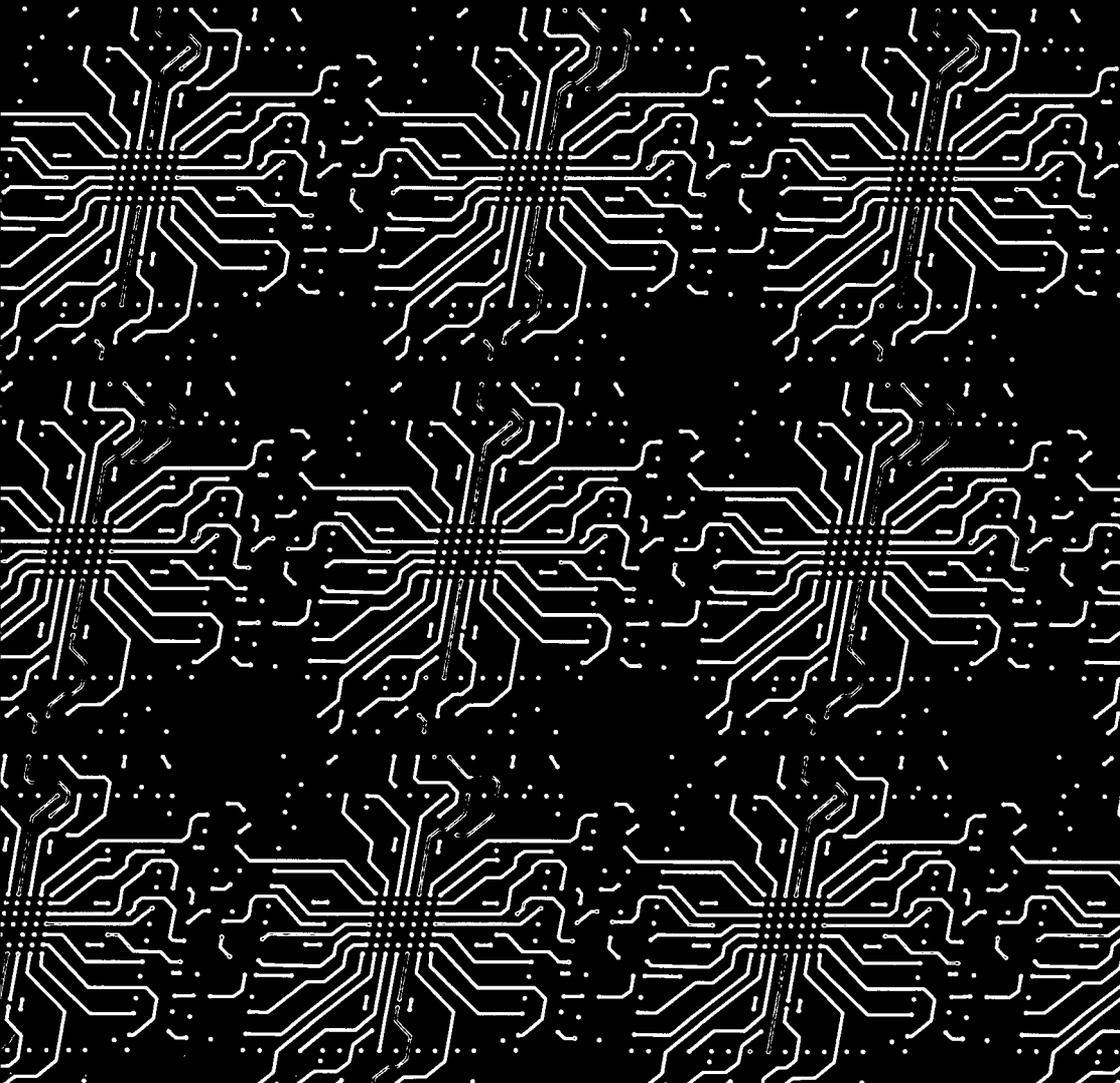
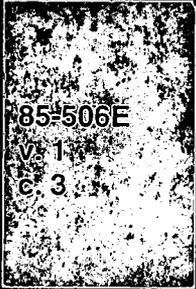


The Future of National Justice Statistics and Information in Canada

Report of
the National
Project on
Resource
Coordination
for Justice
Statistics and
Information

Volume 1



Cover:
Artist's illustration of
a wiring pattern of a
ceramic layer in a 2-inch-square
logic module used in the
new IBM 4341 processor.



Office of the Deputy
Provincial Secretary
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May 5, 1980

Mr. Richard H. Vogel,
Deputy Attorney General and
Chairman, Ad Hoc Steering Committee,
609 Broughton Street,
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Victoria, British Columbia
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Dear Sir:

On November 15, 1979, the Deputy Ministers responsible for Criminal Justice appointed an ad hoc Committee under your chairmanship to present a formal plan to improve the development of justice statistics and information in Canada. Because of the nature of the assignment, its scope, time frame and complexity, the Deputy Ministers also established a work group (the National Project on Resource Coordination for Justice Statistics and Information) to assist in developing the plan.

As the Chairman of the work group, I am pleased to attach our Report entitled "The Future of National Justice Statistics and Information in Canada". As you are well aware, a totally comprehensive study of the topic would take much longer than the time which was allocated to the work group, but I think you will agree that we have provided much more than a casual examination of the issues involved.

In his address last year to the Royal Statistical Society the President, Sir Claus Moser, stated that the central aim of those working in statistics in government is "...to provide the government of the day and its successors - for a statistical system has to be planned and viewed in the long run - with timely, comprehensive, accurate and relevant data; to produce the data base on which forecasts and assessments of the future rest; and not only to provide the data but to contribute to their use by skilful analysis and interpretation". Probably there are few who would quarrel with this statement but, unfortunately, the Report illustrates that there is a gap between the acceptance of the principle and its translation into practice so far as justice statistics in Canada are concerned.

.../2

This does not gainsay the fact that in certain sectors and in certain locations timely and accurate statistics are available, but the picture is an incomplete one. Yet the work group contends that, of all areas of government, it is the justice system where the total picture is most essential. It is in this area, the foundation of our democratic system, where policy decisions should not be made in a vacuum but should give every consideration to hard statistical evidence, for those decisions impact directly upon the freedom on the individual, the protection of the public, the containment of criminal activity and the rehabilitation of the offender.

As a result of our examination we have made certain recommendations which we believe will improve the situation relating to justice statistics and which we hope will be accepted by your Committee.

In addition, the Report contains recommendations relating to the collection of operational information and to the development of management information systems since these may impact directly or indirectly on the production of national statistical data. The justice field, in our opinion, trails other areas of government in its interest in, and its capacity to profit by, the development of information systems and, in particular, those which are computerized. Again, there are some jurisdictions (notably that of Quebec) which have taken advantage of the new technology but the realization of the extent to which that technology can be utilized to accelerate the process of offenders through the system, to produce accurate and timely statistics and to counteract both manpower and fiscal constraints is by no means universal.

In submitting the Report, I wish to express my appreciation to you for your interest and encouragement and to the members of the work group for their considerable efforts to complete the Report within the time limit which was established. I wish to pay especial tribute to Gerry Gervais and Cathy Gainer who formed the Secretariat to the work group and whose efficiency and dedication to the task was equalled only by their unflinching courtesy and patience.

Yours sincerely,



D. Sinclair,
Chairman
National Project on Resource Coordination
for Justice Statistics and Information.

PREFACE

ORIGINS, APPROACH, PARTICIPANTS

ORIGINS

The National Project on Resource Coordination for Justice Statistics and Information (NPRC) has been a joint federal-provincial undertaking to plan for the future production, analysis and distribution of national justice statistics. The need for coordination of resources in this area has been recognized for decades and there has been a plethora of attempts to examine some of the problems inherent in establishing national justice statistics and information.

The NPRC resulted from a series of discussions between interested parties in the justice statistics community. Federal and provincial discussions during 1979 led to the development of a proposal to strengthen the production of national statistics which was presented to a subcommittee of Deputy Ministers for Justice. Later, in October 1979, a detailed work plan was approved by the Ministers Responsible for Criminal Justice.

The National Project on Resource Coordination was formed in November of 1979 under the direction of an Ad Hoc Committee of Federal and Provincial Deputy Ministers of Justice, including the Chief Statistician of Canada. The NPRC Work Group members were drawn from Federal and Provincial Ministries, the National Task Force, the National Work Group and Statistics Canada.

The principle mandate of the NPRC Work Group, given by

the Deputy Ministers, called for the presentation to the Ad Hoc Committee of Deputies of a formal plan and implementation strategy for improved coordination of resources directed towards justice information and statistics.

APPROACH

Given the terms of reference, the Work Group had to address three basic questions: where are we now in the development of timely, appropriate and comprehensive national justice information and statistics; where do we want to be; how do we get there. While the way was clear to define our present situation and how it had evolved, answers to the two remaining questions were less apparent. Defining where we want to be required an examination of views from each of the provinces, as well as from federal departments. Moreover, the views from each of the sub-systems within those jurisdictions had to be considered since representatives of the courts, prosecutors' offices, police, or corrections could not be assumed to be in agreement in terms of what information they deemed relevant or necessary.

It was assumed from the outset that, although there were bound to be differences of opinion in regard to what data were required and how that data should be collected, processed, analysed, interpreted and documented, nevertheless, given a spirit of goodwill and cooperation and faced with the necessity of putting forward a national strategy for justice statistics and information, these problems could be overcome. What was seen as a more difficult task was solving the problems associated with (a) the funding of the total effort, and (b) the nature and organizational structure of the mechanism which would be created to achieve the overall objectives and goals.

In approaching these problems, it was decided that it would be necessary to:

- (a) provide the historical background to the development of our present situation;
- (b) analyze that background in order to learn from past errors;

- (c) obtain a profile of information needs as viewed by the provinces;
- (d) obtain a profile of information needs as viewed by the federal agencies;
- (e) develop from (c) and (d) a profile of national needs;
- (f) obtain as clear a profile as possible of federal and provincial resources presently applied to national justice information and statistics;
- (g) outline the parameters of the justice system and develop definitions of Criminal and Civil statistics;
- (h) examine the possible options relating to the organizational structure;
- (i) develop criteria for the purpose of evaluating those options;
- (j) choose and recommend the best option.

In addition, background papers would need to be developed on:

- (k) The issue of privacy and confidentiality;
- (l) the development of systems technology as applied to the justice community;
- (m) the experience of other jurisdictions in this field.

Each of these tasks was assigned to members of the Work Group; e.g., Statistics Canada provided the historical background, the National Task Force developed the profile on provincial needs and resources, the National Work Group developed the federal profile, and background papers were provided by individual members. Each document was discussed by the full committee and revised if necessary before its inclusion in this report.

At its first meeting, it became apparent to the Work Group that, to do justice to the task, it would be extremely difficult, if not impossible, to complete all aspects of the assignment within the time-frame originally established. It was decided, however, that we would meet the deadline as best we could, but in doing so draw attention to what remained to be done. This report reflects our deliberations on those aspects which we deemed to be of crucial concern. It contains our recommendations, their implications and an outline of the next steps required.

PARTICIPANTS

The NPRC Work Group was constituted with the following participants:

| | |
|---|--|
| Don Sinclair | Chairman |
| Tom Makin | Eastern Representative |
| Simon Cantin Lucien Leblanc | Quebec Representatives |
| Ruth Pitman | Ontario Representative |
| Beverly Bradshaw Jim Benning | Saskatchewan Representatives |
| Oskar Anderson | Alberta Representative |
| Karen Ayers Dennis Hartman | British Columbia Representatives |
| Bob Wilson | Federal Department of Justice |
| Christopher Nuttall Thomas Surridge John Townsend | Federal Ministry of the Solicitor General |
| Pauline Dodds Paul Reed | Statistics Canada |

PARTICIPANTS (Cont'd)

John Dogherty National Task Force
Francis Prevost

Cathy Gainer National Work Group
Gerry Gervais

Other Participants:

Leonard Crispino Ontario

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TABLE OF CONTENTS

Volume I

| Chapter | Page |
|---|------|
| 1. Introduction | 1 |
| 2. Why Collect National Justice Statistics and Information? | 5 |
| 3. Lessons from the Past | 11 |
| 4. Requirements, Availability and Resources | 29 |
| 5. Directions for the Future | 55 |
| Part A Some General Considerations | 55 |
| Part B Some Technical Considerations | 65 |
| 6. Criteria for Evaluating Options | 71 |
| 7. Options | 77 |
| Part A Status Quo | 79 |
| Part B Centre | 82 |
| Part C Group | 103 |
| Part D Consortium | 111 |
| Part E Satellite | 115 |
| 8. Review of Options with Respect to Criteria | 143 |
| 9. Recommendations | 149 |
| 10. Chairman's Concluding Remarks | 161 |

Volume II

Chapter

11. Universe of Justice Agencies
12. Working Definitions of "National Criminal and Civil Justice Statistics"
13. Methodologies for Defining Federal and Provincial Requirements
14. Provincial Requirements
15. Federal Requirements
16. Federal Resource Inventory
17. Notes on Conditions and Criteria for Evaluating Options
18. Systems Development
19. The Impact of Privacy
20. Satellite Philosophy
21. Experience Outside Canada
22. Activity List

Bibliography

CHAPTER 1

INTRODUCTION

The regulation of social life in Canada comes about in large measure as a result of the definitions and applications of criminal and civil justice law. An understanding of the quality of life in Canada is, therefore, highly dependent on the regular production of national measurements of the various justice systems.

This document represents the results of a federal-provincial exercise which might dramatically be expressed as having emerged from crisis. There is a crisis of access to reliable and comprehensive national justice information and statistics. This crisis, felt by both producers and users of justice statistics, has many dimensions, but can be illustrated in terms of what national information we are currently unable to produce – even at a most basic descriptive level. Regarding the criminal justice system, we are unable to provide regular and specific national statistical answers to questions about the extent to which Canadians are victimized by criminal activity, about the number of charges laid or individuals charged under the Criminal Code, about the number of people appearing in criminal courts, or even about the number of people found guilty. We know little of the quality or quantity of legal representation being given to Canadians in either our juvenile or adult criminal justice systems. Moreover, our national statistical representations of civil justice systems in the country are virtually non-existent.

The list of what we do not know is extensive. We do know, however, from national statistics which are available, that the nets of various justice systems are spread widely throughout our society. The police Uniform Crime Reports for the year 1978 showed a national aggregate of 1.7 million incidents involving one or more criminal code offences. It is estimated from results of the 1978 juvenile courts reporting program of Statistics Canada that over 50,000 juveniles appeared before juvenile courts despite widespread screening and diversion practices. Further, a crude estimate, extrapolated from old and incomplete descriptive data of civil justice systems in Canada, indicates that there are now probably at least one million civil actions taking place in Canada each year - evidently this is a major social phenomenon about which we know even less than we do about our criminal justice system.

Canadian justice systems not only have direct impact on the lives of selected citizens, but involve a major expenditure of public funds; they therefore affect the lives of all citizens. Estimates of national expenditures on the administration of justice alone range from \$2.5 - \$4.0 billion, or \$115 - \$185 per capita.

Certainly it is possible to be superficially enthusiastic about the need for major improvements in our ability to provide national statistical representations of the various justice systems. It must be recognized, however, that our justice systems currently operate almost independently of national data, although there exists considerable dependency on local operational statistics throughout all justice sectors. The provision of a cogent analysis of how national information and statistics can serve a useful and progressive function is, therefore, a basic precondition to any consideration of new resource allocations or organizational restructuring. Further, it must be recognized that attempts to compile national information and statistics have occurred in the past and continue in many areas. This work should neither be discarded nor overlooked in the planning of future strategies, particularly when it concerns the avoidance of previous errors or the creation of overly high expectations.

This report, produced in two volumes, represents many separate exercises as well as the input of numerous representatives of justice systems at both federal and provincial levels. It attempts to systematically address the difficulties faced in the area of national justice information and statistics. It puts forward a positive and realistic remedial strategy. Perhaps most important, this report is tangible proof of the spirit of cooperation and optimism which still prevails within the justice community in working towards the goal of producing high quality national justice information and statistics.

CHAPTER 2

WHY COLLECT NATIONAL JUSTICE STATISTICS AND INFORMATION?

**"If the government can trace
a hog from a farm to market
it ought to be able to trace
crime from the streets through
the criminal justice system."(1)**

In its 1976 report on "Dispositions and Sentences in the Criminal Process" the Law Reform Commission of Canada summed up the problems resulting from a lack of national statistics thus:

"The state of statistics and information on the nature of crime and the administration of justice in Canada is simply deplorable. There is a clear agreement on this situation even by those charged with the collection and dissemination of data. Dispositions and sentences are especially vulnerable, since these now depend largely on beliefs in what are effective measures against criminal acts. The public, legislators, administrators and judges are largely at the mercy of hunches in assessing the total picture of crime, and are forced to rely on their personal or work experience. There are a great number of myths and misunderstandings in areas such as bail, leniency in sentencing and release on parole. Even where data are available they are not published in a form or with sufficient speed to check assumptions, mitigate exaggerations, or even more important, indicate pressure points and identify reasons for crises."

(1) Philadelphia Bulletin, September 1976.

In Canada, nationwide information about crime is so fragmented, unreliable, untimely and varied that it is impossible to state, with any reasonable degree of confidence, conclusions about the state of crime or the justice system of the nation. However, crime and the justice system can affect the basic rights of Canadians in dramatic ways. The citizen has the right to expect not to be the victim of either a predator or the state. His freedom, happiness and peace are jeopardized if:

- a) he is a victim of attack or depredation;
- b) he is arrested or incarcerated without cause or due process of law.

Therefore, the first justification for the collection of national statistics is:

- a) to let the citizen know how much crime there is in Canada and how the governments, through their social policies and the justice system, are reacting to the "crime problem";
- b) to indicate how many people have their freedom of action and movement restricted by the state, for what reasons and in what way.

Second, the Canadian criminal justice system costs approximately **\$3 billion** each year. The taxpayer has a right to know how this money has been spent, and national justice statistics are the only way to obtain this information.

Third, national indicators (e.g. the unemployment rate or the inflation rate) tell us a great deal about the state of a nation. The only way to obtain national crime indicators (crime rate, arrest rate, imprisonment rate, etc.) is through national statistics.

These indicators are needed regularly so that the way in which the state of the nation varies over time or from region to region or city to city can be known.

Fourth, national statistics are needed if we are to begin to evaluate the efficiency, effectiveness, accountability and fairness of the justice system of Canada.

Fifth, the citizens of Canada have a right to information on the justice system as it is applied from coast to coast, not just a partial or local view. Only national statistics will enable them to obtain a view of the system which affects them wherever they happen to be.

Sixth, in order to be able to make international comparisons, national statistics must be produced.

The six reasons for collecting national statistics outlined above are reasons for providing the general public with information about crime, criminals and the criminal process. However, besides these general reasons for collecting and publishing national justice statistics there are other potential users of such statistics who have a more professional or specialized need.

Information on crime and the criminal justice system is needed by both the federal and provincial governments because the responsibility for the operation and cost of justice services in Canada is shared.

Assuming that decisions taken about the criminal justice system will be better if based on reliable, timely, credible and relevant information rather than feelings and "experience", national statistics are needed for all levels of government to:

- a) inform criminal justice policy planning (e.g. without information about sentencing practices across the country - as is the case at present - it is difficult to know how to produce, or where are the likely impediments to producing, such desired objectives as the reduction in the incarcerated population);

- b) increase the accuracy of predictions about crime rates, costs, manpower requirements, demands for services, changes in the use of dispositions available to the courts, etc. (in the absence of reliable information about the state of crime and the criminal justice system a method of predicting, known as "Delphi", has been used. It is based on averaging the guesses of criminal justice professionals. Unfortunately, the track record of the original oracle hardly bodes well for this attempt to manage without data!);
- c) identify problem areas of common interest and concern to all levels of government (e.g. high crime rates in certain areas or disparity in sentencing practices), so that national or local policies and programmes might be initiated;
- d) inform discussions on cost-sharing;
- e) provide a basis for evaluating the delivery of services (efficiency, fairness, etc.) by those responsible for the justice system so that improvements may be made;
- f) identify potential duplication of services between the provinces and the federal government.

Finally there are those needs for national statistics that are peculiar either to the federal or provincial governments (most of the information collected would be of use to some level of government but some would be much more likely to be used by one level rather than another).

The federal government would, in addition to the above, use national statistics to:

- a) assess the impact and interpretation of the Criminal Code;
- b) plan resource allocation within federal services;

- c) plan and evaluate those federal operations which are national services;
- d) plan and assess those federal operations which are closely related to or affected by provincial operations;
- e) provide a central resource for the justice system by being informed on needs, effectiveness of programmes and discrepant performances within the various sectors.

The provincial governments would, in addition to those uses described above, use national statistics to:

- a) compare provincial justice indicators;
- b) identify services that appear to be inefficient or unjust when compared with those of other provinces;
- c) make a comparative assessment of the impact of provincial legislation and policies;
- d) monitor and compare the developments in caseloads, staffing patterns, expenditures, facilities and programmes;
- e) evaluate the quantity and quality of the services offered by the federal government within the province;
- f) plan for provincial and municipal services which are closely related to, or affected by, federal services.

Conclusion

The results of not having national statistics are summed up by the U.S. Department of Justice in its plan for a Bureau of Criminal Justice Statistics in a manner which applies equally well to the Canadian situation:

"It is impossible to know on a national scale how many crimes committed result in reports to police, how many reported crimes result in arrests, how many arrests result in prosecutions, and how many prosecutions result in convictions. It is impossible to know on a national scale how many convictions result in probation, in fines, and in prison sentences, and, of the prison sentences imposed, what proportion of each sentence is served. It is impossible to know on a national scale who among those who serve sentences are likely to return to prison. In brief, it is impossible to follow on a national scale criminal offenders through the criminal justice process and know what happens to them and what, in turn, happens to the system.

"This situation would be almost comically absurd, if its consequences were not so stark. Unless one knows, with some degree of certainty, the path of offenders across all of the transitions which occur between different steps in the criminal justice process - from arrest to court, from court to prison, from prison to the streets - one can never tell what effect action in one part, for example increased police activity, has or will have on any other part, for example the amount of delay in the courts. Consequently, any overall effort to control crime must base its strategy on hunch, opinion, prejudice, and occasional fragments of information totally inadequate to the magnitude of the problem, and not on national statistics which are accurate, credible, and to the point."

CHAPTER 3

LESSONS FROM THE PAST

**"There is never time to do it right,
but always time to do it over"**

A. Efforts of the Past Decade

A major problem confronting the justice community today is the almost total absence of national information with which to measure and compare the occurrence of crime and its cost to Canadian society. This information is essential for conducting proper evaluations of the effectiveness of our legal institutions, or, ultimately, for prescribing appropriate changes.

In addition, there is an almost total absence of national information on the application of civil law. We know very little, therefore, about the regulation and arbitration of relationships between individuals and/or organizations, or their costs to society.

Statistics Canada has, for the past century, had the statutory responsibility for the generation of national justice statistics and, while there has been a continuing effort to improve those statistics in conjunction with both their users and producers, it is only in the last decade that the implications of an inadequate information base have brought about sufficient concern to prompt a number of joint initiatives dedicated to resolving all or part of the broad problem.

This chapter sets out to review those recent initiatives, their objectives, the assumptions under which they laboured and their results. In so doing it is also essential to assess in general terms Statistics Canada's efforts to produce national statistics.

The specific problems which have led to the current situation can be classified into two types: problems of planning a national justice statistics and information base, and problems of designing specific programmes within the plan. Some problems are, of course, common to both levels of activity.

In terms of broad planning, the need for a more concerted collaborative effort at the federal level was recognized in 1971, resulting in the creation of the Federal Interdepartmental Committee on Justice Information and Statistics (its most recent name, and referred to as the FIDC). Its terms of reference as originally drawn up include the following:

- i) establish broad principles governing the parameters of responsibility regarding present, future and special programmes operated by Statistics Canada, the Ministry of the Solicitor General and the Department of Justice;
- ii) determine the statistical requirements of the federal Ministry of the Solicitor General and Department of Justice reflected in the programmes operated by Statistics Canada and provide support to promote the assurance of required resources;
- iii) establish and review interdepartmental working arrangements among Statistics Canada, the Ministry of the Solicitor General, the Department of Justice and the provinces for continuing liaison in developmental work among themselves and with the provinces in discussing, planning, testing, implementing and evaluating programmes, and in changes in legislation and statistical systems in which these changes have impact.

In 1973, the FIDC set up a Working Group whose major task was "to document the already acknowledged deficiencies

in the present system of judicial statistics and to recommend ways and means of tooling up an integrated system of legal statistics which would meet the needs of legislators, administrative agencies, social accounting, and planning". The Working Group's report contained a number of recommendations including: (a) confirmation of the need to coordinate federal activities to avoid overlap and duplication; (b) urging of Statistics Canada, with responsibility for coordinating statistical needs at the federal level, to work with the provinces to develop systems which could produce timely national statistics; (c) the preparation of a joint departmental submission to Treasury Board requesting increased resources to strengthen justice statistics and information programmes. Since Treasury Board approved the sentiment but did not grant the resources, Statistics Canada's work with the provinces could proceed with less vigour than hoped for. The continuation of the FIDC did, however, contribute to federal consultation.

Late in 1973, justice information also emerged as an issue of serious concern in the federal-provincial area. In December of that year, a Conference of Ministers Responsible for Corrections recommended that a special conference on judicial-correctional statistics be held to address the problems of, and attempt to set up an ongoing process of liaison on, information systems and statistics. That conference was held in June, 1974, and participants agreed to the creation of a permanent Federal-Provincial Advisory Committee on Justice Information and Statistics (FPAC) to: (a) identify common statistical problems; (b) develop mechanisms for their solution; (c) encourage the compatibility of statistical systems; (d) communicate the status of systems being developed. That conference also recommended the creation of three task forces:

- i) a Task Force on the Assessment of Present Judicial Statistics and Future Data Generation;
- ii) a Task Force on Identifiers;
- iii) a Task Force to compile a dictionary, specifying concepts and definitions of core data inputs.

The task forces made reports to the first FPAC meeting in December, 1974, and the second in September, 1975, at which time a further informal group was set up to look at the problems of juvenile identifiers. Particular reference should be made to a resolution adopted by the FPAC in 1975, because it has been cited as the cornerstone for the future development of a national justice information base. This resolution emerged from a review by the Task Force on the Assessment of Present Judicial Statistics and Future Data Generation of law enforcement.

"Data collection should remain the responsibility of the local authorities responsible for the administration of justice, who would also develop administrative information and linkage for their own needs... the structuring of planning and management data should occur within provincial jurisdictions.

"The federal role would be one of maintaining responsibility for the development of national information needs. Statistics Canada should compile and publish annual reports and act as clearing house for shorter term national information requests."

The FPAC met again in April, 1976, but by the summer of 1977 it had become apparent that the generation of comprehensive national statistics was still a distant goal. Following the submission of a number of proposals to the joint Meeting of Attorneys-General and Ministers Responsible for Corrections in June, 1977, the federal departments concerned assessed the results of the efforts that had been made and concluded that the early promise of the FPAC had not been realized. Its task forces had started well but lack of continuing resources and the difficulties of monitoring their activities by as large a group as the FPAC hindered real progress on the problems they addressed. In addition, resolutions urging the commitment of resources to the development of a sound base of justice information and statistics had not been translated into action.

The failure was attributed to two causes: firstly, at the policy level, the representatives to the FPAC did not have the authority to assure their governments gave priority

consideration to the Committee's recommendations; secondly, (perhaps flowing from the first), at the working level there had not been a sufficient allocation of resources to address the problems in a systematic way.

This assessment was presented to a Joint Conference of Deputy Attorneys-General and Deputy Ministers Responsible for Corrections in October, 1977, with a proposal to overcome those weaknesses. It was proposed, firstly, that membership of the FPAC be upgraded to the Assistant Deputy Minister level or equivalent, and secondly, that a work group be established, funded jointly by the federal Ministry of the Solicitor General, the Department of Justice and Statistics Canada, to undertake a study of current management and other information systems in the justice area in Canada, including planned initiatives and perceived priorities. On the basis of this study, a report was to be prepared suggesting a plan of action and a tentative schedule of activities for consideration by the FPAC. From this was born the National Work Group on Justice Information and Statistics which began work in April, 1978 as an instrument of achieving the community's long-term objective of developing information systems within appropriate jurisdictions; from these, national statistics could be derived.

Prior to this attempt to strengthen FPAC activities, another major initiative had already been taken in setting up the National Task Force (NTF) on the Administration of Justice. At their conference in Calgary in January, 1976, the Provincial Ministers of Justice and Provincial Attorneys-General expressed a number of concerns regarding the administration of justice, among which were:

- i) the low priority given to the administration of justice in Canada;
- ii) the too limited sharing of information which could be of use in improving services;
- iii) the disparity in quality of the administration of justice from province to province;

- iv) the inadequacies of law reform processes and, in particular, the inability to determine the impact which law reform would have on justice services and demands for those services;
- v) the shared jurisdiction between federal and provincial governments in the many areas of the administration of justice, making it difficult to set and carry out uniform policies and to avoid unnecessary duplication of services;
- vi) the lack of a rational basis for ascertaining how the burden of costs for the administration of justice should be shared.

As a result of sharing their concerns, the Ministers established the National Task Force on the Administration of Justice, comprising their Deputy Ministers, in order to:⁽¹⁾

- i) examine existing justice services within Canada;
- ii) gather data relating to the cost of delivery of these justice services, including both operating and projected capital costs;
- iii) recommend minimum standards for justice services in order to provide governments with the appropriate criteria to improve existing services and resources.

⁽¹⁾ As amended in June, 1978 by the Ministers.

In June, 1976, at the Ministers' meeting in Vancouver, the Minister of Justice for Canada agreed that the two federal justice ministries (Justice and Solicitor General) would participate in the work of the NTF. Funding of the National Task Force has been shared among the provinces, with a portion of its costs borne by the federal departments of Justice and the Solicitor General.

By June, 1977, reports had been prepared and were submitted to the Ministers in Ottawa. The reports broadly described each justice service, its legislative frameworks, programmes, operating costs, staffing patterns, caseloads (where available), and the distribution of services for the fiscal year 1975-76.

At their meeting in October, 1977, the Deputy Ministers reviewed the NTF work and recommended: that it continue for another year; that it work in close association with the FPAC; that it rationalize and coordinate that information already collected, verify that information and data, and supplement them where desirable.

By June, 1979, the second set of reports (on police, crown counsel, legal aid, courts and adult correctional services) were completed for the Deputy Ministers: they represented a substantial improvement in the quality of information on justice services, costs, staffing patterns and the distribution of services.

When the NMG began work in 1978 on the study assigned to it by the Deputy Ministers in 1977, the question of the relationship between the NTF and the NMG was raised. Links had, of course, been established informally between the two groups and their roles were seen as complementary, the NMG working towards the achievement of long-term objectives in the justice information field and the NTF gathering administrative data to aid more immediate administrative tasks.

The revitalized Federal Provincial Advisory Committee met in January, 1979, to review the National Work Group report; the Executive Director of the National Task Force participated in that meeting.

Representation at that FPAC meeting was not entirely at the senior level hoped for, but the meeting established some firm priorities for the activities that should be addressed over the coming year. The most critical of these was the definition of information requirements by the federal departments and by each of the provinces. In the meantime, high priority would be given to work by Ontario on preparing a Model of Provincial Data Element Definitions.

B. An Assessment of Those Efforts

In spite of these efforts, there will still be very few national justice statistics for the current year. While the National Task Force did address the immediate problem of data acquisition with whatever was available from federal and provincial sources, it too faced serious difficulties in creating truly national statistics (i.e. data which cover all jurisdictions and which are comparable among them) and its efforts were not designed to establish a continuing programme. Other joint efforts were similarly unable to resolve the immediate data acquisition problem.

The FPAC's task was set within the framework of existing constitutional and statutory responsibilities of the jurisdictions concerned - the administration of justice being a shared federal and provincial responsibility while responsibility for national statistics rests with Statistics Canada. The Statistics Act sets out both the mandate of that agency as well as the responsibility of particular legal institutions to submit information to Statistics Canada as required. All Statistics Canada's justice programmes (bar a few ad hoc surveys) have been built upon this split of responsibilities (and costs) between Statistics Canada and the provinces, i.e., the submission of data by individual jurisdictions to Statistics Canada for aggregation and dissemination. Where local administrative systems could serve a dual purpose, they would; where they could not, data would continue to be provided to Statistics Canada's own data collection systems. The FPAC resolution of 1975, quoted earlier, reconfirmed this division of labour.

With a general consensus that the eventual production of national statistics as a by-product of administrative systems was the most efficient means of serving everyone's information needs, this long term objective was the one to which the efforts of the FPAC were primarily devoted. But the levels of interest (as indicated by FPAC representatives) were varied, and the commitment of resources to agreed-upon action was erratic. While the Committee was itself unwieldy in size and had no centrally dedicated resources to coordinate effort and maintain momentum, the activities undertaken by its task forces had, for the most part, no immediate pay-off for the jurisdictions represented. Most jurisdictions having limited resources, they would naturally be assigned as a first priority to areas of high pay-off. FPAC efforts did not lie in such areas, and while it did attempt to address issues important to the compatibility of systems in the long term, it did not provide much more support to the actual development of individual systems than that which might have been obtained by initiatives between individual jurisdictions.

While the FPAC and the NWG have concentrated on achieving the long term objective, the problem of the immediate lack of national statistics was addressed only by Statistics Canada and the National Task Force. The immediate inadequacies of the ongoing programmes, though frequently enumerated, have persisted. The shortage of resources for the Justice Statistics Division was seen as a primary obstacle to improving the situation; this was reflected in the joint federal submission to Treasury Board in 1974, and the Division's own Medium Term Plan of 1977.

The shortage of resources available to the programmes' respondents, however important given the basis on which programmes were built, was a problem not faced head-on until the recent evaluation of the Adult Court Statistics Programme. While Statistics Canada must bear the responsibility for problems of data processing and dissemination, data acquisition has been a joint responsibility. Whether or not the political climate was ripe for such thorough self-evaluation by all concerned is a matter of speculation; at any rate, the critical examination was not undertaken.

Although the division of responsibilities in data generation has been assumed to be the most efficient means of producing national statistics, the short term implications for the satisfaction of immediate information needs have been severe. Let us look first, in broad terms, at the problems of the programmes themselves.

1. Problems in Programmes

i) The development of justice statistics programmes faces problems along four basic dimensions:

- political
- organizational
- technical
- resources-related

The programmes have, in large measure, been developed as an outgrowth of operational systems rather than as purely statistical programmes. Consequently, primarily organizational solutions to programme problems have been adopted at the expense of the other dimensions. In fact, the problems comprise all four dimensions. They must be tackled simultaneously if enduring remedies are to be found.

ii) Some programmes have failed because they have been dependent for data on those with neither a particular interest in the statistics being generated nor the resources required for their generation.

Only in limited areas are response rates sufficiently reliable, examples being the Uniform Crime Reporting Programme (UCR) and, in limited areas, the Corrections Programme.

The UCR programme was jointly developed and is still monitored by Statistics Canada and the Canadian Association of Chiefs of Police (CACP). The police community is, in some measure, obtaining or capable of obtaining what it requires from the programme. In the Provincial Institutions area, annual aggregate data, which are readily acquired, have been provided

reliably. Detailed micro data have been provided only by those jurisdictions in which joint administrative/statistical systems have been developed, thus meeting on a timely basis the needs of the participating provinces.

In contrast, the adult courts area has not been as sensitive to many of the provinces' real needs in both supplying and using data and yet has placed a heavy demand on their resources. With little benefit in return for high cost, it is not altogether surprising that coverage has not been national for some years. A contributing factor has been the absence of a forum to articulate the common needs of the courts administration community, analogous to that of the CACP with respect to police statistics.

There has, in general, been little attention focussed on the explicit assignment of costs in some proportion to benefits.

- iii) Programmes have been faced with too little consensus or unstable consensus on priorities. Goals were not explicated and assumptions were made about the needs of various interest groups. Programmes were developed, then changed on an ad hoc basis, without the benefit of proper evaluation of their performance, either on a consistent basis or at an appropriate time.

In addition, faith in the promises held out by new technologies led to an ineffective conversion to automation.

- iv) Programmes designed on the principle that they would draw national statistics from management and administrative systems have been faced not only with uneven development but changeable development, as personnel, policies and priorities have shifted. They have also been faced with difficulties inherent in reaching a consensus among all jurisdictions on such items as basic units of count.

- v) There has been a failure to take account of how particular interest groups, upon whom a programme is dependent, should influence that programme's design and performance. Not only is it essential to strike a balance between data providers and data users, but the experience of others would indicate that, unless a programme is designed to serve some useful purpose for those responsible for the initial input, there may be a lack of commitment that could seriously affect quality. Likewise, where the data providers (actual or potential) are not the principal users or beneficiaries, arrangements have rarely been made to adjust or rectify this imbalance and the quantity and quality of the statistics have suffered to the point where there were no beneficiaries.

- (vi) There has been a failure on the part of programme designers and product consumers to vigorously address and resolve the strategic and complex issue of trade-offs between census and sample data and micro and aggregate data. Concern for statistical efficiency has to be addressed in both the planning of an overall agenda or package of programmes, as well as in the programmes individually.

- vii) There has been, in many instances, an unbridged schism between the various groups of experts, all of whom are essential to the statistical and informational process. There is a complex network of levels, responsibilities and skills in all jurisdictions among which the failure to communicate can result in the failure to achieve objectives.

The efforts of the past would indicate that the broad planning exercise itself can be flawed by improper assumptions, inaccurate perceptions and the absence of thorough diagnoses of preceding exercises, rooted perhaps in political politeness. A reluctance to thoroughly diagnose problems may indeed have contributed to our slow progress.

viii) Finally, the Justice Statistics Division has been faced with too few resources given the range and level of demand for justice statistics. The Division has been compelled to spread those resources thinly across a number of programme areas in an attempt to satisfy as many demands as possible; the price for this has been the sacrifice of quality and continuity. The Division has also been substantially constrained by its position in Statistics Canada: it has been accorded low priority as a subject-matter area, in competition for limited resources with numerous economic statistics programmes which have been supported by a strong and vocal lobby of users, both federal and provincial. With the exception of one joint submission to Treasury Board for modest additional funding (which failed), the Division has had neither financial nor other assistance from federal departments, despite their continuing expressions of dissatisfaction. It is hardly surprising that Statistics Canada has not given justice statistics the needed higher priority in the face of well-articulated competing demands from other areas, and silence or criticism from the justice community.

2. Problems in Justice Statistics Planning

- i) The approach to designing both programmes and an agenda of programmes has been on the basis of consensus and cooperation among separate, unequal and sometimes competing jurisdictions. However, the production of national statistics on a cooperative basis demands unanimity on such items as comparability of definitions and units of count; these have sometimes conflicted with the requirements of an individual jurisdiction. In the Canadian confederal system, any one jurisdiction has the power to veto a totally cooperative effort; there has been a failure to consider alternate strategies for data acquisition to overcome the problems for national justice statistics created by the exercise of that veto power. Moreover, the resources available have inhibited such considerations, which are almost always more expensive.

- ii) There would appear to have been a presumption in past efforts that the solution to the broad problem would flow naturally from consensus, which would arise from and rest on a thoroughly documented statement of common needs. As long as crime is not a static phenomenon, neither our institutional responses to it nor our needs for information upon which to guide those institutional responses can be static. While changing priorities within individual jurisdictions may have reflected changing needs, an answer to the question of how to cope with the problems of change at a national level does not appear to have yet been discovered.

Consensus has too often been a consensus of the moment, which dissolved or diminished with subsequent changes in policy and priorities or with changes in personnel in participating jurisdictions.

- iii) While there may have been a preoccupation in several efforts of the past to delineate needs, it has not always been matched by the justification of those needs. There has been no real attempt to establish a set of criteria against which the utility of current programmes can be evaluated, or future priorities determined.
- iv) There has been an assumption that many problems would be resolved by more dollars and better coordination of their utilization. The difficulties of adequate resource coordination across multiple jurisdictions, however, should not be underestimated. The slowness in implementing the 1974 federal-provincial resolution urging the creation of provincial coordinating/advisory committees bears witness to the difficulties of common commitment and coordination.
- v) In all jurisdictions (and within justice-related departments in those jurisdictions), justice statistics work has had to compete with other priorities and interests for its share of the financial pie. Not only has the justice sector been in competition with other economic and social

to the design and operation of a justice statistics system, the lack of consensus should be made manifest, and the final choice, from among an array of action alternatives, should be made by the Deputy Ministers themselves.

C. Conditions for the Success of the NPRC Work

From the foregoing attempt at analyzing the reasons why previous efforts have not succeeded in providing us with the information we need, it is apparent that, if the NPRC is to make a consequential and lasting contribution, it must recognize a number of conditions to be met:

- i) The implementation of its recommendations, or any alternative agreed upon by the Ministers, must have the full commitment of all the Ministers and their Deputies for some continuing period. The level and distribution of resources must be adequate for every partner in the system and must be sustained over time.
- ii) Progress towards the achievement of the long term objective of producing stable, integrated, national justice statistics must not be permitted to drain attention and resources such that immediate needs are neglected — unless, of course, there is agreement that national statistics can await the development of compatible systems in all 10 provinces, 2 territories and the federal ministries.
- iii) Future collaborative efforts are unlikely to be successful without the explicit apportionment of costs. The national justice statistics system can only support certain types of products: those for which there are users whose information needs have a priority which leads them to decide to pay the required price.

the past that have been direct decisions from the Deputy Ministering relatively simple and singular action or course of action. To the extent of uncertainty at the choice of an option, the production of national statistics on a cooperative basis requires unanimity on their components. Where costs cannot be produced cooperatively because of individual jurisdictions' priorities, acquiring national statistics must be prepared to bear the costs of acquiring them centrally.

able information is money

programmes, but within the administration of justice, statistics and information have had to compete with other causes and demands. If other causes have received support on the basis of a perception of need, we might assume that the information offered in return for more support to statistical activity is considered to be of only marginal value, and therefore would make only a marginal contribution to strengthening the existing level of knowledge. Information should be illuminating as well as supportive if its production is to be supported.

- vi) Some of the operations of the National Task Force have demonstrated the advantages of commitment at the highest level (Deputy Minister), in other words, political clout. The support of all Deputy Ministers seems to have achieved the support needed at subordinate levels.
- vii) While the National Task Force reports made a worthwhile contribution to the dissemination of information on justice services, the difficulties that were often faced in producing national caseload statistics beyond those already generated by other central agencies demonstrates the need to recognize that a well-rounded continuing programme of national statistics is not a simple undertaking, and will not have a low price tag. There has been a tendency in planning statistical programmes to do the best with whatever resources were available. However, the expenditure of anything less than the minimum required to produce reliable information is money wasted.
- viii) Those efforts of the past that have been directed towards obtaining decisions from the Deputy Minister for support and action have been designed to make that decision-making relatively simple and by presenting one particular action or course for approval or rejection. To the extent that there is dissent or uncertainty at these levels regarding the choice of an option,

- v) The report should be the culmination of a process of considering carefully what needs to be changed, who is responsible for – and therefore must be persuaded to accomplish – that change, and inspire single-minded efforts directed towards successful implementation of these changes.

REQUIREMENTS, AVAILABILITY AND RESOURCES

INTRODUCTION

The information and data requirements of the ministries and departments responsible for the administration of justice fall into three broad categories:

- caseload data which indicate the number and types of cases handled by the justice services, and which describe some of the characteristics of persons processed through the justice system;
- resource data regarding the numbers of persons employed in the justice services, expenditures and the distribution of services;
- qualitative descriptions of the justice services outlining organizational structures, responsibilities and jurisdictions as well as the programmes operated.

Caseload statistics enable justice ministries to compare the volume and composition of their workloads and the disposition of cases. Resource data, when combined with caseload data, can provide performance indicators and outline the level of services provided by the municipal, provincial and federal governments. Accurate descriptions of the services provide the framework within which the statistics can be meaningfully interpreted. The provinces are particularly interested in these descriptions.

The National Work Group, with the Department of Justice, the Ministry of the Solicitor General and Statistics Canada, initially identified federal information requirements through structured interviews with 65 federal officials. Subsequent meetings were held with selected key representatives to refine and re-specify requirements.

Those assigned to work with the National Task Force prepared surveys through which the provincial information requirements, priorities and availability of the required information were determined. These were sent to the directors of justice services in all provinces and territories. The results of the police surveys were compiled by Quebec, legal aid by Saskatchewan, crown counsel by Ontario, courts by Alberta and corrections by British Columbia. A total of 63 survey forms were distributed, of which 56 were completed and returned.

The combined federal and provincial requirements are summarized in this chapter which concludes with a breakdown of resource commitments by sector for the fiscal year 1979/80. Volume II contains a description of the methodologies used to establish requirements at both federal and provincial levels, a more detailed listing of information requirements and a further analysis of the major resource allocations.

Overall, the findings indicate that provincial and federal ministries have common information requirements, although they are often given different emphasis. The provincial ministries tend to give a higher priority to information and statistics which would be of use in evaluating operations. The federal requirements reflect a greater interest in data which would be valuable in policy planning and research. The provincial requirements can be satisfied by aggregated data - data which is reported by the operational units such as correctional institutions, police detachments and court locations and summarized by province and territory. The federal requirements can best be met by collecting detailed data regarding persons passing through each justice service.

Information and statistics on post-court juvenile services were not surveyed with the provinces in this project as more than 85% of these services are provided by social service ministries. In most instances the services offered to juveniles in conflict with the law are combined with services for other youths and for families. Determination of the provincial information requirements in this area could not be done within the time frame set for this project. The federal ministries did, however, identify their requirements in this area, and they are summarized in this Chapter.

The information requirements specified here should be interpreted as general statements of current interest expressed by representatives of the ministries and departments. It should be noted that, even though the requirements are organized by area of service, the information from one service is of interest to the others. Further, these listings do not preclude a wide range of special information interests which may be satisfied through single efforts - for example, the evaluation of a particular justice service. The listings reflect interest in ongoing availability either through census programmes or periodic surveys.

In many cases it has been found that although no national information programmes exist, information is available at local or provincial levels. This availability is of varying degrees and forms - i.e., through manual or automated systems. It leads, however, to a common observation that attaining national justice information often implies coordinating local and provincial efforts and standardizing definitions rather than first-level data collection.

It should be kept in mind that the information requirements of the ministries will change with time. The requests for national justice statistics are likely to increase in terms of scope and detail as further valid national data becomes available.

These requirements have not been officially adopted by the senior managers of the justice services or the Deputy Ministers. Only in some cases are their views represented.

The next steps in the process of determining information requirements, priorities and the availability of statistics would include:

- verification of requirements now identified;
- confirmation of the availability of the data, the current levels of aggregation and formats employed, as well as the work required to transpose local and provincial data into nationally comparable statistics;
- development of alternative strategies and methods to acquire high priority statistics which cannot be obtained through existing services and their information systems.

INFORMATION REQUIREMENTS, AVAILABILITY, AND OBSERVATIONS

The following is a sector-by-sector summary amalgamation of federal and provincial information requirements. Further summaries regarding the current availability of national information are also provided, along with summary observations.

The reader is again referred to Volume II for a description of the methodologies used to establish both the federal and provincial requirements, for more detailed requirement listings, and for an outline of the "universe" of services covered within each sector.

Separately produced reports on requirements are also available (see Bibliography - Volume II).

LAW ENFORCEMENT

Adult and Juvenile

Federal and provincial listings reflect **general agreement** on the following categories of required information:

Caseload Data

- Reported and actual offences
- Offences cleared by charge and otherwise
- Number of persons charged - adult/juvenile by sex
- Offences by offence categories
(the above as reported through U.C.R.)

Resource Data

Federal, provincial and municipal police

- Actual and authorized size of force by province, region, detachment or force
- Staffing by rank, classification, major functions and sex
- Transport equipment - number and type
- Population served by detachment, region, province
- Total expenditures - salaries and benefits, transportation, other operating costs, facility and other capital expenditures
- Total expenditures - police related services
- Expenditures by major police functions
- Expenditures by level of government and by force

Qualitative Descriptions

The following information has been identified by the provinces but might also be of use to the federal agencies. Required is an overview of:

- Federal, provincial and municipal policing outlining overall organization and responsibility

- Services provided by the forces and the organization of these services within the major forces
- Police-related services operated by the three levels of government
- Other major justice services rendered by the police which do not fall under police enforcement and crime prevention duties, such as court security and prosecutions
- Contracted police services and conditions specified in contracts

The following are caseload categories identified **federally only**:

Caseload Data

- Incident/occurrence - source and type of complaint, (e.g. family violence), property damage/loss, personal injury
- Number and type of offence(s) by incident
- Victims - personal characteristics and relationship to accused (e.g. spouse)
- Witness - number, relationship to accused and victim
- Accused - personal characteristics, criminal history
- Pre-trial process stages and dates
- Fingerprints and photographs taken (juvenile only)

Availability

There is a national police caseload information programme. Statistics Canada publishes Uniform Crime Report results on an annual basis, as well as a special annual report on homicides.

The detailed research requirements for information regarding offender characteristics, circumstances of incidences, witness and victim, are not available through the Uniform Crime Reports. Although some of these data are now being gathered through a special victimization survey sponsored by the Ministry of the Solicitor General, other requirements for regular information of this type are not being met. An example concerns the collection of ongoing national police statistics on family violence which was

recently recommended by a Federal Interdepartmental Committee on Family Violence and was endorsed in a speech to the House of Commons by the Prime Minister in October, 1979.

Many provinces and forces are now forwarding their own processed computer tapes to Statistics Canada. The provinces of Quebec and British Columbia process the Uniform Crime Report returns for their provincial and municipal forces while the R.C.M. Police do so for their entire force except in British Columbia. Alberta has commenced a programme to process municipal force returns. Statistics Canada is also processing the O.P.P. returns and the Alberta returns at this time.

The municipal force returns in Saskatchewan, Manitoba and the Atlantic Provinces are processed only by Statistics Canada. These forces represent about 5% of policing in Canada.

Statistics Canada publishes annual Police Administration Statistics which provide some of the required manpower data. The National Task Force Report of 1977/78 contained nearly all of the information called for on police manpower and expenditures.

All of the cost and manpower data identified in the requirements survey are available from the R.C.M. Police, including their contracted detachments, and are comparable nationally.

For provincial police services, similar information is available on police staff and expenditures from the Sureté du Québec and the Ontario Provincial Police. However, comparing the provincial police services of these two forces with each other and with those of the R.C.M. Police is difficult.

Staffing data on municipal forces are available from all Provinces. Comparable information on municipal force staffing by rank and function would be more difficult to achieve due to differences in organization, particularly for the larger police forces. There are approximately 300 municipal forces in Canada with 1 to 19 staff, 70 with 20 to 49 staff, 50 with 50 to 299 staff, 20 with 300 to 1,200 staff and Montreal and Toronto with over 5,000 staff. Within these

services, 9 forces operate on a regional basis in Ontario and they introduce further factors to consider when attempting to acquire comparable data.

Some expenditure data on municipal forces are available from all of the provinces. At this time, the data are not comparable nationally. It is difficult to obtain detailed cost information for the municipal forces given the variety of accounting and budgeting procedures employed by the 450 forces.

Observations

The majority of the caseload data requirements of the federal and provincial agencies can be met by the Uniform Crime Reports system currently in operation. Some modification of this system should be undertaken and most agree that improved training programmes and auditing procedures are required. The reports produced must also be more timely.

The detailed data requirements for research purposes could be satisfied if the contents of police incidence reports and some data from police files were made available through sample surveys or special studies.

The basic resource information required of police services is available and comparable nationally from the R.C.M Police. If common definitions regarding police manpower and expenditure data were agreed upon, comparable reports could be produced on provincial and municipal policing. This information is of high priority to the police services.

CROWN COUNSEL

Adult and Juvenile

Federal and provincial listings reflect general agreement on the following categories of required information:

Caseload Data

- Number of cases completed (i.e. informations, indictments, appeals)
- Number of accused
- Level and location of court
- Category of offence (i.e. federal, provincial or municipal)
- Original most serious charge by type (e.g. UCR offence categories)
- Type of prosecutor (e.g. federal, provincial, police)
- Process data - time taken, number of appearances, plea, preliminary inquiry
- Juveniles raised to adult court
- Outcomes - adjudications, sentences, dispositions
- Appeal types - party initiating, basis

Resource Data

Manpower

Employees - number and type by location and function

Annual Expenditures

Expenditures by level of government - salaries/wages, benefits, private practice lawyer fees, disbursements, purchased services, capital costs, per diem and unit costs, other operating costs

The following requirements were identified provincially only:

Caseload Data

- Number of cases initiated and pending
- Number of bench warrants

Qualitative Descriptions

Descriptions of:

- Organizational structure (legislation and agreements)
- Services provided
- Special programmes
- Tariffs paid to private practice lawyers

Availability

At present, there are no national information programmes for the collection, compilation and publication of data received through Crown Counsel offices. Some of the requirements previously listed, however, are collected through court-based programs. Likewise, at provincial levels few provinces maintain Crown Counsel systems separately from court systems. It should be noted that B.C., Alberta, Manitoba, Québec and New Brunswick are currently in the process of assessing the feasibility of, and in some cases implementing, Crown Counsel based systems (i.e. PROMIS).

Observations

The provincial Crown Counsel survey revealed considerable interest on the part of Crown Counsel directors for national information, as well as reliance on and dissatisfaction with ongoing court information systems as they currently exist. Few provinces have the personnel and resources available through Crown Counsel offices to perform the necessary assembly, evaluation and analysis of information. The fragmentation of prosecutorial responsibilities among the federal Department of Justice, provincial Crown Counsel, municipal Prosecutor's offices, and police compounds the problem of obtaining comprehensive national prosecution statistics. The development of a plan to satisfy Crown Counsel information requirements should be coordinated with the development of court information systems.

LEGAL AID

Adult Criminal, Juvenile, Civil, Native Courtworker Programs

Federal and provincial listings reflect general agreement on the following categories of required information:

Caseload Data

- Number of people and groups seeking legal assistance
- Applications received, approved and denied (reasons)
- Type of legal problem for above
- Client characteristics
- Process and time taken
- Case characteristics - plea, contested/uncontested
- Outcomes - sentences, court orders

Resource Data

Manpower

- Employees - number and type by location and program
- Private practice participation

Annual Expenditures

- Revenue by source
- Expenditure by type of service - operating costs, salaries/wages, capital costs, per diem and unit costs where applicable

Qualitative Descriptions

Descriptions of:

- Organizational structure (legislation and agreements)
- Types of services (method of delivery, special programmes)
- Coverage, eligibility, client contribution

The following are information requirements identified provincially only:

Caseload Data

- Breakdowns by community
- Breakdowns by level of court

Qualitative Descriptions

- Description of criminal and civil tariffs

The following are information requirements identified federally only:

Caseload Data

- Referral sources
- Stage of process at which services provided

Availability

At this time, there is no formal national programme for compiling and presenting legal aid or native courtworker information. Some information on expenditures and caseloads is provided to and compiled by the federal Department of Justice by way of claims for federal contributions submitted by the provinces and territories. However, this information is neither compiled in a standardized format nor distributed as a publication. A published study of Canadian legal aid programmes for the year 1977 was produced by the National Task Force. As well, some limited non-statistical information is currently being compiled by the National Research Centre on Legal Aid.

Most provincial legal aid programmes do produce annual reports of their programmes with statistical displays detailing, in one form or another, the listing of requirements previously outlined, with the exception of certain case-processing statistics, e.g. length of time to dispose of cases.

Observations

National legal aid information requirements are nearly all unsatisfied, despite strong interest expressed by legal aid directors and the federal Department of Justice.

It does appear, however, that for basic aggregate data the problem is primarily one of standardization and compilation - not of collection. There appears to be considerable information available within legal aid programmes, although it should be noted that much of their data are collected and maintained manually.

For those involved in the provision of legal aid services, legal aid information per se would not fully satisfy requirements for national information. Legal aid information covers only a portion of the total legal caseload and further interest lies with cases not handled by legal aid. Legal aid information could never in itself provide the type of "universal" picture found in other justice sectors.

COURTS

Adult Criminal, Juvenile, Civil, Appeal

Federal and provincial listings reflect general agreement on the following categories of required information:

Caseload Data

Adult Criminal, Juvenile and Appeal

- Number of cases completed (i.e. information, indictments, appeals)
- Number of accused
- Level and location of court
- Category of offence (i.e. federal, provincial or municipal)
- Original most serious charge by type (e.g. U.C.R. offence categories)
- Process data - time taken, number of appearances, plea, preliminary inquiry
- Outcomes - adjudications, sentences, dispositions
- Appeal types - party initiating, basis
- Number of cases initiated (i.e. filed)
- Number of cases resolved by trial
- Area of law for above (e.g. contract, property, divorce, family, small claims, etc.)
- Contested/uncontested for above
- Process data - time taken, number of appearances

Resource Data (all courts)

Manpower

- Judiciary - number by level of court
- Court services staff - number and classification by location function, and level of government

Expenditures

- Expenditures by level of government – salaries/wages, benefits, purchased services, capital costs, other operating costs
- Witness and jury costs

Revenue

- Fines collected by level of government and type of court

Qualitative Descriptions (all courts)

Descriptions of:

- Formal court structures and jurisdictions
- Judicial administration
- Court services administration
- Services provided
- Special programmes
- Procedures used

The following are information requirements identified **provincially only**:

Caseload Data (all courts)

- Cases initiated and pending
- Jury/non-jury cases
- Bench warrants

Resource Data (all courts)

- Revenue – fees for court services
- Court house and courtroom facilities by community
- Court sitting time by level of court

The following are information requirements identified **federally only**:

Caseload Data (Adult and Juvenile)

- Original charges by type and number
- Final offences by type and number
- Most serious final offence
- Victim and witness information
- Property damage/loss
- Personal injuries
- Personal characteristics of offender - socioeconomic data, previous corrections history
- Process data - remands (number, reasons, requestor, use of custody), representation by counsel (type)
- Use of interpreter, use of pre-sentence or other assessments, sentence reviews (juveniles only)

Caseload Data (Civil)

- Parties by type
- Characteristics of parties (e.g. socioeconomic for individuals, type of business for corporations)
- Process data - type of legal representation, steps taken
- Outcomes
- Enforcement - steps taken, outcome

Resource Data (Civil)

- Costs to parties

Availability

At the present time, there are two national court information programmes operating through Statistics Canada - adult courts and juvenile courts. The adult courts programme does not provide comprehensive statistics; many provinces are not participating and some are providing only partial returns. This programme is now under review.

The juvenile courts programme is considerably more comprehensive - with almost full participation from all jurisdictions. Some of the detailed requirements for juvenile courts information, however, are not being met.

There is currently no national programme for civil courts information apart from some information collected through the Central Divorce Registry maintained by the federal Department of Justice.

Some individual studies have been undertaken to gather national information on court systems (NTF Report 1977-78; Statistics Canada Civil Court Survey 1974-75).

Although all provinces and territories maintain court information systems, no single jurisdiction maintains a system which fully provides the information requirements identified above for all levels of court. Further, those systems which do exist are not compatible from jurisdiction to jurisdiction.

Observations

It is evident that the problems associated with the lack of national court information are complex and not easily resolved. The full satisfaction of court information requirements for all interested parties throughout the country would place extremely high demands on the resources of both court administrators and responsible statistical agencies.

A recognition that national court information is generally seen as desirable by most justice services but non-essential for court operational purposes should frame any future development strategies. The creation of a national system for the collection of basic core data (e.g. caseload counts, sentence patterns, expenditures) would appear to represent short and medium term development capacity, particularly for adult criminal and civil justice statistics.

It is further noted that future development of adult criminal and juvenile court programmes should be done in light of the interests and contributory potential of crown counsel administrators.

ADULT CORRECTIONS

Federal and Provincial Institutions, Parole and Probation

Federal and provincial listings reflect general agreement on the following categories of required information:

Caseload Data

Institutions (federal and provincial)

- Admissions by type, province and institutions
- Sentenced admissions by offence type, length of sentence, age and sex, native/non-native
- Population counts by province and institution
- Utilization of temporary absence
- Number of escapes and deaths

Probation and Parole

- Admissions by offence, length of sentence, age, sex, native/non-native
- Parole releases by province
- Parole applications and decisions
- Population counts
- Release by type

Resource Data

Manpower (federal and provincial)

- Total corrections staff within each province by type of service, functions and classification, location, full and part-time staff, staff/client ratios

Annual Expenditures (federal and provincial)

- Expenditures by type of service, operating costs, salaries/wages and benefits, purchased services, capital costs, per diem and unit costs where applicable

The following are information requirements identified **provincially only**:

Caseload Data

- Number of remand admissions by charge and length of stay
- Number of reports by type (precourt, presentence)

Qualitative Descriptions

Descriptions of:

- Federal and provincial responsibilities and services
- Institutions - their services and programmes
- Types of probation and parole services
- Purchased correctional services by type
- Other government services provided to corrections
- Research projects

The following are caseload data requirements identified **federally only**:

Caseload Data

- Sentence for each offence
- Sentence modifications
- Previous correctional and medical histories
- Transfers between institutions
- Disciplinary proceedings - types and outcomes
- Actual time served by corrections type
- Involvement in institutional programmes by type and number
- Probation - conditions and outcome

Availability

In general, required national information on federal corrections is available, primarily from the Inmate Record System (IRS) and the National Parole Statistical Information System (NPSIS) operated by the Correctional Service of Canada. These are on-going national offender based micro-data programs. However, these systems primarily

service internal operational purposes. Although external agencies can request and receive information from these sources, routinely prepared publications for external uses are currently restricted to the Penitentiaries Statistics publication of Statistics Canada. This does not necessarily meet timeliness and coverage potentialities and does not provide parole data.

Other than the reports prepared for the National Task Force, national compilations of detailed provincial corrections data are not occurring. This remains the most salient problem of availability in the area of national corrections data. The Statistics Canada publication on provincial institutions provides detailed information on Manitoba and the Atlantic Provinces only and is shortly to be discontinued. However, Statistics Canada will continue to publish population movement data for all provincial and territorial institutions.

Observations

For basic aggregated corrections data, information requirements could be generally satisfied with the addition of national compilations of provincial data. It is observed that provinces are, for the most part, collecting this basic data and that the main task at hand is one of standardizing definitions and format to achieve the compatibility necessary for national reporting. It should be recognized that making data available for national compilations would be considerably easier for those provinces and territories equipped with automated systems (5 out of 12).

The provision of offender based micro-data at high levels of detail for provincial corrections would involve a considerable addition to existing programmes. It is expected that this direction would encounter reluctance on the part of provinces. However, they may be willing to provide this type of information on a special request basis.

POST COURT SERVICES

Juvenile

The following is a summary of information requirements that were identified federally only; however, it is expected that much of this information would be of interest to the provinces:

Caseload Data

Custody

- Admissions by province, type of custody, status, number and type of offence(s), sentence length
- Offenders by socioeconomic characteristics, previous record
- Releases by type, aggregate length of stay

Probation and Non-Custodial

- Dispositions by province, type, number and type of offence(s), sentence length, conditions
- Offenders by socioeconomic characteristics, previous record
- Terminations by type, aggregate length of order

Resource Data

Manpower

- Total custodial, probation and community service staff by province

Annual Expenditures

- Expenditures by type of service, salaries and wages, operating and capital costs

Qualitative Data

- Name, location, type and capacity of custodial services
- Name, location, type and caseload of probation officer and other community services

- Description of the organization of services and programmes provided through Justice and Social Service Ministries for all provinces.

Availability

No national information on post-court services is currently available. Because of the variety of service modes (i.e. through provincial social welfare or corrections systems) found across the country, the compilation of national data from provincial information systems is very difficult.

Observations

Although the provision of post-court services for juveniles lies entirely within the jurisdiction of the provinces, there is much interest in this area at the federal level. This is primarily due to current attempts to replace the Juvenile Delinquents Act, and a desire to have a capacity to monitor and evaluate the impact of any new legislation.

RESOURCE COMMITMENTS

Any display of resources spent on justice information and statistics in Canada requires explanation of what is being included. The following table includes only those resources spent on the production, analysis and dissemination of **National** data. It excludes resources spent by local, provincial or federal agencies on producing data for operational purposes.

Naturally, therefore, the following resources primarily refer to the budgets of federal agencies. They should not be construed as representing any more than a small portion of all resources spent in Canada on justice information and statistics.

A determination of that larger, all-encompassing expenditure of resources is beset with many difficulties. It is, for example, very difficult to even estimate manpower resources spent on front-line data collection. With respect

to each province, resources are provided at different levels of government (i.e., through agencies, ministries or central government services). Further, the budgetting and accounting procedures are unique in each government and not all the costs associated with an information system can be obtained from one source (i.e., development costs, operation costs, manpower, computer, programming and processing, computer hardware, services of private firms, etc.). Finally, an analysis of resources expended by sector is very difficult when larger operational systems serving more than one sector are being utilized.

The expenditures of provinces and territories are indicated as not available in the following table, with the exception of UCR processing costs absorbed by most of the provinces. It is estimated, however, that approximately \$7 million are being spent annually by provinces and territories for justice information, much of which could be utilized in compiling national data. Similarly at the federal level, there are major operational expenditures which are not included in the table. For example, approximately \$1.3 million is currently budgeted for the Operational Information Systems Division of the Correctional Services of Canada. As well, the federal Department of Justice has an operational budget of \$150,000 for its Central Divorce Registry.

The NPRC Work Group has used only readily available sources to compile this summary of resource commitments. This is a rather superficial approach which does not provide a comprehensive picture. It is recommended that a concerted effort be made in the future to generate a full study of the resources committed to justice statistics and information, nationally, provincially, and within local jurisdictions, for both operational and non-operational functions.

NATIONAL JUSTICE INFORMATION
RESOURCE EXPENDITURES BY SECTOR
FISCAL YEAR 1979/80 (\$,000's)*

| | LAW ENFORCEMENT | CROWN COUNSEL | ADULT COURTS | JUVENILE COURTS | CORRECTIONS | LEGAL AID | CIVIL | NON-SECTOR SPECIFIC ¹ | TOTAL |
|---------------------------|--------------------|---------------|--------------|-----------------|-------------|-----------|----------------|----------------------------------|--------|
| STATISTICS CANADA | 335.9 ² | - | 302.7 | 295.5 | 354.2 | - | - | 309.1 | 1597.4 |
| MSG-RESEARCH & STATISTICS | - | - | - | - | - | - | - | 445.0 | 445.0 |
| RCMP | 37.6 ³ | - | - | - | - | - | - | - | 37.6 |
| DEPARTMENT OF JUSTICE | - | - | - | - | - | - | - | 178.0 | 178.0 |
| NWC | - | - | - | - | - | - | - | 330.0 | 330.0 |
| NTF | 90.0 | 30.0 | 30.0 | - ⁵ | 90.0 | 30.0 | - ⁶ | 30.0 | 300.0 |
| PROVINCES AND TERRITORIES | 112.4 ⁴ | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 112.4 |
| TOTAL | 575.9 | 30.0 | 332.7 | 295.5 | 444.2 | 30.0 | - | 1292.1 | 3000.4 |

* See following page for footnotes

- (1) Refers to expenditures which cannot be appropriately categorized by sector. For Statistics Canada, it refers to the Justice Division's budget for general administration, research and analysis. For the Ministry of the Solicitor General and the Department of Justice, it refers to money spent on research activities which could have otherwise been allocated had there been a more efficient means for collecting and analyzing national statistics, plus resources allocated to the development of national statistics (contributions to NPRC etc.).
- (2) Includes \$236.9 for the U.C.R. programme and \$99.0 for the Homicide and Police Administration programmes.
- (3) Refers to the cost of processing data for U.C.R. programme.
- (4) Refers to the estimated total of provincial costs to process data for the U.C.R. programme.
- (5) Included within Adult Courts.
- (6) Partially included in Adult Courts and Legal Aid.



DIRECTIONS FOR THE FUTURE

Finagle's Law of Information:

- "(1) Information you have is not what you want.
- (2) Information you want is not what you need.
- (3) The information you need is not what you can obtain.
- (4) The information you can obtain costs more than you want to pay."

A. SOME GENERAL CONSIDERATIONS

A precondition to making decisions and recommendations about national justice statistics and their production in Canada was to reach an explicit, shared understanding of fundamental principles by which any national justice statistics system should be organized and operated, regardless of its particular structure or complement of programmes.

We formally iterated many of these principles in two discussion papers which now constitute chapters in this report: most directly in "Criteria for Evaluating Options", Chapter 6, and indirectly in "Lessons from the Past", Chapter 3. As our discussions progressed, some additional principles were found to be important, and several of those already identified emerged as deserving special attention. We consider these particularly salient principles in this chapter.

Among the various impediments to the production of reliable, commonly needed national justice statistics, three stood out: the insufficiency of resources for statistical production, the absence of consensus on priorities, and lack of agreement about the division of labour in statistical production. National justice statistics have been stunted for years, the natural consequence of being the poor child in both the social statistics family and in the administration of justice. This chronic impoverishment has been aggravated by the lack of any mechanism for determining how costs should be apportioned among the various producers and users of justice statistics. This problem has been no less crucial than — indeed, has been interlocked with — the continuing failure to achieve a stable agreement on: (i) statistical priorities among the many varied and competing interests of producers and users; (ii) the clear assignment of responsibilities and functions for the production, dissemination, and utilization of national justice statistics. Within the statistical system, the priority accorded to justice statistics was crucially influenced by the lack of well-articulated user priorities or, indeed, support. The issue was further complicated by the fact that some of the main users were also the key potential respondents.

A virtually unanimous consensus emerged from our deliberations as to the remedy for these central interlocking problems. We propose that the Deputy Attorneys-General, Deputy Ministers of Justice and Deputy Ministers Responsible for Corrections from every provincial, territorial and federal jurisdiction and the Chief Statistician of Canada constitute themselves as the body with ultimate responsibility for deciding statistical programme priorities (and where necessary, programme content), for establishing broad agreement on the allocation of responsibility and division of labour in producing national justice statistics, for collectively ensuring the level of resources necessary to do the task and the allocation of those resources to the appropriate production points. While different descriptive designations have been proposed for this body — Justice Information Council on National Justice Statistics, Governing Board, and others — the functions are largely independent of the term used. The three strongest reasons for proposing

this body be constituted at such a senior level are that: (i) only deputy heads have the direct authority to specify expenditure and programme priorities; (ii) since national justice statistics must be a collective undertaking, agreement on programme priorities must be achieved at the highest level of authority; (iii) it will provide the mechanisms to ensure that required resources will be provided to carry out agreed programmes and to make visible the costs of meeting those information needs which it is agreed upon shall be met.

This said, we all recognized nonetheless that deputy heads are not likely to have the time nor the necessary familiarity with justice statistics to be able to address more than the broadest issues. We propose, then, that this problem be solved by striking a small subcommittee of deputies, responsible for overseeing to the degree necessary the implementation and operation of an organizational structure to produce national justice statistics. This subcommittee (later referred to most frequently as an Executive Committee) would work closely with the senior officer(s) of the new organization and would report periodically to the full committee of deputies. As circumstances dictate, they would also present major issues and recommendations to the full committee for decision.

To this point, the two proposed organizational entities deal almost entirely with the producer side of a statistical system. We recognize that the interests of present and potential users of national justice statistics must be reckoned with in establishing priorities and structure in fact, we found the proper relationship between producers and users to be a complex issue, and we will return to it later in this chapter. Given the enormous range of users' needs, interests, and wishes for national justice statistics, we believe it imperative that a mechanism be established whereby users may communicate with one another and (collectively) with the organization responsible for producing justice statistics. We propose that a National User Advisory Council or Committee be formed for this purpose. (One of the tasks of any new national justice statistics organization would be to encourage and arrange the formation of this Council/Committee and to provide secretariat support for its

continuation. Given the distinctiveness of various statistical programmes, we felt it quite likely that subcommittees would be formed for the major sectors of the justice system — law enforcement, courts, corrections, juvenile justice, civil courts, etc. We recognized quite explicitly that users and producers are not mutually exclusive groups — some producers are users as well — and that the distinction should not be made artificially sharp for the purposes at hand. The general view, however, was that, since producers are almost exclusively governmental, their needs as users could effectively be made known in or through the committee of Deputy Ministers. The National User Advisory Council or Committee should consist entirely of users having no responsibility for, or link to, the production of national justice statistics.

Important as they were, the problems and proposed solutions considered above occupied only a small portion of our time. The thorniest question of all was: what is the best way to organize the production of national justice statistics in Canada? We knew that it would be shortsighted to design an organization capable of meeting today's statistical needs; it had to have the capability of **evolving** with changing information needs and operating circumstances. It also had to do more than simply produce statistics — it should likely have responsibilities for coordinating compatible MIS systems development, conducting programme evaluation, providing secretariat services and carrying out analyses to name only a few. Before we had moved far into our discussions, we knew that the question of which statistics (and how many) were to be produced could be a great determinant of how we approached the job of designing a new organization. We knew, too, that cataloguing, rank-ordering, cost-estimating and agreeing on the full range of likely statistics was a major task which would delay our design work far beyond the project completion deadline. So, we chose to work on both fronts simultaneously and separately.

We also recognized that the design of a national justice statistics organization was, in principle, likely to be far more affected by decisions about **how** the statistics were to be generated than by decisions as to which statistics would

be produced. And the "how" question brought us directly to the question of "who" -- who should perform which functions necessary for the production of national justice statistics?

Among the several dimensions along which we considered the "how" and the "who" of statistical production, one stood out as critical -- centralization versus decentralization. Put simply, should most or all the work of producing national justice statistics be dispersed across jurisdictions, or should it be done in one central location? If not all the work, then which functions should be performed where, by whom? Historically, some justice statistics have been produced in a predominantly centralized fashion (i.e. most or all of the work being done in one location), others in decentralized ways, and each mode has carried with it certain advantages and disadvantages.

With centralized production of justice statistics, there are such problems as:

- resources not being adequately and collectively pooled to accompany any centralization of production;
- failing to reach or maintain consensus on standardized units of count, etc.;
- non-responsiveness to localized conditions, needs, and interests.

With decentralized or distributed production, there is/are:

- vulnerability in coverage due to the difficulties of accommodating different levels and speeds of system development;
- greater costs and problems of coordination and ensuring uniformity/comparability and quality controls, etc.;
- little (if any) possibility of carrying out certain types of analysis at the national level. Since the statistics generated thus would be semi-aggregates,

micro data would not be available on a national basis - a prerequisite of most in-depth analytical methods;

- less flexibility in responding to new programme and/or new data element requirements.

Decentralized production of justice statistics could offer these advantages:

- an apparently easy distribution of costs (because every jurisdiction produces its own and pays for its own);
- it would respect the wish of some jurisdictions to retain control of access to and use of certain data;
- it locates production responsibility at the operational level;
- possible flexibility in deployment of personnel and other resources.

Alternatively, centralized statistical production (whether in whole or in part) could entail these advantages:

- a holistic organizational approach, allowing for more effective programme planning and programme integration;
- by virtue of its greater size, it would offer a critical mass of professional expertise, visible career opportunities and greater continuity of staff;
- possible economy of scale for some functions;
- a clear focal point for the user community;
- improved opportunities for quality control;
- flexibility in resource deployment within and between programmes.

We realized that it would be grossly simplistic to opt for either a centralized or a decentralized system on the basis of these general features; it was necessary to consider the centralization/decentralization issue function by function. We also observed that no justice statistical system in Canada could ever be totally centralized or totally decentralized — elements of each would be requisite. So the question became: towards which end of the spectrum should the greater weight be placed?

In the end, we tackled the question of who should do what by posing two intermediate questions: (i) what functions, regardless of the general agenda of programmes or particular programme operations, must be performed? (ii) which of these can only be done centrally, which only decentrally, and which could be carried out either way?

Beyond the general functions to be performed by the committee of deputy heads (priority- and policy-setting, overall control and accountability and apportioning of responsibility and resources), we identified the following functions as being necessarily performed centrally:

- planning and preparing an agenda of programmes;
- detailed design of individual programmes;
- setting and monitoring schedules, production targets and milestones;
- setting standards for data;
- performing national-level statistical analysis;
- undertaking such secretariat functions as committee support, coordination, and communication.

We concluded at this juncture that there would have to be a central body to perform these functions, without specifying what this body should be or where it should be located.

We identified, as a fundamentally important and necessarily decentralized function, the creation and maintenance of records and processes from which data could be derived or generated.

Six general activities integral to the statistical enterprise remained: data collection, data processing, data analysis, data dissemination, quality control and evaluation, technical support and technology transfer. These functions are capable of being performed either centrally or decentrally; the optimal mode would vary according to other criteria and considerations such as the desire for local control of production, different jurisdictional capabilities, etc.

Beyond the requirement that necessary central functions be performed centrally and decentral functions be carried out decentrally, we felt that placement of the "either/or" functions would have to be determined by these other considerations and quite probably according to features of specific programmes. The important principle which we enunciated here was that any concrete proposals for organizing the production of national justice statistics in Canada would have to accommodate both centrally- and decentrally-based programmes. In this way, decisions regarding the location of particular functions, programme by programme, could best be made in an organization allowing for both modes, rather than having programme parameters determined by the nature of the organization. From this, it was argued that there be a central body capable of not only performing the necessary central functions but also:

- supporting decentralized and semi-decentralized programmes (as determined ultimately by the committee of deputy heads) such as the current decentralized corrections programme and the semi-decentralized UCR programme;
- operating centralized programmes deemed necessary, such as the civil courts survey and any other special survey or sample-based programme;

- operating programmes which are a hybrid of centralized and decentralized modes of statistical production.

This notion of hybrid programmes both requires some elaboration here and injects some additional considerations pertaining to the "how" of statistical organization.

For many, the ideal system to produce national justice statistics would be one in which every jurisdiction reliably produced its own data or semi-aggregated figures, which would be submitted for a bare minimum of final processing by a central organization in order to create national statistics. Two facts preclude such an ideal: the great variation in statistical capabilities among our jurisdictions, and the great variation in how, according to the application(s) prescribed for them, statistics can (and often must) be produced.

Suffice it to say that, for the purpose at hand, there are three principle dimensions to every statistical programme: (i) micro-data versus macro-data; (ii) direct central acquisition of data versus (respondent-) submitted data; (iii)- sample of data versus universe of data. Every statistical programme is structured in the main by some combination of these three parameters. Where substantial volumes of micro-data are required in a given programme, the cost and workload of submitting the data often exceed the capabilities of small jurisdictions; in such circumstances, the data would have to be sampled and directly acquired by the central statistical organization. But other jurisdictions may have the capability and resources to provide this data, or might be generating that data as an integral part of their own management information systems — in which case they could easily provide the data on a copied magnetic tape.

Thus, a hybrid centralized/decentralized national programme would encompass both kinds of situations outlined above. Where individual jurisdictions, for any given programme, have the capability to produce macro- and/or micro-data themselves, and can supply it to the centre, this would be the preferred arrangement; in other jurisdictions

not capable of producing and supplying the data, that data would have to be centrally and directly acquired if the programme were to continue.

There are several additional reasons why there must be a capability for central, decentral, and hybrid programme operations. As circumstances are modified by the winds of change (e.g. changes in programme priority or budget cuts), the statistical system must be flexible and responsive to accommodate shifts from decentrally- to centrally-operated programmes and vice versa. The second reason resides within a principle about which there was vigorous debate but eventually strong agreement. A question was put: who should be the principal or ultimate arbiter of statistical priorities — the community of producers, or the community of users? In the end, we agreed that the criterion of independence and credibility required that users be the prime architects of statistical priorities so long as the concerns and capabilities of producers were accommodated. This principle was applied by extension to the relationship between a central justice statistics body and the constituent jurisdictions; while the central body was to be capable of operating independently of the producer-jurisdictions, the relationship was also to be one of respect and support for the latter. In concrete terms, this translates into having the capability to accommodate either the capabilities or wishes of individual jurisdictions for centrally- or decentrally-operated programmes.

We were also agreed on several other miscellaneous principles towards organizing the production of national justice statistics. We were of one mind that data quality and the auditing both of systems and of statistics should be given far greater priority than heretofore. We also reiterated the long-standing credo that statistical data production should, as far as possible, take place at the points where primary social events and transactions take place, with the implication this has for central support to develop compatible operational information systems wherever necessary within jurisdictions.

With the principles and generalities considered in this chapter, we only carved the broad outline of a structure and a division of labour, with loose answers to the questions of "who", "how", and "where" for producing national justice statistics. Having reached early agreement on several main building blocks for a national justice statistics organization — the committee of deputies with its statistics policy subcommittee, and the National Users Advisory Committee — one of our last (but largest) tasks was to fill in the many organizational details missing from the broad outline. Chapter 7 offers an account of the various concrete proposals we weighed.

B. SOME TECHNICAL CONSIDERATIONS

This section outlines a general approach to the systematic production of national statistics and information. The requirement for both centralized and decentralized data collection capabilities has been discussed previously in this chapter.

The raw data required for national justice information and statistics may be obtained from information systems of either an operational or statistical nature. The underlying strategy in the collection of statistical data is that, **whenever possible**, it should be obtained as a by-product of operational information systems. Some data items will have to satisfy operational needs as well as local and national statistical needs. If these diverse requirements cannot be met, separate statistical systems may have to be developed. This would entail higher data collection costs as well as the maintenance of distinct sets of data.

Operational information systems, which can be either manual or automated, stream-line existing manual procedures in an organization. Typically, since such systems are developed for the specific needs of a particular jurisdiction, the information produced by them is useful for local operations; on the other hand, the data cannot always be used to satisfy local management needs. Another characteristic of such systems is that data are collected for all "events" (i.e. all inmates, all cases) whereas the statistical need may be for aggregations. For example, the

police record separate incidents, investigations and charges while the UCR statistics involve aggregations such as numbers of incidents and charges by a classification of incidents.

Statistical systems, which also can be manual or automated, have as their primary objective the collection of information to be presented in various aggregated forms. For example, a statistical system may collect details on the personal characteristics of an offender, although the objective is not to study and influence directly what happens to that offender; rather the aim is to deduce from the assembly of individual records general characteristics of the population, such as the age distribution, relationship of offence to age, etc. Because of cost considerations, a sample survey may be employed as the vehicle for obtaining data although a census (i.e. complete coverage) can be utilized on occasion. The methodology employed in sample surveys is designed to ensure that meaningful statistics are produced at the required level of reliability. Aggregates can be estimated from a sample survey by the simple device of multiplying individual observations (data elements) by a weighting factor.

The major objective of a **management information system (MIS)** is the production of aggregated data which will be used by management in the decision-making process. Typically, an MIS forms an appendage to existing procedures while an operational information system is designed to be an integral part of the day-to-day activities of an organization. To illustrate the difference, the court administrator may be interested in ensuring that a judge will be hearing only one case at a time or that all defendants in a case have been informed that they are to appear in a particular courtroom at a specified time. The Attorney-General, on the other hand, would be more interested in knowing the number of defendants entering the court, the time required to process their cases and the outcomes. Note that a statistical system is a form of management information system in that aggregated data can be used by policy-makers to make decisions.

Radical changes in computer technology have taken place over the past decade. Mini and micro computer hardware, which is relatively inexpensive to purchase, is capable of

performing all the functions of the large, main-frame computers of a few years ago. Moreover, the rate of technological development does not seem to be slowing down and it appears that the costs of electronic hardware will continue to fall, making powerful mini and micro computers affordable by a larger number of users.

The continuing improvement in telecommunications facilities, in conjunction with the development of more powerful mini-computers and intelligent terminals, has encouraged the localization of many routine functions. Consequently, more complicated functions can be reserved for processing by a larger main-frame computer. This type of processing, wherein routine applications are carried out locally while the data are massaged further at a central location by a larger computer is referred to as **distributed processing**.

These major advances in computer technology, coupled with the decreasing cost of hardware, have encouraged this localization of many computer functions. However, the cost of software⁽¹⁾ development has not similarly declined. The production and maintenance of computer programmes suitable to particular applications may be complicated, thus tending to leave the user too dependent on technical computer personnel. To a large extent, this latter problem can be resolved by the development of "model" systems which can be used by several jurisdictions. This will, in effect, result in a form of cost-sharing among jurisdictions.

At present, operational information systems development is carried out in response to local needs. Very little consideration is given to national statistical requirements. Systems appearing to perform similar or identical functions from one province to another may differ widely in scope. Wide disparities in the stage of development of such systems also exist. Finally, different definitions or concepts for the same data elements occur from jurisdiction to jurisdiction.

(1) Software refers to the programmes that operate a computer. Hardware refers to the computer itself along with its associated peripherals such as terminals, printers, etc.

In order to obtain national justice information and statistics as a by-product of operational information systems, a more orderly system development strategy is needed. Data elements required for national information and statistics must have standard definitions and concepts if national aggregations are to have any meaning. This implies that **computer technology alone cannot provide the solution to obtaining national statistics**; coordination of the development of operational and statistical systems is required at the national level.

Several steps must be taken in the general process of identifying national justice information and statistics needs. First, a statement of the proposed requirements must be compiled and verified with all jurisdictions. Such a process would, of necessity, include the establishment of both concepts and definitions for all data elements.

Second, an inventory of all the current information and statistics which are available must be compiled. As this must involve examination of data which are available from all jurisdictions, inconsistencies in definitions and concepts will hopefully become obvious.

After these first two steps have been completed, the proposed requirements must be compared with the available information. Conceptual and definitional differences must be resolved in those cases where the benefits to be derived are significant enough to warrant making the changes. From this process, a modified set of national justice and information requirements will be obtained.

Once information requirements have been finalized and priorities have been assigned to the various sectors of justice information, the operational information and statistical systems required to produce the data must be developed. In some spheres of interest this will mean that existing systems will be modified while in others new systems will be developed from scratch.

Data from the operational information and statistical systems will be provided to a central agency for final manipulation. The data provided could be in an aggregated (macro) or micro format. The dissemination of national statistics will in all probability be done by this central agency.

For sectors where little or no systems development has taken place, the development of **model information systems** should be encouraged. Standard **data dictionaries** should be developed for use in such systems. As the operational requirements of all or many of the jurisdictions will be considered during the system design stage, such model systems could be implemented in many of these locations with a minimum of effort. This has the dual advantage of introducing standardization in systems development while simultaneously effecting significant cost and time savings.

A large number of computer systems already are operational and effective. These systems may have to be modified to produce the required data. It is possible that some existing systems may also be suitable for use in other jurisdictions with little or no change. Cost and time savings will be made in this area as well.

This process of defining the national justice information requirements and designing the necessary computer systems to produce the data will obviously result in more meaningful and better quality statistics. In addition, a number of other significant benefits will occur:

- (i) justice terminology across the country will be standardized to a large degree, thus aiding the communication process;
- (ii) cost savings will be effected in areas where "model" information systems are implemented or where existing software is transported from one jurisdiction to another;
- (iii) the capture of data will be more timely and cheaper because many pieces of information will

be captured through local operational information systems; the quality of such data may be better than that collected at a national level via a sample survey or census;

- (iv) the compilation of an inventory of what data are collected will reduce to a significant degree the redundant collection of such information, thus reducing response burden.

CRITERIA FOR EVALUATING OPTIONS

The deliberations of the NPRC were based on a clear understanding that the broad objective of every organizational option under consideration must be to ensure the timely production of essential, high quality, national justice statistics and information. In order to select the best way to meet this objective, it was necessary to have a set of criteria against which each individual option could be evaluated (Chapter 8 contains the results of the evaluation process). The criteria are presented within three main categories.

A. ORGANIZATIONAL ISSUES

Commitment and Ownership

The option must be built upon mechanisms that promote federal, provincial and territorial consensus on national statistical priorities and how they are to be achieved.

The option must be designed to ensure commitment from all participating jurisdictions to provide adequate support and resources which are apportioned in some agreed-upon way and are stable over time.

The option should recognize that its component programmes require the support and commitment of all levels of management concerned within participating jurisdictions.

Evolution Versus Revolution

The option should be, and be viewed as, a clean start, unencumbered by those traditional assumptions and patterns of operation that have hampered progress in the past.

The option should maximize the use of existing systems and pools of expertise and avoid unnecessary organizational change that could make substantial demands upon time, dollars and goodwill.

Accountability

The option should ensure that those charged with the production of national justice statistics are held accountable to the Deputy Ministers responsible both for justice and for national statistics.

Simplicity

The option should attempt to achieve organizational simplicity and ensure clear lines of accountability, communication and decision-making.

The option should be designed so as to establish programmes incrementally, if necessary, according to an overall plan. Resources dedicated to any one activity should be adequate to ensure its success.

Resource Coordination

The option should promote the coordination of committed resource utilization and the avoidance of duplication of effort, pooling resources for those functions where economies of scale and other benefits can be achieved.

Manpower/Skills Development

The option should be such that it attracts and retains highly qualified staff for all functions in the statistical and information process.

B. STATISTICAL ISSUES

Statistical Integrity and Credibility

The option must ensure that it has political independence in terms of the impartiality of its output and that all users, including the public, can have confidence in its products.

Flexibility

The option must be designed to recognize and adapt to changing information needs and priorities both within and between programmes.

The option must be able to adopt alternative methods and modes of data acquisition and presentation as priorities and resources demand. It must be able to accommodate different methodologies for different sector programmes as well as changes from the production of census data to sample data, of aggregated data to micro data.

The structure must be able to exploit changing technologies.

The option must be able to provide alternative strategies for the production of national statistics where there is not unanimous support and commitment for their production by a single method or structure.

Uniformity

The option should facilitate consensus on standard definitions, units of count, security, quality, etc., and be able to support their implementation and maintenance.

Comparability and Continuity

The option should facilitate the comparability of national justice statistics across their component sectors, and with other social and demographic statistics.

Longitudinal continuity is an essential element of good statistics and the option should recognize this.

Confidentiality and Security of Information

The option must be designed to ensure that the confidentiality of personal information is protected.

The option must ensure that programmes are designed to minimize the risk of mishandling sensitive, personal information at every stage of the statistical process.

C. RESPONDENT/USER ISSUES

Respondent Burden

The option should minimize respondent burden, limiting national statistical activities to those that are demonstrably necessary, and imposing the least possible paper burden.

Support for Jurisdictional Systems Development

Recognizing the responsibilities of individual jurisdictions for operations and services necessary to their administration of justice, the option should:

- (a) derive national statistics from operational information systems, to the extent possible;
- (b) support the development of these systems.

Consultation and Communication

The option should ensure communication among all those involved in or impacted by the statistical process: data providers, systems designers, programme managers, information users, etc.

The option should provide mechanisms for consultation with non-governmental users of justice information on needs and priorities.

The option should support communication and the exchange of information on technical developments.

Accessibility of information

The option should offer a central focal point for users to access national statistics and information on all components of the justice system.



OPTIONS

Introduction

Early in the deliberations of the NPRC Work Group, it was recognized that the established deadline precluded the possibility of a linear approach to the tasks called for in the work plan. It was clear that there was a necessity to work on several tasks in parallel. Thus, the options have evolved as the Work Group's collective knowledge and understanding of the assumptions, principles and criteria were clarified.

However, the options in themselves, and the work which has gone into developing them, are quite separate from the task of setting priorities. While the Work Group could speculate on these priorities, given the content of Chapter 4, it is the deputy ministers who must commit the resources, approve the approach taken by the Work Group and endorse the strategies recommended. All options, except for the status quo, could, with simple modifications, act on whatever priorities and address whatever schedule of programmes and activities are eventually decided upon.

More detailed information relating to these decisions is presented in Chapter 22, Volume II. It contains an extensive activity listing which details the objectives, range of activities and functional areas which are necessary considerations if the options are to have a national justice statistics capability. It also provides an explanation of many of the terms and functions not fully detailed in individual option papers.

The options described in this chapter are:

- (a) The Status Quo;

Independent

- (b) The Canadian Centre for Justice Statistics and Information (Centre);
- (c) The Canadian Justice Information Group (Group);

Within Government

- (d) The Canadian Justice Statistics Consortium (Consortium);
- (e) The Statistics Canada Satellite (Satellite).

Options (b) to (e) are developed in enough detail to allow them to be evaluated in relation to the criteria for success enumerated in Chapter 6. One, the Statistics Canada Satellite, also includes an overview implementation plan and schedule. Some include a skeleton budget which allows a comparison of resource implications and kinds of emphases proposed within the options.

The status quo option was discarded at an early date because it was recognized that no jurisdiction felt that existing national justice statistics were adequate. Furthermore, there was some agreement that existing structures were fundamentally inadequate to the tasks at hand. Thus, there is only a brief description of the status quo in this chapter, though more detailed information is available in "Lessons from the Past", Chapter 3.

The last four options all suggest a greater involvement by justice deputy ministers in national statistical undertakings, but they differ according to the type and amount of that involvement. These options recognize the necessity to deploy more resources in the pursuit of national justice statistics than has heretofore been the case.

A. THE STATUS QUO

The present production of national justice statistics and information cannot be neatly characterized. To say that there have been many independent initiatives would be accurate; to claim that there has been unnecessary delay and confusion in the production of statistics would be generally correct; to summarize the sentiments of the operational justice ministries as skeptical would be an understatement.

The existence of the National Project on Resource Coordination is clear evidence of the lack of satisfaction with the status quo. Chapter 2, "Why Collect National Statistics", Chapter 3, "Some Lessons from the Past", and Chapter 4, "The Requirements", all document the lack of quality statistics, the past efforts to remedy the situation, and chronically unmet needs.

Within individual jurisdictions, there has been a recognition of the importance of information for management and operations. Resources are being expended developing automated and manual information systems, though the actual costs associated with such development are not available. Individual jurisdictions are proceeding with their own developments, some of which will eventually enable national statistics and information to be more economically and reliably produced.

There are five organizations and committees that have had involvement in national justice statistics and information. The involvement varies from direct responsibility for data collection and production to advisory functions. The committees and organizations are:

- (1) Ministers and Deputy Ministers Responsible for Justice;
- (2) Federal-Provincial Advisory Committee on Justice Information and Statistics;
- (3) Justice Statistics Division of Statistics Canada;

- (4) National Task Force on the Administration of Justice;
- (5) National Work Group on Justice Information and Statistics.

The status quo can be clarified by briefly describing the organizations as they relate to national justice statistics and information, and reiterating the points made in Chapter 3.

The ministers approved the creation of the National Task Force (NTF), and the deputy ministers became the Board of Directors. This approach enabled the NTF to establish direct line relationships for both reporting to and working with provincial, and ultimately federal, ministries but not Statistics Canada. Thus, the NTF was in an excellent position to work with the justice ministries to fulfill its original mandate (as described in Chapter 3). The NTF efforts were, however, hampered by the lack of available information. Thus, the NTF set out to collect the information required to examine justice services, related costs, and to recommend standards. The NTF utilized the available information from the provinces, the federal departments, and the information published by the Justice Statistics Division of Statistics Canada, as well as initiating the collection of new information. There were no formal mechanisms for the NTF or the Justice Deputy Ministers to communicate with Statistics Canada, or to consult on common problems and concerns.

The Federal-Provincial Advisory Committee (FPAC) on Justice Information and Statistics is a loosely structured committee with representatives from all provinces, the territories, and the federal departments of Justice and the Solicitor General as well as Statistics Canada. This Committee meets infrequently, and has had little success in improving justice information and statistics, in part, as described in Chapter 3, because there had been no operational group to implement their recommendations until the National Work Group (NWG) was created with federal funding in April, 1978.

The NMG has been involved in reviewing existing management and other information systems and assisting jurisdictions with specific projects that were approved by the FPAC. A federal/provincial steering committee was created by the FPAC to approve, on behalf of the FPAC, the projects and initiatives of the NMG.

The FPAC and NMG do not report formally to the deputies or ministers. Their initiatives, thus, do not have direction from the justice ministries in the same way that the NTF has.

The result of these divergent approaches has been confusion within the justice community. The NTF has produced reports to the deputy ministers which were welcomed as filling a significant gap. These reports, however, have been costly and time consuming for the operational ministries contributing information, and some provinces have indicated a lack of willingness to repeat this exercise, despite the need they have stated for such information and statistics.

The products of the Justice Statistics Division of Statistics Canada have been reviewed and found to be inadequate. There has been considerable criticism of the collection strategies used, and the Justice Statistics Division has identified serious under-reporting and coverage problems with the data submitted.

Thus, the status quo has been tried and found to be seriously wanting. The organizations involved in producing national information and statistics have been found incapable of meeting the diverse needs of the justice community.

B. THE CANADIAN CENTRE FOR JUSTICE STATISTICS AND INFORMATION (CENTRE)

This option has been designed to meet a single objective: to ensure the timely production of essential high quality national justice statistics and information. National in this context means the coverage of all relevant federal, provincial and municipal jurisdictions and their agencies. The non-participation or opting out of a single justice agency or jurisdiction means that the statistics are not national. If any national system is to work it requires special commitments and a concentration on joint, rather than self, interest.

It is recognized that any successful option will require input and control from all levels of government - federal, provincial and municipal. No government working alone can reach the objective specified above. The history of attempts to work unilaterally or even in relative isolation has shown this to be true. Thus, the objective must be pursued jointly and cooperatively, recognizing that, while participants may have distinctive roles and functions, they are working towards the fulfillment of a common goal. A central issue, therefore, is to determine the most desirable and effective mix of role and function in order to produce an essential national product.

Sections of the report presented above have been used to inform this discussion but four issues have been singled out for particular attention here and, in a sense, they "drive" this option. These are:

1. existing structures and capacities;
2. control and commitment;
3. centralization;
4. systems development versus information processing.

1. Existing Statistics Canada Structure and Procedures

Within the justice community there is a general feeling that Statistics Canada has not given justice statistics an appropriate priority. The specific or detailed picture is difficult to unravel but there is a general consensus that in

comparison with say, economic statistics, justice statistics have neither received an appropriate level of resources nor a sufficiently high level of attention from Statistics Canada's managers.

Statistics Canada has indicated that it has never been told by the justice community what its priorities for statistics and information were. However, even when partial information needs have been identified, Statistics Canada has indicated that it would not be able to meet these fully. On several occasions over the past five years, Statistics Canada has solicited from the two main federal departments (Justice and the Solicitor General) specification of information needs. However, when information needs were identified, Statistics Canada indicated that it would not be in a position to meet these needs, sometimes in part because there were many competing clients which it had to satisfy. These clients included members of the public, Members of Parliament, researchers and academics. The question of multiple clients, as opposed to multiple users, of statistical information produced by a central federal government bureau is a vexatious one. The statutory requirement to satisfy a disparate and not clearly defined clientele has made it impossible for Statistics Canada to define government policy-makers, administrators and programme managers as the central client group.

This would suggest that a narrowly defined and highly visible clientele should be identified in order to drive national justice statistics and information production. The clientele which this option proposes include the Deputy Ministers of Justice, The Deputy Attorneys-General and the Deputy Ministers Responsible for Corrections at both the federal and provincial levels. There is no doubt that by meeting their needs many of the needs of others will also be met - but met, almost certainly, only incompletely. The limited resources available, however, should be devoted to this narrowed but feasible objective.

While Statistics Canada faces resource and policy constraints which might, with appropriate will, be circumvented, another problem almost certainly cannot. A provincial or federal department or agency which opts out of

participation in a national statistical programme creates an insurmountable barrier to meeting national objectives. It should be recognized that any single ministry can be the spoiler, and in the face of its intransigence the rest of Canada's justice managers face incomplete data. In the recent past, provincial departments have sometimes opted out for evidently good reasons; sometimes, however, the reasons seem obscure or lack anything other than a base of self interest. Because of the low priority justice deputies have in the past attached to justice statistics, they have devolved responsibility, either directly or by default, to others within their ministries. Some of these more junior officials have made decisions which are clearly not in the joint interest of deputies. Busy deputies are going to have to take a more direct role in problem resolution if any agency is to be able to produce national justice statistics.

The option which follows is predicated on a need to protect the organization, in the simplest method possible, from dysfunctional administrative controls. It is generally recognized that many of the control mechanisms necessary in a large very complex organization are redundant in a smaller unit. A small, reasonably independent organization would allow visible accountability without becoming inefficiently cumbersome.

2. Control and Commitment

It is clear that there must be some tension between the needs for information to meet short term objectives and the need to develop statistical procedures to ensure the technical credibility of the information. A central statistical agency which is reluctant to compromise valid scientific principles in order to produce "best guess estimates" to inform decision-making is almost necessarily going to be seen by justice deputy heads as ineffective. The question emerges as to which norms should take priority - technical statistical norms or decision-makers' norms.

The requests of justice deputy heads, made in order to meet their needs, must not be relegated a secondary position in competition with statistical purity. While the National Task Force on the Administration of Justice did not, indeed

could not, produce completely valid and scientifically well-grounded national justice statistics, it did produce a product which was of use to its clientele. It is unlikely, given prevailing statistical and other scientific standards to which Statistics Canada adheres, that it would have, on its own, set out to produce the type of work produced by the NTF. It could be concluded that a national statistical agency should be prepared to modify methodologies and other technical features to meet, as well as possible, its clients' needs. In order to ensure this, control of the national statistical agency should be in the hands of justice managers and not statisticians. An ad hoc approach to this question is not a responsible or realistic alternative. The approach must be made via a set of principles that remain relatively stable over time.

Because the justice system and its management is outside the interest and control of any single jurisdiction, a national statistical agency should not be controlled by any single jurisdiction. The Work Group has concluded, on several grounds, that the justice deputy heads ought to direct and control national statistics. The choice arises as to the form and degree of this direction and control and the concomitant burden this will create for already heavily committed deputies. Deputies have already indicated informally that while they may be willing to accept an enhanced role in the production of national statistics they may be reluctant to take responsibility for direct control.

The independent Centre option developed in this section is predicated on a major presumption. This is, that while an advisory role for deputies is the minimum acceptable to improve the current situation, it is probable that the role will not be sufficient over the long term given the magnitude and complexity of the problems to be confronted. The organization developed below embodies this, at the same time as attempting to keep the burden associated with control to a minimum and distributed equitably.

3. Centralization

An assessment of this option must be made in regard to the desirable degree of "centralization" required in the performance of each function to be undertaken by a national

statistical agency. There was consensus that some functions, almost on an a priori basis, must be performed centrally and reviewed by the central policy and management group. Other functions can and/or should be performed within ministries and agencies. Still other functions can be performed as some mix of these two. Discussion of the most desirable mix, by sub-programme area, must be attended to in an implementation plan.

However, in regard to implementation of a particular option or model the independent Centre appears to have certain advantages. The deputy heads, by taking direct control rather than providing advice, can most effectively undertake longer range planning including resource acquisition and allocation and the definition of priorities to reflect their current and changing needs.

4. Systems Development/Information Processing

The independent Centre option which is developed below is only one of several independent organizational structures which could meet identified needs and adhere to the criteria developed earlier. It suggests an equivalent importance to be attached, over the longer term, to two activities: coordinated systems development and data processing.

This option presupposes: that national statistics, in the longer term, will be produced as a by-product of automated operational or management information systems within the ministries and agencies; that this presupposition will take substantial periods of time and considerable commitment of financial and other resources at data sources to be realized; that ministries and agencies when developing or transferring automated systems will be mindful of national statistical requirements and take necessary steps to accommodate these; that prior to the development and/or modification of automated systems some modification to existing procedures will be a reasonably cost effective process to meet needs; that the national statistical agency will need to have a pool of expertise in order to ensure that systems and procedures are being developed which will ensure commonality of data and to provide assistance to jurisdictions to modify data capture and supply procedures.

Automated data production systems will be developed and implemented within jurisdictions at very different rates and according to very different timetables. The primary roles that a central statistical agency can play in these processes are as a reference centre, as a supplier of key expertise and as a coordinator. However, systems development coordination requires the participation of agencies in that process and this will require a degree of suspension of self-interest. This option gives the deputy heads direct control over this essential process.

The option also provides a major capacity for data processing. In line with international experience, it is presumed that it is not possible for a national statistics agency to produce the full range of information displays and undertake essential analyses to meet the long term requirements of deputies without access to micro-data. It may be, however, that in the shorter term, semi-aggregated data will suffice. While this question bears very close examination, it is clear that any national justice statistical agency will require a core data processing capability.

5. General Features of an Independent Centre

This option would necessitate that some existing resources from all levels of government might be brought together in an integrated scheme. Such a scheme could ensure joint federal-provincial input to the determination of information priorities, as well as continuity of longer term funding arrangements and control. To facilitate this would involve the establishment of a permanent legal entity called "The Canadian Centre for Justice Statistics and Information" (Centre). It would be a non-profit organization and would have its resources contracted to it by all jurisdictions on a medium term cycle.

In order to distribute control and commitment, the Centre would have a governing Board comprising the Deputy Ministers of Justice, Deputy Attorneys-General, Deputy Ministers Responsible for Corrections and the Chief Statistician of Canada.

The work of the Board would be carried out at an Annual General Meeting which would most conveniently fall on the occasion of a regular meeting of the members and thereby not create a new, unwarrantable burden on deputies. When this group meets on other occasions, a report of the work of the Centre would be tabled for information or, if necessary, discussed as an agenda item.

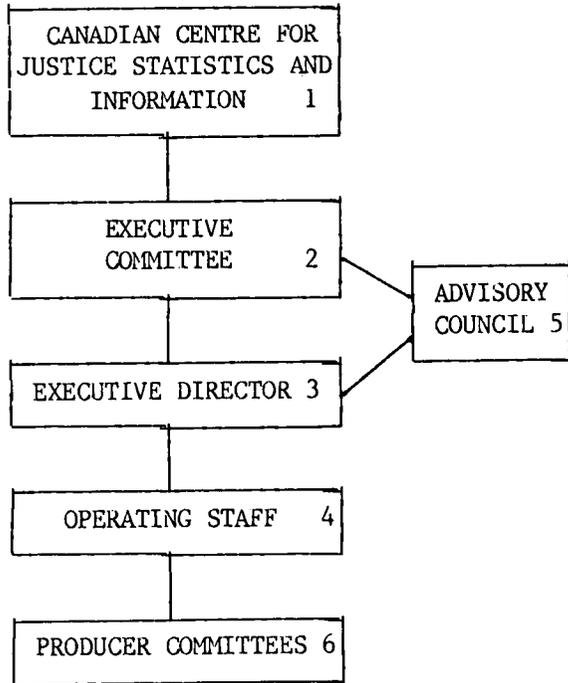
The ongoing operations of the Centre would be supervised by an Executive Committee consisting of five members of the Board; two would represent the federal authority and three the provincial jurisdictions. The Executive Committee, with the assistance of the Executive Director and with the approval of the Board, would establish activity priorities and develop long-range plans for the Centre's stable development.

The day-to-day management and administration of the Centre would be in the hands of an Executive Director who would report to the Executive Committee (of which he would be an ex-officio member) and whose primary duties would be those of implementing programme priorities established by the Board, managing the budget of the Centre and providing leadership to a staff which would collect, collate, analyze and disseminate statistical information, coordinate systems development and undertake special projects. The staff would be employed by, or seconded to, the Centre.

It would be useful if, in addition to the Board/Executive/Staff structure, a User Advisory Council were to be established. The Council would meet at least annually, or more frequently if necessary, to advise the Executive Director and the Executive Committee.

The following organization chart depicts, in broad outline, the structure of the Centre:

FUNCTIONAL ORGANIZATIONAL CHART



Notes to the Chart:

1. The justice deputy heads and the Chief Statistician would form themselves into a governing board incorporated by Letters Patent under the provisions of Part II of the Canada Corporations Act, under the name CANADIAN CENTRE FOR JUSTICE STATISTICS AND INFORMATION. (An analogy with the Canadian Law Information Council may be noted).
2. The Executive would meet as required between scheduled meetings of the Board to advise the Executive Director.
3. The Executive Director would need to be an administrator with substantial experience.

4. Staff would be required to work in both the field and in headquarters. A systems development group would continue, and where possible elaborate, the present work of the National Work Group, including providing the Executive Director with technical advice. It will be recalled that the current mandate of this group is to identify and recommend systems for use in data generating agencies which permit the collection of data suitable for Canadian totals. Statistical production units of headquarters staff would collect and/or aggregate the data generated, add descriptions and analysis provided by the relevant subject matter units which would describe discernable trends and prepare the data and descriptions for publication and dissemination. It would also prepare plans for the development of new sub-programme statistics and the improvement of existing ones. The units would provide the focal points for Producer Committees. A special projects group would be available to take on the work, in the short term, of the National Task Force.
5. The Advisory Council members would be broadly representative of the non-governmental user community. Its task would be to advise on the desirable form of published statistics and their usefulness from the perspective of non-governmental organizations.
6. Producer Committees, including both technical and operations managers, would be attached to each sub-programme and would have a function similar to the UCR sub-committee of the CACP. These would function in order to facilitate the timely and high quality collection of statistics of maximum reliability and validity.

6. Justice Statistical Programmes

For the purposes of this option, we must examine its development in relation to three analytically separable statistics and information programmes: (I) Criminal Justice (adult); (II) Juvenile Justice; (III) Civil Justice. Each of

these programmes can be further divided. The division into sub-programmes facilitates an examination of the recommended option for the production of justice information and statistics in relation to the needs and priorities established by potential users. The sub-programmes which seem appropriate under each programme are as follows:

I. Criminal Justice (Adult)

1. Police
2. Courts
3. Corrections
4. Crown Counsel
5. Legal Aid

II. Juvenile Justice

1. Police
2. Courts
3. Correctional and Post-Disposition Social Services
4. Legal Aid
5. Other Related Justice Programmes

III. Civil Justice

It is clear that in the short term it is probably not possible to implement all sub-programme areas and some staging or phasing strategy must be developed.

7. The Legal Position

In order to fully develop the independent Centre option there are several key legal questions with substantial policy implications which need to be addressed.

1. Under the Statistics Act can the Ministers Responsible and/or the Chief Statistician delegate, or in any other way transfer, either his powers and/or his responsibilities to collect, aggregate and disseminate national justice statistics?
2. Could the provincial and federal departments (A.G., M.S.G., Corrections - i.e., Justice-related including juvenile), either including or excluding Statistics

Canada, set up an organization (say, under Part II of the Canada Corporations Act, or any other way) to produce and disseminate national justice statistics?

3. If an organization independent of governments (but resourced by various government departments) can be set up to produce and disseminate national justice statistics what would be the necessary steps of this process?
4. If the Minister responsible for Statistics Canada or the Chief Statistician of Canada were to contract for services (or a product called national justice statistics) with an independent Centre, how generally might the contract be worded? (e.g. could national justice statistics be contracted for in a form and on a timetable as decided by the Board of an independent Centre and for a fixed payment per annum until cancellation?)

It is only after examining the answers to these questions in some detail that an independent centre option can be fully fleshed out. We have assumed, however, that if there is both federal and provincial political will to create an independent Centre there is no fundamental constitutional bar to doing this.

Advice which the Work Group has been given is as follows:

1. With respect to the issue of whether the Minister responsible and/or the Chief Statistician can delegate or in any other way transfer either his powers and/or his responsibilities to collect, aggregate and disseminate justice statistics, the answer lies in the principle that one who has been granted a power or responsibility to do something cannot delegate, bargain or transfer away that power. However, this does not prevent the responsibilities being carried out pursuant to contract services. It should be noted that the powers and responsibilities under the Statistics Act are not exclusive in the sense that others are not precluded from doing the same things.

2. In response to the question of whether the provincial and federal departments either including or excluding Statistics Canada could set up a form of organization to produce and disseminate national justice statistics, it can be said that there is no impediment to proceeding to do so. Such an organization could be a loose arrangement of the various departments, both at federal and provincial levels, or it could take the form of a formal corporation, incorporated as a non-profit corporation under Part II of the Canada Corporations Act. It could also be in the form of a partnership agreement by contract between the parties.

3. With respect to the necessary steps to set up an organization to produce and disseminate national justice statistics, this can be determined once it is ascertained which type of organization is desired. Thus, if it is to be an arrangement between the departments, an agreement between federal and provincial departments would be in order subject to the provisions of the Financial Administration Act and like limitations. It could also take the form of a loose arrangement, as has been the case with the National Task Force, by providing grants to cover the cost of operations. It would take the form of a Crown Corporation or alternatively a non-profit corporation under Part II of the Canada Corporations Act.

4. The matter of how the contract would be generally worded if the Chief Statistician of Canada were to contract for services is a matter that would be determined once it is ascertained what is desired by the parties. In other words, when the policy decisions have been taken a contract can be drafted accordingly, subject to the Financial Administration Act and other like restraints.

In the event that this matter is to be pursued in more depth, it would be necessary to more clearly identify the problems anticipated. This can be done after the deputies have examined all options.

8. An Elaboration of the Independent Centre Option

There are two notes which should be made in regard to this option:

1. it offers no impediment to any jurisdiction or agency producing, analyzing and disseminating statistics or other information about its own operations;
2. the statistics supplied to the Centre could be either aggregated or disaggregated depending on the sub-programme.

There is a basic choice to be made in regard to the procedures for generating national statistics within each sub-programme area. This choice needs to be made with respect to the performance of each function and involves a consideration of the desirable mix of centralized versus de-centralized performance.

Centralized functions would be performed by the Centre and de-centralized functions would be performed by the ministries or their agencies. The Centre option allows for a flexible approach to be taken in regard to each sub-programme.

The primary reasons for performing and/or controlling a function de-centrally might be one or more of the following:

1. an easy distribution of costs;
2. the wish by some jurisdictions to retain control and access to certain data and processes;
3. FPAC resolution 14 (the principle that the obligation for data generation and transmission resides with operating agencies);
4. to locate responsibility at the operational level;
5. to effect apparent cost efficiencies because of hidden costs;

6. to ensure flexibility in deployment of personnel and other resources.

The primary reasons for performing and/or controlling a function centrally might be one or more of the following:

1. to coalesce a holistic view on the subject matter and allow for more effective planning;
2. to create a critical mass of professional and support people which would have as its only task the production of justice information and statistics;
3. to enhance continuity of staff performance;
4. to enhance organizational effectiveness by attracting specialized personnel and offering them an identifiable career structure;
5. to realize economies of scale;
6. to enhance the possibilities for the horizontal integration of information between sub-programmes;
7. to offer a clear focal point for the user community;
8. to provide maximal control over such issues as quality of the product and the appropriate allocation of resources between sub-programmes;
9. to allow a flexibility in resource deployment to meet evolving needs and priorities.

9. An Implementation Plan

The Centre should, in the short to medium term, pursue three inter-related activities:

1. the display of national statistics;
2. the coordination of systems development in ministries and agencies;

3. the continuation of National Task Force-type activities.

While these activities are inter-related, they require different types of skill and knowledge. As a consequence, this option proposes that they be carried out under three Directors working under the close supervision of the Executive Director who will ensure coordinated efforts. The flexibility also remains for the Centre to concentrate on a specific sub-programme area as directed by the Board. In other words, work plans for the first two years may contain heavy statistical and system development phases for one specific sub-programme area and status quo for the others.

A more detailed organization chart of the Centre is outlined on the next pages.

A suggested budget for the Centre is difficult to develop before the Board has given its directions on the information to be displayed and the form(s) and the method(s) for its collection. This option makes the following assumptions, which may be evident from the suggested organization chart: that deputies will assign highest priority to statistics concerning the adult criminal justice system; that some resources can be effectively deployed in pursuit of juvenile justice statistics but that further constituencies of deputies must be consulted and needs and plans developed in regard to post-dispositional juvenile services; that while a subsidiary position will be assigned to civil justice statistics in the short term, some resources may be devoted to developing a plan and strategy in this area.

It is proposed that the Centre begin by developing and reviewing statistical programmes now being run by Statistics Canada in regard to police, courts and corrections and begin work on a national statistical programme on legal aid. All of these statistical programmes would capture and display statistics on caseload, expenditure and manpower. Together they provide a reasonably comprehensive picture of justice activities and are almost certainly likely to meet all deputies' needs.

A suggested tentative first full-year budget for the Centre by programme and activity is shown on the next page.

SUGGESTED FIRST YEAR BUDGET

| PROGRAMME/ OFFICE | \$,000's | | | | |
|---------------------------------|----------------|--------------------|--------|---------------------------|--------------|
| | PERSON YEAR | SALARY & FRINGE | TRAVEL | CONTRACTS & PROCESSING | SUB TOTAL |
| 1. Exec. Dir. Office | 2 | 65 | 5 | - | 70 |
| 2. Off. Eval. & Audit | 5 | 150 | 5 | 30 | 185 |
| 3. Office Manager | 11 | 184 | - | 25 | 209 |
| 4. Off. Special Projects | 7 | 186 | 28 | 40 | 254 |
| 5. Off. Syst. Devel. Co-ord. | 11 | 278 | 42 | (?) | 320 |
| 6. Off. Stats. & Info. | 2 | 54 | 7 | - | 61 |
| I Production | 11 | 272 | 18 | - | 290 |
| II Criminal Justice | 4 | 80 | 7 | 75 | 162 |
| A. Police | 3 | 95 | 15 | 50 | 160 |
| B. Courts | 6 | 185 | 30 | 100 | 315 |
| C. Legal Aid | 3 | 95 | 15 | 50 | 160 |
| D. Corrections | 4 | 125 | 20 | 100 | 245 |
| III Juvenile Justice | 6 | 172 | 27 | 100 | 299 |
| IV Civil Justice | 3 | 82 | 12 | 15 | 109 |
| 7. Operating Costs | | | | | 200 |
| 8. Publications | | | | 100 | 100 |
| Sub-total | 78 | 2,023 | 231 | 685 | 3,139 |
| 9. Capital Costs | | | | | 200 |
| TOTAL | | | | | 3,339 |

10. Financial Considerations

It is concluded that this option could be implemented at an initial cost of about \$3.3 million for the first year. The amount of money spent in the promotion of coordinated systems development is variable, and over a specific year would depend on the projects approved by the Board. The continuation of the first-year level of commitment will result in priority adult criminal statistical needs being met within about three years. However, the degree of automated production will depend on monies dedicated to that purpose.

Two main considerations affect any forecast of the financial implications of the Centre. First, the basis for cost-sharing of its work and activities is not clear. However, in general, it may be assumed that each jurisdiction would continue to bear the costs of gathering data and submitting them to the Centre.

The second main consideration relates to the level of activity that would be taking place in the justice sphere. Only after the Centre has been created can it assess detailed operational priorities and needs and the level of activity required. Only then would it be possible to develop a precise budget. It may be that, in the future, as justice series data are produced and the provincial and federal governments can begin to depend on these, that current local initiatives might be terminated.

The overall thrust of the development of the Centre at this time is towards ensuring an appropriate level of resource commitment to justice information, at the same time as increasing the value of work to deputies. Further, the provision of needed information on a timely basis would permit decision-makers and managers to manage the programmes for which they are responsible in a more efficient way, which could also lead to possible consequent cost reductions in justice and justice related services.

11. Implementation Steps

If the Centre were to be accepted in principle by the affected parties the following steps would be necessary in its implementation:

1. prepare documents required under the Canada Corporations Act;
2. apply for letters patent;
3. constitute the Executive Committee;
4. appoint the Executive Director;
5. appoint Directors and essential staff;
6. develop plans for the continuation of the present data collection from ministries;
7. prepare a workplan for the consideration of the Board;
8. establish appropriate contacts with Statistics Canada;
9. establish the Advisory Committee;
10. establish working relationships with staff in ministries;
11. determine work schedules.

C. CANADIAN JUSTICE INFORMATION GROUP (GROUP)

Introduction

The past efforts to achieve comparable national justice information and statistics have all fallen short of expectations, a fact made undeniable by the very existence of the NPRC.

Nonetheless, considerable thought and planning have gone into establishing existing methodologies, and they should not be lightly discarded. Improved statistical production has actually occurred over the past few years, hence the emphasis for the future should be placed on coordination of these efforts and plans for increasing the number of improvements.

The solution is necessarily a two-pronged approach: a short-term and a long-term plan. The earliest objective should be continuation of existing data collection and dissemination, while the long-term solution lies in coordinated systems development.

The questions of national statistical uses and definitions are addressed elsewhere, so this section will deal mainly with a structure for achieving the defined goal: the production of better national justice information and statistics for use by the ministries responsible for the administration of justice in Canada. A premise accepted as mandatory in this exercise is that something must be started soon, but that the growth pattern should contain a simple and unspectacular start, with achievements and increasing expectations structuring and controlling growth thereafter. That is, it is also assumed that the production of better statistics will encourage more use of this information, resulting in greater support for the process and increasing expertise in the use of the product.

The key to the proposed organizational structure lies in a politically and practically acceptable model, with the proper mix of centralization/decentralization and responsibility assignments.

Principles

In structuring this option, the following principles were recognized:

- (1) the reporting responsibility should be to the deputy heads responsible for the administration of justice in Canada together with the Chief Statistician;
- (2) the deputy heads must ensure that their decisions are reflected in their own jurisdictions' support of the national objective;
- (3) there must be an organization reporting directly to the deputies which is charged with implementing their decisions;
- (4) this organization must be located outside existing justice and statistical agencies to ensure autonomy and clarity of purpose;
- (5) the primary responsibility for data collection must rest within the contributing agencies in order to generate commitment;
- (6) operational management must be involved in defining and developing system requirements in order to ensure continuing support;
- (7) the initial efforts must be in terms of manageable work units and must recognize the existing distribution of authority;
- (8) the effort required to produce national justice information and statistics from supplied data would be undertaken by the proposed organization, while correlation of these statistics with other national efforts would be done by Statistics Canada;

- (9) funds for the new agency must be made available to ensure the coordination of systems development in support of national statistics and information.

The following structural outline and definition of levels is an attempt to address the conditions of data responsibility, the standardization function best served by a central body and a continuation, with better coordination, of the type of efforts currently in place. We shall start at the bottom of the organization chart and work up.

Level 5: Ministry Representatives

Committees would be set up consisting of representatives from each jurisdiction or agency within each of the sub-programme areas. Federal and provincial ministries and agencies (called "the ministries" in this chapter) would be responsible for the basic tasks of data collection, aggregation of data, systems development and implementation of audit procedures. The committee members would be charged with ensuring the supply of data from their jurisdictions, improving processes to collect the data and disseminating the national statistics in their user communities following assembly and publication by the Group.

There would be a Liaison Officer for each of the sub-programme committees from the Group. This person would be responsible for the central collection of data from all suppliers and for working with the committee in the establishment of standards. The Liaison Officer would also be responsible for keeping the committees informed of all initiatives and activities within the Group.

The user committees would meet twice a year and would otherwise be coordinated by the chairperson who would be elected by the ministry representatives at the first meeting. The Liaison Officers would act as the secretariat for the committees.

Level 4(i): Systems Coordination and Liaison Officers

The functions carried out at this level would, by definition, be very changeable with time. They are outlined below in terms of three phases of development.

Phase I

- Liaison Officers would be mainly involved in the collection and improvement of currently-collected data;
- Systems Coordination Officers would be mainly involved in preparing detailed assessments of existing systems and developing data dictionaries in cooperation with their contacts.

Phase II

- After the establishment of data gathering mechanisms, Liaison Officers would start to evaluate statistical possibilities across sub-programme areas;
- Systems Coordination Officers would work on and coordinate the funding required to develop transferable models or to upgrade existing systems. These efforts would be directed towards generating comparable statistics and making operational systems available to any jurisdiction needing one to meet national requirements.

Phase III

- When collection problems are reduced and data become more accurate, time would be spent on analysis, i.e. projections and evaluations;
- Systems would require a continuing coordination function in terms of upgrading them and incorporating technological changes.

These phases are necessarily general and imprecise regarding mutual exclusiveness; we intend only to point out that there must be several phases with definite, accountable endpoints. Phase III would be achievable only over the long run, and any attempt to shorten the time-frame with more resources would be futile.

The skills required by people in the Group and also their number would change as processes entered different phases within each sub-programme. However, close ties with

the user community must be maintained as these phases develop. A series of work plans would be prepared and approved in consultation with the ministry committees and senior operations management within the different sub-programme areas. These plans would be bench-marked and contain definite end products. When approved by the Board, they would give direction to the Group and would become the basis upon which operational plans were developed.

The effect of having both the Statistical and Systems Development Officers located within the Group, working together on a daily basis, would contribute to the achievement of our long-range goal of good data from automated systems.

Level 4(ii): Office Manager

The office manager and associated staff would work to support the Executive Director and two Directors in the performance of their functions.

Level 3: Directors - System Development Coordination and Statistics and Information

The Directors would be responsible for passing direction and standards from the Executive Director to their officers, for assuring close integration between the statistical and systems development activities, and for preparing measurable work-plans for their groups.

They would manage the staffing of the groups, assuring that the qualifications of staff match needs and that the Group's credibility was maintained. Needs for particular expertise, statistical or systems oriented, would be filled by both contracted and seconded personnel when functions could not be performed by existing staff because of temporary overload or lack of very specialized skills.

Level 2: Executive Director

The Executive Director would report to the Board of Deputies and pass policy decisions to the Statistics and Information and Systems Development Coordination Divisions

within the Group. The Executive Director would act as secretary to the Executive Committee. This position should be filled by an administrator with substantial experience within the justice community; this would help to reinforce the fact that the Group is being established as a tool for managers within the justice system.

Level 1: Board of Deputies

The Continuing Committee of Deputy Ministers Responsible for Justice in Canada plus the Chief Statistician of Canada would, as a body, supply direction and give authority to the Group for the collection and dissemination of national justice statistics and information.

As well, an Executive Committee would be struck in order to expedite the formulation of draft policies and the giving of general direction to the Executive Director.

A suggested budget for the Group is outlined on the next page.

BUDGET

SALARIES

| | | |
|-----------------------------|---------------|----------------|
| Executive Director | 50,000 | |
| Directors 2 @ 45 | 90,000 | |
| Systems Coordinators 5 @ 40 | 200,000 | |
| Liaison Officers 5 @ 35 | 175,000 | |
| Officer Manager | 25,000 | |
| Information Officer | 23,000 | |
| Programmers 3 @ 27 | 81,000 | |
| Clerks 5 @ 18 | 90,000 | |
| Stenos 5 @ 12 | 60,000 | |
| Translation Coordinator | 23,000 | |
| Secretaries 3 @ 14 | <u>42,000</u> | |
| | 859,000 | <u>859,000</u> |

BENEFITS @ 15% 128,850

PERSONAL SERVICES CONTRACTS 75,000

TRAVEL (for 13 staff)

| | |
|--------------------------------|--------|
| Subsistence @ 75/day x 55 days | 53,625 |
| Fares @ 500/mo | 78,000 |

EXPENSES

Recurrent

| | | |
|-----------------|---------------|---------|
| Publications | 100,000 | |
| Telephone | 15,000 | |
| Postage | 15,000 | |
| Copying | 15,000 | |
| Office Supplies | 30,000 | |
| Computing | 100,000 | |
| Rent | <u>60,000</u> | |
| | 335,000 | 335,000 |

First Year

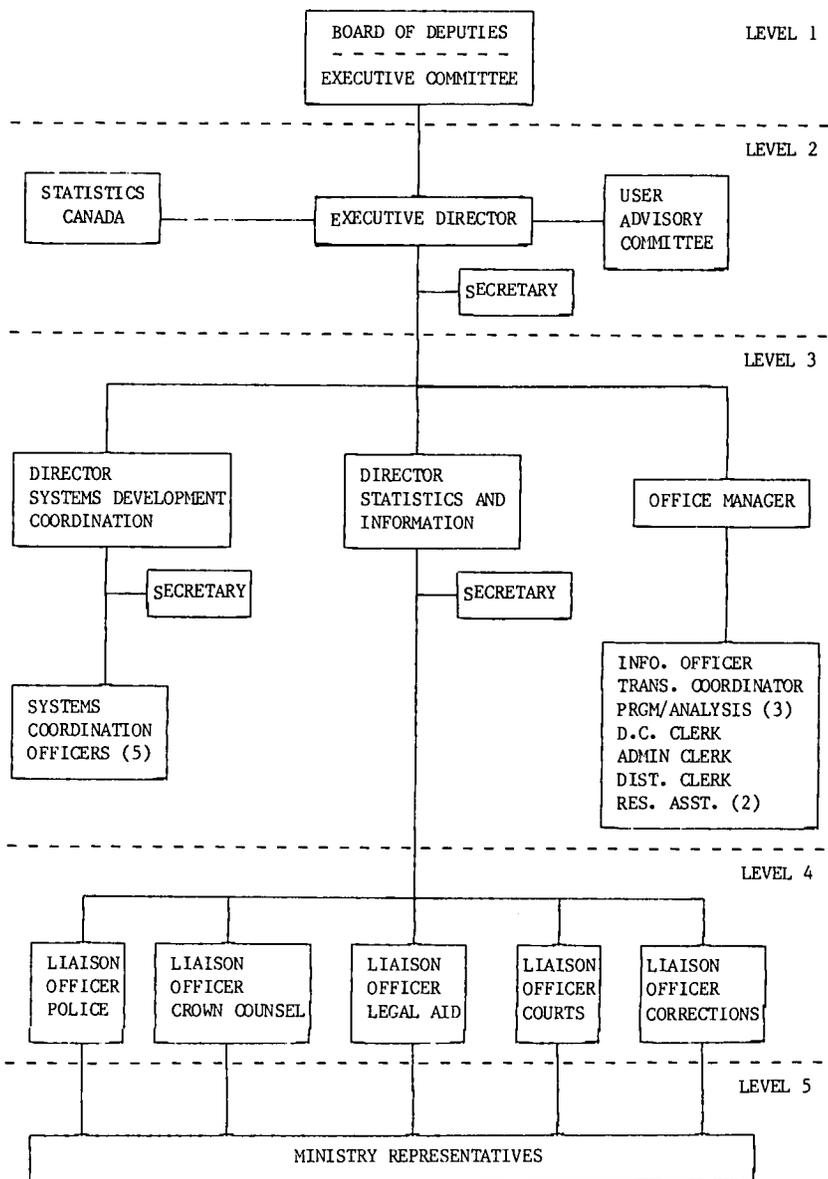
| | | |
|------------------|--------------|---------------|
| Furniture | 40,000 | |
| Word Processors | 48,000 | |
| Office Equipment | <u>5,000</u> | |
| | 93,000 | <u>93,000</u> |

Future Year

| | | |
|--------------------------------|--|---|
| Contributions for Coordination | | ? |
| Systems Development | | |

1,622,475

**CANADIAN JUSTICE INFORMATION GROUP
ORGANIZATION CHART**



D. CANADIAN JUSTICE STATISTICS CONSORTIUM (CONSORTIUM)

Structure

As indicated in Table 1:

- the Continuing Committee of Justice Deputies, with the Chief Statistician of Canada, would, along with its other duties, continue to advise Ministers and give consent on policy, procedures and priorities for national justice statistics and information;
- a National Planning Committee of Assistant Deputies and equivalents would advise the Deputies and generally coordinate the national justice statistics effort. A sub-committee of the Assistant Deputies - the National Executive Board - would provide executive direction to the National Coordination Office;
- the National Coordination Office would be located federally to centrally coordinate and manage: planning and evaluation, technical assistance, cross-sector analysis, publication production and information dissemination. It would audit decentralized data production, and itself undertake such production in circumstances where a decentralized approach was not the chosen route;
- each sector (i.e. police, courts, corrections, etc.) would be free to operate its own statistical centre for the collection, processing and analysis of its own national data. Each centre would be hosted by an agency within its sector;
- an Independent Advisory Council (comprised of experts in such fields as national statistical policy, privacy and relieving respondent burden) would independently and publicly report annually on Consortium policies, procedures, products and services to maintain high standards of quality and objectivity. The federal Justice and Legal Affairs Committee could be among the public forums to receive such reports;

- a support committee structure would ensure consultation at all levels.

Functions

The universe of functions undertaken by the Consortium would be: data production (collection, processing, analysis and presentation); publication production; information dissemination; planning and evaluation; technical assistance and executive direction.

The distinguishing characteristic of the Consortium option is the location of the data production function primarily within individual sectors (police, courts, corrections, etc.), in sector statistical centres. Such a location would provide for closer coordination between the national statistical effort and related sector activity such as sector policy development and information technology development. Likely outcomes could include increased data relevance and utility, an increased sense of ownership and commitment at operational levels, and increased data accuracy and timeliness.

Corresponding coordination at the national level could be assured through centrally-developed reporting standards and auditing of compliance with them; both are aspects of the centralized planning and evaluation function. Statistical objectivity would be further protected through reports of the independent advisory council as well as through central executive direction.

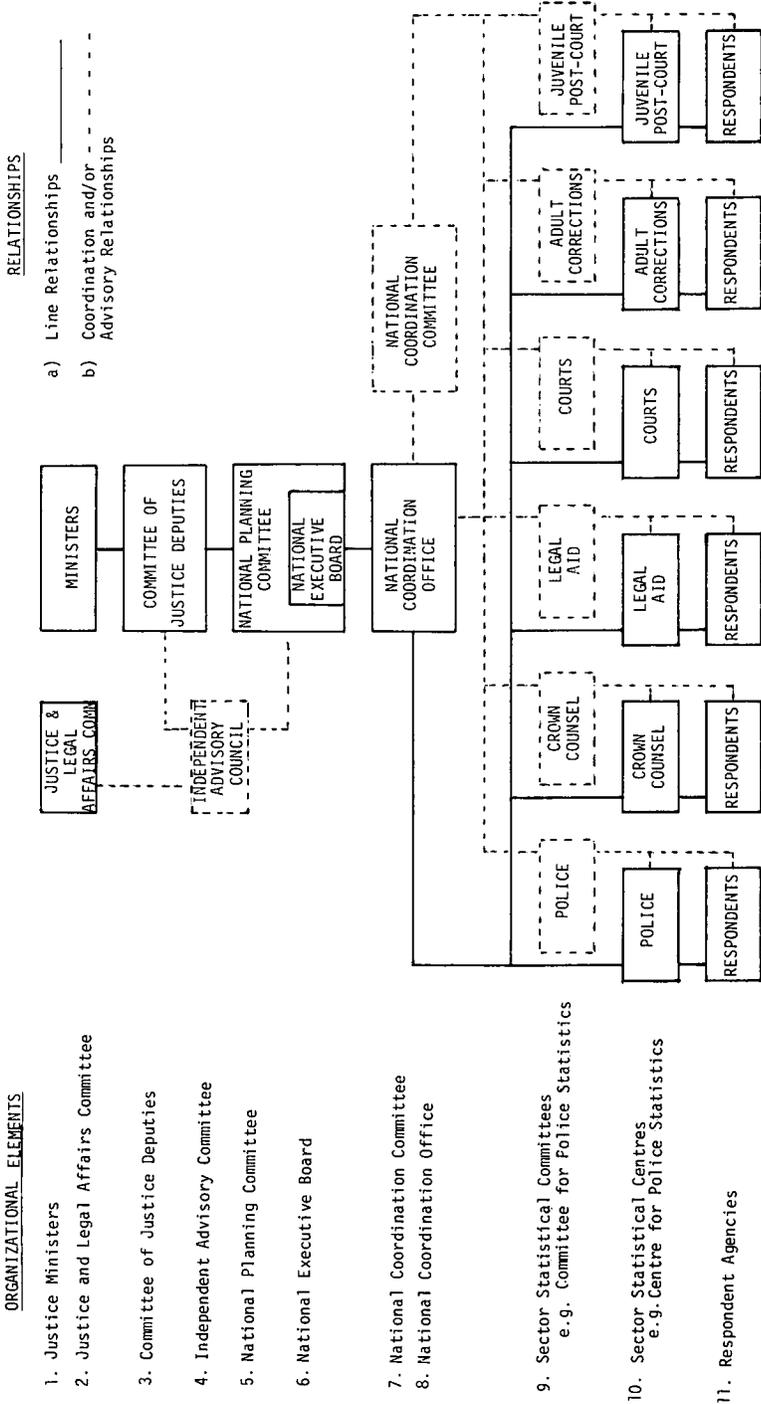
Funding

There are no specific cost estimates developed in this proposal. There are, however, principles which would be followed in the apportionment of costs. These include:

- 1) better use of existing resources;
- 2) resources covered in central budgets, outside the national justice information and statistics budget, should be retained wherever possible;

- 3) a cost-sharing formula should then be developed;
- 4) annual costs incurred in a 5-year plan as well as costs of in-depth sector studies should be estimated;
- 5) the cost sharing formula should include the apportionment of costs according to the degree of benefit.

Table 1 - THE CANADIAN JUSTICE STATISTICS CONSORTIUM - ORGANIZATIONAL CHART



E. THE STATISTICS CANADA SATELLITE **(SATELLITE)**

An Outline and Implementation Plan

The option described here represents a structure with several features similar to those of other options that have appeared in this chapter. Within that broad structure, however, the option places responsibility for the coordination, development and implementation of agreed-upon activities and programmes with a national justice statistics centre which is an organizational arm of Statistics Canada. This centre is referred to throughout this section as the "Satellite", both to distinguish it from the independent Centre described in an earlier option, as well as to reflect more clearly the relationship that it would have with its parent organization, Statistics Canada.

The Statistics Canada Satellite must be recognized as only one component of the broad structure which sets out federal and provincial responsibilities for national justice statistics.

Earlier chapters have described briefly other major components of the structure; this section will, therefore, focus upon: (1) the relationship of the Satellite to those other bodies; (2) the functions it must perform; (3) a tentative implementation schedule; (4) some suggested programme packages (and their associated costs) that could be considered by the deputy ministers in determining an agenda of activities for the Satellite's initial period.

1. THE FRAMEWORK

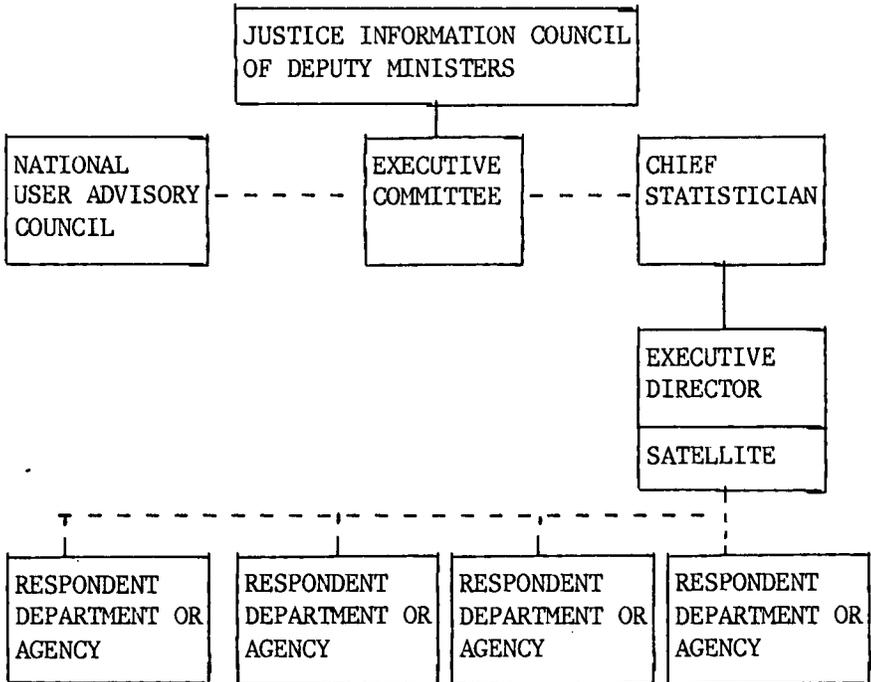
It is proposed that general coordination of and responsibility for national justice statistics can be allocated among the following organizational entities (see Chart 1).

a) Justice Information Council of Deputy Ministers

As stated earlier in this report, this Council would be composed of Deputy Ministers Responsible for the

CHART 1

GENERAL STRUCTURE OF AN ORGANIZATION TO PRODUCE NATIONAL JUSTICE STATISTICS IN CANADA



Notes:

1. A more detailed structure for the Satellite is set out in Chart II.
2. Respondent departments or agencies would be those organizational units within each programme which are responsible for providing to the Satellite aggregate or micro-data at specified intervals, as agreed upon (e.g., the Chiefs of Police might, in a law enforcement programme, agree to provide counts of recorded incidents by various categories).
3. Solid lines on the chart represent clear lines of accountability. Broken lines represent relationships of guidance, advice, or particular agreed-upon responsibilities.

Administration of Justice and the Chief Statistician of Canada. It would be responsible both for setting national priorities and for ensuring that the resources required to implement agreed-upon programmes are committed, by all participating jurisdictions, according to an agreed-upon formula. This Council would give direction to its Executive Committee, and through this Executive Committee to the Executive Director. Each deputy minister would be responsible for ensuring that common programme priorities and requirements are implemented, supported and conformed to in their own jurisdiction.

b) Executive Committee

The Executive Committee would be responsible for providing advice and counsel to the Chief Statistician on the translation of Council priorities and agreements into specific policies, programme operations, resource allocations, etc. This Committee would also review plans for Satellite activities and programmes presented to it by the Chief Statistician, review overall resource allocations and monitor and evaluate the progress and performance of the Satellite. This Committee would, as a subgroup of the full Council, be composed of a small number of deputy ministers or their designates, including the Chief Statistician, and would meet more frequently than the Council. It is difficult to envisage their work being done effectively with meetings held less frequently than quarterly; active involvement would require more frequent meetings as circumstances dictate.

c) The Satellite (1)

The Satellite, headed by an Executive Director, would be an organizational arm of Statistics Canada as this is the department with current federal legislative authority for national statistics. The Satellite would report to the Chief Statistician who would receive advice and guidance

(1) Chapter 20, "Satellite Philosophy" provides an account of experiences in establishing and operating satellites in other sectors from the perspective of Statistics Canada.

from the Justice Information Council and its Executive Committee. The Satellite would be responsible for implementing agreed-upon priorities and for the use of resources committed by all participating jurisdictions to this Satellite. As an entity of the Government of Canada, the Satellite would be bound by federal policies and procedures and benefit from government services and subsidies. Notwithstanding the Satellite's reporting to the Chief Statistician and being a component of Statistics Canada, it would, however, have greater independence from Statistics Canada than the Justice Statistics Division has had in the past in terms of the protection of its budget, exemption from administrative and operational constraints that have caused inefficiencies and unresponsiveness, and even its possible physical relocation away from the Statistics Canada complex. The capacity of the Satellite to produce national justice statistics effectively must be protected, for at least 3-5 years. In addition, to meet the criterion of a fresh start, staffing of the Satellite must be done without assuming a total continuation of the present positions and complement of skills in the Justice Statistics Division.

As an organizational arm of Statistics Canada, the Satellite would have access to all the services that are required by the statistical process, from methodological expertise through processing to the various support and dissemination services available. In addition, Statistics Canada would provide the administrative support services necessary to the Satellite.

It is recommended that the Executive Director be appointed as soon as possible at the federal classification of SX-2 (Director-General equivalent).

d) Respondent Departments/Agencies

These would be responsible for providing data or aggregate figures to the Satellite in the format and at the times agreed upon at the stage of programme design and development. The responsibilities of respondents would, of course, be negotiated for each programme and

for each jurisdiction in accord with the overall requirements of the Justice Information Council. It is imperative that respondent jurisdictions, departments and agencies know and discharge their responsibilities, within the agreed structure and division of labour, for statistical production; they must meet common production standards and schedules for producing statistics or for submitting data or aggregate figures to a central point.

e) The National User Advisory Council

This body would represent the interests of the non-government community of users of national justice statistics. Its views and recommendations would be expressed to the Executive Committee for consideration when setting or reviewing statistical priorities.

f) Programme Support Committees

User/producer committees should be established as required or desired to advise on the design, operation and evaluation of individual sector programmes.

2. THE FUNCTIONS OF THE SATELLITE

It has been stated in earlier chapters that, in addition to the broad tasks of priority setting and resource commitment, three major functions in the statistics and information process have to be performed centrally:

- (a) overall coordination, liaison and planning;
- (b) support to (and where desired, development of) management information systems in individual jurisdictions;
- (c) the planning, coordination, and in some cases operation, of individual programmes (including the production of national synoptic reports on the administration of justice).

Chart II on the following page presents a breakdown, by activity, of the proposed Satellite.

a) **Coordination and Liaison**

These functions would encompass those activities which cut across all sector programmes and provide general support to the Executive Director and to the Justice Information Council.

b) **Management Information Systems Development and Support**

These functions would include such activities as providing assistance to individual jurisdictions for particular systems projects, developing or supporting models for transfer or acting as a clearing-house for systems information.

c) **Programme Development and Operations**

This would bring together those activities required to translate broad programme plans into detailed design specifications and operations for the collection, processing, and preliminary analysis of data in each of the programme sectors.

It is anticipated that programmes would, as indicated earlier, represent a mix of centralized, decentralized, or hybrid operations, depending upon the information required, the capabilities of participating jurisdictions and the resources available.

The range of sectors that the Satellite's programme would address would also depend upon the priorities set and the resources committed.

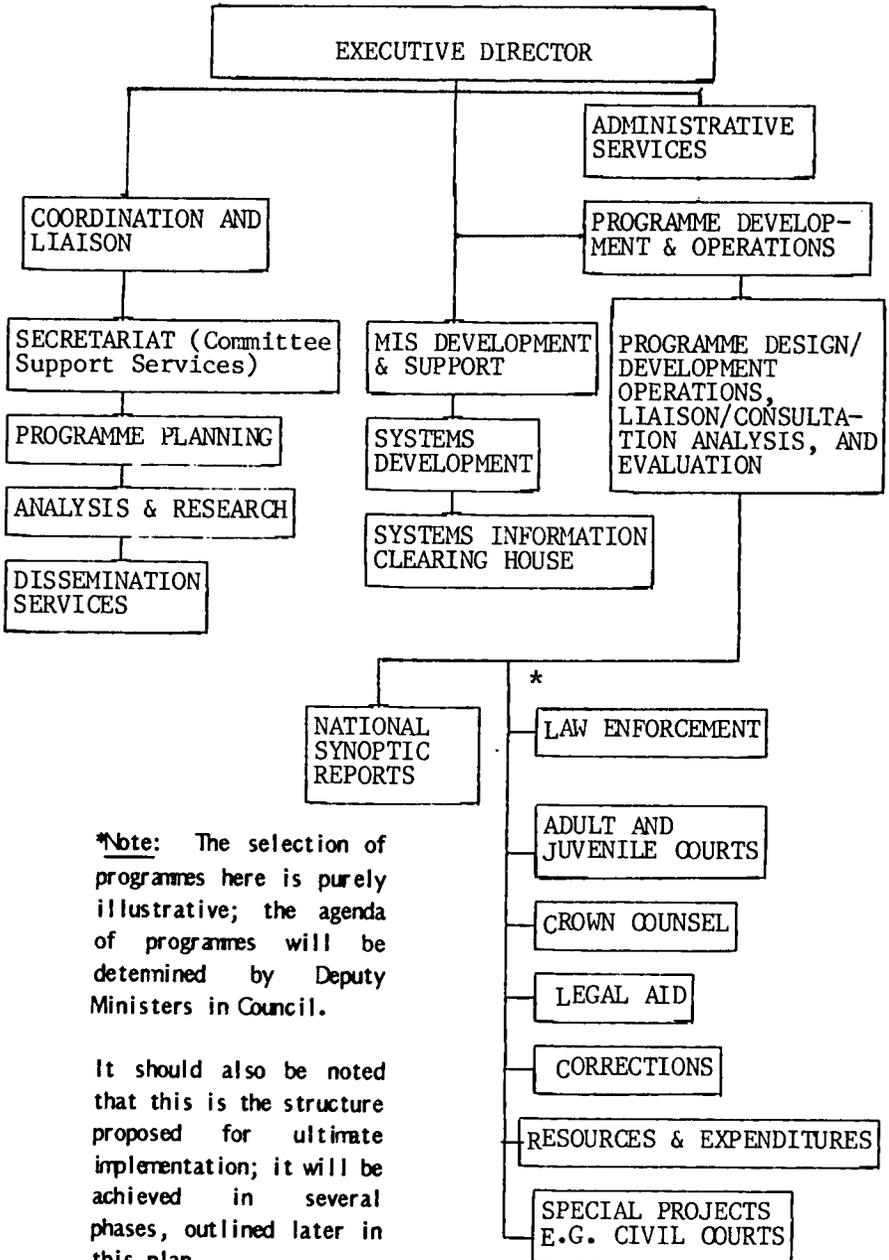
3. A PROPOSED IMPLEMENTATION SCHEDULE

In moving towards a fully operational Satellite, two sets of activities would be required:

- a) determination of priorities and an agenda of programmes;
- b) establishment of the organization that would be responsible for implementation of those programmes.

CHART 11

**FUNCTIONAL STRUCTURE OF THE
STATISTICS CANADA SATELLITE**



***Note:** The selection of programmes here is purely illustrative; the agenda of programmes will be determined by Deputy Ministers in Council.

It should also be noted that this is the structure proposed for ultimate implementation; it will be achieved in several phases, outlined later in this plan.

Ideally, the two activity sets would be prepared interactively. Inherent to both of them is the process of transition from what is now in place to what is agreed upon for the future.

a) Establishing Priorities, the Agenda of Programmes and Other Activities

The final adoption of a set of priorities by the deputy ministers, and the translation of those priorities into programme designs (which would then be cost-estimated, selected, agreed-upon in all jurisdictions, funded, and scheduled for implementation), is by necessity an iterative process, given the fiscal constraints facing all jurisdictions and the need to negotiate both direct dollar resources and services from each participant. It is assumed that the process would begin with the preparation of programme proposals (with their associated costs); these would be developed within the broad parameters of the priorities determined to date. From this shopping list the deputy ministers could assemble an agenda or package according to the estimated programme/activity costs and products. Given that the finally agreed-upon agenda of programmes may include some of the programmes (or the components thereof) currently operated by the Justice Statistics Division of Statistics Canada, a small number of programmes may be immediately operational. Others may require varying degrees of development and negotiation with the user/producer community before they could be implemented.

The operation of statistical programmes would not be the sole nor principal activity of the Satellite; it would be responsible for (i) providing support and liaison among jurisdictions in the development of compatible data-generating management information systems, and (ii) providing, on a prescribed basis, synoptic national statistical reports on the administration of justice in Canada.

b) Establishment of the Satellite

Concurrent with the development of the Satellite's agenda of programmes and activities must be the setting up of the organization that would implement them. This process would entail specification by Statistics Canada of the financial, administrative, personnel and operational arrangements that it would make to provide greater operating independence for the Satellite. These specifications may require review by the Executive Committee on behalf of the Justice Information Council.

A number of areas of concern have already been discussed in some detail with senior management of Statistics Canada: staffing, administrative accountability, operational regulations, publication requirements and regulations, levels of authorization and control, data security and access and budget protection. In each one of these areas, except the first and last, it was made clear that a great part of the anticipated regulations and procedures would either be waived or lightened or are presently, in fact, non-existent. (The experience of the National Work Group, an independent body which has operated effectively under Statistics Canada administration, demonstrates the feasibility of a semi-autonomous agency affiliated with Statistics Canada.)

With respect to staffing, the personnel regulations of the federal public service must be observed, although the rate of staffing would be expedited by Statistics Canada assigning a staffing officer full-time to the Satellite for the first year. With respect to protecting the Satellite's budget from cuts, senior management have indicated that it is legally impossible to promise no cut(s) whatever, but that the Satellite's budget would be reduced only if there was a reduction by Treasury Board in the overall budget of Statistics Canada; further, any reduction would be by a percentage no greater than (and probably less than) the average for the agency as a whole. Funds received from external sources would presumably be transferred under contract and would be immune to any reduction.

While commitments by Statistics Canada to support the effective operation of the Satellite are a prime requisite for its success, commitments would also have to be made by all other participating jurisdictions to provide the resources (in the form of services, data and/or information and funds) necessary to meet their stated statistical information requirements.

Once arrangements were confirmed, any required administrative and personnel actions (e.g., the staffing of positions, the possible change of accommodation, etc.) could be finalized and the Satellite could become operational.

The early appointment or secondment of key staff would be critical for a rapid and smooth transition to the Satellite option. The early appointment of an Executive Director to lead both the programme and organizational negotiations with all the jurisdictions concerned would no doubt facilitate the process. However, it must be recognized that the appointment of an Executive Director may be contingent upon the prior completion of a certain portion of those negotiations.

It is also important to recognize that, while the transition from the current situation to a fully operational Satellite should be accomplished in as short a span of time as possible, all jurisdictions are to some considerable extent locked into the budgets and commitments of the 1980-81 fiscal year.

The following are steps envisaged in moving to the establishment of an operating Satellite. These steps cover the principal tasks necessary to establish the organization and the statistical programme activities it would undertake (and for this reason cannot be viewed as strictly serial); not included in this list is a detailed consideration of the stages or phases by which non-programme activities (MIS support/development and production of national synoptic reports) would be integrated into the activities of the Satellite organization. While the staging of this integration will

be addressed in general terms later in this plan, this staging requires collective deliberation before final details can be specified.

| <u>Step</u> | <u>Possible Time Frame</u> |
|---|--------------------------------|
| 1. Deputy ministers select option. | June 1980 |
| 2. Deputy ministers constitute themselves as Justice Information Council and establish Executive Committee. | June 1980 |
| 3. Executive Committee meets: - to endorse general programme agenda and initial budget; - to initiate work on cost sharing formula; - to endorse plan for transition phase. | June 1980 |
| 4. Small independent work group established by Executive Committee as an interim organization to supervise preparation of shopping list of programme packages (with costs), etc. for presentation to Executive Committee. | June 1980 |
| 5. Endorsement of Statistics Canada arrangements for structure and operation of Satellite by Executive Committee. | June 1980 |
| 6. Appointment (pro-tem if necessary) of Executive Director who has then the task of developing programmes and negotiating organizational arrangements. | August 1980 |
| 7. Executive Director (or supervising Work Group) acquires core staff for initial work. | August 1980 |

Step**Possible
Time Frame**

- | | |
|--|----------------------------|
| 8. Work Group and/or Executive Director and staff develop proposals (in consultation with participating jurisdictions) for approval by the deputy ministers on: <ul style="list-style-type: none">- detailed programme agenda;- detailed budget;- cost-sharing arrangements;- organizational structure. | August- September |
| 9. Interim finalization by Executive Director of arrangements, facilities, funds, etc. necessary for operation of satellite. | September 1980 |
| 10. Endorsement by deputy ministers of: <ul style="list-style-type: none">- organizational arrangements;- detailed programme agenda;- detailed budget estimates;- cost sharing arrangements. | October 1980 |
| 11. Negotiations held with all participating jurisdictions on the transfer/commitment, in synchronization with their budget cycles, of: <ul style="list-style-type: none">- programmes;- staff;- dollars;- services. | October - December 1980 |
| 12. Finalization and approval, as required, of negotiations for the Satellite operations. | December 1980 |
| 13. Completion of administrative arrangements e.g., acquisition of additional equipment, services, staff, etc. | March 1981 |
| 14. Formal commencement of Satellite operation. | April 1, 1981 |

| <u>Step</u> | <u>Possible Time Frame</u> |
|--|----------------------------|
| 15. Operationalization of programme details (schedules, manpower, hardware requirements, etc.) and conclusion of written agreements/contracts between participating jurisdictions. | April 1981 |
| 16. Receipt of funds. | April 1981 |
| 17. First report of operating Satellite to Executive Committee. | June 1981 |

The Satellite and its component programmes would be regularly evaluated at the direction of the Deputy Ministers. There should be a review at the end of year 1, a fuller evaluation at the end of year 2, and a rigorous, detailed appraisal at the end of year 3. Such evaluations would form part of the assessment of the total structure responsible for national justice statistics.

The Executive Committee would also have to ensure that it met with sufficient frequency to monitor progress of the Satellite.

The schedule set out above is clearly a tight one. While this may be so, it must be recognized that any longer timetable would have serious consequences in terms of loss of momentum, credibility and statistical programme development and continuity.

4. SUGGESTED PROGRAMME AND ACTIVITY PROPOSALS

In developing an agenda of activities for the initial period of the Satellite's operation (and thus its budget), it is important to observe the criterion of avoiding an overly ambitious programme in the early years. The Satellite would therefore focus upon a small number of core activities and programmes within each of the main functional areas agreed upon (the secretariat planning and coordination functions, MIS support and development, national synoptic reports and statistical programmes). As additional funds became

available and priorities were reassessed, the range and scope of those activities could expand. It is essential, however, that programme and resource commitments be made for a period of not less than three years dating from commencement of the Satellite in April, 1981; the initiation of work in any area for which there was no guarantee of a reasonable period of support would be unjustifiable.

In order to provide an initial indication of the kinds of activities for a Satellite that could be further developed for consideration by the deputy ministers, some preliminary suggestions for each of the functional areas are set out below.

(a) Coordination, Planning and Liaison

This set of functions would be the primary responsibility of the Executive Director. To support him/her in carrying out this responsibility it is proposed that a small staff of three be assigned to the Executive Director's office.

The Coordination and Planning Officer would provide direct support to the Executive Director in translating national priorities into an agenda of programmes. He/she would also be responsible for coordinating the type of cross-sector activities currently undertaken by particular provincial jurisdictions which arose from agreements by the Federal Provincial Advisory Committee on Justice Information and Statistics in January, 1979. Coordination of such projects has been the responsibility of the NWG. Any activities not completed by the NWG should be incorporated into the programme of the Satellite.

The Dissemination and User Services Officer would be responsible for the production and release of publications and other dissemination modes. He/she would also provide general information services to the user community, including special requests which require the recovery of costs from the user.

The Committee Services Officer would be responsible for the organization and secretariat support for all the Committees which would guide or advise the Satellite.

Each of these officers would be supported by a modest number of professional, technical or clerical resources, as required by the expansion of their responsibilities and activities over time.

(b) Management Information Systems Support and Development

Given the current status of systems development in most jurisdictions and the commonly held view that the life of any system is not much more than five years, the scope of activities that could be included in this unit is exceedingly broad.

In determining what activities could be included in the Satellite's programme in the first few years, two principles should be reiterated:

- i) a balance must be struck in allocating available funds between the development of operational systems (to meet the long term goal of producing national statistics from operational systems) and statistical programmes (to meet the short term but central goal of producing national statistics);
- ii) support should be given to those projects which would be of benefit to a number of jurisdictions rather than just one or two.

The activities that would have to be addressed include: completion and updating of inventories of information systems; feasibility studies for the development, enhancement and transfer of systems in selected agencies; support and coordination of MIS developmental activities in selected agencies.

c) Programme Development and Operations

The NPRC has concluded that there are three basic types of information that are needed for any agreed-upon sector programme:

- case information
- resources and expenditures information
- qualitative information

Selection of programmes and programme content, both in an initial period of operation and in successive years, would be necessarily an iterative process as questions of costs and information priorities were addressed and resolved. The proposals set out below for a programme agenda for Year 1 are at this stage arbitrary and must be refined on the basis of the finalized inventory of national needs and priorities initiated by the NPRC (see Appendix 1 for programme packages).

The proposals are also based upon the need to accommodate the transition between short term and long term needs and between existing and planned functions and structures.

Programmes would fall into two categories:

- general national synopses (as undertaken by the National Task Force on the Administration of Justice);
- sector specific programmes providing more detailed information on the topic selected.

Those included in Year 1 estimates are intended only to provide an illustration of possible programme packages and associated costs and are expanded on in Appendix 1, immediately following this paper. The range of sectors both within criminal and civil justice systems was addressed early in the deliberations of the NPRC and can be found in Vol. II.

YEAR 1 (1981-82)

All activities would be coordinated during the transition phase, preceding this first year by the Executive Director or interim work group reporting to the Executive Committee.

OVERALL WORKPLAN COSTS

\$.000's

| Programme/ Office | M/Y | Salaries | Operating | Subtotal |
|--|------|----------|-----------|--------------|
| Executive Director | 1 | 45 | 20 | 65 |
| - Secretary | 1 | 15 | | 15 |
| - Receptionist | 1 | 12 | | 12 |
| <u>Coordination and Planning</u> | | | | |
| Coordination and Planning Officer | 1 | 30 | | 30 |
| Dissemination and User Officer | 1 | 20 | | 20 |
| Committee Services Officer | 1 | 25 | | 25 |
| Clerical | 1 | 12 | | 12 |
| General Coordination Operating Costs | | | 50 | 50 |
| <u>MIS Development and Support</u> | | | | |
| Assistant Director | 1 | 45 | | 45 |
| Technical Officers | 4 | 160 | | 160 |
| Coordinator Reference Centre | 1 | 20 | | 20 |
| Secretary/Clerical | 2½ | 30 | | 30 |
| Direct Funding | | | 250 | 250 |
| General Development and Support Operating Costs | | | 90 | 90 |
| <u>Programme Development</u> | | | | |
| NTF Type (Synoptic Reports) | 4 | 100 | 250 | 350 |
| Law Enforcement | 10 | 200 | 200 | 400 |
| Adult Courts | 10 | 200 | 100 | 300 |
| Juvenile Courts | 10 | 200 | 200 | 400 |
| Corrections | 1 | 15 | 8 | 23 |
| Legal Aid | 2 | 35 | 15 | 50 |
| Homicide | 2.5 | 40 | 35 | 75 |
| General Development Unit | 1.5 | 30 | 10 | 40* |
| Totals | 56.5 | 1234 | 1228 | <u>2,462</u> |

* Other development costs would be charged to individual programmes.

Year 2 (1982-83):

All activities would be brought together in one organization. One could see the programme expanded as follows:

| | |
|------------------------------|------------------|
| Year 1 base | \$2,462,000 |
| Inflationary increase of 10% | \$250,000 |
| Adult Courts programme | \$700,000 |
| Direct Funding MIS | <u>\$250,000</u> |
| | \$3,662,000 |

Year 3 Onwards (1983):

One could see the programme expanded to include the following activities, undertaken either annually or less regularly.

- civil courts
- crown counsel
- victimization

Reliable budget estimates beyond the first year must be recognized as being difficult to establish. While allowance must be made for inflationary increases, savings may be realized in particular areas as new systems developments permit adjustments to programmes and their budgets.

The range of activities proposed above has been left flexible to ensure that the priorities emerging from the deputy ministers' review of the inventory of needs will be reflected in the final agenda of programmes and projects.

The cost estimates for such a range, however, do not represent a substantial increase beyond those currently being expended. However, an acceleration in resource expenditures would be expected in 1982-83, although no presumptions have been made about the level and mode of funding that would be adequate.

Conclusions

It was stated at the beginning of this section that the Satellite would be but one component of the total network of responsibilities for justice statistics and information. It would provide the focal point for the joint commitment of those charged with the administration of justice and those charged with supporting them with timely relevant national information.

The success of the Satellite would be dependent upon the contribution of each participant not only to the decisions on what tasks get done, but also to ensuring that those tasks are supported by the required resources and services.

APPENDIX 1: POSSIBLE SATELLITE PROGRAMMES

It is possible that the following programme packages could constitute an agenda for Year 1 of the Satellite's operation.

i) National Synoptic Reports

This programme would cover the preparation of reports on the justice services of police, courts, adult corrections, legal aid and crown counsel, together with an overview report refining the work undertaken previously by the NTF. Each report would address the issues of caseloads, manpower and expenditures and the necessary qualitative descriptions of services. These reports should be available on an agreed upon basis. If it were decided that the preparation of these reports should continue in the interim, then the issue of how best to integrate NTF-type work with Satellite operations is one that should be addressed collectively by the deputies before organizational arrangements are finalized.

In addition, the following sector specific programmes are proposed.

ii) Law Enforcement Statistics

A programme based upon the Uniform Crime Reporting system (which in turn provides information to the national synopses) would collect semi-aggregated data on reported incidents and resources from each law enforcement agency. The scope of this programme could, in fact, range from that of the criminal offences component of the UCR system (that is, what is currently produced minus traffic offence information) through a comprehensive crime and traffic offence programme, including an audit in order to measure the reliability of the information, to a full programme covering all law enforcement agencies (that is police, gamewardens, customs officers, private security agencies, etc.). The costs would range from \$250,000 through \$400,000 to \$750,000. The core programme recommended for Year 1

would be the UCR system of crime and traffic offence statistics, together with an audit, totalling \$400,000. Its product would be a data base of crime and traffic statistics by law enforcement agency, with information published annually.

iii) Adult Court Statistics

An ongoing programme of adult court statistics requires considerable development work and is at this time undergoing considerable review and investigative activity. Although an electronic data processing system has been developed and is available to capture and process individual case information, the collection of provincially comparable data remains a major problem.

Comparable national statistics for courts are not at this time available from administrative systems, either manual or automated. Administrative systems are in varying stages of development in some jurisdictions and it must be recognized that it will be some years before management information systems will be implemented in all jurisdictions to the extent that they could meet the needs for courts information on a continuing basis. Therefore, this programme is one which, over the next few years, would require several modes of data acquisition, including direct information collection by central staff from the courts in those jurisdictions which cannot provide comparable statistics from a central source.

The estimated costs of producing statistics from operational systems, already or imminently in place (either through the processing of forms or tapes), are approximately \$200,000 per year. Further investigation has to be undertaken to determine the extent to which court administrators and/or prosecutor services could provide from a central point both basic caseload information and detailed case information. In addition, a study of the feasibility and costs of direct acquisition by central staff of both census and sample data has yet to be undertaken.

On the basis of such investigative work, an adult courts programme might be considered in the form of: (i) a census of caseloads by court, conducted yearly or biennially, supplemented by resources and expenditures data; (ii) a sample of cases from a sample of courts to obtain detailed information on offender and offence characteristics, court proceedings and sentences undertaken on an as-needed/as-resourced basis.

This kind of package might ultimately cost approximately \$1,000,000 per cycle, but a complete cycle could be spread over a number of years.

In the meantime, a Year 1 workplan should include:

- the refinement of information needs, for both broad aggregate data and detailed case data;
- the investigation of the extended use of administrative systems which collect both individual case information and caseload compilations;
- an investigation of the feasibility and costs of direct data acquisition (both caseload and case information) by a central staff for those jurisdictions where administrative systems cannot provide compatible input to national aggregations.

Cost Estimates for Year 1 would amount to:

| | |
|--|-----------|
| Refinement of information needs | \$ 30,000 |
| Ongoing processing of data from administrative systems | \$200,000 |
| Feasibility study of direct data acquisition where administrative systems are not operative. | \$ 70,000 |
| | <hr/> |
| | \$300,000 |

The product at the end of Year 1 would be a data base on caseloads and cases by court type for those jurisdictions having operational information systems as well as the findings of investigative activity upon which to develop a national programme.

iv) Juvenile Courts

A juvenile courts programme might eventually consist of basic caseload data on a census basis and detailed micro-data on a sample basis together with resource and expenditure data.

There is insufficient information yet available to estimate reliably the cost of such a programme.

Traditionally, the programme has sought to gather micro-data on a census basis by means of a joint legal/administrative/statistical form, and this model might also be considered for continuation - with the inclusion of a field audit to measure quality and resource data. The annual estimated cost of this larger model is \$400,000.

The investigative/developmental work required for designing a new approach to data acquisition would be similar to that of the adult courts programme; that is, \$100,000. It is therefore recommended that the ongoing programme be continued, since it will be providing national information of both caseload and detailed case data until such time as other programmes are in place and new development work can be undertaken.

Estimated costs for Year 1 would be \$400,000. The product would be a national publication of juvenile court information.

v) Adult Corrections

While the inventory of needs has yet to be finalized there appears to be general recognition of the need for basic data on adult correctional institutions (both federal and provincial) and their workloads.

The Correctional Services of Canada is able to provide reliable data at minimum cost on penitentiaries. Continued use of this data base is recommended at an annual cost of \$20,000. Basic provincial population movement information, required to provide a count of inmates in prisons on an annual basis, would cost no more than \$3,000. The product would consist of an annual publication on inmate populations by institution.

Considerable developmental work is required if national statistics are to be provided in the near future on the probation and parole sectors of the criminal justice system. It is recommended, therefore, that such work not be undertaken during Year 1 but be postponed until core programmes are operating successfully on an ongoing basis.

vi) Legal Aid

Development of an ongoing legal aid programme which would provide basic information as input to national synoptic reports could be initiated with a complement of two man-years at an estimated cost of \$50,000.

vii) Homicide

In view of the wide community interest in homicide statistics, their continued production is proposed. The costs of producing and analyzing detailed data for an annual report on the incidence of homicide is less than \$75,000.

The above-specified programmes demand a particular mix of professional, technical and clerical staff, varying according to the design of each programme and its stage of development/operation. The cost estimates given above include salaries, printing, processing and publication costs.

Given the uncertainties of programme content, budget, etc., it would at this time be futile to indicate the dates on which hard-copy releases from each programme could be made. Prior to commencement of a programme's first year, however, release dates would have to be specified.

In addition to these specific programme areas, it is proposed that a General Development Unit be established, responsible for the development of new or special projects or particular components of ongoing programmes, as well as to undertake evaluation studies of programmes or their components. The cost of such a general development and evaluation unit is estimated at \$40,000.

With this general complement of programmes, an organizational structure is envisaged as set out in Chart III.

In summary, a programme agenda for Year 1 is proposed as follows:

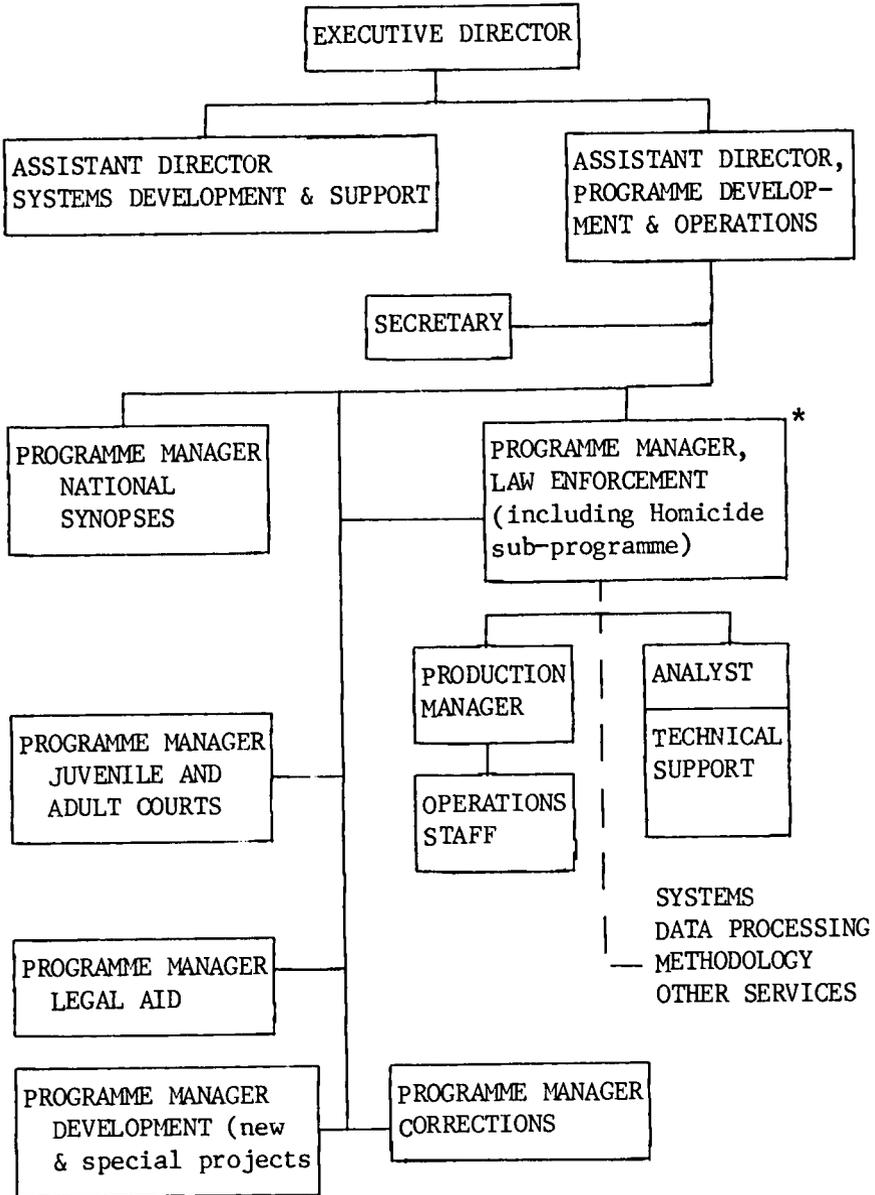
- i) National synoptic reports for five justice services \$350,000
- ii) Crime and Traffic Offences
 - publication
 - audit to measure reliability \$400,000
- iii) Adult Court Statistics Programme
 - development work
 - processing of data from operational MIS systems \$300,000
- iv) Juvenile Courts Information
 - processing of data on juveniles, offences, processes and dispositions for participating jurisdictions
 - development work on the inclusion of ther jurisdictions \$400,000
- v) Information on penitentiaries and population movements in all adult correctional institutions \$23,000
- vi) Development of a programme to provide core data on legal aid \$50,000
- vii) Homicide statistics publication \$75,000

In addition, costs of a General Development Unit would be: \$40,000

\$1,638,000

CHART III

POSSIBLE SATELLITE MANAGEMENT AND PROGRAMME STRUCTURE



* NOTE: All major programmes would be structured in a similar fashion to the law enforcement programme, with the staff complement depending upon the design and size of the programme.

REVIEW OF OPTIONS WITH RESPECT TO CRITERIA

INTRODUCTION

The options were reviewed with respect to the criteria detailed in Chapter 6. The structures of the options and their implications were examined, with a view to determining the extent to which they satisfied the criteria for a national justice statistics agency. It would appear that there is very little on which to base a choice between the Independent Centre and the Satellite options - but that choice is of great significance.

The following summarizes the discussions of the pros and cons, strengths and weaknesses, of the four options presented.

A. ORGANIZATIONAL ISSUES

Commitment and Ownership

The options are all designed to promote federal, provincial and territorial consensus on national statistical priorities and how they are to be achieved. Each option also requires commitment from all participating jurisdictions to provide adequate support and resources which are stable over time.

Unlike commitment, ownership is largely prescribed in law. The Satellite and Consortium options remain consistent with the provisions of the Statistics Act. The Independent

Centre and Group options may necessitate legislative change in order to secure the maximal degree of legal ownership for participating justice jurisdictions that they elicit.

All options offer structures whereby executive direction could flow collectively from Deputy Ministers of Justice as well as from the Chief Statistician. The Satellite probably provides less justice "ownership" because of its link with Statistics Canada.

Evolution versus Revolution

While the options should be a fresh start, unencumbered by traditional and hampering assumptions and patterns of operation, they should also maximize use of existing systems and pools of existing expertise so as to avoid unnecessary organizational change, potentially costly in time, dollars and goodwill.

The Centre and Group options offer such a start. At the same time they involve greater organizational change than is required to establish a Satellite. While the Satellite option will not necessarily be viewed as a fresh start, it certainly does entail a major change from the past.

The Satellite and Consortium options offer little relief from government, tending however toward greater continued use of existing pools of expertise.

All the options are open to innovation with regard to patterns of operation and systems.

Accountability

As with legal ownership, ultimate accountability for national statistics is prescribed in law: under the Statistics Act such accountability is vested in the Minister responsible for Statistics Canada. Accountability considerations, therefore, parallel those of legal ownership.

Ultimate accountability for the administration of justice lies equally in law with the Justice Ministers, provincial and federal. The Deputy Ministers and Chief

Statisticians have total responsibility under the proposals formulated for the Centre and the Group; i.e., they comprise the governing board. In the Satellite and Consortium options, the Deputy Ministers would advise and provide executive direction for the overall justice statistics effort.

Simplicity

Organizationally, the simplest structure would consist of a highly centralized body responsible for all activities, from data collection through to statistics dissemination.

Since this has proven impossible in practice, functions must be decentralized and this will tend to increase the degree of complexity. Clear lines of accountability, communication and decision-making would appear to be weakest in the Consortium option.

Resource Coordination

Coordination of national justice statistical resources with other national statistical resources is strongest in the Satellite option, and weakest in the Centre and Group options. Both the Satellite and Consortium options provide for economies of scale obtainable within government, especially through central budgets and central services.

While no option spells out the extent to which national data would derive as a by-product of local information systems, the Consortium and Group options stress the use of statistical and information capabilities available within respective sectors.

Manpower/Skills Development

The Centre and Group options have the advantage of being able to hire personnel from outside the government on a contractual basis, which provides greater staffing flexibility. The Satellite and Consortium options would be more likely to draw on the expertise presently available within government and would be restricted by federal Treasury Board guidelines for contractual arrangements.

B. STATISTICAL ISSUES

Statistical Integrity and Credibility

Political independence, in terms of the impartiality of output, is critical. Statistical integrity at a policy level is most easily satisfied by the Satellite option since its control rests entirely outside of justice ministries. Should the control of the Consortium option be located within Statistics Canada, it would also be free from direct political control. The Centre and Group Options may be less able to defend independence since they are controlled by the policy makers.

The opinion has been expressed that the cause of integrity would be assisted by locating the unit outside Ottawa, since it would then tend to be isolated from the federal influence; if one accepts that viewpoint, then the Group and Centre options would have an advantage since they could more easily be established elsewhere.

Removal of data analysis from the producers of data is sometimes viewed as a further assurance of integrity. The manner in which the Consortium option has been developed makes it impossible to remove data analysis from its production. This would be possible, however, with the Satellite, Centre and Group options.

Flexibility

Through the capability to support centralized, decentralized and hybrid modes of data collection, all options are well-equipped to handle changing information needs and to adopt alternative modes of data acquisition.

Those options providing for smaller decentralized operations would appear best able to offer flexibility for innovation, unencumbered by the rigidity imposed by central bureaucracies. Decentralization is stressed mostly by the Group and Consortium options.

Uniformity and Comparability

The central planning and evaluation function – with the development of national standards and quality controls which it implies – is common to all the options.

The Satellite option may be modestly superior in fostering the comparability and integration of justice statistics with other social and demographic statistics.

It should be noted that decentralized data production, in the Consortium option's sector statistical centres, would necessitate increased vigilance to ensure cross-sector comparability.

Confidentiality and Security

The Satellite option may have some advantages because computer security and processes to ensure confidentiality of respondents are already established; these would need to be established in all other options.

Support for Jurisdictional Systems Development

All options recognize the responsibility of individual jurisdictions for the development of information systems.

Each of the options provides for the support of systems development. This is a basic tenet and primary focus of the Group option, which stresses federal assistance in model development and systems transfer.

Respondent Burden

All the options respect the principle that only demonstrably necessary statistical activities should occur.

The options cannot be differentiated on this criteria.

Consultation and Communication

All options respect the interests of data providers, systems designers, programme managers, information users, etc. and provide a vehicle for consultation with government and non-government users.

Accessibility of Information

All options offer a central focal point for users to access national statistics and information. The network of Statistics Canada's Regional Offices gives a minor advantage to the Satellite option.

RECOMMENDATIONS

PREFACE

The Work Group was divided in its opinion as to which option of two - the Independent Centre and the Satellite operation of Statistics Canada - was the most desirable. While the Independent Centre was seen to be the ideal objective and had the greater support, eventually the Satellite was chosen primarily for some very practical reasons, including the following:

- (a) it would give the Deputy Ministers the advantage of having a direct voice in establishing the policies and priorities of the operation without expecting them to be accountable for its administration;
- (b) the transition from the present situation would be effected more quickly - and it is believed more smoothly;
- (c) the pool of expertise now in Statistics Canada would be available;
- (d) there is a guarantee from Statistics Canada that the present budget allocation to the Justice Division would be available for the Satellite operation;
- (e) some doubt exists as to whether changes in legislation would be required if one opted for the Centre proposal;

- (f) the Centre does not allow for an alternative or fall-back position since the ties with Statistics Canada will likely have been severed;
- (g) while the Centre offers an opportunity and challenge to develop a fresh start, the risks involved are high.

Since there were those in the Work Group who were still sceptical of the ability of the Satellite option to meet national requirements, a compromise was reached. The Satellite option was adopted but its operation is to be evaluated after three years; if at that time it is judged not to have met the national requirements, then the machinery would be set in place to move toward the Independent Centre operation.

The representatives on the Work Group from the provinces of Saskatchewan and New Brunswick wished it to be recorded that they strongly supported the Centre operation and did not agree with the compromise position.

- (iv) concurrently with the foregoing, the Justice Information Council will initiate the development of the national statistical agency and be responsible for overseeing its implementation.
- (b) Statistics Canada will be invited to develop a satellite operation which shall be the national statistical agency and which shall, from April 1, 1981, assume the responsibilities presently undertaken by the NTF, the NWG and the Justice Statistics Division of Statistics Canada.
- (c) An evaluation of the production of national justice statistics and information, particularly the work of the national agency, will be directed by and provided to the Deputies by the end of the third year of operation, April, 1984.

Organizational

It is recommended that:

- 4. The Justice Information Council, through the national justice statistics agency, should assume responsibility for future undertakings to improve national justice statistics and information.
- 5. The national justice statistics agency shall begin operation with a detailed work plan approved by the Justice Information Council or a committee thereof. The work plan should have specific deliverables within each year and reports should be made regularly to the Council.
- 6. The Executive Director shall ensure that the Council is informed of any problems, including lack of support from any jurisdiction, associated with meeting the agreed-upon objectives for national justice statistics and information.
- 7. There should be formal mechanisms to ensure that the national justice statistics agency adheres to the publication schedule approved by the Justice Information Council.

RECOMMENDATIONS

General

It is recommended that:

1. All Justice Field Ministers and their Deputies in each jurisdiction in Canada make a commitment (and an appropriate allocation of resources to meet that commitment) to support and encourage:
 - (a) the development of national justice statistics which are comprehensive, accurate and timely;
 - (b) the development of management information systems;
 - (c) the collection of operational information especially that relating to jurisdictional and sectoral expenditures and staff complements.
2. The Deputy Ministers in the Justice Field together with the Chief Statistician of Canada constitute a Justice Information Council which shall establish the objectives of, and formulate policies and priorities for, an agency which shall be responsible for developing national statistics and information.
3. In order to meet the objectives stated in (1) above, the following sequential steps are seen to be necessary:
 - (a) (i) The National Task Force will continue its work until July 31, 1980;
 - (ii) The NMG shall continue its activities as set out by the Federal/Provincial Advisory Committee until March 31, 1981;
 - (iii) Justice Statistics Division of Statistics Canada will modify its programme, structure and budget in order to fulfill the requirements for national statistics;

8. The national justice statistics agency should be evaluated on a three to five year cycle to ensure that the objectives of the organization, as approved by the Council, are being met by the most efficient and effective means possible.
9. The national justice statistics agency should plan its initial work by concentrating on a few fronts with a realistic timetable. Only when initial objectives have been met should the agency move on to a wider set of programmes.
10. The programmes and methodologies of the national justice statistics agency should be designed to permit maximum flexibility: the organization must accept that requirements will change over time and it must be prepared to act on the new requirements and priorities.
11. The national justice statistics agency should retain the capacity to do two types of analyses: methodological and substantive. Methodological analyses should include such issues as data coverage, reliability, collection procedures and commonality of definitions. This type of analysis will allow data users to assess the value of the data presented and indicate pitfalls to be avoided in its interpretation. Periodically the national justice statistics agency, in conjunction with data producers, will ensure that an impartial evaluation of data quality be undertaken and an appropriate portion of the agency's budget should be directed toward quality control. The second type of data analysis would contextualize the statistics, and identify trends and anomalies.
12. The national justice statistics agency should retain the capacity to produce national statistics from both submitted and directly obtained data for the areas where the Deputies have directed such initiatives.
13. The national justice statistics agency should be responsive to the needs of users of statistics but must also respect the producers of data. There is a need for active producer committees in each functional area.

14. The national justice statistics agency should be cognizant of its responsibility to keep the public informed.
15. While receiving direction from the Deputy Ministers in the Justice Field, a national justice statistics agency should seek advice on programme content and data supply from a wide variety of sources.
16. The national justice statistics agency should ensure that its procedures, analyses and basic data are as accessible as possible to persons outside the statistical programme without infringing on the personal privacy of individuals whose records or reports are used to compile the figures.
17. The national justice statistics agency should plan its programmes so as to minimize respondent burden over the long term. In the short term, in an effort to produce national statistics, some unavoidable response burden may be expected and is acceptable.
18. Where they are not already members of the Justice Information Council, Deputy Ministers responsible for juvenile post-court services should be consulted and invited to attend meetings of the Council where statistics and information relating to juvenile delinquency and the delivery of juvenile justice services are to be discussed.

Statistical

It is recommended that:

19. National statistics should fulfill two needs: to inform all Canadians about the administration of justice, the state of crime and the official response to it; to allow managers in the criminal justice system to manage more effectively.
20. National justice statistics should consist, first, of a continuing core of general purpose statistics depicting the incidence of crime and experience in all sectors of

the administration of justice which, second, provide the framework for special purpose, in-depth studies of selected areas.

21. Qualitative information should be provided by a national justice statistics agency. This information would be complementary to its statistical activities. Descriptions of the system or sub-systems should be written in terms which allow data users to interpret the information presented.
22. Wherever possible, the needs for statistics and information should be met by the provision of data in the simplest and most economical form appropriate to its intended use.
23. The national justice statistics agency should be able to acquire micro data with the acquiescence of the jurisdictions concerned. This responsibility will be exercised in relationship to priorities and procedures approved by the Justice Information Council.
24. Agencies directly responsible for justice services should be responsible for the transmission of data from their jurisdictions for national statistics and information.
25. The national justice statistics agency should work to reduce the confusion that exists between information and statistics.
26. The Statistics Act should be examined by the Deputy Ministers and any necessary recommendations made to the federal government for revision. The intent, meaning and import for justice statistics of the Statistics Act has been unclear and thus an impediment to knowing the authority and responsibilities of the Chief Statistician.
27. Existing statistics and information within the justice agencies should be used to the fullest extent possible; accurate inventories of available statistics and information must be developed and maintained.

Systems Development

It is recommended that:

28. The national justice statistics agency should have the capacity to promote the development or enhancement of systems to optimize the possibility that national statistics can be produced as a by-product.
29. The national justice statistics agency should make provision for a commitment of resources to support technology transfer and systems development.
30. Resources (funds and/or expertise) should be made available to assist jurisdictions in developing model systems which can be transferred to other jurisdictions to meet individual jurisdictions' information requirements and to provide statistics which are compatible with national requirements.
31. There should be an ongoing review of systems to enable jurisdictions to profit from the experiences of others in the development of technical solutions to complex administrative, management and statistical problems.
32. The development of common data definitions, units of count, and reporting time frames, should be proceeded with immediately to ensure the efficient production of national statistics.

Information Sharing

It is recommended that:

33. Reports similar to those produced by the National Task Force on the Administration of Justice should be produced on an approved schedule, to meet the requirements specified for such information.

34. Each of the jurisdictions interested in sharing such information should designate one person responsible for the production of information at the jurisdictional level (a single spokesperson for each jurisdiction).
35. Coordinators (project directors) should be designated to coordinate the project at the level of each of the five sectors under consideration (police, courts, crown counsel, legal aid and corrections). These coordinators would be full-time, and would have similar tasks to the NTF coordinators.
36. Support resources should be provided by each jurisdiction from their own budgets. (The jurisdictions which provide project directors and the coordinator must also provide the necessary extra resources).
37. The designated persons should produce within the approved time-frame a new generation of NTF-like reports. To do so they must:
 - (a) complete, specify and obtain approval of the needs as identified in each jurisdiction for each sector;
 - (b) establish basic definitions which will enable information to be compared between jurisdictions;
 - (c) define the format and frequency of the required reports;
 - (d) obtain the required information from each participating jurisdiction;
 - (e) incorporate the information and produce the reports;
 - (f) forward the reports to the central body for publication and distribution;
 - (g) recommend to the central body the structures which should be put in place to update and improve the information collected, validate the information

and contribute to the development of the systems which are to be set up at the jurisdiction level to satisfy the requirements.

38. Demands for information to be collected by a national justice statistics agency must be accompanied by a demonstration of use. Newly identified needs for information must be articulated in relationship to a justification and an assessment of priority.

Resources

It is recommended that:

39. The national justice statistics agency should be supported by joint federal and provincial contributions and activities if it is to succeed in the long term.
40. To produce quality national justice statistics and information to meet the needs identified by the NPRC more resources are essential.
41. To avoid instability and inequity, the sharing of costs should be based ultimately on a clear-cut formula, not merely on year-to-year discretionary contributions.
42. The budget of the national justice statistics agency should be established on the basis of an agenda of programmes rather than activity categories. The budget must reflect the true costs to the agency of planning, development and maintenance of statistical and information programmes.
43. In apportioning costs, the relationship between providing dollars, data and services should be recognized. Costs need not be shared only in the form of dollars. A cost-sharing formula should be developed that will enable individual jurisdictions to build into their budgets contributions to the costs incurred in the production of national justice statistics and information.

44. The bulk of the national justice statistics agency's resources should be devoted in the short term to meeting the needs for statistics and information. A limited amount of funding should be made available immediately for coordinated systems development.
45. Statistics Canada should commit itself over the next three to five years to increasing its current level of support and giving a higher priority to the production of national justice statistics and information.



CHAIRMAN'S CONCLUDING REMARKS

At the outset of this work it was evident that national justice statistics were in a deplorable state. There are many reasons for this and these are given in this report. Basically, however, the primary reasons are: the belief in some jurisdictional systems or sub-systems that national statistics were not necessary; a lack of willingness to provide the required resources; the fact that Statistics Canada had negotiated programmes with different jurisdictions for which one or both parties had not been able to meet their commitment; a belief that Statistics Canada was either not supplying the material the jurisdictions required or was supplying material which was inaccurate or out-of-date; an inability to establish a mechanism by which the jurisdictions could inform Statistics Canada with precision what material they felt they did require.

The situation in regard to sharing information relating to different operations within jurisdictions was not much better; true, the National Task Force had pioneered for three years in this area, and its work is appreciated, but the eventual reports which it published had to be surrounded by so many caveats that it was evident that a sounder methodology would have to be utilized if reports of this nature were to be meaningful in the future. What the Task Force did accomplish, however, among other things, was to make each jurisdiction more fully aware of how others deployed their manpower or utilized their financial resources and the desirability of cost/benefit comparisons between each other.

In the field of management information systems it can be said that the lack of communications between jurisdictions has not helped: if one jurisdiction experiments with a system which results in failure that knowledge should be available to all since others starting on the same path can learn from that failure - which, if the system is computerized, is likely to be costly. On the other hand, where a system has been developed or introduced and proven successful, then the transfer of the appropriate technology can save large sums of money to another jurisdiction. The efforts of the National Work Group in terms of providing seed money in this area are acknowledged but they need to be extended and this will of course require further resources.

In the light of the foregoing, what impact is the report of the NPRC likely to make upon the present state of affairs? Is it likely to improve matters, have no effect, or even make matters worse?

To answer these questions it may be helpful to look back at the Chapter entitled "Lessons from the Past", since it has two sections which provide a retrospective glance: these are the delineation of reasons for past failures, and a description of the conditions which must be fulfilled if the future is to be any more successful.

There is little indeed that the Work Group has solved because there is little that it is able to solve: all that it could do, it has done, i.e. point a direction toward the future. Whether that direction will lead to success will in large measure be due to factors outside the Group's control. But it may help those who continue the effort from this point to reflect upon the facts that:

- (a) programmes will fail when they are dependent for data on those who are either not interested in statistics or who have not the resources to generate or collect them;
- (b) programmes will fail if there is not consensus on priorities since it is unlikely that there will ever be sufficient resources to meet all the conflicting demands likely to be made. Moreover, the changing of

programmes without evaluation and the responding to ad hoc demands will undermine a national statistics and information system unless that system is rooted in basic fundamental programmes which have been accepted as priorities;

- (c) programmes will fail unless the various groups of experts with differing skills, backgrounds and objectives can communicate with each other successfully;
- (d) programmes will fail if they are designed purely from the perspective of the statistician or the producer of information and data; there is little sense and no profit in producing information which does not meet the needs of the user;
- (e) programmes will fail unless all jurisdictions – and particularly the Ministers and Deputy Ministers involved – are prepared to familiarize themselves with the aims and objectives of the programmes and to make a commitment to those programmes of an on-going nature.

This last point is the most important of all. In this, as in other areas of difficulty, there has been a tendency to indulge in a spurt of activity from time to time and then assume that the problems have been resolved. Yet, in the collection of national statistics what is required is not a spurt of activity but a steady flow of information. Even given the steady flow, results will not come overnight as is evidenced by the time that was required to develop the national economic accounts, but justice statistics are so lamentably far behind economic statistics that the sooner a start is made to improve the situation the better. It is truly astonishing how little we know, or how little we pool our knowledge, about what is happening "out there" and particularly in an area which affects all of us as citizens, viz. the area of justice. Any business enterprise which is as equally unaware of the state of its market, the efficiency of its operations, the numbers of its customers and how many

times they have used the services of that enterprise would quickly be bankrupt. It is illogical, if not inconceivable, that the present situation be allowed to continue.

This Report opened with a letter of transmittal which included a quotation from Sir Claus Moser's address to the Royal Statistical Society in 1979. Perhaps it would be appropriate to close the Report by a quotation from the same authority who in his 1980 Report on the state of Statistics Canada had this to say:

"A country's need for good statistical information will become ever more evident, not only on economic but increasingly on social matters. Users will become more sophisticated, expecting more accurate data and measures of what accuracy is achieved. Statisticians will be expected, and will expect, to pay closer attention to policy needs, and to be more analytical and interpretive in their contributions. And they will want to be outward-looking towards all their user communities, and not merely to contemplate their statistical navels".

In the case of justice statistics, the users will expect much more. They will expect statistics which will be more complete, more accurate and more timely; they will expect information which is dependable and which can be used to assess the extent to which present activities in the field of justice are failing or succeeding; they will expect data which can give rise to informed public considerations of the problems of crime and justice. Unless we prepare now to meet these heightened expectations we shall fail our several constituents and in the long run, since many of us are producers as well as users, we shall fail ourselves.

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