



Department of Justice  
Canada

Ministère de la Justice  
Canada

# Department of Justice Outlook on Program Priorities and Expenditures

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1995 to 1998



Canada

# **DEPARTMENT OF JUSTICE OUTLOOK ON PROGRAM PRIORITIES AND EXPENDITURES**

**1995 to 1998**



*The Mission of the Department of Justice is to:*

*Support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of Justice;*

*Provide high-quality legal services and counsel to the government and to client departments and agencies; and*

*Promote respect for rights and freedoms, the law and the Constitution.*

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## Foreword

The Department of Justice plays a unique role in government with its policy, service and central agency responsibilities. The environment within which the Department must operate is increasingly complex and litigious in nature. In addition, the Department continues to be faced with heightened and competing demands for its services across government.

We must face rising public concerns about violence in society and maintain and increase public confidence in the justice system and in government more generally. We must also continue to contribute to controlling and reducing the cost of government. This document will propose initiatives to combat violence and crime in society and will provide an overview of strategies and initiatives designed to support program delivery in a time of continuing restraint. It will outline the policy directions and initiatives which are aimed at controlling the rising costs of the justice system.

I am proud to present this document to you, and I am confident that the achievement of these initiatives will represent better Justice for all Canadians.



The Honorable Allan Rock  
Minister of Justice and  
Attorney General of Canada



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## **Duties of the Minister of Justice and the Attorney General of Canada**

The duties of the Minister of Justice and the Attorney General of Canada are distinct but traditionally carried out by the same person. The Minister is the legal adviser to the Governor General and the chief lawyer for the Queen's Privy Council for Canada. The Attorney General is the chief law officer of the Crown. He or she represents the Crown in all litigation that involves the federal government.

The Minister of Justice is concerned with the policies underlying the law. The Minister must ensure that laws are fair and comply with constitutional principles. Proposed laws and regulations must be examined to ensure that they do not violate fundamental human rights and freedoms.

These two roles yield complex and diverse responsibilities. Under the *Department of Justice Act*, the Minister of Justice and Attorney General:

- ◇ provides legal services, including legal advice, litigation and drafting of legislation, to the Government of Canada and its departments and agencies;
- ◇ plans, develops and implements all government policies related to the administration of justice; and
- ◇ sees that the affairs of government are administered in accordance with the law.

The *Canadian Bill of Rights*, the *Canadian Charter of Rights and Freedoms*, the *Statutory Instruments Act*, and the *Statute Revision Act* also guide the Department of Justice in fulfilling its responsibilities.



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## 1. INTRODUCTION

The Department of Justice is committed to addressing public concerns through a well-focused policy agenda at a time of spending restraints and efforts to reduce the deficit. The Department is working to become more efficient in its handling of cost-shared programs, litigation, legislative services and other services in order to control costs while fulfilling its responsibilities.

### **Responses to External Pressures:**

In recent years, Canadian society has been experiencing a wide range of changes and trends which have brought forth unprecedented challenges to our system of justice. The economic realities of our times are a compounding factor. Creative solutions are needed, ones that will allow us to address these challenges while living within our means.

In response to these challenges, the Department of Justice will direct its efforts over the next three years towards these areas:

- ⇒ Focusing and strengthening the criminal justice system.
- ⇒ Modernizing the justice system.

Much of our present attention is focused on concerns about violence in society. We are bringing forward many measures specifically responding to these concerns, and will continue to treat the subject as a high priority.

The Department of Justice is also taking steps to improve the efficiency and effectiveness of the justice system as a whole. These efforts need to take into account the role of the provinces, the courts and other players in the justice system. We will continue to look for ways to streamline, simplify and re-engineer the system to the benefit of all Canadians, and to find savings where possible.

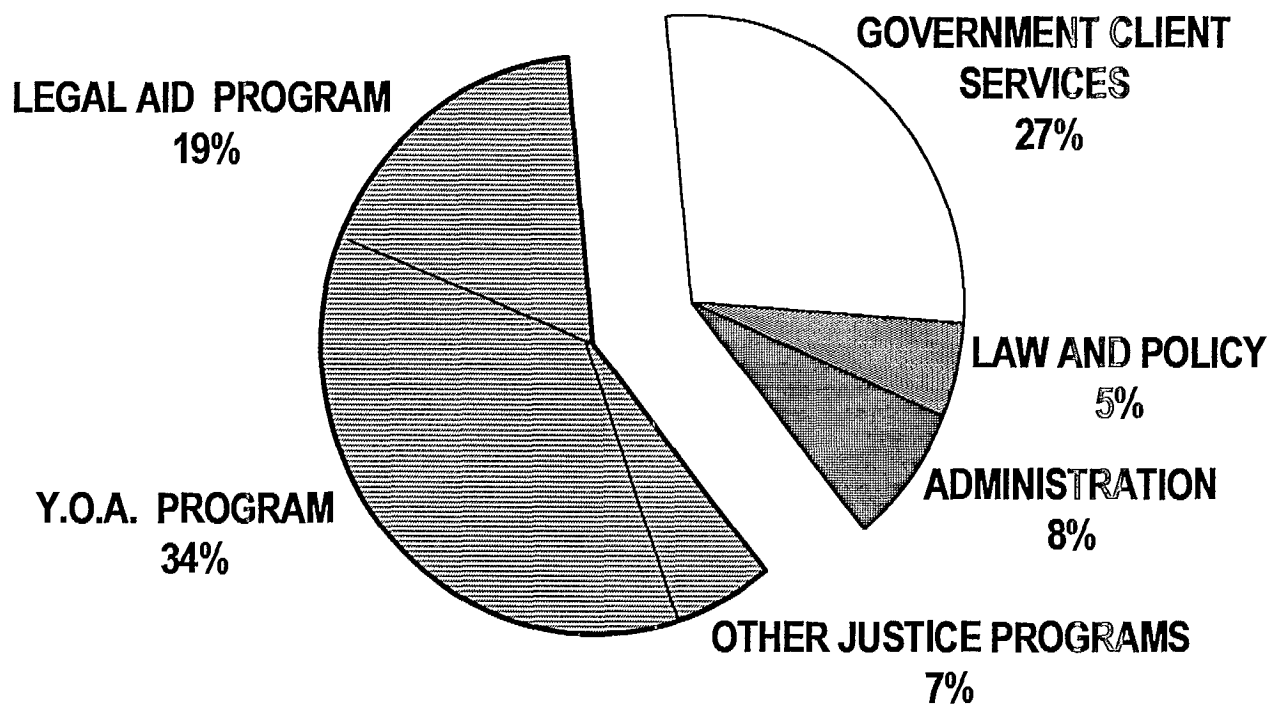
### **Resource Challenges:**

The Department of Justice's budget is made up of a grants and contributions budget, an operating budget, and a small capital budget. The grants and contributions budget accounts for the majority of the Department's expenditures.



The grants and contributions budget is dedicated largely to financing cost-shared agreements with the provinces. In 1995-96, resources are distributed as follows:

## 1995-96 RESOURCES BY ACTIVITY



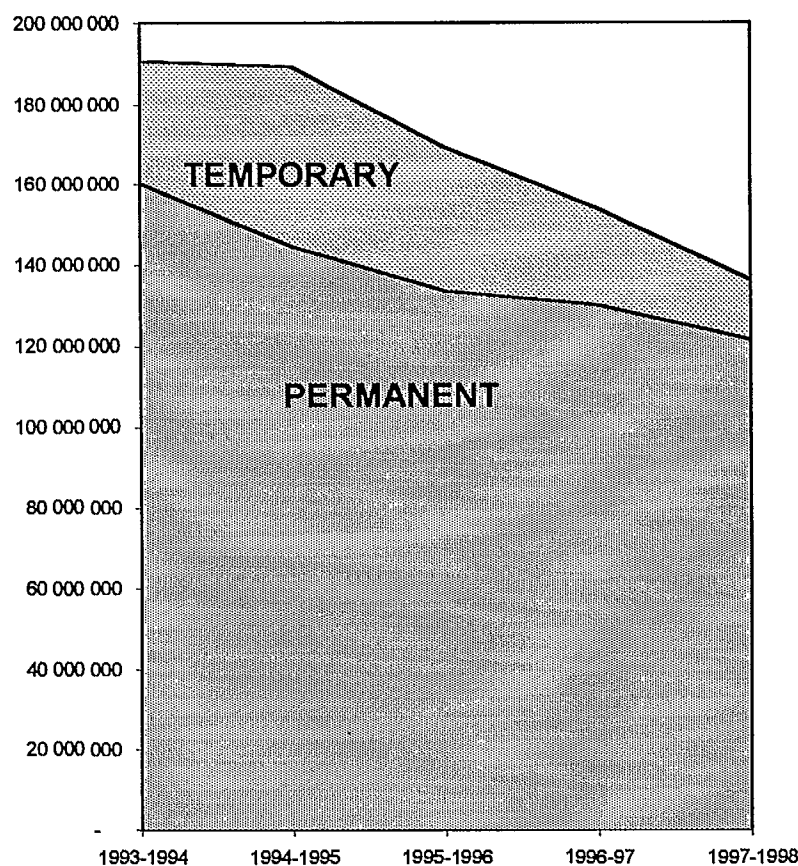
JUSTICE PROGRAMS ACTIVITY

Only those resources used for policy and administration can be entirely planned and controlled by the Department. Nonetheless, we have developed strategies and initiatives so that we can continue to deliver our programs in spite of continuing restraint. The Department will negotiate with Treasury Board to find new ways of managing funds that will allow us to implement some of these strategies and initiatives.





The following table shows how the Department's operating budget will continue to decline throughout this planning period.



### Next Steps:

In the past several years, the Department has undertaken three major exercises in order to better define its role and priorities.

*Justice in the 1990s* (1989-1992) and *Choices for the Future* (1993-1994) were internal initiatives which drew on the input of employees at all levels. The government-wide Program Review, which began in 1994, has helped the Department to focus further on the goal of making its programs and services more efficient and cost-effective.

As a result of these initiatives, the Department has made, and is making, major changes in each of its three areas of responsibility; government legal services, policy and policy development support, and the central agency role of ensuring that the affairs of government are conducted in accordance with the law.



## 2. POLICY DEVELOPMENT

The Department of Justice is one of the major policy makers in the federal government. A modern justice system requires that policy be based on quality research, consultation and analysis. The Department is addressing this demand by fostering interdisciplinary approaches to policy development and by making use of new technologies. These approaches will enable us to work effectively toward long-term goals, while maintaining our capacity to respond well to short-term urgencies created by events outside the Department's control, such as court decisions.

### **Policy Directions:**

The Department recognizes that violent crime is a major concern of many Canadians. In the next three years, the Department will continue to address violent crime through measures that focus and strengthen the criminal justice system. At the same time, we need to acknowledge that the criminal justice system alone cannot solve complex social problems such as youth crime and family violence. We have to work together with other systems, such as the educational system, and institutions such as community groups and families to build a safe society. A coordinated approach will help us respond to new challenges, such as the looming crisis of prison overcrowding, in an enduring and fiscally responsible manner.

The law alone cannot solve all of society's problems. We must direct the justice system's efforts to where they can be most effective. This will mean modernizing the justice system, and taking steps to ensure that it operates as effectively and efficiently as possible. Finally, it will mean keeping the system affordable.

### **Focusing and Strengthening the Criminal Justice System:**

The Department is completing important reforms in several areas. Some of these, such as firearms control (Bill C-68) and the establishment of the National Crime Prevention Council, will require follow-up programs. An enhanced Firearms Control Program and the National Crime Prevention Strategy will be implemented in the next three years.

The Department is planning several key initiatives for the period 1993-1995. These include:

- **Juvenile Justice Review:** A comprehensive parliamentary review beginning in the fall of 1995 will help guide the Department's policies and legislation on young offenders.
- **Sentencing and Corrections Review:** This review will help us to develop a strategy for addressing the rapid growth rate of the prison population. The review may involve joint projects with the provinces. We intend to seriously examine ways to reduce the over representation of aboriginal people in prisons.
- **High-risk, violent offenders:** Legislation is planned.



- **DNA forensic evidence:** Legislation is planned.
- **Reforming criminal procedure:** Legislation is planned. The draft bill proposes significant saving and efficiencies which would allow limited criminal justice resources to be used to quickly and effectively deal with crimes that endanger the public.
- **Extradition Act:** Legislation is planned.
- **Violence in Society:** In partnership with other federal departments and agencies, Justice is continuing its work on the family violence initiative, community-based crime prevention programs and violence in the media.

### Modernizing the Justice System:

This heading covers the Department's efforts to modernize the *substance* of the law by recognizing the needs of the diverse Canadian population and ensuring that all persons are treated fairly and as equals. It also includes initiatives that update *legal processes* and so improve the efficiency and effectiveness of the system.

#### Ensuring fairness

- **Divorce Act:** The Department is working with the provinces to improve child support enforcement measures. It is also looking at introducing a child support formula and will work with the Department of Finance to examine taxation issues. Legislation is planned.
- **Evidence Act:** Amendments to make the criminal justice system more responsive to the needs of persons with disabilities are planned.
- **Criminal Code:** Consultations are under way to reform the general rules of criminal law, to make them more complete and understandable to Canadians, to reflect modern societal values and recent court decisions, and to foster respect for, and confidence in, our criminal justice system. Legislation is planned.
- **Personal relationships and benefits:** A discussion paper on the possibility of extending benefits to people in non-traditional relationships is planned.

The Department is also continuing work on possible amendments to the *Canadian Human Rights Act*. We are redefining the Aboriginal Justice Initiative to help aboriginal communities develop alternatives to conventional sentencing and other procedures. Litigation strategies involving the *Canadian Charter of Rights and Freedoms* are reviewed regularly, to insure that they promote the Charter values of equality and aboriginal inherent rights.



### Promoting efficiency and effectiveness

- **Access to Information Act and Privacy Act:** The Department is reviewing these acts to reinforce an open government policy and strengthen the protection of privacy in a computerized environment.
- **Law Reform Commission:** A bill to create a new commission is planned. The commission will study the legal system and recommend ways to make it more modern, fair, effective and economical.
- **Court and Tribunal Reform:** The Department is reviewing the functioning of the Tax Court, the Federal Court and administrative tribunals. It is also expanding unified family courts and experimenting with unified criminal courts. A report on the Tax Court and Federal Court is planned.

In 1995-96, the Department is also developing resource impact assessment and costing methods for policy initiatives with all concerned parties, including federal departments, provinces, and police forces.

Many of these policy initiatives are aimed at controlling the rising costs of the justice system. At the same time, important initiatives to combat violence and crime, such as firearms control and the family violence initiative, may involve substantial new costs. The Department has committed itself to identifying sources of funds for these initiatives at the outset.

### 3. JUSTICE PROGRAM ACTIVITIES

Sixty percent of the Department of Justice's total resources are spent on payments to the provinces and territories for grants and contributions to external organizations. Justice transfers money to provinces and territories and to external organizations so that services can be provided in such areas as legal aid, native courtworkers and young offenders.

In response to budget cutbacks, we reviewed a number of programs. These reviews concluded that, while the environment in which Justice programs operate today is very different from that in which they originated, the underlying requirement for the government's constitutional role in the field of criminal law remains. Therefore, available funds should be spent in a way that both reflects this responsibility and promotes the federal government's policy interests.

As a result of these reviews, the Department intends to:

- re-examine how to use available resources in the Native Courtworkers Program to ensure that aboriginal people have equal access to the criminal justice system; and



- renegotiate fundamental changes to the Young Offenders Cost-shared Agreements with the provinces and the territories, to shift a significant portion of federal funds from custodial programs to alternatives to courts and custodial measures.

The Department is also negotiating a new cost-sharing agreement on criminal Legal Aid with the provinces and territories. The agreement, expected to be signed on April 1, 1996, will enable the Department to respond better to particular regional conditions and will encourage the development of innovative ways of delivering services.

#### **4. ECONOMIES AND EFFICIENCIES IN LEGAL SERVICES**

Since 1990, Justice has faced a significant increase in the demand for legal services. We have had to reconsider the way we operate so we can continue to deliver high-quality legal services as cost-effectively as possible.

##### **General Efficiency Measures:**

Under the Client-Driven Service Initiative (1995-96), the Department is developing a service plan with each client department to jointly plan Justice services. These plans will focus on finding savings in a manner that respects the clients' needs and priorities. The service plans will also integrate pilot cost-recovery projects and savings from streamlining work processes, time-keeping, replacing legal agents with departmental lawyers where feasible and containing the demand for legal services.

The Department is promoting Alternative Dispute Resolution (ADR) as a cost-efficient and effective alternative to civil litigation. Justice is developing a departmental policy on ADR and, in collaboration with Treasury Board, is amending policies to make it easier to use. We are also including ADR clauses in government contracts, integrating ADR into legislation where appropriate, training lawyers and managers on the appropriate use of ADR methods, and taking other steps to ensure that ADR techniques are fully exploited.

The Department is establishing a Cost-Recovery Pilot Project with four client departments: Industry, Heritage, the Treasury Board Secretariat and Revenue Canada. Justice will use the pilot to determine whether cost recovery is of net advantage to the government. The design of the pilot will be conducted in the current fiscal year. Testing will be taking place in 1996-97 and the project will be assessed from 1996 to 1998. Management information and time-keeping systems will be set up as part of the pilot.



Justice intends to collaborate with the Treasury Board Secretariat in order to make cost-recovery and related arrangements possible. The Department is also prepared to sign a delegated authority instrument to recover fees for priced publications, including the commercialization of CD-ROM for legislation and regulations.

The Department is re-engineering legal work processes where this will lead to substantial savings while improving the quality and timeliness of services. Potential re-engineering projects include the development of legal practice guidelines and handbooks, removal of barriers to rapid work deployments, greater use of work teams, increased use of technology, empowerment, and review of administrative demands on staff time.

### **National Litigation Business Strategy:**

Under the National Litigation Business Strategy, the Department is finding more efficient ways to prosecute criminal cases. By September 1995, the Department will have restructured the way it handles prosecutions in order to manage the growing number of criminal cases. The expected results include:

- aggressive prosecution of those accused of serious offences;
- quick and efficient resolution of routine cases; and
- reduction of court and related costs.

As well, to reduce costs and improve service, the Department is replacing outside legal agents with Department of Justice counsel where this is feasible and cost effective. Since 1993, Justice has reduced the number of legal agents, while increasing legal agent training and supervision. We are also aggressively pursuing drug prosecutions, which will not only protect the public but also result in substantial returns to the government through recovery of the proceeds of crime.

Other efforts to streamline criminal prosecutions include the creation of teams of specialists to handle appeals or extraditions. In addition, some pilot projects to transfer responsibility for drug prosecutions to the provinces are being developed.

We will also provide the Department's litigators with improved technological support to assist them in managing case files.

### **Debt Collection:**

The Department and the Treasury Board Secretariat are working together to recommend improvements to debt collections and to the associated legal framework. These improvements will help the government collect both tax and non-tax revenue. We are also examining information-sharing between departments, resources for debt collection, the effectiveness of the debt-collection process, and the use of private collection agencies.



## Regulatory Reform:

Justice is playing a key role in reforming the federal regulatory framework. The *Regulations Act* was introduced to make the regulatory process more responsive and efficient. Justice will also continue assisting clients with their regulatory needs and helping them develop alternatives to regulations or find cost-effective ways of regulating, where appropriate.

## 5. DOWNSIZING AND JUSTICE EMPLOYEES

After years of growth, the Department of Justice now finds itself in a period of downsizing and restraint.

To become more efficient, the Department is eliminating layers of management. As a general rule, we are aiming to have no more than three levels between the Deputy Minister and the counsel/officer levels.

By layering, we can ensure that downsizing affects employees at all levels equally, rather than being borne by junior employees alone. We can also aim to provide, to all employees, the opportunity to take on broader responsibilities. Layering and empowerment, along with initiatives such as the use of work teams, can contribute to making work more satisfying and improving the quality of our work and of our service to clients.

To keep the impact of budget cuts on employees to a minimum, and to help those who are affected, the Department has also put in place a strategy for work force management. The strategy will include the establishment of staffing controls, an internal Employment Referral System to ensure that surplus and vulnerable employees are marketed throughout the Department, an improved employee counselling service, a strategy for dealing with poor performers, and a new departmental policy on term employment and alternative work arrangements. We are also developing new measurable employment equity plans and a revised harassment policy.

The Department will ensure that employees are provided with timely and appropriate training and retraining. Training plans will be established for all employees through the annual Performance Review and Employee Appraisal process, so employees can develop the knowledge and skills to meet current and future departmental needs.

The Department will also undertake to provide management with the necessary tools to manage employees at a time of budget restrictions and limited career opportunities. Initiatives will include the development of a long-term human resources management strategy and streamlined and responsive human resources systems.

Finally, since close to 60% of departmental employees are lawyers, the Department is undertaking a comprehensive review of the management of the LA (legal officer) group.





Department Of Justice - Three-Year Spending Profile

Appendix "A"

ADMINISTRATION OF JUSTICE PROGRAM	1995-1996	1996-1997	1997-1998
Government Client Services Activity	122 484 199	119 258 514	104 585 312
Law and Policy Activity	23 509 835	19 205 255	16 865 121
Justice Programs Activity	267 445 447	258 884 925	250 531 272
Administration Activity	34 492 995	28 115 308	25 899 296
Total	447 932 476	425 464 002	397 881 001

