

Ministry of Attorney General

Justice Services Branch – Facilities for LSS Programs

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LSS Initiatives & Justice Transformation

Effective, user-friendly access to legal aid and enhanced criminal, civil and family law services are reliant in part on location of service in or in proximity to courthouse facilities

LSS Initiatives & Justice Transformation

LSS is Funded/Seeking Funding for Expansion

- Expanded Criminal Duty Counsel (POCO pilot)

NR

LSS Initiatives & Justice Transformation

Imminent Space Requirements for JITI Projects

Project	Location	Space Req.	Comments
ECDC	Surrey	8 Offices	Plus file storage
	222 Main	8 Offices	Plus File storage

NR



Questions	Answers
OVERVIEW	<i>Note: The language used in the Overview must be easily understood by the public as well as the stakeholder groups below. This means that it must use plain language to describe technical matters.</i>
Project Statement	<p>Expanded Criminal Duty Counsel is a new pilot program offered by Legal Services Society that seeks to achieve early resolution of files and contribute to court efficiency.</p> <p>Under this pilot program, duty counsel will retain conduct of select uncomplicated files and provide services to a broader range of clients.</p> <p>This initiative complements two other criminal justice system reforms: the Provincial Court Scheduling Initiative and the Crown File Ownership Project.</p> <p>The Ministry of Justice has made a commitment to Legal Services Society to provide \$2 million a year for three years, starting in 2014/2015, to fund this pilot project and other Justice Innovation and Transformation Initiatives at LSS.</p>
What services are provided?	<p>Expanded Criminal Duty Counsel will provide advice to people making initial appearances in the Provincial Court. It will:</p> <ul style="list-style-type: none">• Focus mainly on achieving a resolution before the trial date is set in addition to providing advice.• Provide continuing services to try to achieve early resolution of cases, such as:<ul style="list-style-type: none">• reviewing disclosure• having discussions with Crown Counsel• attending court if a guilty plea is required to resolve the case• Provide information and advice about the charges people are facing• Review police reports to Crown Counsel with the person charged so that they understand the evidence in their case• Explain the court process and discuss the options available <p>Expanded Criminal Duty Counsel will not conduct bail hearings</p>

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
What is new and innovative about this service?	<p>Expanded Criminal Duty Counsel is innovative and transformative in the following ways:</p> <ul style="list-style-type: none"> In the Expanded Criminal Duty Counsel pilot program, the same lawyer will provide services to the client until a trial is scheduled or the matter is resolved. <i>Previously, people usually spoke with a different lawyer every time they went to court.</i> Expanded Criminal Duty Counsel will focus mainly on achieving a resolution before the trial date is set in addition to providing advice. <i>Previously the focus was mainly on providing advice.</i>
Where is the service located?	<p>The Expanded Criminal Duty Counsel service will be pilot tested in two locations starting in 2015.</p> <p>The first pilot site will be in the Port Coquitlam courthouse.</p> <p>The second pilot site is still to be confirmed.</p>
What are the hours of operation?	<p>Criminal Duty Counsel will be available by appointment only.</p> <p>The CDC Administration office will be open 8:30 to 4:30 Monday to Thursday.</p>
Who is eligible for this service?	<p>Legal Services Society provides legal aid services free of charge to people who qualify, based on specific criteria such as income and type of legal issue.</p> <p>For the Expanded Criminal Duty Counsel, the criteria requires that applicants have:</p> <ul style="list-style-type: none"> A case that can be resolved before a trial date is set, based on factors such as: <ul style="list-style-type: none"> complexity of the case volume of disclosure Income and assets that fall within a qualifying range <p>The Expanded Criminal Duty Counsel will have some discretion to provide services for people whose income and assets are close to or exceed the financial guidelines.</p> <p>For more information on eligibility for Expanded Criminal Duty Counsel or other legal aid services, go to: [provide LINK]</p>
CLIENTS	<p><i>Note: The language used for Clients must be easily understood by the public. This means that it must use plain language to describe technical matters.</i></p>
How are criminal charges resolved?	<p>Criminal charges are resolved before a trial date by either a stay of proceedings (charges are dropped), peace bond or a guilty plea.</p> <p>In most circumstances a resolution involves discussions with the prosecutor.</p>

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
Do I have a choice of duty counsel lawyer?	<p>If your case is suitable, you will receive services from the Expanded Criminal Duty Counsel.</p> <p>Some exceptions will apply, for example where the Expanded Criminal Duty Counsel lawyer is not able to act because of conflict or current volume of cases.</p> <p>If a resolution is not reached and you qualify, you will receive representation by a legal aid lawyer and the usual Legal Services Society choice of counsel rules will apply.</p>
What if I already have a lawyer?	<p>If you already have a lawyer for your charge, you should continue to deal with your lawyer.</p> <p>Expanded Criminal Duty Counsel only assists people who do not have a lawyer for their charge.</p> <p>If another lawyer has assisted you with other charges, Expanded Criminal Duty Counsel may still be able to assist you with your current charges.</p>
Does the lawyer go to court with me?	<p>Expanded Criminal Duty Counsel will attend court with you if a guilty plea is required to resolve the case.</p>
What if my case is not resolved?	<p>If Expanded Criminal Duty Counsel is not able to help you resolve the case, you will have the option of hiring your own lawyer, applying for representation by a legal aid lawyer, or representing yourself.</p> <p>If your case is not resolved, the court will expect you to set the case for trial within a reasonable time.</p>
How do I access the service?	<p>If you have already received a copy of the police reports, you can set an appointment to see the Criminal Duty Counsel prior to your court appearance. To set an appointment:</p> <ol style="list-style-type: none"> 1. Obtain your "particulars" from the Crown lawyer in court, 2. Contact the Legal Aid office and make an application for legal aid, 3. After you have made your legal aid application, you will be sent to the CDC Administration Office to obtain an appointment to see CDC. This appointment may or may not be on the same day you attend court. 4. You should have your particulars with you for this appointment. <p>You may visit your local legal aid office or contact the Legal Services Society provincial call centre at 604-408-2172 (for Greater Vancouver) or toll free at 1-866-577-2525, Monday to Friday from 9:30 am - 3:45 pm (Wednesday to 2:00 pm).</p> <p>The Legal Aid Port Coquitlam office is open 8:30 am – 4:30 pm Monday to Thursday.</p>

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
MINISTRY AND EXECUTIVE	<i>Note: the language used in this section does not need to be tailored to the public. It should use terminology appropriate to this stakeholder group.</i>
MINISTRY AND AGENCIES	<i>Note: the language used in this section does not need to be tailored to the public. It should use terminology appropriate to this stakeholder group.</i>
How will the pilot improve the efficiency of and timely access to the justice system?	<p>By focussing on early resolution, fewer cases will proceed to trial, freeing up court resources.</p> <p>The Expanded Criminal Duty Counsel pilot program will streamline and organize activities so that Clients will meet with the CDC when they are most ready to deal with their issues.</p>
How will the pilot be evaluated to determine if the new model improves the efficiency of and timely access to the justice system?	The Expanded Criminal Duty Counsel pilot program will be evaluated by an independent evaluator who will test whether or not it has met all of its objectives.
How will the Expanded Criminal Duty Counsel pilot benefit clients?	<p>Clients will have increased access to criminal legal aid services, and will have their cases dealt with in a more timely manner.</p> <p>Since the same lawyer will provide services to the client until the trial is scheduled or resolved, clients will also have better continuity of service.</p>
LAWYERS	<i>Note: the language used in this section does not need to be tailored to the public. It should use terminology appropriate to this stakeholder group.</i>
Will this service reduce referrals to the bar?	<p>Some cases that would have been eligible for a representation referral will be resolved by Expanded Criminal Duty Counsel.</p> <p>There will be no out-of-custody duty counsel referrals to the private bar in the pilot location.</p>

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
Why doesn't Legal Services Society increase the number of representation referrals instead of adding this service?	<p>The Expanded Criminal Duty Counsel pilot program is part of the Ministry of Justice initiative for Justice Transformation.</p> <p>Legal Services Society can use the funding only for services that are innovative or transformative, and cannot use it to increase the capacity of existing tariff bar services.</p> <p>Legal Services Society is using this funding to provide the kind of initiatives proposed in its report <i>Making Justice Work</i> and recommended in Geoff Cowper's report <i>A Criminal Justice System for the 21st Century</i>.</p> <p>The provincial government committed to this initiative in its white paper on Justice Reform in 2013.</p> <p>This pilot program will test whether Expanded Criminal Duty Counsel complements the Provincial Court Scheduling Project and the Crown File Ownership policy.</p>
What are the anticipated case volumes?	The appropriate case volume is something that will be assessed by this pilot.
What are the criteria for cases to be excluded from this initiative?	<p>Cases are excluded if:</p> <ul style="list-style-type: none"> • the client does not financially qualify • the Expanded Criminal Duty Counsel lawyer has a conflict of interest • the complexity of the case cannot be managed within the resources of Expanded Criminal Duty Counsel • Expanded Criminal Duty Counsel determines that the client would be better served by representation by a private bar lawyer • the case cannot be resolved before a trial date is set
Will there be a choice of counsel?	The Expanded Criminal Duty Counsel pilot program does not offer choice of counsel.
What happens when a case is not resolved?	If the case is not resolved before a trial date is set, the client will be assessed for a standard criminal representation referral.
How was the Expanded Criminal Duty Counsel Lawyer selected?	The Expanded Criminal Duty Counsel lawyer was selected in November 2014 through an open competition.
Will the Expanded Criminal Duty Counsel lawyer continue in private practice?	No, this will be a full-time position.

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
How was the location for Expanded Criminal Duty Counsel selected?	<p>The location was selected by considering a range of factors including:</p> <ul style="list-style-type: none"> • the volume of anticipated cases • the number of initial appearance days • availability and suitability of space • distance to public transit and the courthouse <p>The first pilot location is in Port Coquitlam, which will start operations in early 2015.</p> <p>Legal Services Society is reviewing a number of locations for a second pilot location, anticipated for the Fall of 2015.</p>
JUDICIARY	<i>Note: the language used in this section does not need to be tailored to the public. It should use terminology appropriate to this stakeholder group.</i>
How would judges help unrepresented clients connect to this service?	<p>Judges referring clients to Expanded Criminal Duty Counsel should send the client to Legal Aid to make an application.</p> <p>The client will see Legal Aid first, and then speak with the CDC Administration office where they will be given an appointment with the CDC.</p> <p>If clients cannot see the CDC on the same day, they will be sent back to court by the CDC Administration Office with a requested next appearance date.</p> <p>Expanded Criminal Duty Counsel will <u>not</u> be able to assist clients on their trial date or with bail hearings.</p> <p>To apply for Expanded Criminal Duty Counsel, clients can visit their local legal aid office or contact the Legal Services Society provincial call centre at 604-408-2172 (for Greater Vancouver) or toll free at 1-866-577-2525, Monday to Friday from 9:30 am - 3:45 pm (Wednesday to 2:00 pm).</p> <p>The Legal Aid Port Coquitlam office is open 8:30 am – 4:30 pm Monday to Thursday.</p>
How will clients be informed of this service before they get to court?	<p>Clients may be referred to Expanded Criminal Duty Counsel in advance of their court appearance.</p> <p>Court registry or community agencies sending clients to the CDC should instruct them to contact Legal Aid first.</p> <p>Legal Aid will process the application and send the client to the CDC Administration office where they will be given an appointment with the CDC.</p>

Justice Innovation and Transformation Initiatives
01 EXP CDC - Communications Q & A Text

Questions	Answers
Will clients who have already set a trial date be served?	<p>Expanded Criminal Duty Counsel services will generally end once the client chooses to set a trial date.</p> <p>Some exceptions may be possible if a client changes their mind about a plea far enough in advance of the trial date to make further plea discussions feasible.</p> <p>These cases would be at the discretion of Expanded Criminal Duty Counsel given workload and prior history with the client.</p>

Questions and Answers
Expanded Criminal Duty Counsel
Apr. 9, 2015

1. What is being announced today?

- The Expanded Criminal Duty Counsel (ECDC) is a new pilot project offered by the Legal Services Society (LSS) that seeks to achieve continuity of service and early resolution of disputes for qualifying clients dealing with criminal law matters.
- Prior to this pilot, clients received legal advice from a different lawyer every time they went to court.
- Under the new pilot, the focus is on achieving early resolution of cases with service from the same lawyer.
- The ECDC is one of five pilot projects to be funded by government with the aim of improving access to justice.
- Announced in May 2014, LSS will receive \$2 million per year for three years, starting in 2014/15 — bringing our total legal aid commitment to \$74.6 million in 2015/16.

2. What services are provided?

- The pilot lawyer provides ongoing service to ensure clients understand court processes and the options available to them.
- The ECDC will provide advice and information about charges, evidence, disclosure, liaise with Crown counsel, and attend at court if a guilty plea is appropriate to resolve the case.

3. Where is the pilot located?

- The pilot is located in the Port Coquitlam courthouse.
- LSS is monitoring pilot volumes to determine whether to further increase services in Port Coquitlam or open a second pilot location in the fall of 2015.

4. Why was this location chosen?

- Port Coquitlam was selected based on a range of factors including:
 - volume of anticipated cases;
 - number of initial appearance days;

- availability and suitability of space;
 - distance to public transit and the courthouse.
- If a second pilot is opened, the location of it will be based on similar factors.

5. Who is eligible?

- The LSS provides legal aid services free of charge to people who qualify, based on specific criteria such as income and type of legal issue.
- For the ECDC pilot the criteria requires that applicants have:
 - a case that can be resolved before a trial date is set, based on factors such as:
 - complexity of the case
 - volume of disclosure (documentation), and
 - income and assets that fall within a qualifying range.
- The pilot will have some discretion to provide services for people whose income and assets slightly exceed the financial guidelines.

6. When will these services be available?

- The ECDC has been in operation since February 2015.

7. Do I have to have a matter at the Port Coquitlam courthouse to qualify?

- Yes.

8. How much will this project cost?

- A total of \$211,400 per year has been allocated for this location.

9. Is there a cost to the client?

- No. The LSS provides legal aid services free of charge to people who qualify, based on specific criteria such as income and type of legal issue.

10. How many people will use this service?

- The pilot will establish client volumes.
- When the LSS looked at the Alberta model, that service had 200 clients per year.

11. Do clients have a choice of counsel in the pilot?

- No.

12. What happens if the case is not resolved?

- If ECDC is not able to help the client resolve the case with either a stay of proceedings (charges are dropped), a peace bond or a guilty plea, the client, if financially eligible, will be provided with a referral to a lawyer for representation at trial.

13. How will the program be staffed?

- This pilot involves the hiring of one lawyer and one administrator.
- The administrator takes clients through the intake process and supports all operational aspects of the pilot.
- The lawyer provides advice to qualifying clients, assesses and selects cases that are best suited for early resolution, and endeavors to resolve those cases up to the trial scheduling date.

14. How will the pilot improve the efficiency and timeliness of access to justice?

- By focussing on early resolution, fewer cases will proceed to trial, freeing up court resources.

15. How long will the pilot run?

- The pilot project will run until March 31, 2017.

16. How will the pilot be evaluated?

- The ECDC pilot will be evaluated by an independent evaluator who will assess whether it has met its objectives.

17. What are the other four LSS pilot projects?

- Parents Legal Centre – Located in the Vancouver Robson Square courthouse, a lawyer and paralegal advocate in the Centre will provide parents involved with child protection authorities with information about their rights and responsibilities and support them in

resolving issues collaboratively when appropriate. This pilot was announced on March 27, 2015.

- Expanded Family Duty Counsel - A fulltime lawyer and administrative assistant coordinate duty counsel and legal advice services at the Victoria Justice Access Centre (JAC). The expansion provides clients with continuity of advice and coaching to help them to resolve matters earlier—and outside of court where possible. This pilot project was announced in September 2014.
- Expanded Family LawLINE - Family lawyers provide legal advice to clients across the province over the phone. This service expansion includes increased hours, enhanced use of technology and greater continuity of service. This pilot was announced in September 2014.
- Mediation Referrals – LSS is coordinating with the Family Justice Services Division and Mediate BC to test a family mediation referral pilot project. This pilot project was announced in November 2014.

NEWS RELEASE

For Immediate Release
2015JAG0087-000482
April 10, 2015

Ministry of Justice

Expanded legal aid service helps resolve criminal cases quickly

PORT COQUITLAM – Continuity of service for legal aid clients dealing with criminal law matters and earlier resolution of disputes are the goals of a new pilot project announced today by Attorney General and Minister of Justice, Suzanne Anton.

The Expanded Criminal Duty Counsel (ECDC) – provided by the Legal Services Society (LSS) – serves legal aid clients at the Port Coquitlam courthouse who are dealing with a criminal law matter. Prior to this pilot, clients received legal advice from a different lawyer every time they went to court. The focus of the new pilot is on continuity of service from the same lawyer throughout, with the goal of achieving early resolution of cases where possible.

The pilot lawyer provides one-on-one service to ensure clients understand the court process and the options available to them. A lawyer provides advice and information about charges, evidence, disclosure, liaises with Crown counsel, and attends court if a guilty plea is appropriate to resolve the case.

The ECDC is funded by the Ministry of Justice and is the last of five legal aid justice transformation pilot projects created to improve access and outcomes within the criminal and family justice system. The ministry is providing LSS with \$2 million annually for three years for this purpose, starting in 2014-15, bringing government's total funding commitment to \$74.6 million in 2015-16. These new projects provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as quickly and efficiently as possible.

The Port Coquitlam courthouse was selected as the pilot location due to the volume of anticipated cases, the number of initial appearance days and availability and suitability of space. The pilot project will continue until Mar. 31, 2017. LSS is monitoring pilot volumes to determine whether to further increase services in Port Coquitlam or open a second pilot location in fall 2015.

Quotes:

Suzanne Anton, Attorney General and Minister of Justice –

“The expanded criminal duty counsel will give low-income British Columbians increased access to criminal legal aid services which are focused on resolving cases before the trial date is set. Clients will have the benefit of using the same lawyer throughout the process, resulting in better service and resolution of their legal matter as quickly as possible.”

Tom Christensen, Legal Services Society, chair –

“The expanded criminal duty counsel program at the Port Coquitlam courthouse will increase access to criminal legal aid services for eligible clients. The expanded services of a specific duty counsel will assist clients to quickly resolve less complicated legal matters. The program’s focus on achieving earlier resolution means fewer court appearances and will contribute to court efficiency.”

Carmen Ochitwa, Port Coquitlam criminal duty counsel –

“The Expanded Duty Counsel project is designed to provide more legal services to a larger group of people while reducing the number of court appearances required to get the matter decided. Early resolution of uncomplicated cases reduces both the stress on the court system and our clients. It allows those matters that require a full hearing or trial to be more efficiently scheduled into the court time available.”

Quick Facts:

The LSS provides legal aid services free of charge to people who qualify, based on specific criteria such as income and type of legal issue.

To receive ECDC services, applicants must have:

- Income and assets that fall within a qualifying range; and
- A case that can be resolved before a trial date is set based on factors such as the complexity of the case and the volume of disclosure.

Learn More:

For more information: www.lss.bc.ca/media/newsreleases.php

Media Contacts:

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604 601-6220

Connect with the Province of B.C. at: www.gov.bc.ca/connect

Expanded Criminal Duty Counsel, Port Coquitlam Courthouse—launched in March 2015

Expanded Criminal Duty Counsel is a new pilot program offered by LSS that seeks to achieve early resolution of files and contribute to court efficiency. Under this pilot program, duty counsel will retain conduct of select uncomplicated files and provide services to a broader range of clients. This initiative complements two other criminal justice system reforms: the Provincial Court Scheduling Initiative and the Crown File Ownership Project.

Questions	Answers
What services are provided by Expanded Criminal Duty Counsel?	<p>Expanded Criminal Duty Counsel will provide advice to people making initial appearances in the Provincial Court. It will:</p> <ul style="list-style-type: none"> • Focus mainly on achieving a resolution before the trial date is set in addition to providing advice. • Provide continuing services to try to achieve early resolution of cases, such as: <ul style="list-style-type: none"> • reviewing disclosure • having discussions with Crown Counsel • attending court if a guilty plea is required to resolve the case • Provide information and advice about the charges people are facing. • Review police reports to Crown Counsel with the person charged so that they understand the evidence in their case. • Explain the court process and discuss the options available. <p>Expanded Criminal Duty Counsel will not conduct bail hearings.</p>
What is new and innovative about this service?	<p>Expanded Criminal Duty Counsel is innovative and transformative in the following ways:</p> <ul style="list-style-type: none"> • In the Expanded Criminal Duty Counsel pilot program, the same lawyer will provide services to the client until a trial is scheduled or the matter is resolved. <i>Previously, people usually spoke with a different lawyer every time they went to court.</i> • Expanded Criminal Duty Counsel will focus mainly on achieving a resolution before the trial date is set in addition to providing advice. <i>Previously the focus was mainly on providing advice.</i>

How do clients access the service?	The Expanded Criminal Duty Counsel service is available during court hours. If clients have already received a copy of the police reports, they can make an appointment in advance of their court appearance. To make an appointment, clients should contact the Legal Service Society.
How was the Port Coquitlam location selected?	The location was selected by considering a range of factors including: <ul style="list-style-type: none"> • the volume of anticipated cases • the number of initial appearance days • availability and suitability of space • distance to public transit and the courthouse
How will the pilot improve the efficiency of and timely access to the justice system?	By focussing on early resolution, fewer cases will proceed to trial, freeing up court resources.
How will the Expanded Criminal Duty Counsel pilot benefit clients?	Clients will have increased access to criminal legal aid services, and will have their cases dealt with in a more timely manner. Since the same lawyer will provide services to the client until the trial is scheduled or resolved, clients will also have better continuity of service.
Why doesn't LSS increase the number of representation referrals instead of adding this service?	The pilot program is part of the Ministry of Justice initiative for Justice Transformation. LSS can use the funding only for services that are innovative or transformative, and cannot use it to increase the capacity of existing tariff bar services. LSS is using this funding to provide the kind of initiatives proposed in its report <i>Making Justice Work</i> and recommended in Geoff Cowper's report <i>A Criminal Justice System for the 21st Century</i> . The provincial government committed to this initiative in its white paper on Justice Reform in 2013.
How will the pilot be evaluated to determine if the new model improves the efficiency of and timely access to the justice system?	The pilot will be evaluated by an independent evaluator who will test whether or not it has met all of its objectives.



MEMORANDUM

TO: Expanded Criminal Duty Counsel (EXP CDC) Working Group
FROM: PRA
DATE: March 10, 2015
SUBJECT: Evaluation questions

The focus of the process evaluation is the questions with (P) after them, although we should explore including early evidence for other questions.

IMPLEMENTATION

1. Has the project been implemented as intended in Year 1? (P)
2. What were the challenges, if any, to implementation, and how were they addressed? (P)
3. To what extent do the activities of other stakeholders (e.g., Court, Crown) affect, either positively or negatively, the ability of the project to achieve its objectives? (P)
4. To what extent do the current processes and structure of the project support its efficient and effective delivery? (P)
5. Did the EXP CDC project meet targets related to files/clients, results and case timeframes in Year 1? If not, why not, and what has been/will be done to address these issues? (P)
6. What considerations related to the EXP CDC model, if any are necessary to successfully implement this approach in a different site? (P)

OUTCOME: INTERNAL QUALITY MANAGEMENT AND PERFORMANCE MEASUREMENT ACTIVITIES IMPROVE THE QUALITY OF EXP CDC PROGRAMMING

7. Do target groups within the program feel properly prepared for their role within the program and consider their training materials and program tools helpful in performing their designated role? (P)
8. Is there evidence that the program has made efforts to examine and successfully resolve ongoing quality or performance issues? (P)

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OUTCOME: APPROPRIATE EARLY RESOLUTION

9. Has the EXP CDC service led to the earlier resolution of cases at the project site?

10. Are clients' legal needs being met by the EXP CDC project?

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OUTCOME: CLIENT SATISFACTION

11. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience? (P)

OUTCOME: IMPROVED EFFICIENCIES

12. Has the EXP CDC service led to greater efficiency for the court process at the project site?

13. Has the EXP CDC service led to greater efficiency for LSS?

OUTCOME: INTEGRATED SERVICES

14. To what extent are clients being connected to other resources that are helping them address underlying problems?

OUTCOME: INCREASED ACCESS TO CRIMINAL LEGAL AID SERVICES

15. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?

16. Were there any unintended outcomes of the EXP CDC project identified in Year 1? (P)





MEMORANDUM

TO: Expanded Criminal Duty Counsel (EXP CDC) Working Group

FROM: PRA

DATE: March 10, 2015

SUBJECT: Methodology for evaluation

For the EXP CDC evaluation, PRA proposes the following three methods:

► *Document and data review*

PRA will review relevant documents and data produced by the pilot project. In addition, we understand that internal data from LSS and external data sources (government, stakeholders) will be available to provide comparisons on outcome measures and to support the cost-effectiveness study. As a first step for this task, upon receiving the data, we will conduct a data assessment to explore the completeness, validity, and reliability of the data. This may include some short conversations/interviews with individuals within LSS and/or the pilot projects who are aware of how the data are entered, as well as any limitations. Based on that review, we will discuss how best to utilize the data with the Working Groups.

LSS has indicated that it is willing to entertain suggestions for additional data to track. This may be particularly important for the cost-effectiveness study. Our review of the data at an early stage will ensure that information is tracked that will support addressing all evaluation objectives for each project.

The data and document review will occur during the data collection phases for both the process and the outcome evaluations.

► *Stakeholder interviews*

We will interview stakeholders to obtain their perspectives on the evaluation questions, including both implementation and outcome questions. Interviews will occur during both the process and summative evaluations. The interview topics and questions will be developed in consultation with the Working Group.

For each of the formative and summative evaluations, we propose to interview up to 10 stakeholders, for a total of 10. This would make a total of 20 interviews across both the process and summative evaluations for the EXP CDC Project. Interviews can be conducted in small groups to increase coverage and include more participants. The suggested distribution of interviews is in Table 1, but the final determination will be made by the Working Group.

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Table 1: Suggested distribution of key informant interviews	
Project	Process evaluations (interviews will be repeated for the summative evaluation, although categories may change)
EXP CDC	1 project lead 1 lead lawyer 1 administration person and LSS intake staff (group interview) 3 defence counsel who handle expanded CDC services 2 judges 2 prosecutors
Total process	10
Total summative	10
Total	20

s. 13

► **Focus groups**

Since the pilot project is province-wide, we suggest one of two options:

- 20 individual telephone interviews of about 20 minutes each. Telephone interviewees would not receive an honorarium.
- Two in-person focus groups with about 10 participants per group (to conserve costs, these locations should be within a four hour drive of each other). Each focus group would last approximately 90 minutes. We suggest, and have budgeted for, a \$50 honorarium per focus group participant to recognize the time commitment and potential expense (e.g., transportation, child care) of participation.

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Given the short amount of time between project start date and data collection for the process evaluation as well as the short period of time for the data collection to occur, we do not advise a survey.

For the summative evaluation, we propose either using the same approach as the process evaluation, *or*, if client volume is sufficient, a telephone survey of clients.



Program Logic Model – Expanded Criminal Duty Counsel

(C) = Comparison data needed

	Program Activities	Program Outputs	Short-Term Outcomes	Medium-Term Outcomes
QUALITY MANAGEMENT	Developing and delivering training, policy, tools and infrastructure to support the project	<ul style="list-style-type: none"> • # and type of orientation/training materials developed • # and type, and target of training delivered • # and type of tools developed and implemented 	<ul style="list-style-type: none"> • Target groups are informed and consider orientation materials, training, and tools to be helpful 	
	Quality improvement activities	<ul style="list-style-type: none"> • Case management system implemented (incl. temporary manual system and upgraded system) • # and type of QI and PM activities conducted according to plans 	<ul style="list-style-type: none"> • Cyclical QI and PM activities ensure quality and performance issues are found and actions are taken to resolve issues affecting performance and quality 	
INTAKE AND ASSESSMENT	Assess client and make decision about whether early resolution is possible	<ul style="list-style-type: none"> • # of clients using different entry points (e.g., judge, JP, CDC office, CDC in court, LSS intake, referred by another JITI pilot or agency) 	<ul style="list-style-type: none"> • Appropriate clients/cases are streamed into ECDC services 	
		<ul style="list-style-type: none"> • # and types of files/clients accepted, with a description of the complexity of the file • # of files rejected, and reasons why 	<ul style="list-style-type: none"> • Clients receive a referral to ECDC services in a timely manner 	

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LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible ECDC clients <ul style="list-style-type: none"> • Provide advice to client • Provide continuous representation to client 	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matter in the program) that are assisted by same CDC 		
		<ul style="list-style-type: none"> • Average \$ cost/file • # of cases successfully resolved (C) • # of cases not successfully resolved, and reasons why (C) • # of court appearances per file (C) • # of court appearances per case resolved prior to trial fix date (C) • # of court appearances per case resolved after trial fix date (C) • # of days from first contact w/ ECDC to successful resolution of case (C) • # of days from first appearance to resolution, on files resolved before trial fix date (C) • # of days from first appearance to resolution, on files resolved after trial fix date (C) 	<ul style="list-style-type: none"> • ECDC clients achieve the appropriate early resolution of their criminal matters • Clients are satisfied with their experience in the ECDC program 	<ul style="list-style-type: none"> • The courts at the ECDC program site operate more efficiently • LSS operates its criminal legal aid services more efficiently • Access to Criminal Legal Aid at the ECDC program site is increased
		<ul style="list-style-type: none"> • # and % of clients leaving the ECDC program for an LSS Criminal Tariff referral • # and % of clients leaving the ECDC program who are not eligible to receive an LSS Tariff lawyer referral 		

s.13

OTHER SUPPORTS	Connect ECDC clients with other existing resources to help them address underlying problems	<ul style="list-style-type: none"> # of clients being connected to other resources # and type of other resources contacted # and type of other resources utilized/engaged in the resolution process 	<ul style="list-style-type: none"> Clients use referrals to other resources and find them helpful 	

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Evaluation and Measurement Plan – Expanded Criminal Duty Counsel

Outcomes	Indicators	Success Criteria/Targets	Data Sources and Methods
Short-Term			
Target groups are informed and consider orientation materials, training, and tools to be helpful	<ul style="list-style-type: none"> Perception of project staff 		<ul style="list-style-type: none"> Interview with ECDC staff
Cyclical QI and PM activities ensure quality and performance issues are found and actions are taken to resolve issues affecting performance and quality	<ul style="list-style-type: none"> Evidence of addressing identified operational implementation issues detected by quality improvement activities The performance of key processes are measured and consistently meet operational performance targets Evidence of efforts to examine and resolve ongoing performance issues 		<ul style="list-style-type: none"> Project data (e.g., findings and results of preliminary review cycles, other QI and PM activities)
ECDC clients achieve the appropriate early resolution of their criminal matters	<ul style="list-style-type: none"> # of cases successfully resolved (C) 		<ul style="list-style-type: none"> Court Services data
	<ul style="list-style-type: none"> # of cases not successfully resolved, and reasons why (C) 		<ul style="list-style-type: none"> LSS intake/ISIS data
	<ul style="list-style-type: none"> # of days from first contact w/ ECDC to successful resolution of case (C) 		<ul style="list-style-type: none"> ECDC program data
	<ul style="list-style-type: none"> % of ECDC clients whose matter is resolved before the trial fix date (C) 		<ul style="list-style-type: none"> Client feedback (interviews, focus groups or survey)
	<ul style="list-style-type: none"> % of clients who feel the resolution of 		

	their criminal matter was appropriate		
Clients are satisfied with their experience in the ECDC program	<ul style="list-style-type: none"> • % of ECDC clients who feel satisfied with their experience in the ECDC program • % of ECDC clients who are satisfied with the outcome of their criminal matter • % of ECDC clients who are satisfied with the timeliness of the outcome of their criminal matter 		<ul style="list-style-type: none"> • Client feedback (interviews, focus groups or survey)
Clients use referrals to other resources and find them helpful	<ul style="list-style-type: none"> • % of clients who use referrals to other resources • % of clients who find referrals helpful in obtaining a successful outcome in their criminal matter 		<ul style="list-style-type: none"> • Client feedback (interviews, focus groups or survey)
Medium-Term			
The courts at the ECDC program site operate more efficiently	<ul style="list-style-type: none"> • ECDC files are resolved with fewer court appearances/case than comparison site (C) • ECDC files resolved before trial fix date have fewer days from first appearance to resolution (C) • ECDC files resolved after trial fix date have fewer days from first appearance to resolution (C) • ECDC files have fewer court appearances per case resolved prior to trial fix date (C) • ECDC files have fewer court appearances per case resolved after trial fix date (C) • % of courtworkers/Crown Counsel/ judiciary who feel the courts are operating more efficiently • ECDC lawyers' opinions regarding the connection between supports for clients' 	<ul style="list-style-type: none"> • Court appearances/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) • Days from first hearing to resolution/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) • Days from first hearing to resolution/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) 	<ul style="list-style-type: none"> • Court Services data • Court Services data • Court Services data • Crown Counsel/judiciary interviews • ECDC staff interviews • LSS and program data

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	related issues and efficiency of courts/informed sentencing		
LSS operates its criminal legal aid services more efficiently	<ul style="list-style-type: none"> • Average \$ cost/file (resolved/unresolved) compared to cost of files for clients receiving LSS Criminal Tariff referral (C) • # of LSS Criminal Tariff referrals during pilot compared to prior year in pilot site • # and % of clients leaving the ECDC program for an LSS Criminal Tariff referral 	•	<ul style="list-style-type: none"> • LSS and ECDC program data
Access to Criminal Legal Aid at the ECDC program site is increased	<ul style="list-style-type: none"> • % of ECDC clients who would not have been eligible for a legal aid referral (C) • % of legal aid-ineligible clients whose criminal legal matter was resolved 		<ul style="list-style-type: none"> • LSS intake/ISIS data • ECDC program data

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OVERVIEW OF PROJECT VISION

Overall Transformation

Carry out 3 iterative pilot improvement and quality control cycles for each of the 5 JITI projects, consisting of:

- (1) Pilot Improvement (vision and model): review and implement improvements related to the vision, objectives and outcomes, policies, evaluation framework, and model of each pilot;
- (2) Pilot Improvement (operating components): review and implement improvements to business data, processes and forms, systems, pilot operations and performance;
- (3) Quality Control (risk and quality management): develop and implement quality control tools and mechanisms to facilitate adherence to the vision and model, manage risk, and manage change

In particular, compare the vision and model as defined each project charter to the pilot operation, identify gaps or deficiencies that need to be addressed, and carry out revisions to the vision, model and operation to achieve full consistency with the vision.

The goal for each pilot for the 2015-2016 fiscal year is to achieve a standardized model and operation that is ready for expansion or for replication to other locations in the province.

The project team will also define requirements for the JITI-CIS upgrade, and recommend a timeline for migration to CIS. The Pilot Databases are not designed to support pilot locations beyond those in the current plan, so expansion to additional locations must take place after a CIS-JITI upgrade.

Pilot Program Evaluation

Concurrent with the above transformation, the Evaluation team (PRA) will carry out work on the formative and summative evaluations of each pilot program. The schedule for evaluation is:

- | | |
|--------------------------------------|-----------------|
| • Draft Process Evaluation report: | June 30, 2015 |
| • Final Process Evaluation report: | August 30, 2015 |
| • Draft Summative Evaluation report: | April 30, 2016 |
| • Final Summative Evaluation report: | June 30, 2016 |

SUMMARY OF EACH PROJECT

NOTE: *Definitions* —

- *Soft Launch* - the beginning of a phased transition to the new model
- *Full Launch* - the pilot is operating on the new basic model (minimal components)
- *Final Model* - the pilot is operating on the new full model with all components – this phase requires that pilot personnel be fluent in applying all components of the model (Year 2)

01 EXP CDC - Expanded Criminal Duty Counsel

In Year 1 (2014-2015), the project team developed and implemented the EXP CDC pilot program. Initial findings indicate that volume is larger than anticipated due to several factors, including: increased level for discretionary eligibility, and identification of clients who were previously not recorded in LSS systems.

In Year 2 (2015-2016), the project team will identify and recommend the average volume for the current model as well as develop additional model components, including: the in-custody model, the articling student model, and a template for annual EXP CDC outreach and professional development events.

Highlights

- Date of Soft Launch: January 5, 2015
- Date of Full Launch: February 27, 2015
- Date of Final Model: projected: January to March, 2016
- Initial Feedback:
 - Clients respond positively to new continuity of legal counsel;
 - Court stakeholders respond positively to improved efficiency of processes and services;
 - The CDC is better equipped to advise Clients.
- Challenges:
 - Volume is higher than expected;
 - Some tariff defence lawyers are finding it a challenge to accept this new expanded model of criminal duty counsel.

NR

**Evaluation of the
Expanded Criminal Duty Counsel
Methodology Report**

April 7, 2015
Updated April 30, 2015

Legal Services Society of British Columbia

Table of Contents

1.0	Introduction.....	1
2.0	Brief summary of the EXP CDC and its objectives	1
3.0	Evaluation scope and objectives.....	1
4.0	Evaluation matrix.....	2
5.0	Data collection methodologies	2
5.1	Document and data review	2
5.2	Stakeholder interviews.....	3
5.3	Client interviews.....	4
6.0	Communications and reporting.....	4
7.0	Work schedule	4
Appendix A — EXP CDC logic model		
Appendix B — Evaluation matrix		
Appendix C — Interview guides		

1.0 Introduction

This report describes the approach and methodologies for evaluating the Legal Service Society (LSS) of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) pilot project. This evaluation is one of five evaluations being conducted of pilot projects implemented under the Justice Innovation and Transformation Initiatives (JITI).

2.0 Brief summary of the EXP CDC and its objectives¹

Typical criminal duty counsel services consist of the provision of summary legal advice to clients appearing in court who have been charged with a criminal offence and do not yet have a lawyer. The EXP CDC provides qualifying clients with more extended support in order to pursue a non-trial resolution, including duty counsel making court appearances on their behalf. The EXP CDC has one staff counsel, who provides the expanded duty counsel services. Clients who qualify for assistance under the pilot project meet the financial eligibility criteria for a full referral or are eligible under discretionary coverage; in addition, their case has not had a trial date set and has been assessed by the EXP CDC as having the potential to achieve non-trial resolution.

The required objectives of the EXP CDC are the following:

- ▶ increase early resolution of cases
- ▶ increase the scope of recipients of criminal legal aid services
- ▶ reduce the number of court appearances
- ▶ increase continuity of service for clients

Desired objectives include generating financial savings for the justice system and exploring opportunities for law students to engage in criminal case resolution.

3.0 Evaluation scope and objectives

The EXP CDC evaluation includes a process or formative evaluation and a summative evaluation, with similar methods proposed in both. This report speaks mostly to the formative evaluation, as the summative evaluation will take place at a later date and may have slightly different requirements for data collection.

The objectives of the evaluation are as follows:

- ▶ collect information regarding the efficiency and effectiveness of the pilot project in order to support recommendations to improve the pilot, as well as to inform implementation at a future site
- ▶ assess and report on the client-focussed outcomes of the pilot project (e.g., increasing access and supporting earlier resolution of cases)
- ▶ investigate the cost-effectiveness at the program level for the pilot project

¹ Legal Services Society of British Columbia, January 30, 2015. Justice Innovation and Transformation Initiatives. 01EXP CDC – Expanded Criminal Duty Counsel, Project Charter.

4.0 Evaluation matrix

An EXP CDC Project Working Group (WG) is guiding the evaluation process. PRA is holding consultations with the WG to make any needed refinements to the proposed approach, methodology, timelines, and expectations. The EXP CDC WG contains representation from the LSS, and the British Columbia Ministry of Justice (MOJ). The first of two initial meetings with the WG occurred on March 12, 2015, and the second is expected to occur on April 10, 2015.

Before the evaluation began, LSS/JITI staff and various stakeholders jointly developed drafts of the logic model and evaluation framework. Prior to the first WG meeting, PRA reviewed the logic model and evaluation framework, and made some suggested revisions to both. PRA and the WG discussed these revisions, the proposed methodology, and the proposed evaluation questions in their first meeting. Based on this discussion, PRA has further revised the logic model, and also developed an evaluation matrix, which links together the evaluation questions, indicators, data sources, and outcomes. Appendix A contains the logic model and Appendix B contains the evaluation matrix.

The purpose of the next WG meeting on April 10 will be to review the matrix and address any outstanding data collection questions and issues.

5.0 Data collection methodologies

The EXP CDC evaluation will consist of the following three methods:

5.1 Document and data review

PRA will review relevant documents and data produced by the pilot project. In addition, we understand that internal data from LSS and external data sources (government, stakeholders) will be available to provide comparisons on outcome measures and to support the cost-effectiveness study.

PRA has already received a number of documents from LSS, including meeting minutes, the project manual and charter, descriptions and diagrams of the EXP CDC model, data collection forms, and others. As we further refine the evaluation approach and begin data collection, we may request additional documents from LSS or stakeholder groups.

LSS provided PRA with a sample database for the EXP CDC pilot project. From this, we have revised some indicators in the evaluation matrix, and we are continuing to review the database to determine how various collected data could be of use in the evaluation.

The process evaluation will focus on data available in the pilot project database. The summative evaluation will include CSB data as well as data from LSS's CIS database. In the coming months, PRA will work with LSS and the Ministry of Justice to obtain the necessary permissions and make our data request.

The data and document review will occur during the data collection phases for both the formative and the summative evaluations.

5.2 Stakeholder interviews

We will interview stakeholders to obtain their perspectives on the evaluation questions, including both implementation and outcome questions. Draft interview guides have been developed to address the questions outlined in the evaluation matrix and are included in Appendix C. Interview guides will be revised and finalized based on comments from the EXP CDC WG.

Interviews will occur during both the formative and summative evaluations; we propose to conduct up to 10 interviews for each. This will make a total of 20 interviews across both the formative and summative evaluations for the EXP CDC project. Interviews can be conducted in small groups to increase coverage and include more participants. The suggested distribution of interviews is in Table 1, with input from the first WG meeting incorporated.

Table 1: Suggested distribution of key informant interviews	
	Process evaluation (interviews will be repeated for the summative evaluation, although categories may change)
Internal stakeholders	1 project lead 1 pilot lead CDC 1 pilot administrator and LSS intake staff (group interview)
External stakeholders	1 group interview with court services, court registry, sheriffs 1 group interview with judges and justices of the peace 3 prosecutors 2 defence counsel (summative evaluation only)
Total process	10
Total summative	10
Total	20

We always assure key informants of the confidentiality and anonymity of their responses. With their permission, we will audio-record interviews to ensure the accuracy of the information we gather and report. Our ISO process requires that we prepare interview notes within 72 hours of completing an interview, a precaution that further ensures the accuracy of our notes.

To analyze the qualitative data from the interviews, we will first develop a matrix of questions and themes by stakeholder group, to ensure that we are consistent in our approach and that we capture the main themes identified by the key informants. This matrix will ensure that our reporting is an accurate and comprehensive summary of interview findings. Typically, we use NVivo software to operationalize this approach.

PRA will incorporate the findings from the interviews into the formative and summative evaluation reports.

5.3 Client interviews

To obtain feedback from EXP CDC clients, PRA plans to conduct 20 individual telephone interviews of about 20 minutes each. Interviews will focus on the clients' experience and satisfaction with the EXP CDC services, and how the services might be improved.

Given the short amount of time between the project start date and the data collection for the process evaluation, as well as the short period of time for the data collection to occur, we are not conducting a client survey.

As per the initial discussion with the WG, a mail flyer will be developed and delivered to clients. The flyer will indicate that PRA may call them to do an interview. PRA will contact potential respondents to see if they are willing to be interviewed by telephone. The interview can either be scheduled at a later time that is more convenient for the participant, or can occur immediately, if they prefer. Overall, we will use a similar interview process as with stakeholder interviews, described above. For example, we always assure interviewees of the confidentiality and anonymity of their responses. With their permission, we will audio-record interviews to ensure the accuracy of the information we gather and report. No honorarium is offered to interviewees.

As noted above, PRA will audio-record each interview and prepare notes based on these audio recordings. These notes will be coded for themes and analyzed by research questions. A draft interview guide for clients is provided in Appendix C.

PRA will incorporate the findings from the interviews into the formative evaluation report. For the summative evaluation, we propose either using the same approach as the formative evaluation, *or*, if client volume is sufficient, a telephone survey of clients.

6.0 Communications and reporting

PRA will provide biweekly updates on the evaluation, starting on April 24, 2015 (two weeks after the next planned WG meeting). The final report for the formative evaluation will synthesize the findings from all lines of evidence and present a concise discussion of the findings. The report will also identify any qualifications based on data or methodological weaknesses and will provide recommendations, if requested. An executive summary will also be included with the final report and will present the main results.

A first step in the final reporting process will be to develop a report outline in consultation with LSS. As well, the format and structure of the report will first be confirmed with LSS. The draft report will be revised based on WG comments and feedback to produce the final report. PRA will also make a presentation of the findings to LSS management, if desired.

7.0 Work schedule

The work schedule is presented on the next page, providing the details of each of the data collection tasks and identifying responsibilities (PRA and LSS/WG), as well as the planned start and end dates. The work schedule is in a general format which applies to all five JITI pilot project evaluations. However, since each pilot project is at a different stage of implementation, we will likely make adjustments to the general work schedule to reflect the specifics of the EXP CDC evaluation.

Evaluation of the EXP CDC pilot project PRA project team (PRA): Amy Richmond, Brenda Chorney, Mark Lenton, Paul Turner, Meagan Simpson-Law Project Number: 0256/004/14 WG refers to EXP CDC Working Group				Client contact: Eric Hemphill
Milestones	Responsibility	Planned start date	Planned end date	Comments
Initial consultations				
Initial meetings	PRA/LSS		Feb 12/15	- Initial meeting with Eric on Jan 13/15 and with SIG on Feb 12/15.
Draft design plan (project schedule)	PRA		Feb 11/15	
Process evaluation design				
Review of preliminary documents and data	PRA/LSS	Feb 1/15	Ongoing	- Documents to be provided by LSS (some initial documents were provided on Jan 13/15 and Feb 2/15).
Draft and revise evaluation frameworks, logic models, and instruments	PRA	Feb 11/15	Mar 31/15	
Meetings with WGs	PRA/WG		Mar 12/15 and April 10/15	- WG to provide comments on drafts (Working Groups and other forum, as appropriate). Currently, two rounds of meetings with the Working Groups are scheduled.
Process evaluation data collection				
Providing clients with flyers about evaluation	PRA/LSS	Apr 30/15	June 7/15	- PRA will prepare a draft of the flyer. - End date may change, depending on success with contacting clients.
Introductory letters to external stakeholders	LSS		May 7/15	- LSS will send emails to external stakeholders to introduce the evaluation and PRA.
Provision of EXP CDC data	LSS		June 1/15	- Formative evaluation will focus on EXP CDC data. - LSS will provide extract of EXP CDC database by June 1/15.
Interviews	PRA	May 15/15	June 15/15	- We have moved dates back to enable projects to have more experience serving clients.
Analysis	PRA	June 15/15	June 30/15	
Process evaluation reporting				
Draft process evaluation reports	PRA	June 15/15	June 30/15	
Presentation of draft reports			Week of July 6/15	
Comments from WG	WG		July 17/15	
Final process evaluation reports	PRA	July 18/15	Aug 30/15	- Timelines are intended to accommodate an additional round of comments on the process evaluation report.

Evaluation of the EXP CDC pilot project PRA project team (PRA): Amy Richmond, Brenda Chorney, Mark Lenton, Paul Turner, Meagan Simpson-Law Project Number: 0256/004/14 WG refers to EXP CDC Working Group				Client contact: Eric Hemphill
Milestones	Responsibility	Planned start date	Planned end date	Comments
Cost-effectiveness analysis				
Consultations to determine approach	PRA/WG		Sept 30/15	- Discussions related to cost-effectiveness will begin during the process evaluations.
Requests for data made	PRA		Oct 15/15	- Requests will likely include data from LSS and the appropriate provincial authorities. - Requests may extend beyond that date, but the intent is to make all requests six months before the analysis begins for the summative evaluation reports.
Summative evaluation design				
Consultations to update evaluation frameworks	PRA/WG		Nov 15/15	
Revise frameworks and draft data collection instruments	PRA		Dec 15/15	- LSS/WG will provide comments on drafts (WGs and other forum, as appropriate).
Summative evaluation data collection				
Collection of data	PRA	Jan 2/16	Mar 31/16	
Analysis	PRA	Apr 7/16	Apr 15/16	- This will include a cost-effectiveness analysis.
Summative evaluation reporting				
Draft summative evaluation reports	PRA	Apr 15/16	Apr 30/16	
Presentation of draft reports	PRA		May 15/16	
Comments from WG	WG		May 22/16	
Final summative evaluation reports	PRA		June 30/16	- Timelines are intended to accommodate an additional round of comments on the process evaluation report.

Appendix A — EXP CDC logic model

Program logic model — Expanded Criminal Duty Counsel (EXP CDC)

Program activities		Program outputs	Short-term outcomes	Medium-term outcomes
INTAKE AND ASSESSMENT	Assess client and make decision about whether early resolution is possible	<ul style="list-style-type: none"> • # of clients assessed for EXP CDC services • # of files/clients accepted • # of files rejected 	<ul style="list-style-type: none"> • Appropriate clients/cases are streamed into EXP CDC services • Clients receive a referral to EXP CDC services in a timely manner 	<ul style="list-style-type: none"> • The courts at the EXP CDC program site operate more efficiently • LSS operates its criminal legal aid services more efficiently • Access to Criminal Legal Aid at the EXP CDC program site is increased
LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible EXP CDC clients <ul style="list-style-type: none"> • Provide advice to client • Provide continuous representation to client 	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matter in the program) that are assisted by same CDC 	<ul style="list-style-type: none"> • EXP CDC clients achieve early resolution of their criminal matters • Clients are satisfied with their experience in the EXP CDC program 	
OTHER SUPPORTS	Connect EXP CDC clients with other existing resources to help them address underlying problems	<ul style="list-style-type: none"> • # of clients being connected to other resources • # and type of other resources contacted 	<ul style="list-style-type: none"> • Clients use referrals to other resources and find them helpful 	

Appendix B — Evaluation matrix

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
Implementation questions		
1. Has the EXP CDC been implemented as intended in Year 1? What challenges were met in implementation? How were challenges addressed and improvements made to the model?	<ul style="list-style-type: none"> • Key informant opinion on extent EXP CDC has been implemented as intended • Key informant opinion on challenges/improvements • Decision-records and timelines of changes made to improve model 	<ul style="list-style-type: none"> • Key informant interviews • Document review
2. What external factors have influenced the implementation and success of the EXP CDC?	<ul style="list-style-type: none"> • Key informant opinion on external factors that have affected implementation and success of the EXP CDC • EXP CDC WG meeting minutes documenting external factors • Evidence that decisions, actions, policies of external organizations/key informants affect the EXP CDC (e.g., assignment court) 	<ul style="list-style-type: none"> • Key informant interviews • Document review
3. Did the EXP CDC have sufficient resources and capacity to meet demand?	<ul style="list-style-type: none"> • Number of cases accepted by the EXP CDC • Number of legal aid referrals for criminal matters in Year 1 of the pilot compared to legal aid referrals for criminal matters in previous years (for catchment area) • Key informant opinion on whether the EXP CDC has sufficient resources and capacity to satisfactorily meet demand 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
4. To what extent do the current processes and structure of the EXP CDC support its efficient and effective delivery?	<ul style="list-style-type: none"> • Key informant opinion on effectiveness of current processes and structure to support the project 	<ul style="list-style-type: none"> • Key informant interviews
5. What considerations related to the EXP CDC model are necessary to successfully implement this approach in a different site?	<ul style="list-style-type: none"> • Key informant opinion on factors to be considered for expansion to other locations/lessons learned/best practices • Documentation related to Q1 to 3 	<ul style="list-style-type: none"> • Key informant interviews
Outcome questions		
6. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none"> • Number of clients assessed for EXP CDC services • Number and types of files/clients accepted with reasons why (i.e., meets financial and coverage guidelines or is financially eligible under discretionary coverage) • Number of files not accepted with reasons why • Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral • Key informant opinion on appropriateness of eligibility decisions 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
7. Do clients receive a referral to EXP CDC services in a timely manner?	<ul style="list-style-type: none"> • Time between first appearance and file open date (by information number) • Time between first appearance and date of first contact with CDC (by information number) • Key informant opinion on whether clients receive timely referrals to EXP CDC • Client opinion on whether referral to EXP CDC was timely 	<ul style="list-style-type: none"> • EXP CDC database • Key informant interviews • Client interviews

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
8. Are clients' legal needs being met by the EXP CDC project?	<ul style="list-style-type: none"> Types of legal services received by clients from EXP CDC Number and percent of clients/applicants receiving referrals to other legal services Number and type of other legal services applicants/clients are referred to by EXP CDC Time spent with clients by EXP CDC Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral Number and percent of clients not accepted (solely) because exceeds capacity of EXP CDC program who apply for and receive LSS referral Number and percent of clients not accepted (solely) because of lawyer conflict who apply for and receive LSS referral Key informant opinion on whether client legal needs are being met Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews Clients
9. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> Number and percent of EXP CDC cases resolved by type of outcome (by information) Number and percent of EXP CDC cases not resolved and reasons why (by information) Number of days from first contact with EXP CDC to resolution (by information) Number and percent of EXP CDC cases resolved before the trial fixed date Comparison of number of days to resolution of EXP CDC cases with number of days to resolution of LSS referrals during the two years' prior to the pilot project Comparison of number of days to resolution of cases with EXP CDC involvement (including cases not resolved by EXP CDC) with number of days to resolution of LSS referrals during the two years' prior to the pilot project Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site Key informant opinion on whether cases are resolved earlier 	<ul style="list-style-type: none"> EXP CDC database LSS CIS database CSB database Key informant interviews Client interviews
10. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	<ul style="list-style-type: none"> Client opinion on satisfaction with EXP CDC services Key informant opinion on quality of EXP CDC services 	<ul style="list-style-type: none"> Client interviews Key informant interviews

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
11. Has the EXP CDC service led to greater efficiency for LSS?	<ul style="list-style-type: none"> • See indicators to Q9 • Number of LSS legal referrals in first year of pilot compared with prior year at pilot site • Average cost per EXP CDC file (resolved/unresolved) compared with average cost of comparable LSS referrals • Number and percent of clients leaving the EXP CDC program and applying for and receiving LSS referral • Number of court attendances per resolved file by EXP CDC per file compared with number of court attendances by counsel for comparable LSS referrals • Key informant opinion on whether efficiencies created for LSS by EXP CDC 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
12. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> • Comparison of number of court appearances before resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether the EXP CDC has increased efficiency in the court process 	<ul style="list-style-type: none"> • EXP CDC database • CSB database • Key informant interviews
13. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	<ul style="list-style-type: none"> • Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services • Number of full referral clients at pilot site in the year prior to the EXP CDC compared to number of full referral and EXP CDC clients at pilot site since inception 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database
14. To what extent are clients being connected to other resources that are helping them address underlying problems?	<ul style="list-style-type: none"> • Number and percent of clients/applicants receiving referrals to non-legal services • Number and type of non-legal services clients/applicants are referred to by EXP CDC • Key informant opinion on whether clients receive referrals that assist them with addressing underlying problems • Client opinion on whether non-legal referrals received were used/helpful 	<ul style="list-style-type: none"> • EXP CDC database • Client interviews • Key informant interviews
15. Were there any unintended consequences or outcomes of the EXP CDC project identified in Year 1?	<ul style="list-style-type: none"> • Key informant opinion on unintended consequences or outcomes of the EXP CDC 	<ul style="list-style-type: none"> • Key informant interviews

Appendix C — Interview guides

Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation

Interview guide for internal stakeholders
(Project Lead, Pilot lead CDC, Pilot administrator and LSS intake)

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording.

The current evaluation focuses on the implementation of the EXP CDC project to identify early issues and make recommendations to assist LSS management in improving/refining project implementation. This evaluation will also examine early indicators of success in meeting the project's objectives.

We realize you may not be able to answer all questions; please let us know, and we will skip to the next question.

Implementation of the EXP CDC pilot

1. Please briefly describe your role in the implementation and/or delivery of the EXP CDC pilot project.
2. Based on your observations, has the project been implemented as planned? If not, why not? Q1
3. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. What steps has the EXP CDC taken to overcome any resource challenges. Q3
4. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model? Q4
5. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the implementation and success of the model? (*Probe: judiciary, in particular assignment court; Crown; court administration*) If yes, how has the project responded to mitigate problems or use opportunities? Q2
6. Are there any other challenges not already discussed that were encountered during the implementation of the EXP CDC? How were these challenges addressed? Q1
7. What has been learned from the early implementation experiences of the EXP CDC that would be useful to share with any future sites? (*Probe: what factors should be considered in any plans for expansion*) Q5

Progress towards achieving objectives

8. How are people getting referred to the EXP CDC? Who is referring them (e.g. judge, justice of the peace, CDC office, CDC in court, LSS intake, another JITI pilot or agency)? Are all relevant stakeholders referring people to the EXP CDC? Are they referring appropriate people to the EXP CDC? Q6
9. How efficient is the current intake and screening process? In your response, please consider the various points in the process (e.g., LSS intake, Pilot Admin, Lead Criminal Duty Counsel). In your opinion, are appropriate clients/cases being streamed into EXP CDC services? (*Probe: is LSS intake forwarding appropriate cases; do the criteria developed ensure that inappropriate cases are not accepted and that appropriate cases are not excluded?*) Are there any difficulties in assessing which clients/cases are appropriate for the pilot? Q6
10. At what point in the criminal justice process are clients typically referred to the EXP CDC? Do you consider referrals to EXP CDC to be timely? Is there anything that could be improved about the referral/intake/screening process? Q6 and Q7
11. What are the types of legal services that the EXP CDC provides clients? When and to what other legal services might the EXP CDC refer clients? In general, do you believe that the clients' legal needs are being met by the EXP CDC? Are there any gaps in legal services that you believe still exist for EXP CDC clients? Q8
12. Please describe the EXP CDC approach to referring clients to non-legal resources? For example, how does the EXP CDC determine when and to what other non-legal resources to refer clients? What activities has the EXP CDC undertaken to network with and connect to non-legal resources in the community? Based on the experiences to-date, what are the benefits of these referrals for clients? Q14
13. Based on your early experience, to what extent has the EXP CDC service led to earlier resolution of cases? Please be as specific as possible as to how and in what way cases have been resolved earlier. Are there any factors that have impeded or facilitated early resolution? Q9
14. Have you received any feedback from clients about their experiences with the EXP CDC? Do you have any suggestions for how clients' experiences with the EXP CDC can be improved? Q10
15. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative on the efficiency of:
 - a. LSS criminal legal aid services in Port Coquitlam (e.g., reduction in number of cases that require a full LSS referral); and
 - b. the court process in Port Coquitlam?
 Q11 and 12
16. Have there been any unintended consequences of the EXP CDC project?
17. Do you have any other comments?

Thank you for your participation.

Draft – For Discussion Only



Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation

Interview guide for external stakeholders
(Court Services, Court Registry, Sheriffs, Judges, Justices Of The Peace, Crown)

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording.

The current evaluation focuses on the implementation of the EXP CDC project to identify early issues and make recommendations to assist LSS management in improving/refining project implementation. This evaluation will also examine early indicators of success in meeting the project's objectives.

We realize you may not be able to answer all questions; please let us know, and we will skip to the next question.

Implementation of the EXP CDC pilot

1. Please briefly describe your involvement with the EXP CDC pilot project or with clients of the EXP CDC pilot project.
2. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. To your knowledge, has the EXP CDC taken steps to overcome any resource challenges? Q3
3. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model? Q4
4. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the implementation and success of the model? (*Probe: judiciary, in particular assignment court; Crown; court administration*) If yes, how has the project responded to mitigate problems or use opportunities? Q2
5. Have you encountered any challenges in your interactions with the EXP CDC? If yes, have these challenges been addressed? Q1

Progress towards achieving objectives

6. Do you think that criminal defendants are aware of the EXP CDC and how to apply for its services? If not, what could LSS do to make more criminal defendants aware of the services and how to access them? Q6
7. Do you refer individuals to the EXP CDC? If yes, how does that typically occur? *(Probe: to whom do you refer clients, at what point in the criminal justice process do you typically refer clients)* Have you encountered any difficulties in making a referral? *(Probe: knowing to whom to refer — LSS intake or duty counsel; timeliness of decision making process related to EXP CDC)* Q6 and Q7
8. Do you think that appropriate clients/cases are being streamed into EXP CDC services? Why or why not? Q6
9. In your opinion, is LSS making a timely decision on whether a criminal defendant is eligible for EXP CDC services? Do you have any suggestions for improving the referral/intake/screening process? Q7
10. What are the types of legal services that the EXP CDC provides clients? In general, do you believe that the clients' legal needs are being met by the EXP CDC? Are there any gaps in legal services that you believe still exist for EXP CDC clients? Q8
11. What non-legal resources would be most useful to this client group? Based on the experiences, what are the benefits of referrals to these types of resources for clients? If you can comment, how successful has the EXP CDC been in connecting clients to relevant non-legal resources? Q14
12. Based on your early experience, to what extent has the EXP CDC service led to earlier resolution of cases? Please be as specific as possible as to how and in what way cases have been resolved earlier. Are there any factors that have impeded or facilitated early resolution? Q9
13. Based on what you have observed, do you have any suggestions for how clients' experiences with the EXP CDC can be improved? Q10
14. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative on the efficiency of:
 - a. LSS criminal legal aid services in Port Coquitlam; and
 - b. the court process in Port Coquitlam?
 Q11 and 12
15. Have there been any unintended consequences of the EXP CDC project?
16. Do you have any other comments?

Thank you for your participation.

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

Interview guide for clients

Interviewer will verbally discuss the introduction with the client prior to the beginning of the interview: Thank you very much for agreeing to come in and talk to me today. I am (NAME) and I am from PRA, an independent research company. The Legal Services Society of British Columbia, you might know them as legal aid, has hired us to help them on a study of one of their services, the Expanded Criminal Duty Counsel. The Expanded Criminal Duty Counsel provides advice and assistance to people with criminal law matters in Provincial Court in Port Coquitlam. They do not represent people at trial, but they will help with discussions with the Crown Counsel or attending court to enter a guilty plea. The assistance can include reviewing disclosure, having discussions with the Crown Counsel, and attending court if a guilty plea is being entered to resolve the case. Legal aid wants to know how well the Expanded Criminal Duty Counsel is working for clients. We understand you were or still are a client of the Expanded Criminal Duty Counsel, and that is why you were asked to take part in this interview.

I'd like to ask you some questions about the help you got from the Expanded Criminal Duty Counsel. Please be assured that I will not ask you anything personal about your criminal law matter, only about the services you received and how helpful these were to you. This information will help the LSS in identifying how the project can be improved.

The interview should take about 20 minutes. The information from your interview will be combined with other interviews and reported all together, so your name will not be mentioned. With your permission, I will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording. If you cannot answer a question, let me know and we will skip to the next question.

First, I'd like to find out more about your experience applying for legal aid.

1. When did you apply for legal aid — was it before or at your first court appearance? (Q7)
2. Did someone tell you to go see legal aid, or did you know where to go get legal aid assistance? (Q7)
 - a. (If told to go to legal aid) Who told you about legal aid? (*Probe: judge, justice of the peace, sheriff, registry, Crown, another agency*) Who did they tell you to see about getting legal aid? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - b. (If knew where to go) Where did you go to get legal aid assistance? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - c. How many people did you have to approach before you were in the right place to apply for legal aid?
 - d. (If in person) Was there a line to apply for legal aid? (If call centre) Were you put on hold when you called? (Both) About how long did you wait? Did you think the wait was too long or about right?
3. How soon after you applied for legal aid did you meet with the Criminal Duty Counsel? (*Probe: Same day, how many days later*) Did you think the wait was too long or about right? (Q7)

4. (If applied at first court appearance) Were you able to attend court on the same day you applied for legal aid, or was the court date rescheduled? (If rescheduled) Do you recall how many days later you attended court? (Q7)
5. How difficult or easy did you find the process of applying for legal aid and getting connected with the Criminal Duty Counsel? What made it difficult/easy? (Q7)

Now, I'd like to ask you some questions about the legal services that you received from the Criminal Duty Counsel.

6. What type of legal assistance did the Criminal Duty Counsel give you? Did they...
 - a. Explain the court process to you?
 - b. Provide you with information on the charges you were facing?
 - c. Explain the police reports to you?
 - d. Explain to you the particulars prepared by the Crown?
 - e. Tell you different ways you might respond to the charges?
 - f. Attend court with you?
 - g. Any other types of assistance?
 (Q8)
7. Thinking about the assistance that you received, what was helpful? What was not helpful? (Q8)
8. Did you feel treated with respect by the Criminal Duty Counsel? Please explain why or why not. (Q8)
9. Is your case still ongoing or completed? (If completed) What was the final outcome of your case — did you plead guilty or eventually go to trial? (Q8, Q9, Q10)
 - a. (If pled guilty) Did the Criminal Duty Counsel attend court with you to enter the plea? Do you think your case was resolved sooner because of the involvement of the Criminal Duty Counsel? Why or why not? Were you satisfied with the outcome? Why or why not?
 - b. (If went to trial) Did you have representation by counsel at trial? Did Criminal Duty Counsel refer you to other legal services? Did you receive a legal aid referral for a lawyer, did you hire a lawyer on your own, or did you receive free legal help from another service like Access Pro Bono? Were you satisfied with the outcome? Why or why not?
10. Was there any type of legal assistance that you think you needed but did not get from the Criminal Duty Counsel? (Q8)
11. Did the Criminal Duty Counsel refer you to any other types of services to assist with your non-legal issues, such as housing, substance abuse, income assistance, counselling, anger management? Did you use these referrals? Did you find them helpful? Why or why not? (Q14)
12. Overall, were you satisfied with the services you received from the Criminal Duty Counsel? Do you have any improvements that you would like to suggest? (Q10)
13. Have you had assistance from legal aid before? How would you compare the most recent experience to the one you had before – was it better, worse, or the same? Please explain..

Thank you for your participation.



**Legal
Services
Society**

British Columbia
www.legalaid.bc.ca

Providing legal aid
in British Columbia
since 1979.

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EXPANDED CRIMINAL DUTY COUNSEL PROGRAM (OUT OF CUSTODY)

Expanded Criminal Duty Counsel is a new pilot program offered by the Legal Services Society that focuses on providing services to a broader range of clients, achieving early resolution of files and contributing to court efficiency. Criminal Duty Counsel (CDC) retains conduct of select uncomplicated files and provides continuity of service through to resolution of the case.

Everyone charged with a criminal offense who is not in custody is entitled to one summary advice session with CDC. Prior to the Expanded CDC program, a client had to meet LSS financial eligibility guidelines and be facing jail to receive further services. Under the Expanded CDC program, eligibility has been broadened to include more low income earners (their income can be above the current threshold) and people do not have to face a risk of jail. CDC retains conduct of all matters that appear resolvable and focuses on achieving an optimal resolution for the client before the trial date is set. Expanded CDC does not conduct bail hearings, and refers complicated cases to a tariff lawyer.

The Expanded CDC program provides the following services:

- Offers advice to people making initial appearances in Provincial Court
- Reviews disclosure, and provides information and advice about the charges people are facing
- Reviews police reports to Crown Counsel with the person charged so that they understand the evidence in their case
- Explains the court process and discusses the options available
- Engages in discussions with Crown Counsel
- Attends court if a guilty plea is required to resolve the case

How to access the Expanded CDC program:

To access the program, clients must apply for legal aid from the Legal Services Society and must provide proof of income and assets, and their Crown particulars. Applicants must see CDC first so that CDC can determine if their case can be resolved simply. If so, and they are eligible, clients enter the Expanded CDC program.

If a case is not appropriate for the Expanded CDC program, clients are referred to other services, including those of a tariff lawyer if they meet the eligibility criteria (face a risk of jail and have a low income according to the guidelines).

Summary of the Status of the Evaluation of the Legal Services Society Justice Innovation and Transformation Initiative Pilots as of July 27, 2015

	Exp Crim Duty Counsel (from status report ending July 24 th)	NR
Document and data review	<ul style="list-style-type: none"> • Background documents received and reviewed • Analysis of extract of project database completed. 	
Key informant interviews (n=10 for process evaluation)	<ul style="list-style-type: none"> • Internal (project) interviews completed (n=4) • External interviewees identified to date completed (n=4) • Have received approval for interviews with judges and are working to schedule interviews 	
Client interviews (n=10 to 20 for process evaluation)	<ul style="list-style-type: none"> • (n=20) • After having conducted several rounds of calls for client interviews with the 41 clients whose matters are completed (based on 	

	Exp Crim Duty Counsel NR (from status report ending July 24 th)
	information in the database), 6 interviews with clients were completed.
Preparatory activities/actions required in advance of future tasks	<ul style="list-style-type: none"> • Interviews with judges
Outstanding risks/issues to be resolved	<ul style="list-style-type: none"> • None to report
Key decisions made	<ul style="list-style-type: none"> • To preserve budget for the summative evaluation, the decision was made (in consultation with LSS) to cease attempts to reach clients for interviews. PRA has suggested that as the project proceeds, that we receive

	Exp Crim Duty Counsel (from status report ending July 24 th)	NR
	clients whose matters are completed about once a month so that we can contact them sooner. This is hoped to increase their willingness to participate in interviews and to limit other difficulties in contacting (e.g., not in service telephone numbers)	
Upcoming key dates/milestones	<ul style="list-style-type: none"> • Process evaluation report to be provided on August 7 (assuming that interviews with judges can be scheduled) 	

BC Justice Innovation and Transformation Initiatives

Leveraging opportunities for collaborative efforts to increase access to justice

Five Pilot Transformation Initiatives:

- ▶ Expanded Family Duty Counsel
 - ▶ Expanded Family Law Line
 - ▶ Family Mediation Referrals
 - ▶ Expanded Criminal Duty Counsel
 - ▶ Parent Legal Centre
-
- ▶ All being rigorously evaluated
-
- ▶ Highlight two that appear to be making an impact already



Expanded Criminal Duty Counsel

Pilot Location: Port Coquitlam

Launch Date: April 2015



Early Lessons Learned

► Opportunities:

- Increased client and service provider satisfaction
- Cross government collaboration
- Iterative pilot improvement

► Challenges:

- Higher volume than expected
- Effective change management
- Performance metrics
- Fiscal climate



Legal
Services
Society

Improving lives by making justice work

Speaking Notes

**Tom Christensen, Former Chair, The Legal Services Society
and**

Suzette Narbonne, Chair, The Legal Services Society

Speech to the Law Society of BC Benchers, September 25, 2015

TOM CHRISTENSEN

INTRODUCTION

Thank you for allowing me and Suzette to take a few minutes of your time this morning.

We want to take this opportunity to let you know about some of the projects the Legal Services Society is working on that are showing considerable promise for helping people resolve their legal problems faster and for saving money in the justice system.

We also want to talk about what you, the Benchers, and the Law Society can do to help our respective organizations achieve our common goal of a better justice system that works for all British Columbians.

But first, an explanation of why you're getting two speakers today.

The Law Society appointed me to the LSS board in 2009 and I was elected chair of the board of directors in 2013.

I have now completed six years on the board which is the maximum allowed by statute.

Speaking Notes

You appointed Suzette to the board in 2011 and she became the society's acting chair when I stepped down. Barring unforeseen circumstances, she will be elected chair at LSS's board meeting in October.

We thought that this transition on the board of directors was the ideal time to speak to you which is why you are getting a tag-team speech today.

LSS'S STRATEGY

During my time on the board, the Legal Services Society's strategic plan has focused on justice innovations that help people find early, stable and fair solutions to their legal problems.

The reason for this approach is twofold.

First, it's what people want. LSS's research shows that people don't want to spend months waiting for a court date then spend several days and a lot of money in a trial.

They want to resolve their legal problem as quickly as possible and get on with their lives. Yes, some cases need to be litigated; but they are the exception and not the rule.

The second reason is that this approach allows LSS to serve more clients at less cost which, in turn, ensures we have the necessary money to pay for those cases that need to be litigated.

If you doubt this, approach take a look at the various service evaluations on the LSS website that show tremendous client satisfaction with various front-end services such as duty counsel or our family law telephone advice service.

Speaking Notes

JUSTICE TRANSFORMATION PROJECTS

As most of you will know, this was the approach we recommended to Attorney General Shirley Bond in 2012 when she asked LSS for advice on ways in which legal aid could be used to help clients resolve their legal problems faster and with less cost to the justice system.

Shirley Bond and her successor Suzanne Anton saw the benefits of our recommendations and in the 2014/15 budget gave the Legal Services Society \$2 million a year until 2017 for five pilot projects to test our ideas.

And I would like to thank both Attorney Generals along with Ministry staff for their support.

The five pilot projects are described on pages 10 and 11 of the Legal Aid Today briefing deck that was distributed to you and were described by the Attorney General in the most recent edition of *The Advocate*. Here's a quick overview.

- An expanded version of family duty counsel at the Victoria Justice Access Centre that helps self-represented litigants prepare for court.
- Expanded version of our province-wide family law telephone advice line that assists clients to prepare court documents and helps them prepare for court.
- A joint project with Mediate BC that provides mediation services to people with family law problems.
- The Parents Legal Centre at the Robson Square courthouse that offers an innovative way to deal with child protection cases.

Speaking Notes

- And an expanded criminal duty counsel project at the Port Coquitlam courthouse.

The pilot projects were rolled out between September 2014 and April 2015.

As I mentioned, the funding for them expires in 2017. LSS has retained a well-known, independent research firm to evaluate each of the pilots and we will be submitting business cases in 2016 for continued funding for the projects that show the most promise.

The last two that I mentioned – the Parents Legal Centre and criminal duty counsel – appear to be having a significant impact already. Suzette will tell you more about that in a moment.

Day-to-day at LSS

But first I want to remind you about the day-to-day work the Legal Services Society's staff do when they're not leading the charge on justice system change.

In a typical year, they provide lawyers for 26,000 people with serious criminal, family, child protection and immigration problems.

They produce dozens of legal publications and organize training workshops for legal advocates.

They schedule duty counsel at courthouses around the province and run criminal and family law telephone advice services.

They maintain a family law self-help website that gets more than a million visitors a year.

Speaking Notes

And they process more than 138,000 lawyer invoices in a year with an average turnaround time of about 8 days.

My six years on the LSS board has not been without challenges. But it has been rewarding. The society has a strong, cohesive board whose members are committed to justice reforms that make a meaningful impact on the lives of those less fortunate. The same is true of LSS's CEO, Mark Benton, and his staff who are all just as committed to changes that will make a difference in people's lives.

I want to thank the Law Society for appointing me to the LSS board and I pass the baton to Suzette.

SUZETTE NARBONNE

INTRODUCTION

Thanks Tom.

It's great to be back.

For those of you who don't know me, I was the Bencher for Prince Rupert County from 2009 to 2011 when I relocated to the Sunshine Coast. And I'm glad to see that Prince Rupert County remains in good hands with Sarah.

I served as a Bencher because I believe in public service. I also believe in helping those who are less fortunate. So when the Law Society asked if I would consider an appointment to the Legal Services Society board of directors, I immediately said "Yes."

Being a board member, and now chair, of LSS is a weighty obligation.

Speaking Notes

I am one of 9 people overseeing an organization with an \$80 million budget.

That is a significant obligation on its own, but even more significant is our obligation to help the least fortunate people in British Columbia resolve their legal problems. These are people who, without LSS, would probably never have access to justice. And the board is acutely aware that these people are relying on LSS for help.

And should any of you think our decisions are easy, let me remind you that all of our discussions at the board table take place in a matrix of finite resources and competing demands.

It is, however, rewarding work. And it is particularly rewarding when you see your work as a board member turning into something that provides a direct benefit to legal aid clients.

Which is why I want to talk to you about two of our pilot projects that are already showing signs of success.

CRIMINAL DUTY COUNSEL

The first is a new criminal duty counsel program that started in Port Coquitlam in April.

As many of you will know, duty counsel traditionally involves a roster of private lawyers who provide services on individual days. This means clients receive advice from whichever lawyer is serving as duty counsel on that particular day.

As a result, there is limited file continuity between duty counsel and limited opportunities to resolve matters at an early stage.

Speaking Notes

The pilot project takes a completely different approach.

Instead of a roster, we have a single lawyer with an office in the Port Coquitlam courthouse who is there every day. She retains conduct of files that are amenable to early resolution. These are usually the less serious offences.

While the pilot has only been operational for six months, there are early indications of success.

For closed client files, the rate of resolution is 96 per cent along with a significant reduction in the time required to resolve a case. Right now, we are seeing the average number of court appearances reduced from about 8 to just 2 or 3. This has the potential for a 60 to 70 per cent reduction in court time and the savings that go along with it.

I have to emphasize that this is a very preliminary assessment. At this point, we have not yet done the full evaluation and we don't know what the larger impact will be.

But current trends suggest the final evaluation will show considerable efficiencies in the resolution of less serious criminal offences.

PARENTS LEGAL CENTRE

The other pilot project is the Parents Legal Centre which was launched at Vancouver's Robson Square courthouse in March 2015.

I want to pause here for a minute to respond to a question I've been asked about why these projects are both based in the Lower Mainland.

Speaking Notes

Rest assured, it's not because of a big-city bias. After all, I am a small-town lawyer.

These are pilot projects. To do proper evaluations, we must have a critical mass of data in a very short time as well as control groups for comparison purposes. This can only be done in a larger centre.

Any business case for continued funding will certainly discuss the advantages of expanding these services outside the Lower Mainland.

Back to the Parents Legal Centre.

It is a new way of dealing with children who have been taken into government care.

Instead of simply paying private lawyers to go to court on behalf of the parents, the Centre employs a lawyer and an advocate who focus on early, collaborative solutions.

Because so many child protection clients are Aboriginal, LSS hired a highly experienced Aboriginal lawyer and an Aboriginal advocate for the project.

Here's a startling statistic. Aboriginal people make up about 5 per cent of BC's population. But 40 per cent of our legal aid child protection clients are Aboriginal – 40 per cent.

Our lawyer and advocate work with parents and social workers at an early stage in the child protection process often before children are even taken into government care.

Speaking Notes

Early indications are that this model is working for the institutions involved and for the families. It has driven earlier mediation of cases and is resolving cases faster and with better results. It also appears to be generating high client satisfaction rates.

Obviously, this is the best solution for the parents, the children, and the Ministry of Children and Families and it saves money for the justice system.

We are hopeful the other three pilot projects will be just as successful and I will do my best to keep you informed as our assessments of those projects progresses.

NEXT STEPS

I want to turn now to what the Law Society can do to further the cause of legal aid.

In the Strategic Plan Report that was distributed with the July Benchers' agenda, one of the initiatives is "Examine the Law Society's position on legal aid including what constitutes appropriate funding."

This is something LSS welcomes. A firm commitment from the Law Society on funding issues will enhance the debate.

One note of caution though: The initiative mentions looking for "other sources of funding aside from government." This is something LSS discussed in our 2012 report *Making Justice Work*.

Speaking Notes

After considerable research, we were unable to find potential funding sources that would provide a predictable, stable income of a sufficient amount to warrant pursuing.

Moreover, most options would require another organization or the government to give up an existing revenue stream – something that is unlikely to happen.

So you might want to focus your energy on another area.

I note that the Strategic Plan Report says “At present, there is no work underway” on the legal aid initiative.

I don’t know if that is still the case, but if it is, I urge you go get started.

Your report also says legal aid “is [a] complex [topic] and engages political considerations.”

That is absolutely correct – access to justice is complex and political. And that is why the Law Society, the Ministry of Justice and the Legal Services Society must work together to make access to justice a reality.

I have two suggestions for things the Law Society can do that will enhance the delivery of legal aid in BC.

The first relates to Aboriginal justice.

Earlier this year, the Truth and Reconciliation Commission urged the Federation of Law Societies to ensure that lawyers receive Aboriginal cultural competency training.

Speaking Notes

I urge the Law Society to make this a priority and not to wait for the Federation to get started.

As I noted earlier, a significant portion of legal aid clients are Aboriginal. And it's a matter of common knowledge that Aboriginal people are over-represented in the justice system.

Aboriginal justice is priority for the Legal Services Society board. And having a legal profession that understands and knows how to address Aboriginal justice issues will go a long way toward helping LSS achieve its Aboriginal justice goals.

My second suggestion is that Law Society use its resources to provide an economy of scale that will enable small-firm and solo practitioners to reduce their overheads.

These are the lawyers who typically take on legal aid cases. And outside the Lower Mainland, they are the only lawyers who take legal aid cases.

The Law Society could help them cut costs by, for example, providing cloud computing services or bulk purchasing options.

The Law Society could also provide cost-cutting tips in the same way you have provided risk-management tips on insurance issues.

Lower overheads might make it easier for more lawyers to take legal aid work.

And when that happens, you will have advanced the cause of access to justice for everyone.

Thank you.



Legal
Services
Society

British Columbia
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Justice Innovation and Transformation Initiatives

00 ALL JITI Projects

Budget Summary

August 31, 2015

Item	Year 1	Year 2	Year 3	Description
OPERATING BUDGETS				
01 Exp Criminal DC	47,900	315,800	478,600	Model costs: 1 to 2 lawyers (\$17,250), 2.6 admin (\$17,250), articling student (\$17,250), interpreters (\$17,250), office (\$17,250) 2-lawyer model
<i>Pilot 1</i>	47,900	315,800	478,600	
<i>Pilot 2</i>	0	0	0	
OPERATING BUDGET TOTAL				
Intake and Support Costs	25,900	0	0	Funds allocated to Pilots for "floater" admin backfill and capacity
Business Improvement	95,000	80,000	80,000	Professional development conferences, workshops and training (\$17,250 conferences/training). Optimize pilot operations.
Service Volume Growth	0	0	0	Funds allocated to Pilots for "floater" admin backfill and capacity
SUBTOTAL	502,900	1,345,750	1,588,950	
PROJECT BUDGET				
Project Management, Project Admin & Support	256,250	256,250	153,750	Guide development of project strategy, charters and funding proposals; manage projects; project admin and support
Pilot Development & Quality Control	419,000	263,000	167,300	Develop models, policies, evaluation frameworks, business engineering, technology systems, quality control and training
Implementation	319,850	0	0	Develop operating policies, procedures, systems; recruit and train personnel; launch, transition and improve operations
Evaluation	77,000	110,000	90,000	Define evaluation framework, evaluate processes and outcomes, evaluate system costs, develop business case for each program
Infrastructure	425,000	25,000	0	Set up facilities, equipment, systems and technology essential to operations and pilot evaluation
SUBTOTAL	1,497,100	654,250	411,050	
TOTAL BUDGET	2,000,000	2,000,000	2,000,000	

NOTES TO BUDGET SUMMARY

The primary changes since the March 5, 2015 Budget Summary result from increased estimates for volume of services, pilot intake/administration, pilot improvement and quality control in Years 2 and 3. Some costs were reallocated between pilot operations, including shared intake costs in Years 2 and 3 and the FT articling student in Year 3.

OPERATING BUDGETS

Year 2 – decreased \$52,950

- Pilot Improvement activities from April to August resulted in model improvements that affected resourcing costs, including increased Admin costs for each pilot (to address larger than anticipated volumes), and model change in the 04 Mediation Referral Pilot.
- Funds were reallocated from Year 2 costs for “Intake and Support costs”, “Service Volume Growth” and “04 Mediation Referral” to cover modest increases in the other Pilot operating budgets, and increased project activities to implement these changes.

Year 3 – decreased \$9,150

- The resourcing changes and some pilot improvement activities from Year 2 continued into Year 3.
- Funds were reallocated from Year 3 costs for “Intake and Support costs”, “Service Volume Growth” and “04 Mediation Referral” to cover modest increases in the other Pilot operating budgets, and some additional project activities to complete implementation of changes in Year 3.

PROJECT BUDGET

Year 2 – increased \$52,950

- Funds were reallocated from operations to cover increased costs in pilot improvement and quality control activities related to model and resourcing changes, as well as increased costs of training and support for all pilots.

Year 3 – increased \$9,150

- Funds were reallocated from operations to cover added pilot improvement and quality control activities that complete in Year 3, as well as increased costs of training and support for all pilots.

TOTAL BUDGET

No change

JITI Pilot Statistics

August 31, 2015 d 20

00 ALL Projects - from date pilot started on full model to reporting date

Statistics	Total #	Work Mos.	Ratio / Mo.	Work Days	Ratio / Day	Reporting Date	Comments
01 EXP CDC - Expanded Criminal Duty Counsel							Pilot Test Start Date (for statistics): February 27, 2015
1. # clients assessed or being assessed for Pilot	275	6	45.83	132	2.08	Aug 31/15	Pilot Database; Total Clients; Client has signed Acknowledgement form
2. # clients that received Summary Advice but did not go into Pilot	119	6	19.83	132	0.90	Aug 31/15	Pilot Database; Closed files where Client was NOT accepted into the Pilot
3. # clients accepted into EXP CDC Pilot (open and resolved cases)	121	6	20.17	132	0.92	Aug 31/15	Pilot Database; Client was accepted into EXP CDC Program
4. # cases (Informations) accepted into EXP CDC Pilot	134	6	22.33	132	1.02	Aug 31/15	Pilot Database; "Info - Charge" form; count # of Court File Numbers
5. # cases (Informations) in the Pilot that have been resolved	97	6	16.17	132	0.73	Aug 31/15	Pilot Database; "Case Summary" > "Was there a resolution?" = yes
6. # clients in the Pilot with completed Case Summary (closed files)	98	6	16.33	132	0.74	Aug 31/15	Pilot Database; "Case Summary" > "Closed" + Client "Accepted into Pilot"

NR

* NOTE: Start date used is the date that the first case was accepted into the Mediation Pilot. This is because the assessment process for the Mediation Pilot can take up to 90 days.

Legal Services Society		September 2015 Forecast Submission			August 2015 Forecast Submission	
Justice Innovation & Transformation Initiatives (JITI) in monthly forecast report (\$)		2015/16 Forecast	2015/16 Budget	2015/16 Variance	2015/16 Forecast	2015/16 Variance
Provincial Revenue						
JITI		2,000,000	2,000,000	0	2,000,000	0
Total JITI Revenue		2,000,000	2,000,000	0	2,000,000	0
JITI line items in expenditure categories of:						
Criminal Legal Aid		318,000	318,000	0	318,000	0
NR						
Administration		635,600	635,600	0	635,600	0
Total JITI Expenditures		2,000,000	2,000,000	0	2,000,000	0
Surplus/(Deficit) from JITI		0	0	0	0	0



**Evaluation of the
Expanded Criminal Duty Counsel
Process Evaluation Report**

Draft – For Discussion Only

September 25, 2015

Prepared for:
Legal Services Society of British Columbia

WINNIPEG | OTTAWA | EDMONTON | REGINA
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Table of Contents

1.0	Introduction.....	1
2.0	Brief overview of the EXP CDC	1
2.1	Profile of clients.....	3
3.0	Methodology.....	5
3.1	Document and data review	5
3.2	Key informant interviews	6
3.3	Client interviews.....	6
4.0	Findings	7
4.1	Implementation.....	7
4.2	Early indications of outcomes	12
5.0	Conclusions.....	20
5.1	Conclusions on implementation of the EXP CDC	20
5.2	Conclusions on early indications of outcomes	21
6.0	Recommendations to further enhance the implementation process	23
	Appendix A – Logic model	
	Appendix B – Evaluation matrix	
	Appendix C – Data collection instruments	

1.0 Introduction

This report presents the process evaluation findings for the Legal Service Society (LSS) of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) pilot project. This evaluation is one of five evaluations being conducted of pilot projects implemented under the Justice Innovation and Transformation Initiatives (JITI).

The EXP CDC evaluation includes a process evaluation, with a focus on implementation and early progress toward achieving outcomes, and a summative evaluation, which will focus on outcomes achieved. This report presents the findings of the process evaluation and covers the pilot project's activities from March 3, 2015 to June 4, 2015. Several activities to improve the operations of the pilot occurred after June 4, 2015 and will be included in the summative evaluation report.

2.0 Brief overview of the EXP CDC¹

This section provides an overview of EXP CDC, as it was implemented in March 2015. As a result, improvements made to the pilot project are not addressed here, but are discussed later in relation to responses to implementation challenges.

The EXP CDC pilot project serves out-of-custody accused at the Port Coquitlam Provincial Court and has been accepting clients since March 3, 2015. The pilot project provides criminal duty counsel services using a new model of delivery that is intended to increase the scope of people eligible to receive legal representation, to provide greater continuity of counsel for clients, and to achieve early resolution of cases, where appropriate.

Under the traditional model that existed prior to the pilot project, criminal duty counsel services consisted of the provision of summary advice to clients appearing in court who had been charged with a criminal offence and did not yet have a lawyer. A roster of private bar lawyers provided this service, which meant that clients received assistance from whichever lawyer was serving as duty counsel on that court date. As a result, clients who attended court for multiple court appearances without counsel may have received brief assistance from several individual duty counsel. Duty counsel services were limited to explaining the nature of the charges the accused is facing and the court procedures, providing advice about legal rights, and, if there is time, assisting with a guilty plea.²

The EXP CDC pilot project has changed this traditional model in a number of ways.

- First, the pilot project provides qualifying clients with **more extended support** in order to pursue a non-trial resolution, including duty counsel making court appearances with the client up to and including entering a guilty plea and/or agreeing to a peace bond. Duty counsel services will not assist clients who want their matter to go to trial or have a viable defence. In those circumstances, eligible clients will be given a legal aid referral and non-eligible clients will be provided information on other legal services that might assist them.

¹ This section is largely taken from the pilot's charter and interviews with project staff.

² Legal Services Society of British Columbia, 2015. Duty Counsel Lawyers for Criminal Matters. Retrieved on July 5, 2015 from http://www.lss.bc.ca/legal_aid/criminalAndImmigrationDutyCounsel.php.

- ▶ Second, this extended support is facilitated by **greater continuity in the duty counsel** serving the client. For the current configuration of the pilot project, this continuity is guaranteed by the fact that there is only one criminal duty counsel, as opposed to a roster of lawyers; however, the model is intended to focus on continuity of counsel even if it were to expand to several lawyers providing criminal duty counsel services.
- ▶ Third, the pilot project has **increased the scope of clients** receiving this more extended service. Under LSS guidelines, there are both financial and coverage eligibility requirements for criminal matters (i.e., for coverage eligibility, there must be the risk of jail). Under the pilot, clients must either meet the financial eligibility criteria for a full legal aid referral or they can be eligible under the financial eligibility discretionary coverage guidelines (which has a higher income cut-off). Pilot project clients do not need to face the risk of jail in order to receive the expanded service. Instead, their case must be assessed by the criminal duty counsel against pilot criteria, which includes the case not being too complex for the pilot project to undertake and the potential to achieve non-trial resolution.

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The criminal duty counsel also provides summary advice to out-of-custody accused who are not accepted into the pilot project and do not qualify for a tariff lawyer. Since these clients are not eligible for the pilot's extended service, which is its innovative feature, they are only included in the evaluation in order to provide a complete description of the workload of the pilot project.

The EXP CDC pilot project has the following three personnel:

- ▶ one lawyer, who provides the expanded duty counsel services
- ▶ one LSS intake staff person, who also serves clients with other legal issues covered by legal aid, such as family law and child protection and conducts the intake assessment for making legal aid applications
- ▶ one pilot administrator, who works exclusively for the pilot project; the pilot administrator assists with intake and supports the criminal duty counsel by, among other things, opening and maintaining client files, explaining the services to clients and making their appointments with duty counsel, and managing the duty counsel's calendar

The process for client's interactions with the pilot has several stages:

- ▶ Clients who attend court without counsel are informed about the availability of duty counsel services by the judges, justices of the peace, court clerks, or sheriffs. The court will adjourn their matter so they may go to the LSS intake office as that is the first step in applying for the pilot project.
- ▶ The LSS office in the courthouse goes through the normal LSS intake procedure with clients.
- ▶ Once the interview with the LSS intake worker is completed, the client is sent to the pilot project's office.

- ▶ The pilot project administrator photocopies each client's particulars so that the criminal duty counsel can review them before the initial client meeting. She also explains the pilot project to the client, has the client sign an acknowledgement of service form, and provides them with an appointment date for their meeting with criminal duty counsel and a requested adjournment date for the court.
- ▶ The client then returns to court with their appointment date and the court adjourns their matter to the date requested and provided by the administrator.
- ▶ At the scheduled appointment, duty counsel interviews the client to determine if the client is eligible for the pilot project.
 - If the client is eligible, the duty counsel will represent the client until the matter is resolved or until the client and/or duty counsel determine that the client needs other representation (e.g., legal aid referral or private bar assistance). This situation occurs when the matter cannot be resolved within the scope of the pilot's services (e.g., without a trial).
 - If the client is not eligible for the pilot but is eligible for legal aid, the client will be referred back to the LSS intake worker.
 - If the client is not eligible for the pilot or for legal aid, duty counsel will provide the client with summary advice and will provide information on other available legal resources.

2.1 Profile of clients

Table 1 provides an overview of the clients accepted since the pilot's inception on March 3 to June 4, 2015. Of the 74 clients:

- ▶ 69% are male;
- ▶ 57% are over 30 years of age;
- ▶ 72% are single;
- ▶ 41% are unemployed;
- ▶ 68% are known to have attended high school and 41% are known to have graduated from high school (no education information is available for one-third of clients);
- ▶ 8% are of Aboriginal ancestry; and
- ▶ 85% are Canadian citizens and the same percentage was born in Canada.

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Table 1: Client demographics (n=74)		
	#	%
Gender		
Male	51	69%
Female	23	31%
Age		
18 to 25	22	30%
26 to 30	10	14%
31 to 40	25	34%
41 to 50	10	14%
65 or over	7	10%
Marital status		
Single	53	72%
Separated	10	14%
Married	6	8%
Common law	3	4%
Divorced	1	1%
Widowed	1	1%
Employment status*		
Unemployed	30	41%
Social assistance	19	26%
Employed full-time	13	18%
Employed part-time	7	10%
Employment insurance	7	10%
Disability	6	8%
Other	2	3%
No data	6	8%
Education level		
Some high school	20	27%
High school graduate	23	31%
Post high school education	7	10%
No data	24	32%
Aboriginal ancestry		
Yes	6	8%
No	67	91%
No data	1	1%
Immigration status		
Canadian citizen	63	85%
Permanent resident	3	4%
Permit holder	1	1%
No data	7	10%
Country of birth		
Canada	63	85%
Korea	2	3%
Czech Republic	2	3%
Other	7	10%
*Multiple responses accepted.		

The most common types of crimes clients were charged with are assault, theft under s. 13 and driving while prohibited/licence suspended. See Table 2 for the complete listing of charges. Most clients (82%) were charged with summary offences.³

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Table 2: Charges laid against clients (n=74)		
	#	%
Assault	22	30%
Theft under s. 13	16	22%
Driving while prohibited/licence suspended	10	14%
Breach of conditions	8	11%
Uttering threats	8	11%
Fraud	5	7%
Breaking and entering/possession of break in instrument	4	5%
Obstruct/assault peace officer	4	5%
Peace bond	3	4%
Failure to comply	3	4%
Impaired driving	3	4%
Mischief	3	4%
Firearms/weapons possession	2	3%
Fear of injury	2	3%
Possession of stolen property	2	3%
Theft (general)	1	1%
Possession of controlled substances	1	1%
Counterfeit money	1	1%
Other	2	3%

Note: Multiple responses accepted.

3.0 Methodology

The process evaluation consists of three lines of evidence: a document and data review, interviews with key informants (LSS staff and external stakeholders), and interviews with clients.

An EXP CDC Project Working Group (WG) comprised of representatives from the LSS and the British Columbia Ministry of Justice (MOJ), is guiding the evaluation process. PRA held consultations with the WG to refine the key evaluation documents to guide the evaluation: the logic model and evaluation matrix, which are in Appendices A and B, respectively. The WG also reviewed and approved the data collection instruments used for the process evaluation. The data collection instruments are included in Appendix C.

3.1 Document and data review

PRA reviewed relevant documents produced by the pilot project, including the project manual and charter, descriptions and diagrams of the EXP CDC model, and forms used by the pilot to collect information on its clients and the types of assistance provided. The data review for the process evaluation relies on available data in the pilot project database, since the focus of the process

³ One client was charged with an indictable offence and one under the *Motor Vehicles Act*. About one-fifth of clients (18%) did not yet have the charge level listed in the project database; for these clients, their files are still open and they generally have not yet met with the criminal duty counsel.

evaluation is on implementation of the pilot project. The summative evaluation will also include data from the LSS CIS database, as well as data from the MOJ (e.g., Court Services Branch).

The following data limitations are worthy of mention:

- ▶ The project database is constructed so that the same information is recorded in more than one location (e.g., provision of summary advice, resolving a matter). The evaluation relies on the most relevant field in the database for the analysis, and did not correct inconsistencies in data entered. Consequently, some results are not the same in the report. For an example, see Question 8 below (Table 6–Table 8).
- ▶ The project database does not have fields to distinguish missing data from unavailable data (e.g., where an activity has not yet occurred). Where possible, other variables were used to assist with analysis and determine whether data were simply not yet available rather than missing.

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3.2 Key informant interviews

The process evaluation includes interviews with key informants to obtain their perspectives on pilot project implementation and early evidence of outcomes. Interviews were conducted by telephone with four internal stakeholders (the CDC Project Lead, the Pilot Lead CDC, and LSS intake staff) and five external stakeholders (two representatives of the court registry, two Crown prosecutors, and one judge). The key informant interviews occurred primarily in May and June of 2015.

3.3 Client interviews

To obtain feedback from EXP CDC clients, PRA conducted individual telephone interviews of about 20 minutes each with clients whose matters have been completed. Interviews focused on the clients' experience and satisfaction with the EXP CDC services, and how the services might be improved. As of June 8, a total of 41 clients who had received EXP CDC assistance had completed matters and were contacted for interviews. To improve the response, a mail flyer explaining the research and notifying clients that they might be contacted for an interview was provided to clients. Six clients completed an interview for the process evaluation.⁴

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⁴ For the other 35 clients, the contact information was no longer valid for ten of them (e.g., telephone not in service, no longer at that number); three clients refused; and despite multiple attempts, we were unable to contact the remaining clients.

4.0 Findings

The process evaluation findings are presented based on the evaluation questions, which focus on the implementation of the pilot project and its early progress toward achieving its intended outcomes.

4.1 Implementation

1. Has the EXP CDC been implemented as intended in Year 1? What challenges were met in implementation? How were challenges addressed and improvements made to the model?

LSS and pilot project staff all indicated that the project has largely been implemented as intended in Year 1. Timelines for implementing the project were quite fluid so the project is also considered to be on schedule.

Although the core features of the model have remained unchanged, key informants did indicate that the design of the pilot project has been modified (described as “fine tuning” or “tweaking”) to respond to challenges.

Handling the high volume. With the increased scope of coverage and the expanded service, handling the volume of clients has proven challenging. Key informants estimated that the volume of clients at this stage of the pilot is more than anticipated, although there was uncertainty in terms of the expected volume.

According to key informants, responding to this challenge remains a work in progress, but the project has undertaken some logistical modifications to manage the volume. Very early, it became apparent that given the volume of clients and the length of the court session, the project could not complete an intake assessment, evaluate whether the client qualifies for the program, and provide meaningful legal advice to clients at their initial appearance. The pilot worked out a system in which clients go through LSS intake, meet with the pilot administrator, are assigned an appointment date with the criminal duty counsel, and are provided suggested return dates (that fall after their scheduled criminal duty counsel appointment) to provide the court for their next appearance. The court schedules the client’s next appearance for the date requested by the pilot administrator. In some situations, the volume of clients is still more than the project can assess and return to court; this is particularly true of afternoon sessions. To ensure that the pilot project does not delay the court’s ability to end the afternoon session on time, the pilot project has recently begun to provide the Crown several requested adjournment dates so that the court can set the adjournment date for the accused before directing them to the LSS offices to complete their intake assessment, provide particulars to the pilot administrator, sign an acknowledgment form, and obtain their appointment date to see criminal duty counsel. This process is in its early stages, but is believed to be working well.

Issues with resources/capacity and the pilot project’s response are further discussed in Question 3.

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Ensuring that clients with unique needs are served promptly. The pilot project recognized that for some clients, the requirement that they return for a later appointment would not work (e.g., clients with mental health issues, clients with language needs and who had their interpreter with them at their first appearance). For these clients, the pilot project makes every effort to have the duty counsel meet with them the day they first contact the project.

Making the most of the first appointment with criminal duty counsel. Clients were forgetting to bring their particulars to their first meeting with criminal duty counsel. As a result, the pilot administrator now photocopies the particulars at the intake stage, so that the criminal duty counsel is able to review them prior to meeting with the client.⁵

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Providing legal advice to those who miss their appointment. Rather than not serve clients who miss their appointments, the pilot project provides the Crown with a list of clients they still need to meet with. This list enables Crown to promptly identify those individuals at their next appearance who have yet to receive duty counsel advice and send them to the LSS office in the courthouse.

2. What external factors have influenced the implementation and success of the EXP CDC?

Key informants reported that external factors have not had a negative effect on the pilot project, and cited, instead, positive effects from external factors:

- ▶ The other stakeholders in the courthouse (judiciary, justices of the peace, court administration/clerks, sheriffs, Crown) have been very supportive of the pilot project. The pilot was a change in approach for handling criminal duty counsel so there was a need to educate the other stakeholders on how the pilot project would operate. Key informants mentioned a few issues (e.g., sending clients with family or civil law matters to the criminal duty counsel office), but those issues were short-lived and easily corrected.
- ▶ Crown ownership of files has had a positive impact on the pilot as greater continuity of Crown on files complements the greater continuity of criminal duty counsel. This situation makes it easier for the duty counsel to know which Crown is handling the file. With Crown file ownership, the Crown assigned a file also clearly has authority to negotiate a resolution. However, most key informants (internal and external stakeholders) who could offer an opinion noted that Crown file ownership's impact on the pilot's success is dependent on the Crown assigned to the file. According to them, the ability of criminal duty counsel and the Crown to reach a resolution on files primarily depends on the Crown's willingness to negotiate, so the approach of a particular Crown has a major impact.

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Assignment court is an innovation that Provincial Court has recently undertaken in British Columbia. Key informants were of the opinion that assignment court has no effect on the pilot project given its focus on matters going to trial.

⁵ If the particulars are extensive, criminal duty counsel will attempt to review them on that day, or the pilot administrator will photocopy key sections (e.g., the summary and criminal record) and request that the client bring their particulars to their meeting with the criminal duty counsel.

3. Does the EXP CDC have sufficient resources and capacity to meet demand?

The volume of clients going through intake in March was substantially higher (n=83) than for the later months, where it appears that the intake may have stabilized to about 35 applicants per month. Table 3 provides complete results.

Table 3: Volume of the pilot project by month (March 3, 2015 to June 4, 2015)				
	Applicants			
	Not accepted	Accepted	TBD	Total
March 3–31	32	46	5	83
April 1–30	13	15	8	36
May 1–31	21	11	4	36
June 1–4	6	2	3	11
Total	72	74	20	166

The higher intake in March was the result of unrepresented accused attending court on charges that predate the pilot. For example, the percentage of applicants by month with offence dates in 2014 is: 45% (37 of 83) for March; 34% (13 of 38) for April; and 14% (5 of 36) for May. These declining percentages demonstrate that the pilot connected quickly with unrepresented accused in the Port Coquitlam courthouse in its first few months of operations. This finding implies that the volume of applications per month should now stabilize as the pilot is no longer addressing this “backlog” of unrepresented accused.

The project data indicate some capacity issues. Ten of the 72 accused not admitted into the program were excluded, in part, because they would exceed the capacity of the pilot project (for nine of these accused, there were also other reasons provided for non-acceptance). In addition, despite best efforts, the pilot project has seen its time from initial intake to appointment with the criminal duty counsel expand from approximately a week to two or three weeks. Key informants expressed concerns that the time-to-appointment could soon become four or five weeks, which would have an enormous impact on the success of the pilot project.⁶ This lengthening of time from initial intake to appointment with the criminal duty counsel may resolve itself once the pilot project gets beyond the “backlog” of unrepresented accused.

Several capacity/resource issues were also mentioned by key informants.

- **Administrative support.** The lack of administrative support to cover sick days and leaves was mentioned by most internal stakeholders. The JITI projects are going to include a team of “floater” pilot administrators who will provide support and add capacity to the pilot projects, as needed.⁷
- **Intake.** LSS intake is taking longer than anticipated, in part because of the new case management software. This, coupled with the substantial increase in the number of applications that the LSS intake worker must now process, has created bottlenecks at this initial stage. A suggestion made was for there to be an LSS-dedicated telephone available

⁶ In comments to this report, the pilot project states that since July 2015 the wait time for clients has been reduced to approximately one week and the backlog of clients has been handled with the assistance of additional counsel.

⁷ In comments to this report, the pilot project states that there is now a second administrative assistant who assists the pilot project three days per week.

in the courthouse so that clients can use the LSS call centre when the volume is more than the onsite intake worker can accommodate.

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- **Criminal duty counsel.** Having one criminal duty counsel has also led to capacity issues. Although the situation is not unmanageable yet, the potential exists for demand to exceed the capacity of the pilot project to provide timely service and to cover matters when the duty counsel is unavailable (e.g., sick days, leave). For timeliness of service, key informants raised concerns about capacity of the pilot project limiting its ability to provide summary advice to those who want advice at their first appearance. Some key informants (external and internal) thought that this was an area of improvement for the pilot. Suggestions included having another criminal duty counsel available to provide summary advice the day of first appearance and allow the expanded criminal duty counsel to focus on resolving files. The pilot is currently exploring building a small roster of counsel to handle the volume. To ensure that the EXP CDC model's innovative features are preserved, the roster counsel would be required to commit to adhering to the model, which includes agreeing to scheduling practices that maintain the consistency of counsel approach to providing services. The EXP CDC is still working on how scheduling will work (e.g., how to ensure that the lawyer who has the initial contact with the client is available for subsequent client meetings).
- **Office space.** Adequate space in the courthouse was identified as an issue. In June, the pilot project occupied two small rooms, which was not sufficient to meet the needs of staff, store the growing number of client files, and provide private space for meeting with clients. Courthouse space is often limited, but the location provides a great benefit to the pilot project. Key informants expressed concerns that moving out of the courthouse, even a short distance away, would impact the project by reducing potential client's willingness to use the services. At the time of the interviews, negotiations were underway to obtain additional space at the courthouse.

4. To what extent do the current processes and structure of the EXP CDC support its efficient and effective delivery?

Key informants (internal and external) were generally positive about how well the current model for the pilot project is working. As mentioned above (Question 3), while the pilot project has experienced some challenges, it has made or is in the process of making adjustments to support the efficient and effective delivery of services — namely, using a team of “floater” administrative staff across the JITI pilot projects, developing a roster of criminal duty counsel, and obtaining additional office space.

Positive features of the model mentioned by key informants included the following:

- **The model creates more consistency in LSS services.** The previous criminal duty counsel model was described as “haphazard” or a “triage system” as duty counsel would attempt to assist as many unrepresented accused as possible. The new model's strength is seen as giving the service a structure that ensures all unrepresented accused are interviewed and provided either summary advice or, if eligible, the extended assistance available from the pilot project.

- ▶ **The process allows the criminal duty counsel to provide more meaningful summary advice, even to those not admitted into the pilot project.** The lawyer has access to the particulars of the case and an opportunity to review them before meeting with the accused. The meeting is longer under the new system, even for individuals not accepted into the EXP CDC, which provides more opportunity for the criminal duty counsel to discuss the charges and give summary advice.
- ▶ **The continuity of counsel has created efficiencies.** According to some external key informants, s.17

The primary areas for improvement mentioned by key informants are building flexibility into the model. This arose in the following two areas:

- ▶ First, some accused want to plead guilty the day of their first appearance, and under the current model, they usually cannot as they will need to book an appointment with duty counsel, which will then occur a few weeks later. Some key informants believe that a strength of the model is providing all unrepresented accused more comprehensive summary advice so accused can make a more informed decision about how to plead, while others (internal and external) thought that the model might want to better accommodate the preferences of these accused who want to plead guilty at their first appearance.
- ▶ Second, even accused who clearly do not meet the eligibility requirements for the pilot project have to go through the full LSS intake screening process. This was thought to be inefficient.

While process and structure are important to the pilot project's effectiveness, the external key informants also emphasized the necessity of having the right person serve as criminal duty counsel. According to these key informants, the expanded duty counsel should want to find an expeditious resolution that is in the client's interests, which requires an effective working relationship with the Crown. The current duty counsel was lauded as having the ability to work with the Crown by listening to the Crown's position and countering with alternatives in a respectful, productive way.

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5. What considerations related to the EXP CDC model are necessary to successfully implement this approach in a different site?

Key informants said that the flexibility of the model to accommodate the situation on the ground is critical to its success. Therefore, having someone who can report on the realities of the court process, client volume, and client needs at the future site is considered critical to success. Each site will likely have its own processes that are required to successfully implement the model, but these deviations do not have to alter the key model features of expanded scope, continuity of counsel, and early resolution.

Key informants believe that a critical component of the pilot project's success is the location of its office in the courthouse. Therefore, having sufficient space for the criminal duty counsel, the pilot administrator, and LSS intake to work in the courthouse is a key factor to consider for any future pilot site.

Given the challenges the pilot project is already experiencing in terms of responding to the volume, any new site will need to consider the experience of this project in order to project its resource needs.

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4.2 Early indications of outcomes

The process evaluation, which covers the first three months of the pilot's operations, can provide only early indications of outcomes. The more rigorous methods of assessing outcomes, a survey of clients, a comparison to another court location, and a comparison of before/after using LSS data will be undertaken during the summative evaluation.

6. Are appropriate clients/cases streamed into EXP CDC services?

All key informants believe that the pilot project is accepting appropriate clients/cases; that is, individuals who meet the pilot projects eligibility guidelines and have matters that are appropriate for an early non-trial resolution (e.g., relatively simple, no viable defence). The project data confirm that appropriate clients/cases are entering the pilot. The charges faced by clients were primarily summary offences and the types of charges reflected the less complicated offences that the pilot was intended to address (see Section 2.1 and Table 2).

The pilot project records eligibility of clients based on guidelines for legal aid representation services, as well as its own expanded pilot guidelines so that the project can demonstrate increased access (discussed more under Question 13). As Table 4 shows, one-fifth of clients (20%) are not financially eligible, except for the pilot's discretionary coverage, and most clients (74%) are not eligible for a legal aid referral under the coverage guidelines. Thirteen of the clients accepted into the pilot project are not eligible for a legal aid referral because they are both financially ineligible (except for the discretionary coverage) and do not meet the legal aid coverage guidelines. These results demonstrate that the pilot project is reaching one of its target groups — unrepresented accused who are not eligible for a legal aid referral.

Table 4: Eligibility					
	Accepted into EXP CDC				
	Yes (n=74)		No (n=72)		
	#	%	#	%	
Eligible financially for a legal aid referral	58	78%	42	58%	
Eligible financially with discretionary coverage	15	20%	9	13%	
Not eligible financially	1	1%	21	29%	
Meets coverage guidelines	19	26%	40	56%	
Does not meet coverage guidelines	55	74%	31	43%	

Note: Totals may not sum to 100% due to rounding.

The reasons provided for not accepting people into the pilot project also indicate that appropriate individuals are receiving coverage. Accused who exceed the expanded income or asset guidelines, are better served by a referral, do not admit responsibility, or have a viable defence are not being streamed into the pilot project. Reflecting early capacity issues, 20% of those not accepted had “exceeds capacity of EXP CDC” listed as a reason. Table 5 lists all reasons why some clients are not accepted into the pilot project.

Table 5 : Reasons not accepted into the EXP CDC (Closed files only) *		
	(n=56)	
	#	%
Does not meet EXP CDC income eligibility guidelines	19	34%
Client interests are better served by a referral	18	32%
Exceeds capacity of EXP CDC	11	20%
Client does not admit responsibility	8	14%
Viable defence exists	6	11%
Does not meet EXP CDC asset eligibility guidelines	4	7%
Factual complexity	4	7%
Failure to appear – abandoned	4	7%
Legal complexity	2	4%
Existing charges in Downtown Community Court	1	2%
No data	5	9%
Note: Multiple responses accepted.		
* This information is not recorded in the database until the files are administratively closed.		

7. Do clients receive a referral to EXP CDC services in a timely manner?

Key informants (internal and external) believe that unrepresented accused are being made aware of the pilot project by the expected stakeholders (e.g., court staff, judges, justices of the peace, Crown). Key informants reported that unrepresented accused are referred to the pilot project at their first appearance in court, so the referrals are occurring in a timely manner. Project data show that referrals to the EXP CDC are timely, the average time between the first appearance date to the file open date is 4.3 days for clients who entered the criminal justice system after the pilot began. Of these clients, two-thirds had their EXP CDC files opened the same day as their first appearance.

Clients also reported no difficulties making a connection with the EXP CDC. They were referred to legal aid by a variety of sources: duty counsel, the judge, court registry staff, and friends. One was already aware of legal aid and knew where to go for assistance. The process for sending clients to legal aid appears to be working well, as four of the six clients interviewed were referred to legal aid at their first court appearance; the other two clients first appeared in court before the pilot project began. All of the clients were directed to the appropriate location for legal aid intake, with only one commenting that they were “going around in circles” to find the correct location. Once at the LSS office, clients reported wait times ranging from 10 to 30 minutes; all of the clients found the wait time to be “about right.” Five of the six clients found the EXP CDC intake process and connecting with criminal duty counsel to be easy. The one client who found the process difficult believed it was more due to personal circumstances than anything about the EXP CDC intake process.

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As noted earlier, the question of timely service is more relevant for how soon after intake the client can meet with the criminal duty counsel. None of the six clients interviewed considered their wait times to meet with the duty counsel to be too long, with half of the clients (n=3) seeing the criminal duty counsel the same day as their first appearance and the others waiting one to two weeks. They all reported meeting with criminal duty counsel prior to their next court appearance. However, according to key informants, the wait time is becoming an issue as it has grown from one week to three weeks. The concern is that the lengthier wait will result in more clients missing their meeting with criminal duty counsel.

s. 13

8. Did clients receive services to help them meet their legal needs?

Meeting clients' legal needs considers whether EXP CDC is providing services that assist clients with their legal needs. Overall, the evaluation evidence shows that the EXP CDC is providing a variety of services that are assisting clients with their criminal matter, and that clients are finding this assistance helpful.

Legal services provided. The expectation is that all accused who contact the pilot project will receive summary advice. After the first three months of operations, and considering only closed files, 96% of clients accepted into the project and 80% of clients not accepted received summary legal aid advice (see Table 6). The data provided possible reasons why some clients had not received summary advice, which typically involved the client not attending scheduled meetings with criminal duty counsel.

Table 6: Summary advice (row totals)

Status in project	Provided		Not provided		No data	
	#	%	#	%	#	%
Accepted and file closed (n=46)	44	96%	1	2%	1	2%
Not accepted and file closed (n=56)	45	80%	10*	18%	1	2%

* Of these clients who were not accepted, eight did not receive summary advice because they did not attend a meeting with the criminal duty counsel.

Table 7 shows that accepted clients whose files are closed have receive a variety of legal services from criminal duty counsel. The data validate the findings from key informant and client interviews that for accepted clients the criminal duty counsel obtains disclosure from the Crown; explains the court process, charges, police report, and particulars; provides summary advice, including options for how to respond to the charges; negotiates with the Crown; attends court (as needed); and resolves matters (if appropriate). For clients that are not accepted, the criminal duty counsel mainly obtains disclosure from the Crown, which then enables the duty counsel to provide summary advice.

Table 7: Types of legal services provided by EXP CDC (Closed files only)

Services	Accepted into EXP CDC			
	Yes (n=46)		No (n=56)	
	#	%	#	%
Obtained disclosure from Crown	45	98%	50	89%
Summary advice	43	94%	45	80%
Negotiations with Crown	44	96%	1	2%
Concluded a resolution	42	91%	5	9%

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Court attendance	39	85%	3	5%
Referred to non-LSS service	2	4%	--	--
No data	1	2%	4	7%

Note: Multiple responses accepted.

Referrals to other services. The pilot project's referrals to other legal services are primarily to LSS intake for clients accepted into the pilot. For those not accepted, the EXP CDC referred them primarily to LSS for a legal aid referral or to the private bar. See Table 8.

Table 8: Referrals to other legal services provided by EXP CDC (Closed files only)				
	Accepted into EXP CDC			
	Yes (n=46)		No (n=56)	
	#	%	#	%
Access Pro Bono	--	--	1	2%
Court staff or judiciary	1	2%	--	--
Legal services/Legal aid intake	34	74%	27	48%
Law Students' Legal Advice Program	3	7%	8	14%
LSS Family duty counsel	2	4%	--	--
Private bar	3	7%	19	34%
Other pro bono services	1	2%	--	--
No data	10	22%	15	27%

Note: Multiple responses accepted.

Time spent with clients. For closed files, the criminal duty counsel is spending on average 2.3 hours with accepted clients and 0.9 hours with clients who were not accepted into the pilot project.

Client opinion of legal services. All six of the clients interviewed considered the legal services they received to be helpful and none thought there was legal assistance they needed that they did not receive.

"Just the way they were, they were very helpful, treated me like a normal person and not a criminal. I was happy with how they talked to me."

"She told me how to do things better, a lot of different things I suppose were explained to me on how to improve my situation, how to go about things better. Nothing that was not helpful. She was fantastic, she was great."

One client's comments reflected experience with the previous duty counsel system compared to the EXP CDC:

"Pretty much everything from explaining everything to me so I knew what was going on. In the beginning they sent me to a different person every time who kept telling me to get a lawyer. [It was] a headache and stressful and after I met Carmen it was easy."

9. Has the EXP CDC service led to the earlier resolution of cases at the project site?

The ability for the pilot project to demonstrate earlier resolution of cases is limited since, at the end of data collection for this report, the project had only been operating three months. However, most key informants (internal and external) believe that they have seen signs of success in early resolution. Criminal duty counsel working with the Crown to resolve matters was not typically done under the previous duty counsel system. As a result, key informants believe that plea negotiations are now occurring earlier in the accused's case.

Early project data show a high resolution rate. Considering concluded matters, the pilot project successfully resolved 50 of the 52 informations laid against its clients for a resolution rate of 96%. For the two matters that were not resolved, in one the criminal duty counsel was unable to negotiate due to the Crown's position and for the other, there was no reason provided.

Table 9: Resolutions of informations by EXP CDC		
	Informations laid against clients (n=82)	
	#	%
Resolved	50	61%
Not resolved	2	2%
Ongoing	30	37%
Concluded matters resolution rate	50/52	96%

Based on project data, it took on average 14 calendar days from the date of first contact with the criminal duty counsel to resolution (median: 16 days; minimum: same day; maximum: 84 days). When considering only those criminal matters handled by the criminal duty counsel that had a first appearance after the pilot project's inception, the time between first appearance and resolution averaged 33 days (median: 34 days; minimum: 0 days; maximum: 76 days). Comparing these results to the time between the date of first appearance and date of resolution for all informations provides a preliminary indication of the pilot project's potential to reduce the time for achieving a resolution. Because the pilot project was handling many cases that began prior to its inception, the length of time is much longer between first appearance date and date of resolution for those cases: 104 days (average); 99 days (median); 0 days (minimum); 417 days (maximum).

The types of resolutions achieved are listed in Table 10.

Table 10: Types of resolutions achieved by EXP CDC		
	Informations with resolutions (n=50)	
	#	%
Guilty plea	25	50%
Stay of proceedings	16	32%
Peace bond	10	20%
Alternative measures	3	6%
Note: Multiple responses accepted.		

10. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?

Key informants could not comment directly on whether clients were satisfied with their experience using EXP CDC services. A few internal stakeholders noted that some clients had come back to express appreciation for the assistance they had received.

The six clients interviewed were all very positive about the EXP CDC pilot project. All of them felt that they were treated with respect by the criminal duty counsel and were satisfied with the services they received.

"Most definitely. I dealt with legal aid before and I wasn't satisfied, but these people this time were excellent."

"Everything went smoothly."

"She did everything she needed to do and was very nice and worked very hard."

"[The positive result] was because of Carmen."

"[They] approached me in a manner with respect, listened to what I had to say and explained everything to me."

Three clients had used criminal legal aid services before the pilot project. Two said the experience was generally good with both the EXP CDC and the criminal legal aid services they received before the pilot. One found the experience with the pilot project to be much better, primarily in terms of how he was treated: *"Just felt like they treated like a criminal before basically but this time was really good."*

11. Has the EXP CDC service led to greater efficiency for LSS?

With only three months of operations included in the process evaluation report, it is still too early to assess whether the pilot project has led to greater efficiency for LSS. Of the internal key informants who offered a comment, most believe the pilot project will create efficiencies in service delivery for LSS. The EXP CDC should result in fewer legal aid referrals in Port Coquitlam and should increase standardization/consistency of the services provided by the pilot project. Both internal and external key informants said that the model should produce efficiencies through fewer court appearances and earlier resolutions, which benefits both LSS and the court system.

s.13

A few key informants questioned whether there is greater efficiency in the intake process. In particular, they cited the two steps now required for intake (LSS intake and EXP CDC pilot administrator), and the fact that everyone must go through LSS intake when before criminal duty counsel would triage those sent to the LSS office in the courthouse. In addition, they pointed to the increasing time to see criminal duty counsel as an inefficiency in the new model; clients who will ultimately be given a legal aid referral now wait two to three weeks to see the criminal duty counsel when before they would receive a legal aid referral and potentially see their lawyer in a matter of days. The new roster being developed by the pilot project is expected to address this concern.

Based on project data, there are some early indications that the pilot project is successfully resolving matters. The EXP CDC has been able to resolve 96% of concluded matters and has only been unable to resolve two matters to date (2%) (see discussion for Question 9, above). The average and median number of court appearances by the EXP CDC to resolve a matter was 2, with minimum of 1 and a maximum of 5. This statistic will be monitored and reported on in the summative evaluation. Its comparison to the number of appearances by counsel acting on a legal aid referral for similar criminal legal matters will enable the evaluation to respond to this question in the summative evaluation report.

12. Has the EXP CDC service led to greater efficiency for the court process at the project site?

As with Question 11, it is still too early to assess with any certainty whether the EXP CDC has led to greater efficiency for the court process. In some ways, these questions are intertwined as earlier resolutions and fewer appearances are efficiencies that benefit both LSS and the criminal justice process. As a result, the key informant responses are quite similar in pointing out that the model for the EXP CDC should result in both of these benefits and, thereby, reduce costs for both LSS and the criminal justice process. As discussed in Question 9, the project data provides preliminary indications of early resolutions. Once the EXP CDC was involved, it took on average 14 calendar days from the date of first contact to resolution.

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13. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?

As described in Section 2.0, the pilot project expands access to criminal legal aid services by providing assistance to accused even if they are not eligible for a legal aid referral under the existing coverage and financial guidelines. The pilot project does not require that the client face charges that could involve jail time and it offers expanded financial eligibility guidelines. The pilot project has shown early success in increasing access to legal aid. Of the 74 clients admitted in the first three months of operations, 57 would not have been eligible for a legal aid referral based on either financial or coverage guidelines or both. In addition, the clients who were not accepted into the pilot project are provided with more extensive summary advice than under the previous system: the criminal duty counsel has an opportunity to review their particulars and have a more detailed conversation with them under the new system.

14. To what extent are clients being connected to other resources that are helping them address underlying problems?

Only a few clients have received referrals to non-legal services that might assist them with their underlying problems. Of the 46 clients whose files are closed:

- ▶ two were referred to health professionals;
- ▶ five were referred to substance abuse or addictions treatment centres;
- ▶ one was referred to immigrant settlement or multicultural organizations; and
- ▶ two were referred to other government agencies.

In addition, one applicant who was not eligible for the pilot project received a non-legal referral, which was to police/victim services.

Based on interviews, there is not a clear consensus that addressing clients' underlying problems is part of the EXP CDC mandate. Referrals to other resources are often seen as occurring primarily when the Crown has required attendance at certain programs (e.g., substance abuse treatment, anger management, relationship counselling) for plea arrangements. The EXP CDC has also found that clients typically know what services they need and are already accessing these services, so the pilot project usually does not get involved in making referrals. In addition, internal stakeholders mentioned that they have not had the opportunity to do as much networking with community organizations to learn about available resources, which perhaps has limited the ability of the pilot project to provide referrals; however, clients interviewed did not identify the provision of non-legal referrals as a service gap.

15. Were there any unintended consequences or outcomes of the EXP CDC project identified in Year 1?

Few key informants could identify unintended consequences. Most believe that the project has operated as intended without any unanticipated effects. That being said, a few key informants pointed out what they considered to be unintended positive or negative outcomes:

- ▶ Judges and justices of the peace want the accused to provide proof that they have scheduled EXP CDC appointments when they appear in court. This request demonstrates that other stakeholders see the value in the new system.
- ▶ According to a few key informants, the higher than expected volume has created a few unintended negative consequences.
 - Managing criminal intake has affected family law clients, who have been asked to return another day when the criminal volumes are beyond what intake can accommodate.
 - The increased volume of clients who qualify for expanded assistance has made it difficult for the criminal duty counsel to provide same-day summary advice.
 - Individuals who face serious charges and qualify for a legal aid referral are having to wait longer to get their lawyer through legal aid due to the requirement that they first meet with criminal duty counsel.

s.13

5.0 Conclusions

This section presents some brief conclusions of the process evaluation, based on the data collection and analysis performed to date.

5.1 Conclusions on implementation of the EXP CDC

The EXP CDC was implemented as intended but has experienced a few challenges related to higher than expected volume. LSS and pilot project staff all indicated that the project has largely been implemented as intended in Year 1. With the increased scope of coverage and the expanded service, the project has found handling the volume of clients to be a challenge. The project has undertaken several logistical modifications to handle the volume efficiently, including developing new processes for working with the court to ensure that clients will have met with criminal duty counsel prior to their next court date, prioritizing clients with unique needs, and photocopying particulars so they are available to criminal duty counsel prior to first consultation with the client.

The EXP CDC has the support of external stakeholders. Interviews conducted for the evaluation indicate that external stakeholders are supportive of the pilot project and are referring clients to the EXP CDC. Another potential external factor that may affect EXP CDC success is Crown ownership of files. This initiative has complemented the pilot project in terms of creating more continuity on files, but, key informants pointed out, its impact on the success of the pilot project (i.e., resolving criminal matters) is dependent on the willingness of the assigned Crown to negotiate.

The EXP CDC has experienced some early resource and capacity issues. The volume of demand has been challenging for the pilot project. However, this issue may partially resolve itself with time as the high volume of clients in March declined in April and May. This reduction appears to be largely due to the declining number of unrepresented accused whose first appearance pre-dated the pilot project. That being said, the pilot project has experienced capacity issues due to the lack of backup staff for the criminal duty counsel and the pilot administrator. In addition, the pilot project must provide expanded services to its clients and the current caseload numbers have proved challenging for managing intake, working to resolve clients' matters, and still providing summary advice to clients who are not admitted to the pilot. The primary example of these pressures is the increasing time between intake and the first appointment with criminal duty counsel. LSS intake has also experienced an increase in volume, which has contributed to bottlenecks in the application process. At the time of data collection for this report, the pilot project was developing a roster of criminal duty counsel to assist with the volume of clients.

The current model supports efficient and effective delivery. Key informants were generally positive about how well the current model is working. In particular, they pointed to the model creating more consistency in LSS services. Since the criminal duty counsel has the opportunity to conduct an individual interview with clients after reviewing their particulars, the standard level of summary advice offered to all accused is more meaningful. The continuity of criminal duty counsel also provides greater efficiencies by enhancing the ability of duty counsel to resolve client matters.

Suggested areas for improvement focused on methods to increase the flexibility of the model. Several areas were identified by key informants: having an LSS-dedicated telephone available in the courthouse so that clients can opt to use the LSS call centre for intake; considering some type of triage so that clients who clearly do not meet eligibility guidelines do not have to go through full intake; and building in capacity so that clients who want to plead guilty at their first appearance can receive summary advice that day.

5.2 Conclusions on early indications of outcomes

Appropriate clients/cases are being streamed into the EXP CDC. The evaluation evidence shows that clients/cases entering the pilot project meet its own eligibility criteria, and that the project is reaching unrepresented accused who are not eligible for a legal aid referral.

Timeliness of service is becoming a challenge for the EXP CDC. Based on all lines of evidence, clients are being referred to the pilot project in a timely manner; for most clients, their EXP CDC file is opened the same day as their first appearance, which shows that most clients are being connected with the service immediately. Clients found the process of connecting with EXP CDC and making an application uncomplicated and wait times for intake and meeting with criminal duty counsel “about right.” Key informants voiced concern that the lengthening time between intake and meeting with the criminal duty counsel may affect this level of satisfaction.

The EXP CDC is providing services that help clients with their legal needs. Clients received a variety of services from the pilot project, including summary advice, negotiations with the Crown on their criminal matters, court attendance, and a resolution to their criminal matter. Clients considered the legal services they received to be helpful and none thought there was legal assistance that they needed that they did not receive.

There are preliminary indications of earlier resolution by the EXP CDC. The ability of the pilot project to demonstrate earlier resolution of cases is limited since at the end of data collection for this report the project had only been operating three months. However, there are indications of success. For all closed client files, the rate of resolution is 96%; for those matters, it took on average 14 calendar days from the date of first contact with the criminal duty counsel to resolve the case. When considering only those criminal matters handled by the criminal duty counsel that had a first appearance after the pilot project’s inception, the time between first appearance and resolution averaged 33 days (median: 34 days; minimum: 0 days; maximum: 76 days).

Comparing these results to the time between the date of first appearance and date of resolution for all informations provides a preliminary indication of the pilot project’s potential to reduce the time for achieving a resolution. Because the pilot project was handling many cases that began prior to its inception, the length of time is much longer between first appearance date and date of resolution for those cases: 104 days (average); 99 days (median); 0 days (minimum); 417 days (maximum).

Clients are satisfied with the EXP CDC assistance they received. All six clients interviewed said they were satisfied with the services they received, including feeling treated with respect. They uniformly expressed appreciation for the work of the criminal duty counsel.

Stakeholders believe that the EXP CDC will lead to greater efficiency for LSS and the court process. It is too early to assess this outcome and it will be dealt with at greater length in the summative evaluation. That being said, stakeholders believe that the EXP CDC model should lead to greater efficiencies, and some believe they have seen indications of earlier resolution and fewer court appearances.

The EXP CDC has increased access to criminal legal aid. The pilot project has shown early success in increasing access. Of the 74 clients admitted in the first three months of operations, 57 would not have been eligible for a legal aid referral based on either financial or coverage guidelines, or both. In addition, the clients who were not accepted into the pilot project are provided with more extensive summary advice than under the previous system.

Few clients are being connected by the EXP CDC to other resources to assist them with underlying problems. Assisting clients with the problems that underlie their criminal behaviours (e.g., substance abuse, counselling) is intended to be one feature of the EXP CDC. Currently, the pilot has had little capacity to do this beyond what is required for negotiating the disposition of the matter with the Crown and has found that many clients are already connected to appropriate services.

6.0 Recommendations to further enhance the implementation process

Recommendation 1: *Consider whether to implement measures that will increase the flexibility of the model to respond to demand but not at the expense of innovative features of the model.*

The project is developing a criminal duty counsel roster, and it will be critical that the project ensure that its innovative feature of continuity of counsel is maintained. Counsel assigned to the roster will also require training in the new process and monitoring of their activities, in particular to ensure forms are completed to support the pilot project's data collection efforts. Other suggestions to increase model flexibility (e.g., to adopt a triage process so that not all clients have to go through LSS intake and to have out-of-custody duty counsel available so that clients who want to plead guilty at their first appearance can still receive summary advice) may be possible once the roster is in place, but these changes should not compromise the model's ability to provide a more consistent standard of summary legal advice to all clients.

Recommendation 2: *Continue to monitor key service metrics, in particular the length of time between intake and first appointment with the criminal duty counsel.*

Evaluation findings indicate potential issues that could negatively impact project success related to length of time between intake and first appointment with the criminal duty counsel. While the project is undertaking steps to address this (development of a roster), continuing to monitor this key service metric will enable the project to respond to challenges prior to the summative evaluation.

Recommendation 3: *Re-evaluate whether referring clients to non-legal services to address their underlying issues should be a project outcome and, if it remains a project outcome, consider how the project can network with other service providers so that it has a list of relevant resources.*

This is the only outcome that the pilot project was clearly not achieving due in part to the challenges of handling the current client caseload as well as not having a readily available list of relevant resources. Some key informants questioned this outcome for the pilot project. According to them, the criminal duty counsel is usually only involved in making these referrals if the Crown requires it, or when the type of service (e.g., counselling) would demonstrate to the Crown that the accused is addressing their issues. In either instance, the Crown and/or the client are usually already aware of relevant services and the criminal duty counsel does not need to make a referral. If non-legal referrals are to remain a project outcome, there needs to be consideration of how to support the project in developing its capacity to efficiently make these referrals (e.g., developing a list of potential organizations that the project can use for referrals) and a determination of whether these referrals should be made in situations other than when they are required by the Crown.

s.13

Recommendation 4: *Consider enhancements to the project database that will increase efficiency, minimize errors, and allow for more accurate reports to be run so that the project can monitor its activities.*

Currently, the project database has the same information recorded in more than one location (e.g., provision of summary advice, resolving a matter), does not have logic checks on data entry, and does not contain options so that missing data can be distinguished from unavailable data (e.g., where an activity has not yet occurred). Its current construction could be improved to better assist the person charged with doing data entry for such a complex project. These enhancements will better support future project reporting and support administrative efficiency.

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Appendix A – Logic model

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Program logic model — Expanded Criminal Duty Counsel (EXP CDC)

Program activities		Program outputs	Short-term outcomes	Medium-term outcomes
INTAKE AND ASSESSMENT	Assess client and make decision about whether early resolution is possible	<ul style="list-style-type: none"> • # of clients assessed for EXP CDC services • # of files/clients accepted • # of files rejected 	<ul style="list-style-type: none"> • Appropriate clients/cases are streamed into EXP CDC services • Clients receive a referral to EXP CDC services in a timely manner 	<ul style="list-style-type: none"> • The courts at the EXP CDC program site operate more efficiently • LSS operates its criminal legal aid services more efficiently • Access to Criminal Legal Aid at the EXP CDC program site is increased
LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible EXP CDC clients <ul style="list-style-type: none"> • Provide advice to client • Provide continuous representation to client 	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matter in the program) that are assisted by same CDC 	<ul style="list-style-type: none"> • EXP CDC clients achieve early resolution of their criminal matters • Clients are satisfied with their experience in the EXP CDC program 	
OTHER SUPPORTS	Connect EXP CDC clients with other existing resources to help them address underlying problems	<ul style="list-style-type: none"> • # of clients being connected to other resources • # and type of other resources contacted 	<ul style="list-style-type: none"> • Clients use referrals to other resources and find them helpful 	

Appendix B – Evaluation matrix

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Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
Implementation questions		
1. Has the PLC been implemented as intended in Year 1? What challenges were met in implementation? How were challenges addressed and improvements made to the model?	<ul style="list-style-type: none"> • Key informant opinion on extent EXP CDC has been implemented as intended • Key informant opinion on challenges/improvements • Decision-records and timelines of changes made to improve model 	<ul style="list-style-type: none"> • Key informant interviews • Document review
2. What external factors have influenced the implementation and success of the EXP CDC?	<ul style="list-style-type: none"> • Key informant opinion on external factors that have affected implementation and success of the EXP CDC • EXP CDC WG meeting minutes documenting external factors • Evidence that decisions, actions, policies of external organizations/key informants affect the EXP CDC (e.g., assignment court) 	<ul style="list-style-type: none"> • Key informant interviews • Document review
3. Did the EXP CDC have sufficient resources and capacity to meet demand?	<ul style="list-style-type: none"> • Number of cases accepted by the EXP CDC • Number of legal aid referrals for criminal matters in Year 1 of the pilot compared to legal aid referrals for criminal matters in previous years (for catchment area) • Key informant opinion on whether the EXP CDC has sufficient resources and capacity to satisfactorily meet demand 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
4. To what extent do the current processes and structure of the EXP CDC support its efficient and effective delivery?	<ul style="list-style-type: none"> • Key informant opinion on effectiveness of current processes and structure to support the project 	<ul style="list-style-type: none"> • Key informant interviews
5. What considerations related to the EXP CDC model are necessary to successfully implement this approach in a different site?	<ul style="list-style-type: none"> • Key informant opinion on factors to be considered for expansion to other locations/lessons learned/best practices • Documentation related to Q1 to 3 	<ul style="list-style-type: none"> • Key informant interviews
Outcome questions		
6. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none"> • Number of clients assessed for EXP CDC services • Number and types of files/clients accepted with reasons why (i.e., meets financial and coverage guidelines or is financially eligible under discretionary coverage) • Number of files not accepted with reasons why • Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral • Key informant opinion on appropriateness of eligibility decisions 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
7. Do clients receive a referral to EXP CDC services in a timely manner?	<ul style="list-style-type: none"> • Time between first appearance and file open date (by information number) • Time between first appearance and date of first contact with CDC (by information number) • Key informant opinion on whether clients receive timely referrals to EXP CDC • Client opinion on whether referral to EXP CDC was timely 	<ul style="list-style-type: none"> • EXP CDC database • Key informant interviews • Client interviews

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
8. Do clients receive services to help them meet their legal needs?	<ul style="list-style-type: none"> • Types of legal services received by clients from EXP CDC • Number and percent of clients/applicants receiving referrals to other legal services • Number and type of other legal services applicants/clients are referred to by EXP CDC • Time spent with clients by EXP CDC • Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral • Number and percent of clients not accepted (solely) because exceeds capacity of EXP CDC program who apply for and receive LSS referral • Number and percent of clients not accepted (solely) because of lawyer conflict who apply for and receive LSS referral • Key informant opinion on whether client legal needs are being met • Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> • EXP CDC database • Key informant interviews • Clients
9. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> • Number and percent of EXP CDC cases resolved by type of outcome (by information) • Number and percent of EXP CDC cases not resolved and reasons why (by information) • Number of days from first contact with EXP CDC to resolution (by information) • Number and percent of EXP CDC cases resolved before the trial fixed date • Comparison of number of days to resolution of EXP CDC cases with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days to resolution of cases with EXP CDC involvement (including cases not resolved by EXP CDC) with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether cases are resolved earlier 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • CSB database • Key informant interviews • Client interviews
10. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	<ul style="list-style-type: none"> • Client opinion on satisfaction with EXP CDC services • Key informant opinion on quality of EXP CDC services 	<ul style="list-style-type: none"> • Client interviews • Key informant interviews

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
11. Has the EXP CDC service led to greater efficiency for LSS?	<ul style="list-style-type: none"> • See indicators to Q9 • Number of LSS legal referrals in first year of pilot compared with prior year at pilot site • Average cost per EXP CDC file (resolved/unresolved) compared with average cost of comparable LSS referrals • Number and percent of clients leaving the EXP CDC program and applying for and receiving LSS referral • Number of court attendances per resolved file by EXP CDC per file compared with number of court attendances by counsel for comparable LSS referrals • Key informant opinion on whether efficiencies created for LSS by EXP CDC 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
12. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> • Comparison of number of court appearances before resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether the EXP CDC has increased efficiency in the court process 	<ul style="list-style-type: none"> • EXP CDC database • CSB database • Key informant interviews
13. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	<ul style="list-style-type: none"> • Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services • Number of full referral clients at pilot site in the year prior to the EXP CDC compared to number of full referral and EXP CDC clients at pilot site since inception 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database
14. To what extent are clients being connected to other resources that are helping them address underlying problems?	<ul style="list-style-type: none"> • Number and percent of clients/applicants receiving referrals to non-legal services • Number and type of non-legal services clients/applicants are referred to by EXP CDC • Key informant opinion on whether clients receive referrals that assist them with addressing underlying problems • Client opinion on whether non-legal referrals received were used/helpful 	<ul style="list-style-type: none"> • EXP CDC database • Client interviews • Key informant interviews
15. Were there any unintended consequences or outcomes of the EXP CDC project identified in Year 1?	<ul style="list-style-type: none"> • Key informant opinion on unintended consequences or outcomes of the EXP CDC 	<ul style="list-style-type: none"> • Key informant interviews

Appendix C – Data collection instruments

Draft – For Discussion Only



**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

Interview guide for clients

Interviewer will verbally discuss the introduction with the client prior to the beginning of the interview: Thank you very much for agreeing to come in and talk to me today. I am (NAME) and I am from PRA, an independent research company. The Legal Services Society of British Columbia, you might know them as legal aid, has hired us to help them on a study of one of their services, the Expanded Criminal Duty Counsel. The Expanded Criminal Duty Counsel provides advice and assistance to people with criminal law matters in Provincial Court in Port Coquitlam. They do not represent people at trial, but they will help with discussions with the Crown Counsel or attending court to enter a guilty plea. The assistance can include reviewing disclosure, having discussions with the Crown Counsel, and attending court if a guilty plea is being entered to resolve the case. Legal aid wants to know how well the Expanded Criminal Duty Counsel is working for clients. We understand you were or still are a client of the Expanded Criminal Duty Counsel, and that is why you were asked to take part in this interview.

I'd like to ask you some questions about the help you got from the Expanded Criminal Duty Counsel. Please be assured that I will not ask you anything personal about your criminal law matter, only about the services you received and how helpful these were to you. This information will help the LSS in identifying how the project can be improved.

with other interviews The interview should take about 20 minutes. The information from your interview will be combined and reported all together, so your name will not be mentioned. With your permission, I will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording. If you cannot answer a question, let me know and we will skip to the next question.

First, I'd like to find out more about your experience applying for legal aid.

1. When did you apply for legal aid — was it before or at your first court appearance? (Q7)
2. Did someone tell you to go see legal aid, or did you know where to go get legal aid assistance? (Q7)
 - a. (If told to go to legal aid) Who told you about legal aid? (*Probe: judge, justice of the peace, sheriff, registry, Crown, another agency*) Who did they tell you to see about getting legal aid? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - b. (If knew where to go) Where did you go to get legal aid assistance? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - c. How many people did you have to approach before you were in the right place to apply for legal aid?
 - d. (If in person) Was there a line to apply for legal aid? (If call centre) Were you put on hold when you called? (Both) About how long did you wait? Did you think the wait was too long or about right?
3. How soon after you applied for legal aid did you meet with the Criminal Duty Counsel? (*Probe: Same day, how many days later*) Did you think the wait was too long or about right? (Q7)

Draft – For Discussion Only



4. (If applied at first court appearance) Were you able to attend court on the same day you applied for legal aid, or was the court date rescheduled? (If rescheduled) Do you recall how many days later you attended court? (Q7)
5. How difficult or easy did you find the process of applying for legal aid and getting connected with the Criminal Duty Counsel? What made it difficult/easy? (Q7)

Now, I'd like to ask you some questions about the legal services that you received from the Criminal Duty Counsel.

6. What type of legal assistance did the Criminal Duty Counsel give you? Did they...
 - a. Explain the court process to you?
 - b. Provide you with information on the charges you were facing?
 - c. Explain the police reports to you?
 - d. Explain to you the particulars prepared by the Crown?
 - e. Tell you different ways you might respond to the charges?
 - f. Attend court with you?
 - g. Any other types of assistance?(Q8)
7. Thinking about the assistance that you received, what was helpful? What was not helpful? (Q8)
8. Did you feel treated with respect by the Criminal Duty Counsel? Please explain why or why not. (Q8)
9. Is your case still ongoing or completed? (If completed) What was the final outcome of your case — did you plead guilty or eventually go to trial? (Q8, Q9, Q10)
 - a. (If pled guilty) Did the Criminal Duty Counsel attend court with you to enter the plea? Do you think your case was resolved sooner because of the involvement of the Criminal Duty Counsel? Why or why not? Were you satisfied with the outcome? Why or why not?
 - b. (If went to trial) Did you have representation by counsel at trial? Did Criminal Duty Counsel refer you to other legal services? Did you receive a legal aid referral for a lawyer, did you hire a lawyer on your own, or did you receive free legal help from another service like Access Pro Bono? Were you satisfied with the outcome? Why or why not?
10. Was there any type of legal assistance that you think you needed but did not get from the Criminal Duty Counsel? (Q8)
11. Did the Criminal Duty Counsel refer you to any other types of services to assist with your non-legal issues, such as housing, substance abuse, income assistance, counselling, anger management? Did you use these referrals? Did you find them helpful? Why or why not? (Q14)
12. Overall, were you satisfied with the services you received from the Criminal Duty Counsel? Do you have any improvements that you would like to suggest? (Q10)
13. Have you had assistance from legal aid before? How would you compare the most recent experience to the one you had before – was it better, worse, or the same? Please explain.

Thank you for your participation.

Draft – For Discussion Only



**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

**Interview guide for internal stakeholders
(Project Lead, Pilot lead CDC, Pilot administrator and LSS intake)**

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording.

The current evaluation focuses on the implementation of the EXP CDC project to identify early issues and make recommendations to assist LSS management in improving/refining project implementation. This evaluation will also examine early indicators of success in meeting the project's objectives.

We realize you may not be able to answer all questions; please let us know, and we will skip to the next question.

Implementation of the EXP CDC pilot

1. Please briefly describe your role in the implementation and/or delivery of the EXP CDC pilot project.
2. Based on your observations, has the project been implemented as planned? If not, why not? Q1
3. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. What steps has the EXP CDC taken to overcome any resource challenges. Q3
4. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model? Q4
5. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the implementation and success of the model? (*Probe: judiciary, in particular assignment court; Crown; court administration; are referrals coming expected stakeholders?*) If yes, how has the project responded to mitigate problems or use opportunities? Q2
6. Are there any other challenges not already discussed that were encountered during the implementation of the EXP CDC? How were these challenges addressed? Q1
7. What has been learned from the early implementation experiences of the EXP CDC that would be useful to share with any future sites? (*Probe: what factors should be considered in any plans for expansion*) Q5

Draft – For Discussion Only



Progress towards achieving objectives

8. How are people getting referred to the EXP CDC? Who is referring them (e.g. judge, justice of the peace, CDC office, CDC in court, LSS intake, another JITI pilot or agency)? Are all relevant stakeholders referring people to the EXP CDC? Are they referring appropriate people to the EXP CDC? Q6
9. How efficient is the current intake and screening process? In your response, please consider the various points in the process (e.g., LSS intake, Pilot Admin, Lead Criminal Duty Counsel). In your opinion, are appropriate clients/cases being streamed into EXP CDC services? (*Probe: is LSS intake forwarding appropriate cases; do the criteria developed ensure that inappropriate cases are not accepted and that appropriate cases are not excluded?*) Are there any difficulties in assessing which clients/cases are appropriate for the pilot? Q6
10. At what point in the criminal justice process are clients typically referred to the EXP CDC? Do you consider referrals to EXP CDC to be timely? Is there anything that could be improved about the referral/intake/screening process? Q6 and Q7
11. What are the types of legal services that the EXP CDC provides clients? When and to what other legal services might the EXP CDC refer clients? In general, do you believe that the clients' legal needs are being met by the EXP CDC? Are there any gaps in legal services that you believe still exist for EXP CDC clients? Q8
12. Please describe the EXP CDC approach to referring clients to non-legal resources? For example, how does the EXP CDC determine when and to what other non-legal resources to refer clients? What activities has the EXP CDC undertaken to network with and connect to non-legal resources in the community? Based on the experiences to-date, what are the benefits of these referrals for clients? Q14
13. Based on your early experience, to what extent has the EXP CDC service led to earlier resolution of cases? Please be as specific as possible as to how and in what way cases have been resolved earlier. Are there any factors that have impeded or facilitated early resolution? Q9
14. Have you received any feedback from clients about their experiences with the EXP CDC? Do you have any suggestions for how clients' experiences with the EXP CDC can be improved? Q10
15. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative on the efficiency of:
 - a. LSS criminal legal aid services in Port Coquitlam (e.g., reduction in number of cases that require a full LSS referral); and
 - b. the court process in Port Coquitlam?Q11 and 12
16. Have there been any unintended consequences of the EXP CDC project?
17. Do you have any other comments?

Thank you for your participation.

Draft – For Discussion Only



**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

**Interview guide for external stakeholders
(Court Services, Court Registry, Sheriffs, Judges, Justices Of The Peace, Crown)**

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio record the interview for the purpose of note taking. No one outside of PRA will see your notes or hear your recording.

The current evaluation focuses on the implementation of the EXP CDC project to identify early issues and make recommendations to assist LSS management in improving/refining project implementation. This evaluation will also examine early indicators of success in meeting the project's objectives.

We realize you may not be able to answer all questions; please let us know, and we will skip to the next question.

Implementation of the EXP CDC pilot

1. Please briefly describe your involvement with the EXP CDC pilot project or with clients of the EXP CDC pilot project. (*Probe: do you refer people to do the pilot?*)
2. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. To your knowledge, has the EXP CDC taken steps to overcome any resource challenges?
3. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model?
4. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the implementation and success of the model? (*Probe: judiciary, in particular assignment court; Crown; court administration*) If yes, how has the project responded to mitigate problems or use opportunities?
5. Have you encountered any challenges in your interactions with the EXP CDC? If yes, have these challenges been addressed?

Progress towards achieving objectives

6. Do you think that criminal defendants are aware of the EXP CDC and how to apply for its services? If not, what could LSS do to make more criminal defendants aware of the services and how to access them?
7. Do you refer individuals to the EXP CDC? If yes, how does that typically occur? (*Probe: to whom do you refer clients, at what point in the criminal justice process do you typically refer clients*) Have you encountered any difficulties in making a referral? (*Probe: knowing to whom to refer — LSS intake or duty counsel; timeliness of decision making process related to EXP CDC*)
8. Do you think that appropriate clients/cases are being streamed into EXP CDC services? Why or why not?
9. In your opinion, is LSS making a timely decision on whether a criminal defendant is eligible for EXP CDC services? Do you have any suggestions for improving the referral/intake/screening process?
10. What are the types of legal services that the EXP CDC provides clients? In general, do you believe that the clients' legal needs are being met by the EXP CDC? Are there any gaps in legal services that you believe still exist for EXP CDC clients?
11. What non-legal resources would be most useful to this client group? Based on the experiences, what are the benefits of referrals to these types of resources for clients? If you can comment, how successful has the EXP CDC been in connecting clients to relevant non-legal resources?
12. Based on your early experience, to what extent has the EXP CDC service led to earlier resolution of cases? Please be as specific as possible as to how and in what way cases have been resolved earlier. Are there any factors that have impeded or facilitated early resolution?
13. Based on what you have observed, do you have any suggestions for how clients' experiences with the EXP CDC can be improved?
14. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative on the efficiency of:
 - a. LSS criminal legal aid services in Port Coquitlam; and
 - b. the court process in Port Coquitlam?
15. Have there been any unintended consequences of the EXP CDC project?
16. Do you have any other comments?

Thank you for your participation.

Summative Evaluation Frameworks and Project Objectives

JITI - EXP CDC

Pilot objectives:

The required objectives of the EXP CDC are the following:

- ▶ increase early resolution of cases
- ▶ increase the scope of recipients of criminal legal aid services
- ▶ reduce the number of court appearances
- ▶ increase continuity of service for clients

Question	Indicator	Data Source
Outcome questions		
1. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none">• Number of clients assessed for EXP CDC services• Number and types of files/clients accepted with reasons why (i.e., meets financial and coverage guidelines or is financially eligible under discretionary coverage)• Number of files not accepted with reasons why• Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral• Key informant opinion on appropriateness of eligibility decisions	<ul style="list-style-type: none">• EXP CDC database• LSS CIS database• Key informant interviews
2. Do clients receive a referral to EXP CDC services in a timely manner?	<ul style="list-style-type: none">• Time between first appearance and file open date (by information number)• Time between first appearance and date of first contact with CDC (by information number)• Key informant opinion on whether clients receive timely referrals to EXP CDC• Client opinion on whether referral to EXP CDC was timely	<ul style="list-style-type: none">• EXP CDC database• Key informant interviews• Client interviews

Question	Indicator	Data Source
3. Are clients' legal needs being met by the EXP CDC project?	<ul style="list-style-type: none"> • Types of legal services received by clients from EXP CDC • Number and percent of clients/applicants receiving referrals to other legal services • Number and type of other legal services applicants/clients are referred to by EXP CDC • Time spent with clients by EXP CDC • Number and percent of clients not accepted because interests are better served by a referral who apply for and receive LSS referral • Number and percent of clients not accepted (solely) because exceeds capacity of EXP CDC program who apply for and receive LSS referral • Number and percent of clients not accepted (solely) because of lawyer conflict who apply for and receive LSS referral • Key informant opinion on whether client legal needs are being met • Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> • EXP CDC database • Key informant interviews • Clients
4. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> • Number and percent of EXP CDC cases resolved by type of outcome (by information) • Number and percent of EXP CDC cases not resolved and reasons why (by information) • Number of days from first contact with EXP CDC to resolution (by information) • Number and percent of EXP CDC cases resolved before the trial fixed date • Comparison of number of days to resolution of EXP CDC cases with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days to resolution of cases with EXP CDC involvement (including cases not resolved by EXP CDC) with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether cases are resolved earlier 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • CSB database • Key informant interviews • Client interviews
5. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	<ul style="list-style-type: none"> • Client opinion on satisfaction with EXP CDC services • Key informant opinion on quality of EXP CDC services 	<ul style="list-style-type: none"> • Client interviews • Key informant interviews

Question	Indicator	Data Source
6. Has the EXP CDC service led to greater efficiency for LSS?	<ul style="list-style-type: none"> • See indicators to Q9 • Number of LSS legal referrals in first year of pilot compared with prior year at pilot site • Average cost per EXP CDC file (resolved/unresolved) compared with average cost of comparable LSS referrals • Number and percent of clients leaving the EXP CDC program and applying for and receiving LSS referral • Number of court attendances per resolved file by EXP CDC per file compared with number of court attendances by counsel for comparable LSS referrals • Key informant opinion on whether efficiencies created for LSS by EXP CDC 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
7. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> • Comparison of number of court appearances before resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether the EXP CDC has increased efficiency in the court process 	<ul style="list-style-type: none"> • EXP CDC database • CSB database • Key informant interviews
8. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	<ul style="list-style-type: none"> • Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services • Number of full referral clients at pilot site in the year prior to the EXP CDC compared to number of full referral and EXP CDC clients at pilot site since inception 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database
9. To what extent are clients being connected to other resources that are helping them address underlying problems?	<ul style="list-style-type: none"> • Number and percent of clients/applicants receiving referrals to non-legal services • Number and type of non-legal services clients/applicants are referred to by EXP CDC • Key informant opinion on whether clients receive referrals that assist them with addressing underlying problems • Client opinion on whether non-legal referrals received were used/helpful 	<ul style="list-style-type: none"> • EXP CDC database • Client interviews • Key informant interviews
10. Were there any unintended consequences or outcomes of the EXP CDC project identified in Year 1?	<ul style="list-style-type: none"> • Key informant opinion on unintended consequences or outcomes of the EXP CDC 	<ul style="list-style-type: none"> • Key informant interviews

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Summative Evaluation – Data to Meet the Needs of a Business Case Submission

JITI - EXP CDC

Pilot objectives:

The required objectives of the EXP CDC are the following:

- ▶ increase early resolution of cases
- ▶ reduce the number of court appearances
- ▶ increase the scope of recipients of criminal legal aid services

Question	Indicator	Data Source
Outcome questions		
1. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> • Number and percent of EXP CDC cases resolved by type of outcome (by information) • Number and percent of EXP CDC cases not resolved and reasons why (by information) • Number of days from first contact with EXP CDC to resolution (by information) • Number and percent of EXP CDC cases resolved before the trial fixed date • Comparison of number of days to resolution of EXP CDC cases with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days to resolution of cases with EXP CDC involvement (including cases not resolved by EXP CDC) with number of days to resolution of LSS referrals during the two years' prior to the pilot project • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial fixed date with a comparison site • Key informant opinion on whether cases are resolved earlier 	<p>Quantitative</p> <ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • CSB database <p>Qualitative</p> <ul style="list-style-type: none"> • Key informant interviews • Client interviews
2. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> • Comparison of number of court appearances before resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number of days from first appearance to resolution of EXP CDC cases with a comparison site (by cases resolved before and after trial fix date) • Comparison of number and percent of EXP CDC cases resolved before the trial 	<p>Quantitative</p> <ul style="list-style-type: none"> • EXP CDC database • CSB database

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Question	Indicator	Data Source
	fixed date with a comparison site • Key informant opinion on whether the EXP CDC has increased efficiency in the court process	Qualitative • Key informant interviews
3. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	• Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services • Number of full referral clients at pilot site in the year prior to the EXP CDC compared to number of full referral and EXP CDC clients at pilot site since inception	Quantitative • EXP CDC database • LSS CIS database

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Evaluation of the Expanded Criminal Duty Counsel (a Justice Innovation and Transformation Initiative)		
Status Report for the period covering December 7 to December 18, 2015		
Summative evaluation tasks		
Task	Status	Details
1. Planning and consultation for summative evaluation	Ongoing	-
2. Methodology report	Ongoing	- Dec 7 received comments from provincial representatives on Evaluation Working Group - Dec 8 – provided revised, final methodology report.
3. Document and data review	Future Task	-
4. Key informant interviews (n=10 for summative evaluation)	Future Task	-
5. Client interviews (n=20 for summative evaluation)	Future Task	-
6. System efficiencies analysis	Future Task	-
7. Reporting	Future Task	-
Preparatory activities/actions required in advance of future tasks		
1. Receive updated pilot project data through October 31, 2015 (to be used for court data requests) 2. Choose comparison sites		
Outstanding risks/issues to be resolved		
N/A		
Key decisions made		
N/A		
Upcoming key dates/milestones		
N/A		

2016/17 ESTIMATES NOTE

Legal Aid - Justice Transformation Initiatives

Suggested Response:

- We are providing the Legal Services Society with an additional \$2 million a year, totalling \$6 million from 2014/15 to 2016/17, bringing our total budget commitment to \$74.7 million for 2016/17.
- The extra \$6 million over the three year period is being used to deliver five pilot projects that focus on increasing access to justice and services that promote early resolution of legal issues.
- We worked collaboratively with the Society to develop these pilot projects to provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as quickly and efficiently as possible, and out of court where feasible and appropriate.
- These Justice Innovation and Transformation Initiatives (JITI projects) align closely with the ministry's strategic goal of enhancing access to justice and improving system outcomes through early assistance to citizens.

Overview of Justice Innovation and Transformation Initiative Projects

1. NR

2.

3.

4.

5. Expanded Criminal Duty Counsel: In April 2015, the Society launched an expanded criminal duty counsel service in Port Coquitlam to provide more continuity of services and facilitate earlier resolutions of less serious criminal matters.

If asked why a larger investment is not being made

- It is important that we test whether an investment in early resolution services for family, child protection and criminal legal aid can help reduce overall justice system costs while increasing services to clients.

Background:

- In 2012, the Society provided advice to the previous Minister about legal aid initiatives that could contribute to broader justice system transformation in its report Making Justice Work.
- In February 2013, the government released the White Paper on Justice Reform, Part Two, in which it committed to supporting the Society to test an expanded criminal duty counsel model and to expand the family legal aid services it currently provides.
- The Minister's 2013/14 mandate letter directed that the ministry work with the Society to prepare a plan for an additional \$2 million for criminal and family legal aid services beginning in 2014/15.
- Ministry and Society staff collaboratively developed a plan for the transformation funding. All five Initiative projects were launched between September 2014 and April 2015.

Project Details

NR

NR

5. Expanded Criminal Duty Counsel

- As part of its regular services, the Society provides duty counsel to assist individuals in Provincial Court who have been charged with a crime and have not yet been granted a legal aid referral. Duty Counsel will provide summary advice and appear in court to handle simple matters that can be completed the same day. They do not retain conduct of files.
- In an expanded model, a specific lawyer is assigned to the same court on a continuing basis. Counsel retains conduct of non-complex files for a set amount of time. They receive instructions from clients, obtain disclosure, and take steps to resolve matters where appropriate. If cases cannot be resolved and clients qualify for legal aid, clients are referred to a private bar lawyer.
- The principle objective of the model is to support continuity of service and early resolution in less complex criminal cases. The model aligns well with the Criminal Justice

Branch Crown File Ownership project and the Provincial Court Scheduling Project.

- The Society reviewed similar expanded criminal duty counsel programs in Nova Scotia, Alberta, and Manitoba to outline this model in its report, *Making Justice Work*. The Society found that the programs in other provinces have been effective in promoting early resolution and can be less expensive depending on the tariff rates paid to lawyers.
- Based on results from Nova Scotia's program, the analysis noted a reduction in appearances and time to resolution. At the lower end of the range, the Society estimated the model could result in a 27% reduction in appearances and time to resolution.
- An evaluation of Alberta's model found that the cost for providing legal services under the expanded duty counsel model was about 33% less than similar cases under the block tariff. The Society has concluded that given its block tariff rates, it does not expect that the expanded criminal duty counsel model will generate similar savings in legal aid service delivery costs in BC.

Contact: Kathleen Rawlinson (JSB)	Phone: 250-356-8083	Mobile: 250-580-4920
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Page 123 of 574 to/à Page 127 of 574

Withheld pursuant to/removed as

s.13

Evaluation of the Expanded Criminal Duty Counsel (a Justice Innovation and Transformation Initiative) Status Report for the period covering March 28, 2016 to April 8, 2016		
Summative evaluation tasks		
Task	Status	Details
1. Planning and consultation for summative evaluation	Completed	-
2. Methodology report	Completed	-
3. Document and data review	Ongoing	<ul style="list-style-type: none"> - Slightly behind schedule: On March 29, 2016, submitted updated request with criminal charges further refined to CSB and discussed request with CSB on March 31st. CSB will provide data as it works through the requests so that LSS and PRA can ensure data are meeting our needs. - On schedule: Project data were provided on April 6, 2016. LSS is looking into linking charges from CIS to the client information numbers in the project database.
4. Key informant interviews (n=10 for summative evaluation)	Ongoing	<ul style="list-style-type: none"> - On schedule –We plan to conduct 11 interviews. Previously, we were to conduct 10 interviews but the small group interview will be two individual interviews instead. Nine interviews are completed and one is scheduled for next week. PRA is in the process of scheduling the other key informant.
5. Client interviews (n=20 for summative evaluation)	Ongoing	<ul style="list-style-type: none"> - On schedule: Our target was 20 interviews and 30 interviews have been completed. Analysis will begin in April.
6. System efficiencies analysis	Future Task	- Task is dependent on obtaining court data and pilot financial data.
7. Reporting	Future Task	- On schedule: Analysis is underway.
Preparatory activities/actions required in advance of future tasks		
<ol style="list-style-type: none"> 1. LSS to provide criminal charges for pilot clients from CIS. 2. LSS to provide financial information for the pilot. 		
Outstanding risks/issues to be resolved		
N/A		
Key decisions made		
N/A		

Upcoming key dates/milestones
Draft summative evaluation report due on April 30, 2016



PURPOSE OF THIS NOTE

1. This note provides an overview of the communications services that will be needed to support closure of the JITI pilot projects. A formal plan will be prepared at a later date.

BACKGROUND

2. JAG funding for the JITI pilot projects ends March 31, 2017. JAG cannot provide assurance that funding will continue after that date.
3. LSS has no budget to continue operating the pilot projects. Continuing the pilot projects after March 31, 2017 would result in a deficit to LSS. JAG prohibits LSS from running a deficit.
4. The JITI pilot projects all involve activities with long process timelines. For example, accepting a client into one of the pilot projects can result in a multi-year commitment by LSS, and ongoing ethical obligations by LSS lawyers, to provide services to that client. Consequently, LSS must start closing the projects between April and August of 2016 to ensure the closure is completed when funding ends on March 31, 2017.
5. Closing the pilot projects and restoring the affected services to their pre-pilot state involves a wide range of complex activities including halting intake of new clients and referring existing clients to tariff lawyers; terminating employee contracts; vacating premises; closing LSS's central management of the pilot projects; etc.
6. Delaying the closure will result in increased costs to LSS tariff services as more clients will enter the system and will have to be transferred from the block-funded PLC to the individual-case-funded tariff.

KEY COMMUNICATION DATES

Communication	Expanded Criminal Duty Counsel ^{NR}
Initial notice to stakeholders <ul style="list-style-type: none">• Advise of impending closure and of future consultation re closure	May 1 2016
Notice to pilot-specific stakeholders <ul style="list-style-type: none">• Advise of consultation re closure	May 1 2016
Notice of closure of intake <ul style="list-style-type: none">• Advice services available by appointment only	July 1 2016
Revert to original service	Jan 2017

COMMUNICATION CHANNELS

Communications about the pilot projects in general

7. The pilot projects have attracted significant attention from elected officials, justice system stakeholders, the media, the legal profession, social service providers and clients. The PLC in particular has attracted interest across the country among elected officials and legal aid programs. Closure communications will have to address the need to reach this broad audience.
8. The recommended approach to reaching this broad audience is through media interviews, through stakeholder publications such as those produced by the Law Society or the Association of Legal Aid Plans of Canada, and through LSS's website and other online communication tools.
9. Key messages for these communication should be focused on what LSS has learned from the pilot projects.

Communications about specific pilot projects

10. Each of the pilot projects has generated its own "process stream" that has various stakeholder (such as social service agencies) referring clients to one or more of the pilot projects.
11. Each of these stakeholder will have to be identified and contacted.
12. Key messages for these communications should focus on services that remain available for the stakeholder's clients.

DISCUSSIONS WITH JAG

13. JAG is heavily invested in these pilot projects as funder, as a project developer and as stakeholder committed to making the justice system work better for the citizens of BC. It is, therefore, imperative that LSS discuss all communications with JAG before making any public statements.

Bridge Funding – LSS Justice Information Transformation Initiative (JITI)

Tuesday, April 26, 2016 - 10:30 a.m. – 12:30 p.m.

BR 214, 1001 Douglas Street (The Sussex), Victoria BC

1) JITI Projects

- a) 01 – Expanded Criminal Duty Counsel
- b) NR
- c)
- d)
- e)

2) Proposed Projects To Continue

- a) s.13
- b)
- c)

Note: s.13

3) Proposed Projects To Not Continue

- a) s.13
- b)

Note:

- a) s.13

b)

4) s.13

- a) s.13

b)

Legal Services Society Discussion Paper

Bridge Funding – LSS Justice Information Transformation Initiative (JITI)
Tuesday, April 26, 2016 - 10:30 a.m. – 12:30 p.m.

Page 1 of 3

s.13

5) Communications

- a) Communications Foundation plan (attached). This document to be re-worked based on discussions today.
- b) LSS to forward in advance to JAG any communications being released externally.

6) Timelines

s.13

s.13

7)

8) Actions

- a) Agreement on Proposed Continued JITI Projects
- b) Agreement on Proposed Discontinued JITI Projects
- c) s.13
- d) Feedback on Proposed Communications Process
- e) Agreement on Proposed Timeline Deadlines

Purpose of this note

1. This note explains why LSS must take steps now to contain the costs of the Justice Transformation projects in order to ensure compliance with Ministry of Justice and statutory budget requirements in 2017/18.

LSS is not permitted to run a deficit

Legal Services Society Act

2. LSS's annual budget is subject to approval by the Attorney General (s. 18).
3. The Act prohibits LSS from running a deficit without the approval of the Attorney General and the Minister of Finance (s. 17).

Budget approval by the AG

4. The AG has in the past directed that LSS, in preparing its budgets, must ensure there is no deficit. LSS expects to receive the same direction when preparing its 2017/18 budget.

Memorandum of Understanding

5. The MOU states that LSS "will provide the following Provincially Funded Services, to the maximum amount set out in the Approved Budget in each fiscal year and within the Society's capacity to deliver those services."

Mandate letter

6. LSS's 2016/17 mandate letter says "All the proposed priority actions are to be fulfilled within the existing, approved budget for LSS." LSS expects to receive the same direction in the 2017/18 mandate letter.

Pilot project funding ends on March 31, 2017

7. The original funding announcement for the JITI projects said LSS would receive "A \$2 million funding increase." There was no reference to a time limit on the funding. See press release May 26, 2014.
8. The MoJ later advised that the funding was for three years ending March 31, 2017. The three-year limit on the JITI funding has been noted in LSS's service plans and annual service plan reports.
9. Letters from the Attorney General to LSS's board chair setting out the principles that should guide LSS's budget development of the 2016/17 budget direct LSS to assume the \$2 million will continue for 2016/17, but provide no commitment beyond that. See letter from AG of December 3, 2015.

Consequences of continuing the JITI projects after March 31, 2017

10. LSS's government revenues are fully committed to existing services. The society has no budget to continue operating the pilot projects after March 31, 2017 without the \$2 million in additional funding.
11. Continuing the pilot projects after March 31, 2017 would, therefore, result in a deficit to LSS and violation of the prohibition on deficits noted above.

LSS must take action now to meet the March 31, 2017 deadline

12. The JITI pilot projects all involve activities with long process timelines. For example, accepting a client into one of the pilot projects can result in a multi-year commitment by LSS, as well as ongoing ethical obligations by pilot project lawyers, to provide services to that client. Consequently, LSS must start closing the projects between June and September of 2016 to ensure the closure is completed when funding ends on March 31, 2017.
13. Closing the pilot projects and restoring the affected services to their pre-pilot state involves a wide range of complex activities including halting intake of new clients and referring existing clients to tariff lawyers; terminating employee contracts; vacating premises; closing LSS's central management of the pilot projects; etc.
14. Delaying the closure will result in increased costs to LSS tariff services as more clients will enter the system and will have to be transferred from the block-funded pilot projects to the individual-case-funded tariff.

Next steps

15. ^{s.13}

- 16.



Legal Aid Innovations

5 projects are testing innovative legal aid service delivery models in criminal, family & child protection matters.

- BC's investing \$6M over 3 years (2014/15-2016/17) in the Legal Services Society (LSS) to operate & evaluate these projects.
- The Cabinet-approved Mandate Letter from the Attorney General to LSS directs them to develop business cases, including independent evaluations & performance metrics demonstrating return on investment (efficiencies; effectiveness), by June 30, 2016, to support a potential request to Treasury Board in fall 2016 for ongoing funding &/or reallocation

- Preliminary Highlights (pending full evaluations)

1.

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-
2. Expanded Criminal Duty Counsel: early data shows a 96% rate of case resolution, with a significant reduction in the time to resolution, (including a reduced number of court appearances), potentially resulting in cost savings in court time and resources.

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Suzanne Anton, QC,
Minister of Justice and Attorney General

ISSUE:

Risk-managing the impacts of funding decision timing on the operations of the legal aid Justice Innovation and Transformation Initiatives (JITI) by the Legal Services Society (LSS) in advance of 2017/18 budget decisions.

DECISION REQUIRED/ RECOMMENDATION:

It is recommended that Ministry staff advise LSS to continue operations status quo until further notice, which will be informed by the assessment of several milestones and deliverables in summer and fall 2016.

SUMMARY:

- Committed government funding to LSS for JITI of \$2M annually for three years ends this fiscal year, on March 31, 2017.
- LSS is forecasting potential, variable wind-down costs that risk impacting next fiscal year as a budget pressure, depending on the timing and nature of funding decisions.
- As Ministry staff are not able to confirm formal funding decisions past 2016/17, LSS has indicated that informal updates and assessments of ongoing viability of the projects, in summer and fall 2016, should provide them with sufficient information to manage JITI in advance of official budget decisions.

BACKGROUND:

- The annual incremental \$2M of funding for JITI has been built into the LSS base budget (ie: rather than accessed through contingencies) each of the past/current three years, and was approved by TBS to be presented for the next two fiscal years in most recent LSS Service Plan; with the caveat, however, that it is subject to ongoing budget decisions informed by business cases and evaluations of the JITI projects.
- January 2016: Concurrent with the last service planning process, the 2016/17 Mandate Letter to LSS was approved by TBS, the Attorney and Cabinet including a JITI-related item, directing LSS to:
 - “Continue to monitor, evaluate and improve JITI to ensure implementation of the projects as intended, and to develop business cases to support a request for ongoing core funding for JITI initiatives.
 - Deliverable: Submit draft business cases for all JITI projects, incorporating evaluations and specific performance metrics, by June 30, 2016.”
- s.13; s.17

s.13; s.17

- The main reasons for LSS's concern with this matter, according to material they provided Ministry staff, is that Lead Lawyers on the JITI projects "have professional and ethical obligations to clients to be removed as the lawyer of record if court dates are set beyond project closure dates. As well [there are] other critical closure tasks needing to be completed, particularly not taking on any further clients."
 - LSS views the direction provided when the JITI funding was originally granted as requiring them to operate and evaluate the projects for three years, for \$6M total – ie, that any activities beyond that, like wind-downs, would be above and beyond that timeframe and budget.
 - This matter was raised once, prior to January 2016, early in the implementation of JITI in correspondence from LSS (September 18, 2014), which included mitigation so was not considered to be a significant issue, set out as follows: "As . . . mentioned in passing, the development of the LSS JITI projects was premised on the \$2 million being available on an ongoing basis and as a result we are currently reviewing the project details to ensure they are capable of being shut down within the funding period if the government does not commit to long-term funding. We are also reviewing our evaluation framework to adjust it to tighter timelines and exploring what deliverables will need to be modified."
 - Subsequently, however, LSS advised that the JITI projects involve longer client timelines than originally thought: eg, "accepting a client into one of the pilot projects can result in a multi-year commitment by LSS, and ongoing ethical obligations by LSS lawyers, to provide services to that client."
- s.13
- Late May 2016: discussions between Ministry and LSS executives confirmed that sufficient options had been explored, on both sides, to manage this matter, resulting in a reasonable level of comfort in proceeding on the bases of verbal updates on the status of the various factors, into the fall.
 - Ideally, the LSS Board would be apprised of any decisions in advance of its strategic planning meetings September 22-24, 2016, though staff understand this may not be possible.

DISCUSSION:

- At a high level, LSS advises that the main steps and timing required in order to wind-down the JITI projects and to return to their pre-pilot state involve “a wide range of complex activities including halting intake of new clients and referring existing clients to tariff lawyers; terminating employee contracts; vacating premises; closing LSS’s central management of the pilot projects.”
- LSS is also concerned that delaying closures will result in increased costs to regular tariff services as more clients will enter the system and will have to be transferred (eg: from the block-funded Parents’ Legal Centre to the individual-case-funded tariff).
- Pending review of the JITI business cases and evaluations, feedback from LSS and other stakeholders indicates that all the projects, except for ^{NR} would be viable and provide value going forward (for continuation and or expansion).
 - ^{NR}
 -
 - The Expanded Criminal Duty Counsel project is viewed by LSS as successful, but not aligned with the Board’s priorities; as such, there is an expectation that the Ministry will support its ongoing operations and/or expansion to other locations.
- LSS based their ‘Bridge Funding’ cost estimates of May 12, 2016, on the three projects listed above, with commitment timing due September 21, 2016 (in advance of their Board meeting) estimated of ^{s.17}
 - That would allow LSS to operate those three projects for three more months, until budget decisions are expected in December, 2016.
 - This funding would impact 2017/18 only.
 - Ie, if the decision is to shutdown these projects, and LSS were to be informed of this by September 2016, there would be no additional costs, because LSS could do that within the current available JITI budget of \$2M;
 - ^{s.13}
 -
- LSS advises that they have no capacity within its expected/ongoing base budget to contribute any funding to JITI projects.

- s.13
- s.13; s.17
-

- Communications: LSS advises that since each of the pilot projects has generated its own “process stream” that has various stakeholder (such as social service agencies) referring clients to one or more of the pilot projects, these stakeholder will have to be identified and contacted regarding ongoing or wind-down decisions. However, LSS has indicated they will defer any such communications until at least the fall and/or when decisions have been communicated to them by the Ministry, and that they will consult with Ministry staff in advance of making any such communication.

OPTIONS:

- s.13

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OTHER MINISTRIES IMPACTED / CONSULTED:

- As mentioned, TBS in the Ministry of Finance was consulted.

DECISION APPROVED / NOT APPROVED

DATE:

The Honourable Suzanne Anton, QC
Minister of Justice and Attorney General

Prepared by:
Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch

Reviewed by:
David Hoadley
Chief Financial Officer
Ministry of Justice

Cliff: XXXXXX

Date Prepared: June 3, 2016

Date Decision Required: for June 16 Briefing

250-356-8083

250-

Cc: Shauna Brouwer

Approved by: James Deitch
Acting Assistant Deputy Minister

Date:

Approved by: Richard J. M. Fyfe, Q.C.
Deputy Attorney General
and Deputy Minister, Justice



01 EXP CDC - Expanded Criminal Duty Counsel

AGENDA - Working Group - Friday, June 17th, 2016

TOPIC: EXP CDC Summative Evaluation (draft) and EXP CDC Business Case (draft)

PURPOSE: Achieve a solid understanding of the key points and conclusions of each document. Discuss strategic points, and clarify questions.
(This meeting will not spend time on an editing review.)

10:00 am Meeting guidelines

10:05 am EXP CDC SUMMATIVE EVALUATION (draft)

Introduction to Summative Evaluation

Overview, data limitations, key points

Neha (5 min)

Summary of Outcomes

Main findings and conclusions

David (10 min)

Discussion

(30 min)

10:50 am BREAK

(10 minutes)

11:00 am EXP CDC BUSINESS CASE (draft)

Introduction to the Business Case

Background, process and core components

Vivian (5 min)

Summary of the Value Proposition

“With” vs. “Without” comparison, benefits

David (10 min)

Strategic Recommendations

Rationale, conclusions, recommendations

Heidi (10 min)

Discussion

(30 min)

11:55 am Wrap Up

Take away points, next steps

Vivian (5 min)

Feedback to LSS re ECDC Draft Business Case (and Summative Evaluation where noted, but focusing on the Business Case).

June 22 2016 – Kathleen Rawlinson

1. Suggest adding an appendix for definitions of key terms, eg: case; client (noting footnote 4 in the Summative Evaluation report); core (as in core operations; core system); intake; churn; population 'clusters'; cost 'avoidance' (vs savings).
2. Include IM/IT (technology costs) in budget and proposed options: eg, for the upgrade of the database that would have to be done for project expansion. Ideally, differentiate between capital and operating costs.
3. s.13
- 4.
- 5.



01 EXP CDC - Expanded Criminal Duty Counsel

AGENDA: Working Group – Fri., July 8, 2016, 10:30 a.m.

TOPIC: EXP CDC Summative Evaluation (draft) and EXP CDC Business Case (draft)

PURPOSE: This is the 2nd EXP CDC meeting and we will update changes and clarify points in the Summative Evaluation and Business Cases. We will spend our time discussing strategic topics as needed.
(This meeting will not spend time on an editing review.)

10:30 am Meeting Guidelines

10:35 am EXP CDC SUMMATIVE EVALUATION (draft)

Update Summative Evaluation Neha (5 min)
Changes since June meeting

Clarify any Outcomes Carmen (5 min)
Changes since June

Discussion (10 min)

10:55 am EXP CDC BUSINESS CASE (draft)

Introduction to the Business Case Vivian (5 min)
Changes to the Business Case since last meeting

Clarify the Value Proposition Carmen (10 min)
“With” vs. “Without” comparison, benefits, other

11:10 am Strategic Recommendations Heidi (10 min)
Rationale, conclusions, recommendations

Discussion (35 min)

11:55 am Wrap Up Vivian (5 min)
Take away points, next steps

Ministry of Justice
Deputy Attorney General at the Deputy Ministers' Committee
on Public Service Innovation – July 18, 2016
Speaking Points

ISSUE SUMMARY:

- Speaking notes regarding the five Justice Innovation and Transformation Initiative (JITI) legal aid pilot projects implemented through the Legal Services Society (LSS).
- The Deputy Attorney General is scheduled to speak 1:30-2:00 July 18 to DMCPSP on the Civil Resolution Tribunal and Tribunal Clustering as well as JITI.

SPEAKING POINTS:

Overview

- The transformation plans of the Ministry of Justice aim to bring increased efficiencies, effectiveness and accountability to the justice system experience for citizens.
- As part of our transformation strategy, we have worked with the Legal Services Society of BC (LSS) to successfully launch, monitor, and evaluate 5 Justice Innovation Transformation Initiatives in the past 3 years.
- The projects test a variety of innovative ways of helping people resolve
NR criminal matters at earlier stages and through more collaborative methods than traditional models of front-end legal aid service delivery.

- Justice is the Ministry Responsible for LSS, as a Crown corporation with a mandate to provide efficient and effective legal aid programs to British Columbians on behalf of government.
- The Province provided LSS with \$2 million in additional annual funding, for 3 years, to develop and implement these innovative projects, for a total investment of \$6 million from fiscal years 2014/15 to 2016/17.
- In this final year of funding, one of the priority actions we assigned to LSS in its Mandate Letter was to develop business cases for the projects, supported by formal evaluations and specific performance metrics.
- This deliverable was proposed in order to highlight the importance of monitoring this investment and evaluating the outcomes of innovative initiatives.
- We are now assessing the results of the business cases to ensure we can demonstrate:
 - a higher level of quality of front-end services;
 - as well as a positive return on investment, or ‘value for taxpayer money,’ of any ongoing investment of these innovations.

Highlights of JITI Projects

- Here’s a brief overview of the 5 innovative projects:
 1. An expanded criminal duty counsel project at the Port Coquitlam courthouse to support continuing client service, early resolution and enhanced court efficiency.
 - a. The traditional model involves a roster of private lawyers who provide services on various days.

- i. This means clients receive advice from whichever lawyer is serving as duty counsel on that particular day.
 - ii. As a result, there is limited file continuity between duty counsel and limited opportunities to resolve matters at an early stage.
- b. The pilot project takes a very different approach.
 - i. Instead of a roster, there is a full-time lawyer with an office in the courthouse who is there every day.
 - ii. This lawyer retains conduct of files that may be most eligible for early resolution. These are usually the less serious offences.

NR

Early Results

- Evaluations and business cases for all these projects are currently being assessed, but preliminary results have been favourable for 2 of the projects in particular.

NR

2. For the Expanded Criminal Duty Counsel model will potentially resulting in cost savings in court time and resources.

- early data shows a 96% rate of case resolution, with a significant reduction in the time to resolution compared to the traditional model.
- This includes a reduced number of court appearances, which is one of the main cost drivers of court-related expenditures.

Conclusion

- Thank you for the opportunity to update you today on some of the innovative initiatives at the Ministry of Justice.
- We are eager to drive innovation that makes the system work more efficiently and effectively for British Columbians.
- I look forward to further discussion and sharing of best practices around innovation.

Background (? – if needed)

NR

Funding for Legal Services Society 2017/18

Next Steps – For Discussion

July 13, 2016

- Status: draft business cases and evaluation reports for the Justice Innovation and Transformation Initiatives (JITI) projects were submitted to ministry staff from the Legal Services Society (LSS) on June 30, 2016, in compliance with Mandate Letter direction.
- July 15: LSS will submit final versions of the JITI business cases and evaluations, incorporating feedback from the drafts and adding an executive summary document with their high-level recommendations and costing.
- Late July: the Attorney General will be briefed after ministry staff have reviewed the JITI business cases, evaluations and recommendations to inform options and decisions about ongoing operations / expansion / wind-down of JITI projects.
- July-August: options around the substance and format of a potential TB Submission in the fall may be considered; eg:

s.13

- Sep (tbd): TB Submission(s) to be tabled by Shauna Brouwer at the Justice and Finance Board for review.

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Suzanne Anton, QC,
Minister of Justice and Attorney General

ISSUE:

Funding for potentially ongoing/expanded legal aid Justice Innovation and Transformation Initiatives (JITI), and to address other Legal Services Society (LSS) risks, for the 2017/18 budget.

DECISION REQUIRED / RECOMMENDATION:

- At this time, only direction in principle is requested. Final decisions regarding a Treasury Board submission (TB Sub) would be made after further analysis and review in early fall 2016.
- s.13

SUMMARY:

- LSS has successfully fulfilled government direction to implement, evaluate and report on JITI, in this final year of funding, to inform decisions about ongoing operations in advance of the 2017/18 budget building period, through business cases supported by independent evaluations and performance measures.
- s.13
- Decisions about high-level content and magnitude of the funding request are required in early summer to provide sufficient time and resources to develop a strong TB Sub by early fall to meet 2017/18 budget approval timelines.

BACKGROUND:

- Committed government funding to LSS for JITI of \$6M total (\$2M annually for three years) ends this fiscal year, on March 31, 2017.
- This annual incremental \$2M of funding for JITI has been built into the LSS base budget (rather than accessed through contingencies) each of the past/current three years.
 1. \$2M in JITI funding was approved by TBS to be presented for each of the next two fiscal years in the 2016/17-2018/19 LSS *Service Plan*;

2. with the caveat, however, that it is subject to ongoing budget decisions informed by business cases and evaluations of the JITI projects.
- On June 30, 2016, LSS submitted draft business cases and evaluations for JITI projects in compliance with Mandate Letter direction for LSS to:
 1. "Continue to monitor, evaluate and improve JITI to ensure implementation of the projects as intended, and to develop business cases to support a request for ongoing core funding for JITI initiatives.
 2. Deliverable: Submit draft business cases for all JITI projects, incorporating evaluations and specific performance metrics, by June 30, 2016."
 - LSS will submit final business cases, evaluations and recommendations to ministry staff on July 15, 2016, updated from project team feedback on the drafts provided in June.
 - In addition to JITI, LSS has a number of initiatives, risks and potential budget pressures they are managing, which may be considered for inclusion in an omnibus LSS TB Sub (more information in the Discussion section below).

DISCUSSION:

JITI Projects

- All of the JITI projects except for one have shown positive results in the quality, efficiency, effectiveness and reach of service delivery, based on both quantitative data and qualitative feedback to date (pending detailed analysis).
- As such, LSS is strongly recommending four of the five JITI pilots would be viable and provide value for continuation and/or expansion (scalable):
 1. NR
 - 2.
 - 3.
 4. Expanded Criminal Duty Counsel (ECDC).
 5. NR
- LSS is planning to send ministry staff the final business cases and evaluations, by July 15.
 1. However, ministry staff have engaged in sufficient discussion with LSS and other stakeholders to date to inform high-level recommendations for next steps.
 2. This will provide more clarity and specificity regarding proposed expansion plans, locations, costs and factors for consideration.
 3. Ministry staff have asked LSS to ensure any recommended expansion plans are scalable such that sufficient options for timing and funding levels can be presented in a TB Sub.
- In advance of the final recommendations and business cases from LSS, results from four of the JITI projects appear to be quantifiably positive, e.g., highlights from ECDC (pending final data to be received July 15), shows:

- a 96% rate of case resolution, with a significant reduction in the time to resolution compared to the traditional model.
- This includes a reduced number of court appearances, which is one of the main cost drivers of court-related expenditures, from an average of 7.4 for cases that began pre-pilot to 3.7 for cases that began during the pilot.
- LSS has tracked this data to the level where they can show, quantitatively, a breakdown of client activity before and after contact with ECDC: e.g., the average client makes 1.49 appearances before they contact ECDC, and 2.22 appearances afterwards. ($1.49 + 2.22 = 3.71$).

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- There are also preliminary estimates of cost savings/avoidance calculated from these results, based on standard costs of court time. For Year 2 (2015/16) of ECDC, costs avoided are estimated at \$97,560, or \$360 per full service case. (These are direct costs. If full costing, including overhead and client savings and other 'societal return on investment' costs were used, amounts could be significantly higher).
- Standard performance measures LSS is planning to provide with the final business cases (depending on each project) include:
 - % of accepted cases that were resolved;
 - % of cases that had one lawyer/advocate for duration of service;
 - # of days from first contact to resolution;
 - # of appearances after first contact;
 - # of cases accepted and the year over year trends;
 - % of clients accepted whose first contact was prior to court processes (or pre-removal for PLC);
 - % of clients assisted with collateral issues.
- In addition LSS is preparing a 'Strategic Briefing' document, as well they are planning to create 'lessons learned' reports for each JITI project at the end of the pilot term (March 31, 2017), which will help explain results of the Mediation project as well as inform continuation/expansion plans for the other projects.
- Summary of costs per JITI pilot project are in the table below. Note that about 50% of the costs for each project consist of expenses common to all projects (central management and overhead, such as a project manager and an independent evaluation firm) that provided economies of scale, but would not necessarily have to be incurred for continuation or expansion of the projects. Also, about \$500k in addition to the \$2M budget was spent in 2014/15 for one-time start-up costs.

Cliff: 422788
Date Prepared: July 7, 2016
Date Decision Required: for July 13 DAG Briefing

(\$000s)	2014/15 Actual	2015/16 Actual	2016/17 Forecast	Total
ECDC	\$ 351	\$ 377	\$ 410	\$ 1,138
NR				
Total	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,000

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Other LSS Budget Risks

- The following topics are proposed for inclusion in an omnibus TB Sub for all LSS-related budget items, in addition to JITI continuation/expansion. They are briefly described here, to seek direction in principle on whether to proceed with costing, analysis, options, mitigation plans and TBS engagement:

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Factors for Consideration

- LSS executive and staff are enthusiastic about the JITI pilot results and are highly motivated to work on continuation and expansion of the four successful projects across the province. They have a compelling vision that includes a five-year plan for rollout and technical progress (e.g., mobile applications) that they predict will result in higher quality of service, reaching more clients, in a cost-effective way.
- LSS current budget and forecast: LSS advises that they have no capacity to contribute any funding to JITI nor any other expenses beyond those currently covered by their existing/approved base budget.
s.13; s.17

- JITI continuation/expansion issues, in addition to funding, include:
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- JITI wind-down: if required to wind-down the JITI projects, LSS advises that the main steps and timing needed to return to their pre-pilot state would involve "a wide range of complex activities including halting intake of new clients and referring existing

clients to tariff lawyers; terminating employee contracts; vacating premises; closing LSS's central management of the pilot projects."

1. LSS is also concerned that delaying closures will result in increased costs to regular tariff services as more clients will enter the system and will have to be transferred NR

NR

2. Communications: LSS advises that since each of the JITI projects has generated its own "process stream" that has various stakeholders (such as social service agencies) referring clients to one or more of the pilot projects, these stakeholders will have to be identified and contacted regarding ongoing or wind-down decisions. However, LSS has indicated they will defer any such communications until at least the fall and/or when decisions have been communicated to them by the Ministry, and that they will consult with Ministry staff in advance of making any such communication.

- Resource capacity: development of a strong TB Sub would be a significant project management exercise, led by ministry staff, given the volume and variety of issues, stakeholder consultations, identification of optimal locations for JITI expansion, business cases, evaluations, performance data and costing information (including upstream/downstream impacts) to gather, analyze and present effectively in a limited period of time.

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- Other factors for consideration regarding the development of an omnibus LSS TB Sub would be the following:

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Cliff: 422788
Date Prepared: July 7, 2016
Date Decision Required: for July 13 DAG Briefing

OPTIONS:

There are multiple variations of options, but they fall mainly into the following categories and examples:

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OTHER MINISTRIES IMPACTED / CONSULTED:

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- NR

- NR

- Social service providers, such as community agencies and social workers, provided reciprocal referrals to JITI projects, so would be impacted by further operational decisions.
- Ministry staff have been working with staff in the Ministry of Technology, Innovation and Citizen Services and LSS to identify risk mitigation options for some of their IT issues.
- Shared Services BC would be consulted regarding facilities space for JITI (whether wind-down, continuation or expansion of projects); and for the office space lease for LSS operations.
- It should be noted there would be several areas, especially Corporate Management Services Branch, Criminal Justice Branch, Court Services Branch, and Judiciary, which would be impacted and need to be consulted regarding operational decisions and production/analysis of a TB Sub.

RECOMMENDATION APPROVED

DATE:

Richard J.M. Fyfe, Q.C.
Deputy Attorney General and
Deputy Minister, Justice

Cliff: 422788
Date Prepared: July 7, 2016
Date Decision Required: for July 13 DAG Briefing

The Honourable Suzanne Anton, QC
Minister of Justice and Attorney General

Prepared by:
Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch
250-356-8083

Reviewed by:
James Deitch
Executive Director
Justice Services Branch
250-387-2109

Cc: Shauna Brouwer

Approved by: Kurt J.W. Sandstrom, Q.C.
Assistant Deputy Minister

Date:



Innovations in the Justice Sector – JITI (Justice Innovation and Transformation

- BC's invested \$6M over 3 years in the Legal Services Society (LSS) to operate & report back on 5 pilot projects testing innovative service delivery models in criminal, **Initiatives)** matters.
NR
- The main goals and challenges were to provide more access to justice services, with early resolutions, outside of court processes, where possible.
- In this final year of funding, we are assessing the business cases and evaluations, including quantitative performance metrics, to assess their suitability for continuation and expansion.
- While still preliminary, given the long life cycle of typical cases, empirical results show increased efficiencies as well as improved outcomes for clients, especially those in vulnerable groups such as self-represented individuals and Indigenous families: e.g.,
 - Expanded Criminal Duty Counsel: reduction in the number of court appearances from 7.4, pre-pilot, to 3.8 with the new model; and

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Page 162 of 574 to/à Page 166 of 574

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Expanded Criminal Duty Counsel (ECDC) Achievements – Back Pocket Information

- There are indications of earlier resolution of files in the pilot location.
- There is early evidence that ECDC will lead to greater efficiencies for LSS and the court process.
- There are indications that the pilot generated some system savings, although they may be modest.
- The pilot increased access to legal aid. Of the clients served in the first year of operations, 76% of clients would not have been otherwise eligible for legal aid.
- Clients reported a sincere appreciation for the help received and were satisfied with the service.

Time to resolution: Pre-pilot – 197 Days
Post pilot – 56 Days
Reduction of 141 Days or 71.6%

Average Appearance/case: Pre-Pilot – 7.4
During pilot – 3.8* (Data collected mid pilot)
Reduction of 3.6 appearances – continuing downward trend

Note that the average case takes 18 months to complete, so pilot data does not reflect a complete average case cycle

Resolution rates (uses comparison court locations):

Pilot location: 69%
Kelowna: 44%
Abbotsford: 39%

Cost Avoidance:

Using the standard CSB costing formula, the decrease in appearances avoided \$97,560 in 2015-2016



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Legal Services Society

Justice Innovation and Transformation Initiatives

STRATEGIC BRIEF

BUSINESS CASES

for Provincial Expansion

July 15, 2016

Amended:

August 29, 2016

Business Cases for Provincial Expansion

STRATEGIC BRIEF

Overview

In 2012, The Legal Services Society (LSS) wrote *Making Justice Work: Improving Access and Outcomes for British Columbians*, a report to the Ministry of Justice and Attorney General that outlined the principles of an outcomes-focused justice system. In 2013, LSS identified initiatives that would transform legal services and the justice system in accordance with those principles. In 2014, the Ministry of Justice gave LSS \$2 million per year for 3 years to carry out 5 Justice Innovation and Transformation Initiatives (JITI).

This Strategic Brief, and the attached Business Cases and Summative Evaluations, report on 4 of the 5 JITI projects:

- EXP CDC – Expanded Criminal Duty Counsel

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The Business Cases for the 4 projects will demonstrate that they not only achieved their mandates but also generated more societal and justice system benefits than originally foreseen. All 4 projects followed a disciplined process that innovated, tested, and improved on a new or expanded service model until the primary issues were fully understood and addressed. The JITI project teams and Ministry of Justice working groups tackled both broad issues and minute details, and solved diverse challenges by drawing upon the input of all project participants, each of whom contributed expertise with unique insights into some aspect of the issues faced. Over a 2-year period, 4 innovative models emerged that achieved and, in diverse ways, exceeded expectations.

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Summary of Strategic Brief and Business Case Documents

This submission includes 1 Strategic Brief (this document), and 4 Business Case documents (one set for each of the 4 JITI projects), and 4 corresponding Summative Evaluations.

The Strategic Brief outlines the near- and long-term strategies for capitalizing effectively on the gains and benefits of the 4 JITI projects.^{s.13}

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s.13 The Strategic Brief explains what problem the new models solve, and how the new models should best be deployed. It then lays out a plan for achieving visible successes in each year going forward. The Strategic Brief outlines:

- The Problem Solved: Benefits to Justice System, Individuals, and Society
- The Strategy: Achieve Optimal Lasting Benefits
- The Transformation: Build a Province-wide Operation
- The Achievements: Deliver a Stream of Successes^{s.13}

The Business Case report for each project is built around 4 fundamental considerations, each of which is outlined and analyzed in Sections 3 to 6 of the respective documents, and each of which makes the business case that:

- Section 3: Project achieves its mandate
- Section 4: New model solves the primary issues
- Section 5: New model benefits the diversity of stakeholders
- Section 6: New model and pilot operation achieve cost benefits

The Business Cases include other important information, considerations, and plans: (Section 1) the primary issues to be solved; (Section 2) background context; (Section 7) risks and assumptions in each project; (Section 8) future-thinking strategies in each model; (Section 9) the Core Operation and the locations for Provincial Expansion; and (Section 10) the 5-Year Plan and budget.

The Problem Solved: Benefits to Justice System, Individuals, and Society

The new models solve issues that impact the justice system, individuals and society. A list of problems and solutions can be found in each Business Case under Section 1: Primary Issues to be Solved, and Solutions Achieved. Following are highlights of the problems solved by each of the new models:

EXP CDC

Problem to be Solved:

- The old model of CDC service provides brief drop-in criminal law advice only. Accused persons must navigate the court process, and search for representation on their own.
- Accused persons often are not eligible for representation by a Legal Aid lawyer or cannot afford to hire private counsel. They do not know how to navigate the court system and end up appearing multiple times before the matter is scheduled for trial or plea.
- This adds to justice system costs and has negative impacts on the individuals, their families, society, and the justice system.

EXP CDC Solution:

- EXP CDC provides comprehensive criminal law advice by appointment. It guides clients through the legal aid and court process, and discusses appropriate pleas with Crown. It accepts many clients who are not eligible for representation by a Legal Aid lawyer.

- As a result, EXP CDC achieves earlier resolution of files, reduces churn in the court system, reduces appearances, and contributes to court efficiencies.
- EXP CDC complements criminal justice system reforms, such as Crown File Ownership policy, and achieves greater benefits to accused persons, society and the justice system.
- EXP CDC enables resolutions and cost avoidance that are only possible with this level of attention to each case.

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A list of benefits achieved by the justice system, individuals, and society is provided in each Business Case in Section 5, under the subsections: Benefits to Clients and Society, including Access to Justice; Benefits to Justice System and Court Services; and Benefits to Related Services. To compare the court process between old and new models, see Business Case Section 4: Comparison of “With” vs. “Without”.

The Strategy: Achieve Optimal Lasting Benefits

The 4 service models presented in the Business Cases each solve their primary issues in an effective and cost-effective manner. Each is unique, as it addresses specific legal services, but all share a common core design and common components. This standardized and modular design was developed to enable economies of scale and to support efficient, cost-effective provincial expansion. During development, each model came to embody a specialized expertise that all 4 models require to deliver excellent services province-wide. By sharing common components, all 4 models benefit from the expertise of the others. The core expertise that each model contributes to the whole is:

- EXP CDC: Guide clients through the court process from start to resolution
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Each model is independent and can work on its own, but efficiency and cost-benefits are optimal when all 4 models are developed together. Thus, the Core Operation proposes continued co-development of the common components for all 4 models, such as the add-on models for travelling lawyers or outreach extended networks, at a minimum, with an open strategy for provincial expansion beyond that.

The Transformation: Build a Province-wide Operation

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The Achievements: Deliver a Stream of Successes over 5 Years

The 5-Year Plan generates a steady stream of successes and benefits to society and the justice system, with several announcements planned for each year, summarized in the table below.

Page 175 of 574 to/à Page 180 of 574

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**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Suzanne Anton, QC,
Minister of Justice and Attorney General

ISSUE:

Budget 2017 funding for continuation and expansion of the Justice Innovation and Transformation Initiatives (JITI) legal aid projects operated by the Legal Services Society (LSS).

DECISION REQUIRED / RECOMMENDATION:

- Pending briefing and discussion of the options set out in Appendix A.

SUMMARY:

- The project term and committed funding for JITI of \$2M per year for three years, totalling \$6M, ends this fiscal year, March 31, 2017.
- Decisions about continuation, expansion, or by default, wind-down, are required by December 2016/January 2017 in order to make effective and timely plans impacting resources and clients.

BACKGROUND:

- See Appendix A, pp. 1-3.

OPTIONS:

- Option 1 (recommended): approve one of the options presented in Appendix A.
- Option 2: do not approve at this time, pending further information.

OTHER MINISTRIES IMPACTED/CONSULTED:

- The funding decision primarily impacts the Ministry of Finance. Other ministries and stakeholders consulted are listed in Appendix A.

RECOMMENDED OPTION APPROVED



Richard J. M. Fyfe, Q.C.
Deputy Attorney General and
Deputy Minister, Justice

DATE:

October 26, 2016

RECOMMENDED OPTION APPROVED

DATE:

The Honourable Suzanne Anton, Q.C.
Minister of Justice and Attorney General

Prepared by:

Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch
250.356.8083

Approved by:

James Deitch
Executive Director
Justice Services Branch
250.387.2109

Approved by: Kurt J. W. Sandstrom, Q.C.
Assistant Deputy Minister

Date: October 24, 2016

Attachments:

- Appendix A: Budget Issue Note: Legal Services Society - JITI
- Appendix B: Strategic Brief – Business Cases for Provincial Expansion
- Appendix C: ^{NR}

pc: Shauna Brouwer, MBA, Executive Financial Officer, Ministry of Justice.

Page 183 of 574 to/à Page 195 of 574

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Page 196 of 574 to/à Page 208 of 574

Withheld pursuant to/removed as

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**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

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Minister of Justice and Attorney General

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- Decisions about continuation, expansion, or by default, wind-down, are required by December 2016/January 2017 in order to make effective and timely plans impacting resources and clients.

BACKGROUND:

- See Appendix A, pp. 1-3.

OPTIONS:

- Option 1 (recommended): approve one of the options presented in Appendix A.
- Option 2: do not approve at this time, pending further information.

OTHER MINISTRIES IMPACTED/CONSULTED:

- The funding decision primarily impacts the Ministry of Finance. Other ministries and stakeholders consulted are listed in Appendix A.

OPTION ___APPROVED

DATE:

The Honourable Suzanne Anton, Q.C.
Minister of Justice and Attorney General

Approved by:

Kurt J. W. Sandstrom, Q.C.
Acting Deputy Attorney General and
Deputy Minister, Justice

Date: November 15, 2016

Prepared by:

Kathleen Rawlinson
Acting Executive Director
Justice Services Branch
250.356.8083

Attachments:

- Appendix 1: Budget Issue Note: Legal Services Society - JITI
- Appendix 2: Strategic Brief – Business Cases for Provincial Expansion
- NR
- Appendix 4: Option for Extended Pilot Tests

pc: Shauna Brouwer, MBA, Executive Financial Officer, Ministry of Justice.

Page 211 of 574 to/à Page 223 of 574

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Page 224 of 574 to/à Page 226 of 574

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Page 227 of 574 to/à Page 238 of 574

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Abbreviations of JITI models:

- ECDC: Expanded Criminal Duty Counsel.

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Page 240 of 574 to/à Page 254 of 574

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Page 255 of 574 to/à Page 261 of 574

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1. Question – What results have the JITI pilots shown to date?

Answer –

- 73% of the Expanded Criminal Duty Counsel clients would not have otherwise qualified for regular legal aid services; and
- The number of court appearances per client was reduced significantly, from an average of 7 before the pilot, to less than 4.

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2. Question – What will the recommended option for JITI focus on?

Answer –

- Continuation of 4 of the 5 pilot projects and limited expansion of
NR and Expanded Criminal Duty Counsel
- Our recommended plan focuses on:

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Expanded legal aid service helps resolve criminal cases quickly

Apr 10 2015

PORT COQUITLAM - Continuity of service for legal aid clients dealing with criminal law matters and earlier resolution of disputes are the goals of a new pilot project announced today by Attorney General and Minister of Justice, Suzanne Anton.

The Expanded Criminal Duty Counsel (ECDC) - provided by the Legal Services Society (LSS) - serves legal aid clients at the Port Coquitlam courthouse who are dealing with a criminal law matter. Prior to this pilot, clients received legal advice from a different lawyer every time they went to court. The focus of the new pilot is on continuity of service from the same lawyer throughout, with the goal of achieving early resolution of cases where possible.

The pilot lawyer provides one-on-one service to ensure clients understand the court process and the options available to them. A lawyer provides advice and information about charges, evidence, disclosure, liaises with Crown counsel, and attends court if a guilty plea is appropriate to resolve the case.

The ECDC is funded by the Ministry of Justice and is the last of five legal aid justice transformation pilot projects created to improve access and outcomes within the criminal and family justice system. The ministry is providing LSS with \$2 million annually for three years for this purpose, starting in 2014-15, bringing government's total funding commitment to \$74.6 million in 2015-16. These new projects provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as quickly and efficiently as possible.

The Port Coquitlam courthouse was selected as the pilot location due to the volume of anticipated cases, the number of initial appearance days and availability and suitability of space. The pilot project will continue until Mar. 31, 2017. LSS is monitoring pilot volumes to determine whether to further increase services in Port Coquitlam or open a second pilot location in fall 2015.

Quotes:

Suzanne Anton, Attorney General and Minister of Justice -

"The expanded criminal duty counsel will give low-income British Columbians increased access to criminal legal aid services which are focused on resolving cases before the trial date is set. Clients will have the benefit of using the same lawyer throughout the process, resulting in better service and resolution of their legal matter as quickly as possible."

Tom Christensen, Legal Services Society, chair -

"The expanded criminal duty counsel program at the Port Coquitlam courthouse will increase access to criminal legal aid services for eligible clients. The expanded services of a specific duty counsel will assist

clients to quickly resolve less complicated legal matters. The program's focus on achieving earlier resolution means fewer court appearances and will contribute to court efficiency."

Carmen Ochitwa, Port Coquitlam criminal duty counsel -

"The Expanded Duty Counsel project is designed to provide more legal services to a larger group of people while reducing the number of court appearances required to get the matter decided. Early resolution of uncomplicated cases reduces both the stress on the court system and our clients. It allows those matters that require a full hearing or trial to be more efficiently scheduled into the court time available."

Quick Facts:

The LSS provides legal aid services free of charge to people who qualify, based on specific criteria such as income and type of legal issue.

To receive ECDC services, applicants must have:

- Income and assets that fall within a qualifying range; and
- A case that can be resolved before a trial date is set based on factors such as the complexity of the case and the volume of disclosure.

In 2012, the Attorney General asked a partner of the Ministry of Justice, the Legal Services Society, for advice on ways in which legal aid could be used to help clients resolve their legal problems faster and with better outcomes.

This led to the successful development, implementation and evaluation of 4 diverse pilot projects created to improve access to justice in criminal, family and child protection legal aid matters.

These projects provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as efficiently and effectively as possible.

The project teams followed a disciplined process that innovated, tested, and improved on new or expanded service models until the issues were fully understood and addressed. The teams tackled both broad issues and minute details, and solved diverse challenges by drawing upon the input of all project participants, who contributed expertise with unique insights.

In 2012, The Legal Services Society (LSS) wrote *Making Justice Work: Improving Access and Outcomes for British Columbians*, a report to the Ministry of Justice and Attorney General that outlined the principles of an outcomes-focused justice system. In 2013, LSS identified initiatives that would transform legal services and the justice system in accordance with those principles. In 2014, the Ministry of Justice gave LSS \$2 million per year for 3 years to carry out 5 Justice Innovation and Transformation Initiatives (JITI).

The Business Cases for the 4 projects will demonstrate that they not only achieved their mandates but also generated more societal and justice system benefits than originally foreseen. All 4 projects followed a disciplined process that innovated, tested, and improved on a new or expanded service model until the primary issues were fully understood and addressed. The JITI project teams and Ministry of Justice working groups tackled both broad issues and minute details, and solved diverse challenges by drawing upon the input of all project participants, each of whom contributed expertise with unique insights into some aspect of the issues faced. Over a 2-year period, 4 innovative models emerged that achieved and, in diverse ways, exceeded expectations.

benefits to society and the justice system can be fully realized, and so that individuals across the province who need the support of these services can have equal access to justice.

Context:

In 2013, the Attorney General released *White Paper on Justice Reform, Part Two* to address the need to shift towards a more outcomes-focused justice system. As part of that commitment, the Province provided the Legal Services Society (LSS), which delivers legal aid services on behalf of government, with an additional \$6 million of funding over 3 years to work with staff from the Ministry of Justice, the Ministry of Child and Family Development, and other key stakeholders to develop innovative ways to help British Columbians resolve their criminal, ^{NR} problems more efficiently and effectively.

The legal aid pilots, called the Justice Innovation and Transformation Initiatives (JITI), were designed to complement and enhance the existing services offered by LSS to address issues such as the need to:

NR

- provide a continuum of legal information and advice to clients, as early as possible in the justice system process;
- help achieve early resolutions and avoid court and its associated costs, where possible;
- reach more clients in rural and remote areas (eg: by telephone/email);
- increase services to Indigenous people, who represent 30% of LSS clients though they comprise only 6% of BC's population.

Approach

The new models solve issues that impact the justice system, individuals and society. Following are highlights of the problems solved by each of the new models:

Expanded Criminal Duty Counsel (EXP CDC):

Problem to be Solved:

- The old model of CDC service provides brief drop-in criminal law advice only. Accused persons must navigate the court process, and search for representation on their own.
- Accused persons often are not eligible for representation by a Legal Aid lawyer or cannot afford to hire private counsel. They do not know how to navigate the court system and end up appearing multiple times before the matter is scheduled for trial or plea.
- This adds to justice system costs and has negative impacts on the individuals, their families, society, and the justice system.

EXP CDC Solution:

- EXP CDC provides comprehensive criminal law advice by appointment. It guides clients through the legal aid and court process, and discusses appropriate pleas with Crown. It accepts many clients who are not eligible for representation by a Legal Aid lawyer
- As a result, EXP CDC achieves earlier resolution of files, reduces churn in the court system, reduces appearances, and contributes to court efficiencies.
- EXP CDC complements criminal justice system reforms, such as Crown File Ownership policy, and achieves greater benefits to accused persons, society and the justice system.
- EXP CDC enables resolutions and cost avoidance that are only possible with this level of attention to each case.

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IMPACTS

Expanded Criminal Duty Counsel (ECDC)

- Location: Port Coquitlam courthouse.
- Service: duty counsel provides advice to people making initial criminal court appearances.
- Innovation/change: continuity of one full-time, onsite counsel instead of having clients receive advice from different roster lawyers at each court appearance; complements

the Crown File Ownership initiative, facilitating discussion between prosecution and defense counsel at earlier stages of the process.

- Outcomes: improved efficiency through earlier resolution of cases (see below); and increased access by broadening the eligibility to include more low-income earners.
- Performance measures:
 - Average number of court appearances per client reduced from 7.4 pre-pilot to 3.8 with ECDC (note caveat that this is based on about one fully operational year of data and cases typically take 18 months to resolve).
 - Time to resolution: from 197 days pre-pilot to 56 days post-pilot (with caveat as above), a reduction of 141 days or 72%, potentially avoiding costs in court time and resources.
 - 73% of clients would not have qualified for standard legal aid services, thus increasing the scope and reach of legal aid services.
- Volume: 323 cases with summary advice; 271 with full services.
- Client satisfaction: 97% of clients interviewed were satisfied with the service.

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- Outlook:
 - s.13

- CJB reviews of ECDC note “. . .PoCo Crown Counsel and staff all agree the project had only beneficial impacts”; that cases were resolved in a more timely way; and “improvement could be, at least in part, attributed to the project.”

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Justice Innovation and Transformation Initiatives

UPDATE BRIEF

for the

BUSINESS CASES

for Provincial Expansion

August 16, 2017

Business Cases for Provincial Expansion

UPDATE BRIEF

Purpose of this Update Report

This Brief updates the conclusions of the 4 Business Cases for Provincial Expansion that were submitted to the Ministry of Justice in August 2016 for the 4 Justice Information and Transformation Initiatives (JITI). The conclusions are based on the findings of the refreshed Summative Evaluations (August 2017), which not only corroborate the 2016 Summative Evaluation findings but also strengthen all 4 business cases for provincial expansion.

For a full background on the JITI Business Cases, see the attached documents dated August 29, 2016, including: the JITI Strategic Brief, the PLC Strategic Brief, the 4 Business Cases for Provincial Expansion along with related Appendices, and the corresponding 4 Summative Evaluations (2016) and 4 Refreshed Summative Evaluations (2017).

The JITI projects included in this Update Brief for the Business Cases for Provincial Expansion are:

- EXP CDC – Expanded Criminal Duty Counsel
NR

Overview

In 2012, The Legal Services Society (LSS) wrote *Making Justice Work: Improving Access and Outcomes for British Columbians*, a report to the Ministry of Justice and Attorney General that outlined the principles of an outcomes-focused justice system. In 2013, LSS identified initiatives that would transform legal services and the justice system in accordance with those principles.

In 2014, the Ministry of Justice gave LSS \$2 million per year for 3 years to carry out 5 Justice Innovation and Transformation Initiatives (JITI). All 5 projects were initiated in April 2014, and completed their first phase of pilot testing in March 2017. During Year 3, at the request of the Ministry of Justice and after gathering about 15 months of pilot test data, LSS conducted third-party Summative Evaluations (2016) on the 5 JITI projects. The evaluation findings for 4 of the projects was very strong, and substantiated a clear business case for expanding all 4 service models province wide.¹ Thus, in August 2016, LSS submitted Business Cases for Provincial Expansion for 4 of the 5 projects to the Ministry of Justice.

¹ Findings for the fifth JITI project, Family Mediation Referrals, indicated insufficient service demand by clients ready for mediation.

Since the Summative Evaluations (2016) were based on only 15 months of pilot test data, a decision was made to continue the pilot tests and re-evaluate the results after gathering 12 additional months of pilot test data. Thus, in 2017, the Ministry of Justice gave LSS \$2 million per year for 3 years to continue pilot tests of the original 4 JITI sites, with the request that LSS refresh the Summative Evaluations for all 4 projects and report back in 2017 with updated results and Business Cases.

Also in 2017, as part of the commitment to the Grand Chief Ed John report, the Ministry of Justice gave LSS \$2.8 million per year for 3 years to initiate expansion of the Parents Legal Centre (PLC) — this project is now underway.

Updated Evaluation Results

The attached Summative Evaluations (2017) demonstrate that the 4 JITI pilots have not only maintained their original performance results but have continued to improve on them. Following are statistics and extracts from the Evaluation Refresh Final Report (July 2017) that illustrate the consistency of results for each of the 4 JITI projects between 2016 and 2017:

- **EXP CDC – Expanded Criminal Duty Counsel**

Statistics:

- Resolution rate remains high at **87%** in 2016 and **86%** in 2017. (Table 9)
- Average appearances have decreased from **4.1** in 2016 to **3.9** in 2017. (Table 15)
- Clients with expanded service remain high at **76%** in 2016 and **78%** in 2017. (Table 5)
These are people who would not have qualified for legal aid representation.
- People engage early, with **72%** engaging at their first appearance. (p.22)

Client feedback

“The charges were dropped and I can have a clean name and get on with my life.” (p.31)

“They introduced themselves; they let me know they were there for me right away in the courtroom, before they even called my name. They made it easy and comfortable for me, letting me know what was going to happen.” (p.23)

“There was a lot of people helping me, we walked out and knew where to go and what to do.” (p.23)

“It was over and done with quickly, didn’t have to go back a bunch of times.” (p.32)

Evaluator comments

When compared to the court locations, the project uses fewer appearances to resolve cases. . . . the project averages **3.9** appearances to resolution, compared with **6.5 in Abbotsford** and **6.2 in Kelowna**. . . . the project experienced a slight decline from 4.1 to 3.9 appearances per case. In contrast, the average number of appearances in the comparison sites rose from 4.3 to 6.5 (Abbotsford) and 4.7 to 6.2 (Kelowna). (p.34)

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Updated Business Case Recommendations

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Updated Locations

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Proposed Timeline and Budget

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List of Attached Documents

00 ALL JITI – Business Case – Strategic Brief – 2016 08 29 – FINAL amended

01 EXP CDC – Business Case – 2016 08 29 – FINAL amended

01 EXP CDC – Business Case – App V – Prov Court – Est Hourly Cost

01 EXP CDC – Business Case – App IX – EXP CDC Summative FINAL (2016)

01 EXP CDC – Business Case – App IX – EXP CDC Evaluation Refresh (2017)

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2017/18 ESTIMATES NOTE

Legal Aid - Justice Transformation Initiatives

Suggested Response:

- The Province is targeting 2018/19 budget, this government's first full budget, for platform commitments including those related to legal aid.
- This budget supports continuation of the funding of \$2 million per year to support 4 pilot projects to test innovative ways to deliver legal aid services in criminal and ^{NR}
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- The initial \$6 million over the three year period was used to deliver five pilot projects that focus on increasing access to justice and services that promote early resolution of legal issues. Four of the five pilots have shown initial success in evaluations: Expanded Criminal Duty Counsel;^{NR}
NR These evaluations, along with robust business cases resulted in the additional \$2 million given this fiscal year to continue the four pilots.^{NR}
NR
- We worked collaboratively with the Society to develop these pilot projects to provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as quickly and efficiently as possible, and out of court where feasible and appropriate.
- These JITI projects align closely with the ministry's strategic goal of enhancing access to justice and improving system outcomes through early assistance to citizens.

Overview of Justice Innovation and Transformation Initiative Projects

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4. Expanded Criminal Duty Counsel: In April 2015, the Society launched an expanded criminal duty counsel service in Port Coquitlam to provide more continuity of services and facilitate earlier resolutions of less serious criminal matters. The first of four anticipated refresh evaluations received by the ministry from LSS is for this pilot, shows it has met and even exceeded expectations in its first two years of operation with greater resolution rates, fewer court appearances to resolve cases and positive client feedback.

If asked why a larger investment is not being made

- It is important that we test whether an investment in early resolution services for family, child protection and criminal legal aid can help reduce overall justice system costs while increasing services to clients. LSS is in the process of producing updated evaluations for the pilots that will have captured outcome data over a longer period of time compared to summative evaluations completed in 2016.

Background:

- In 2012, the Society provided advice to a previous Minister about legal aid initiatives that could contribute to broader justice system transformation in its report Making Justice Work.
- In February 2013, the government released the White Paper on Justice Reform, Part Two, in which it committed to supporting the Society to test an expanded criminal duty counsel model and to expand the family legal aid services it currently provides.
- The Minister's 2013/14 mandate letter directed that the ministry work with the Society to prepare a plan for an additional \$2 million for criminal and family legal aid services beginning in 2014/15.
- Ministry and Society staff collaboratively developed a plan for the transformation funding. All five Initiative projects were launched between September 2014 and April 2015.
- Process evaluations with a focus on implementation and early outcomes were completed in the fall of 2015. Summative evaluations focusing on outcomes in the pilots' first year of operation were completed in the summer of 2016. These evaluations demonstrated early success of four of the five pilots.^{NR}
- Around the same time, using data from the evaluations, LSS produced business cases to make a case for provincial expansion of the four remaining JTI projects. This resulted in an additional \$2 million in funding to continue the pilot projects in 2017/18 and^{NR}

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October 1, 2017

- Refresh evaluations examining pilot outcomes over a longer period of time for three of the four pilots are anticipated by fall 2017. A draft of the Expanded Criminal Duty Counsel refresh evaluation has already been completed, showing that the pilot is successfully achieving its objectives.

Project Details

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4. Expanded Criminal Duty Counsel

- As part of its regular services, the Society provides duty counsel to assist individuals in Provincial Court who have been charged with a crime and have not yet been granted a legal aid referral. Duty Counsel will provide summary advice and appear in court to handle simple matters that can be completed the same day. They do not retain conduct of files.
- In an expanded model, a specific lawyer is assigned to the same court on a continuing basis. Counsel retains conduct of non-complex files for a set amount of time. They receive instructions from clients, obtain disclosure, and take steps to resolve matters where appropriate. If cases cannot be resolved and clients qualify for legal aid, clients are referred to a private bar lawyer.
- The principal objective of the model is to support continuity of service and early resolution in less complex criminal cases. The model aligns well with the BC Prosecution Service Crown File Ownership project and the Provincial Court Scheduling Project.
- The Society reviewed similar expanded criminal duty counsel programs in Nova Scotia, Alberta, and Manitoba to outline this model in its report, *Making Justice Work*. The Society found that the programs in other provinces have been effective in promoting early resolution and can be less expensive depending on the tariff rates paid to lawyers.
- The draft refresh evaluation completed in July 2017 shows that the project has met and even exceeded expectations in its first two years of operation.
 - Analysis of project and court data shows that the project has resolved 86% of its cases, which is greater than resolution rates of comparison court locations (64% in Abbotsford and 70% in Kelowna).

- The pilot has also resulted in few court appearances to resolve cases, leading to a greater efficiency for the court process and estimated ^{s.13}
- 78% of clients that received expanded services would not be eligible for a legal aid representation contract.
- Interviews with 44 clients show that the overwhelming majority of clients were satisfied with the services they received.

Contact: Kathleen Rawlinson (JSB)	Phone: 250-356-8083	Mobile: 250-580-4920
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**Ministry of Attorney General
Justice Transformation Council Meeting: Oct 2017
Justice Innovation and Transformation Initiatives (JITI)
ADM Speaking Notes**

INTRODUCTION:

- I'd like to provide you with an overview and status of some transformational projects in legal aid service delivery, the Justice Innovation and Transformation Initiatives (JITI).
- Independent evaluations have recently been updated, as requested by Treasury Board, and show positive results in both quantitative and qualitative results for citizens.
- The JITI projects were implemented by the Legal Services Society (LSS), which operates independently as a Crown but is subject to the oversight of the Attorney General, managed through Justice Services Branch.

MAIN POINTS:

- JITI projects have been a key part of our access to justice transformation plans to:
 - provide a continuum of legal information and advice to clients, as early as possible in the justice system process;
 - help achieve collaborative resolutions and avoid court and its associated costs, where possible;

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- assist more self-represented individuals;

- increase referrals to other services to help people resolve their issues in a more comprehensive way;
 - reach more clients in rural and remote areas; and
 - increase services to Indigenous people, who represent 30% of LSS clients though they comprise only 6% of BC's population.
- The 4 innovative models LSS tested were:
 - an expanded criminal duty counsel program at the Port Coquitlam Courthouse, assisting self-represented accused prepare for court in a more cost effective and timely manner;

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- Treasury Board provided funding of \$2 million per year, since 2014/15, for the pilot term and a further year to update the initial evaluation reports.

- Examples of the positive quantitative as well as qualitative results so far, from independent evaluations and business cases, show:
 - 78% of the Expanded Criminal Duty Counsel clients would not have otherwise qualified for regular legal aid services;
 - The number of court appearances per client was reduced significantly, from an average of 8 before the pilot, to less than 4;

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CURRENT STATUS:

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- We're awaiting overall budget direction in terms of what funding might be available for further expansion, noting the alignment with:
 - The AG's Mandate Letter direction to "improve legal aid services, including First Nations legal services, dispute resolution services for families and expanded poverty law services to increase access to justice" and

- Many justice system stakeholders support the LSS plan for the continuation and expansion of JITI. However, recognizing fiscal limitations, we've worked with LSS to put forward options that are targeted and scalable, to provide flexibility for potential future development.

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Suzanne Anton, QC,
Minister of Justice and Attorney General

ISSUE:

Risk-managing the impacts of funding decision timing on the operations of the legal aid Justice Innovation and Transformation Initiatives (JITI) by the Legal Services Society (LSS) in advance of 2017/18 budget decisions.

DECISION REQUIRED/ RECOMMENDATION:

It is recommended that Ministry staff advise LSS to continue operations status quo until further notice, which will be informed by the assessment of several milestones and deliverables in summer and fall 2016.

SUMMARY:

- Committed government funding to LSS for JITI of \$2M annually for three years ends this fiscal year, on March 31, 2017.
- LSS is forecasting potential, variable wind-down costs that risk impacting next fiscal year as a budget pressure, depending on the timing and nature of funding decisions.
- As Ministry staff are not able to confirm formal funding decisions past 2016/17, LSS has indicated that informal updates and assessments of ongoing viability of the projects, in summer and fall 2016, should provide them with sufficient information to manage JITI in advance of official budget decisions.

BACKGROUND:

- The annual incremental \$2M of funding for JITI has been built into the LSS base budget (ie: rather than accessed through contingencies) each of the past/current three years, and was approved by TBS to be presented for the next two fiscal years in most recent LSS Service Plan; with the caveat, however, that it is subject to ongoing budget decisions informed by business cases and evaluations of the JITI projects.
- January 2016: Concurrent with the last service planning process, the 2016/17 Mandate Letter to LSS was approved by TBS, the Attorney and Cabinet including a JITI-related item, directing LSS to:
 - “Continue to monitor, evaluate and improve JITI to ensure implementation of the projects as intended, and to develop business cases to support a request for ongoing core funding for JITI initiatives.
 - Deliverable: Submit draft business cases for all JITI projects, incorporating evaluations and specific performance metrics, by June 30, 2016.”
- s.13; s.17

s.13; s.17

- The main reasons for LSS's concern with this matter, according to material they provided Ministry staff, is that Lead Lawyers on the JITI projects "have professional and ethical obligations to clients to be removed as the lawyer of record if court dates are set beyond project closure dates. As well [there are] other critical closure tasks needing to be completed, particularly not taking on any further clients."
 - LSS views the direction provided when the JITI funding was originally granted as requiring them to operate and evaluate the projects for three years, for \$6M total – ie, that any activities beyond that, like wind-downs, would be above and beyond that timeframe and budget.
 - This matter was raised once, prior to January 2016, early in the implementation of JITI in correspondence from LSS (September 18, 2014), which included mitigation so was not considered to be a significant issue, set out as follows: "As . . . mentioned in passing, the development of the LSS JITI projects was premised on the \$2 million being available on an ongoing basis and as a result we are currently reviewing the project details to ensure they are capable of being shut down within the funding period if the government does not commit to long-term funding. We are also reviewing our evaluation framework to adjust it to tighter timelines and exploring what deliverables will need to be modified."
 - Subsequently, however, LSS advised that the JITI projects involve longer client timelines than originally thought: eg, "accepting a client into one of the pilot projects can result in a multi-year commitment by LSS, and ongoing ethical obligations by LSS lawyers, to provide services to that client."
- s.13
-
- Late May 2016: discussions between Ministry and LSS executives confirmed that sufficient options had been explored, on both sides, to manage this matter, resulting in a reasonable level of comfort in proceeding on the bases of verbal updates on the status of the various factors, into the fall.
 - Ideally, the LSS Board would be apprised of any decisions in advance of its strategic planning meetings September 22-24, 2016, though staff understand this may not be possible.

DISCUSSION:

- At a high level, LSS advises that the main steps and timing required in order to wind-down the JITI projects and to return to their pre-pilot state involve “a wide range of complex activities including halting intake of new clients and referring existing clients to tariff lawyers; terminating employee contracts; vacating premises; closing LSS’s central management of the pilot projects.”
- LSS is also concerned that delaying closures will result in increased costs to regular tariff services as more clients will enter the system and will have to be transferred (eg: from the block-funded Parents’ Legal Centre to the individual-case-funded tariff).
- Pending review of the JITI business cases and evaluations, feedback from LSS and other stakeholders indicates that all the projects, except for^{NR}
^{NR}, would be viable and provide value going forward (for continuation and or expansion).
^{NR}

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- LSS advises that they have no capacity within the expected/ongoing base budget to contribute any funding to JITI projects.

○ s.13; s.17

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- Communications: LSS advises that since each of the pilot projects has generated its own “process stream” that has various stakeholder (such as social service agencies) referring clients to one or more of the pilot projects, these stakeholder will have to be identified and contacted regarding ongoing or wind-down decisions. However, LSS has indicated they will defer any such communications until at least the fall and/or when decisions have been communicated to them by the Ministry, and that they will consult with Ministry staff in advance of making any such communication.

OPTIONS:

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OTHER MINISTRIES IMPACTED / CONSULTED:

- As mentioned, TBS in the Ministry of Finance was consulted.

RECOMMENDATION APPROVED

DATE:

Richard J.M. Fyfe, Q.C.
Deputy Attorney General and
Deputy Minister, Justice

The Honourable Suzanne Anton, QC
Minister of Justice and Attorney General

Cliff: 422229
Date Prepared: June 3, 2016
Date Decision Required: for June 16 Briefing

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Approved by: James Deitch
Acting Assistant Deputy Minister

Date: June 10, 2016

**Evaluation of the
Expanded Criminal Duty Counsel**

**Evaluation Refresh
Final Report**

October 30, 2017

Prepared for:

Legal Services Society of British Columbia

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Table of Contents

Executive Summary	i
1.0 Introduction.....	1
2.0 Brief overview of the EXP CDC project	2
2.1 Profile of clients.....	6
2.2 Cost of the EXP CDC	8
3.0 Methodology	10
3.1 Document and data review.....	10
3.2 Key informant interviews	11
3.3 Client interviews	11
3.4 System efficiencies analysis	12
3.5 Limitations	12
4.0 Findings.....	14
4.1 Delivery.....	14
4.2 Achievement of outcomes.....	18
5.0 Conclusions.....	41
5.1 Conclusions on delivery of the EXP CDC.....	41
5.2 Achievement of outcomes.....	41
5.3 Recommendations.....	43
Appendix A – Logic model	
Appendix B – Evaluation matrix	
Appendix C – Data collection instruments	
Appendix D – Comparison site selection	

Executive Summary

This report presents the findings for the evaluation refresh of the Legal Services Society of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) project. The evaluation refresh uses a similar methodology to the process and summative evaluations of the EXP CDC, which were conducted in 2015 and 2016, respectively. The evaluation refresh was conducted to demonstrate the EXP CDC's progress made toward achieving its intended outcomes after two full years of operations. The evaluation covers the project's activities from March 2, 2015 to April 28, 2017.

Conclusions on delivery of the EXP CDC

The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court. In particular, the triage process, whereby individuals are determined to fall under the exceptions criteria, is better understood by stakeholders and is enabling accused persons who are clearly not eligible for the project to be redirected to LSS intake or other legal options sooner. The intake process has also been streamlined to provide a more seamless experience for clients, rather than being moved back and forth between LSS intake and EXP CDC intake. Stakeholders (external and internal) are particularly supportive of the presence of EXP CDC duty counsel at first appearance court; this is credited with connecting clients to the project quickly, as well as assisting the court by being able to provide information about and some assistance to individuals who are appearing without counsel.

With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services. In terms of staffing, both the duty counsel roster and the second administrator have addressed capacity issues identified in the earlier evaluations. With these additional resources, the project has been able to handle the fluctuations in intake from month to month and to keep pace with the demand for its services.

Achievement of outcomes

The project is accepting appropriate clients/cases for expanded service. Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services. The evaluation evidence shows that clients/cases entering the project meet its eligibility criteria, and that the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract. Over three-fourths (78%) of clients accepted into the project would not have been eligible for a legal aid representation contract.

In general, clients are receiving referrals to the project in a timely manner. Most clients (72%) are made aware of the project and make initial contact at their first appearance. The smooth referral process is likely due to several factors: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply. Almost all clients interviewed considered the experience of connecting to the EXP CDC and applying to be easy. The timeliness of service

in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors, including higher number of clients in certain months, clients missing appointments, and other scheduling issues.

All lines of evidence indicate that clients' legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Clients received a variety of services from the pilot project, including summary advice, which includes options for how to respond to the charges; negotiations with the Crown on their criminal matters; court attendance; and a resolution to their criminal matter. Based on client interviews, clients found the services to be helpful in assisting them through the court process. The pilot data show that duty counsel spend, on average, 2.2 hours on the files of clients who received expanded service and 0.9 hours on the files of clients who were not accepted into the EXP CDC but received summary advice.

The evaluation evidence supports the conclusion that the project has led to the earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations (64% in Abbotsford and 70% in Kelowna). The most common reasons for not being able to resolve cases were the client's and/or the Crown's positions. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

Most clients who were interviewed were very satisfied with the services they received from the project. Almost all of the 44 clients interviewed said they were satisfied with the services they received. They felt treated with respect and believed they received good results.

There is evidence that the project has led to greater efficiency for the court process. The summative evaluation found early indications that the project had led to greater efficiency for the court process, which was confirmed and the conclusions strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as the project uses fewer appearances to resolve cases than the comparison court locations.

The project has increased access to justice. The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

The project has achieved efficiencies for the justice system. The summative evaluation occurred at an early stage of the project; however, even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations. Based on the available measure of the number of appearances per resolved case, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

Recommendations

- Recommendation 1:** Consider offering greater flexibility for providing same-day guilty pleas for certain types of offences where clients often do not have a defence and sentencing is usually the statutory minimum.
- Recommendation 2:** Consider improvements to the data tracking system and consent processes to facilitate future studies.
- Recommendation 3:** Consider options for obtaining regular feedback from clients.

1.0 Introduction

The British Columbia Ministry of Attorney General (the Ministry)¹ provided the Legal Services Society of British Columbia (LSS) with \$2 million of additional funding over a three-year period (2014–15 to 2016–17) to implement five pilot projects intended to help address access to justice in the province, collectively referred to as the Justice Innovation and Transformation Initiatives (JITI). These projects included the Parents Legal Centre (PLC), the Expanded Family Duty Counsel (EXP FDC), Expanded Family LawLINE (FAM LL), Family Mediation Referrals (MED REF), and the subject of this report, the Expanded Criminal Duty Counsel (EXP CDC).

PRA Inc. was hired to conduct process and summative evaluations for the projects in 2015–2016. The process evaluations focussed on the early implementation phase of the projects. The summative evaluations covered the entire period of project operations and considered issues related to implementation, achievement of outcomes, and efficiencies. For the EXP CDC project, the time period covered by the summative evaluation was March 2, 2015 to June 4, 2016.

As noted in the EXP CDC summative evaluation report, the process and summative evaluations occurred primarily during the first year of the project's operations, which is an early stage for assessing achievement of outcomes. Evidence related to the achievement of intermediate and long-term outcomes is usually not available for at least two to three years. As a result, the summative evaluation report noted that evidence of achievement of outcomes is preliminary and based on the best available evidence.

Since the summative evaluation, LSS committed to updating the four evaluations for the projects that are continuing (PLC, EXP CDC, EXP FDC, and FAM LL) in order to demonstrate progress made toward achieving outcomes.² The replication of the summative evaluations is intended to provide more recent data on the degree to which projects are meeting their objectives and yielding efficiencies. In so doing, the evaluations will be able to consider another year of project operations. With the additional year of data, the evaluations should be able to at least partially address some of the methodological limitations of the summative evaluations, such as the short time horizon.

This report presents the refresh evaluation findings for EXP CDC project and covers the project's activities from March 2, 2015 to April 28, 2017.

¹ The Ministry of Attorney General was previously known as the Ministry of Justice prior to July 19, 2017.

² MED REF did not receive funding to continue beyond 2016.

2.0 Brief overview of the EXP CDC project³

The EXP CDC project serves out-of-custody accused persons at the Port Coquitlam Provincial Court and has been accepting clients since March 2, 2015. The project provides criminal duty counsel services using a new model of delivery that is intended to: 1) increase the scope of people eligible to receive assistance from legal aid by expanding duty counsel services based on new eligibility criteria; 2) provide greater continuity of counsel for clients; and 3) achieve the early resolution of cases, where appropriate.⁴

Under the traditional model that existed prior to the EXP CDC project, criminal duty counsel services consisted of the provision of summary advice to clients appearing in court who had been charged with a criminal offence and did not yet have a lawyer. A roster of private bar lawyers provided this service, and clients received assistance from whichever lawyer was serving as duty counsel on that court date. As a result, clients who were present without counsel for multiple court appearances may have received brief assistance from several individual duty counsel. Duty counsel services were limited to explaining the nature of the charges the accused person was facing and the court procedures, providing advice about legal rights, and, if there was time, assisting with a guilty plea.⁵

The EXP CDC project has changed this traditional model in a number of ways.

- ▶ First, the project provides qualifying clients with **extended support**, in order to pursue a non-trial resolution, including duty counsel making court appearances with the client up to and including entering a guilty plea and/or agreeing to a peace bond. Duty counsel services will not assist clients who want their matters to go to trial or who have a viable defence. In those circumstances, clients who are eligible for legal aid representation contracts will be referred back to LSS, and non-eligible clients will be provided information on other legal services that might assist them.
- ▶ Second, this extended support is facilitated by **greater continuity in the duty counsel** serving the client. Initially, the project guaranteed continuity by having only one criminal duty counsel. The project later instituted a small roster of criminal duty counsel in order to handle the volume of clients. Even with the creation of a small roster of duty counsel, the project maintains continuity of duty counsel by ensuring that the counsel who assisted the client for their initial interview maintains the client's file until the file is closed.⁶

³ This section is largely taken from the project's charter and interviews with project personnel. It describes how the project operated as of June 2017.

⁴ Throughout the report, resolution of cases or resolution rates refers to criminal cases that have concluded with a finding on the charge(s) (e.g., guilty, not guilty, charges stayed or withdrawn). For the EXP CDC, the resolution types will not include not guilty, as the project does not assist clients with trials.

⁵ Legal Services Society of British Columbia, 2015. Duty Counsel Lawyers for Criminal Matters. Retrieved on July 5, 2015 from http://www.lss.bc.ca/legal_aid/criminalAndImmigrationDutyCounsel.php.

⁶ When referring to EXP CDC files being closed, this refers to the administrative closing of a file, which could mean that the matter was resolved (see Evaluation Question 6, Table 14) or that the file was closed for another reason (see Evaluation Question 6, Table 10).

- ▶ Third, the project has **increased the scope of clients** receiving this extended service. Under LSS guidelines, there are both financial and coverage eligibility requirements for criminal matters (i.e., for coverage eligibility, there must be the risk of jail). Under the EXP CDC project, clients must either meet the financial eligibility criteria for a legal aid representation contract or they can be eligible under the EXP CDC's financial eligibility discretionary coverage guidelines (which has a higher income cut-off). EXP CDC clients do not need to face the risk of jail in order to receive the expanded service. Instead, their case must be assessed by the criminal duty counsel against project criteria, which include the case not being too complex for the project to undertake and the potential to achieve non-trial resolution.

The criminal duty counsel also provide summary advice to out-of-custody accused persons who are not accepted into the project. These clients do not receive the project's expanded service, but are to receive more meaningful summary advice than is provided by the traditional duty counsel model, as expanded duty counsel have had an opportunity to review the particulars of the case before meeting with the accused person.

In this report, the EXP CDC has two types of clients: those who are accepted into the EXP CDC for expanded service and those who are not accepted into the project but who may have received summary advice.⁷

The EXP CDC project has the following personnel:

- ▶ one full-time lead criminal duty counsel who is responsible for the management of the project and also provides expanded duty counsel services;
- ▶ a roster of criminal duty counsel who also provide expanded duty counsel services; and
- ▶ two project administrators who work exclusively for the project. The project's administrators assist with intake and support the criminal duty counsel by, among other things, opening and maintaining client files, explaining the services to clients and making their appointments with duty counsel, and managing the duty counsel's calendar.

The process for client interactions with the project has several stages:

- ▶ Clients who attend court without counsel are informed about the availability of duty counsel services by the criminal duty counsel who attends first appearance court. If the criminal duty counsel is not available (e.g., their presence has been requested in another courtroom), the justice personnel in first appearance court (e.g., judicial case managers, Crown) will inform them of legal aid and the project.

⁷

Clients who are not accepted into the project are either not financially eligible or they are not appropriate for expanded service after assessment by the EXP CDC (see Evaluation Question 3). Not accepted clients who attend their meeting with duty counsel receive summary advice from the EXP CDC.

- ▶ The court will stand down their matter so the clients may go to the EXP CDC project office, as that is the first step in applying for the project.⁸
 - Clients who attend the morning session of court will go to the project office and begin the application process. If the client does not fall into one of the exceptions (listed below), the project administrator will give the client a form with the date for their appointment with duty counsel and a requested adjournment date. The client will then return to court with their appointment date and the court will adjourn their matter to the date requested and provided by the administrator.
 - For the afternoon court session, the duty counsel in court will provide an appointment and adjournment form to the client so the court can set the adjournment date before sending the unrepresented accused person to apply for the project. The different approaches to morning and afternoon sessions were created by the EXP CDC project to ensure that afternoon court sessions, which are shorter, were not delayed by clients having to begin the application process before returning to court.
- ▶ Once clients report to the EXP CDC office, the project administrators conduct an initial triage, where certain applicants are screened out of the project and referred to LSS intake if they meet one of the following exceptions:
 - the applicant is a youth
 - the applicant is detained in custody after a bail hearing
 - the applicant has a trial date set
 - there is a conflict of interest
 - the applicant is charged with a breach of conditional sentence order
 - the applicant has an open criminal representation contract
 - the applicant has multiple criminal charges in different courts
 - the applicant has both a mental or physical disability and an established relationship with a contract lawyer⁹

The project began tracking exceptions in January 2017; as of June 26, 2017, 77 individuals were screened out of the project under the exceptions.

- ▶ Clients who have not been screened out of the project proceed to making an application to the project and having an appointment scheduled with the criminal duty counsel.

⁸ Earlier in the project, the clients were first sent to the LSS intake office in the courthouse, which also serves clients with other legal issues covered by legal aid, such as family law and child protection. LSS intake would conduct the intake assessment for legal aid and refer potentially eligible clients to the project. That process has now changed, and the EXP CDC project administrative staff handle intake for the project as well as the applications for legal aid for individuals who are not eligible for the project.

⁹ In addition, the project administrator can decide if there are other exceptions (e.g., the seriousness of the criminal charges) that make the accused person ineligible for the EXP CDC project.

- ▶ The project administrator opens a file and photocopies the client's particulars so that the criminal duty counsel can review them before the initial client meeting. The administrator also explains the EXP CDC project to the client, has the client sign an acknowledgment of service form, and provides them with an appointment date for their meeting with criminal duty counsel and a requested adjournment date for the court. The dates that are chosen ensure continuity of duty counsel.
- ▶ At the scheduled appointment, criminal duty counsel interviews the client to determine if the client is eligible for the project.
 - If the client is eligible for expanded service, the criminal duty counsel will represent the client until the matter is resolved or until the client and/or duty counsel determine that the client needs other representation (e.g., a legal aid representation contract, pro bono legal services, private bar assistance). This situation occurs when the matter cannot be resolved within the scope of the project's services (e.g., without a trial).
 - If the client is not eligible for expanded service, but is eligible for a legal aid representation contract, the project administrator will complete the LSS application with the client and will handle the other administrative matters for that client (e.g., notifies client of acceptance, contacts the lawyer, issue the contract). This is a change in the process, as earlier, the client was referred back to the LSS intake worker.
 - If the client is not eligible for expanded service or for a legal aid representation contract, criminal duty counsel will provide the client with summary advice and will provide information on other available legal resources.
- ▶ Each appointment is scheduled for 45–60 minutes and is intended to provide clients of the project (expanded service and summary advice) more extensive services than under the traditional duty counsel model, either through continued representation (expanded service) or more meaningful summary advice.

2.1 Profile of clients¹⁰

Table 1 provides an overview of clients since the EXP CDC's inception on March 2, 2015, to March 31, 2017. During that time, the project received applications from 1,298 unrepresented out-of-custody accused persons. The project accepted 566 clients for expanded service and provided summary advice to 732 clients. Table 1 provides the demographic characteristics for all clients.

Of the 566 clients accepted for expanded service:

- ▶ 73% are male;
- ▶ 58% are over 30 years of age;
- ▶ 70% are single;
- ▶ 10% identified as an Indigenous person; and
- ▶ 94% are Canadian citizens.

Table 1: Demographics (administrative data)			
	EXP CDC clients		
	Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Gender			
Male	73%	82%	78%
Female	27%	18%	22%
Age			
18 to 25	26%	18%	22%
26 to 30	15%	16%	15%
31 to 40	26%	28%	27%
41 to 50	18%	19%	19%
51 to 64	12%	16%	15%
65 or over	2%	2%	2%
No response	1%	1%	1%
Marital status			
Single	70%	69%	70%
Separated	9%	9%	9%
Married	9%	10%	10%
Common law	7%	8%	8%
Divorced	4%	2%	3%
Widowed	1%	1%	1%
Indigenous ancestry			
Yes	10%	12%	11%
No	89%	86%	87%
No data	1%	2%	2%
Immigration status			
Canadian citizen	94%	95%	94%
Permanent resident	5%	4%	4%
Permit holder	<1%	<1%	<1%
Student	<1%	<1%	<1%
Refugee claimant	—	<1%	<1%
No data/no status	1%	1%	1%
Note: Totals will not all equal 100%, due to rounding.			

¹⁰ Throughout the report, we refer to clients. These are not unique individuals as some people may have used the project services more than once. Instead, each unique service record in the project database is considered a client for reporting purposes.

Table 2 provides the complete listing of charges against EXP CDC clients.¹¹ The most common types of crimes clients were charged with have been consistent across the two years of the project: theft under \$5,000; spousal or domestic assault; and *Motor Vehicle Act* offences. As shown below, the most common types of crimes are similar both for clients who were accepted into the project as well as those who were not.

Table 2: All charges laid against EXP CDC clients (administrative data)			
	EXP CDC clients		
	Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Theft under \$5,000	23%	14%	18%
<i>Motor Vehicle Act</i> offences	18%	11%	14%
Spousal or domestic assault	15%	17%	16%
Breach of probation	8%	6%	7%
Assault	7%	9%	8%
Uttering threats to people	7%	10%	9%
Mischief	7%	7%	7%
Breach of undertaking or recognizance (breach of bail)	4%	8%	6%
Peace bond offences	3%	3%	3%
Offences related to a peace officer	3%	3%	3%
Impaired driving	3%	3%	3%
Breaking and entering	2%	2%	2%
Assault with a weapon	2%	3%	3%
Possession of stolen property under \$5,000	2%	5%	3%
Fraud (other)	2%	3%	3%
<i>Controlled Drugs and Substances Act</i> (CSDA) offences (except trafficking)	2%	2%	2%
Firearms/weapons offences	2%	3%	3%
Other summary offences	2%	1%	1%
Possession of a break-in instrument	1%	2%	1%
Fraud under \$5,000	1%	2%	1%
Dangerous driving (<i>Criminal Code</i>)	1%	2%	1%
Refuse to provide sample	1%	1%	1%
Assaulting a peace officer	1%	1%	1%
Fraud over \$5,000	1%	<1%	1%
Failure to appear	1%	—	<1%
Assault causing bodily harm	<1%	2%	1%
Robbery	<1%	2%	1%
Possession of stolen property over \$5,000	<1%	1%	1%
Harassment	<1%	1%	1%
Income tax offence	<1%	<1%	<1%
Unlawfully at large	<1%	<1%	<1%
Theft over \$5,000	<1%	<1%	<1%
CDSA trafficking	—	2%	1%
Sexual assault	—	1%	1%
Indecent act	—	1%	1%
Other sexual offences	—	1%	<1%
Other indictable offences	—	1%	<1%
Uttering threats (other)	—	<1%	<1%
Arson	—	<1%	<1%
Other	1%	2%	2%
Note: One case can include multiple charges; column totals may sum to more than 100%.			

¹¹ All charges in the cases handled by the project for these clients are included.

2.2 Cost of the EXP CDC

Table 3 provides the costs for the first three years of the EXP CDC project and includes a calculation of the unit costs (cost per client¹²) of providing its services in its first two full years of operations (years 2 and 3). Because the project provides services to those clients who are accepted into the project (expanded service) as well as those who are not accepted (summary advice), the estimated costs per unit are estimated for both categories of clients.¹³ The costs of the project are apportioned between the two groups based on the proportion of duty counsel hours they receive, as recorded in the project database. For 2015–16, 68% of project costs are allocated to the expanded service clients and 32% of project costs are allocated to the summary advice clients. For 2016–17, 63% of the project costs are allocated to the expanded service clients and 37% of the project costs are allocated to the summary advice clients.

Project costs were \$258,972 for 2015–16, which result in a cost of \$640 per client receiving expanded service and \$249 for clients who receive summary advice. For 2016–17, project costs rose to \$388,092. The project costs for 2016–17 are adjusted to reflect costs for delivering the services in Port Coquitlam, and remove costs associated with project development.¹⁴ The increase in costs is primarily due to the additional costs of the roster lawyers as well as the second full-time administrator.¹⁵ The result is an increase in unit costs to \$821 for expanded service clients and \$352 for summary advice clients.

¹² See footnote 10.

¹³ The EXP CDC unit cost analysis is not intended for comparison to costs of other LSS services for similar criminal matters, such as the regular criminal duty counsel service or representation contracts. The unit cost analysis includes costs for LSS overhead, while tariff rates do not include similar LSS overhead costs (e.g., application processing, invoice processing). For the same reason, overall project costs are not intended for direct comparison with costs avoided through system efficiencies, which don't include costs avoided for comparable overhead (including facilities, out of court activities, Crown overhead, etc.).

¹⁴ The lead criminal duty counsel is estimated to have spent about 20% of her time on activities related to developing the EXP CDC model for its potential use in additional court locations. As a result, additional resources were spent on the roster. Table 3 expenditures for roster lawyers have been adjusted from actual expenditures (\$107,605) to reflect what would have been required had the lead duty counsel been dedicated full-time to operating the project.

¹⁵ The project administrators have taken on additional duties since the summative evaluation, in particular handling LSS intake for EXP CDC clients and administering legal aid representation contracts for those not accepted into the project but who are eligible for legal aid.

Table 3: EXP CDC project costs (adjusted) (LSS financials)

Item	Year 1 2014–15 Actual	Year 2 2015–16 Actual	Year 3 2016–17 Actual
Full-time lawyer – criminal duty counsel	\$32,215	\$130,337	\$120,000
Roster lawyers – backfill capacity	–	\$3,889	\$77,590 ¹⁶
Full-time administrator – lead	\$6,283	\$50,279	\$48,472 ¹⁷
Full-time administrator	–	–	\$43,257
Floater administrators ¹	–	\$6,612	–
Office expenses	\$5,563	\$11,722	\$10,104
Sub-total for EXP CDC expenses	\$44,061	\$202,838	\$299,423
In-kind: Overhead on lawyer salaries ²	\$4,832	\$20,134	\$26,190
In-kind: Office space ³	\$7,500	\$36,000	\$54,000
Total	\$56,393	\$258,972	\$379,613
Number of expanded service clients		275	291
Unit cost ⁴		\$640	\$821
Number of summary advice clients		333	399
Unit cost ⁴		\$249	\$352

Sources: Calculations were made based on the EXP CDC database and LSS data.

Notes: Costs may not sum to totals, due to rounding.

The clients for year 2 include those who entered the program between March 2015 and February 2016 and year 3 includes clients who entered between March 2016 and March 2017. While this does not strictly match fiscal years, it enables the cost per unit estimates to include all clients who have received services from the project during the two fiscal years.

¹ Prior to the hiring of a second full-time administrator, floater administrators were used to cover vacation and sick days of the project administrator.

² Calculated as 15% of lawyer contract costs.

³ Calculated as \$1,500 per month per office used.

⁴ Unit costs are allocated based on the proportion of time spent by criminal duty counsel on the type of client (expanded service or summary advice) multiplied by the total cost of the project and then divided by the number of clients (expanded service or summary advice).

¹⁶ The costs for counsel (lead and roster) are higher in Year 3 in part because of the time the lead duty counsel spent on other activities (as explained in footnote 14). To account for this and provide a truer estimate of the actual project costs, the total roster expenditures have been reduced by the estimated additional seven hours required per week using the following formula — 7 hours X \$92.29 (maximum lawyer billing rate) X 46 work weeks = \$29,717.38 + 1% GST (for non-profits) = \$30,015 — which is rounded to the nearest dollar.

¹⁷ The estimated cost for the additional project administrator duties that are not related to the operations of the EXP CDC or are unusual one-time costs (e.g., intake not associated with the project and digitizing files) are \$8,479, rounded to the nearest dollar. While both administrators do this additional work, for simplicity, the estimated cost has been removed from the actual project expenditures for the lead administrator in Table 3.

3.0 Methodology

The evaluation refreshes the methodology used in the summative evaluation of the EXP CDC project and consists of four lines of evidence: a document and data review, interviews with key informants, interviews with clients, and a systems efficiency analysis.

Prior to commencing data collection, LSS and PRA reviewed and revised as appropriate the logic model and evaluation matrix, which are in Appendices A and B, respectively. PRA also revised the data collection instruments to update them, and LSS approved the data collection instruments used for the refresh evaluation. The data collection instruments are included in Appendix C.

3.1 Document and data review

PRA reviewed relevant documents produced by the project, including the project manual and charter, descriptions and diagrams of the EXP CDC model, and the forms used by the project to collect information on its clients and the types of assistance provided.

The data review involves a review of available data from the EXP CDC project database, as well as data provided by Court Services Branch (CSB) and other data provided by LSS as follows:

- ▶ LSS provided an extract of the database for all EXP CDC clients (accepted and not accepted) whose files were opened between March 2, 2015 (the start of implementation) and March 31, 2017.
- ▶ LSS provided financial information on the project.
- ▶ CSB provided provincial criminal court data to support an analysis of outcomes and potential system efficiencies. To make the CSB data as comparable to the type of cases handled by the EXP CDC project, the CSB extracts were for cases with the same types of charges as those handled by the EXP CDC project and excluded cases where there was a bail hearing that resulted in a detention order.¹⁸ CSB provided the data for Port Coquitlam Provincial Court and two comparison provincial court locations, Abbotsford and Kelowna. The choice of comparison court locations and additional data related to the sites is described in more detail in Appendix D. Data were requested for new cases¹⁹ in Port Coquitlam Provincial Court that were opened and resolved between March 2, 2015 (to coincide with project implementation) and December 31, 2016.²⁰ This extract

¹⁸ Excluding cases where the bail hearing resulted in a detention order is an improvement on the analysis done for the summative evaluation. As the project assists out-of-custody clients, those cases where the bail hearing resulted in a detention order would not be comparable to cases handled by the project.

¹⁹ A new criminal court case refers to a substantive initiating criminal court document (information) sworn against an accused person in provincial adult criminal court. This generally does not include subsequent documents, such as re-laid informations and applications. CSB extracted new cases by first appearance date within the selected time periods. One case may have more than one accused and this is counted as multiple cases.

²⁰ According to CSB, the provincial court data do not become stable for three months, as changes or updates to the data may occur. In order for the evaluation to have reliable provincial court data in time for the refresh evaluation report, it was determined to have the provincial court data extract include March 2, 2015 to December 31, 2016.

provided information on Port Coquitlam Provincial Court and the comparison court locations for a 22-month time period during the EXP CDC project operations.

Throughout the report, all references to quantitative information related to the project are based on the EXP CDC database. Information provided by CSB is referenced by court location (Abbotsford, Kelowna, and Port Coquitlam).

3.2 Key informant interviews

The refresh evaluation includes interviews with 14 key informants to obtain their perspectives on project implementation and evidence of outcomes. Interviews were conducted with six internal key informants (the CDC project lead, the lead duty counsel, three roster counsels, and the lead project administrator) and eight external key informants (two Crown counsel, three judges, and three judicial case managers). Most interviews were conducted by telephone, with the exception of two external key informants who requested to provide written feedback to the interview questions. The key informant interviews occurred in May and June 2017.

3.3 Client interviews

To obtain feedback from EXP CDC clients, PRA conducted individual telephone interviews with clients (expanded service and summary advice) whose files were closed. For the process and summative evaluations, the focus was on interviewing clients accepted for expanded service. However, over one-third of counsel time is being spent on clients who were not accepted for expanded service but did receive summary advice, and the expectation is that the project will also promote system efficiencies by assisting these clients. Consequently, for the refresh evaluation, the interviews include a small number of clients who were not accepted for expanded service but who did receive summary advice.

A total of 30 accepted clients who received expanded service, and 14 not-accepted clients who received summary advice, were interviewed.²¹ The interviews focussed on the clients' experience and satisfaction with the EXP CDC services, and how the services might be improved.

²¹ PRA contacted clients who received services since the summative evaluation (to avoid contacting clients twice), who had a telephone number in the project database, and whose file was closed. The evaluation target for client interviews was met.

3.4 System efficiencies analysis

The system efficiencies analysis considers the potential of the EXP CDC to achieve system efficiencies by estimating the potential impact of the project to avoid court costs through earlier and more efficient resolution of cases. Early resolution can be demonstrated by the following:

- ▶ a reduction in the number of court appearances
- ▶ a reduction in the time to resolution
- ▶ an increase in cases resolved without a trial

To determine the EXP CDC's success in achieving early resolution, the evaluation includes a comparison of provincial criminal court data for Abbotsford, and Kelowna for two time periods (see Section 3.1). The use of comparison court locations allowed the evaluation to isolate the potential effects of the project's services from the impacts of the Crown File Ownership Project, which is another change in the operations of the provincial criminal courts that could lead to the earlier and more efficient resolution of files. Similar to the idea of continuity of counsel in the EXP CDC project, the Crown File Ownership Project assigns a file to a Crown counsel in order to increase continuity of Crown counsel. Further details on the considerations in choosing the comparison sites are discussed in Appendix D.

The monetary estimates of efficiency (i.e., cost avoidance) are based on average provincial adult criminal court costs per hour. These cost estimates are applied to the average number of appearances across the different comparison locations as a method of showing a range of potential efficiency gains.

3.5 Limitations

The refresh evaluation has reduced the number of methodological limitations and/or their potential impact. In particular, the summative evaluation occurred early in the project, which meant that only eight months of project and court data could be used for the analysis. As noted in the summative evaluation, a longer time frame would likely have produced different results related to the number of appearances and time to resolution for criminal matters that were of a similar nature to those handled by the project. The refresh evaluation includes project and court data for cases opened and resolved over a longer time frame — between March 2015 and December 2016. The longer time frame means that the court data used in the refresh evaluation will more accurately represent the length of time and number of appearances for criminal cases resolved in provincial court.

However, a few limitations that are outside the control of the evaluation remain, as they involve the limitations of currently available data.

- ▶ The CSB data included all cases with the same charges that appear in the project's cases; however, as Table 2 (above) and Table 4 (below) show, clients of the project's expanded service faced similar charges to those clients who were not accepted into the project and received only summary services. The project is expected to handle those cases that are better-suited to early resolution and plea negotiations, and to refer appropriate cases to legal aid for a representation contract or (if not eligible) to the private bar or pro bono services. Determining a more accurate sample of comparable cases (i.e., those better-suited to early resolution) at another court location would have required information which is not tracked in the criminal case management system. Consequently, the comparison court locations are not, strictly speaking, a true comparison group. While they are the best reference group available for making comparisons at the court level, the results should be treated with caution.
- ▶ CSB data did not support a determination of whether the EXP CDC saves court time through shorter court appearances. The duration of court appearances was not captured in Port Coquitlam Provincial Court and the comparison court locations. Duration for appearances would have provided a more accurate estimate of court time per appearance for these types of cases and could have enabled an analysis of appearance duration based on whether the accused individual had counsel. A common theme in the literature is that unrepresented accused persons require more court time, which was also an issue raised by key informants.
- ▶ The available data on court costs provide only some of the potential costs that might be avoided by the project's operations. The hourly court cost includes the cost of the court clerk, deputy sheriffs, provincial court judge, senior Crown prosecutor, and registry staff hours. It does not include the cost of judicial support services, sheriff out-of-court activities, court and Crown overhead, or building occupancy charges.

4.0 Findings

The refresh evaluation findings are organized by evaluation question. They consider the operations of the EXP CDC, particularly since the summative evaluation, and the project's achievement of its intended outcomes in its first two years.

4.1 Delivery

1. How well is the EXP CDC model working for providing the expected services since the summative evaluation?

Key findings: The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court.

The summative evaluation concluded that the project had been implemented largely as intended and had demonstrated flexibility in its processes in order to better respond to demand and improve client service. In its second year, the project continued to be responsive to the needs of its clients and other justice stakeholders. Key informants (internal and external) believe that the project is working well, with several external key informants who have decades of criminal justice experience specifically commenting that this project has been one of the best innovations they have experienced in the Port Coquitlam Provincial Court.

What follows is a summary of the key improvements made to the model as well as the features key informants highlighted as contributing to the effectiveness of the project.

Procedural improvements

The earlier concerns with the bureaucracy of the project, particularly the forms and their effect on efficiency, have eased. The project has worked to improve the forms, which has paid off. The forms are now considered to be more relevant and useful to the work of the project.

Processes are now better known and understood by internal and external stakeholders. An example is the exceptions criteria that are used to triage individuals who are clearly not eligible for the project (see Section 2.0). While this triage approach began during the first year of the project, not all stakeholders were aware of it. Consequently, some had concerns that the project was requiring all individuals, even those clearly not suited to the project, to go through needless steps including appointments with EXP CDC duty counsel before making a legal aid application. The creation of the exceptions form, which is now in use to document these early decisions on eligibility, has helped both to formalize and create a better understanding of this triage stage. The project administrators also have the discretion in identifying exceptions, which was considered to be appropriate and working well. For example, the project administrators can determine that someone who does not meet one of the listed criteria but has very serious charges with lengthy particulars should nonetheless be treated as an exception. This further streamlines the process and benefits the clients by not requiring them to attend a meeting with the EXP CDC when they are clearly not going to be eligible for expanded service.

A change since the summative evaluation involves the process of connecting clients with the project. Previously, clients were referred to LSS intake, where they began the application process and, if they appeared to be eligible for the project, were referred to the EXP CDC offices to complete their intake. If they were ultimately determined not to be suitable for the project (e.g., the client denies the allegations or has a possible defence) but were eligible for legal aid, they were referred back to LSS intake. Now, clients attend the EXP CDC offices directly to make their application for the project. Individuals who are determined to be better served by a representation contract are no longer referred to LSS intake. Project administrators can now complete their legal aid applications and, if accepted, handle the administrative tasks related to their representation contracts. This additional workload for the project administrators is estimated to constitute about 10–15% of their time.

The process for handling intake and setting appointment times with duty counsel, which differed depending on whether the client had attended the morning or afternoon session of court, has continued to work well from the perspective of internal and external stakeholders. The approach ensures that afternoon court is not delayed while waiting for individuals to begin intake with the project.

Staffing

Early in the project it became evident that a single full-time duty counsel would not be able to handle the demand. As a result, in July 2015, the duty counsel roster was created to provide the necessary backup and support to the lead duty counsel. While it was considered a “work in progress” in the summative evaluation, largely due to the challenges in scheduling to manage the workload and maintain continuity of counsel, the roster is now operating well. Over the first two years, the roster has included five duty counsel. There are currently three active members of the roster with one duty counsel taking a larger role. To give an idea of the workload distribution, the lead duty counsel has handled 43% of the cases, while the three active roster counsel have handled 29%, 18%, and 6%.

By all reports, the roster has addressed the capacity challenges and the scheduling issues have become less problematic in the second year. The project administrator’s scheduling duties require substantial juggling, but the strains on the project related to scheduling pressures have been eased by requesting that roster counsel provide their available dates up to six months in advance. All key informants reported that the project has continued to maintain continuity of counsel. Given that continuity is a key innovation of the project and is considered one of the main factors in the success of the project, the ability of the project to successfully manage the roster is critical to its effectiveness.

The project hired a second administrator shortly before the summative evaluation concluded. The second administrator provides needed capacity when the lead administrator is away (and vice versa). Having a second administrator also enables the project to manage the volume of intake, which can vary from day to day, making it sometimes difficult for one person to handle. The additional administrative capacity has also enabled the project to streamline its processes as described above so that individuals experience less referring between the project and LSS intake.

Attendance in first appearance court

At the time of the summative evaluation, the project had begun having a greater presence in first appearance court. While many key informants supported this move for enabling clients to make an earlier connection with the project, there was concern among some of those interviewed that the time duty counsel spent in court could be better utilized. These concerns have largely disappeared, as there is greater acceptance of the role of duty counsel in attending first appearance court. In part, this is due to a better understanding of the role and its value as well as a more formalized process. The project administrator provides an annotated court list so that duty counsel is aware of what contact the individuals have had with legal aid (e.g., have they had their appointment with EXP CDC, have they applied for legal aid), so if questions arise, duty counsel can inform the Crown and court. External key informants consider this service very useful, particularly because some accused people are unable to provide the court any information because they do not understand the process or remember what they have been told.

In addition, the duty counsel's presence in first appearance court is considered to have helped streamline the project's processes. More specifically, it has facilitated more timely connection between the project personnel and potential clients. The annotated list helps the duty counsel identify individuals who may need assistance from the project. They can then proactively approach those individuals, explain the project to them, and direct them to the office so they can apply.

The duty counsel's role in first appearance court also involves assisting individuals who were not accepted into the project and who have reappeared in court without counsel. This service is technically outside of the model, as clients who were not accepted have already either received the EXP CDC services to which they are entitled, or were ineligible for summary advice services by the project. However, this additional service contributes to the efficiency of the court process by having a lawyer present to provide some assistance, and external key informants who commented are pleased that duty counsel are now providing this service. Sometimes duty counsel find assisting clients who were not accepted for expanded service, but are back in court without counsel, challenging. While the EXP CDC has provided summary advice to these clients, they do not always recall the advice previously given to them or have their file with them.

Suggestion for improvement

While the project has made efforts to provide immediate assistance to individuals whose situations make it difficult for them to attend an appointment with duty counsel at a later date (e.g., hardship in taking off work, distance to travel to courthouse, need for assistance of translator, mental health issues), some key informants (external and internal) suggested that the project could still provide greater flexibility to assist with same-day guilty pleas, if desired by the client. However, the project would need to be careful not to compromise its objective of providing more meaningful legal advice. In addition, it would need to balance the benefits from this approach with the additional resources (e.g., more lawyer hours) this flexibility would likely require. One concrete suggestion made was to focus on providing same-day guilty pleas on a few types of cases, such as driving while prohibited cases where the clients do not have a defence and sentencing is usually the statutory minimum.

2. Does the EXP CDC project have sufficient resources and capacity to meet demand?

Key findings: With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services.

When the EXP CDC project began operations in March 2015, it had a single full-time duty counsel and one full-time administrative assistant. The lack of backup personnel and the initial influx of files when the project started created capacity issues that were identified and addressed during the first year of project operations. As discussed in the response to Evaluation Question 1 in the fall of 2015, a roster of duty counsel was developed and began providing support, and in the spring of 2016, a second full-time administrative assistant was hired.

While the initial influx of files has leveled off, the intake of files does fluctuate from month to month, as shown in Figure 1. This situation would have created capacity issues for the project had it continued with one duty counsel and one administrative assistant. To give an example, after the initial influx, the difference month to month in the number of files has ranged from about one-quarter fewer files to about two-thirds more files. According to internal key informants, the initial project staffing would have been insufficient to continue the pace required to meet demand in a timely manner. While few external key informants could comment, those who had expressed concerns about capacity earlier in the project no longer believe that the project might be under-resourced.

Once the backlog of unrepresented accused persons that existed at the project's inception was dealt with, and with the additional capacity from the roster and the administrative assistant, the project has been able to keep pace with demand. Figure 1 demonstrates that over time there has been an increase in files closed. In addition, the alignment of intake and closing files since the fall of 2015 indicates that the project is currently keeping up with the volume of clients.

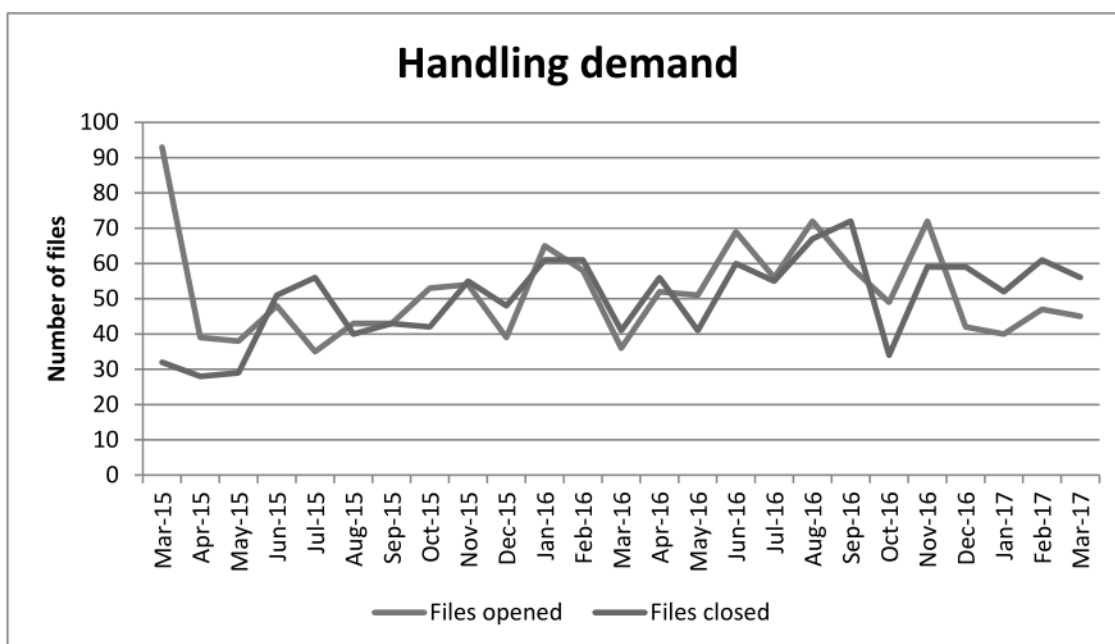


Figure 1 (administrative data)

The reasons for clients not being accepted into the project also do not reveal capacity issues. While 10% of clients were excluded, in part because they would exceed the capacity of the project, in all but two of those cases there were other reasons that made the client ineligible for expanded service (the types of other reasons are presented in Evaluation Question 3).

Office space remains a concern for the project. Roster counsel do not have dedicated office space for meeting with clients. When they have appointments with clients on days when the lead duty counsel is involved in meetings at LSS headquarters in Vancouver (Fridays), sharing the lead duty counsel office is perhaps an under-explored possibility. However, that does not address situations when the roster counsel are in court or have appointments when the lead duty counsel is in Port Coquitlam. In these circumstances, they have to look for appropriate private spaces in the courthouse — which are not easy to find — where they can consult with their clients.

4.2 Achievement of outcomes

This section considers the project's ability to demonstrate achievement of its outcomes after just over two years of operations.

3. Are appropriate clients/cases streamed into EXP CDC services?

Key findings: Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services.

Key informants believe that the project is accepting individuals who meet the project's eligibility guidelines and have matters that are appropriate for an early non-trial resolution (e.g., relatively simple, no viable defence). The project data confirm that appropriate clients/cases are entering the project.

Type of offences. Table 4 (pages 19–20) presents the most serious offences (MSO) with which the EXP CDC clients are charged.²² The results indicate substantial similarities, yet also important differences, between those clients who were accepted for expanded service and those who were not accepted, but who did receive summary advice.

The types of offences for both groups of clients are similar, with the five most common MSOs being the same (although in a different order in terms of frequency): theft under \$5,000; *Motor Vehicle Act* offences; spousal or domestic assault; breach of probation; and uttering threats to people. As would be expected, the most common MSOs accepted by the project are also less serious offences.²³ While infrequent, applicants charged with more serious offences are typically not accepted into the project. Examples of more serious offences are robbery, *Controlled Drugs and Substances Act* offences (trafficking), sexual assault, and arson. A breach of recognizance or undertaking (a relatively less serious offence) is more frequently the MSO of clients not accepted into the project for expanded service. This is because the project typically only handles breaches of

²² The Canadian Centre for Justice Statistics has developed a ranking of offences so that the most serious offence with which a person has been charged can be determined.

²³ MSO rankings list offences by order of seriousness, as defined by the Canadian Centre for Justice Statistics, with one being the most serious and higher numbers being less serious offences.

recognizance if it is handling the underlying offence. If the person accused of the breach has another lawyer handling the underlying offence, the matter will be referred to that lawyer.

Table 4: MSOs of EXP CDC clients (administrative data)

	MSO ranking	EXP CDC clients		
		Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Theft under \$5,000	136	21%	12%	16%
Motor Vehicle Act offences	118	17%	10%	13%
Spousal or domestic assault	149	12%	14%	13%
Breach of probation	139	8%	5%	6%
Uttering threats to people	130	6%	8%	7%
Assault	149	5%	6%	6%
Breach of undertaking or recognizance	147	4%	7%	6%
Mischief	144	4%	3%	3%
Impaired driving	159	3%	2%	2%
Peace bond offences	147	2%	3%	3%
Firearms/weapons offences	57	2%	3%	2%
Fraud (other)	86	2%	3%	3%
Breaking and entering	68	2%	2%	2%
CDSA offences (except trafficking)	74	2%	1%	1%
Assault with a weapon	109	1%	3%	2%
Possession of stolen property under \$5,000	106	1%	2%	2%
Fraud under \$5,000	86	1%	2%	1%
Offences related to a peace officer	143	1%	1%	1%
Possession of a break-in instrument	71	1%	1%	1%
Assaulting a peace officer	134	1%	1%	1%
Dangerous driving (<i>Criminal Code</i>)	111	1%	1%	1%
Other summary offences	N/A	1%	1%	1%
Failure to appear	157	1%	–	<1%
Uttering threats (other)	135	<1%	<1%	<1%
Robbery	27	<1%	2%	1%
Harassment	131	<1%	1%	1%
Assault causing bodily harm	109	<1%	1%	1%
Possession of stolen property over \$5,000	106	<1%	1%	1%
Income tax offence	160	<1%	<1%	<1%
Unlawfully at large	118	<1%	<1%	<1%
Refuse to provide sample	151	<1%	<1%	<1%
Fraud over \$5,000	86	<1%	<1%	<1%
Theft over \$5,000	81	<1%	<1%	<1%
CDSA trafficking	74	–	2%	1%
Sexual assault	63	–	1%	1%
Indecent act	N/A	--	1%	<1%
Arson	47	–	<1%	<1%
Other indictable offences	N/A	--	<1%	<1%
Other sexual offences	N/A	–	<1%	<1%
Other	N/A	1%	<1%	1%

Note: The MSO ranking was provided by CSB and is based on the Canadian Centre for Justice Statistics' "most serious offence" ranking. The lower the ranking, the more serious the offence.
Column totals may not sum to 100% due to rounding.

Financial eligibility. As described in Section 2.0, one of the project’s objectives is to expand the scope of clients receiving legal aid services. The project does this through its financial eligibility discretionary coverage guidelines, which have a higher income cut-off than the guidelines for a representation contract, and through coverage guidelines that do not require the risk of incarceration. The project records eligibility of clients based on the guidelines for legal aid representation services, as well as its own expanded guidelines, so that the project can determine increased access.

Project data demonstrate that the project is meeting its objective of expanding the scope of clients receiving services by providing services to unrepresented accused persons who are not eligible for a legal aid representation contract. As shown in Table 5, just over one-quarter of clients accepted into the project for expanded service (27%) are not financially eligible for a legal aid representation contract, but almost all of them qualify based on the project’s financial eligibility discretionary coverage.²⁴ In addition, most accepted clients do not meet the coverage guidelines (72%) and would therefore not be eligible for a legal aid representation contract. When considering both financial and coverage criteria, 78% of clients receiving expanded service would not be eligible for a legal aid representation contract.

Table 5: Eligibility (administrative data)				
	EXP CDC clients			
	Accepted (n=566)		Not accepted (n=732)	
	#	%	#	%
Eligible financially for a legal aid representation contract	414	73%	478	65%
Eligible financially with discretionary coverage	145	26%	114	16%
Not eligible financially	7	1%	140	19%
Meets coverage guidelines	158	28%	387	53%
Does not meet coverage guidelines	408	72%	345	47%
Eligible for legal aid representation contract (financial and coverage)	122	22%	320	44%
Ineligible for legal aid representation contract	444	78%	412	56%

Note: Totals may not sum to 100% due to rounding.

Other reasons not accepted. For those clients who would be financially eligible for the project but are not accepted, the reasons provided in the project database indicate that appropriate criteria are being applied. Most of these clients who are not accepted either do not admit responsibility (45%), would be better served by a legal aid representation contract (27%), or have a viable defence (23%) (Table 6).

One reason for non-acceptance points to the issue that was raised in the earlier evaluations of the project — the unwillingness or difficulties some clients have related to attending their initial meeting with duty counsel. Approximately one-sixth (16%) of financially eligible clients who are not accepted have abandoned their file. Almost all of these clients did not attend their initial interview with the duty counsel, which meant they were not assessed by the project and may have been ineligible for other reasons. The notes kept on many of these files indicate a variety of reasons that the client’s file was abandoned. Many of the files were beyond 90 days from file opening without client contact (e.g., missing appointments), so the files were closed. The

²⁴ There are seven clients (1%) who were not eligible financially but were accepted into the project. These clients had unique circumstances and the project exercised its discretion to provide them expanded duty counsel services.

concerns raised by some key informants are that clients who are unwilling to return or have difficulty returning for appointments end up without service under the current model, and some pick up additional charges during that time. Other key informants believe that the project cannot do much more to remedy the situation. The project already tries to accommodate clients with special considerations (e.g., they have an interpreter with them; serious mental health issues; the distance they must travel to the courthouse) by providing same day advice, when possible. In addition, the duty counsel in first appearance court now have the annotated court list provided by the project administrator; this list flags if an individual has missed their EXP CDC appointment so that the duty counsel can connect with the individual that day.²⁵ These key informants pointed out that this client group experiences various challenges that can cause them to fail to connect with the project, including simply not wanting the project's assistance.

Table 6: Reasons not accepted into the EXP CDC (administrative data)	
	n=590*
Client does not admit responsibility	45%
Client interests are better served by a legal aid representation contract	27%
Viable defence exists/may exist	23%
File abandoned by client	16%
Client is not cooperative nor amenable	14%
Unlikely to have a timely resolution ²⁶	13%
Exceeds capacity of EXP CDC ²⁷	10%
Factual complexity	3%
Volume of disclosure	2%
Legal complexity	2%
Other	3%
Note: Multiple responses accepted.	
*Does not include clients who are not financially eligible and those who opted out of the EXP CDC project.	

²⁵ The duty counsel will also be the one assigned to that individual originally and, therefore, will have reviewed the file. This avoids duplication of effort.

²⁶ The duty counsel may determine that the matter will not resolve in a reasonable period of time or will require an unreasonable amount of lawyer time to resolve and, therefore, is unsuitable to the project. For example, the abilities of the client may limit their ability to assist in resolving the matter (e.g., ability to enter or follow through on treatment), the Crown position may make resolution unlikely, or the seriousness of the charge may mean the case would require substantial lawyer time.

²⁷ As noted under Evaluation Question 2, the EXP CDC rarely does not accept clients solely for the reason that they exceed the capacity of the project. When this occurs, the client is eligible for assistance elsewhere (e.g., legal aid representation contract).

4. Do clients receive a referral to EXP CDC services in a timely manner?

Key findings: In general, clients are receiving referrals to the project in a timely manner. Most clients are made aware of the project and make initial contact at their first appearance. The timeliness of service in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors.

Internal and external key informants believe that unrepresented out-of-custody accused persons are being made aware of the project at the earliest opportunity, i.e., their first appearance in court post-bail. While key informants consistently have reported that people are not “falling through the cracks,” they attributed the smooth referral process to the presence of criminal duty counsel in first appearance court. Internal and external key informants believe that the duty counsel’s presence in court ensures that accused persons not only are made aware of the project and the process for applying, but are also more likely to make a prompt connection. As one external key informant stated, “they are less likely to wander away without going to apply.”

The administrative data confirm the key informant opinion, as a majority of clients (72%) connect with the project and begin their application the same day as their first appearance. Overall, the average number of days between the first appearance date and file open date is 10.9 days for clients who entered the criminal justice system after the project began, but with a median of 0 (same day), the average reflects the relatively small number of clients that delay in connecting with the project.²⁸ While over time the time between first appearance date and file open date has fluctuated, there is a downward trend. As Table 7 shows, the increase occurred in the project’s early period but has been declining since the January–March 2016.²⁹ The reasons for the more timely connection of clients to the EXP CDC in 2016 are likely several: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply.

Table 7: Timeliness of referrals to EXP CDC project (administrative data)		
File opened (by fiscal year quarter)	# of clients	First appearance date to file open date Average number of days
2015 Mar	43	2.5
2015 Q1 (Apr to Jun)	107	8.4
2015 Q2 (Jul to Sep)	116	16.4
2015 Q3 (Oct to Dec)	141	16.3
2015 Q4 (Jan to Mar)	157	12.7
2016 Q1 (Apr to Jun)	169	10.6
2016 Q2 (Jul to Sep)	182	11.5
2016 Q3 (Oct to Dec)	158	8.5
2016 Q4 (Jan to Mar)	129	5.6
Base: Clients who entered the criminal justice system after the project began operations		

²⁸ Clients whose first appearance predates the project’s operations are not included, nor is one client who abandoned his initial file and subsequently returned to the project on the same charges approximately 18 months later. These records would skew the results and not be reflective of the timeliness of the project in connecting with clients.

²⁹ The summative evaluation raised concerns as the average time between the first appearance date and the file open date had increased since the process evaluation. However, that increase has reversed itself since the summative evaluation, which covered the March 2015 to February 2016 period.

Almost all clients interviewed considered the process of applying for legal aid and getting connected with the project easy (41 of 44). Their connection with legal aid also occurred early in their criminal cases. Over half of the clients interviewed said they applied for legal aid (i.e., went to see the project) before or at their first court appearance (32 of 44). Those who applied after their first court appearance typically either believed they applied at their second court appearance or could not recall specifically when. The EXP CDC intake process also appears to work smoothly for clients. Only a few (n=5) of the clients interviewed said there was a line to apply, and most reported waiting 10 minutes or less. Almost all of the clients interviewed found the wait to be “about right.” Typical client comments about the intake process include the following:

“They introduced themselves; they let me know they were there for me right away in the courtroom, before they even called my name. They made it easy and comfortable for me, letting me know what was going to happen.”

“Super easy. Well, my duty counsel was right there, offering her services. I was checked in. I don't think it took longer than five minutes.”

“It was actually easy, not too much bureaucracy involved.”

“It was easy. The whole process was easy. Everything from applying to showing your income. I did not have to do much for that — just had social services fax over the documents.”

“It was a quick process. They did it all for me. They told me where to go; they were already there waiting for me.”

“All it took was just sit and answer a few questions; then they assigned me my duty counsel. It was easier than I thought it would be.”

“There was a lot of people helping me, we walked out and knew where to go and what to do.”

A few clients said the process was hard, but their complaints mainly centred on not being eligible for the expanded coverage.

Timely service is also about how soon the client can meet with criminal duty counsel after their file has opened. In the early stages of the project, when it was dealing with the influx of initial files, the wait time to seeing duty counsel increased and concerns with the ability of one full-time duty counsel to handle the volume of clients led to the institution of the duty counsel roster. Since then, the time between file opening and meeting with the criminal duty counsel has declined, although, as Figure 2 shows, it remains volatile on a month-to-month basis. The volatility can be driven by a higher number of new clients in a given month, but also by other factors.³⁰

³⁰ For example, December 2016 appears to have been heavily affected by the holiday season.

Overall, the average time from file opening to meeting with the criminal duty counsel is 11.4 days, with a median of eight days.

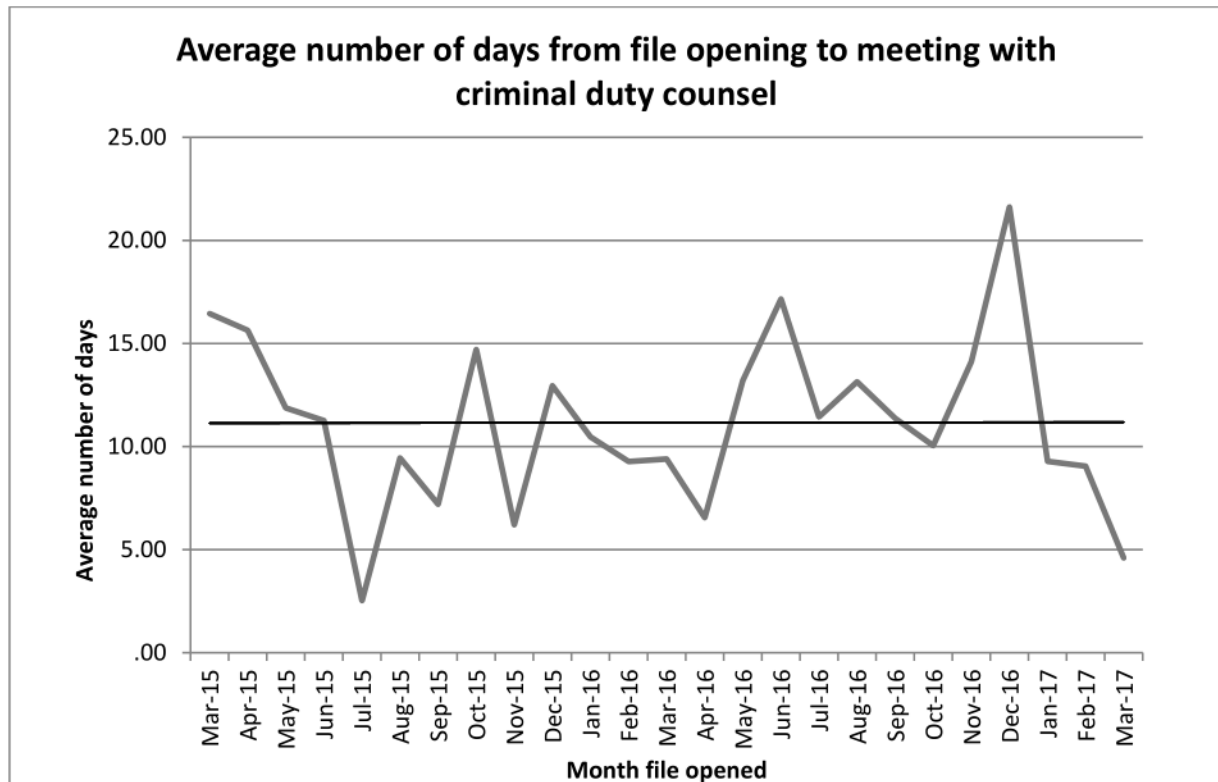


Figure 2 (administrative data)

Yet another way to view timeliness incorporates the time from the accused person's first appearance to meeting with duty counsel. This includes the time for the accused to connect with the project to have a file opened, as well as for the time for the first meeting with the duty counsel to be scheduled. For accused persons whose first appearance date occurred after the project began operations, the average time to meet with the duty counsel was 21.6 days, and the median was 11 days.³¹ Figure 3 shows the experience over time.

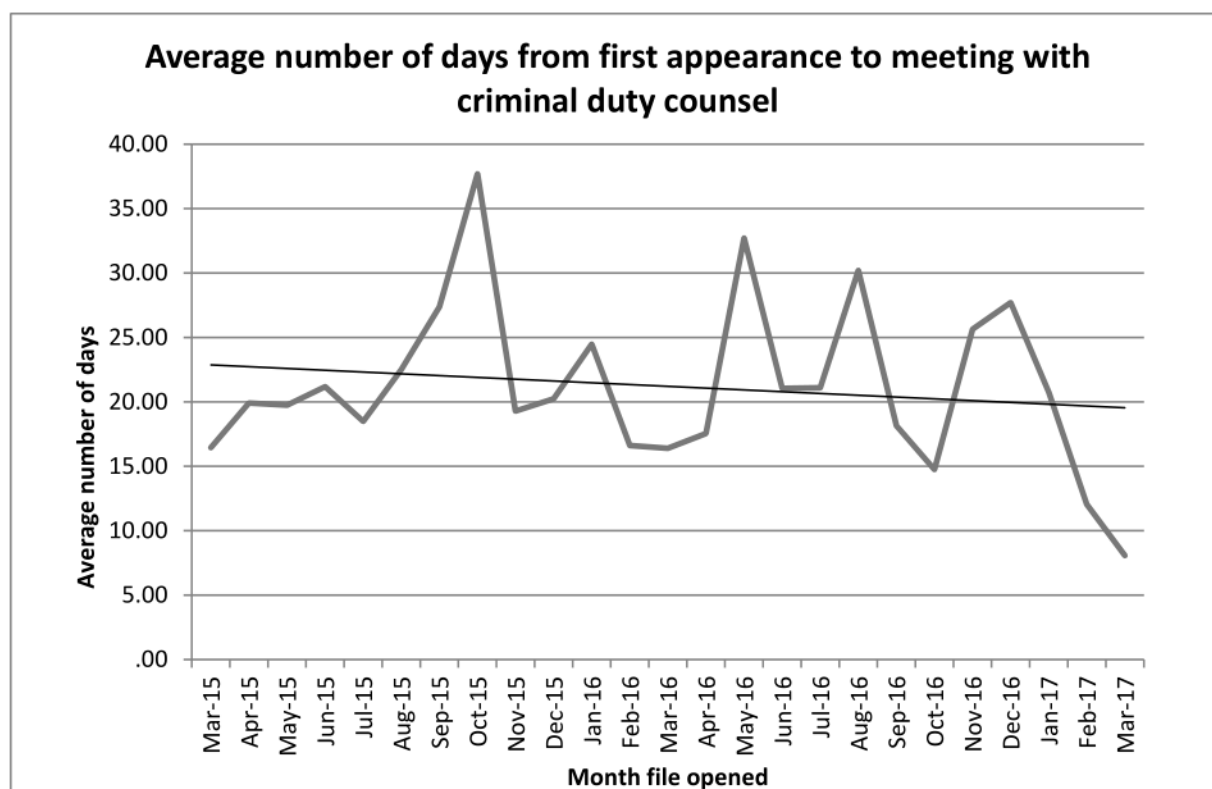


Figure 3³² (administrative data)

³¹ Accused persons who never made contact with the duty counsel are not included in this analysis.
³² Clients whose first appearance predates the project's operations are not included, nor is one client who abandoned his initial file and subsequently returned to the project on the same charges approximately 18 months later.

5. Are clients' legal needs being met by the EXP CDC project?

Key findings: All lines of evidence indicate that clients' legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Based on client interviews, clients found the services to be helpful in assisting them through the court process.

Legal services provided. The criminal duty counsel reviews disclosure from the Crown; explains the court process, charges, police report, and particulars; provides summary advice, including options for how to respond to the charges; negotiates with the Crown; attends court (as needed); and resolves matters (if appropriate). For clients who are not accepted, the criminal duty counsel reviews disclosure from the Crown; explains the court process, charges, police report, and particulars; and provides summary advice. Not all clients who were not accepted received summary advice, primarily because they abandoned their file without attending a meeting with the criminal duty counsel. In addition, criminal duty counsel attends court for almost one-sixth of clients who are not accepted for expanded service. Key informants reported that this typically occurs when a summary advice client reappears in court without counsel and the judge or judicial case manager requests that duty counsel assist the individual. Table 8 provides a detailed breakdown of services by type of client.

Table 8: Types of legal services provided by EXP CDC (closed files only) (administrative data)		
Services	EXP CDC clients	
	Accepted (n=543)	Not accepted (n=732)
Summary advice	100%	84%
Reviewed disclosure from Crown	100%	93%
Court attendance	95%	14%
Negotiations with Crown	93%	3%
Resolved matter	83%	—
Bail variation	3%	<1%
Vacated a bench warrant	1%	1%
Provided self-help literature	<1%	1%
No data	<1%	6%
Note: Multiple responses accepted.		

Referrals to other services. For those not accepted into the program and whose files are closed for reasons other than inactivity,³³ 595 out of 612 (or 97%) were referred to other legal services. Of those who received referrals, they were most often referred to LSS to apply for a legal aid representation contract (52%), followed by referral to a private lawyer (29%), law students/pro bono services (33%), or self-help resources (8%).³⁴

³³ Only files closed for reasons other than being "inactive" are included, as duty counsel may not have been able to meet with those individuals to provide referrals.

³⁴ Multiple responses accepted, so total exceeds 100%.

Time spent on client files. For the first two years of the project's operations, duty counsel has spent an average of 2.2 hours on the files of clients who received expanded service, and 0.9 hours on the files of clients who were not accepted into the project. The consistency in the amount of time each duty counsel spends with clients has improved since the summative evaluation, where it ranged from 1.0 to 1.6 hours. Reflecting key informant opinion that the quality and level of service provided by all criminal duty counsel on the roster is consistent, the average time spent on client files (accepted or not) was similar across the active duty counsel,³⁵ ranging from 1.5 to 1.7 hours per file.

Client opinion of legal services. To determine if clients believe their legal needs were met, they were asked about the types of assistance they received, if it was helpful, and whether they needed assistance that they did not receive from the duty counsel. Of the 44 clients (accepted and not accepted) interviewed, most clients reported that the criminal duty counsel explained the court process to them (n=38), provided them with information on the charges they were facing (n=42), explained the particulars prepared by the Crown (n=42), and told them different ways they might respond to the charges (n=33). All of the clients who received expanded service reported that the CDC attended court with them. Almost all of the clients reported the services to be helpful (n=39). Examples of client comments are as follows:

Accepted clients who received expanded service

"It was very helpful, these proceedings are complex and unknown to lay people and so it's very important that someone who is understanding is able to explain to a lay person."

"I've never been in trouble before. I was very embarrassed. [The duty counsel] did everything for me. She was definitely meant to do what she does. She is really good at it."

"Everything was helpful. She kept me informed as to what was happening in general and kept me calm. I was not frozen in anxiety. It was a pleasure to go through, even if it was a crappy experience."

"They're accessible and they ran through all my options. That was helpful."

"I had never gone to court, so I had no idea what I was really in for. It is a lot more assuring to have somebody help you rather than being alone."

"It was very helpful. I was very thankful. She laid it out for me very well. She reassured me and calmed my nerves."

"When I first went in to court, I was alone and I didn't understand the charges or why. I just wanted to plead guilty. When [the duty counsel] saw me, she explained to me that I should plead guilty and she explained the charges against me."

³⁵ Some duty counsel provided service on a small number of matters only in the first year.

“Because when I first went into the situation, it was pretty scary. She calmed me down. It felt like you had a friend in your corner, not like you were dealing with someone who was just doing their job.”

Not accepted clients who received summary advice

“All helpful, first experience, and they walked me through the whole process. They were so very helpful.”

“All her assistance was very helpful; she went above and beyond, although I wasn't qualified [for expanded service].”

“They pointed me in the right direction — what I need to do and who I needed to see.”

“Really enlightened me on how the process worked, made me more knowledgeable.”

“It was helpful, but I would have liked to have been in the loop a lot sooner. When they did tell me my options, I didn't have much time to think about it.”

Of the few clients who commented that the assistance they received was not helpful, their comments tended to reflect communication issues. This was the case for both clients receiving expanded service as well as clients receiving only summary advice.

“Yes, they told me my options, but I got confused. She said one thing, then a couple of months down the road she said it was not an option. I got really confused.”

“I was so nervous I could not understand.”

6. Has the EXP CDC service led to the earlier resolution of cases at the project site?

Key findings: The evaluation evidence supports the conclusion that the project has led to earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

As with the summative evaluation, key informants (internal and external) believe that the project has led to earlier resolution of cases, fewer court appearances, and fewer cases that are set for trial and then collapse on the trial date. They credited the pilot with reducing the churn in the Port Coquitlam Provincial Court, where some accused persons return to court many times without counsel or having applied for legal aid.

According to the key informants, these individuals often experience multiple issues that make the criminal justice process challenging for them, such as drug or alcohol addiction, mental health issues, and/or poverty and react to the charges by simply hoping they will go away, which often occurs eventually with a guilty plea. Key informants credit the project with providing a path for these clients to deal with their criminal matters more expeditiously, with their interests represented. For clients receiving expanded service, this involves working with the criminal duty counsel to resolve their matter, which sometimes requires taking steps (e.g., treatment programs, counselling) to enable them to get a lesser sentence or to have charges stayed or withdrawn. For clients receiving only summary advice, they now come to court with a better understanding of the process and are ready to deal with their case by having made connections to legal aid, pro bono legal services, or private counsel.

A few key informants suggested that the project could further enhance earlier resolution by assisting some individuals who desire to enter guilty pleas at their first appearance. As was discussed in Question 1, the project could focus on a few types of cases that are particularly amenable to faster resolution without violating a key objective of the model — the provision of meaningful summary advice. The example given was driving while prohibited cases where the individual does not have a defence and sentencing is usually the statutory minimum.

Resolution rate. Project data show a resolution rate of 86% of closed files (Table 9). Of the 78 matters that were not resolved by the EXP CDC, the most common reason was that the client's position made resolution impossible (Table 10).

Table 9: Resolution rate by EXP CDC (closed files only) (administrative data)		
	Closed files (n=543)	
	#	%
Resolved	465	86%
Not resolved	78	14%

Table 10: Reasons not resolved (closed files only, no resolution) (administrative data)		
	Closed without resolution (n=78)	
	#	%
Client's position (does not want to plead guilty)	36	46%
Crown's position	17	22%
Triable issue (client has defence to charges)	15	19%
Inactive	12	15%
No longer qualifies	12	15%
Other	18	23%
Note: Multiple responses accepted.		

When comparing the project's resolution rate to the court locations, the results demonstrate the project's ability to resolve a higher proportion of its matters. During the 22-month period available for the comparison (March 2015 to December 2016), the EXP CDC resolved 84% of its cases compared to 70% in Kelowna and 64% in Abbotsford Provincial Courts (see Table 11). In the summative evaluation, these results carried the caveat that the time horizon available was short (eight months) for getting an accurate understanding of the project's resolution rate. The results for 22 months of operation continue to demonstrate that the project is resolving matters earlier. The project's resolution rate has increased from 69% in the summative evaluation to 84% and remains higher than the resolution rate in the comparison court locations.³⁶ The results of the refresh evaluation provide evidence of the project's ability to maintain its higher resolution rate when considering cases over a longer span of time, thereby demonstrating project success.

Table 11: Resolution rates — Comparison provincial court locations (CSB data for court locations and administrative data for EXP CDC)					
Location	A Cases with similar charges	B Number resolved at bail hearing	C Remaining new cases	D Number resolved post-bail hearing*	Resolution rate for cases resolved post- bail hearing (D/C)
Abbotsford	3,199	608	2,591	1,656	64%
Kelowna	3,830	644	3,186	2,240	70%
EXP CDC	475	N/A	475	397	84%
Port Coquitlam (total)	3,103	598	2,505	1,761	70%
Note: The table includes cases with first appearance dates between March 2, 2015 and December 31, 2016.					
*Includes cases for which a scheduled bail hearing did not have a result indicated in the CSB data					

³⁶ The comparison must still be treated with some caution, as the comparison court locations include all cases with similar charges, while the EXP CDC accepts cases with those charges that have been assessed as appropriate for early resolution (see Section 3.5).

Time to resolution. The average time to resolution once the client has made contact with the duty counsel has remained fairly stable over the first two full years of the project. However, the median (or middle) value for the number of calendar days, which is less affected by a few cases with longer times to resolution, reflects some improvement. Based on project data, it has taken, on average, 41.6 calendar days from the date of first contact with the criminal duty counsel to resolution with a median of 20 days (minimum: same day; maximum: 364 days). At the time of the summative evaluation, which considered the first 12-months of operations, the time to resolution averaged 40 calendar days from the date of first contact with the criminal duty counsel to resolution with a median of 27.5 days (minimum: same day; maximum: 203 days).

Table 12: Time to resolution: First contact with criminal duty counsel to resolution (files with resolutions only) (administrative data)		
	Resolved cases (n=465)	
	#	%
Same day	53	11%
1–10 days	99	21%
11–20 days	83	18%
21–30 days	33	7%
31–40 days	35	8%
41–50 days	39	8%
Over 50 days	123	27%

When comparing the time to resolution by the project to that of the court locations, the project has demonstrated more timely resolution: the average number of days from first appearance to resolution is 61 days, compared to 101 and 137 for the provincial courts in Kelowna and Abbotsford, respectively. The comparison of medians shows that half the cases handled by the EXP CDC are resolved within 43 days or less, compared to the medians for provincial courts in Kelowna and Abbotsford of 75 and 103 days, respectively. These results are a further indication of the project's effectiveness in supporting the early resolution of cases.

Table 13: Time to resolution —Comparison provincial court locations and EXP CDC CSB data for court locations and administrative data for EXP CDC)					
Location	n	Number of days			
		Average	Median	Minimum	Maximum
Abbotsford	1,520	137	103	1	1,415
Kelowna	2,107	101	75	1	595
EXP CDC	397	61	43	0	352
Port Coquitlam (total)	1,638	102	70	1	660

Note: Time to resolution is from first appearance (excluding bail hearings) to resolution. The table includes new cases with first appearances between March 2, 2015 and December 31, 2016 that were resolved during that time period. Cases resolved at the bail hearing or for which a scheduled bail hearing did not have a result indicated in the CSB data are not included.
For EXP CDC, the calculation excludes new cases with a first appearance date before March 2, 2015 when the project began operations.

Types of resolutions. During the summative evaluation, some key informants held the view that the types of resolutions achieved by the project are affected by the EXP CDC duty counsel's more complete understanding of the file and their ability to spend more time meeting with the client and negotiating with the Crown. Examples of the types of resolutions thought to have increased due, in part, to the project were alternative measures, peace bonds, and stays of proceedings. During the interviews for the refresh evaluation, fewer key informants mentioned the project having an impact on the types of resolutions, as they focussed much more on the efficiencies that the project created (see discussion under Evaluation Question 8). Unfortunately, the project and court data do not use comparable categories for types of resolutions, so no comparisons between the project and the comparison court sites are possible. The types of resolutions achieved by the project are listed in Table 14.

Table 14: Types of resolutions achieved by EXP CDC (administrative data)	
	Resolved cases (n=465)
Guilty plea	47%
Stay of proceedings	34%
Peace bond	17%
Alternative measures	11%
Guilty plea to a lesser offence	7%
Charge withdrawn	2%
No charge sworn	<1%
Note: Multiple responses accepted.	

7. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?

Key findings: Most clients who were interviewed were very satisfied with the services they received from the project. Overall, they felt treated with respect and believed they received good results.

Key informants could not comment directly on whether clients were satisfied with their experience using EXP CDC services. A few internal stakeholders noted that some clients had expressed appreciation for the assistance they had received.

The clients who were interviewed were satisfied with their experience using the EXP CDC service. All of the 44 interviewed clients felt they were treated with respect by the criminal duty counsel and most (n=39) reported being satisfied with the services received. Those who were dissatisfied (n=5) cited a variety of reasons, including communication issues (*"I never knew what was going on"*), feeling hurried along (*"Everything felt rushed"*), or not getting the result they wanted (*"I was not satisfied. She did not go through with what she was said she was going to do and did not succeed with what I wanted"*). Of the clients who were satisfied, many believe that they received the best outcome that could have been achieved for them. Some client reactions are as follows:

"Absolutely satisfied. Very helpful and has been able to even make the outcome better. It was reduced from the 1–2 years sentence, which was great. You could tell she was busy and popular, but there was never any time where she put me aside."

"The charges were dropped and I can have a clean name and continue my life."

“I was just happy most of all to get off my assault charges. Most do not get off on assault charges that easily. It was my fifth, and they wanted to send me to jail. But with my stable home life and employment, they did not.”

“I was happy because I didn't get a criminal record. I came from another country with a hard life; I had problems and came to Canada to live a better life, and I am very happy not to have the record.”

“I was pretty lucky. I did a few community hours, and I wrote a letter of apology. It made me realize it was not a good choice (the shoplifting).”

“It was over and done with quickly, didn't have to go back a bunch of times.”

Some clients could compare the EXP CDC project to previous legal aid experiences, although the comparison may not have been with duty counsel but with services through a representation contract. Of those, nine said their experience with the EXP CDC project was better, six believed it was about the same, and one thought it was worse. The most common reasons given by clients who found the experience to be better was that their case was resolved faster and that EXP CDC duty counsel were more helpful.

8. Has the EXP CDC service led to greater efficiency for the court process at the project site?

Key findings: The early indications that the project had led to greater efficiency for the court process were confirmed and the finding strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as project uses fewer appearances to resolve cases than the comparison court locations.

All key informants (internal and external) believe that the project has created efficiencies for the court process and offered many examples of various ways that the project has positively affected the flow of adult criminal cases in Port Coquitlam.

- ▶ The EXP CDC duty counsel's presence in first appearance court saves court time in a number of ways. The duty counsel is available to explain to the accused person the project and how to apply. They can also inform the court about the status of individuals on the court list that day (e.g., have they applied for legal aid or received a referral to pro bono legal services).
- ▶ The project is considered to have streamlined the connection between accused persons and LSS by handling LSS intake for those individuals who are not eligible for the project. A common complaint in the criminal justice system is that accused persons make numerous court appearances without applying for legal aid or knowing the status of their legal aid application. Some external key informants credit the project for the reduction in

court appearances where the accused person has made little to no progress in accessing legal aid services.

- ▶ External key informants reported fewer court appearances both in first appearance court and disposition court. For first appearance court, the project has contributed to a reduction in appearances because individuals are either receiving expanded service or, with the assistance of the project, have connected with legal aid or some other type of legal assistance. This, in turn, reduces the number of unrepresented persons being sent to disposition court by the judicial case managers in the hopes of discouraging further delays and unproductive appearances.
- ▶ The continuity of EXP CDC duty counsel on cases means that for clients who received expanded service, the duty counsel is knowledgeable of the particulars, has had an opportunity to talk to the client at length, and usually has already discussed resolution options with the Crown. EXP CDC duty counsel are well-prepared and, should anything unanticipated arise, they have the background on the file to handle it. This was contrasted with traditional duty counsel where the client is likely seeing a new duty counsel for the first time. The continuity of duty counsel enables each appearance to move the case forward, reducing the churn of repeated, unproductive court appearances.
- ▶ A few external key informants perceive fewer unrepresented accused in Port Coquitlam Provincial Court and attribute that to the project. Unrepresented accused require substantially more court time and the Crown will not negotiate with them directly, which slows down the court process. The client interviews provide some support for this, as one-third of those interviewed said they would have tried to represent themselves had the project not assisted them.
- ▶ The EXP CDC model of providing one hour of summary advice allows the duty counsel to provide more meaningful consideration of the client's legal situation than does the traditional duty counsel model. As a result, key informants believe that clients receiving this summary advice have a better understanding of the court process and what to expect at their next court appearance, which saves court time.
- ▶ Many key informants (internal and external) also believe that individuals are receiving the legal advice they need earlier in the process. As a result, the project has resolved cases earlier, such as prior to the cases being set for trial, which saves administrative time for the court. Even for cases that the project does not resolve, clients have received summary advice, are connected to other forms of legal assistance, and are able to dispose of their matters sooner.
- ▶ The EXP CDC duty counsel are also flexible and assist the court in ways that are technically beyond the model. On occasion, when a summary advice client is still appearing in court without counsel, or their counsel has failed to show, the duty counsel will step in to assist, which external key informants appreciated.

The overall perception of key informants that the project has created efficiencies for the court process is confirmed by the available EXP CDC and court data. Table 15 provides the time to resolution and the number of court appearances over the life of the project. A comparison of the cases that pre-dated the project's start to those with a first appearance after the project began operations shows the effectiveness of the project in resolving these cases. The pre-pilot cases provide examples of the "churn" mentioned by key informants, with many appearances and a long time to reach resolution compared to the post-pilot cases.

When considering cases that began after March 2, 2015, the project's performance has remained fairly steady. The project could improve its effectiveness by reducing the number of appearances that clients make before connecting with the project. Ideally, clients would have one post-bail appearance prior to meeting with duty counsel, while the average is currently 1.5 appearances.

Table 15: Efficiency of EXP CDC project — time to resolution and number of appearances (administrative data)

Resolved cases	#	Average days		Average number		
		Duration from first appearance to resolution	Duration from first contact to resolution	Post-bail appearances before contact with EXP CDC	Appearances after entering EXP CDC to resolution	Total number of appearances to resolution
Pre-pilot ¹	39	304.6	62.6	5.0	3.4	8.4
Post-pilot ²	426	58.5	37.0	1.5	2.3	3.9
Post-pilot cases only (resolved cases by FY quarter)						
2015 March	8	4.8	3.6	.4	1.0	1.4
Q1 2015/16	29	40.0	23.6	1.6	1.7	3.3
Q2 2015/16	36	60.9	34.0	1.7	2.3	4.0
Q3 2015/16	48	59.7	44.9	1.5	2.7	4.2
Q4 2015/16	66	62.1	41.2	1.7	2.3	4.0
Q1 2016/17	55	54.4	38.0	1.4	2.2	3.6
Q2 2016/17	67	48.2	24.7	1.5	1.9	3.4
Q3 2016/17	50	61.9	38.0	1.6	2.6	4.2

¹ Pre-pilot cases are cases with a first appearance date before March 2, 2015, which is the date when the project began operations.
² Post-pilot cases are cases with a first appearance date on or after March 2, 2015.
Fiscal year quarters: Apr–Jun (Q1); Jul–Sep (Q2); Oct–Dec (Q3); Jan–Mar (Q4)

When compared to the court locations, the project uses fewer appearances to resolve cases.³⁷ When considering the time period of March 2015 to December 2016, the project averages 3.9 appearances to resolution, compared with 6.4 in Abbotsford and 6.2 in Kelowna. In addition, in spite of the longer time frame for the refresh evaluation (22 months, compared with eight months for the summative evaluation), during which the number of appearances to resolution might be expected to increase, the project experienced a slight decline from 4.1 to 3.9 appearances per case. In contrast, the average number of appearances in the comparison sites rose from 4.3 to 6.4 (Abbotsford) and 4.7 to 6.2 (Kelowna). This confirms the claim made in the summative

³⁷ The number of appearances includes the first appearance post-bail hearing to the final appearance when the case was resolved.

evaluation that an analysis covering a longer time period would better demonstrate the project's potential impacts of reducing the number of court appearances.

Table 16 results, coupled with the project's higher resolution rate in Table 11, indicate that over time, the project has demonstrated the potential to resolve cases earlier and reduce the number of court appearances when compared to Kelowna and Abbotsford.

Table 16: Number of appearances — project and comparison provincial court locations (CSB data for court locations and administrative data for EXP CDC)						
	Project cases					
	March 2, 2015 to March 31, 2017					
	# cases resolved	# of appearances	Average # of appearances	Median	Minimum	Maximum
EXP CDC	426	1,673	3.9	3.0	1.0	13.0
	New and resolved cases					
	March 2, 2015 to December 31, 2016					
Abbotsford	1,520	9,780	6.4	6.0	1.0	32.0
Kelowna	2,107	13,013	6.2	5.0	1.0	30.0
EXP CDC	397	1,548	3.9	3.0	1.0	13.0
Port Coquitlam, total	1,638	10,890	6.6	5.0	1.0	61.0
Sources: Project database and CSB data						
Note: EXP CDC cases are based on the resolved cases with a first appearance after the project began operations. Cases resolved at the bail hearing or for which a scheduled bail hearing did not have a result indicated in the CSB data are not included.						

Figure 4 plots resolved cases by the number of appearances for the EXP CDC and the comparison court locations. It illustrates the difference between the EXP CDC, which resolved half of its cases with three or fewer appearances, and the Kelowna and Abbotsford Provincial Courts, which had a much flatter distribution, reflecting the greater proportion of cases that require more than three court appearances before resolution.

Mann-Whitney-Wilcoxon tests³⁸ confirmed that the observed differences are statistically significant ($p < .001$ for each comparison), suggesting that the differences are unlikely to have been the result of chance alone. To estimate the magnitude of these differences in the population, confidence intervals³⁹ around the median differences were calculated. The EXP CDC resolved cases in three fewer appearances on average compared to Abbotsford, 95% CI [-3,-1], and in two fewer appearances compared to Kelowna, 95% CI [-2,-1]. Given that larger sample sizes will, in

³⁸ The data were substantially right skewed, making them less suited to parametric tests. To account for this, the small number of cases requiring 30 or more appearances was collapsed into one category (30+) and medians rather than means were used in the comparison. Given two independent variables, the Mann-Whitney-Wilcoxon tests whether one variable tends to have a higher value than the other variable without requiring parametric assumptions.

³⁹ Confidence intervals are estimates of the uncertainty surrounding another estimated value, the median differences in this case. Smaller intervals represent more accurate estimates. A 95% confidence interval is often interpreted as a 95% chance that the interval contains the true value, although this is a simplification. More accurately, it suggests that if many repeated samples were taken and the 95% confidence interval was computed for each sample, 95% of those intervals would contain the true median difference in the population from which the sample was drawn. Standard bootstrap methods were used to calculate the intervals, which require no assumptions about how the data are distributed.

general, result in more accurate estimates, and that the comparison courts were selected in advance as appropriate comparators, the median number of appearances in Kelowna and Abbotsford combined was compared to EXP CDC. EXP CDC resolved cases in two fewer appearances on average compared to the combined comparison court locations, 95% CI [-2,-1].

Resolved cases by number of appearances and location

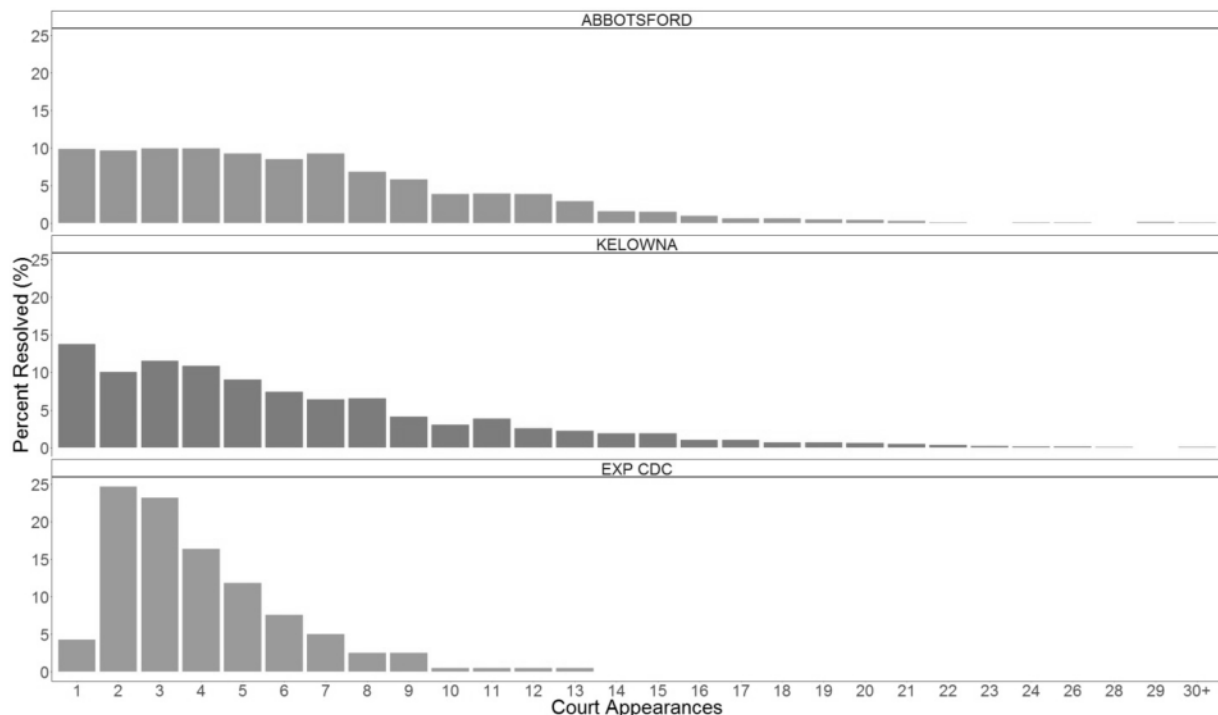


Figure 4
 (CSB data for court locations and administrative data for EXP CDC)

9. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?

Key findings: The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

In terms of increasing access to legal aid, of the 566 clients admitted in the first 22 months of operations, 78% would not have been eligible for a legal aid representation contract based on either financial or coverage guidelines or both. The individuals accepted into the project are also receiving assistance similar to what is received under a representation contract, short of going to trial. In addition, clients not accepted into the project are receiving more extensive summary advice than under the previous system; the criminal duty counsel has an opportunity to review their particulars and have a more detailed conversation with them under the new system.

External key informants also commented on how the level and consistency of the EXP CDC service contributes to access to justice. With the project, clients regularly receive more meaningful legal advice earlier in the process. In addition, every client is given the same consideration, with the level and quality of service being consistent across the duty counsel. The amount of one-on-one time with the duty counsel is also much greater than under the traditional duty counsel model. While the model incorporates these quality features, much of the project's success is due to the professionalism and dedication of the duty counsel involved, according to the external key informants.

10. To what extent has the EXP CDC project led to net system savings due to efficiencies gained for LSS and/or other areas of the justice system?⁴⁰

Key findings: The summative evaluation occurred at an early stage of the project, yet even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations.

This section looks at potential system efficiencies gained as a result of the project. This analysis builds on the discussion under Question 8 and considers what costs might be avoided by the efficiencies gained from the operations of the project.

With the longer time horizons, the refresh evaluation has more stable findings for the differences in the median and average number of appearances between the EXP CDC and the comparison court locations. Between March 2015 and December 2016, the project has demonstrated its ability to maintain its performance on this efficiency measure of court appearances in contrast to the comparison court locations, which have experienced an increase with the longer time horizons. To estimate the potential impacts of the project, Table 17 provides different scenarios based on the number of expanded service cases (n=566) that the project has accepted since its inception just over two years ago and considers a potential range of avoided costs using the median number of appearances experienced in the comparison court locations.

As shown below, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

Table 17: Estimated cost avoidance for expanded service since project inception in March 2015					
# of cases	Median # of appearances	Total number of appearances	Total court hours	Court costs	Costs avoided
EXP CDC 566	3.0	1,698	226	\$184,290	
566	5.0	2,830	377	\$307,149	\$122,860
566	6.0	3,396	453	\$368,579	\$184,290

Sources: Calculations made based on administrative data, CSB data, and BC Justice Dashboard
The median number of appearances for EXP CDC cases is based on the resolved cases with a first appearance after the project began operations.
The comparisons are to the median number of appearances for the comparison court locations (Kelowna: 5 appearances and Abbotsford: 6 appearances).
The time per appearance for Port Coquitlam Provincial Court was estimated using BC Justice Dashboard and five-year averages (FY 2011–12 to 2015–16). Total court time was divided by the number of scheduled appearances and resulted in an average time per appearance of eight minutes.
Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry of Justice data. Adult criminal provincial court costs are estimated to be \$814 per court hour and include the cost of the court clerk, deputy sheriffs, provincial court judge, senior Crown prosecutor, and court registry staff. It does not include the cost of judicial support services, sheriff out-of-court activities, or court and Crown overhead.

⁴⁰ We understand that any efficiency created in the system will be backfilled by cases waiting for a hearing. Thus, any court savings are at best costs avoided by these cases. The language in the question above has not been changed, as it was approved during consultations for development of the summative evaluation matrix, on which the refresh evaluation matrix provided in Appendix B, is based.

There are limitations with the above analysis, many of which are noted in Section 3.5:

- ▶ The comparison court locations include all cases with similar charges, while the EXP CDC accepts cases with charges that have been assessed as appropriate for early resolution.
- ▶ Actual time for appearances is not available and is based on the average time of scheduled appearances for all cases in Port Coquitlam Provincial Court.
- ▶ Data on the costs of appearances related to administrative time and effort (e.g., data entry and file movement) are not available and, therefore, not captured.
- ▶ Data to support additional potential costs avoided by resolving cases earlier, which would require tracking trial preparation time for the Crown, potential witnesses, and the judge, are not available.
- ▶ The project also provides assistance to clients who are ineligible for the expanded service that may create efficiencies. Those clients' experiences after receiving assistance from the project are not tracked and so any potential efficiencies are not captured.

The ability of the project to create substantial efficiencies is affected by the volume of clients the project can serve as well as the extent to which it can achieve its desired objectives. An increase in the number of clients served by the EXP CDC will increase system efficiency gains and, correspondingly, the cost for LSS to deliver the service, unless the project is able to increase the number of clients served with the same resources that the project is currently using. Based on the experience of the project's first two years, the project is connecting with almost all eligible clients and the volume is relatively steady, so the ability to expand the number of clients served in Port Coquitlam based on current eligibility criteria is minimal. Expansion of the project to other locations of the province also has the potential to add to efficiency gains in terms of increasing volumes, but again with a corresponding increase in costs to LSS for providing the service.

5.0 Conclusions

This section presents the conclusions of the refresh evaluation.

5.1 Conclusions on delivery of the EXP CDC

The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court. In particular, the triage process, whereby individuals are determined to fall under the exceptions criteria, is better understood by stakeholders and is enabling accused persons who are clearly not eligible for the project to be redirected to LSS intake or other legal options sooner. The intake process has also been streamlined to provide a more seamless experience for clients, rather than being moved back and forth between LSS intake and EXP CDC intake. Stakeholders (external and internal) are particularly supportive of the presence of EXP CDC duty counsel at first appearance court; this is credited with connecting clients to the project quickly, as well as assisting the court by being able to provide information about and some assistance to individuals who are appearing without counsel.

With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services. In terms of staffing, both the duty counsel roster and the second administrator have addressed capacity issues identified in the earlier evaluations. With these additional resources, the project has been able to handle the fluctuations in intake from month to month and to keep pace with the demand for its services.

5.2 Achievement of outcomes

The project is accepting appropriate clients/cases for expanded service. Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services. The evaluation evidence shows that clients/cases entering the project meet its eligibility criteria, and that the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract. Over three-fourths (78%) of clients accepted into the project would not have been eligible for a legal aid representation contract.

In general, clients are receiving referrals to the project in a timely manner. Most clients (72%) are made aware of the project and make initial contact at their first appearance. The smooth referral process is likely due to several factors: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply. Almost all clients interviewed considered the experience of connecting to the EXP CDC and applying to be easy. The timeliness of service in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors, including higher number of clients in certain months, clients missing appointments, and other scheduling issues.

All lines of evidence indicate that clients' legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Clients received a variety of services from the pilot project, including summary advice, which includes options for how to respond to the charges; negotiations with the Crown on their criminal matters; court attendance; and a resolution to their criminal matter. Based on client interviews, clients found the services to be helpful in assisting them through the court process. The pilot data show that duty counsel spend, on average, 2.2 hours on the files of clients who received expanded service, and 0.9 hours on the files of clients who were not accepted into the EXP CDC, but who did receive summary advice.

The evaluation evidence supports the conclusion that the project has led to the earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations (64% in Abbotsford and 70% in Kelowna). The most common reasons for not being able to resolve cases were the client's and/or the Crown's positions. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

Most clients who were interviewed were very satisfied with the services they received from the project. Almost all of the 44 clients interviewed said they were satisfied with the services they received. They felt treated with respect and believed they received good results.

There is evidence that the project has led to greater efficiency for the court process. The summative evaluation found early indications that the project had led to greater efficiency for the court process, which was confirmed and the conclusions strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as the project uses fewer appearances to resolve cases than the comparison court locations.

The project has increased access to justice. The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

The project has achieved efficiencies for the justice system. The summative evaluation occurred at an early stage of the project; however, even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations. Based on the available measure of the number of appearances per resolved case, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

5.3 Recommendations

Below provides a few recommendations for LSS's consideration.

Recommendation 1: Consider offering greater flexibility for providing same-day guilty pleas for certain types of offences where clients often do not have a defence and sentencing is usually the statutory minimum.

The project has made efforts to provide immediate assistance to individuals whose situations make it difficult for them to attend an appointment with duty counsel at a later date. However, it was suggested that the project could still provide greater flexibility to assist with same-day guilty pleas, if desired by the client. Should the project explore this possibility, it would need to be careful not to compromise its objective of providing more meaningful legal advice, and would need to balance the benefits from this approach with the additional resources (e.g., more roster support) this flexibility may require. An example might be providing same-day guilty pleas on a few types of cases, such as driving while prohibited cases where the clients often do not have a defence and sentencing is usually the statutory minimum.

Recommendation 2: Consider improvements to the data tracking system and consent processes to facilitate future studies.

Based on the experience of analyzing the EXP CDC data, the process and summative evaluations included recommendations related to enhancing the project database. The following suggestions are offered again for database improvement:

- ▶ The project does not capture all of the charges clients faced for which the project is assisting them, nor does it capture the information based on *Criminal Code of Canada* provisions; rather, it uses an open text field. As a result, the nomenclature for the charges depends on the person recording the charges and entering them into the project database. The project would benefit from having mechanisms put in place to minimize inconsistencies, such as using a “pick list” for common charges handled by the project that would match how charges are entered in CIS. In addition, ensuring that these standardized charge descriptions can be mapped onto the *Criminal Code of Canada* provisions in CSB data will better enable the EXP CDC project to make future comparisons with CSB data.
- ▶ The database does not have logic checks on data entry, which can lead to inconsistencies, errors, and missing data.

The project may also want to consider changing its consent form, so that client information can be shared with CSB. This would allow LSS to make the appropriate requests of CSB for more detailed court data on project clients who have consented, which might be beneficial for future studies.

Recommendation 3: Consider options for obtaining regular feedback from clients.

The refresh evaluation included interviews with 34 clients, which was its target number given budgetary limitations. LSS may want to consider more regular feedback from a larger number of clients. Based on the evaluation experience, a short telephone survey shortly after the client's file is closed is the best method for obtaining responses — contact information is still valid and the client's experience with the EXP CDC is fresh in their minds. Other options might be including the EXP CDC clients in the existing LSS client survey or a short paper exit survey (although response rates to the latter are usually not high).

Appendix A –Logic model

Program logic model — Expanded Criminal Duty Counsel (EXP CDC)

	Program activities	Program outputs	Short-term outcomes	Medium-term outcomes
INTAKE AND ASSESSMENT	Assess clients and make decision about whether early resolution is possible	<ul style="list-style-type: none"> • # of clients assessed for EXP CDC services • # of files/clients accepted • # of files rejected 	<ul style="list-style-type: none"> • Appropriate clients/cases are streamed into EXP CDC services • Clients receive referrals to EXP CDC services in a timely manner 	<ul style="list-style-type: none"> • The courts at the EXP CDC program site operate more efficiently • Access to Criminal Legal Aid at the EXP CDC program site is increased
LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible EXP CDC clients <ul style="list-style-type: none"> • Provide advice to clients • Provide continuous representation to clients Provide brief or summary advice to all those who contact the project	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matters in the program) that are assisted by the same CDC 	<ul style="list-style-type: none"> • EXP CDC clients achieve early resolution of their criminal matters • Clients are satisfied with their experience in the EXP CDC program 	

Appendix B – Evaluation matrix

Framework for the Refresh of the Evaluation of the Expanded Criminal Duty Counsel (EXP CDC) project		
Questions	Indicators	Data sources
Implementation questions		
1. How well is the EXP CDC model working for providing the expected services since the summative evaluation? What, if any, changes or improvements have been made to the model or how it operates?	<ul style="list-style-type: none"> Stakeholder opinion on the model or aspects of the model and how well it works Stakeholder opinion on changes/improvements made to the model or how it operates and how well these have worked Stakeholder suggestions for improvements to the model or how it operates Decision-records and timelines of changes made to improve model or how it operates 	<ul style="list-style-type: none"> Key informant interviews Document review
2. Does the EXP CDC have sufficient resources, supports, and capacity to meet demand?	<ul style="list-style-type: none"> Number of clients assessed for EXP CDC services Number of cases accepted by the EXP CDC Number of files opened and files closed over time by the EXP CDC Number and percentage of clients not accepted (solely) because capacity of EXP CDC program has been exceeded Stakeholder opinion on whether the EXP CDC has sufficient resources, supports, and capacity to satisfactorily meet demand 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews
Outcome questions		
3. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none"> Comparison of clients accepted and those not accepted based on type of charge (most serious offence) Number and types of files/clients accepted/not accepted with reasons why based on eligibility criteria Reasons why financially eligible clients are not accepted Stakeholder opinion on appropriateness of eligibility decisions 	<ul style="list-style-type: none"> EXP CDC database LSS CIS database Key informant interviews
4. Do clients receive a referral to EXP CDC services in a timely manner?	<ul style="list-style-type: none"> Time between first appearance and file open date for clients who entered the criminal justice system after EXP CDC began Time between first appearance and date of first contact with CDC for clients who entered the criminal justice system after EXP CDC began Time between file open date and date of first contact with CDC Stakeholder opinion on whether clients receive timely referrals to EXP CDC Client opinion on whether referral to EXP CDC was timely 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews Client interviews
5. Are clients' legal needs being met by the EXP CDC project?	<ul style="list-style-type: none"> Types of legal services received by clients from EXP CDC Number and percent of clients not accepted into EXP CDC receiving referrals to other legal services⁴¹ Type of other legal services clients not accepted into EXP CDC are referred to by EXP CDC Time spent with clients by EXP CDC Stakeholder opinion on measures of quality of EXP CDC services (continuity of counsel; consistency of service; quality of summary advice) Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews Clients

⁴¹ Clients not accepted and whose files were closed due to inactivity are not included.

Framework for the Refresh of the Evaluation of the Expanded Criminal Duty Counsel (EXP CDC) project		
Questions	Indicators	Data sources
6. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> Number and percent of EXP CDC cases resolved by type of resolution (by information) Number and percent of EXP CDC cases not resolved and reasons why (by information) Number and percent of cases⁴² resolved (EXP CDC with comparison sites)⁴³ Number of days from first contact with EXP CDC to resolution (by information) Number of days from first appearance to resolution for clients who entered the criminal justice system after EXP CDC began (by information) Number of days from first appearance (post-bail hearing) to resolution (EXP CDC cases with comparison sites) Comparison of number of days from first appearance (post-bail hearing) to resolution by whether case had trial date set (EXP CDC, Port Coquitlam, comparison sites) Stakeholder opinion on whether cases are resolved earlier 	<ul style="list-style-type: none"> EXP CDC database LSS CIS database CSB database Key informant interviews Client interviews
7. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	<ul style="list-style-type: none"> Client opinion on satisfaction with EXP CDC services 	<ul style="list-style-type: none"> Client interviews
8. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> Number of appearances before resolution (EXP CDC with comparison sites) Number and percentage of cases resolved without a trial or trial fixed date (EXP CDC with comparison sites) Number and percentage of cases resolved before trial fixed date (EXP CDC, Port Coquitlam, comparison sites) Stakeholder opinion on whether the EXP CDC has increased efficiency in the court process 	<ul style="list-style-type: none"> EXP CDC database CSB database Key informant interviews
9. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	<ul style="list-style-type: none"> Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services Services received by clients who are not eligible for a representation contract 	<ul style="list-style-type: none"> EXP CDC database LSS CIS database
10. To what extent has the EXP CDC pilot led to net system savings due to efficiencies gained for LSS and/or other areas of the justice system?	<ul style="list-style-type: none"> EXP CDC average cost per case Cost implications of estimates of avoided court costs based on costs of actual court activity Comparison of budget allocation versus expenditures Success of project in reaching clients (relative to commitments/expectations) 	<ul style="list-style-type: none"> EXP CDC data LSS CIS data CSB data Key informant interviews

⁴² Excludes cases resolved at bail hearing.

⁴³ Comparison sites will be Kelowna and Abbotsford for the same time period as the pilot (cases opened and concluded between March 1, 2015 and December 31, 2016), and Port Coquitlam for cases opened and concluded between March 1, 2014 and February 28, 2015.

Appendix C – Data collection instruments

Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Project Evaluation Refresh

Interview guide for internal stakeholders
(Project lead, lead CDC, roster counsel)

The Legal Services Society of British Columbia (LSS) requires an update of the evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview for the purpose of note taking. No one outside of PRA will see these notes or listen to the recordings.

The evaluation of the EXP CDC project occurred in two phases. A process evaluation focussed on the implementation of the EXP CDC project during its first three months (March to June 2015), and a summative evaluation considered project operations as well as outcome achievement and efficiencies from inception to March 2016. LSS committed to updating (or refreshing) the evaluation to support the request to the British Columbia Ministry of Justice for the possible expansion of the project. This interview is for the refresh evaluation component and will consider the delivery of the EXP CDC project and progress in achieving the expected outcomes.

We realize that you may not be able to answer all of the questions; please let us know, and we will skip to the next question.

Delivery of the EXP CDC pilot

1. Based on your observations, since the summative evaluation, how well has the model worked for providing the expected services? Please explain what you believe has contributed to the model working well or to any challenges encountered. Q1
2. Have any changes or improvements been made to the model or how it operates since the summative evaluation? If any changes have been made, how well have these worked? Q1
3. How well has the roster of criminal duty counsel operated since the summative evaluation? Have there been any challenges experienced or any changes made to the roster and/or how it operates? What has been the effect of having the criminal duty counsel roster on project delivery? Q1
4. Have demands for services changed since the summative evaluation and has that affected resources and capacity? Do staff (administrator, criminal duty counsel) receive the needed supports for providing the expected level of services to all eligible EXP CDC clients? What steps has the EXP CDC project taken to overcome any resource challenges? Q2
5. Are there any other challenges or suggestions for improvement related to the operations and delivery of the EXP CDC project that you have not already discussed? Q1 and Q2

Progress towards achieving objectives

6. In your opinion, are appropriate clients/cases being referred to and accepted by the EXP CDC project? Are the criteria for acceptance to receive expanded services working well or would you suggest any changes? Q3
7. At what point in the criminal justice process are clients typically referred to the EXP CDC project? Do you consider the referrals to occur at the earliest point possible in the process? What are the factors (positive or negative) that affect the timeliness of referrals? Q4
8. To what extent is the connection between referrals to the EXP CDC project and potential clients making contact with the EXP CDC project working smoothly? Are there any accessibility issues for clients between referral/intake/screening/initial meeting? Q3 and Q4
9. In general, do you believe that the EXP CDC project is achieving its objective of meeting clients' legal needs? In your response, please consider aspects of its services, such as the continuity of counsel, the consistency of service, the ability to spend sufficient time with clients, the quality of summary advice, and the types of resolutions achieved for clients. Has the project's ability to meet client's legal needs changed over the course of the project's operation? What factors positively or negatively affect the ability of the EXP CDC project to meet the clients' legal needs? Q5
10. Based on your experience, to what extent has the EXP CDC project led to earlier resolution of cases? To fewer court appearances prior to resolution? Has the ability to achieve early resolution/fewer court appearances changed since the summative evaluation? If so, what factors have impeded or facilitated early resolution or reduction in the number of court appearances? Q6
11. Have you received any feedback from clients about their experiences with the EXP CDC project? Do you have any suggestions for how clients' experiences with the EXP CDC project can be improved? Q7
12. Overall, how would you compare the EXP CDC project to the traditional duty counsel approach in terms of access to justice? In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Q9
13. In your opinion has the EXP CDC project created efficiencies for the court process in Port Coquitlam? What impact, if any, has that had on other stakeholders in the justice system? (e.g., judiciary, judicial case managers, court administration, Crown, police) In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Please explain why you believe the model has or has not created these efficiencies and what the impact has been. Q8 and Q10
14. Do you have any other comments?

Thank you for your participation.

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Project Evaluation Refresh**

**Interview guide for external stakeholders
(Judges, Judicial Case Managers, Crown)**

The Legal Services Society of British Columbia (LSS) requires an update of the evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview for the purpose of note taking. No one outside of PRA will see these notes or listen to the recordings.

The current evaluation focusses on the delivery of the EXP CDC project and progress in achieving the expected outcomes since March 2016.

We realize that you may not be able to answer all of the questions; please let us know, and we will skip to the next question.

Delivery of the EXP CDC pilot

1. Please briefly describe your involvement with the EXP CDC pilot project or with clients of the EXP CDC pilot project.
2. Since we last conducted interviews for the summative evaluation (March 31, 2016), how well would you say the model has worked for providing the expected services? Q₁
3. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. Have demands for the services offered by the EXP CDC changed since the summative evaluation and, if so, how has this affected resources and capacity? To your knowledge, has the EXP CDC taken steps to overcome any resource challenges? Q₂
4. The EXP CDC operates with a full-time lead lawyer and a limited roster of lawyers who appear as scheduled. How well has the roster of criminal duty counsel operated in the last year? What has been the effect of having the criminal duty counsel roster on project delivery? Based on your observations, is there a consistent level of service among the roster? To what extent is there continuity of counsel for clients? Q₁
5. Have you encountered any challenges in your interactions with the EXP CDC? If yes, when did these challenges occur and have they been addressed? Q₁

Progress towards achieving objectives

6. What is your involvement, if any, in directing individuals to the EXP CDC project? Q4
7. From your perspective, how well is the process of directing/referring individuals to the EXP CDC project working? Q4
 - a. At what point in the criminal justice process are clients typically referred or directed to the EXP CDC project? Do you consider the referrals to occur at the earliest point possible in the process? What are the factors (positive or negative) that affect the timeliness of referrals?
 - b. Are any criminal defendants who should be directed to the EXP CD project not getting connected to the project? If so, why do you think that is occurring? Q4
8. In general, do you believe that the EXP CDC project is achieving its objective of meeting clients' legal needs? In your response, please consider aspects of its services, such as continuity of counsel, consistency of service, and quality of service. Has the project's ability to meet the client's legal needs changed over the course of the project's operation? What factors positively or negatively affect the ability of the EXP CDC project to meet clients' legal needs? Q5
9. Based on your experience, to what extent has the EXP CDC project led to earlier resolution of cases? To fewer court appearances prior to resolution? Has the ability to achieve early resolution/fewer court appearances changed in the last year? If so, what factors have impeded or facilitated early resolution or reduction in the number of court appearances? Q6
10. Based on what you have observed, how would you assess the quality of services clients receive from the EXP CDC project? Do you have any suggestions for how clients' experiences with the EXP CDC project can be improved? Q7
11. Overall, how would you compare the EXP CDC project to the traditional duty counsel approach in terms of access to justice? In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Q9
12. In your opinion has the EXP CDC project created efficiencies for the court process in Port Coquitlam? What impact, if any, has that had on other stakeholders in the justice system? (e.g., judiciary, judicial case managers, court administration, Crown, police) In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Please explain why you believe the model has or has not created these efficiencies and what the impact has been. Q8 and Q10
13. Do you have any other comments?

Thank you for your participation.

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

Interview guide for clients

Interviewer will verbally discuss the introduction with the client prior to the beginning of the interview: My name is (NAME) and I am from PRA, an independent research company. The Legal Services Society of British Columbia, you might know them as legal aid, has hired us to help them conduct a study of one of their services, the Expanded Criminal Duty Counsel. The Expanded Criminal Duty Counsel provides advice and assistance to people with criminal law matters in Provincial Court in Port Coquitlam. They do not represent people at trial, but their assistance can include reviewing police reports, having discussions with the Crown counsel, and attending court if a guilty plea is being entered to resolve the case. You might have received assistance from Carmen

Legal aid wants to know how well the Expanded Criminal Duty Counsel is working for clients. We understand you were or still are a client of the Expanded Criminal Duty Counsel. The form you filled out when you first got services from the Criminal Duty Counsel indicated you may be contacted to ask you about their services.

That's why I'm calling today, to invite you to participate in a short survey. Your participation is voluntary.

I'd like to ask you some questions about the help you got from the Expanded Criminal Duty Counsel. Please be assured that I will not ask you anything personal about your criminal law matter, only about the services you received and how helpful these were to you. This information will help the LSS in identifying how the project can be improved.

The interview should take about 15 minutes. The information from your interview will be combined with other interviews and reported all together, so your name will not be mentioned. With your permission, I will audio record the interview for the purpose of note taking. No one outside of PRA will see these notes or hear the recording. If you cannot answer a question, let me know and we will skip to the next question.

First, I'd like to find out more about your experience applying for legal aid.

1. When did you apply for legal aid — was it before your first court appearance, after your first court appearance, or at your first court appearance? (Q4)
2. Did someone tell you to go see legal aid, or did you know where to go get legal aid assistance? (Q4)
 - a. Who told you about legal aid? (*Probe: judge, justice of the peace, sheriff, registry, Crown, another agency*) Who did they tell you to see about getting legal aid? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - b. Where did you go to get legal aid assistance? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - c. (If in person; everyone except those who used call centre) Was there a line to apply for legal aid? (If call centre) Were you put on hold when you called? (Both) About how long did you wait? Did you think the wait was too long or about right?



3. How soon after you applied for legal aid did you meet with the Criminal Duty Counsel? (*Probe: Same day, how many days later*) Did you think the wait was too long or about right? (Q4)
4. How difficult or easy did you find the process of applying for legal aid and getting connected with the Criminal Duty Counsel? What made it difficult/easy? (Q4)

Now, I'd like to ask you some questions about the legal services that you received from the Criminal Duty Counsel.

5. What type of legal assistance did the Criminal Duty Counsel give you? Did they...
 - a. Explain the court process to you?
 - b. Provide you with information on the charges you were facing?
 - c. Explain to you the allegations by the Crown?
 - d. Tell you different ways you might respond to the charges?
 - e. (ONLY CLIENTS ACCEPTED) Attend court with you?
 - f. Any other types of assistance?(Q5)
6. Thinking about the assistance that you received, what was helpful? What was not helpful? (Q7)
 - a. (ONLY CLIENTS NOT ACCEPTED) Did the advice you received from Criminal Duty Counsel help you when you appeared in court? If yes, what ways? (*Probe: did it help you understand the court process? Did it help you understand the case against you? Did it help you know your legal options? Did it help you know where to go to get legal assistance? Did it help you present your position in court?*) If no, what additional advice or information might have assisted you?
7. Did you feel treated with respect by the Criminal Duty Counsel? Please explain why or why not. (Q7)
8. (ONLY CLIENTS ACCEPTED) Were you helped by the same criminal duty counsel each time? (Q5 and Q7)
 - a. If yes, how did having the same lawyer throughout your case help you, if at all?
 - b. If no, how many different criminal duty counsel helped you? How did switching lawyers affect the services you received, if at all? (*Probe: was the new lawyer already brought up to speed on your case? How smooth was the transition between lawyers?*)
9. Is your case ongoing or completed?

10. (ONLY CLIENTS ACCEPTED AND CASE COMPLETED) What was the outcome of your case? I'm going to read several options and let know which ones apply to your situation. More than one can apply. Did you plead guilty, receive alternative measures (such as an order for restitution, community service or counseling), have a peace bond issued, have the proceedings against you stayed, eventually go to trial for a decision on whether you were guilty? (Q8 and Q10)
- a. (If pled guilty) Did the Criminal Duty Counsel attend court with you to enter the plea? Do you think your case was resolved sooner because of the involvement of the Criminal Duty Counsel? Why or why not?
 - b. (If went to trial) Did you have representation by counsel at trial? Did Criminal Duty Counsel refer you to other legal services? If yes duty counsel referred them to other legal services, please specify. Did you receive a legal aid referral for a lawyer, did you hire a lawyer on your own, or did you receive free legal help from another service like Access Pro Bono?
 - c. (all respondents) Were you satisfied with the outcome of your case? Why or why not?
11. (ONLY CLIENTS ACCEPTED) Was there any type of legal assistance that you think you needed but did not get from the Criminal Duty Counsel? (Q5)
12. Overall, were you satisfied with the services you received from the Criminal Duty Counsel? Do you have any improvements that you would like to suggest? (Q7)
13. (ONLY CLIENTS ACCEPTED) Have you had assistance from legal aid before? Was it from legal aid in BC or somewhere else? (let them specify) How would you compare the most recent experience to the one you had before – was it better, worse, or the same? Please explain. (Q8 and Q10)
14. (ONLY CLIENTS ACCEPTED) What would you have done if the Expanded Criminal Duty Counsel service was not available (e.g., plead guilty at your first appearance, hire your own lawyer, represent yourself on your own with no help)? (Q8 and Q10)

Thank you for your participation.

Appendix D – Comparison site selection

Considerations in choosing comparison court locations

In order to assess the impact of the EXP CDC pilot and conduct the efficiency analysis, the evaluation included court data for the Port Coquitlam Provincial Court and two comparison provincial court locations. The comparison court locations were chosen after discussions with representatives of the Strategic Planning, Prosecution Service of the Ministry of Justice and in consultation with LSS and CSB. The choice of comparison court locations was based on several factors.

First, a key consideration was identifying other court locations with Crown file ownership so that the evaluation could, to the extent possible, isolate the effect of the pilot project from Crown file ownership, since both innovations are intended to create greater continuity of counsel (duty counsel and Crown, respectively) and result in more the efficient and earlier resolution of cases. While there is Crown file ownership across the Prosecution Service, there are differences in how it is implemented in assignment court locations compared to other locations. The list of locations with assignment court is below. For each location, Crown file ownership began on the effective scheduling date listed for each site location.

Table 1: Assignment court locations		
Location	Effective scheduling date	Assignment court start date
Port Coquitlam	February 3, 2014	July 7, 2014
Vancouver (222 Main St.)	March 3, 2014	October 20, 2014
Robson Square (Van. Youth) ⁴⁴	March 3, 2014	November 17, 2014
Victoria	April 1, 2014	December 1, 2014
Kelowna	June 2, 2014	January 19, 2015
Abbotsford	June 2, 2014	February 2, 2015
Surrey	May 5, 2014	March 2, 2015

⁴⁴ The EXP CDC only handles adult criminal matters, so Robson Square is not a suitable comparison location.

Second, the choice of comparison court locations also considered contextual factors related to Crown file ownership:

- ▶ **Strong buy-in and adherence:** As the pilot site, Port Coquitlam has strong buy-in and adherence to the file ownership model.
- ▶ **The type of model used:** This varies across the locations. Some offices assign a “front-end” team early in the file, while other offices (like Port Coquitlam) assign the individual Crown.
- ▶ **Size of Crown office:** Port Coquitlam is a small office, so assigning one Crown to a matter early in a case is simpler. The Reports to Crown Counsel (RCCs) were used as a proxy for the size of the Crown office.

Location	Buy-in	Type of model	RCCs
Port Coquitlam	Strong	Individual Crown assigned	2,687
Vancouver (222 Main St.)	Strong	Front-end model	7,851
Victoria	Strong	Front-end model	4,310
Kelowna		Individual Crown assigned	2,630
Abbotsford	Strong	Individual Crown assigned	2,444
Surrey	Strong	Front-end model	8,682

Third, an analysis was completed of relevant CSB data, including new adult and youth (A&Y) criminal cases, percentage of new youth cases, adult and youth completed cases, completion rate, median time to conclusion, and average appearances per concluded case. The data were for all criminal cases for a five-year period (FY 2010–11 to 2014–15). An analysis of these court data was completed by an external consultant hired by CSB, who concluded that while the court data suggested that Abbotsford and Kelowna are not as strongly correlated to Port Coquitlam as other court locations, based on the nature of the Crown file ownership along with the comparability in courthouse size, Abbotsford would appear to be the strongest candidate, followed by Kelowna.

Socio-demographic data

The tables below provide basic socio-demographic data for Port Coquitlam, Abbotsford, and Kelowna. This information is provided simply as context and was not used to determine the comparison locations.

As Table 3 shows, Kelowna has an older population than either Port Coquitlam or Abbotsford.

Table 3: Demographic information from 2011 Census for Abbotsford, Kelowna, and Port Coquitlam						
	Abbotsford¹		Kelowna²		Port Coquitlam³	
	n	%	n	%	n	%
Population	169,923		165,233		309,561	
Male	84,205	49.60%	79,960	48.4%	152,535	49.3%
Female	85,720	50.40%	85,275	51.6%	157,020	50.7%
Age						
Less than 15 years	32,260	19.0%	24,570	14.9%	53,650	17.3%
15–24	23,600	13.9%	21,300	12.9%	43,140	13.9%
25–39	33,085	19.5%	29,165	17.7%	58,730	19.0%
40–54	36,755	21.6%	36,585	22.1%	80,760	26.1%
55–69	27,290	16.1%	31,005	18.8%	49,690	16.1%
70 and older	16,920	10.0%	22,655	13.7%	23,600	7.6%
Married or common-law ⁴	82,850	60.2%	83,265	59.2%	152,380	59.5%
Not married and not common-law	54,810	39.8%	57,405	40.8%	103,540	40.5%

Note: Other than total population, the numbers are estimated to the nearest 5. Therefore, the numbers do not always correspond exactly with the total population figure.

¹Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission.

²Includes, according to census subdivisions, City of Kelowna, District Municipality of West Kelowna, District Municipality of Peachland, District Municipality of Lake Country (includes Oyama and Winfield), and Designated Place of Beaverdell.

³Includes, according to census subdivisions, City of Port Coquitlam, City of Coquitlam, City of Port Moody, City of Pitt Meadows, and District Municipality of Maple Ridge.

⁴Calculated out of those 15 years and older (Abbotsford = 137,655, Kelowna = 140,665, Port Coquitlam = 255,920)

Source: Statistics Canada Census 2011

Port Coquitlam differs from the comparison sites in several respects.

- ▶ Port Coquitlam has more immigrants, more visible minorities, and fewer people self-identifying as Aboriginal than each of the comparison sites.
- ▶ Port Coquitlam has higher education levels than Abbotsford.
- ▶ Port Coquitlam has a lower unemployment rate than each of the comparison sites.

See Table 4.

Table 4: Demographic information from 2011 National Housing Survey for Abbotsford, Kelowna, and Port Coquitlam

	Abbotsford ¹		Kelowna ²		Port Coquitlam ³	
	n	%	n	%	n	%
Population in private households	166,415		161,625		306,520	
Canadian citizen	154,460	92.8%	155,430	96.2%	279,720	91.3%
Immigrant	39,030	23.5%	22,650	14.0%	95,775	31.2%
Non-permanent resident	1,675	1.0%	1,025	0.6%	3,950	1.3%
Visible minority	42,505	25.5%	10,250	6.3%	92,105	30.0%
Aboriginal identity	6,725	4.0%	7,185	4.4%	8,755	2.9%
Population aged 15 years and over	134,180		137,360		252,895	
Education						
No certificate, diploma, or degree	28,970	21.6%	21,520	15.7%	33,775	13.4%
High school diploma or equivalent	41,755	31.1%	38,870	28.3%	73,470	29.1%
Post-secondary certificate, diploma, or degree	63,445	47.3%	76,970	56.0%	145,645	57.6%
Employment status						
Employed	82,355	61.4%	82,155	59.8%	162,065	64.1%
Unemployed	7,345	5.5%	7,175	5.2%	12,005	4.7%
Not in labour force	44,485	33.2%	48,025	35.0%	78,820	31.2%
<i>Unemployment rate</i>		8.2%		8.0%		6.9%
Income						
None	6,985	5.2%	5,175	3.8%	15,550	6.1%
Under \$20,000	50,335	37.5%	46,455	33.8%	85,455	33.8%
\$20,000–\$39,999	33,905	25.3%	36,935	26.9%	54,125	21.4%
\$40,000–\$59,999	20,785	15.5%	24,110	17.6%	43,390	17.2%
\$60,000–\$79,999	11,735	8.7%	12,210	8.9%	26,685	10.6%
\$80,000–\$99,999	5,480	4.1%	5,720	4.2%	13,650	5.4%
\$100,000 and over	4,960	3.7%	6,745	4.9%	14,020	5.5%
Note: Other than total population in private households, the numbers are estimated to the nearest 5; therefore the numbers do not always correspond exactly with the total population figure.						
¹ Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission.						
² Includes, according to census subdivisions, City of Kelowna, District Municipality of West Kelowna, District Municipality of Peachland, and District Municipality of Lake Country (includes Oyama and Winfield). The Designated Place of Beaverdell was not available from the National Housing Survey.						
³ Includes, according to census subdivisions, City of Port Coquitlam, City of Coquitlam, City of Port Moody, City of Pitt Meadows, and District Municipality of Maple Ridge.						
Source: Statistics Canada National Housing Survey 2011.						

Criminal court data

The tables below are based on the cases that have similar charges to the EXP CDC pilot project. These charges were identified from information entered into the pilot database and LSS's Case Information System (CIS), provided to CSB for extracting the court data for use in the study.

The volume of new cases filed is similar across the sites (Table 5).

Table 5: New cases filed			
Year	Port Coquitlam	Abbotsford	Kelowna
2014	980	1,020	1,155
2015	1,066	1,206	1,350

Tables 6 to 9 show the charges for new cases and the new and concluded cases during the two time periods analyzed for the evaluation. All four tables show similarities for three of the most

frequent charges (theft under \$5,000; failure to comply with a probation order; and breach of an undertaking or recognizance). Kelowna differs in two respects from Port Coquitlam and Abbotsford: it has fewer spousal (or domestic) assaults and more cases with charges for possession of a controlled substance and breach of an undertaking under sections 499(2) or 503(2.1) of the *Criminal Code*.

Table 6: 2015 New cases by Most Serious Offence

Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Theft \$5,000 or under	232	22%	159	13%	195	14%
Failure to comply with probation order	220	21%	269	22%	200	15%
Breach of undertaking or recognizance	142	13%	314	26%	221	16%
Assault-spousal	96	9%	154	13%	72	5%
Uttering threats to cause death or bodily harm	58	5%	30	2%	31	2%
Assault	45	4%	29	2%	36	3%
Assault with a weapon	34	3%	40	3%	15	1%
Possession of stolen property under \$5,000	31	3%	27	2%	19	1%
Possession of controlled substance	26	2%	21	2%	150	11%
Possessing a controlled drug/substance for the purpose of trafficking	21	2%	25	2%	38	3%
Willfully resisting or obstructing a peace officer	18	2%	15	1%	23	2%
Being unlawfully at large	18	2%	5	<1%	14	1%
Breach of undertaking under s. 499(2) or 503(2.1)	15	1%	16	1%	182	13%
Robbery	15	1%	3	<1%	6	<1%
Assault causing bodily harm	11	1%	21	2%	25	2%
Driving while prohibited	10	1%	11	1%	12	1%
Fear of injury/damage by another person	9	1%	15	1%	2	<1%
Assault peace officer	8	1%	8	1%	8	1%
Possession of stolen property over \$5,000	8	1%	7	1%	9	1%
Fraud \$5,000 or under	8	1%	5	<1%	2	<1%
Failure to comply with probation order	8	1%	0	-	20	1%
Failing to appear pursuant to court order	5	<1%	4	<1%	24	2%
Assaulting a peace officer engaged in execution of duty	5	<1%	3	<1%	4	<1%
Mischief	5	<1%	7	1%	7	1%
Uttering threats to burn, destroy, or damage property	4	<1%	4	<1%	1	<1%
Fraud over \$5,000	4	<1%	0	-	0	-
Driving while prohibited or licence suspended	3	<1%	3	<1%	1	<1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	2	<1%	1	<1%	6	<1%
Theft over \$5,000	2	<1%	4	<1%	6	<1%
Failing to appear on recognizance or undertaking	1	<1%	0	-	3	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	0	-	0	-
Uttering threats to kill, poison, or injure a person's animal or bird	1	<1%	0	-	0	-
Escape from lawful custody	0	-	1	<1%	1	<1%
Failing to appear	0	-	0	-	1	<1%
Assault with intent to resist arrest or detention	0	-	0	-	4	<1%
Assault peace officer engaged in execution of his duty	0	-	0	-	1	<1%
Break and enter a dwelling with intent or commit	0	-	5	<1%	11	1%
Total	1,066	100%	1,206	100%	1,350	100%

Table 7: 2015 New and concluded cases by Most Serious Offence						
Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	138	25%	139	25%	125	19%
Theft \$5,000 or under	125	23%	60	11%	69	11%
Breach of undertaking or recognizance	85	15%	198	36%	147	23%
Assault-spousal	48	9%	51	9%	33	5%
Uttering threats to cause death or bodily harm	23	4%	10	2%	12	2%
Possession of stolen property under \$5,000	18	3%	8	1%	6	1%
Assault	15	3%	7	1%	13	2%
Assault with a weapon	15	3%	11	2%	6	1%
Being unlawfully at large	12	2%	1	<1%	11	2%
Breach of undertaking under s. 499(2) or 503(2.1)	12	2%	4	1%	83	13%
Possession of controlled substance	12	2%	16	3%	58	9%
Willfully resisting or obstructing a peace officer	8	1%	8	1%	17	3%
Failure to comply with probation order	6	1%	0	-	13	2%
Fear of injury/damage by another person	5	1%	6	1%	1	<1%
Driving while prohibited	4	1%	2	<1%	2	<1%
Assault peace officer	3	1%	4	1%	4	1%
Assaulting a peace officer engaged in execution of duty	3	1%	0	-	0	-
Robbery	3	1%	2	<1%	1	<1%
Possession of stolen property over \$5,000	3	1%	5	1%	3	<1%
Mischief	3	1%	3	1%	5	1%
Failing to appear pursuant to court order	2	<1%	4	1%	15	2%
Assault causing bodily harm	2	<1%	5	1%	6	1%
Fraud \$5,000 or under	2	<1%	1	<1%	1	<1%
Failing to appear on recognizance or undertaking	1	<1%	0	-	0	-
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	0	-	0	-
Uttering threats to burn, destroy, or damage property	1	<1%	0	-	1	<1%
Uttering threats to kill, poison, or injure a person's animal or bird	1	<1%	0	-	0	-
Theft over \$5,000	1	<1%	2	<1%	1	<1%
Possessing a controlled drug/substance for the purpose of trafficking	1	<1%	2	<1%	6	1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	1	<1%
Assault with intent to resist arrest or detention	0	-	0	-	1	<1%
Break and enter a dwelling with intent or commit	0	-	0	-	3	<1%
Driving while prohibited or licence suspended	0	-	2	<1%	0	-
Total	553	100%	551	100%	644	100%

Table 8: 2014 New cases by Most Serious Offence						
Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	222	23%	200	20%	229	20%
Theft \$5,000 or under	214	22%	174	17%	156	14%
Breach of undertaking or recognizance	120	12%	216	21%	178	15%
Assault-spousal	98	10%	126	12%	57	5%
Uttering threats to cause death or bodily harm	56	6%	44	4%	22	2%
Assault	34	3%	27	3%	20	2%
Possession of controlled substance	29	3%	20	2%	144	12%
Possession of stolen property under \$5,000	27	3%	25	2%	16	1%
Assault with a weapon	25	3%	36	4%	12	1%
Possessing a controlled drug/substance for the purpose of trafficking	24	2%	35	3%	33	3%
Breach of undertaking under s. 499(2) or 503(2.1)	22	2%	22	2%	115	10%
Driving while prohibited	17	2%	13	1%	23	2%
Willfully resisting or obstructing a peace officer	15	2%	6	1%	18	2%
Theft over \$5,000	11	1%	8	1%	4	<1%
Fraud \$5,000 or under	10	1%	2	<1%	8	1%
Assault causing bodily harm	9	1%	14	1%	13	1%
Assault peace officer	9	1%	3	<1%	6	1%
Failing to appear pursuant to court order	8	1%	10	1%	31	3%
Being unlawfully at large	7	1%	3	<1%	17	1%
Robbery	6	1%	6	1%	11	1%
Break and enter a dwelling with intent or commit	4	<1%	3	<1%	8	1%
Possession of stolen property over \$5,000	3	<1%	9	1%	5	<1%
Uttering threats to burn, destroy, or damage property	2	<1%	2	<1%	0	-
Assaulting a peace officer engaged in execution of duty	2	<1%	3	<1%	4	<1%
Driving while prohibited or licence suspended	2	<1%	2	<1%	1	<1%
Escape from lawful custody	1	<1%	3	<1%	2	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	1	<1%	1	<1%
Fraud over \$5,000	1	<1%	1	<1%	2	<1%
Mischief	1	<1%	4	<1%	4	<1%
Failing to appear on recognizance or undertaking	0	-	0	-	3	<1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	9	1%
Failing to appear pursuant to summons	0	-	1	<1%	0	-
Assault with intent to resist arrest or detention	0	-	0	-	2	<1%
Assault peace officer engaged in execution of his duty	0	-	1	<1%	1	<1%
Total	980	100%	1,020	100%	1,155	100%

Table 9: 2014 New and concluded cases by Most Serious Offence						
Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	216	23%	190	21%	220	20%
Theft \$5,000 or under	199	22%	151	16%	150	14%
Breach of undertaking or recognizance	117	13%	202	22%	172	16%
Assault-spousal	96	10%	116	13%	57	5%
Uttering threats to cause death or bodily harm	52	6%	41	4%	18	2%
Possession of controlled substance	29	3%	17	2%	137	13%
Assault	28	3%	24	3%	20	2%
Assault with a weapon	25	3%	32	3%	12	1%
Possession of stolen property under \$5,000	25	3%	24	3%	14	1%
Breach of undertaking under s. 499(2) or 503(2.1)	21	2%	21	2%	111	10%
Possessing a controlled drug/substance for the purpose of trafficking	15	2%	19	2%	24	2%
Driving while prohibited	15	2%	10	1%	22	2%
Willfully resisting or obstructing a peace officer	14	2%	6	1%	18	2%
Theft over \$5,000	10	1%	6	1%	4	<1%
Assault causing bodily harm	9	1%	11	1%	12	1%
Fraud \$5,000 or under	9	1%	0	-	8	1%
Failing to appear pursuant to court order	8	1%	10	1%	27	2%
Being unlawfully at large	7	1%	3	<1%	16	1%
Assault peace officer	7	1%	3	<1%	5	<1%
Robbery	6	1%	6	1%	11	1%
Break and enter a dwelling with intent or commit	3	<1%	3	<1%	7	1%
Possession of stolen property over \$5,000	3	<1%	8	1%	5	<1%
Uttering threats to burn, destroy, or damage property	2	<1%	2	<1%	0	-
Assaulting a peace officer engaged in execution of duty	2	<1%	3	<1%	4	<1%
Driving while prohibited or licence suspended	2	<1%	1	<1%	1	<1%
Escape from lawful custody	1	<1%	2	<1%	2	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	1	<1%	1	<1%
Fraud over \$5,000	1	<1%	0	-	2	<1%
Mischief	1	<1%	4	<1%	4	<1%
Failing to appear pursuant to summons	0	-	1	<1%	0	-
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	7	1%
Assault with intent to resist arrest or detention	0	-	0	-	2	<1%
Assault peace officer engaged in execution of his duty	0	-	1	<1%	1	<1%
Total	924	100%	918	100%	1,094	100%

Tables 10 and 11 provide data on legal representation for accused persons during their first two court appearances. The locations have similar results for both 2014 and 2015.

Table 18: 2015 Representation

Representation	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
First - Agent	42	4%	39	3%	30	2%
First - Counsel Present	121	12%	188	16%	159	12%
First - Duty Counsel	382	36%	456	38%	503	38%
First - Counsel Not Present	498	47%	492	41%	618	47%
First - Not Stated	8	1%	13	1%	5	<1%
First - Designated Counsel	0	-	0	-	6	<1%
Total	1,051	100%	1,188	100%	1,321	100%
Second - Agent	73	7%	86	8%	36	3%
Second - Counsel Present	294	30%	358	32%	380	30%
Second - Duty Counsel	219	22%	248	22%	408	33%
Second - Counsel Not Present	383	38%	432	38%	384	31%
Second - Not Stated	24	2%	9	1%	22	2%
Second - Designated Counsel	3	<1%	1	<1%	18	1%
Total	996	100%	1,134	100%	1,248	100%

Note: Totals may not sum to 100% due to rounding.

Table 19: 2014 Representation

Representation	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
First - Agent	31	3%	47	5%	20	2%
First - Counsel Present	133	14%	164	16%	150	13%
First - Duty Counsel	309	32%	350	35%	487	43%
First - Counsel Not Present	488	50%	441	44%	475	42%
First - Not Stated	6	1%	6	1%	5	<1%
First - Designated Counsel	7	1%	5	<1%	5	<1%
Total	974	101%	1,013	101%	1,142	100%
Second - Agent	56	6%	76	8%	32	3%
Second - Counsel Present	261	28%	319	33%	344	32%
Second - Duty Counsel	192	21%	207	21%	414	38%
Second - Counsel Not Present	381	41%	355	36%	277	25%
Second - Not Stated	19	2%	12	1%	9	1%
Second - Designated Counsel	11	1%	9	1%	16	1%
Total	920	99%	978	100%	1,092	100%

Note: Totals may not sum to 100% due to rounding.

Justice Innovation and Transformation Initiatives (JITI)

Evaluation Comparisons of the Expanded Criminal Duty Counsel Project

Outcomes	Performance Measure	Evaluation 2016	Evaluation Refresh 2017
Has the EXP CDC service led to the earlier resolution of cases at the project site?	Average Appearance #	4.1	3.9 (6.5 and 6.2 in non-pilot locations – Abbotsford and Kelowna)
Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation? Are appropriate clients/cases streamed into EXP CDC services? ⁱ	Expanded Service Clientsⁱⁱ	76%	78%
Do clients receive a referral to EXP CDC services in a timely manner?	Early Engagement	63% (had files opened on same day as first appearance)	72% engaged at 1 st appearance ⁱⁱⁱ
Did clients receive services to help them meet their legal needs?	Referrals to other Resources (i.e. Legal Aid)	46 %	97% (52% referred to LSS for legal aid)
Has the EXP CDC service led to greater efficiency for LSS?	Time Spent on Files	2.1 hours for accepted into pilot and .8 for those not accepted but received summary advice.	1.2 to 1.7 hours per file
Has the EXP CDC service led to greater efficiency for the court process at the project site?	Resolution Rates	69%	86%
To what extent has the EXP CDC pilot led to net system savings due to efficiencies gained for LSS and/or other	Time to Resolution (pre-pilot was 197)	56	61 days average (median 43 compared to

areas of the justice system?			101 and 138 at comparable court locations) ^{iv} (As well, Reduced number of appearances at pilot site s.13
Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	Sample Group Interviews (44)	39/44 Satisfied	39/44 satisfied

ⁱ Those who meet eligibility requirements and whose matters are appropriate for an early non-trial resolution ("less serious offences")

ⁱⁱ People who would not have qualified for legal aid services.

ⁱⁱⁱ Improvement attributed to presence of duty counsel in first appearance court, a second admin assistance and ability for client to go directly to Expanded Duty Counsel Office to apply.

^{iv} This project complements two other criminal justice system reforms: Provincial court Scheduling and Crown File Ownership).

Project	Space issues identified	Notes
EXCDC	<p data-bbox="432 501 1010 533">Details of Budget for On-Going Operations</p> <p data-bbox="432 553 1166 685">Following is the breakdown of actual and estimated costs for EXP CDC on-going operations. This budget assumes that all required facilities are provided, and all resourcing in the model is in place.</p> <p data-bbox="480 752 1182 822"><i>NOTE: Impacts of Office Space on EXP CDC Capacity and Services During the Pilot:</i></p> <p data-bbox="480 844 1166 1323">The EXP CDC model requires four offices in the courthouse. In Years 1 and 2, the pilot had two offices and so had one CDC and one CDC Admin. The pilot attempted to acquire space in Year 2, and was able to arrange shared space with the Justice Education Society; however, improvements to the space could not be completed until end of Year 2. In Year 3, the pilot added the third office and a second CDC Admin. Lawyer capacity was increased by more frequent scheduling of roster lawyers, who are temporarily using interview rooms in the courthouse. The second CDC required by the EXP CDC pilot cannot be added until the fourth office is in place. Currently, this role is replaced by extensive use of the lawyer roster, at a more costly rate per hour.</p> <p data-bbox="432 1364 1166 1565">The budget below assumes four offices in the courthouse, two full-time CDCs and two full-time CDC Admins for a location with out-of-custody volumes similar to Port Coquitlam. Day-to-day EXP CDC services are managed by the Lead CDC. General operations and quality control are managed centrally at LSS.</p> <p data-bbox="373 1659 1015 1729">Risks from Insufficient Office Facilities in the Courthouse</p> <ul data-bbox="504 1751 1142 2020" style="list-style-type: none"> • The appropriate number and location of office facilities at the courthouse are essential for success of the EXP CDC model. Each CDC and CDC Admin must have an office that is suitable for interviewing the accused person in private. Location of the office is a strong factor in success. For example, accused persons will leave the courthouse (and not enter the EXP CDC process) if their path through the 	

	<p>building goes past an exit. To prevent this from happening, CDC Admin offices should be clustered together, and should be within easy escorting distance of the CDC offices.</p> <ul style="list-style-type: none"> • EXP CDC can adapt to population changes by modifying its capacity. Increasing capacity would require additional office facilities at the courthouse, but the EXP CDC model would remain consistent. Scaling below a certain capacity might require using the “mobile” EXP CDC model (which is yet to be developed). • EXP CDC supports efficient use of courthouse facilities by reducing the average number of appearances required for each accused person. This effectively increases the capacity of the court system and facilities, and increases the ability to absorb population growth. 	
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**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

Advice to Attorney General

This document contains information protected from disclosure by one or more of the following:

Implied Undertaking	[]
Solicitor-Client Privilege	[]
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Disclosure of information in this BN may constitute an offence under an enactment, result in the waiver of privilege, and prevent government from protecting the information from disclosure or result in a breach of an undertaking to the court.

PURPOSE: For DECISION of Richard Fyfe, QC
Deputy Attorney General

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ISSUE:

Courthouse office space for legal aid services enables efficient and accessible intake and duty counsel services, enabling access to justice and timely resolution of legal issues for families in crises and for individuals charged with crimes.

DECISION REQUIRED/ RECOMMENDATION:

Direction for Court Services Branch and Justice Services Branch to work together on a review of current utilization of Courthouse facilities to identify and prioritize space sharing or dedicated space options for critical access to justice services, in particular family and criminal duty counsel services, legal aid intake and ancillary supports.

SUMMARY:

- The provincial government has an overarching commitment to improve access to justice which includes enhancements to legal aid and duty counsel provision to achieve that access.
- Effective, user-friendly access to legal aid and enhanced criminal, civil and family law services are reliant in part on location of service in or in proximity to courthouse facilities.
- Dedicated office space to support justice transformation initiative such as expanded criminal duty counsel or NR provides continuity and certainty of service as well privacy for legal aid clients.

- Space pressures on CSB facilities, in the short term, is offset in the long term by the proven efficiencies and improvements for justice system outcomes (reduced appearance, reduced delays and alternative to court) that accessible LSS services achieve.

BACKGROUND:

- There are 89 Court locations (including circuit courts) in BC. 44 of these locations are staffed and include registry services. Courthouse facilities management falls under Court Services Branch and Corporate Management Services Branch.
- Courthouse facilities meet the dedicated and temporary space needs of multiple actors in the justice system: judiciary, crown, sheriffs, registry staff, legal aid intake, and numerous other ancillary justice system services.
- Legal Services Society, on behalf of the Attorney General, delivers a number of crucial services to justice system participants including duty counsel advice and support for criminal and family matters, family advice clinics, legal aid intake and support and representation for Immigration & Refugee matters.
- LSS contracted lawyers have dedicated office space at some court locations, ad hoc space at others and at times have to resort to offering legal advice and intake in the courthouse hallways.

NR

- Duty counsel services are a key part of the function of the courts, similar to Crown and Sheriffs, and require space to achieve optimal, accessible service which meets safety, privacy and efficiency/certainty requirements.
- Justice transformation innovation initiatives implemented and evaluated by the Legal Services Society indicate significant improvements to service delivery to legal aid clients as well as to legal outcomes. The ongoing success of these initiatives (Expanded Criminal Duty Counsel, NR) support expansion and implementation of similar services in other court locations across the province, especially in remote and rural communities.

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- Improvements to space allocations for legal aid intake services is also needed to ensure that legal aid services is timely and accessible in order to meet its objectives of reducing unnecessary churn in the justice systems (early advice and better

preparation reduces number of appearances and potentially offers alternative solutions to court processes)

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DISCUSSION:

Justice transformation initiatives and technology will likely affect the volume and nature of court activity and potentially create further pressures on courthouse space. However, many of these initiatives (listed below), in their pilot iterations have proven themselves as effectively addressing justice problems such as court churn, delays and efficiencies.

LSS is proposing expansion of these successful initiatives to other areas of the province:

- Expanded Criminal Duty Counsel (EXCDC)
NR

Expansion of these align with the government's mandate commitment to expand the use of duty counsel, improve and support legal aid, including First Nations legal services, dispute resolution services for families and expanded poverty law services to increase access to justice.

The success of these programs depends on the accessibility of LSS's intake services at courthouses as well as the early availability of its expanded services to persons requiring NR or criminal legal advice.

LSS's programs are linked to effective service delivery mandates of other government agencies. NR
NR

NR

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There is a strong business case for rolling out the expanded criminal and NR counsel models to other locations. The increased presence of duty counsel on site has allowed for the provision of comprehensive law advice, guidance through the legal aid and court system processes. Streamlining intake and advice processes has resulted in positive outcomes for individuals, society and for the court process by reducing appearances and resulting in better outcomes.

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While LSS space requirements place pressures on courthouse space, it must be noted that other justice transformation initiatives as well as courthouse expansion projects underway, without adequate resources and space for legal aid, create a challenging situation for LSS. If the initiatives and expansions allow for more cases to be processed quicker, then implications for LSS capacity needs to be considered.

NR

In the Access to Justice Report 2012, LSS indicated that their Justice Transformation proposals require permanent space in courthouses, in order to be successful (especially Duty Counsel). The reports sites that LSS experiences difficulty securing space at Court House facilities and asked government to address this challenge.

OPTIONS:

Option One (recommended option):

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Cliff: XXXXXX
Date Prepared: Jan 10, 2018
Date Decision Required: Month XX. 201X

Cliff: XXXXXX
Date Prepared: Jan 10, 2018
Date Decision Required: Month XX, 201X

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OTHER MINISTRIES IMPACTED/CONSULTED:

DATE:

Cliff: XXXXXX
Date Prepared: Jan 10, 2018
Date Decision Required: Month XX, 201X

Richard J. M. Fyfe, QC
Deputy Attorney General

RECOMMENDED OPTION APPROVED
or **OPTION ____ APPROVED**
(whichever fits best for the options presented?)

DATE:

Prepared by:
Kashmiro Cheema
Senior Policy Analyst
Justice Services Branch
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Approved by:
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Approved by:
Kurt Sandstrom
Assistant Deputy Minister
Justice Services Branch
250-356-0383

Attachment(s)
LSS Space Requirements – Table 1
Current Courthouse Utilization at Identified Locations – Table 2 (pending information from CMSB)
Making Justice Work – Improving Access and Outcomes for British Columbians – A report to the Minister of Justice and Attorney General, the Honourable Shirley Bond, July 2012



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

Legal Services Society (LSS)

Justice Innovation and Transformation Initiatives

Expanded Criminal Duty Counsel

BUSINESS CASE

for Provincial Expansion

July 15, 2016

Amended:

August 29, 2016

Expanded Criminal Duty Counsel

Business Case for Provincial Expansion

CONTENTS

	Page
EXECUTIVE SUMMARY	
Overview of Expanded Criminal Duty Counsel (EXP CDC)	4
EXP CDC Project and Pilot	4
Results, Stakeholder Benefits, and Cost Benefits	5
Recommended Next Steps and Proposed 5-Year Plan	6
BUSINESS CASE	
Overview of Expanded Criminal Duty Counsel (EXP CDC)	8
1. Issues	8
Primary Issues to be Solved	
Solutions Achieved by EXP CDC	
Principles of an Outcomes-Focused Justice System	
2. Background	10
Considerations with Impact Across the Province of British Columbia	
Conditions Prior to the EXP CDC Pilot	
3. Description of the EXP CDC Project and Pilot	12
Pilot Innovation and Transformation	
Culture Change Impacts of Transformation	
EXP CDC Pilot Database and Diagnostics	
Timeline for the EXP CDC Pilot	
Cost Efficiency of the EXP CDC Project and Pilot	
Achievement of the Project Mandate	
Conclusion: EXP CDC Project Achieves its Mandate on a Cost-Efficient Budget	
4. Comparison of “With” vs. “Without” EXP CDC	16
Description and Diagram of the EXP CDC Model	
Example: Comparing Court System Efficiencies “With” vs. “Without” EXP CDC	
Statistics from the EXP CDC Pilot and Summative Evaluation	
Conclusion: EXP CDC Achieves Essential Service and Court System Efficiencies	
5. Benefits to Stakeholders	24
Benefits to Clients and Society, Including Access to Justice	
Benefits to Justice System and Court Services	
Benefits to Related Services	
Conclusion: EXP CDC is a Comprehensive Solution that Benefits All Stakeholders	

Expanded Criminal Duty Counsel

Business Case for Provincial Expansion

CONTENTS

	Page
6. Analysis of Cost Benefits	28
Summary of EXP CDC Pilot Actuals (Year 1 to Year 2) and Budget (Year 3)	
s.13	
Conclusion: EXP CDC Avoids Court Costs and Is the Most Cost-Effective Service Model	
7. Risks and Assumptions	31
Risks from Insufficient Office Facilities in the Courthouse	
Risks from Transformation and Culture Change	
Risks from Stakeholder Resistance	
Risks from Scaling Down to Service Small and Remote Locations	
Risks from Dependencies and Cost Assumptions in the 5-Year Plan	
8. Future Strategies	32
s.13	
9. Recommended Next Steps	34
s.13	
10. Proposed Funding and Timeline	39
Recommendation: Implement an EXP CDC Core Operation and Provincial Expansion	
Proposed Timeline and Budget	

APPENDICES

I. End Notes and Reference Sources	44
II. Definitions of Key Terms	46
III. Performance Measures	47
IV. Chart of EXP CDC Alignment with Outcomes-Focused Principles	48
V. Provincial Court Criminal Courtroom – Estimated Hourly Cost (see attached document)	52
VI. “With” vs. “Without” Cost Comparison	53
VII. EXP CDC Budget and Cost Details	54
VIII. Data Limitations in the Summative Evaluation	57
IX. EXP CDC Summative Evaluation (see attached document)	

Expanded Criminal Duty Counsel

Business Case for Provincial Expansion

EXECUTIVE SUMMARY

Overview of Expanded Criminal Duty Counsel (EXP CDC)

The Expanded Criminal Duty Counsel (EXP CDC) Project is one of 5 Justice Innovation and Transformation Initiatives (JITI) at the Legal Services Society (LSS). The Ministry of Justice provided LSS \$2 million a year for 3 years (April 2014 – May 2017) to fund EXP CDC and other JITI projects.

The EXP CDC Project expands upon the existing out-of-custody CDC services that provide brief drop-in criminal law advice to accused persons. The project's objective is to develop, pilot test, and optimize an expanded model for out-of-custody criminal duty counsel services that achieves early resolution of files, contributes to court efficiency, and complements criminal justice system reforms, such as the Crown File Ownership policy, and achieves greater benefits to accused persons and society. The EXP CDC model also expands services to unrepresented accused who do not qualify for legal aid representation but who need support to navigate the court system, which increases both access to justice and court system efficiencies.

Prior to the EXP CDC Project, there was little data to identify who was using CDC services and how much time it was taking to reach a resolution. The project began with an incomplete understanding of the core issues, but as the project progressed, more issues were uncovered and addressed. For example, the perspective at project initiation focused on improving CDC support for accused persons as the means to facilitate early resolution. However, upon soft-launch in January 2015, the project team identified that accused persons were getting lost in the court process, and that helping them to navigate the court system would create new efficiencies and help to avoid costs.

EXP CDC Project and Pilot

The EXP CDC Project began on April 1, 2014. Year 1 (2014 – 2015) focused on research and innovation of the new model and business systems. The EXP CDC Pilot at Port Coquitlam launched on February 27, 2015. Year 2 (2015 – 2016) involved extensive pilot testing, evaluation, improvement, and capacity expansion. Year 3 (2016 – 2017) will develop quality-control mechanisms, business requirements and management reporting before winding down pilot operations for project close out on March 31, 2017.

The EXP CDC Project took the view that, to achieve significant new efficiencies, it must do more than just modify the pre-existing CDC services. It had to establish an EXP CDC model that helped clients engage the court system more effectively. The project applied a structured innovation methodology to investigate and address the core issues impeding efficiency. While doing so, the project discovered that the court system at the pilot location (Port Coquitlam) was bogged down by accused persons getting lost in the

process, and that this needed to be rectified before any related court system improvements could have real impact. As a result, in addition to expanding and improving CDC services, the project took on the task of streamlining the flow of CDC clients moving through the court process and between court system stakeholders.

This Business Case includes a comparison of the court process “With” vs. “Without” the EXP CDC model. It contrasts the experience of an accused person struggling through the court process by themselves vs. navigating the court process supported by EXP CDC services. It illustrates a court process that generates 3 appearances per case compared to one that generates 10 appearances per case. In addition to facilitating fewer appearances, the scenario “With” EXP CDC is less likely to lead to a trial than the scenario “Without” EXP CDC, adding potentially significant system efficiencies due to fewer matters being scheduled for trial.

Results, Stakeholder Benefits, and Cost Benefits

The stakeholder benefits of EXP CDC include personal and societal benefits as well as efficiencies. Judges, Justices of the Peace (JPs), Judicial Case Managers (JCMs), Crown, registry, and legal services personnel carry out their tasks more efficiently and effectively. Accused persons can move through the court process sooner and get on with their lives.

In the Summative Evaluation, quotes from accused persons note that the EXP CDC services are:

“100% better. Just because the last lawyer [pre-pilot] wasn't so friendly and didn't want to listen. He just wanted to get it over with. The duty counsel [EXP CDC] wanted to hear my story of what happened.”

“Way better. Just the person who helped me this time was 100 times better than the last time I used legal aid [pre-pilot]. She kind of solved a lot of it for me. She was the nicest person I have ever met in my life.”

— Summative Evaluation, p. 34

“They explained the charges I was being faced with and what my options were and what route we could go. I explained my situation, and he explained the outcome of what was going to happen. He told me the best way to go without being criminally charged.”

— Summative Evaluation, p. 30

EXP CDC stakeholders commented on important efficiency gains for the court system. The Summative Evaluation for EXP CDC reports:

The EXP CDC approach is considered to give more meaningful summary advice to clients as well as better facilitating resolutions for its expanded service clients.

External key informants believe that the pilot project has reduced the churn of unrepresented accused persons in the system who appear multiple times without counsel.

The pilot project is considered to enter into plea negotiations with Crown earlier and the temperament/approach of criminal duty counsel (lead and roster) is considered conducive to achieving appropriate early resolutions to cases.

External key informants have also noticed that summary advice clients come back to court, even if still unrepresented, better prepared.

— *Summative Evaluation, p. 41*

Results from the Summative Evaluation show that average time to resolution dropped from 197 days for cases that began pre-pilot to 56 days for cases that began during the pilot, a reduction of 71.6%.

Where the first appearance was before the pilot's inception, the average time between the first appearance and resolution is 197 days. Where the first appearance was after the pilot's inception, the average number of days between the first appearance and resolution is 56 days.

— *Summative Evaluation, p. 43*

The Summative Evaluation reports that, from March 2015 to October 2015, the average number of appearances per case reduced from 7.4 for cases that began pre-pilot to 3.8 for cases that began during the pilot.

An analysis of pilot data looking beyond this date range, to between February 27, 2015 and June 30, 2016, shows the continuing downward trend of several statistics, including duration from first appearance post-bail or first contact with the CDC to resolution, numbers of appearances, and average time spent by the CDC on each case. For recent cases opened after October 1, 2015, and closed between April 1, 2016 and June 30, 2016, the averages are 3.51 appearances per case, with 1.38 appearances before contact with EXP CDC, and 2.13 appearances after first contact with EXP CDC.

The Summative Evaluation reports that:

When comparing the pilot's resolution rate for new cases to the [comparator] court locations, the results demonstrate the pilot's ability to resolve a higher proportion of its matters during the eight month period available for the comparison (March to October 2015). The EXP CDC has resolved 69% of its cases compared to 44% in Kelowna and 39% in Abbotsford.

— *Summative Evaluation, p. 32*

Cost benefits can be estimated based on reduced appearances for cases that began pre-pilot or began during the EXP CDC Pilot. Based on a reduction from 7.6 to 3.8 appearances per case, the EXP CDC Pilot in Port Coquitlam generated an estimated cost avoidance of \$97,560 in Year 2 (2015 – 2016). This does not include potential further cost avoidance due to cases that did not set a trial date, and does not include other societal cost benefits. The amount of \$97,560 for 271 cases equates to \$360 in cost avoidance per EXP CDC full service case.

Recommended Next Steps and^{s.13}

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Expanded Criminal Duty Counsel

Business Case for Provincial Expansion

BUSINESS CASE

Overview of Expanded Criminal Duty Counsel (EXP CDC)

The Expanded Criminal Duty Counsel (EXP CDC) Project is one of 5 Justice Innovation and Transformation Initiatives (JITI) at the Legal Services Society (LSS). The Ministry of Justice provided LSS \$2 million a year for three years (April 2014 – May 2017) to fund EXP CDC and other JITI projects.

The EXP CDC Project's objective is to develop, pilot test, and optimize a new model for out-of-custody criminal duty counsel services that achieves early resolution of files, contributes to court efficiency, and complements criminal justice system reforms, such as Crown File Ownership policy. The new model expands services to unrepresented accused who do not qualify for legal aid representation but who need support to navigate the court system. As a result, both access to justice and court system efficiencies increase.

1. Issues

Prior to the EXP CDC Project, there was little data to identify who was using CDC services, what services were being provided, and, if CDC was assisting with resolution discussions, how much time it was taking to reach a resolution. The project began with an incomplete understanding of the core issues, but as it progressed, more issues were uncovered and addressed. For example, at project initiation in April 2014, the focus was on improving CDC support for accused persons as the means to facilitate early resolution. However, upon soft-launch* in January 2015, the project team identified that accused persons were getting lost in the court process, and that helping them to navigate the court system would create new efficiencies and help to avoid costs.

** "Soft-launch" is the project phase during which the EXP CDC model was customized to address issues and needs unique to the pilot location. "Full-launch" of the pilot was on February 27, 2015.*

Primary Issues to Be Solved

- Accused persons required many appearances to navigate the court process, which created churn in the court system and generated unnecessary costs.
 - Many accused persons set trial dates in order to put an end to the remand court process.

- Once a trial date is set, that time is reserved on the court schedule and is unavailable for other priorities. If the trial is cancelled, there is a significant likelihood that the court schedule will not be filled with another matter.
- Crown, police, and witnesses must prepare for the case even though it is unlikely to proceed, leading to wasted time for everyone involved.
- There was a culture of just setting a trial date when faced with barriers to early resolution.
 - Accused persons not able to move efficiently through the court process may set a trial date just to end the process.
- Many accused persons not eligible for legal aid were still not able to afford a lawyer and moved through the court process without sufficient guidance, which added to the churn:
 - Accused persons were not able to advocate on their own behalf because they did not understand their legal jeopardy, consequences, and options.
 - Crown was not able to negotiate early resolution with an unrepresented accused person, due to professional limitations that prevent conflict of interest.
- The Criminal Duty Counsel (CDC) was overwhelmed by demand for their services, and was limited to providing very brief advice to accused persons on a drop-in basis:
 - The CDC rarely had time to address resolution, guide accused persons through the court process, or advocate on behalf of the client.
 - The CDC changed every week; there was no continuity of counsel, which impeded the opportunities by everyone involved to negotiate a reasonable early resolution.
- New justice system initiatives required a counterpart to negotiate on behalf of the accused or prepare the accused for court, which did not exist under the pre-pilot CDC model:
 - Crown File Ownership – to discuss a resolution, Crown needed to speak with the CDC for the accused; this policy needed the CDC to have “ownership” of the defence file.
- There were no resources to screen or triage CDC clients, to oversee or provide quality control on legal services, or to identify and address the issues noted above.

Solutions Achieved by EXP CDC

The EXP CDC Project solved the above issues by achieving the following:

- A more effective and efficient system for the early resolution of cases, which also addresses the conditions that lead to inappropriate scheduling of trials
- A more effective and efficient system for increased access to services for clients, including providing enhanced services to clients who would not otherwise qualify for legal aid
- An outcomes-focused system that advocates for accused persons and seeks to obtain the best resolution for the accused
- An outcomes-focused system that serves as an effective counterpart to other justice system initiatives with similar aims

- Effective oversight and quality control of the EXP CDC model and services that maintains continuity and consistency of service

Principles of an Outcomes-Focused Justice System

The EXP CDC Project adopted the principles of an outcomes-focused justice system defined in *Making Justice Work*. The new EXP CDC model achieves all of the principles defined below. For a full description of each principle, and how it is achieved by this pilot service, see Appendix IV: Chart of EXP CDC Alignment with Outcomes-Focused Principles.

An outcomes-focused justice system should be based on the following principles: effective, integrated, accessible, fair, appropriate and proportionate, timely, efficient, affordable and accountable.

— *Making Justice Work*, p. 12.

Principles		Focus on Outcomes
Effective	✓	Pilot is user-centred and focuses on what people want and need to resolve their legal problems.
Integrated	✓	Pilot works with government and community agencies to facilitate user access to services that address the underlying issues.
Accessible	✓	Pilot provides user-focused services and procedures that are easy to find and use for all people.
Fair	✓	Pilot is grounded in the rule of law, protects rights, and respects independence.
Appropriate and Proportionate	✓	Pilot helps individuals find the most appropriate route for dealing with their legal problems. Services are proportionate to the problem.
Timely	✓	Pilot supports access to early resolution and encourages people to take early action to resolve their legal problems.
Efficient	✓	Pilot makes best use of available resources. Its processes take the least amount of time, effort, and money to produce fair outcomes.
Affordable	✓	Pilot ensures that the court process matches the problem and that the public understands the range and cost of pathways to resolution.
Accountable	✓	Pilot sets goals and collects, analyzes, and reports publicly on the costs and outcomes, and effectiveness of agencies.

2. Background

The focus of the EXP CDC Project was to develop, pilot test, and optimize a new model for out-of-custody criminal duty counsel services that would address the primary issues across the province and issues specific to the pilot location. The following background considerations and the conditions prior to the pilot were key factors in the new model's design.

Considerations with Impact Across the Province of British Columbia

Only 51% of British Columbians have a great deal or quite a lot of confidence in the justice system.¹ Various reports² have raised specific concerns about the criminal justice system in British Columbia, including:

- Case backlogs, delays³, and the cost of court appearances.
- Inefficient systems and work processes, including an increase in the number of administrative (and unproductive) appearances that are used as a “bring forward” system for Crown and defence counsel.
- Lack of “systems thinking,” integration, and coordination between the different parts of the justice system.
- Insufficient/ineffective incentives and processes to encourage early, principled resolutions;
- Inefficiencies in the traditional duty counsel model, where defence counsel provide service on an ad hoc, time-limited basis, and accused may need to speak to several different lawyers before resolving their case.
- Inefficiencies created by unrepresented accused; Crown counsel cannot engage in informal plea discussions without effective defence counsel; both are necessary for the criminal justice system to work properly.
- “Failure of the criminal justice system to be sufficiently concerned about outcomes...” and lack of fairness/access to justice for unrepresented accused, such as pleading guilty “just to get it over with” or without fully understanding the consequences of a conviction and criminal record.

Without proper representation, pre-trial processes such as disclosure...and plea bargaining are ineffective, and unrepresented accused are left floundering with complex processes, procedural, evidentiary, and legal issues...the individual is at far greater risk, the system itself breaks down or takes significantly more time, and the costs to the system are substantially increased. The burden on the courts and the system is much heavier...and this [also] results in unfairness to the accused.⁴

Reforms that have been recently implemented to address some of these concerns include:

- The BC Provincial Court completed implementation of its Provincial Court Scheduling Project in fall 2015, with the aim of simplifying the front-end criminal process across BC and to introduce Assignment Court for trial readiness in 7 court locations.
- The Ministry of Justice, Criminal Justice Branch introduced a Crown File Ownership program to increase continuity of Crown counsel file management and “to facilitate principled resolution at an earlier stage where feasible.”⁵

Conditions Prior to the EXP CDC Pilot

The following summarizes the conditions at the EXP CDC Pilot location (Port Coquitlam) prior to implementation of the new EXP CDC model:

- All parties in the court system operated in isolation, including JPs, Crown, CDC, and Legal Aid Intake, and directed the client to each other without ensuring that the client actually made contact.
 - CDC and Crown had no regular contact to discuss resolution, which limited the effectiveness of Crown File Ownership (a policy aimed at achieving earlier resolution).
 - A roster of criminal duty counsel took turns providing brief advice on a drop-in basis.
 - There was no continuity of advice, since a different lawyer was on duty each week.
 - There was limited ability for duty counsel to guide the client through the court process, or to advise a self-represented client attempting to prepare for guilty plea or trial.
 - Demand for services was higher than could be provided by 1 CDC per day, creating unacceptably long wait times and adjourned court dates.
- Clients appeared repeatedly in court without moving forward in the process, and relied on the court system to guide them through next steps.
 - Clients could not decide whether they would set the matter for trial.
 - Clients would set a matter for trial with no plan to be prepared for trial.
 - Many clients had inadequate skills to guide themselves through the criminal justice system, resulting in inefficient use of court time and resources.
 - A majority of clients going into the system would not retain a lawyer, and would move through the court system with little or no assistance.
- There were no client records, no case records, and limited data on the profile and volume of accused persons using CDC services or circulating through the court system.
 - There was no ability to predict the likely trajectory of a matter.

3. Description of the EXP CDC Project and Pilot

The EXP CDC Project began on April 1, 2014. The project team took the view that, to achieve significant new efficiencies, it must do more than just modify the pre-existing CDC services. The project applied a rigorous innovation methodology to investigate and address the core issues impeding efficiency. While doing so, the project team discovered that the court system at the pilot location (Port Coquitlam) was bogged down by accused persons getting lost in the process, and that this needed to be rectified before any related court system improvements could have real impact.

As a result, in addition to expanding and improving CDC services, the project took on the task of streamlining the flow of CDC clients moving through the court process and between court system stakeholders.

Pilot Innovation and Transformation

The new EXP CDC model addressed all of the primary issues, provincial considerations, and pre-pilot conditions identified above. Following are some of the core innovations developed by the project:

- Accused persons who did not previously qualify for legal aid now receive assistance to resolve cases before trial dates are set.
- Accused persons are directed to the CDC Admin office, which is in a permanent location.
- CDC Admin staff screen and triage clients, set appointments and maintain file records.
- Full-time CDCs see clients by appointment; provide advice; identify appropriate cases for early resolution; and alert Crown, the court, and sheriffs to clients who need to be seen.
- Accused persons are assisted by EXP CDC staff to prepare for appearances, and have an advocate in the CDC who negotiates on their behalf.

Following is some feedback about the EXP CDC model and pilot operation received by the EXP CDC Pilot team. These are consistent with the findings of the Summative Evaluation:

- CDC clients on remand days are coming to court organized and prepared, so that they can be more efficient, and the court appearance is productive.
- Judges, JPs, and Crown report that the new model of EXP CDC creates an efficient process that enables all parties to work effectively.

Culture Change Impacts of Transformation

The EXP CDC Project focused on what the new model and pilot operation needed to do to solve the issues. The benefit of this approach was that the EXP CDC Project identified solutions that addressed the issues effectively. The consequence was that the new EXP CDC model required stakeholders to carry out services in ways that were different from what they were used to doing before. And in some cases, it required participants to develop new skills, or rewrite old habits.

This culture change is essential to achieving the results; however, it adds to the EXP CDC model a challenge and requirement for outreach, education, training, support, oversight, and quality control that will be on-going after implementation. These change impacts are addressed in the plans for risk management and for provincial expansion (see Section 7: Risks and Assumptions, and Section 9: Recommended Next Steps).

Following is a summary of the change impacts:

- CDC and lawyer roster, CDC Admin and Intake, accustomed to working independently, had to become part of a team with leadership and support, and adhere to prescribed processes, standards, and forms.
- Intake, CDC Admin, and CDC had to adjust to a significant increase in volume of clients as accused persons in the court system were identified and redirected to EXP CDC services.
- Accused persons had to adapt to seeing the CDC by appointment, and being required to provide relevant documents and complete tasks in order receive service.
- The expanded service, including advice on preparing for court, encouraged and empowered accused persons to self-represent when they had exhausted other options.
- Stakeholders required outreach and education to understand the new model and services; JCMs, Crown, and sheriffs now monitor and direct each other to maintain the model.

- The Court registry, JCMs, JPs, and Crown all had to adapt to the new model and processes; this included modifying their own processes to gain optimal benefit.
- The tariff bar, who initially expressed dissent with the changes, are beginning to recognize that the new EXP CDC model has benefits for the tariff bar.

EXP CDC Pilot Database and Diagnostics

Before the EXP CDC Project, there was no data tracking individual accused persons using CDC services, and limited ability to monitor their progress in moving through the court system. There was no ability to estimate what level of service would be sufficient to address the issues, and no way of measuring whether service changes actually brought about an improvement.

To address this, the EXP CDC Project developed the Pilot Database — a system that tracks EXP CDC clients from first appearance to resolution. This system captures key points on each EXP CDC client, including profile, case information, services provided, data for running diagnostics on service quality and consistency, and data for measuring the efficiency of case progress towards a resolution.

The EXP CDC Pilot Database was designed as a temporary system to support innovation activities during pilot testing. It includes a ^{s.15}

s.15

s.13; s.15

Timeline for the EXP CDC Pilot

The EXP CDC Project methodology for innovation and transformation involved a series of iterative steps, carried out in phases of one year duration:

- Year 1 (2014 – 2015): Develop and launch the EXP CDC model and pilot operation.
- Year 2 (2015 – 2016): Assess and optimize the EXP CDC model and pilot operation.
- Year 3 (2016 – 2017): Confirm results and establish controls to sustain the results.

Key dates achieved for the EXP CDC Pilot are:

- | | | |
|---------------------|-------------------|--|
| • Start date: | April 1, 2014 | (Initiate innovation and design of model) |
| • Soft launch: | January 1, 2015 | (Customize model to match pilot location) |
| • Full launch: | February 27, 2015 | (Pilot customized and ready for testing) |
| • Evaluation: | October 31, 2015 | (Process evaluation on the pilot model) |
| • Pilot optimized: | February 29, 2016 | (Pilot testing and optimization is complete) |
| • Final evaluation: | June 30, 2016 | (Summative Evaluation on the pilot results) |

Future dates to be achieved for the EXP CDC Pilot are:

- Pilot sustained: November 30, 2016 (Quality control in place to sustain results)
- Begin close-out: December 1, 2016 (Halt intake; wind down pilot operations)
- Project archive: January 31, 2017 (Document final model and database system)
- End close-out: March 31, 2017 (Project and pilot operation are closed out)

Cost Efficiency of the EXP CDC Project and Pilot

The total JITI projects budget was \$6 million, evenly distributed over 3 years. The following table summarizes the EXP CDC Project budget (which is one-fifth of the total JITI project budget) along with the EXP CDC Pilot actuals and budget for Years 1 to 3:

EXP CDC Project and Pilot Budgets	Year 1 Actuals	Year 2 Actuals	Year 3 Budget	TOTALS
	\$	\$	\$	\$
1/5 th of JITI Project budget	307,167	174,571	121,521	603,259
EXP CDC Pilot budget	44,061	202,838	289,467	536,366
TOTAL Budget allocated to EXP CDC	351,228	377,409	410,988	1,139,625
TOTAL JITI Budget for all 5 JITI projects	2,000,000	2,000,000	2,000,000	6,000,000
% of JITI Budget Allocated to EXP CDC	17.56%	18.87%	20.55%	18.99%

The 5 JITI projects, including EXP CDC, were managed and designed as a program. The pilot models were all designed with a common structure and modular components that could be interchanged. Thus, components that were developed, tested and improved in one project were repurposed to other projects with modest modifications.

This synergistic approach applied economies of scale to the JITI projects and enabled the respective project Teams to accomplish much more on each individual project than would have been possible if the projects were individually managed.

The JITI project budget was managed as a program budget, with each project sharing development activities as well as the overall project costs. This enabled the JITI project to reallocate funds across projects in a manner that achieved best use of funds.

Major cost components of the JITI projects include the following, with the EXP CDC Project costing \$603,259 over 3 years:

- Project management: Provide project management and business engineering
- Pilot development: Develop the model, data systems, training, and quality control
- Pilot implementation: Integrate pilot services with LSS policies, intake, admin, other
- Evaluation: Produce process evaluation and summative evaluation
- Infrastructure: Set up pilot data systems, facilities, furniture, equipment

Achievement of the Project Mandate

The EXP CDC Project involved a Ministry of Justice working group and stakeholder input during development, testing, and improvement. The Ministry Working Group collaborated in developing the project principles, priorities, and objectives; provided information on considerations for design decisions; and assisted in a variety of other project activities. The Summative Evaluation found that:

The EXP CDC Pilot was largely operated as expected in its first year. The pilot project adhered to its core innovations of more extended support to clients, increased scope of the type of clients being served, and continuity of duty counsel. At the same time, the pilot project demonstrated flexibility in responding to challenges.

— *Summative Evaluation, p. 13*

Overall, external and internal key informants believe that pilot project has operated better than they expected in many ways. In particular, they commented that it has noticeably reduced the “churn” of accused persons who appear multiple times in court without representation by counsel before they apply for legal aid, hire private counsel, or are prepared to proceed without representation and enter a guilty plea. They also believe that the pilot project has increased early resolutions.

— *Summative Evaluation, p. 16*

Conclusion: EXP CDC Project Achieves its Mandate on a Cost-Efficient Budget

The EXP CDC Project executed its mandate on time and within a total 3-year budget of \$1,139,625 (at time of writing), of which about \$603,259 was for its 1/5th share of project activities and about \$536,366 was for EXP CDC Pilot operations. By applying innovative methods, program management and economies of scale across 5 projects, the overall JITI initiative achieved cost efficiencies and effective use of funds for the EXP CDC Project and pilot.

4. Comparison of “With” vs. “Without” EXP CDC

Prior to the EXP CDC Pilot, accused persons who could not retain a lawyer had to navigate the criminal justice system on their own. This was a task that proved difficult for many, and resulted in many ineffective appearances in court as accused persons tried to get through the process.

The EXP CDC model established an orderly process that was simple enough for all stakeholders to follow, and that effectively guides accused persons through the court system. This, combined with enhanced legal advice that explains the process, has created significant new efficiencies.

Description and Diagram of the EXP CDC Model

Figure 1 illustrates the process an accused person follows “With” the CDC model. Steps 1 through 4 all happen within the space of a few hours. Steps 4 to 6 usually happen within 14 days. Following that, the accused may need a few more appearances to address matters specific to their case.

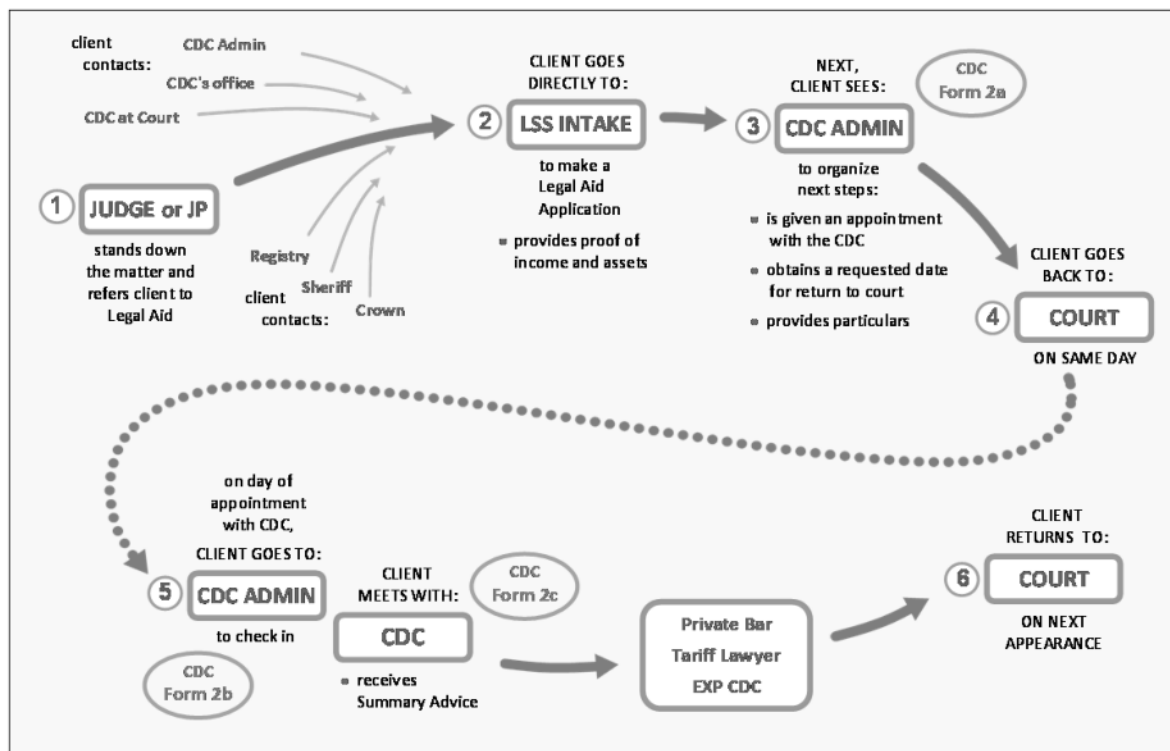


Figure 1: The process for accused persons from first to second court appearance "With" the EXP CDC model.

The chart in the next section outlines an accused person's steps through the criminal justice system. It compares the process "With" EXP CDC vs. "Without" EXP CDC.

Example: Comparing Court System Efficiencies "With" vs. "Without" EXP CDC

The scenario is based on an accused person "Without" EXP CDC requiring 197 days to get to the end of the court process. Assuming that the time between appearances is 14 days (a common practice in the pilot location), the duration of 197 days could generate a possible 14 appearances.

Contrast this with an accused person "With" EXP CDC requiring 56 days to get to the end of the court process. Using the same assumption as above, the duration of 56 days could generate a possible four appearances.

These figures are drawn from the Summative Evaluation, which states that average time to resolution dropped from 197 days for cases that began pre-pilot to 56 days for cases that began during the pilot, a reduction of 71.6%.

Where the first appearance date was before the pilot's inception, the average time between the first appearance and resolution was 197 days. Where the first appearance was after the pilot's inception, the average time between the first appearance and resolution was 56 days.

The pre-pilot cases appear to reflect what has been called the "churn" that occurred under the previous system. Once these clients had their first meeting with EXP CDC

duty counsel, their average time to resolution was 56 days. This result demonstrates the pilot's potential to reduce the time to resolution by minimizing this churn.

— *Summative Evaluation*, p. 32

More recent statistics drawn from the Pilot Database suggest that duration from first appearance to resolution has reduced to below 45 days (see Table 1 after the comparison chart). Assuming the same 14 days between appearances as above, this would generate about 3 appearances.

Scenario: An Accused Person Navigates the Criminal Court Process

The scenario below contrasts the experience of an accused person taking 3 appearances "With" EXP CDC vs. an accused person taking 10 appearances "Without" EXP CDC. It illustrates how it is possible to reduce the number of appearances to 3 or less, and why it is realistic to take 10 or more. In addition, the scenario "With" EXP CDC has greater potential for significant system efficiencies because it leads to fewer matters being scheduled for trial.

Process	"WITH" EXP CDC	"WITHOUT" EXP CDC
Court Appearance #1	<ul style="list-style-type: none"> Client is given their particulars and sent to register with Legal Aid. Client goes to CDC Admin, applies for legal aid, gets requested date for next appearance and appointment with CDC. Client returns to court on same day, requests date of next appearance. Matter is put over to requested date. 	<ul style="list-style-type: none"> Accused appears, is given their particulars, and told to consult with counsel (private lawyer or the CDC). Matter is put over for two weeks. Accused likely waited in line to see CDC (and may not have seen them; if not, will try again at next appearance).
Court Appearance #2	<ul style="list-style-type: none"> Client has seen the CDC, has provided particulars and proof of income. CDC has reviewed and prepared for client's case, met with Crown, and is ready to resolve matter. <i>(Or client is referred out.)</i> 	<ul style="list-style-type: none"> Accused appears again, and tells judge or JCM that the lawyer or CDC said they should apply for legal aid. Matter is put over for two weeks (to get Legal Aid application in).
Court Appearance #3	<p>OPTIONAL:</p> <ul style="list-style-type: none"> If matter requires extra time, then matter gets resolved at this appearance or a planned appearance. 	<ul style="list-style-type: none"> Accused appears again, says Legal Aid needs proof of income. Matter is put over for 2 weeks (to await decision from Legal Aid). <p>NOTE: This step may repeat many times before representation is achieved. Some will receive representation contracts at this stage, and a lawyer will review disclosure and put it over for 2 weeks.</p>

Process	"WITH" EXP CDC	"WITHOUT" EXP CDC
Court Appearance #4		<ul style="list-style-type: none"> • Accused appears again, and says they do not qualify for legal aid. • Accused is sent back to see the CDC (a different one than before). • Matter is put over for 2 weeks. • CDC sends accused to law students.
Court Appearance #5		<ul style="list-style-type: none"> • Accused appears again, and says they have appointment with law students. • Matter is put over for 2 weeks. <p>NOTE: This step may repeat many times until accused sees the law students.</p>
Court Appearance #6		<ul style="list-style-type: none"> • Accused appears again, and says law students cannot handle their case. • JCM sends them to another CDC (different than before). • Matter is put over for 2 weeks • CDC sends accused to pro bono services.
Court Appearance #7		<ul style="list-style-type: none"> • Accused appears again, says CDC sent them to pro bono lawyer; they have an appointment with the lawyer. • Matter is put over for 2 weeks, with the comment that they will have to see the judge on their next appearance.
Court Appearance #8		<ul style="list-style-type: none"> • Accused appears again, and says pro bono lawyer cannot take their case. • Judge sends accused to see another CDC, with the comment that they will have to set a date at the next appearance. • Matter is put over for 2 weeks. <p>NOTE: This step may repeat with the accused telling the judge that they could not find a lawyer, and the judge putting the matter over for two weeks to give the accused more time to find a lawyer.</p>

Process	"WITH" EXP CDC	"WITHOUT" EXP CDC
Court Appearance #9		<ul style="list-style-type: none"> • Accused appears again, and says they still could not find a lawyer. • Judge sets trial date with the accused, who is self-represented. <p>OR</p> <ul style="list-style-type: none"> • Accused pleads guilty, either on their own, or assisted by another CDC, to end the court process
Court Appearance #10		<ul style="list-style-type: none"> • Accused appears on trial date. • Judge asks if they had legal advice; if not, Judge may send accused to CDC for advice. • Crown may make last-minute offer to resolve matter, and if so, judge sends accused to CDC to discuss the offer. • Accused sees a different CDC than before, and tells their story again. • CDC either assists accused in pleading guilty or tells accused they have to proceed on their own through a trial.
IMPACTS	<p>By appearance two or three, the client and CDC are ready to resolve the matter or are engaged in resolution discussion.</p> <p>OR</p> <p>a representation lawyer has been appointed.</p> <p>OR</p> <p>client has been referred to private bar and/or pro bono services.</p>	<p>To this point, appearances have moved the accused along on the process, but there has been no engagement to discuss a resolution.</p> <p>Some accused give up before this point, and plead guilty just to end the process.</p>

As the above scenario "Without" EXP CDC illustrates, attempts to navigate the court process can be frustrating, and can encourage accused persons to fix a trial date just to put an end to the process. The rationale is often: "If I set a trial date, I don't have to keep coming back every two weeks," or "If I set a trial date, I can leave here today and not have to come back for a long time."

The accused person sets a trial date, which then ties up court resources. Court time is scheduled and not available for other trials; all participants in the trial (including Crown, police officers and civilian witnesses) have to block off time; a new Crown is assigned and has to spend time becoming familiar with the file, notifying witnesses, conducting interviews, and otherwise preparing for trial.

In contrast, the accused person in the above scenario “With” EXP CDC receives advice and advocacy from the CDC, who is able to streamline the court process. If there can be a negotiated resolution of the matter, the accused achieves a resolution within a few appearances, and is able to put the matter behind them and get on with their lives. If the matter cannot be resolved except by trial, the accused person has been made aware of their options for representation, and the trial (that may in fact run) is appropriately and more efficiently set.

The scenario “With” EXP CDC has become the regular process at the pilot location, with most cases achieving resolution about 2.2 appearances after first contact with EXP CDC. The Summative Evaluation reports:

Both internal and external key informants believe that unrepresented out-of-custody accused persons ... are not “falling through the cracks” but are being referred to the pilot at their first appearance in court post-bail.

— *Summative Evaluation, p. 26*

Most key informants believe that the pilot has resolved cases earlier in the process, in particular prior to the cases being set for trial, which saves administrative time for the court.

Most key informants believe that there are fewer court appearances for clients accepted into the project, which reduces the demands on court resources. For those individuals who were not accepted but received summary advice, judges, and judicial case managers generally think that they are more prepared for their next court appearance and, as a result, may be using fewer court appearances to resolve their cases.

— *Summative Evaluation, p. 36*

By helping unrepresented accused resolve their matters quickly, without trial and with a focus on client outcomes, the EXP CDC generates not only efficiencies for the courts but also benefits for clients, their families, and society as a whole. Early resolution hastens clients’ return to work and family, enabling clients to begin contributing to society as quickly as possible.

EXP CDC also gives clients greater opportunity to access resources to address the root causes of their legal problems, such as mental health or addictions; in turn, clients prevent future problems, their generational impacts on family members, and the resulting justice system and socio-economic costs. These types of avoided costs are difficult to quantify, but researchers in other jurisdictions have demonstrated an overall reduction in public spending that equals or exceeds the investment in legal aid services.

Statistics from the EXP CDC Pilot and Summative Evaluation

Table 1 below compares cases that began pre-pilot with those that began during the pilot. It also includes statistics from the EXP CDC Pilot Database, indicating a downward trend during the pilot of several statistics, including duration from first appearance post-bail or first contact with the CDC to resolution, numbers of appearances, and average time spent by the CDC on each case.

TABLE 1: Comparing Cases that Began Pre-Pilot with Cases that Began During the Pilot.					
Date Range of Cases	Duration from First Appearance to Resolution	Duration from First Contact to Resolution	Post-Bail Appearances Before Contact with EXP CDC	Appearances After Entering EXP CDC	Average Time Spent on Case by EXP CDC
From Summative Evaluation: ¹	(days)				
Cases opened pre-pilot or later	197				
Cases opened after pilot begins	56				
From EXP CDC Pilot Database:	(days)	(days)	(average #)	(average #)	(hours)
Files closed: Jul to Sep 2015 ²	88.27	42.16	2.64	2.50	2.30
Files closed: Oct to Dec 2015 ³	76.24	48.18	1.80	2.71	2.22
Files closed: Jan to Mar 2016 ³	64.88	40.18	1.74	2.29	1.99
Files closed: Apr to Jun 2016 ³	51.13	35.60	1.38	2.13	2.15
¹ Files closed Mar 1, 2015 to Feb 28, 2016. ² Files opened on or after Feb 27, 2015. ³ Files opened 9 months before end of quarter (Apr 1, 2015; Jul 1, 2015; Oct 1, 2015).					

The above Pilot Database statistics were drawn from a dataset of 271 resolved cases between February 27, 2015 and June 30, 2016. The data set included old cases with long duration from first appearance to resolution, summarized in Table 2 below. Three cases, highlighted below, were excluded because their first appearance dates, in 2013, 2010, and 2011, skewed results.

TABLE 2: Cases that had Multiple Appearances Before Going to EXP CDC.					
Examples of cases	Duration from First Appearance to Resolution	Duration from First Contact to Resolution	Post-Bail Appearances Before Contact with EXP CDC	Appearances After Entering EXP CDC	Actual Time Spent on Case by EXP CDC
From EXP CDC Pilot Database:	(days)	(days)	(#)	(#)	(hours)
Files closed: Jul to Sep 2015 ¹	282	14	12	1	1.8
	195	58	12	3	2.7
	240	58	15	3	2.7
Files closed: Oct to Dec 2015 ²	206	169	5	6	5.0
	422	114	12	5	3.4
	210	13	10	1	1.2
Files closed: Jan to Mar 2016 ²	385	126	7	5	8.1
	275	120	8	5	3.6
	940 ³	0	5	1	1.5
Files closed: Apr to Jun 2016 ²	2,214 ⁴	0	4	1	1.5
	1,771 ⁵	160	2	7	4.3
¹ Files opened on or after Feb 27, 2015. ² Files opened nine months before end of quarter (Apr 1, 2015; Jul 1, 2015; Oct 1, 2015) ^{3, 4, 5} Files with first appearances on: ¹ Aug 20, 2013, ² May 10, 2010, ³ June 20, 2011					

The Pilot Database statistics show that the trend in improvements continues. For cases opened after Oct 1, 2015, and closed between April 1 and June 30, 2016, the averages are: 51.13 days duration from first appearance to resolution, 3.51 appearances per case, with 1.38 appearances before contact with the EXP CDC Pilot, and 2.13 appearances after first contact with EXP CDC. The average time spent by the CDC was 2.15 hours per case.

Conclusion: EXP CDC Achieves Essential Service and Court System Efficiencies

This Business Case demonstrates that system efficiencies can be realized by providing a more structured process to assess clients as early as possible in the court process. All clients within the mandate of EXP CDC are assessed. Clients with cases appropriate for early resolution are identified at the outset and receive timely legal assistance from EXP CDC instead of having to take additional steps to obtain legal services.

In this process, all clients have access to meaningful advice after EXP CDC has the opportunity to review the case. This is a significant improvement over the prior service model. Pre-pilot CDC frequently did not have access to particulars for review, nor time to review them. Pre-pilot CDC was unable to resolve cases that required follow up. Representation contracts were only available for a fraction of the cases resolved by EXP CDC.

The court process is complex. The time required to navigate the system can be greatly improved from the “Without” to the “With” EXP CDC scenarios by providing legal aid services that support accused persons through the remand process, until they reach a resolution or make an informed decision that a trial date should be set.

To do this, the CDC must have sufficient time to review Crown particulars, interview their client, prepare them to participate in the process, and carry out other tasks that streamline the process (such as negotiating with Crown on the client’s behalf). This requires all of the components of the new EXP CDC model, none of which can be provided by the pre-pilot CDC model or representation contract model.

Without the EXP CDC model, it is not possible to reduce the time that accused persons spend in the court process, and so not possible to avoid the corresponding court system costs. The only way to avoid court system costs incurred by the scenario described above is to use the EXP CDC model.

5. Benefits to Stakeholders

When clients achieve early and more stable resolution of the legal issues they are less likely to experience legal problems in the future, and their related issues – such as health or debt – are less likely to escalate. These benefits also avoid future costs to the justice system and to government.

— *Making Justice Work*, p. 24.

The EXP CDC model achieves significant benefits for diverse stakeholders in part because the project involved many stakeholders in design, development, pilot testing and improvement. The project also gathered feedback from stakeholders during two formal evaluations, with interviews and surveys conducted from May 2015 to July 2015, and from March 2016 to May 2016.

Stakeholder benefits that are the direct and indirect result of EXP CDC include:

- Benefits to accused persons and society, including access to justice
- Benefits to participants in the criminal justice system and court services
- Benefits to related services and initiatives

The stakeholder benefits of EXP CDC include personal and societal benefits as well as efficiencies. JPs, JCMs, Crown, registry and legal services personnel are able to carry out their tasks more efficiently and effectively, and accused persons are better able to move through the court process and get on with their lives.

The Summative Evaluation reports on benefits to accused persons and society, including access to justice:

Some clients could compare EXP CDC to previous legal aid experiences; although, the comparison may not have been with duty counsel but with services through a representation contract.

"100% better. Just because the last lawyer [pre-pilot] wasn't so friendly and didn't want to listen. He just wanted to get it over with. The duty counsel [EXP CDC] wanted to hear my story of what happened."

"She was much better [EXP CDC]. She took the time to sit with you. The other one [pre-pilot] was just rush, rush, rush, and didn't take the time to get to know the case like she did."

"Way better. Just the person who helped me this time was 100 times better than the last time I used legal aid [pre-pilot]. She kind of solved a lot of it for me. She was the nicest person I have ever met in my life."

— *Summative Evaluation, p. 34*

Continuity of counsel has led to better advocacy on the files accepted into the pilot project. The process is considered to be fairer than under the previous traditional duty counsel approach. All available defences are being advanced on behalf of clients accepted into the pilot because duty counsel have more time to review the particulars, interview clients, and negotiate with Crown.

— *Summative Evaluation, p. 38*

Of the 271 clients admitted in the first 12 months of operations, 207 (76%) would not have been eligible for a legal aid representation contract based on either financial or coverage guidelines, or both. In addition, the clients who were not accepted into the pilot project are provided with more extensive summary advice than under the previous system, which also increases access to legal aid.

— *Summative Evaluation, p. 43*

The Summative Evaluation reports on benefits to the justice system and court services:

Key informants ... believe that the EXP CDC has provided more consistent and higher quality services, crediting the consistency of counsel and the greater amount of preparation and time spent with clients. The EXP CDC approach is considered to give more meaningful summary advice to clients as well as better facilitating resolutions for its expanded service clients.

External key informants believe that the pilot has reduced the churn of unrepresented accused persons in the system who appear multiple times without counsel ... the temperament/approach of duty counsel (lead and roster) is considered conducive to achieving appropriate early resolutions to cases. External key informants have also noticed that summary advice clients come back to court, even if still unrepresented, better prepared.

— *Summative Evaluation, p. 41*

EXP CDC has resolved 69% of its cases compared to 44% in Kelowna and 39% in Abbotsford.

— *Summative Evaluation, p. 32*

The comparison of time to resolution for the pilot and the other court locations from March to October 2015 shows the pilot's ability to resolve cases early: the average time for the pilot is 67 days compared to 89 for Abbotsford and 88 for Kelowna. Where the first appearance was before the pilot's inception, the average time between the first appearance and resolution is 197 days. Where the first appearance was after the pilot's inception, the average number of days between the first appearance and resolution is 56 days.

— *Summative Evaluation, p. 43*

The Summative Evaluation reports on benefits to other related services:

Judges and judicial case managers want the accused person to provide proof that they have scheduled EXP CDC appointments when they appear in court. This request demonstrates that other stakeholders see the value in the new system.

— *Summative Evaluation, p. 40*

As part of Crown ownership of files, the Crown who approved the charges keeps the file. This greater continuity of Crown on files complements the greater continuity of criminal duty counsel and makes negotiations on files more efficient. Key informants ... believe that the criminal duty counsel (lead and roster) have excellent working relationships with the Crown, and both sides work diligently to resolve appropriate files in a reasonable manner.

— *Summative Evaluation, p. 16*

The Summative Evaluation reports that 249 out of 251 (or 99%) of cases that were not accepted into the EXP CDC program were referred for other services.

They were most often referred to ... a legal aid representation contract (56%), followed by referral to a private lawyer (32%), or law students/pro bono services (20%).

— *Summative Evaluation, p. 29*

This Business Case has analysed the benefits of EXP CDC to each of the main stakeholder groups and summarized them below:

Benefits to Clients and Society, Including Access to Justice

1. Clients have more confidence in and greater satisfaction with the justice system.

- Clients understand their rights and responsibilities in the criminal law context.
- Clients are more engaged in decision making and outcomes, and are supported to make informed decisions to resolve cases or appropriately set matters for trial.
- Clients are better supported for urgent matters, such as vacating a bench warrant or making a bail variation.
- Clients who resolve their matters early are better able to focus on the underlying issues that lead to criminal charges, and get on with their lives.

2. EXP CDC increases access to justice by providing an improved, broader range of services to people who are not eligible for a legal aid contract.

- Clients make appointments to see the CDC, who is able to review their case in advance and provide more substantial, concrete advice.
- A higher percentage of accused persons are assessed appropriately for legal aid.
- More unrepresented accused not eligible for a legal aid contract receive assistance from the CDC.
- Summary advice-only clients receive an improved level of service. These are clients who do not financially qualify for any other service than CDC.

Benefits to Justice System and Court Services

1. Court time, court appearances, and demands on the justice system are reduced because clients are better prepared and have more realistic expectations.

- EXP CDC helps clients better understand, access, and use the justice system.
- EXP CDC discourages clients from pursuing frivolous defences.
- EXP CDC clients are focused on achieving a resolution with fewer appearances and without setting unnecessary trial dates.
- Court services staff, judiciary, and Crown can focus on their roles and refer clients to the CDC for legal information and advice.

2. The EXP CDC produces efficiency in the use of court facilities, which enables a higher volume of cases to be processed by the court.

- EXP CDC's focus on early resolution and potential reduction of case churn can help to alleviate some of the pressures on courtroom use.
- However, the EXP CDC personnel require office space at the courthouse in order to interface with clients, which may become a facility constraint issue.

Benefits to Related Services

1. EXP CDC aligns with current and future Criminal Justice Transformation policies, such as Crown File Ownership and Front-End Court Scheduling.

- Crown File Ownership:
 - Crown reliably has counsel to assist in discussing resolution.
 - Crown develops a working relationship with the EXP CDC that makes identification of appropriate resolutions easier.
- Court Scheduling:
 - EXP CDC reliably identifies appropriate resolutions before trial time is scheduled.
 - Self-represented people at trial are better prepared to proceed as scheduled.

2. Clients are supported to engage the community support agencies they need to address:

- Housing
- Addictions
- Mental and physical health

Conclusion: EXP CDC Achieves a Comprehensive Solution that Benefits All Stakeholders

As the above examples illustrate, the EXP CDC Pilot has successfully addressed the issues identified at the start of this report, and achieved substantial benefits for all groups of stakeholders. It has done this by developing a solution that respects the needs and input of all stakeholders, and then by diligently improving that solution until it achieves the desired results for everyone.

6. Analysis of Cost Benefits

The EXP CDC model focuses on avoiding costs in several ways, through:

- Reducing appearances per case
- Reducing cases that set a trial date
- Reducing the number of times clients visit Legal Aid Intake

Of these, only the reduction in appearances per case, and related cost avoidance, can be measured. To assess the reduction in cases that set a trial date, additional data not available to this Business Case would be required. It would need to compare the following:

- Percentage of cases set for trial in Port Coquitlam before and after pilot implementation
- Percentage of cases set for trial in comparator sites

This Business Case estimates the potential cost avoidance of reducing the number of appearances per case at \$97,560. The potential further cost avoidance due to resolving matters before a trial date is set would be in addition to this, but cannot be calculated with the data available. The additional cost benefits to society also cannot be calculated with the data available.

Summary of EXP CDC Pilot Actuals (Year 1 to Year 2) and Budget (Year 3)

Following is a summary of actuals and budget for the EXP CDC Pilot. This Business Case is based on EXP CDC Pilot services, volumes and costs in Year 2. For budget details, see Appendix VII: EXP CDC Budget and Cost Details.

EXP CDC Pilot Budget	Year 1 Actuals	Year 2 Actuals	Year 3 Budget	TOTALS
	\$	\$	\$	\$
Subtotal: Pilot Budget SALARIES Only ¹	s.22			
Subtotal: Pilot Budget BEFORE Offsets ²				
TOTAL: Pilot Budget AFTER Offsets ³				
Pilot Budget PLUS Overhead and In-Kind ⁴				
NOTES: ¹ Salaries Only – includes only salaries and benefits ² Before Offsets – includes salaries and benefits, overhead for LSS staff salaries, and office expenses ³ After Offsets – deducts the cost of pre-pilot CDC services to arrive at the Pilot Budget ⁴ Budget Plus Overhead and In-kind – includes overhead on lawyer fees, and value of courthouse offices				

Calculation of Costs Avoided Due to EXP CDC

The Summative Evaluation concluded that a definitive accounting of systems efficiencies is not possible at this time due to data limitations. Instead, the evaluation provided a range of potential cost avoidance, guided by the finding that the pilot's higher resolution rate and fewer appearances (than for similar cases in the comparison court locations) demonstrated the potential for a greater reduction in appearances over time. The evaluation estimated the range of avoided court costs by comparing the difference in the pilot's average appearances and the average appearances for similar cases in the comparison courts, and calculated that a 10% to 70% reduction in appearances would avoid \$10,797 to \$72,877 in court costs for 271 cases.

The Summative Evaluation reports that:

Although the available data on the number of appearances do not support a definitive finding of system efficiencies in Port Coquitlam due to the pilot, we can construct some scenarios that indicate potential impacts of the pilot. The potential savings range from \$10,797 to \$72,877.

— *Summative Evaluation, p. 39*

In addition to the findings of the Summative Evaluation, this Business Case carried out an alternate method to estimate the potential for cost avoidance. It applied data provided by a third party for criminal court costs (see Appendix V: Provincial Court Criminal Courtroom – Estimated Hourly Cost) to estimate costs avoided at the pilot location (Port Coquitlam). It calculated the reductions in court appearances between the service location "With" the EXP CDC model and "Without" the EXP CDC model (using data from the Summative Evaluation), and multiplied this figure by the estimated cost per appearance at criminal court. The following table summarizes the cost calculation.

EXP CDC — Cost Avoidance	Variables	Notes on Calculations
Court Cost per Appearance	s.13	Calculation: s.13 s.13
Clients per Year	271	Since the pilot's inception on March 3, [2015] to February 2016 . . . the pilot accepted 271 clients for expanded services — <i>Summative Evaluation, p. 4</i>
Average Reduction in Appearances per Case	3.6	Calculation: $7.4 - 3.8 = 3.6$ • Appearances for cases that began: Before pilot (7.4) – During pilot (3.8) = Fewer appearances per case (3.6)
Reduction in Appearances per Year	s.13	Calculation s.13 s.13
TOTAL COST AVOIDANCE	\$97,560	Calculation: s.13 = \$97,560 • Fewer appearances per years.13 x Court cost per appearance s.13 = Costs avoided per year (\$97,560)

See Appendix V for details on cost components and cost calculations.

This alternate method concluded that, in Year 2 (2015-16), the EXP CDC Pilot in Port Coquitlam generated an estimated cost avoidance of \$97,560 for the year. It should be noted that the Summative Evaluation data used for the service location “Without” EXP CDC looked at cases that began *before* the pilot but ended *during* the pilot. The cases “Without” EXP CDC likely experienced improvements due to the EXP CDC model preventing further unnecessary court appearances. Thus, it is possible that the costs avoided were actually greater than in the comparison.

Conclusion: EXP CDC Avoids Court Costs and is the Most Cost-Effective Service Model

Based on the estimates above from the Summative Evaluation, which compare the EXP CDC Pilot in Port Coquitlam with other court locations, EXP CDC had a potential cost avoidance of \$10,797 to \$72,877 during the test period (2015–16). This was achieved by focusing on early resolution, out-of-court resolution (if appropriate), and prevention of unnecessary churn in the justice system.

Based on the Business Case analysis of costs avoided due to fewer court appearances at the pilot location “With” EXP CDC compared to the pre-pilot location “Without” EXP CDC, the pilot location potentially avoided about \$97,560 in costs.

EXP CDC has demonstrated through both analysis of the model and evaluation of pilot results that it reduces unnecessary court appearances. The costs avoided for those appearances were at least \$97,560, not including infrastructure and overhead costs related to the operation of the Courts and Crown Counsel.

EXP CDC reduces the unnecessary setting of trial dates by assisting clients to resolve cases before trial dates are set. However, it is not possible to quantify the avoided costs of trial dates with available data. LSS has compared the cost of providing lawyers under this model to traditional legal

aid services, and found that EXP CDC is more cost effective compared to providing services on the standard legal aid tariff and compared to providing services with roster (private bar) lawyers.

7. Risks and Assumptions

During development of the EXP CDC model, a number of risks and assumptions were identified and addressed. Following are the risks that most impacted the EXP CDC Pilot operation, as well as risks that should be considered for future operations and expansion.

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8. Future Strategies

EXP CDC was designed as a forward-thinking model that is capable of addressing province-wide considerations both now and in the future. The model and operating components were designed in a manner that enables the EXP CDC service to adapt to changes, increase or reduce capacity, or add on technology simply and cost-efficiently.

Following are some of the considerations that went into the design of the EXP CDC model.

Ability to Leverage Technology

- Technology enhancements can easily be added to the EXP CDC model to support the cost-efficient provision of services to remote locations and small populations throughout the province.

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- Adding technology enhancements would not change the core EXP CDC model. Due to the modular design of the EXP CDC model, enhancements would “plug in” to the model with modest adjustments, and would not require significant model redesign.

Ability to Enhance Other Services

- The EXP CDC model and pilot operation focused on addressing issues for out-of-custody CDC services. However, the model was also designed to work with in-custody CDC services, and this has already been incorporated into the forms and data systems.

- Applying the EXP CDC model to in-custody services would enable remote communications between the CDC and clients in remand locations, reducing the costs of transportation and security to connect accused persons with their lawyer.

Ability to Address Changes in Population Size

- The EXP CDC model was designed to scale up or down to adapt to growth or decline in the population. For example, locations may increase in population over time, or decline in population in response to economic changes.
- EXP CDC can adapt to population changes by modifying its capacity. Increasing capacity would require additional office facilities at the courthouse, but the EXP CDC model would remain consistent. Scaling below a certain capacity might require using the “travelling” EXP CDC model (which is yet to be developed).
- EXP CDC supports efficient use of courthouse facilities by reducing the average number of appearances required for each accused person. This effectively increases the capacity of the court system and facilities, and increases the ability to absorb population growth.
- This ability to adapt to population changes enables EXP CDC to adapt as changes present themselves, and to operate at cost-efficiently at all times.

Ability to Address Changing Demographics

- The EXP CDC model includes processes for screening and assessing clients to determine if their case is appropriate to the pilot. This enables EXP CDC to manage capacity, take on cases that can most effectively be served by the CDC, and refer out cases that are better managed by the tariff bar. EXP CDC can also easily coordinate with interpreters or other support resources to address client needs.
- Should changing demographics impact suitability criteria or coordination with other resources, the EXP CDC model can easily adapt to address the new requirements.

Ability to Address Changes in Law or Justice Services

- The EXP CDC model was designed to administer and organize the legal services provided to accused persons by the CDC, CDC Admin, and justice system stakeholders. It coordinates the parties, but does not prescribe how each performs its work.
- It is normal for the law or justice system to undergo changes. EXP CDC is designed to adapt to address the changing needs.

9. Recommended Next Steps

The EXP CDC Project developed a standard model for expanded CDC services, and then customized the model to address unique needs and issues in the pilot location, Port Coquitlam.^{s.13}

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Page 406 of 574 to/à Page 410 of 574

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10. Proposed Timeline and Funding

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Page 412 of 574 to/à Page 414 of 574

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Expanded Criminal Duty Counsel

Business Case for Provincial Expansion

APPENDICES

- I. End Notes and Reference Sources
- II. Definitions of Key Terms
- III. Performance Measures
- IV. Chart of EXP CDC Alignment with Outcomes-Focused Principles
- V. Provincial Court Criminal Courtroom – Estimated Hourly Cost (see attached document)
- VI. “With” vs. “Without” Cost Comparison
- VII. EXP CDC Budget and Cost Details
 - A. EXP CDC Project Budget
 - B. EXP CDC Pilot Budget
 - C. EXP CDC Budget for Ongoing Operations
- VIII. Data Limitations in the Summative Evaluation
- IX. EXP CDC Summative Evaluation (see attached document)

I. End Notes and Reference Sources

End Notes

1. Statistics Canada, *General Social Survey on Social Identity*.
2. Minister of Justice and Attorney General, Green Paper; Ministry of Finance, *Review of the Provincial Justice System in British Columbia*; Cowper, *A Criminal Justice System for the 21st Century*; Currie, *The Unmet Need for Criminal Legal Aid*; Doust, *Foundation for Change*; and Dandurand, *Addressing Inefficiencies in the Criminal Justice Process*.
3. According to the report *A Criminal Justice System for the 21st Century* (p. 29, 35), in 2011/12 “almost 30% of cases resolved within 30 days of their first appearance in court, 50% resolved in just over 3 months, and 80% of cases resolved within 12 months from the first sworn appearance”, and “even though the number of pending cases has been declining, the age of those cases has risen, so that for the last few years, almost 50% of pending cases have been in the system for more than 240 days, or eight months”.
4. Doust, *Foundation for Change*, 14.
5. Provincial Court of British Columbia, *Provincial Court Scheduling Project Newsletter*, 2.

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II. Definitions of Key Terms

Avoided costs:	Resources (e.g., judge, Crown and court registry staff time) and their associated costs that are freed up through efficiencies (e.g., reduction in churn) and can be reallocated to other work/tasks/services.
Case:	The legal issue or Information for which a client applies for service and that can be addressed within the limits of the service. <u>Each Information</u> is counted as a separate “case,” and a case has a defined open and closed date. A unique client can have more than one case. In CSB data, a new case is identified by an initiating Information. <u>Subsequent Informations</u> or applications are part of the original case. If a case has more than one accused, it is counted as multiple cases.
Churn:	The unproductive and repeated recycling of individuals through justice system processes, using system resources (Judge, Crown, court registry, legal aid, CDC, pro-bono, and individual); includes clients being passed from resource to resource within and related to the court in an attempt to find needed help to move their case forward.
Client:	A unique individual who applied for and, if eligible, received pilot services. NOTE: In the EXP CDC evaluation data, clients were not unique; each unique service record was counted as a separate client. VK NOTE: please check to make sure it aligns with Pilot Statistics definition. DONE--Yes
Core operation:	The Core Operation is the minimum scale and diversity of operation that has all of the capabilities needed to service the entire province. It has enough locations to be fully representative of the province in volume of service, type of service, cultural diversity, service needs and service delivery constraints. It includes all model variations, technology, operational functions, and capabilities needed to service all regions of the province to the same standard as the pilot location.
Core system:	The LSS computer systems, known as the Client Information System (CIS) and LSS Online, are essential to both basic service delivery and overall strategy. CIS enables intake for LSS representation contracts from all offices and the Call Centre, while LSS Online enables lawyer billing against those contracts.
Intake:	The process to assess a client’s eligibility for a legal aid service (gathering information about the case, the client’s income and assets, the client’s ability to represent themselves, and the client’s suitability for a particular service). Also used to refer to the role of conducting the assessment or taking the application, as in “Intake worker.” Intake is a separate and distinct function that occurs prior to the EXP CDC application and screening carried out by the CDC Admin.
Population clusters:	A group of small or remote communities within a defined geographic region that are similar and proximate enough to share a travelling EXP CDC service.

III. Performance Measures

The table below summarizes performance measures captured by the Summative Evaluation.

Performance Measures for EXP CDC	EXP CDC	Pre-Pilot CDC
General Measures		
Volume of cases: Summary Advice only – per year ¹	323	
Volume of cases: full EXP CDC services – per year ¹	271	
Average time spent per case: Summary Advice only	0.8 hours	
Average time spent per case: full EXP CDC services	2.2 hours	
Benefits to Clients and Society, including Access to Justice		
Percentage of EXP CDC cases “Accepted” for expanded services that reach a resolution	87%	
Percentage of interviewed EXP CDC clients satisfied with service	97%	
Percentage of EXP CDC clients “Accepted” for expanded services who would not be financially eligible for a legal representation contract	24%	
Percentage of EXP CDC clients “Accepted” for expanded services who would not meet coverage guidelines	73%	
Percentage of EXP CDC clients “Accepted” for expanded services who were given a representation contract after receiving EXP CDC services	5%	
Benefits to Justice System and Court Services		
Average number of days per case from first appearance to resolution	56	
Average number of days per case from first contact with CDC to resolution	40	
Average number of appearances per case with first appearance during pilot	3.8	7.4
s.13		
Benefits to Other Related Services		
Percentage of EXP CDC clients given referrals to other legal services	99%	
¹ Pre-Pilot: 2013-14, EXP CDC: 2015-16		
¹ Total cases from Mar 3, 2015 to Feb 28, 2016		
² Pre-pilot average 2011-2011, 2012-2013, 2013-2014		
³ 2015-2016		

IV. Chart of EXP CDC Alignment with Outcomes-Focused Principles

Principles of an Outcomes-Focused Justice System

In *Making Justice Work* (p.12), it was identified that “an outcomes-focused justice system should be based on the following principles: effective, integrated, accessible, fair, appropriate and proportionate, timely, efficient, affordable and accountable.”

Principles		Focus on Outcomes	How Does the Pilot Achieve This?
Effective	✓	It must be user-centred and focus on what people want and need to resolve their legal problems.	<ul style="list-style-type: none"> • Anyone wishing to see the CDC gets an individual appointment • Urgent issues are addressed with priority • Lawyer has reviewed their case before providing advice • Same lawyer will continue to assist, ensuring continuity of representation (accused only has to tell their story once) <p>Client quote from the Summative Evaluation:</p> <ul style="list-style-type: none"> • “The person who helped me this time was 100 times better than the last time I used legal aid. She kind of solved a lot of it for me. She was the nicest person I have ever met in my life.”
Integrated	✓	It must work with other government and community agencies to facilitate users’ access to services that address the underlying issues, such as poverty, or mental or physical health, that triggered or resulted from their legal problems.	<ul style="list-style-type: none"> • Continuity of counsel ensures that sufficient adjournment time is obtained from court to allow the accused person (CDC client) to access and utilize resources such as: • Social assistance (poverty/proof of income for application) • Counselling can be accessed and tracked • Appointments for medical issues can be completed • Letters of support or explanation can be obtained from all these sources
Accessible	✓	It must provide user-focused services and procedures that are easy to find and use for all people including those with low incomes, Aboriginal peoples, people with limited education, or those facing physical or mental health challenges.	<p>From the Summative Evaluation:</p> <ul style="list-style-type: none"> • Clients did not report any difficulties making a connection with the EXP CDC . . . clients interviewed did not report any difficulties finding the pilot’s offices. • Overall, about four-fifths of the clients interviewed said the process of applying for legal aid and getting connected with the criminal duty counsel was easy.” <p>Client quotes from the Summative Evaluation:</p> <ul style="list-style-type: none"> • “It seemed easy to deal with them. Difficult information for me, but the intake worker [admin] was helpful, so it made it easier.” • “Super easy. All they asked me to do was get proof of income. All the rest, they did for me.”

Principles		Focus on Outcomes	How Does the Pilot Achieve This?
Fair	✓	It must be grounded in the rule of law, protect rights, and respect independence.	<ul style="list-style-type: none"> • Review of particulars before legal advice is given • Legal defences are considered along with resolution options • CDC has reviewed the file and is prepared to make referrals to private bar where appropriate • Access/ information provided on other representation options (e.g., UBC Law Students) <p>From the Summative Evaluation:</p> <ul style="list-style-type: none"> • The process is considered to be fairer than under the previous traditional duty counsel approach. All available defences are being advanced on behalf of clients because duty counsel have more time to review the particulars, interview clients, and negotiate with Crown. <p>Client quotes from the Summative Evaluation:</p> <ul style="list-style-type: none"> • "They told me a few different ways to handle my case and the best solution." • "They explained the charges I was being faced with and what my options were and what route we could go . . . the outcome of what was going to happen. He told me the best way to go without being criminally charged."
Appropriate and proportionate	✓	It must help individuals find the most appropriate route for dealing with their legal problems at each stage of the process. Services must be proportionate to the problem and be provided by	<p>The Summative Evaluation reports that:</p> <ul style="list-style-type: none"> • "Continuity of counsel has led to better advocacy on the files accepted into the pilot project." • "A broader range of resolutions are considered, such as stays, alternative measures, and common law peace bonds . . . Crown are more willing to let an accused person who is being assisted by the pilot project remain on bail for a lengthy period to see how they are doing and then potentially stay the file." <p>Clients quotes from the Summative Evaluation:</p> <ul style="list-style-type: none"> • Everything was explained very well to me. He took the time to listen to my side of the story to explain the rules surrounding the law that I was being charged with. • She explained to me what the charges involved and how I might respond . . . what might be the best option for me . . . it made sense to me, so that is what we decided to do. • Everything was pretty helpful . . . He always kept me updated on all the processes and procedures, what I needed to bring in. • He gave me some information about how to talk, how to appear in court...a lot of information. It was very, very useful.

Principles		Focus on Outcomes	How Does the Pilot Achieve This?
Timely	✓	It must support access to early resolution without undue delay and encourage people to take early action to resolve their legal problems.	<ul style="list-style-type: none"> Applicants are referred by other parties (Judge, JCM, sheriffs, Crown) to CDC upon first appearance. Program responded quickly to address capacity concerns (roster) so that early appointments could be maintained. <p>From the Summative Evaluation:</p> <ul style="list-style-type: none"> Over half of the clients interviewed said they applied for legal aid (i.e. went to see the pilot) after their first court appearance. They were referred by the judge, the Crown, or friends, although some were uncertain who referred them. About half of the clients interviewed said there was a line to apply, but almost all found the wait to be “about right.” <p>Client quotes from the Summative Evaluation:</p> <ul style="list-style-type: none"> “I would have waited longer and the intake worker [admin] was quite wonderful.”
Efficient	✓	It must make the best possible use of all available resources. Its processes must be designed to ensure fairness while taking the least possible amount of time, effort, and money to produce fair outcomes.	<ul style="list-style-type: none"> Applicants who are not accepted have completed their legal aid application, been interviewed, been given advice about court process within 14 days of application. Most applicants are now referred to the program on their first appearance. Crown File Ownership allows for early consultation regarding resolution. <p>From the Summative Evaluation:</p> <ul style="list-style-type: none"> The pilot has begun achieving success in the early resolution of cases, and cases handled by the pilot have resulted in fewer appearances than under the traditional duty counsel model. Even those receiving only summary advice services, now come to court better prepared and ready to deal with their case. For those clients who receive expanded services, the criminal duty counsel are actively engaged in plea negotiations with the Crown earlier in the process.
Affordable	✓	The use and complexity of the court process should match the problem. It must ensure the public understand the range and cost of different pathways to resolution.	<ul style="list-style-type: none"> The service is free to accused persons who are financially eligible and have a criminal case appropriate to EXP CDC. Criminal duty counsel focus on assisting clients to achieve early resolution where appropriate, which diverts cases from trial towards less costly options. Criminal duty counsel advice reduces the number of clients putting forward unreasonable claims, thus also reducing systemic costs.

Principles		Focus on Outcomes	How Does the Pilot Achieve This?
Accountable	✓	<p>It must set goals and collect, analyze, and report publicly on the costs and outcomes of programs, as well as the effectiveness of agencies in carrying out their work. This information must be clear and understandable to the public. The justice system must acknowledge that data is necessary for agencies to identify and act on issues, and to inform future analysis of overall justice system performance.</p>	<ul style="list-style-type: none"> Forms and related processes were designed to ensure that data would be collected, analyzed, and reported in a custom-designed Pilot Database. The Pilot Database was a key component for the Process Evaluation and Summative Evaluation of the pilot. <p>s.15</p> <ul style="list-style-type: none"> These systems together allow for the evaluation of the pilot and for reporting and for continued analysis on an ongoing basis. The pilot model has established data collection processes, standards, and quality control. This ensures data integrity, enables diagnostics and regular monitoring to check on service standards, and provides the information needed for oversight and service accountability. All pilot staff members are trained in the model, processes and forms. Emphasis is placed on the importance of reporting and recording all information. Admins are trained to ensure accurate and complete file and database record keeping. Regular management oversight and quality control of the pilot operation is carried out to ensure that services and data are complete and provided at the defined standard. <p>s.15</p> <ul style="list-style-type: none"> Formal evaluations also survey and collect data from external and internal stakeholders. A Process Evaluation and a Summative Evaluation were undertaken during the pilot to analyze and report all the above data from various sources.

2017/18 ESTIMATES NOTE

Legal Aid - Justice Transformation Initiatives

Suggested Response:

- The Province is targeting 2018/19 budget, this government's first full budget, for platform commitments including those related to legal aid.
- This budget supports continuation of the funding of \$2 million per year to support 4 pilot projects to test innovative ways to deliver legal aid services in criminal and family matters,
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- The initial \$6 million over the three year period was used to deliver five pilot projects that focus on increasing access to justice and services that promote early resolution of legal issues. Four of the five pilots have shown initial success in evaluations: Expanded Criminal Duty Counsel;
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- We worked collaboratively with the Society to develop these pilot projects to provide low-income British Columbians with increased access to legal information and advice to help them resolve their legal problems as quickly and efficiently as possible, and out of court where feasible and appropriate.
- These JTI projects align closely with the ministry's strategic goal of enhancing access to justice and improving system outcomes through early assistance to citizens.

Overview of Justice Innovation and Transformation Initiative Projects

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4. Expanded Criminal Duty Counsel: In April 2015, the Society launched an expanded criminal duty counsel service in Port Coquitlam to provide more continuity of services and facilitate earlier resolutions of less serious criminal matters. The first of four anticipated refresh evaluations received by the ministry from LSS is for this pilot, shows it has met and even exceeded expectations in its first two years of operation with greater resolution rates, fewer court appearances to resolve cases and positive client feedback.

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Background:

- In 2012, the Society provided advice to a previous Minister about legal aid initiatives that could contribute to broader justice system transformation in its report Making Justice Work.
- In February 2013, the government released the White Paper on Justice Reform, Part Two, in which it committed to supporting the Society to test an expanded criminal duty counsel model and to expand the family legal aid services it currently provides.
- The Minister's 2013/14 mandate letter directed that the ministry work with the Society to prepare a plan for an additional \$2 million for criminal and family legal aid services beginning in 2014/15.
- Ministry and Society staff collaboratively developed a plan for the transformation funding. All five Initiative projects were launched between September 2014 and April 2015.
- Process evaluations with a focus on implementation and early outcomes were completed in the fall of 2015. Summative evaluations focusing on outcomes in the pilots' first year of operation were completed in the summer of 2016. These evaluations demonstrated early success of four of the five pilots.^{NR}
- Around the same time, using data from the evaluations, LSS produced business cases to make a case for provincial expansion of the four remaining JTI projects.^{s.13}

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- Refresh evaluations examining pilot outcomes over a longer period of time for three of the four pilots are anticipated by fall 2017. A draft of the Expanded Criminal Duty Counsel refresh evaluation has already been completed, showing that the pilot is successfully achieving its objectives.

Project Details

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4. Expanded Criminal Duty Counsel

- As part of its regular services, the Society provides duty counsel to assist individuals in Provincial Court who have been charged with a crime and have not yet been granted a legal aid referral. Duty Counsel will provide summary advice and appear in court to handle simple matters that can be completed the same day. They do not retain conduct of files.
- In an expanded model, a specific lawyer is assigned to the same court on a continuing basis. Counsel retains conduct of non-complex files for a set amount of time. They receive instructions from clients, obtain disclosure, and take steps to resolve matters where appropriate. If cases cannot be resolved and clients qualify for legal aid, clients are referred to a private bar lawyer.
- The principle objective of the model is to support continuity of service and early resolution in less complex criminal cases. The model aligns well with the Criminal Justice Branch Crown File Ownership project and the Provincial Court Scheduling Project.
- The Society reviewed similar expanded criminal duty counsel programs in Nova Scotia, Alberta, and Manitoba to outline this model in its report, *Making Justice Work*. The Society found that the programs in other provinces have been effective in promoting early resolution and can be less expensive depending on the tariff rates paid to lawyers.
- The draft refresh evaluation completed in July 2017 shows that the project has met and even exceeded expectations in its first two years of operation.
 - Analysis of project and court data shows that the project has resolved 86% of its cases, which is greater than resolution rates of comparison court locations (64% in Abbotsford and 70% in Kelowna).

August 31, 2017

- The pilot has also resulted in few court appearances to resolve cases, leading to a greater efficiency for the court process and s.13 s.13
- 78% of clients that received expanded services would not be eligible for a legal aid representation contract.
- Interviews with 44 clients show that the overwhelming majority of clients were satisfied with the services they received.

Contact: Kathleen Rawlinson (JSB)	Phone: 250-356-8083	Mobile: 250-580-4920
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Page 430 of 574 to/à Page 433 of 574

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6. Justice Innovation and Transformation Initiatives

TBS Nov 12 follow up & Ministry Responses, Nov 13, 2018

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If possible, please provide response by Wednesday Nov 14 at noon. Thank you

- A report back to Treasury Board on the results of JITI pilot projects was requested as part of Budget 2019, is this submission acting as that report back?
 - Yes: this submission is the report-back.
- How has funding been allocated between the four pilot projects? Will this distribution continue?
 - It has been split roughly equally, though sometimes LSS makes minor adjustments based on staffing requirements: eg, for 2 of the models (Parents' Legal Centre and Expanded Criminal Duty Counsel) they have sometimes used 2 lawyers instead of 1, when volume has justified it and when a lawyer is available.
- Please provide caseload amounts for each of the four pilot projects for each year in operation.
 - See below.
- What measurable outcomes have been achieved by each of the four pilot projects?
 - See below.

Performance Measures for EXP Criminal Duty Counsel

General Measures

Volume of cases: Summary Advice only – per year 1 323

Volume of cases: full EXP CDC services – per year 1 271

Average time spent per case: Summary Advice only 0.8 hours

Average time spent per case: full EXP CDC services 2.2 hours

Benefits to Clients and Society, including Access to Justice

Percentage of EXP CDC cases “Accepted” for expanded services that reach a resolution 87%

Percentage of interviewed EXP CDC clients satisfied with service 97%

Percentage of EXP CDC clients “Accepted” for expanded services who would not be financially eligible for a legal representation contract 24%

Percentage of EXP CDC clients “Accepted” for expanded services who would not meet coverage guidelines 73%

Percentage of EXP CDC clients “Accepted” for expanded services who

were given a representation contract after receiving EXP CDC services 5%

Benefits to Justice System and Court Services

Average number of days per case from first appearance to resolution 56

Average number of days per case from first contact with CDC to resolution 40

Average number of appearances per case with first appearance during
pilot 3.8 7.4

Potential avoided court costs (estimates range between 10 to 70%
reduction)

\$10,000-

\$72,000

Benefits to Other Related Services

Percentage of EXP CDC clients given referrals to other legal services 99%

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Page 438 of 574 to/à Page 444 of 574

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JITI Outcomes – Efficiencies and User Experience Improvement.

- The Evaluations for the JITI projects confirm that potential costs and caseload pressures on courts can be avoided with early engagement and resolution (where possible) either early or out of court of matters. Reduced appearances in the Expanded Duty Counsel model translate to costs avoided. NR

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Data Types:

- Resolution rates. The system efficiencies analysis considers the potential of the EXP CDC to achieve system efficiencies by estimating the potential impact of the project to avoid court costs through earlier and more efficient resolution of cases. Early resolution can be demonstrated by the following:
 -
 - ▶ a reduction in the number of court appearances
 - ▶ a reduction in the time to resolution
 - ▶ an increase in cases resolved without a trial
 -
- Scope of eligibility – increasing summary advice at least to SRL – improves court efficiencies (number of appearances, etc.)
- **There is evidence that the project has led to greater efficiency for the court process.** The summative evaluation found early indications that the project had led to greater efficiency for the court process, which was confirmed and the conclusions strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project’s provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as the project uses fewer appearances to resolve cases than the comparison court locations.
- **The project has increased access to justice.** The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project —the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid —are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.
- **The project has achieved efficiencies for the justice system.** The summative evaluation occurred at an early stage of the project; however, even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations. Based on the available measure of the number of appearances per resolved case, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

Page 447 of 574

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Page 448 of 574 to/à Page 457 of 574

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Information needed from Legal Services Society

JITI Report Back

1. NR
2. **Financial Analysis (Expanded Criminal Duty Counsel;**NR)
– see attached completed template
3. **Performance Measures** – see attached complete report:

LSS Specialized Services Performance Summary

Four LSS Specialized Services --NR Expanded Criminal Duty Counsel (EXP CDC),
NR (formally known as Justice Innovation and
Transformation Initiatives) -- continue to achieve results comparable to those demonstrated in three
previous evaluations.

Results include increased access to services for NR

NR criminal accused;NR

NR earlier resolution and fewer court appearances for criminal accused; increased support with
related legal and non-legal issues,NR

NR These positive outcomes contribute to court efficiencies and
avoided court costs.

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EXP Criminal Duty Counsel

- **EXP CDC increases the scope and reach of legal aid:** EXP CDC serves unrepresented accused who otherwise would not be eligible for legal aid representation services -- 83% of clients accepted for full Expanded DC service do not meet coverage and/or financial eligibility guidelines for representation.
- **EXP CDC supports earlier resolution of cases, increased court efficiency and improved experience and outcomes for clients.** EXP CDC cases resolve earlier and with fewer appearances compared to baselines set in the evaluation for pre-pilot and comparison court locations

Abbotsford and Kelowna. The median time to resolution of EXP CDC cases is 30 days (average - 50 days) with an average of 2.8 appearances after entering the CDC program and 4.0 appearances in total.

- **EXP CDC caseload:** The program has opened between 600 and 700 new cases in each of the past three years, with 682 new cases opened in 2018/2019.

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Justice Transformation (JITI) Financial Summary

Total JITI

Expenses	FTEs 19/20	FTEs 20/21	18/19 Year- end	19/20 Budget	Aug-31 YTD	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast
Salaries & Benefits	10.0	7.0	s.22			s.13			
Contracted Services			780,321	669,560	181,226				
Premises			51,658	-	18,562				
Amortization			-	-	-				
Other Expenses			46,030	60,000	7,950				
TOTAL	10.0	7.0	s.22						

EXCDC

#7261

Expenses	FTEs 19/20	FTEs 20/21	18/19 Year- end	19/20 Budget	Aug-31 YTD	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast
Salaries & Benefits	2.0	2.0	s.22			s.13			
Contracted Services			370,325	139,100	66,970				
Premises			-		-				
Amortization			-		-				
Other Expenses			7,419	10,000	2,109				
TOTAL	2.0	2.0	s.22						

FTE Positions

2.0 Administrative Legal Assistant

2.0

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JITI Project Management

#7260

Expenses	FTEs 19/20	FTEs 20/21	18/19 Year- end	19/20 Budget	Aug-31 YTD	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast
Salaries & Benefits				s.22		-	-	-	-
Contracted Services						-	-	-	-
Premises						-	-	-	-
Amortization						-	-	-	-
Other Expenses			4,302	28,000		-	-	-	-
TOTAL	-	-	4,302	s.22	-	-	-	-	-

FTE Positions

-

JITI Expansion

#7270

Expenses	FTEs 19/20	FTEs 20/21	18/19 Year- end	19/20 Budget	Aug-31 YTD	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast
Salaries & Benefits			\$ 22			-	-	-	-
Contracted Services			122,644			-	-	-	-
Premises						-	-	-	-
Amortization						-	-	-	-
Other Expenses			20,735			-	-	-	-
TOTAL	-	-	\$ 22	-	-	-	-	-	-

FTE Positions

-

JITI Integration

#7100

Expenses	FTEs 19/20	FTEs 20/21	18/19 Year- end	19/20 Budget	Aug-31 YTD	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast
Salaries & Benefits						-	-	-	-
Contracted Services			26,906			-	-	-	-
Premises						-	-	-	-
Amortization						-	-	-	-
Other Expenses						-	-	-	-
TOTAL	-	-	26,906	-	-	-	-	-	-

FTE Positions

-

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Performance Report

LSS Specialized Services

September 2019

Performance Report on LSS Specialized Services

Introduction

This report updates quantitative performance measures for four LSS Specialized Services piloted as Justice Innovation and Transformation Initiatives: ^{NR} , Expanded Criminal Duty Counsel (EXP CDC),^{NR}

The measures were developed and used by independent evaluator PRA as part of three separate evaluations of the initiatives: formative (2015), summative (2016) and refresh (2017). The initiatives were formalized as programs in 2018/19.

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The indicators in this report are intended to demonstrate the following results, as requested by the Ministry of Attorney General:

1. Improved outcomes for clients (especially self represented litigants and Indigenous clients).
2. Statistics for intake, contracts, referrals, resolution (as available for latter).
3. Efficiencies realized (i.e., early engagement, time to resolution, reduced court appearances).
4. Any other data which would demonstrate benefits to clients and society (i.e., referral or assistance provided with collateral issues, justice system, court services).
5. Any other data which supports extended scope and reach of legal services.
6. For fully operational locations ^{NR} EXP CDC^{NR} , caseload for 2018/2019 actuals, year to date caseload actuals to end of June, and anticipated caseload forecasts for remainder of fiscal year and for next fiscal year.

Results

LSS Specialized Services continue to achieve results comparable to those demonstrated in the evaluations. Results include increased access to services for^{NR}

^{NR} and criminal accused;^{NR}

^{NR} earlier resolution and fewer court appearances for criminal accused; increased support with related legal and non-legal issues;^{NR}

^{NR} These positive outcomes contribute to court efficiencies and avoided court costs.

Notes on data

Program outputs and outcomes: Output and outcome data analyzed in this report comes from cases closed between July 1, 2017 and August 31, 2019. This period was chosen to ensure the volume and maturity of cases in the dataset would provide representative results and to facilitate comparison with the 2017 program evaluations.

Program caseloads: Caseload actuals in this report are counts of cases opened between April 1, 2018 and June 30, 2019, as requested by the ministry. The caseloads in this report cannot be compared with financial or other data reporting on a different period.

Specific limitations or exclusions from the datasets are noted in the tables.

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Expanded Criminal Duty Counsel

A review of Expanded CDC cases¹ reconfirms evaluation findings and supports the conclusion that this program continues to yield efficiencies in Port Coquitlam court processes and increased access to justice for its clients.

EXP CDC increases access to service

EXP CDC serves unrepresented accused who otherwise would not be eligible for legal aid representation services—expanding the scope and reach of legal aid. 83% of clients accepted for full Expanded DC service do not meet coverage and/or financial eligibility guidelines for representation (2017 evaluation: 78%). See Table 1.

Table 1: Increasing access to legal aid services		
Eligibility for legal aid representation services	# cases	% cases
Meet coverage guidelines for representation	140	26%
Meet financial eligibility guidelines for representation	334	62%
Meet neither coverage nor financial guidelines for representation	154	29%
Meet both coverage and financial guidelines representation (i.e., is eligible for representation contract)	93	17%

Note: Totals do not add up to 100%, as cases can be in more than one category

EXP CDC reviews Crown disclosure and provides summary advice to 100% of clients who request service, including those clients who are not eligible for the program (about 65% of clients are accepted for full service). For clients accepted for full service, EXP CDC also negotiates with Crown and makes court appearances with clients until the case is resolved.

EXP CDC supports earlier resolution of cases

Results show EXP CDC supports earlier resolution of cases, increasing court efficiency and improving the experience and outcomes for clients. The duration of cases (average 50 days and median 30 days), and total number of appearances per case (average 4.0) have increased slightly compared to the pilot period. However, EXP CDC cases continue to resolve earlier and with fewer appearances compared to 2015/2016 baselines² set in the evaluation for pre-pilot (average duration 304 days/# appearances 8.4) and comparison court locations Abbotsford and Kelowna (average # appearances 6.4 and 6.2). Note also that on average, EXP CDC resolves accepted cases within 2.8 appearances after first contact with the client. See Tables 2 and 3.

Almost half (48%) of cases resolved in 30 days, and 63% resolved within 50 days. The proportion of cases taking more than 50 days to resolve may reflect in part the transition from pilot to program, where EXP CDC lawyers are committed to helping to resolve clients' cases even when they are more complex. Note that the common causes of extended case duration, including client and Crown delays, or time required to complete treatment or alternative measures, lie outside the control of the EXP CDC. The program

¹ ¹ With the exception of Table 4 on caseloads and where noted, the sample for this report is 535 cases closed between July 1, 2017 and August 31, 2019 that were accepted for full CDC services and resolved. Caseload volumes report on all cases open between April 1, 2018, and June 30, 2019.

² Recent court data is not available for this review.

Expanded Criminal Duty Counsel

takes every step to ensure its policies and procedures enable and encourage early resolution, a primary program objective. EXP CDC keeps file information recording the reasons for extended case duration, and LSS will continue to monitor this trend.

Table 2: Time to resolution		
# days	# cases*	% cases
Same day	59	11%
1-10 days	54	10%
11-20 days	83	16%
21-30 days	58	11%
31-40 days	39	8%
41-50 days	38	7%
Over 50 days	184	36%
Total	515*	100.00%
Median	30 days	
Average	50 days	

* Includes only cases with a resolution.

Table 3: Efficiency – Time to resolution and number of appearances						
First appearance fiscal quarter	# cases*	Average days		Average number		
		Duration from first appearance to resolution	Duration from first contact to resolution	Post-bail appearances before contact with EXP CDC	Appearances after entering EXP CDC to resolution	Total number of appearances to resolution
2017/2018 - Q2	37	65	46	1.4	2.9	4.4
2017/2018 - Q3	48	68	56	1.1	2.4	3.6
2017/2018 - Q4	56	61	45	1.4	2.7	3.9
2018/2019 - Q1	94	66	51	1.2	2.9	4.1
2018/2019 - Q2	80	84	61	1.2	3.1	4.3
2018/2019 - Q3	57	72	57	1.3	2.9	4.2
2018/2019 - Q4	79	64	48	1.2	2.7	3.9
2019/2020 - Q1	37	37	23	1.0	2.1	3.1
2019/2020 - Q2	2	22	11	1.0	1.5	2.5
Total/Average	490	66	50	1.2	2.8	4.0
2017 Evaluation	426	58.5	37	1.5	2.3	3.9

* Includes only cases with a resolution and a first appearance date on or after July 1, 2017.

EXP CDC achieves positive outcomes for clients

EXP CDC works to ensure early non-trial resolutions that provide beneficial outcomes to both clients and the courts/public. The program's resolution rate, at 80%, is comparable to the rates achieved during the pilot evaluation for a similar volume of closed cases (86%) and higher than the baselines set at comparison court locations during the evaluation.

Expanded Criminal Duty Counsel

Of cases with a resolution, 19% resolved by guilty plea to a lesser offence (up 12% from the 2017 evaluation) while 37% resolved by guilty plea (down 10% from 2017 evaluation). The proportion of cases resolving by peace bond (18%) and stay (28%) remained roughly stable.

EXP CDC caseload

The volume of cases opened annually has been relatively stable since 2016/17, with an average of 618 cases opened annually. However, the volume of cases opened per quarter has increased from an average of 151 per quarter in 2017/18 to an average of 175 in the last five quarters. EXP CDC opened 682 cases 2018/2019, and another 197 in Q1 2019/2020 – the highest quarterly volume since program launch. Based on this trend, LSS projects 2019/2020 and 2020/2021 volumes will continue to be higher than 2018/19.

Table 4: Actual and Projected Caseloads		
Case Open Fiscal Quarter	Actual caseload	Projected caseload
2018/2019 - Q1	169	
2018/2019 - Q2	168	
2018/2019 - Q3	159	
2018/2019 - Q4	186	
Total	682	
2019/2020 - Q1	197	
2019/2020 – Q2		s.13
2019/2020 – Q3		
2019/2020 – Q4		
Total		

Client profile

The gender and Indigenous ancestry profile of EXP CDC clients is similar to the 2017 evaluation.

Table 5: Client profile		
Demographic	# cases	% cases
Gender		
Female	119	22%
Male	416	78%
Indigenous ancestry		
Yes	63	12%
No	470	88%
Declined to Answer	2	0%
Total	535	100%

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2019/20 ESTIMATES NOTE**Legal Aid Reform Response****KEY MESSAGES:**

- The AG asked Jamie Maclaren, QC, to undertake a review of legal aid services, focussing on service delivery effectiveness and efficiency from an end-user perspective.
 - The report *Roads to Revival* provides 25 prioritized recommendations for “reviving” legal aid services.
 - The recommendations address legal matters across the justice sector, including provision of information and legal services related to criminal, family, civil, Indigenous, immigration, refugee and poverty legal matters, and stress the need for an improved legal aid user experience, mixed models of service delivery and a diversity of services representative of community needs.
 - The ministry will carefully review the report and determine next steps.
 - Access to justice is an ongoing priority for the ministry. The ministry already has work under way related to a number of Mr. Maclaren’s recommendations:
 - expanded criminal and family duty counsel;
- NR
- As a start, government committed \$.358 M in 2018 and a further \$2 M in 2019 to the Law Foundation of British Columbia to invest in its legal clinic network across the province.
 - The response to the report will be considered in the context of government’s broader commitments with respect to access to justice, including the development of the Indigenous Justice Strategy, the Poverty Reduction Strategy, and the response to the recent Ombudsperson’s report with respect to access to justice for involuntary patients.

If Asked about Legal Services Society (LSS) funding

- LSS received a significant funding increase of \$26 M over three years (2018/19 – 2020/21) to expand legal aid and to fund and expand Justice Innovation Transformation Initiatives such as Expanded Duty Counsel for criminal and
NR

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FINANCES:

- LSS annual funding for 2019/20 through 2021/22 is \$86.8 M.
- The government will provide the Law Foundation \$2 M per year starting 2019/20 for legal clinics.

STATISTICS: N/A

Page 495 of 574 to/à Page 509 of 574

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Page 510 of 574 to/à Page 517 of 574

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MAG/LSS Working Group

Teleconference

Meeting Date: WEDNESDAY, OCTOBER 16, 2019

Chair: Chris Earle

Action Items

NO. 2.1	Item	Date of Meeting	Who	Comments
.1	NR			
.2	NR			
.3	Expanded Criminal Duty Counsel - CERC	Oct. 16/19	Heidi M./David G./ Chris E.	To provide MAG with a more fulsome understanding of where costs are and where they are going, and implications, in the event LSS closes PoCo, does not pursue EX CDC, and instead using JITI money to fund CERC. At this time the Ministry has not made the decision subject to a more fulsome understanding of whether to close EXP EDC and repatriate the funds into CERC.
.4	NR			
.5	NR			
.6				

NEXT MEETING: Thursday, October 31, 2019 9:30 – 10:30 a.m.

Page 519 of 574 to/à Page 524 of 574

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Page 525 of 574 to/à Page 538 of 574

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Information requested on August 14, 2020 from LABC to inform the 2019/2020 report back to Treasury Board

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3. Cost mitigation strategies - TBD

4. Criminal Early Resolution Contracts (CERC) – See Appendix A for Contracts Issued by Month

- a. In May 2019 LABC introduced Criminal Early Resolution Contracts (CERCs) in place of further locations for Expanded Criminal Duty Counsel. CERCs allowed LABC to realize many of the benefits of the Port Coquitlam pilot province wide without requiring access to limited space in courthouses.
- b. The first year interim evaluation of CERC demonstrates early success in resolution of cases and assistance to a broader range of clients.
- c. The evaluation determined that over 90% of completed cases resulted in a resolution of the case without a trial being set.
- d. CERCs are a key element of LABC's contribution to the Provincial Court's COVID-19 response plan. CERCs allow effective assistance to clients to resolve their criminal charges without multiple in person appearances.

CERC Contracts Issues by Fiscal Period

May 2019 – March 2020	1,340
April 2020 – August 2020	730

CERC Contract Costs by Fiscal Period

May 2019 – March 2020	\$553,345
April 2020 – August 2020	\$123,836

- e. CERC contracts may take more than 6 months from contract issue date until billing. CERC Contract Costs do not reflect the work-in-progress for all contracts issued. The CERC contract costs above do not correspond directly to the CERC contracts issued in that year.

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6. Surrey Courthouse Statistics – See Appendix C



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Appendix A - Criminal Early Resolution Contracts (CERC) issued by month, by fiscal year

CERC Contract Count

	Contract Issue Fiscal Year	
	2019/2020	2020/2021
April		136
May	95	59
June	107	127
July	150	227
August	156	181
September	155	
October	124	
November	99	
December	100	
January	128	
February	129	
March	97	
Total	1,340	730



NR



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Agenda
Working Group 01 EXP CDC - Expanded Criminal Duty Counsel
March 12, 2015
9:00 am to 10:30 am PDT

5 minutes	Introductions
10 minutes	Overview of the evaluation process/timelines Discussion
10 minutes	Role of the Working Group in the evaluation Discussion
40 minutes	Review of logic model, evaluation measurement plan, and evaluation questions Discussion
15 minutes	Proposed methodology Decision
10 minutes	Next steps

MEMORANDUM

TO: Expanded Criminal Duty Counsel (EXP CDC) Working Group

FROM: PRA

DATE: March 10, 2015

SUBJECT: Methodology for evaluation

For the EXP CDC evaluation, PRA proposes the following three methods:

► *Document and data review*

PRA will review relevant documents and data produced by the pilot project. In addition, we understand that internal data from LSS and external data sources (government, stakeholders) will be available to provide comparisons on outcome measures and to support the cost-effectiveness study. As a first step for this task, upon receiving the data, we will conduct a data assessment to explore the completeness, validity, and reliability of the data. This may include some short conversations/interviews with individuals within LSS and/or the pilot projects who are aware of how the data are entered, as well as any limitations. Based on that review, we will discuss how best to utilize the data with the Working Groups.

LSS has indicated that it is willing to entertain suggestions for additional data to track. This may be particularly important for the cost-effectiveness study. Our review of the data at an early stage will ensure that information is tracked that will support addressing all evaluation objectives for each project.

The data and document review will occur during the data collection phases for both the process and the outcome evaluations.

► *Stakeholder interviews*

We will interview stakeholders to obtain their perspectives on the evaluation questions, including both implementation and outcome questions. Interviews will occur during both the process and summative evaluations. The interview topics and questions will be developed in consultation with the Working Group.

For each of the formative and summative evaluations, we propose to interview up to 10 stakeholders, for a total of 10. This would make a total of 20 interviews across both the process and summative evaluations for the EXP CDC Project. Interviews can be conducted in small groups to increase coverage and include more participants. The suggested distribution of interviews is in Table 1, but the final determination will be made by the Working Group.

Table 1: Suggested distribution of key informant interviews	
Project	Process evaluations (interviews will be repeated for the summative evaluation, although categories may change)
EXP CDC	1 project lead 1 lead lawyer 1 administration person and LSS intake staff (group interview) 3 defence counsel who handle expanded CDC services — ? 2 judges 2 prosecutors
Total process	10
Total summative	10
Total	20

► *Focus groups*

Since the pilot project is province-wide, we suggest one of two options:

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MEMORANDUM

TO: Expanded Criminal Duty Counsel (EXP CDC) Working Group
FROM: PRA
DATE: March 10, 2015
SUBJECT: Evaluation questions

The focus of the process evaluation is the questions with (P) after them, although we should explore including early evidence for other questions.

IMPLEMENTATION

1. Has the project been implemented as intended in Year 1? (P)
2. What were the challenges, if any, to implementation, and how were they addressed? (P)
3. To what extent do the activities of other stakeholders (e.g., Court, Crown) affect, either positively or negatively, the ability of the project to achieve its objectives? (P)
4. To what extent do the current processes and structure of the project support its efficient and effective delivery? (P)
5. Did the EXP CDC project meet targets related to files/clients, results and case timeframes in Year 1? If not, why not, and what has been/will be done to address these issues? (P)
6. What considerations related to the EXP CDC model, if any are necessary to successfully implement this approach in a different site? (P)

OUTCOME: INTERNAL QUALITY MANAGEMENT AND PERFORMANCE MEASUREMENT ACTIVITIES IMPROVE THE QUALITY OF EXP CDC PROGRAMMING

7. Do target groups within the program feel properly prepared for their role within the program and consider their training materials and program tools helpful in performing their designated role? (P)
8. Is there evidence that the program has made efforts to examine and successfully resolve ongoing quality or performance issues? (P)

OUTCOME: APPROPRIATE EARLY RESOLUTION

9. Has the EXP CDC service led to the earlier resolution of cases at the project site?
10. Are clients' legal needs being met by the EXP CDC project?

OUTCOME: CLIENT SATISFACTION

11. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience? (P)

OUTCOME: IMPROVED EFFICIENCIES

12. Has the EXP CDC service led to great efficiency for the court process at the project site?
13. Has the EXP CDC service led to great efficiency for LSS?

OUTCOME: INTEGRATED SERVICES

14. To what extent are clients being connected to other resources that are helping them address underlying problems?

OUTCOME: INCREASED ACCESS TO CRIMINAL LEGAL AID SERVICES

15. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?
16. Were there any unintended outcomes of the EXP CDC project identified in Year 1? (P)

High-level overview of schedule for the JITI Evaluation for Legal Services Society (LSS)
PRA project team (PRA):

Amy Richmond, Brenda Chorney, Mark Lenton, Paul Turner, Meagan Simpson-Law,

Project Number: 0256/002/14

WG refers to JITI Working Groups

Client contact: Eric Hemphill

Milestones	Responsibility	Planned start date	Planned end date	Comments
Initial consultations				
Initial meetings	PRA/LSS		Feb 12/15	- Initial meeting with Eric on Jan 13/15 and with SIG on Feb 12/15
Draft design plan (project schedule)	PRA	-	Feb 11/15	-
Process evaluation design				
Review of preliminary documents and data	PRA/LSS	Feb 1/15-	Ongoing	- Documents to be provided by LSS (Some initial documents provided on Jan 13 and Feb 2)
Draft and revise evaluation frameworks, logic models, and instruments	PRA	Feb 11/15-	Mar 31/15	-
Meetings with Working Groups	PRA/WG		Mar 12/15 and April 1/15	- WG to provide comments on drafts (Working Groups and other forum, as appropriate). Currently, two rounds of meetings with the Working Groups are scheduled.
Process evaluation data collection				
Collection of data	PRA	May 15/15	June 15/15	- We have moved dates back to enable projects to have more experience serving clients.
Analysis	PRA	June 15/15	June 30/15	-
Process evaluation reporting				
Draft process evaluation reports	PRA	June 15/15	June 30/15	-
Presentation of draft reports			Week of July 6/15	-
Comments from WG	WG		July 17/15	-
Final process evaluation reports	PRA	July 18/15	Aug 30/15	- Timelines intended to accommodate additional round of comments on process evaluation report.
Cost-effectiveness analysis				
Consultations to determine approach	PRA/ WG		Sept 30/15	- Discussions related to cost-effectiveness will begin during the process evaluations
Requests for data made	PRA		Oct 15/15	- Requests will likely include data from LSS and the appropriate provincial authorities - Requests may extend beyond that date, but the intent is to make all requests six months before the analysis begins for the summative evaluation reports -

High-level overview of schedule for the JITI Evaluation for Legal Services Society (LSS)
PRA project team (PRA):

Amy Richmond, Brenda Chorney, Mark Lenton, Paul Turner, Meagan Simpson-Law,

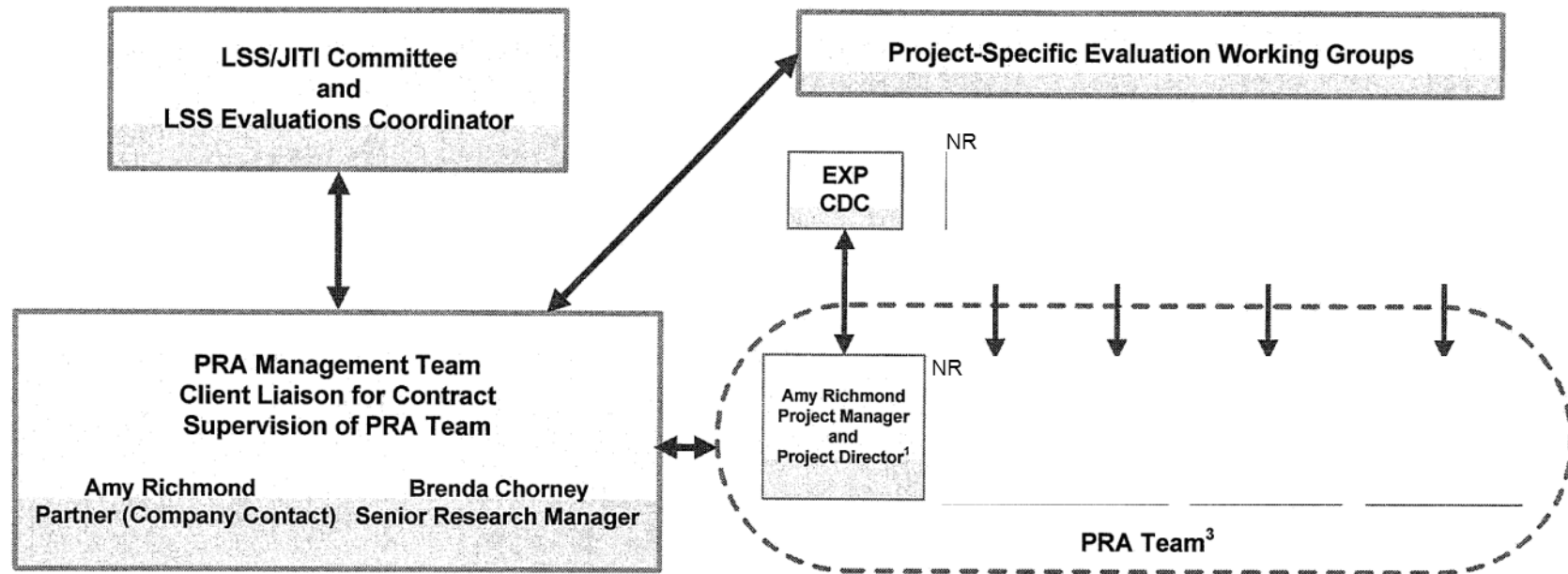
Project Number: 0256/002/14

WG refers to JITI Working Groups

Client contact: Eric Hemphill

Milestones	Responsibility	Planned start date	Planned end date	Comments
Summative evaluation design				
Consultations to update evaluation frameworks	PRAWG		Nov 15/15	-
Revise frameworks and draft data collection instruments	PRA		Dec 15/15	- LSS/WG to provide comments on drafts (Working Groups and other forum, as appropriate).
Summative evaluation data collection				
Collection of data	PRA	Jan 2/16	Mar 31/16	
Analysis	PRA	Apr 7/16	Apr 15/16	- Including cost-effectiveness analysis
Summative evaluation reporting				
Draft summative evaluation reports	PRA	Apr 15/16	Apr 30/16	-
Presentation of draft reports	PRA		May 15/16	-
Comments from WG	WG		May 22/16	-
Final summative evaluation reports	PRA		June 30/16	- Timelines intended to accommodate additional round of comments on process evaluation report.

Evaluation Management Diagram



NOTES:

- ¹ Brenda Chorney will also attend Working Group meetings as appropriate.
- ² Amy Richmond will also attend Working Group meetings, as appropriate.
- ³ Meagan Simpson-Law will provide support to all five evaluations.

Program Logic Model – Expanded Criminal Duty Counsel

(C) = Comparison data needed

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	Program Activities	Program Outputs	Short-Term Outcomes	Medium-Term Outcomes
QUALITY MANAGEMENT	Developing and delivering training, policy, tools and infrastructure to support the project	<ul style="list-style-type: none"> # and type of orientation/training materials developed # and type, and target of training delivered # and type of tools developed and implemented 	<ul style="list-style-type: none"> Target groups are informed and consider orientation materials, training, and tools to be helpful 	
	Quality improvement activities	<ul style="list-style-type: none"> Case management system implemented (incl. temporary manual system and upgraded system) # and type of QI and PM activities conducted according to plans 	<ul style="list-style-type: none"> Cyclical QI and PM activities ensure quality and performance issues are found and actions are taken to resolve issues affecting performance and quality 	
INTAKE AND ASSESSMENT	Assess client and make decision about whether early resolution is possible	<ul style="list-style-type: none"> # of clients using different entry points (e.g., judge, JP, CDC office, CDC in court, LSS intake, referred by another JITI pilot or agency) # and types of files/clients accepted, with a description of the complexity of the file # of files rejected, and reasons why 	<ul style="list-style-type: none"> Appropriate clients/cases are streamed into ECDC services Clients receive a referral to ECDC services in a timely manner 	

LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible ECDC clients <ul style="list-style-type: none"> • Provide advice to client • Provide continuous representation to client 	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matter in the program) that are assisted by same CDC 		s.13
		<ul style="list-style-type: none"> • Average \$ cost/file • # of cases successfully resolved (C) • # of cases not successfully resolved, and reasons why (C) • # of court appearances per file (C) • # of court appearances per case resolved prior to trial fix date (C) • # of court appearances per case resolved after trial fix date (C) • # of days from first contact w/ ECDC to successful resolution of case (C) • # of days from first appearance to resolution, on files resolved before trial fix date (C) • # of days from first appearance to resolution, on files resolved after trial fix date (C) 	<ul style="list-style-type: none"> • ECDC clients achieve the appropriate early resolution of their criminal matters • Clients are satisfied with their experience in the ECDC program 	s.13
		<ul style="list-style-type: none"> • # and % of clients leaving the ECDC program for an LSS Criminal Tariff referral • # and % of clients leaving the ECDC program who are not eligible to receive an LSS Tariff lawyer referral 		<ul style="list-style-type: none"> • The courts at the ECDC program site operate more efficiently • LSS operates its criminal legal aid services more efficiently • Access to Criminal Legal Aid at the ECDC program site is increased

OTHER SUPPORTS	Connect ECDC clients with other existing resources to help them address underlying problems	<ul style="list-style-type: none"> • # of clients being connected to other resources • # and type of other resources contacted • # and type of other resources utilized/engaged in the resolution process 	<ul style="list-style-type: none"> • Clients use referrals to other resources and find them helpful 	
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Evaluation and Measurement Plan – Expanded Criminal Duty Counsel

Outcomes	Indicators	Success Criteria/Targets	Data Sources and Methods
Short-Term			
Target groups are informed and consider orientation materials, training, and tools to be helpful	<ul style="list-style-type: none"> • Perception of project staff 		<ul style="list-style-type: none"> • Interview with ECDC staff
Cyclical QI and PM activities ensure quality and performance issues are found and actions are taken to resolve issues affecting performance and quality	<ul style="list-style-type: none"> • Evidence of addressing identified operational implementation issues detected by quality improvement activities • The performance of key processes are measured and consistently meet operational performance targets • Evidence of efforts to examine and resolve ongoing performance issues 		<ul style="list-style-type: none"> • Project data (e.g., findings and results of preliminary review cycles, other QI and PM activities)
ECDC clients achieve the appropriate early resolution of their criminal matters	<ul style="list-style-type: none"> • # of cases successfully resolved (C) • # of cases not successfully resolved, and reasons why (C) • # of days from first contact w/ ECDC to successful resolution of case (C) • % of ECDC clients whose matter is resolved before the trial fix date (C) • % of clients who feel the resolution of 		<ul style="list-style-type: none"> • Court Services data • LSS intake/ISIS data • ECDC program data • Client feedback (interviews, focus groups or survey)

Clients are satisfied with their experience in the ECDC program	<ul style="list-style-type: none"> their criminal matter was appropriate % of ECDC clients who feel satisfied with their experience in the ECDC program % of ECDC clients who are satisfied with the outcome of their criminal matter % of ECDC clients who are satisfied with the timeliness of the outcome of their criminal matter 		<ul style="list-style-type: none"> Client feedback (interviews, focus groups or survey)
Clients use referrals to other resources and find them helpful	<ul style="list-style-type: none"> % of clients who use referrals to other resources % of clients who find referrals helpful in obtaining a successful outcome in their criminal matter 		<ul style="list-style-type: none"> Client feedback (interviews, focus groups or survey)
Medium-Term			
The courts at the ECDC program site operate more efficiently	<ul style="list-style-type: none"> ECDC files are resolved with fewer court appearances/case than comparison site (C) ECDC files resolved before trial fix date have fewer days from first appearance to resolution (C) ECDC files resolved after trial fix date have fewer days from first appearance to resolution (C) ECDC files have fewer court appearances per case resolved prior to trial fix date (C) ECDC files have fewer court appearances per case resolved after trial fix date (C) % of courtworkers/Crown Counsel/judiciary who feel the courts are operating more efficiently ECDC lawyers' opinions regarding the connection between supports for clients' 	<ul style="list-style-type: none"> Court appearances/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) Days from first hearing to resolution/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) Days from first hearing to resolution/ case at ECDC site are < comparison (previous years at same site; same year at other comparable site) 	<ul style="list-style-type: none"> Court Services data Court Services data Court Services data Crown Counsel/judiciary interviews ECDC staff interviews LSS and program data

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	related issues and efficiency of courts/informed sentencing		
LSS operates its criminal legal aid services more efficiently	<ul style="list-style-type: none"> • Average \$ cost/file (resolved/unresolved) compared to cost of files for clients receiving LSS Criminal Tariff referral (C) • # of LSS Criminal Tariff referrals during pilot compared to prior year in pilot site • # and % of clients leaving the ECDC program for an LSS Criminal Tariff referral 	•	<ul style="list-style-type: none"> • LSS and ECDC program data
Access to Criminal Legal Aid at the ECDC program site is increased	<ul style="list-style-type: none"> • % of ECDC clients who would not have been eligible for a legal aid referral (C) • % of legal aid-ineligible clients whose criminal legal matter was resolved 		<ul style="list-style-type: none"> • LSS intake/ISIS data • ECDC program data

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**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Suzanne Anton, QC,
Minister of Justice and Attorney General

ISSUE:

Evaluations and business cases for funding for Legal Services Society (LSS) Justice Innovation and Transformation Initiatives (JITI).

DECISION REQUIRED / RECOMMENDATION:

- At this time, only preliminary direction is requested. Final decisions regarding a Treasury Board submission (TB Sub) would be made after further analysis and review by September, 2016, for the 2017/18 budget.

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- This request would be subject to LSS agreeing to support production of the submission by providing all information ministry staff will require and by exercising due diligence and sound fiscal management going forward.

SUMMARY:

- LSS has provided final business cases and evaluations on its JITI projects.
- All but one of the JITI projects have shown positive results in the quality, efficiency, effectiveness and reach of service delivery, based on both quantitative data and qualitative feedback to date.

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BACKGROUND:

- LSS has successfully fulfilled government direction to implement, evaluate and report on JITI, in this final year of funding, to inform decisions about ongoing operations in advance of the 2017/18 budget building period, with business cases supported by independent evaluations and performance measures.
- Committed government funding to LSS for JITI of \$6M total (\$2M annually for three years) ends this fiscal year, on March 31, 2017.
- This annual incremental \$2M of funding for JITI has been built into the LSS base budget since FY 2014/15.

- \$2M in JITI funding was approved by Treasury Board staff (TBS) to be presented for each of the next two fiscal years in the 2016/17-2018/19 LSS *Service Plan*;
- However, that it is subject to ongoing budget decisions informed by business cases and evaluations of the JITI projects.
- On July 15, 2016 LSS submitted final business cases and evaluations for JITI projects in compliance with the Mandate Letter direction for LSS to:
 - "Continue to monitor, evaluate and improve JITI to ensure implementation of the projects as intended, and to develop business cases to support a request for ongoing core funding for JITI initiatives.
 - Deliverable: Submit draft business cases for all JITI projects, incorporating evaluations and specific performance metrics, by June 30, 2016."

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DISCUSSION:

JITI Overview

- All but one of the JITI projects have shown positive results in the quality, efficiency, effectiveness and reach of service delivery, based on both quantitative data and qualitative feedback to date (pending detailed analysis).

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- Summary of costs per JITI pilot project are in the table below. Note that about 50% of the costs for each project consist of expenses common to all projects (central management and overhead, such as a project manager and an independent evaluation firm). About \$500k in addition to the \$2M budget was spent in 2014/15 for one-time start-up costs, which were absorbed by LSS within its base budget.

	2014/15	2015/16	2016/17	
(\$000s)	Actual	Actual	Forecast	Total
ECDC	\$ 351	\$ 377	\$ 410	\$ 1,138
NR				
Total	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,000

Factors for Consideration

- LSS executive and staff are enthusiastic about the JITI pilot results and are highly motivated to work on continuation and expansion of the four successful projects across the province. They have a compelling vision that includes a five-year plan for rollout and technical progress (e.g., mobile applications) that they predict will result in higher quality of service, reaching more clients, in a cost-effective way.
- LSS current budget and forecast: LSS advises that they have no capacity to contribute any funding to JITI nor any other expenses beyond those currently covered by their existing/approved base budget.

- This appears to be an accurate assessment, given that historically, LSS has ended most of the last five fiscal years with a small deficit.

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- LSS also had a \$400k surplus, in effect, in fiscal year 2014/15, resulting from a \$500k reallocation from their regular operations to JITI. This was spent on JITI implementation in addition to the \$2m in new funding government provided. LSS confirmed that this had no impact on non-JITI operations: thus, were surplus funds (net of a deficit of \$100k).

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- JITI continuation/expansion issues, in addition to funding, include IM/IT and staffing risks for LSS (eg: lead counsel of projects who are on contract).
- If required to wind-down the JITI projects, LSS advises that the main steps and timing needed to return to their pre-pilot state would involve a wide range of complex activities including halting intake of new clients and referring existing clients to tariff lawyers; terminating contracts; vacating premises and closing central management of the pilot projects.

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- Other factors for consideration regarding the development of a funding request for JITI would be the following:
 - Where LSS would fit in an overall ministry request, if any, to address other ministry pressures, e.g.:
 - priority; upstream/downstream impacts;
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OPTIONS:

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OTHER MINISTRIES IMPACTED / CONSULTED:

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- Ministry of Social Development and Social Innovation and other service providers, such as community agencies and social workers, provided reciprocal referrals to JITI projects, so would be impacted by operational decisions.

- Ministry staff have been working with staff in the Ministry of Technology, Innovation and Citizen Services and LSS to identify risk mitigation options for IT issues.
- Shared Services BC would be consulted regarding facilities space for JITI (whether wind-down, continuation or expansion of projects).
- It should be noted there would be several areas, especially Corporate Management Services Branch, Criminal Justice Branch, Court Services Branch, and Judiciary, which would be impacted and need to be consulted regarding operational decisions.

RECOMMENDED OPTION APPROVED:

DATE:



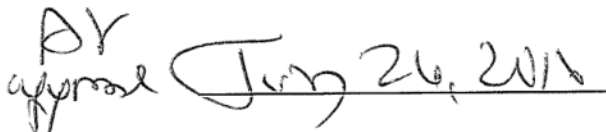
July 21, 2016

Richard J.M. Fyfe, Q.C.
Deputy Attorney General and
Deputy Minister, Justice

RECOMMENDED OPTION APPROVED:

DATE:

The Honourable Suzanne Anton, Q.C.
Minister of Justice and Attorney General



Prepared by:
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Approved by: Kurt J.W. Sandstrom, Q.C.
Assistant Deputy Minister

Date: July 20, 2016

Page 574 of 574

Withheld pursuant to/removed as

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Summary of JITI Costs
July 11, 2016

	2014/15	2015/16	2016/17	
(\$000s)	Actual	Actual	Forecast	Total
ECDC	\$ 351	\$ 377	\$ 410	\$ 1,138
NR				

Total	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,000
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