

# JUSTICE SECTOR (ATTORNEY GENERAL, PUBLIC SAFETY AND SOLICITOR GENERAL, LABOUR) TRANSFORMATION & TECHNOLOGY PLAN UPDATE

November 2011

## The Plan

In 2010/11, the Justice Sector (Attorney General, Public Safety and Solicitor General, and Labour) developed a three-year Transformation and Technology Plan that set our strategy for profound change supported by appropriate IM/IT initiatives. This strategy is designed to embrace government's strategic shifts in a way that will transform the sector's currently unsustainable business model, which is overcome by demands, complexity and spiraling costs.

We are entering the second year of this plan, and while the current fiscal climate has made it impossible to implement all of the proposed initiatives, considerable work continues in order to advance the strategy. The continuous refinement of this plan provides guidance in re-evaluating our current sector transformation and IM/IT priorities, ensuring no delay occurs when resources become available. This process has also inspired action that does not require large capital investments. Most notably, the sector has initiated integrated Business Intelligence and performance management programs (BI) that will capitalize on the existing IM/IT infrastructure in a way that informs transformation of business processes and enhances the sector's overall strategy.

The goal of this update is to better reflect the ministries of Public Safety and Labour and advance the original core strategy to include a continuous improvement loop powered by BI.

## Our Sector

The plan encompasses three Ministries with mandates to:

- **Attorney General:** law officer for the Crown in British Columbia and has a legal duty to see that public affairs are administered in accordance with the law (prosecute criminal matters, operate the courts, justice reform, alternative dispute resolution, family justice services such as mediation, fund the human rights system, fund legal aid and family maintenance enforcement)
- **Labour:** provides services to families, employees, employers, unions, and businesses in British Columbia to support a modern and stable work environment (administer and enforce employment and labour statutes and operate their independent tribunals, operate education services and initiatives to promote understanding and compliance with employment and labour statutes, provide alternatives to traditional adjudication and dispute resolution for workplace and labour issues)
- **Public Safety and Solicitor General:** maintain and enhance public safety (enforce fire safety programming and legislation, police services, gaming and liquor regulation, address human trafficking and youth violence, protect consumers, ensure individuals subject to an order of the court are provided appropriate community and custodial supervision)

Crime and civil conflict are ubiquitous and must be contained by every civil society. Failure to adequately manage these pressures impacts directly on social measures such as quality of life and economic well-being. Services in the sector flow primarily from legal entitlements or safety needs.

For example, citizens with rights-based civil, family, labour or administrative disputes, and persons accused of criminal behaviour are entitled, or expect, to have such matters fully adjudicated by a state-funded justice system. Similarly, our society must have programs to provide emergency assistance for events such as floods and wildland fires that put communities at risk and disputes involving the health and safety of workers, to securely manage offenders through community or custodial correctional services, to respond to victims of crime, to contain risk through road safety programs and to protect consumers and the general public.

## Our Shared Business Challenges

The sector has shared business challenges in fulfilling these mandates where it makes sense to work together to achieve common goals, outcomes and services for British Columbians. The sector carries out its business across the province. Its general functions and responsibilities are set out in Appendix 2.

The drivers for profound change are only becoming more urgent as the systems for addressing societal needs for safety, justice and labour grow more complex, unaffordable and inaccessible. Emergency preparedness and response requires more effective solutions and investment. Civil trials are taking twice as long now as they did 10 years ago. Increasingly complex case law has challenged traditional criminal procedures, resulting in prolonged investigations and criminal “mega-trials” that consume staggering amounts of time and money. The costs of policing the province continue to escalate with technological and legal complexity. Shifts in industry and worker demographics have increased demand for labour dispute tribunals. Delivery of correctional custodial services is expensive. As organizations, we also face human resources issues such as attrition and recruitment. The trend line on all of these costs is upward.

As the demand for front-line services (tribunals, policing, emergency response) increases, it becomes harder to allocate services at the front end of the system to prevent conflict and crime, deal effectively with high-risk citizens

with complex behavioral problems, or address other risks (such as natural hazards, workplace accidents and problem gambling and alcohol related harm).

In short, our situation is characterized by mounting pressures from six directions:

- Growing unsatisfied demand for services,
- Growing complexity and cost of service delivery,
- Shrinking budgets,
- Changing demographics and shrinking workforce,
- Increasing public expectations, and
- Declining public confidence.

For more detailed information regarding our shared business challenges, please see the 2010 Transformation and Technology Plan.

## Our Vision

The sector's vision is a society where British Columbians feel safe and are safe in their communities, and where they have timely access to the knowledge, resources and services necessary to deal effectively with safety issues, crime, conflict and dispute. In this vision:

- Systems and services are designed around the needs of the citizens who use them, not around the needs of the professionals who run them,
- Citizens are expected to take as much responsibility as reasonably possible for addressing their own public safety risks, problems and conflicts, with assistance when required,
- Human services are highly integrated across justice, health, social and education sectors,
- Early, informal, pragmatic and collaborative approaches to problem-solving are preferred rather than after the fact, formal, procedurally complex and adversarial approaches,
- The public is legally literate, has confidence in and is highly engaged with the justice system,
- The public understands public safety, is highly engaged with public safety activities, and has confidence in the Province as a partner in public safety matters,
- There is respect for the rule of law.

## Our Strategy

An essential element of the overall strategy is to focus resources where they will have the greatest impact. A second element of the strategy is to view transformation through an IT lens and to bring technology to bear wherever possible in redesigning services and making them more accessible to citizens. Technology can be utilized on two different levels. At Level One, we use technology to do things better.

Level Two is broader, more fundamental and transformative. Level Two requires fully rethinking the services we deliver (and the needs that give rise to those services) and developing entirely new business models to deliver them. The seven initiatives proposed later in this paper are intended to be on this second level and to align with the intended scale of the T&T exercise.

Further, our strategy starts with an understanding of our key demand drivers so that we can measure the likely success / benefit/ effectiveness of proposed initiatives against those drivers. Clear eGovernment goals are then formulated to address the demand drivers and focus sector planning on transformative initiatives enabled by an IM/IT strategy.

The sector transformation framework integrates the strategic shifts of citizen self-help, business innovation and citizen participation by shifting resources from traditional core business operations to innovate in ways that provide citizens with a greater variety of options that manage demand. Citizens will then be better able to directly help themselves and participate in society-wide solutions. The strategy will create shared business intelligence that informs and supports innovative options (e.g., diversion and alternative dispute resolution) while also improving core business efficiencies, promoting continuous improvement and releasing pressure on costly core business functions.

The success of this collaboration is also rooted in the creation of three new teams:

- Sector T & T Planning - Executive Working Group that ensures horizontal alignment across the sector is negotiated, agreed upon and thoroughly understood by all participants
- T & T Support team in Citizens' Services that ensures vertical alignment.
- Business Intelligence Governance Council that ensures a comprehensive and integrated business intelligence system for the sector

## Roadmap for the Future

Meeting service demands, delivering on the vision, and achieving the three strategic shifts requires business innovations and a fundamental rethinking of the way the sector delivers services and interacts with British Columbians. This is accomplished by enhancing our current core business efficiencies and implementing seven initiatives to be developed and implemented as resources permit:

- Business Intelligence
- One-Stop Human Services
- Virtual Service Channel
- Tribunal Transformation
- Self-Help Network
- Early Response
- Private Sector Engagement

While we believe these initiatives are fundamentally sound, they ultimately mean rethinking our mandate, resources, research, consultation, planning and reorganization of our services. These planned initiatives are detailed in Appendix 1.

## Progress

We are now finished year one of our plan. Though the current fiscal climate has made it impossible to initiate all of the proposed initiatives, we are continuing to advance the notions upon which the plan is premised. In essence, we are starting the paradigm shift now by looking at what we currently do and how we could be doing it better and reviewing our current business processes. This includes leveraging projects that are funded (eCourt, OSMV-COS, ICON-II and the Justice Suite Maintenance Contract) and modifying components for reuse elsewhere. For

example, Content Management (ICON-II) and webMethods infrastructure have been leveraged for integration and workflow automation for the eCourt project (existing initiatives are detailed in Appendix 3). Our work in implementing integrated business intelligence systems is a great example of this process in action.

Integrated business intelligence systems are integral to implementing T&T initiatives as they lay the groundwork for proceeding with our seven planned initiatives when funding becomes available. In order to effectively leverage direct linkages in core business functions, implementation of the business intelligence initiative has been divided between Labour and a shared PSSG/AG governance council. However, all three partners have commonalities in business functions (adjudication, mediation, hearings) and will share lessons learned and best practices in order to strengthen their respective business intelligence systems and enhance the overall sector T&T strategy.

To oversee and realize this expansion for AG and PSSG, a Business Intelligence Governance Council was established in September 2011, chaired on behalf of the Deputy Solicitor General and Deputy Attorney General, and including representation and commitment from:

- Policing and Security Programs Branch (PSSG)
- Office of the Superintendent of Motor Vehicles (PSSG)
- Corrections Branch (PSSG)
- Community Safety and Crime Prevention Branch (PSSG)
- Criminal Justice Branch (MAG)
- Court Services Branch (MAG)
- Justice Services Branch (MAG)
- Provincial Services – Youth Justice (MCFD)
- Management Services Branch (PSSG/MAG)

Existing BI processes, mapped wholly or partly to the sectoral BI level, currently exist in Corrections Branch, Court Services Branch, and MCFD Provincial Services (Youth Justice). Additional partners will be brought into this initiative as appropriate.

In the context of an ongoing needs analysis and cost projection for FY 2012-13 and 2013-14, activities planned for the remainder of FY 2011-12 are concentrated on:

- Formalizing technical standards, specifications and requirements for scaling the ICON (or similar) approach across the sector;
- Rationalizing redundant BI-related processes within the sector;
- Aligning the BI system with the sector's Open Data Strategy;
- Mapping the developing BI system and its inputs and outputs to sector measurement, planning, budgeting, research, and reform functions; and
- Developing partnerships with the judiciary and policing agencies.

Labour has also begun to implement a suite of projects that will enhance and integrate its business intelligence functions across branches, including:

- Enhancing the web portal concept to include the ability for a citizen to access the specific services that are applicable to him\her from a central site and to search and compare open information for the purposes of analysis, such as comparing multiple year over year reports,
- Expanding the Case Management Tracking system to enable better analysis of a broad range of operational data in order to identify areas where early dispute resolution may be possible through the focusing of resources,

- Using webmetrics to identify web pages, fact sheets, languages and topics that are most often accessed or downloaded by clients in order to identify where additional information and translation resources should be focused,
- Labeling and moving data to the DataBC site in order to empower citizens to use it for re-purposing.

## Conclusion

To profoundly change and improve how we do our business, we will continue to identify opportunities for innovation and re-evaluate our plan and seven initiatives as fiscal circumstances, socio-economic factors, legal entitlements and safety requirements change. Comprehensive and integrated systems of business intelligence for the sector will be a driving force of this change.

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# APPENDIX 1: Planned Initiatives

## 1. SECTOR WIDE BUSINESS INTELLIGENCE SYSTEM

Integrated Business Intelligence systems will provide a lens through which the sector's intersecting key inputs, processes, and outcomes may be understood. This intelligence (a "decision support system") is only worth producing – the physical systems are only worth establishing – if matching decision-making processes are in place to capitalize on this knowledge.

Business intelligence requires the introduction of two tiers of application over record-level data, which allow for data in separate silos to be "staged" and subsequently analyzed by specific subject areas (or at the overall system level). The development of integrated business intelligence systems thus requires investment and learning associated to information technology.

Realizing the true value of integrated BI systems for Government and citizens requires the institutionalization, adaptation or modernization of business processes associated to:

- sector performance measurement – BI implies that the sector and its component parts move from *ad hoc* measures of "baseline" performance and outcomes, to those that are agreed as the shared truth of the sector and may be replicated on further occasions to understand change over time;
- research, evaluation and reform – BI provides the information framework (previously generated *ad hoc*) for identifying strengths and weaknesses in the sector, for the independent evaluation of policy initiatives and operational pilots, and for queries of sector patterns associated to research activities;
- strategic planning – BI provides the basis for needs and gap analysis, the means of projecting and identifying performance targets, and metric for assessing the rate of progress; and
- budgeting – BI provides a means of showing the effectiveness and/or potential of a range of sector processes as regards future allocation of resources, and can place into context operational or budgetary concerns which may be considered either significant or marginal on anecdotal grounds.

**Enablers:** *successful implementation of BI will mean the central incorporation of BI products into decision-making around resources and strategic direction at the highest levels of the sector.*

## 2. ONE-STOP HUMAN SERVICES

### Overview

There are some notable examples of service integration but the vast majority of government services are still provided through, and defined by, ministry structures. While this traditional approach meets the needs of some citizens, it frequently does not recognize the complex cross-ministry needs of many others. Opportunities for prevention and early intervention are frequently lost because the necessary knowledge, information, skill sets and programming reside across a boundary in another organization.



The strategic intent of the One-Stop Human Services transformational shift is to redesign the physical doorway into government's human services by combining many of government's human services into shared physical points of presence and, where appropriate, empowering each staff member to deliver the full range of front-counter services as required. By way of example, services being considered under this new model include: court registry counter staff, family justice counselors, probation officers, employment and assistance workers, early childhood educators, child protection workers, Service BC counter staff, employments standards staff, addictions counselors, victim service workers, housing staff, and mental health workers as well as potentially private sector and NGO partners.

Philosophically, instead of expecting the client to accommodate the structure of how services are delivered, the sector will be assessing what clients' needs are and designing contact points, processes, services, and jobs around those client needs. This strategy will also take into account the risk associated with using one location to meet the needs of a wide range of clients (i.e. victims and offenders)

Two principal strategies emerge from this transformational shift.

### **Government Service Centre Redesign**

Government front counters would be designed to assist citizens with routine transactional services as well as concierge services that could triage, guide and refer citizens to subject-matter professionals as well as self-help services. Steps to accomplish this redesign would include:

- Determine the citizen outcomes the sector is intending to improve,
- Analyze existing government points of presence by community,
- Assess large, medium, and small location opportunities to pilot,
- Determine suite of services to co-locate,
- Determine new accountability structures,
- Determine front-counter services and workflows.

*The strategic intent of the One-Stop Human Services is to create a single physical doorway into a range of government human services by combining disparate services in one location while linking common work functions and blending some job classifications*

### **Revamping Government Jobs**

Frequently the most valuable assistance government professionals could provide rests across multiple programs and that more routine transactional services could either be mechanized or delivered in a virtual environment. This new context will require some government workers to work increasingly in cross-disciplinary teams and rely upon a broader knowledge base of services and programming. For individuals in entry-level positions and administrative support functions, this will mean an increasing requirement to provide services to multiple government programs. Steps to revamp government work will include:

- Map existing human service job descriptions and classifications to identify common work functions and potential blending,
- Map existing job classifications as either front office, back office or blended,
- Identify the types of job functions and positions required for government service centers,
- Identify the types of back-office work functions that could be amalgamated or located remotely,
- Design the concept of a service concierge.

## Alignment to Strategic Shifts

- Citizen Participation: Low - Could potentially engage communities and citizens in the concept of service redesign.
- Self-Service: High - The concept of the service concierge could significantly aid in guiding citizens towards self-service applications.
- Business Innovation: High - Would be a new way of providing government services, with significant positive service impact and associated cost savings.

**Enablers:** *For points of presence consolidation we need service integration, identity information management and facilities changes; for job classification blending no key enablers.*

## 3. VIRTUAL SERVICE CHANNEL


### Overview

This transformational shift is designed to provide a virtual doorway into government's human services through the creation of a citizen/client oriented Web presence and a virtual service channel using tele-presence technology.

### Online Services

The sector has recently completed development of phase one of a web-presence, client-centered criminal justice information service called JusticeBC. The JusticeBC portal will enable citizens to navigate by role (juror, witness, accused, victim, etc.) and to navigate by frequent topics or questions as well as by level of court or organizational structure. This multivariate navigation path is seen as a template for other human services across government. The next phase of this transformational shift would see government designing and linking content based on various roles, services, topics and organizational structure. For example, in order for the Ministry of Attorney General to address the needs of individuals engaged in family law disputes, the ministry will need to collaborate with and across social and health ministries.

A major component of this online strategy will be to develop the types of information, online tools and resources necessary to enable citizens to self-serve online. These would include a corporate identity management solution to enable citizens, participants and service providers to access and participate in confidential electronic services, information; and civil and criminal court processes. ICON II's content-management solution can be applied to existing safety and justice business processes to transform how the sector manages citizen, client, staff and partner access to documents, information and open data. Numerous other self service opportunities exist, ranging from on-line application for gaming grants and liquor licenses, to enhanced availability of information on resources available during public safety emergencies.



*This initiative will provide a virtual doorway into government's human services through web presence and a virtual service channel using tele-presence*

## Virtual Channel

The paradox of many of B.C.'s smaller communities is that they may have high per capita need for professional services yet they do not have a sufficient population to support dedicated resident professionals. A virtual channel would see high-end tele-presence videoconference equipment located in a boardroom-style space inside existing government offices or courthouses in smaller communities. In addition, tele-presence equipment would be installed in office space of major regional centres as well as in specialty areas such as remand centres.

The tele-presence space could then be used for all types of specialized interactions with professionals where a face-to-face interaction is most suitable. For example, court proceedings such as in-custody appearances, mediations, family counselling and probation meetings could be conducted using this technology. The model would utilize an anchor tenant approach, by finding a high-usage tenant, and making the space available for government workers across the system who are currently required to travel to smaller communities on a regular basis.

The tele-presence initiative should be viewed in conjunction with potential consolidation opportunities associated with the One-Stop Human Services transformational shift.

## Alignment to Strategic Shifts

- Citizen Participation: Low - Could potentially engage communities and citizens in identifying the types of services and information they would want online.
- Self-Service: Medium - The online components of this transformational shift are designed to aid citizens self-service.
- Business Innovation: High - Would be a new way of providing government services, with significant positive service impact and associated cost savings.

**Enablers:** For telepresence anchor tenant (rural and hub) we need network bandwidth and connectivity, tele-presence equipment; for citizen-centric web presence we need network bandwidth and connectivity, identity information management, social media standards and support.

## 4. TRIBUNAL TRANSFORMATION

### Overview:

Administrative law is about the fair administration of laws, regulations and policies. It operates as a check on government regulation to ensure that public administration is fair and responsive. As well, some tribunals were created as an alternative to the formal court system, and in theory, should be quicker, more efficient and easier for the public to access and navigate. Comments made in the UK Council of Tribunals Report have some application in BC:

*It is no doubt right that bodies established to adjudicate on particular classes of case should be specially designed to fulfill their particular functions and should therefore vary widely in character. But the wide variations in procedure and constitution which now exist are much more the result of ad hoc decisions, political circumstance and historical accident than of the application of general and consistent principles.*

Currently about 26 administrative justice tribunals provide dispute resolution services to tens of thousands of British Columbians each year. The total budget for the 26 tribunals amounts to over \$75 million annually.

These tribunals are entirely under provincial jurisdiction. They respond to a wide range of conflicts, including, for example, agricultural disputes, workers' compensation issues, land use disputes, human rights, entitlement to benefits and liability for fines. There is a clear opportunity through integration, both front-end and back-end, to achieve better service, better outcomes for users and cost savings for government.

There are three elements to the proposed reform:

**1 Consolidation and coordination:** To realize savings that may be available through administrative consolidation and resource sharing, we need to :

- Reorganize and in some cases merge tribunals,
- Restructure hearing processes and panels to achieve efficient commonality,
- Reallocate infrastructure support between tribunals, and
- Share facilities, staff, administration, HR structures and technology.

Steps to accomplish this:

- Review the multiple tribunal mandates to identify opportunities for consolidation, integration and cost savings. The need for specialized tribunal expertise has resulted in a network of small, stand-alone organizations that sometimes lack the scale to realize administrative efficiencies or operational innovation,
- Review infrastructure requirements from the perspective of aligning technology, human resources, facilities management, evaluation and related business intelligence functions across tribunals,
- Develop clear classification criteria for integration based on commonality of subject matter or client population or similarities in jurisdiction, as well as technology needs, general complexity, required expertise, significance of decisions, size of organization/management capacity, geography, subject matter compatibility, etc.,
- Review human resource management with an eye to greater sharing of staff and job functions,
- Integrate the Court Services Branch, Ministry of Attorney General, registry operations and document management functions with the operation of tribunals around the province if possible.

**2 Expand Case Management:** A "reform culture" has begun to evolve within BC tribunals over the last few years. Considerable headway has been made, for example, in the development of case management systems. By "streaming" cases into case conferences, settlement conferences, mediations, and other early resolution processes, tribunals ensure that the more expensive adversarial hearings occur only after less expensive settlement processes have been exhausted. The scope of enhanced case management also includes:

- Prevention and the encouraging of compliance: including proactive communication to decision-makers and users, as well as efforts to resolve conflict at the field level, before it becomes a dispute to be resolved by an administrative tribunal.
- Diversion: greater use of collaborative dispute resolution (DR) processes across the administrative justice system.
- Hearing efficiencies: such as reducing panel size. Cases are often heard by multi-person panels that travel throughout the province to

*Economies of scale can be realized by rethinking the organization and administration of tribunals*

conduct oral hearings. The resources allocated to such hearings can be disproportionate to the economic value of the dispute and could be done through technology.

**3 Use of Technology:** The tribunal sector is particularly well-positioned to increase its use of technology. Small boards with province-wide mandates and large travel budgets, for example, lend themselves to consideration of expanded use of virtual tele-presence and greater use of communications technologies to manage disputes. One or two technology leaders in the tribunal sector have already demonstrated how other tribunals can reduce costs per case and improve efficiency through:

- Case management software that stores and analyzes data on individual cases, supports staff task management, reports on case activity and completion statistics, and integrates information with automated communications (such as e-mail and fax)
- Videoconferencing, virtual office and virtual hearing room technologies

**Enablers:** *Legislation and facilities changes. IM/IT investments will be required in out years; for document production integration CEIS enhancements are needed.*

#### Alignment to Strategic Shifts

- Citizen Participation: Medium/High - Improved access to tribunal data, decisions and information.
- Self-Service: High - Increased opportunity for citizens to access services through technology including advice, tools, forms, applications etc
- Business Innovation: High - Would be a new way of providing tribunal services, with high impact and associated cost savings

## 5. EARLY RESPONSE

The Early Response initiative is an initiative for cross sector collaboration to identify and target attitudinal and situational factors for *potentially at-risk individuals* in order to prevent persons from entering into a criminal lifestyle. This represents a fundamental shift from reactive to proactive treatment and educational programs.

A key component in sustainable public safety and justice systems is the prevention of problems at the front end

and diversion of potential offenders from crime. Over twenty years of research has shown that criminal behaviour is the result of a series of factors, both attitudinal and situational. When left unchecked, these *criminogenic factors* can culminate in a long term commitment to a criminal lifestyle.

Early intervention with preventative programming to counter the development of pro-criminal attitudes and beliefs is essential. A coordinated, cross-sectoral response would engage different ministries as each responds to emerging risks in their respective areas of responsibility. Identification of risk factors such as family functioning, educational and employment achievement, substance abuse and limited

social, recreational and leisure opportunities.

*The Early Response initiative is essentially a prevention program that aims to avoid heavy process costs downstream by identifying and diverting potentially criminal behaviour upstream*

The cross-sectoral identification and response would focus on primary *attitudinal* contributors to criminal behaviour, namely beliefs that criminal behaviour is acceptable, even preferred, along with antisocial *personality* traits such as low self-control, hostility, lack of regard for others and focus on own gratification.

The response would also focus on four primary *situational* variables that contribute to increased criminal behaviour. These are:

- low levels of social achievement (education and employment),
- family / marital instability (including poor parenting and even criminality within the family),
- a lack of prosocial leisure / recreation pursuits; and,
- prominence of substance abuse.

The sooner a person's situational risk factors are attended to, the less likely they are to develop attitudes and peer relationships that support anti-social and criminal behaviour. For instance, Corrections Branch pro-social program "Respectful Relationships" currently offered to offenders could be tailored for delivery to teens through schools or other community programs as an Early Response initiative.

In addition, the Early Response concept will build upon Corrections Branch programs and interventions for those individuals who have already come into contact with the justice system and have risk factors that indicate they are at high risk to re-offend. Corrections Branch staff and contracted therapists offer evidence-based programs and strategies which have proven to be successful in reducing reoffending by up to 60%. Increased use of these programs and other available resources could further contribute to safer communities through reduced criminal activity. An example of an available resource ready to implement with sufficient resources is the Strategic Training Initiative in Community Supervision (STICS). The training assists probation officers to establish rapport, model and reinforce prosocial behaviour, and engage the offender in problem solving and self-management skill building help to bring about significant changes in the offender's lifestyle. There is recent evidence that use of these skills results in significant reductions in recidivism.

### **Alignment to Strategic Shifts**

- Citizen Participation: High: as citizens, volunteers, community members would participate in the alternative measures and providing early supports to dealing with at risk individuals.
- Self-Service: Medium: Individuals and communities can access information and assessment tools.
- Business Innovation: High: new approaches to prevent criminal behaviour and activities.

### **Enablers**

- *Business Redesign*
- *Technology*
- *Possible Legislation*
- *Secure Online Identity Management*

## **6. PRIVATE SECTOR ENGAGEMENT**

There is potential for new ways to engage the commercial sector and the private bar in the broader justice system. This could take 3 different forms, which are discussed below.

**1. The province will facilitate access for citizens to either unbundled or highly specialized private bar legal services in circumstances where those citizens can afford to pay a modest amount for legal advice or representation:**

Legal advice and representation have become unaffordable to all but the very well-off. As one senior Victoria lawyer put it, “If I had a legal problem I couldn’t afford me”. However, legal disputes proliferate and citizens have both the need and the right to bring those disputes to the justice system for adjudication or resolution. Thus, we have many citizens attempting to represent themselves before the courts (often ineffectively, while using considerable system resources) and many others abandoning rights and legal claims altogether. The cost of this lack of access to the courts is borne first by the citizens themselves. Often, the province then incurs the cost of trying to pick up the pieces – for example, for the mother who cannot get a support order for her children or the small businessman who declares bankruptcy because he cannot collect his receivables.

In response to this universal problem, there have been many calls for the private sector law firms to develop new business models. In his book “The End of Lawyers? – Rethinking the Nature of Legal Services”, Richard Susskind asserts that the market tolerance for expensive lawyers is fast disappearing and that it is incumbent on the profession to create new business models and to look for ways that legal work can be done more quickly, more cheaply and more efficiently using new and different methods of working.

Increasingly, the private bar is hearing and accepting Susskind’s admonition. There is a growing awareness among lawyers that they are losing market share and they are, accordingly, more open to exploring new business models. As well, it is clear that there are many middle-and upper-middle-class citizens who could afford to spend a small amount on legal fees. Our plan is to work with the Law Society to develop a model that involves referring would-be litigants that present themselves to the Ministry of AG (at the court registry counters or at our Justice Access Centres, for example) to private sector lawyers or legal teams (including paralegals) that have been assembled for the purpose of providing specialized or unbundled services at a modest cost. By “specialized” we mean that the service provided would be narrow and made more efficient for the for-profit private sector service provider by being relatively simple, systematized and high-volume. Child maintenance variation applications are a possible example. “Unbundling” refers to a situation where rather than providing full scope legal services to a client a lawyer provides limited-scope services. It can take many forms, including assisting with the drafting of a document or appearing in court to assist an otherwise self-represented litigant in arguing a particularly nuanced or complex part of a case.

Government can act as a catalyst to the development of new models by applying some resource and providing support to the private sector. The project will operate as both an early intervention and diversion mechanism for claims that litigants might otherwise try to steer through the courts themselves.

**2. Encourage private sector involvement in the development of internet tools to facilitate and expedite legal problem solving:**

Richard Susskind speaks of the emergence of “legal knowledge engineers”, who will “...standardize, systematize and package the law. They will be analysts who reorganize and restructure legal knowledge in a form that can be embodied in advanced systems, whether for use by lawyers, paralegals or lay people”. Several examples already exist:

*Divorcemate* is a Canadian software application developed by the private sector to facilitate the calculation of child support awards when the federal and provincial governments first introduced uniform statutory maintenance guidelines. It was developed without any government investment and is now used across Canada by lawyers,

judges and government service providers to calculate child maintenance. It has also developed additional applications for calculating spousal maintenance and drafting marriage agreements.

Another active area has been “legal process outsourcing”. This involves passing routine legal work (such as document review in litigation) to independent service providers in low cost locations. *LegalZoom* is a US-based business that provides online legal documents. It has now served over one million customers and its brand is better known in the US than that of any single law firm. LegalZoom is helping citizens who cannot afford lawyers.

By opening sector data up to the private sector we hope to be able to invite them to use the data to create electronic tools that government, the private bar and citizens will be able to use to manage and resolve disputes more efficiently.

In the context of limited government funding (even to implement innovative concepts) this initiative could also open the door to private sector development of on-line networks such as the Self-help Network proposed above.

### 3. Exploit private sector revenue sources, such as advertising:

Again, given the reality of limited government funding, we will look for opportunities for private sector sponsorship and advertising.


Government-related on-line networked services offer a unique opportunity for private sponsors to connect with citizen audiences and ensure their brand is exposed to the right people

Citizens have already turned to the private sector engines to search for and connect with government services and information (e.g. Google). Engaging the private sector to develop on-line services and service pathways is compatible with the shift towards meeting citizen service expectations in new ways that are simple, timely and satisfying.

#### Alignment to Strategic Shifts

- Citizen Participation: High
- Self-Service: Medium
- Business Innovation: High

**Enablers:** Possibly strategic procurement and regulatory changes. For online tools and assistance we need network bandwidth and connectivity, social media standards and support, and information architecture.



*The Self-Help Network initiative would make available the tools, the networks, the information, and the services that citizens need to improve their own outcomes by working in partnership with government*

## 7. SELF-HELP NETWORK

### Overview:

The Self-Help Network initiative would make available the tools, the networks, the information, and the services that citizens need to improve their own outcomes.

The current methods of delivering government services in the sector are unsustainable. While innovative change is occurring (e.g. youth gang prevention strategy, restorative justice, new impaired driving approach, etc.) the system, on the whole, still focuses on resolving problems late, and uses highly resource intensive methods as a



result. Not only is the current model unsustainable from a government services standpoint (demand volume exceeds service delivery capacity), it is also unsustainable from a societal standpoint (unresolved problems, left to accumulate, will snowball). A safe and sustainable civil society requires a new approach, one that addresses issues early, in a manner that is evidence-based, and targets the highest (safety) return on investment opportunities.

The Self-Help Network initiative, consistent with the sector T&T vision, would assist citizens, individually, as volunteers, as part of on-line networks, as part of local communities, or otherwise, to prevent problems, to manage risks, to contribute towards early interventions, to participate in the diversion of issues into more streamlined resolution mechanisms, and to partner in resolution or response to remaining issues.

This initiative would involve citizens in understanding and contributing to more positive outcomes. By building community engagement, and consequently local resiliency, it would help to shift accountability for safety, fairness, and dispute resolution, etc. from government alone to government in partnership with citizens and communities. By preventing problems, or addressing them early (e.g. whether emergency preparedness issues, criminal victimization, etc.) service demand volume will also be managed, while British Columbians are made safer.

Citizen engagement and citizen self-service will be the core of this initiative. The Province will promote and support leaders and leadership in the community to facilitate engagement. Enablers would include:

- Utilizing social media for stakeholder engagement, community outreach, and public education to create more resilient individuals and communities (e.g. victim services awareness, emergency event social networking engagement).
- Developing on-line communities, volunteer, neighbourhood, and other collectives to build capacity, mutual support, awareness, and joint action on numerous issues (e.g. neighbourhood emergency response and/or crime prevention associations). This aspect has natural links to the Neighbourhood Community Centre.
- Partnering with and enhancing the capacity of the volunteer sector.
- Providing on-line training and tools to citizens, volunteers, and officials to help them help themselves, each other, and their communities (e.g. emergency social services training; crime prevention).
- Providing increased access to data, in more usable forms, which would allow individuals and communities to understand, avoid, and mitigate risks more effectively (e.g. road safety data, fire investigators' reports, Employment Standards Tribunal decisions, BC Coroners data, crime, corrections and regulatory offence statistics, natural hazard data, etc.). For example, the Province will coordinate and harness the expertise of NGOs and advanced educational institutions to add value to existing data, and increase its usability.
- Integration of simple technology such as emergency iPhone applications and cell phone avalanche warnings into broader practices and systems.
- Providing government services (e.g. on-line driver license self-service, application to the Crime Victim Assistance Program, victim notification, court support, Disaster Financial Assistance) on-line through mechanisms such as E-service.
- Engaging citizens in the collection of information (citizen auto safety reporting, emergency situational awareness reporting, etc.), and ensuring that government practices integrate into citizens' use of technology (e.g. emergency iPhone applications).
- Use of a site and resources similar to HealthLink (e.g. "SafeLink") which would assist citizens in accessing and engaging with the sub-initiatives of the Self-Help Network.

The Self-Help Network initiative would require significant business innovation, and would result in increased inter-sector, inter-governmental and public sharing of information, such as risk factors, maps, photos, geographical

hazard analysis, avalanche safety warnings, as well as resiliency-enabling information. It is only by leveraging the combined value and contribution of all sectors across the provincial government, and beyond, that the proposed initiative will significantly contribute to a sustainable society. Importantly not all issues can be prevented or diverted. Business innovation is key to ensuring that when intensive government intervention is required (e.g. incarceration, emergency response operations, etc.) that these interventions are evidence-based, effective and efficient. Information technology systems (e.g. EMIS and BCeMap) will be critical to this implementation aspect.

A preliminary analysis has found significant linkages between the sub-initiatives of the Self-Help Network and each of the T&T following sectors: Health, Natural Resources, Social Services, Service. Some (weak) linkages were identified with the Economy Sector.

The Self-Help Initiative will help citizens make themselves safer. It will improve societal outcomes, and reduce demand on the sector, by focusing self-help. It is a key element of achieving a safe and sustainable civil society for BC.

#### **Alignment to Strategic Shifts**

- Citizen Participation: very high
- Self-Service: very high
- Business Innovation: very high

***Enablers:*** For both emergency services network and public safety network we need network bandwidth and connectivity, social media standards and support.

## Appendix 2: Sector Responsibilities

### MINISTRY OF ATTORNEY GENERAL

- **General Responsibilities** Criminal justice, civil law, family law (family justice services and family maintenance enforcement), administrative law policy, court administration and Sheriffs, legal aid, public legal education, alternate dispute resolution, legal services to government, criminal, civil and family law adjudication and dispute resolution.
- **Major Agencies, Boards and Commissions** Legal Services Society, BC Utilities Commission, BC Human Rights Tribunal, BC Law Institute, BC Review Board, Environmental Appeal Board, Forest Appeals Commission, Oil and Gas Appeal Tribunal.

### MINISTRY OF LABOUR

- **General Responsibilities:** Labour relations, Employment standards, WorkSafeBC, Occupational health and safety, Assistance and advisory services to business and workers with respect to WorkSafeBC, *Workers Compensation Act.*, Labour Relations Code; *Employment Standards Act.*
- **Major Agencies, Boards and Commissions:** WorkSafeBC; BC Labour Relations Board, Workers' Compensation Appeal Tribunal, Employment Standards Tribunal.

### MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

- **General Responsibilities** Police and correctional services, Provincial emergency management, Emergency social services, Crime prevention programs, Criminal record check and protection order registry, Victim assistance, Consumer services, Superintendent of Motor Vehicles, Office of the Fire Commissioner, Liquor Control and Licensing, Gaming Policy and Enforcement, Responsible Gambling Strategy.
- **Major Agencies, Boards and Commissions** Insurance Corporation of British Columbia, Police boards, Coroners Service of BC, BC Housing Management Commission, BC Lottery Corporation, Building Code Appeal Board, Homeowner Protection Office, Building Policy Advisory Committee, Safety Standards Appeal Board, Safety Authority of BC, Provincial Rental Housing Corporation.

## Appendix 3 - Existing Initiatives

The eJustice IM/IT Enablers document (included in this 2011 T&T submission package) has been drafted in collaboration with OCIO and continues to evolve in alignment with the eGovernment and corporate IM/IT Enablers strategies. It is also negotiated with sector IM/IT planners and thus serves as a guide for prioritizing IM/IT investments across the sector. This approach has enabled the design of solution components for broad reuse across the sector, many of which inform the design of government-wide, corporate solutions and some of which are extensible and scalable to become government-wide, corporate solutions.

Here are some examples of current sector initiatives benefiting from this strategic alignment:

- **e-Court:** we are developing a number of strategies that, when linked together, will enable the justice system to conduct court matters electronically from initial filing to electronic disposition and all the steps in between. Some of these strategies include: creating common work processes and work flows across all court locations, eliminating duplication of work through systems integration, linking registry operations into virtual teams (processing documents for multiple sites), creating specialty teams for low volume/high complexity work, establishing identity and access management solutions for citizens and legal professionals and enabling matters in the courtroom to be conducted electronically. Combined, these strategies will place British Columbia as the only jurisdiction in Canada to have enabled a fully digital court environment for citizens and will pave the way for additional innovations related to online dispute resolution a virtual service delivery.
- **ICON-II:** Designing and implementing, in collaboration with OCIO and SSBC, the capacity to provide and control a secure trusted corporate connection for a range of diverse justice clients, citizens, litigants and contributors to eJustice services, data and information. This is foundational in transforming how justice is accessed, delivered, perceived and managed.
- **Integrated Road Safety Business Intelligence:** This initiative is seeking to transform BC's road transportation safety systems, improve public safety, and significantly reduce the cost and inefficiency of our current approaches. Our goal is to save lives and reduce the economic impact caused by crashes, which is estimated at \$5.8B<sup>1</sup> to \$8.8B<sup>2</sup>. To do this, the Road Safety initiative must transform the basic structures and systems used to define and deliver road safety services across the justice system. Status note: this initiative has received conceptual approval at Cabinet and Cabinet has directed that a business case be developed for Cabinet consideration.
  - Effectiveness and productivity of scarce front line enforcement resources will dramatically improve through e-ticketing and e-crash reporting.
  - Targeted road safety enforcement will be enabled through access to timely real time business intelligence
  - New traffic ticket dispute processes will significantly reduce police and court workload.
  - Citizens will experience reduced traffic ticket wait times at the roadside and wait times associated with dispute processes.
  - Through electronic business intelligence, citizens will have open data access to all relevant road safety data.

<sup>1</sup> 2003 BC MoTH Microben cost Default Values

<sup>2</sup> Transport Canada report on Economic Burden of BC Road Safety

- **New Justice System Approach to Impaired Driving:** This initiative which was launched in September 2010 seeks to save lives and transform how the justice system responds to impaired driving. This initiative supports Being a Smarter Government through:
  - Citizen safety will improve as fewer impaired drivers will be on the provinces roadways – immediate and substantial sanctions are targeted to reduce impaired driving by 33% by the end of 2013.
  - Police now have the ability to effectively sanction impaired drivers at the roadside in less than 30 minutes, rather than the time intensive 4-5 days of effort to support a Criminal Code offence in the court system. Increased police efficiencies will also drive more enforcement, as police will have a greater ability to spend more time on the street and less time in the office filling out forms and supporting court processes.
  - The Provincial Court system will have greater capacity to address other cases – this initiative is expected to result in a 78% reduction in the number of impaired driving cases in the court system, which would increase the system’s capacity to address other crime problems.
- **BC Justice Suite Vision and strategic Roadmap** (also included in this 2011 T&T submission package):  
 “.. presents a shared vision for the future of the BC Justice Suite in 2015 that is driven by business requirements and enabled by technology. The vision is supported by a strategic roadmap that will ensure successful achievement and allow measurement of progress.  
 The vision and roadmap were prepared in close collaboration with representatives from all areas involved in Justice and Public Safety business and Information Management/Information Technology (IM/IT) planning, who initiated the project to ensure continued alignment between business and IM/IT goals, priorities and investments.”

The sector has also implemented a number of innovative client-centered programs designed expressly to maximize the service principles of citizen self-help, early (point of entry) intervention and problem solving, service integration and diversion to less expensive out-of-court solutions. The intention behind these programs was to rethink our service mandate from a citizen centered, collaborative and non-traditional point of view:

- **Alternative Service Delivery:** Projects implemented or under design include: Justice Access Centres and Virtual Justice Access Centres (V-JAC), Downtown Community Court, Distance Mediation Program, Small Claims Civil Adjudicators, Low Risk Criminal Offender Diversion Pilots, Prolific Offender Management Pilot, Civil, family and child welfare mediation programs and Online Dispute Resolution.
- **Employment Standards Branch Self-Help Kit**
  - The Employment Standards Act provides flexibility to the Director of Employment Standards to establish procedures that must be complied with prior to a party filing a complaint with the Director. The Branch has implemented use of the Self-Help Kit as a resource that encourages employers and employees to resolve disputes directly on an informal basis without need for Government intervention.
  - Where an employee believes the employer has not paid required wages, the Self-Help Kit provides them with a tool to outline and communicate the specifics of their claim to their employer. The Kit must be forwarded to the employer and includes sample calculations and other materials to assist the parties in understanding the legislation and the nature of the claim. Under the process, the claimant is directed to allow 15 days for the employer to consider the claim and either resolve it or identify their intention to dispute it. In the event that the dispute is not resolved through the Self-Help process the individual claimant can then file a formal complaint with the Employment Standards Branch.

- The document has been created in plain language for ease of use by both employers and workers. Following the implementation of the Self-Help Kit, the number of formal complaints filed with the Employment Standards Branch decreased dramatically. This has resulted in reduced work for the Branch and enabled re-alignment of resources. Providing a tool that promotes resolution of disputes directly between the parties themselves significantly increases the timeliness of the dispute resolution process.

The Self-Help Kit is very widely utilized as evidenced by the fact that 38,000 are distributed or downloaded from the ministry Web site each year. Certain categories of workers have been exempted from the use of the Self-Help Kit including those who have language and comprehension barriers, domestics, and farm workers. More details on self-help kits [here](#).