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BC Justice Reform Initiative

Idle No More

**Summit on
Economics of Policing**
January 17, 2012
Geoff Cowper, QC
Review Chair

Summit Questions

Terms of Reference

**A Criminal Justice
System for the 21st
Century**

Key Problems

Comparative Jurisdictions

Summit Questions

- **Two Questions:**
 - Briefing on BC Reform Initiative
 - How can Police Talk to Lawyers?

TERMS OF REFERENCE

Terms of Reference

A Criminal Justice System for the 21st Century

Key Problems

Comparative Jurisdictions

Independence

Recommendations

Rationale:

- Data suggests that the observable “business” of criminal justice is down, but timeliness remains a significant challenge
- Need for a framework in which independent criminal justice system participants can have a common dialogue and understand the system

Objectives:

- Short term: determine priority areas for immediate action
- Long term:
 - Focus on the practical structural or institutional changes that should be made to foster constitutionally appropriate collaboration among the various participants in the criminal justice system
 - Promote a culture of continuous improvement.

A Criminal Justice System for the 21st Century

Terms of Reference

A Criminal Justice System for the 21st Century

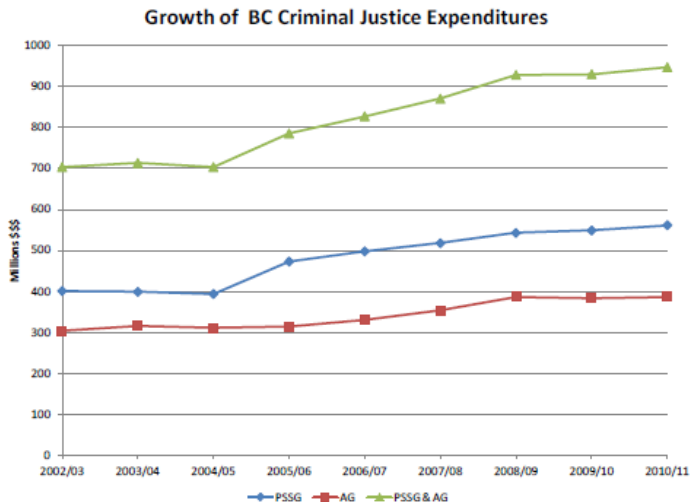
Key Problems

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Recommendations

- Final report delivered in August, 2012 www.bcjusticereform.ca
- Despite the sharp decrease in crime rate in British Columbia, **costs** and **delay** in the justice system are increasing.
 - People are held awaiting trial much longer.
 - People on bail await trial much longer.
 - Charges related to violations of court orders are increasing.
 - A small percentage of cases are taking longer to resolve.
 - The system is costing more in real terms every year.



A Criminal Justice System for the 21st Century

Terms of Reference

A Criminal Justice System for the 21st Century

Problems

Comparative Jurisdictions

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Recommendations

Barriers to Problem-Solving in the System

- Complexity.
- Entrenched culture and traditions of the justice system

Some Recommended Areas of Reform

- Ending the Culture of Delay: Establish timeliness measures, provide transparency and establish accountability for system performance.
- Province-wide crime reduction plan.
- Scaling risk assessment and rehabilitation expertise in corrections across system
- Improve Managerial Capacity: Enhance Ministerial effectiveness; Formalise collaborative networks; include modern management methods; engage public effectively.
- Approaching the management of operations with business analysis techniques
- Systems approach should emphasise early resolution
- Outcomes for the individual and public should be priority

Surface Problems

Terms of Reference

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Surface Problems

Comparative Jurisdictions

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Recommendations

The key obstacles to an efficient criminal justice system are:

- **Backlog** in the amount of cases,
- **Delayed** Resolution,
- **Churn**
- **Unmanaged** length of hearings,

Underlying Problems

Terms of Reference

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Underlying Problems

Comparative Jurisdictions

Independence

Recommendations

The systemic obstacles to an efficient criminal justice system include:

- **Misfit** between public expectation and performance
- **Lack of confidence** in Possibility of Solutions
- **Loss of faith** in goals
- **Loss** of market share and policy support

History

Terms of Reference

**A Criminal Justice
System for the 21st
Century**

History

Comparative Jurisdictions

Independence

Recommendations

Prior efforts to address problems:

- 1641
- 2000
- 2004
- 2006

Comparative Jurisdictions

Terms of Reference

A Criminal Justice System for the 21st Century

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Recommendations

Alberta

- Use court time more efficiently,
- Move administrative matters outside the
- Assign a court room only for those matters ready to proceed
- Crown file ownership



Comparative Jurisdictions

Terms of Reference

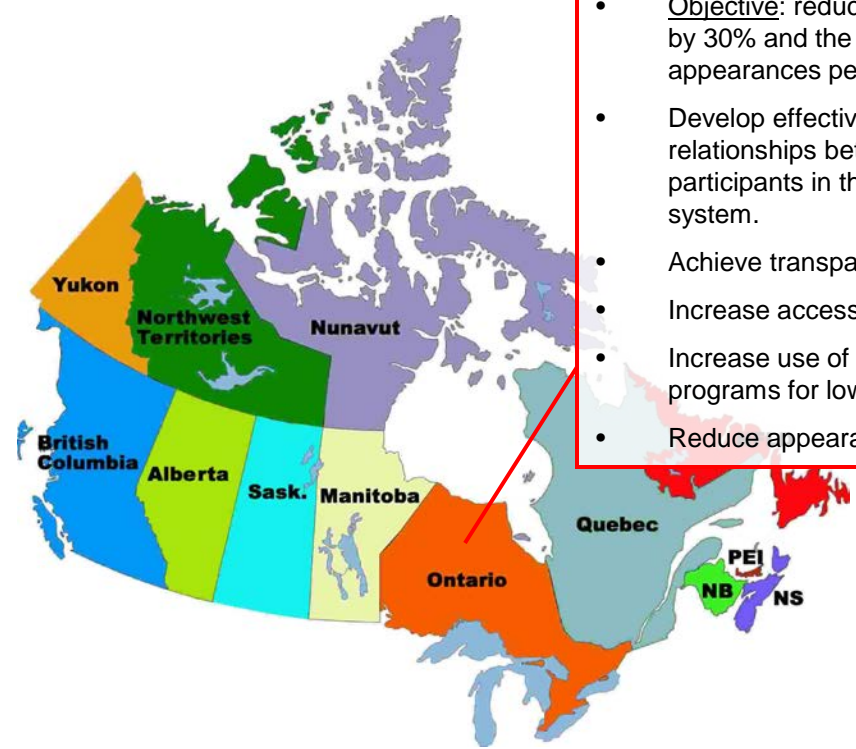
A Criminal Justice System for the 21st Century

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Ontario

- 4 year Justice on Target project
- Objective: reduce time to disposition by 30% and the number of appearances per case by 30%.
- Develop effective working relationships between all the participants in the criminal justice system.
- Achieve transparency
- Increase access to legal aid
- Increase use of accountability programs for low-risk offenders
- Reduce appearances

Comparative Jurisdictions

Terms of Reference

A Criminal Justice System for the 21st Century

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Recommendations



Manitoba

- Secured police and Crown commitments to move more quickly on domestic violence cases
- Time from first court appearance to plea dropped from 7 months to 2 months.
- Time to trial was also substantially reduced.

Independence

Terms of Reference

A Criminal Justice System for the 21st Century

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Recommendations

- **Independence**
 - *“Ultimately, the sole purpose of the concept is to ensure that every citizen who comes before the court will have [their] case heard by a judge who is free of governmental or private pressures that may impinge upon the ability of that judge to render a fair and unbiased decision in accordance with the law” – The Seaton Report*
 - System characterised by independence: investigatorial, prosecutorial, defence, and judicial
- Different cultures of independence: B.C. experience.
- Independence: Resource or Barrier to Reform?
- Environment of Transparency and Accountability

Recommendations

Terms of Reference

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Talking to Lawyers

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Key Problems

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Talking to Lawyers

Recommendations

- **Be Bold**
 - Concerns are not misplaced
 - Public Support and Accountability
- **Be Strategic**
 - Timeliness
 - Idle No More: Officers in Corridors
- **Provide Solutions**
 - Collaboration is Possible
- **Leverage Transparency**
 - Vancouver Riot Cases

Best of times

Terms of Reference

**A Criminal Justice
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Best of times

- **New Tools**
 - Leadership Expectations
 - Systems thinking
 - Modern Management and Information Systems
 - Transparency and Accountability
- **Public Support and Expectations.**

