariat
Ministry of Justice

Michael Lucas Manager, Policy and Legal Services, Law Society of British
Columbia

Nancy Pearson Manager, Stakeholder Relations, Justice Services Branch,
Ministry of Justice

Working Group

Members:

Allan Castle (Chair) Executive Lead, Justice and Public Safety Secretariat
Ministry of Justice

Richard de Boer Director, Policy and Legislation, Criminal Justice Branch
Ministry of Justice

James Deitch Executive Director, Criminal Justice and Legal Access Policy
Division, Justice Services Branch, Ministry of Justice

Shelley Eisler Director, Planning and Performance Reporting, Justice and
Public Safety Secretariat, Ministry of Justice

Michael Lucas Manager, Policy and Legal Services, Law Society of BC

Nancy Pearson Manager, Stakeholder Relations, Justice Services Branch
Ministry of Justice

Special assistance provided by:

Edna Philippides Executive Administrative Assistant, Justice Services Branch
Ministry of Justice

Tiny Vermaning Administrative Assistant, Justice Services Branch
Ministry of Justice

APPENDIX 4: DRAFT VISION AND VALUES FOR THE SECTOR

British Columbia Justice and Public Safety Council Vision (including Goals and Objectives) and Values Draft – October 30 2013

Vision

British Columbia is committed to a system of justice and public safety founded on the rule of law. This system encompasses criminal, civil, family and administrative law. It is fair, protects people, is sustainable, and enjoys the public's confidence. This is achieved through the promotion of a peaceful and safe society and by being accessible, transparent, accountable, and focused on improving outcomes and services.

Goals and objectives

Our system is fair

- **Accessible** – We offer services accessible to all regardless of means, 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 as an impediment to justice; we seek early resolution of individual processes wherever possible.

Our system protects people

- **Preventative** – We offer early, appropriate and effective interventions to reduce 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 system.

- **Comprehensive** – We work across all levels of government to understand and address root causes of crime, and support and participate in effective alternative interventions.

Our system is sustainable

- **Effective** – We measure and improve the return on investment of public resources, collectively and as institutions.
- **Managed** – We allocate resources prudently across the system according to clear and demonstrated cause and effect; we treat the time of every participant as valuable.
- **Focused** – Based on measurable demand, we take evidence-based decisions to resource the system's necessary functions, ensuring these services are delivered efficiently.

Our system enjoys public confidence

- **Adaptive** – We offer services and programs that are nimble; we solicit and respond to the needs of people 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 to learn its rules and practices at their level of need; the public both understands and values the system.

Values

In a justice and public safety system 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 our work, such that our actions are:

1. **Fair and equitable:** acting without discrimination with regard to ethnicity, age, religion, gender, gender identification, sexual orientation, belief or socio-economic status.
2. **Open and responsive to change:** thinking critically about existing practice, considering information that challenges orthodoxy, and responding actively to environmental changes.
3. **Outcome-focused:** setting realistic objectives, assessing our work according to results, and working together to ensure our activities do not have unintended adverse consequences.
4. **Accountable:** engaging the public on the effectiveness of our work, and reporting regularly on meaningful aspects of our performance.
5. **Evidence-based:** managing operations and innovating through shared collection and analysis of data about what works, and by enabling rigorous research through partnership.
6. **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.
7. **Transparent:** making information broadly available about the sector's functions, enabling constructive democratic dialogue about goals, outcomes, services and performance.

APPENDIX 5: JUSTICE AND PUBLIC SAFETY COUNCIL

Under provisions of the *Justice Reform and Transparency Act*, Council members are appointed by the Attorney General and Minister of Justice.

Membership on the Council 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 Council is chaired by the Deputy Minister of Justice and, currently, includes Ministry of Justice executive members and a representative from the Ministry of Children and Family Development. The Council is supported by a Justice and Public Safety Secretariat within the Ministry of Justice. Further to Ministerial Order, the current membership is as follows:

Cavanaugh, Lynda	Asst. Deputy Minister, Community Safety and Crime Prevention, Ministry of Justice
Chalke, Jay	Asst. Deputy Attorney General, Justice Services Branch Ministry of Justice
DeWitt-Van Oosten, Joyce	Asst. Deputy Attorney General, Criminal Justice Branch Ministry of Justice
Faganello, Tara	Asst. Deputy Minister, Corporate Management Services, Ministry of Justice
Fyfe, Richard (Vice-Chair)	Deputy Attorney General, Ministry of Justice
Jardine, Kevin	Asst. Deputy Minister, Court Services Branch Ministry of Justice
MacLeod, Sam	Superintendent of Motor Vehicles, Ministry of Justice
Merchant, Brent	Asst. Deputy Minister, Corrections Branch, Ministry of Justice

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Moyse, Geoff	A/Asst. Deputy Attorney General, Legal Services Branch, Ministry of Justice
Pecknold, Clayton	Asst. Deputy Minister, Policing and Security Programs Ministry of Justice
Sadler, Bobbi	Chief Information Officer, Ministry of Justice
Sieben, Mark	Deputy Minister, Ministry of Children and Family Development
Wanamaker, Lori (Chair)	Deputy Minister and Deputy Solicitor General Ministry of Justice