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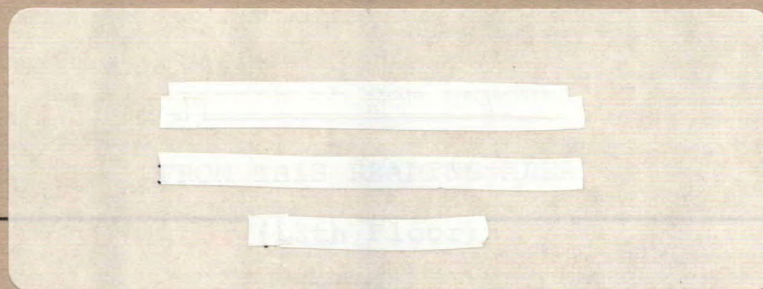
Ministère de la Justice  
Canada

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# CRIME VICTIMS

Working Paper No. 7

**EVALUATION OF CASE MANAGEMENT  
PROCEDURES IN THE BRITISH COLUMBIA  
JUSTICE SYSTEM AND THEIR IMPACT  
ON VICTIM / WITNESSES**



**Research and Statistics Section  
Policy Planning and Development Branch**

Canada

VICTIMS OF CRIME  
Working Document No. 7

EVALUATION OF CASE MANAGEMENT  
PROCEDURES IN THE BRITISH COLUMBIA  
JUSTICE SYSTEM AND THEIR IMPACT  
ON VICTIM/WITNESSES.

This evaluation was conducted by H.J. BRADLEY and D.M.A. DELISLE, of H.J. BRADLEY and ASSOCIATES LTD., under a contract with the Department of Justice of Canada and in cooperation with the Department of the Attorney General, British Columbia. The views expressed in the report are the sole responsibility of its authors.

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March 1983

(Résumé en Français à la fin)

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PART I - INTRODUCTION

**1. BACKGROUND**

In the summer of 1980, the Attorney General of the Province of British Columbia formally established a task force to evaluate the case management procedures within justice system components.

The task force was comprised of a Steering Committee of senior officials from each component and an Evaluation Group.

The objectives of the task force briefly summarized were:

- (a) to analyse document flow between ministry components;
- (b) to analyse witness management practices;
- (c) to analyse the existing procedures for quality control of case intake;
- (d) to analyse case scheduling techniques;
- (e) to analyse the existing system of information storage, access and analysis;
- (f) the analysis to be conducted with a view to improving, modifying, replacing or restructuring each process as required.

The evaluation proceeded in three phases. The first phase consisted of interviews by the Evaluation Group with staff at all levels within each component in thirty-six locations in the province. The interviews were directed toward determining the practices utilized by each component to move cases through the system and to determine identified problem areas in the delivery of justice services.

The collected information was documented in a working paper for review by the Steering Committee. The paper contained a model formulated to assist in planning modifications to the existing procedures and systems.

The second phase was a detailed analysis of specific functions, such as, document flow, quality control, witness management, information processing, trial scheduling practices, and finally, cost-benefit analysis of practices.

The latter phase led to a compilation of findings, model development, and recommendations for modifications to existing practices throughout the justice system. A report was submitted to the Steering Committee by the Evaluation Group, with the former submitting the report recommendations to the Ministry Executive Committee for approval.

The third phase of the evaluation consisted of an implementation phase of all of the recommendations contained in the above mentioned report. The implementation phase is not yet complete.

During the implementation phase, the Department of Justice contracted with the management consultant firm of H.J. Bradley and Associates, Ltd., to conduct an evaluation of the case management program briefly described above.

The Directors of H.J. Bradley & Associates have been directly involved in the case management evaluation since its inception in 1980. The consultants can therefore provide more than an evaluation of the current status of the program; they can also provide: an analysis of factors as they were at the start of the evaluation study; highlight the problems that have arisen throughout the study; and consequently gain

from past experience in the development of an "ideal" model for future consideration. This may be considered unique in this type of evaluation.



## 2. PURPOSE

As part of its federal/provincial initiative for justice for victims of crime, the Department of Justice defined its objectives for an evaluation study of case management practices in British Columbia, as follows:

(a) to evaluate the results obtained following the implementation of a new case management system introduced by the Ministry of the Attorney General of British Columbia and assess the impact of this system on witnesses' satisfaction. This evaluation will monitor the results of all phases of the case management system, including:

- A - Charging standards
- B - Reports to Crown Counsel
- C - Information preparation and processing (including Informations by private citizens)
- D - Witness notification
- E - Police-Crown interface
- F - Witness administration
- G - Crown-Defence interface
- H - Case disposition and follow-up
- I - Trial Coordination;

(b) to develop a model for future use related to case management techniques;

(c) to provide systematic quantitative evaluation where possible for the following areas:

- a. cost effectiveness
- b. public appreciation
- c. witness perception
- d. inter-discipline reaction and appreciation
- e. subjective reporting

(d) to provide a complete report on this evaluation to encompass all of the above areas as well as any other considerations which may contribute to a meaningful report on the value of a complete study of this nature in any other jurisdiction.

### 3. METHODOLOGY

In addition to the previously mentioned factor that the consultants had inside knowledge of the programs being evaluated, the analysis methodology was based predominantly on person to person interviews and compilation of existing data. Some areas were asked to collect statistics for the evaluation, however, this was, in most cases, not too successful a venture.

Interviews were conducted in the following locations covering all regions of the province:

- Region I Victoria - Esquimalt, Nanaimo, Saanich, Colwood  
Duncan
- II Vancouver
- III Surrey, Delta, Matsqui, Richmond
- IV Coquitlam, Burnaby, Port Moody, New Westminster
- V Kamloops, Kelowna
- VI Prince George, Prince Rupert

Within each location/region, the following component staff were interviewed:

- Regional Crown Counsel
- Senior Crown Counsel
- Approving Crown Counsel
- Police Chief/Detachment Commander or  
Senior Police Superintendent
- Police/Crown Liaison Officer
- Witness Manager
- Police/Crown Liaison Officer Supervisor
- Trial Coordinator

Administrative Judge  
Court Services Staff  
Defence Counsel  
Witnesses and Victims  
Crown Counsel Support Staff

The interview questions all followed the same basic format:

- (i) describe the duties and responsibilities of your present position;
- (ii) describe how you see practices being conducted in your region or area of responsibility at the present time;
- (iii) describe any areas that you feel are causing problems;
- (iv) how do you see problem areas being resolved;
- (v) what do you see as being the advantage(s) of the way you are carrying out your tasks which are an improvement over the way procedures were carried out prior to implementation of the new case management procedures;
- (vi) have you been maintaining statistics on the functions you carry out;
- (vii) are statistics available for any period prior to implementation of the new procedures;
- (viii) would you collect statistics for us for the next 2-4 weeks, as follows;
- (ix) what is the reception from inter and intra-component staff as to the duties you now perform; are they in agreement, cooperative or otherwise;
- (x) how do you feel about your present position - what you are doing;

- (xi) what effect does your function have on the public, specifically witnesses and victims;
- (xii) in your opinion, are you able to cut costs utilizing current procedures.

It was felt that these questions dealt with all facets that needed to be addressed to fully evaluate the case management program.

In addition to addressing all of the above questions, this evaluation study of case management practices will provide the following:

- (i) a brief description of procedures utilized within each module prior to implementation of the case management program;
- (ii) comments as to:
  - problems encountered in development of the modules and their acceptability
  - problems encountered during implementation
  - why implementation is not proceeding on schedule;
- (iii) analysis of statistics to determine the effectiveness of new procedures;
- (iv) cost-benefit analysis - where possible - to determine the efficiency of new procedures;
- (v) a description of how modules should be modified to ensure the most effective and efficient practices ... based on information gleaned from the evaluation.

PART II - EVALUATION

Section A - Charging Standards

a) Definition

Charging standards encompass various functions varying from the policy established by police departments to concentrate on the enforcement of a particular offence - to the prosecutor's decision that a particular offence is not to be prosecuted.

In the context of the B.C. case management program, charging standards were looked at in the following context:

- (i) there was a need for Crown Counsel to establish guidelines for peace officers defining the type of information that is required from an evidentiary viewpoint to ensure that the Crown has all the available facts to determine if there is a case to be prosecuted;
- (ii) the wording of charges on an Information should be standardized to eliminate the need for the creation of second Informations, and to facilitate the utilization of pre-printed Informations.

b) Previous Procedures

The problem of ensuring that all investigating peace officers provide full and adequate evidentiary information in the Report to Crown Counsel had been a problem in most jurisdictions for some time.

The lack of guidelines for evidentiary requirements varied within each location depending on: the amount of training

provided to officers within their own detachment; the amount of guidance provided by Crown Counsel; and the extent of screening of Reports to Crown Counsel by shift NCOs prior to submission of the reports to Crown.

Further problems arose pertaining to the evidentiary requirements since each Crown Counsel had a different perspective as to what type and quantity of information he/she desired.

The result was that a large percentage of Reports to Crown Counsel had to be returned to police detachments for amplifying information. Delays and additional costs resulted. (See Section B - Reports to Crown Counsel).

A few years ago, efforts were made to provide evidentiary standards in Vancouver. A booklet was printed which contained basic standards required for different types of offences. The idea was that peace officers would refer to the booklet for guidance. The guide was seldom used in preparing Reports.

A listing of standard charge wordings was prepared by Crown Counsel in Kamloops, but again, the guide was rarely utilized.

c) Present Practices

During the evaluation study in British Columbia, it was determined that ten offences accounted for approximately ninety percent of the caseload in Provincial Court; these are:

Breach of Probation; Break and Enter; Criminal Negligence or Dangerous Driving; False Pretence-Bad Cheque; Possession of Stolen Property; Failure to Appear; Impaired, Over .08, Refusal; Hit and Run; Theft-Shoplifting; Driving under Suspension.

Evidentiary Checklists were prepared as a guide for investigating officers for the noting of required information. The lists are prepared in order that the officer can, in many instances, merely check off the required information. In other instances, the officer has to provide a brief narrative. (A sample checklist is contained in Appendix I.)

The checklists are now in use throughout the Province by nearly all police detachments and municipal police forces.

In all instances, both the police and the Crown Counsel have reacted positively to the utilization of these checklists.(See Appendix I).

A catalogue of charge wordings was compiled containing all Criminal Code and some Provincial Statute offences. The standard wordings facilitates accurate preparation of documentation.

In addition, pre-printed Informations were prepared for the ten predominant offences noted above. The charges contained in the catalogue are also entered on word processing discs for utilization by any office having word processing equipment. (See section C - Information preparation.)

d) Problems

In many jurisdictions, peace officers complained about the time involved in preparing the Evidentiary Checklists. The



problem was associated with the fact that the checklists were being typed.

Peace officers also complained about the fact that some of the checklists consisted of two pages which created a greater storage problem and added to the preparation time.

No problems exist with the standard wording catalogue.

e) How to Resolve Problems

The completion of checklists in handwritten form greatly reduces the time taken in preparation.

A committee has been formed to review the feasibility of compiling one page checklists.

f) Advantages

The utilization of Evidentiary Checklists has contributed significantly to the quality of Reports to Crown Counsel greatly reducing the number of reports that need to be returned for additional information.

Although some time is involved in the preparation of this document, it is felt that the time is made up in the preparation of the Reports to Crown Counsel since the checklists act as a guide to the narrative section of the Report.

The checklists are the basis of quality case input which ultimately determines the timely and effective processing of cases.

The standard wording of charges and the resultant pre-printing of Informations contributes tremendously to accuracy and is a significant time saver.

g) Reception

The utilization of Evidentiary Checklists, although initially received by investigating officers as an additional burden, is now strongly supported by senior police management staff and is a great asset to the Crown Counsel. Every Crown Counsel spoken to stated that it was of great assistance in approving charges and that a significant improvement was noted in Reports to Crown Counsel since the checklists were introduced.

h) Statistics

There are no statistics available pertinent to the checklists themselves. They do, however, have an impact on the quality of the Report to Crown Counsel and this is addressed in the section dealing with Reports to Crown Counsel.

i) Cost-Benefit

Utilization of the checklists saves time in the screening of Reports to Crown Counsel, and also saves the prosecutor time in preparing his case.

The checklists have not been in service long enough to be able to assess their utility from a cost-benefit perspective other than as they affect the preparation of Reports to Crown Counsel. As an example, Victoria City Police have reported a significant time saving from the reduction of Reports that have to be updated or redone after the initial preparation.

There is a slight cost involved in police preparation time but it is believed this is countered by the time saved in preparing Reports - in addition to the improvement in quality.

There is, of course, a cost in the printing of the forms.

The charging standard catalogue has tremendous cost-benefits in that it reduces the time previously taken by police and Crown Counsel to dictate or write charge wordings.

j) Implementation Problems

There were no implementation problems except that some regions did not receive supplies of checklists until September, 1982 due to distribution problems.

The problem of the time taken to compile the checklists has been resolved by the elimination of the practice of typing the forms.

A procedure manual was distributed with the forms facilitating the training of peace officers in their preparation.

All jurisdictions are now utilizing the forms.

k) Recommended Modifications

Work is already underway to modify the checklists to allow for one-page checklists.

Both the checklists and the standard charge catalogue should be constantly under review.

Section B - Reports to Crown Counsel

a) Definition

The Report to Crown Counsel is prepared by the investigating officer for each case dealt with during a shift where a charge is to be laid. The Report contains vital statistics about the accused person(s), information about the circumstances of the alleged offence both from a statistical and narrative perspective, and information about witnesses and victims - names, addresses, etc.

The Report is in four (4) parts; the "front page" containing basic facts about the alleged offence and the accused; an "accused supplement" noting additional accused; a "narrative" page on which the investigating officer notes the particulars of the case; and a "witness supplement" listing all witnesses, their address etc. (See Appendix II.)

b) Previous Procedure

A similar type of Report has been in use in British Columbia for several years. Once prepared, the Reports were forwarded to the Crown Counsel office usually with an Information. In a few areas, the shift NCO or Watch/Platoon Commander would screen the Report to ensure all required information was noted, and sign the Report accordingly.

c) Present Practice

In the last year the Report was modified to ensure that the required evidentiary information is provided. The Report

leads the officer to provide sufficient evidentiary information.

A copy of the Evidentiary Checklist is appended to each Report.

Shift NCO's have been directed to screen all Reports. In addition, the Police/Crown Liaison Officer(P/CLO) (see section E) screens all the Reports to ensure that all the acquired information has been noted by the investigating officer and that any unnecessary police witnesses are eliminated, and noting the days that the police witnesses are available for trial.

d) Problems

In certain jurisdictions, investigating officers have complained that the new Report requires more time to complete than the previous format. The Crown Counsel believes that this extra time is justified because of the time that is saved in not having to return as many Reports to the police for additional information, both of an evidentiary or statistical nature.

During the evaluation, it was discovered that the unfavorable long time taken to prepare these Reports results from the fact that in most jurisdictions, the police are typing the Reports. This can understandably take time due to the spacing and tab requirements of the Report format.

Another factor pertaining to report preparation, which arose during this evaluation, is the fact that in addition to the Reports to Crown Counsel [and the Evidence Checklists], the investigating officer prepares a Police Investigation Report, peculiar to each respective police department. In most

instances the same information is required as that noted on Report to Crown Counsel.

If the shift NCO does not do a proper job of screening the Reports while the investigating officer is still on duty, it means that the P/CLO may be required to contact that officer during his off-hours to complete the Report.

e) How to Resolve Problems

It is suggested that the Report to Crown Counsel need not be typewritten and may be handwritten or printed. The Police/Crown Liaison Officer should confirm this procedure with the Crown Counsel office. If an officer cannot write or print legibly, then it is suggested that the narrative section of the Report, at least, might be typed.

In addition, it is suggested that the Report to Crown Counsel and the Police Investigation Report should be combined to provide a "one-write" report providing both the Crown and the Police with all the information they require.

All peace officers should receive training on the requirements for completing these Reports while in the Justice Institute Police Academy.

f) Advantages

The advantages of hand writing Reports in lieu of typing is obvious when dealing with forms that require a lot of spacing and tab moves, by individuals who are, in most instances, "two-finger typists".

The advantages of combining two similar forms is also obvious from a time factor as well as a cost factor. In addition the Police Investigation Report would be standardized throughout the Province.

The advantages of stepped-up screening of Reports by shift NCO's means faster completion of detailed reports and acts as a training factor for all officers.

The screening of Reports by a P/CLO has even more significant results. This officer provides standard screening measures both from a police perspective and from the viewpoint of what Crown Counsel desire.

The elimination of unnecessary police witnesses is resulting in significant reductions in police overtime costs. (See section E).

The P/CLO also discusses each Report with the screening/approving Crown Counsel prior to an Information being sworn, assisting in the elimination of unnecessary charges and civilian witnesses.

The proper preparation and screening of Reports to Crown Counsel and Evidentiary Checklists is considered to be the prime phase in effective and efficient case management in the criminal justice system: training of peace officers in the provision of proper evidence is enhanced; unnecessary charges are eliminated which reduces the court case load; unnecessary witnesses are eliminated reducing police overtime costs and costs and inconvenience to civilian witnesses; and the costs to Crown and Court Services are, as well, proportionally reduced. The importance of this module cannot be over emphasized.

g) Reception

All police staff canvassed, both at a management and field level, were in firm agreement that they would prefer to hand write Reports to Crown Counsel with some exceptions where possibly the narrative portion of the Report would need to be typed.

In all cases, police agreed that a combined Report to Crown Counsel and a Police Investigation Report would be welcome both from a time saving perspective and to reduce the number of forms utilized.

There have been no complaints by any police detachment regarding the emphasis that needs to be placed on screening of Reports. All concerned realize that complete, evidentiary sufficient Reports the first time around are better than being contacted while off duty to be informed that additional information is required.

There has been minimal resistance, in a few locations, by police officers whose names were eliminated from the witness list. It is felt that in most of these instances, the officers were "put-me-downs" who thought they could gain from overtime benefits. These complaints are isolated and usually never arise again. A strong, experienced and senior P/CLO can easily handle these complaints and readily justify his actions.

h) Statistics

Statistics obtained prior to implementation show that in Vancouver 51.9 percent of Reports to Crown Counsel were



returned for additional evidentiary and witness information [12.7% and 39.2% respectively]. On the average two and one-half hours were taken up by all component staff to bring each Report up to the desired quality.

A survey conducted by the Police/Crown Liaison Unit in Vancouver in August, 1982, revealed that out of 1,612 Reports to Crown Counsel, only 2.0% were returned to the investigating officer for additional information.

In Victoria, a four month survey conducted in 1980 by the Senior Crown Counsel revealed that 31.0 percent of Reports to Crown Counsel were rejected and either returned to police or the Crown Counsel requested additional information over the telephone. It was found that approximately 50.0 percent of the Reports sent back to police were never returned or a new Report was initiated - this would be due to the police realizing they had insufficient evidence, etc.

A survey done by the Police/Crown Liaison Officer in Victoria in November, 1982 shows that the Liaison Officer returned only five Reports out of 187 Reports screened (2.0 percent) and received only three Reports back from the approving Crown Counsel.

These impressive results are attributed to the utilization of Evidentiary Checklists, the new Report format and dedicated screening by police and Crown Counsel which acts as a training factor for peace officers thereby quickly improving the quality of reports.

i) Cost-Benefit

The case management task force report contains data showing that it cost \$45.82 per Report having to be returned for

additional information. The savings that are being realized in Vancouver and Victoria alone in reducing the number of Reports returned from 51.9 percent and 31.0 percent respectively to 2.0 percent in both instances is sufficient to substantiate the effectiveness of Evidentiary Checklists, revised Reports to Crown Counsel, and police quality control of Reports.

In addition to these cost reductions, Reports that are evidence sufficient allow the Crown Counsel to readily make decisions as to whether to proceed with the charge or not. This can have a substantial effect on the overall caseload entering the system and resultant cost savings for civilian and police witnesses.

The fact that the Crown Counsel has complete and accurate information should also lead to greater instances of Defence Counsel advising their clients to plead guilty and thereby eliminate costly trials.

j) Implementation Problems

There were no major implementation problems with this module.

The revised Reports to Crown Counsel and Evidence Checklists were printed and distributed by the Court Services Document Distribution Centre in Vancouver.

Procedure manuals were compiled and distributed to all RCMP detachments and municipal police forces. Where possible the consultants briefed senior police staff.

Crown Counsel readily agreed to the need and benefits of having a duty Crown Counsel screen all Reports prior to

charge selection and preparation of an Information (see section C). The only problem was in convincing Regional Crown Counsel in the larger centres that it was efficient to allocate one Crown Counsel to act as screening/approving Crown Counsel. The value to be gained has been realized in Vancouver and Victoria which have full-time Crown Counsel assigned to this duty.

In the smaller locations there are some minor problems in that the screening duties are handled on a rotational basis by all prosecutors. This has resulted in a lack of standardization that would otherwise exist if one individual was responsible. Conversely it could be argued that one individual can become too narrow in his/her outlook as to what constitutes a sufficient charge, what types of witnesses are necessary, etc.

The problem basically in many areas is one of manpower.

k) Recommended Modifications

If the Report to Crown Counsel and the Police Investigation Report are to be combined, some modifications will have to be made to the Report to Crown Counsel (the prime document) to ensure the police capture all the information they require for their file.

Before each new printing of Reports to Crown Counsel, suggested changes should be incorporated. An agency will need to be assigned as the coordinating authority to compile suggested changes.

There does not appear to be any requirement to modify the current procedures for screening of Reports, except to ensure

that dedicated screening of all Reports continues in all areas.

It is up to management both in the police and Crown Counsel components to emphasize the value that results from effective screening. It is the basis that determines if a jurisdiction has a realistic caseload that can be dealt with expeditiously and with justice.

Section C - Information Preparation and Processing

a) Definition

Information preparation refers to the actual typing of an Information noting the accused's name, particulars about time and place of the alleged offence(s) and the noting of charges.

Information processing refers to the procedure utilized by the various components to decide on the charge, at what stage the Information is prepared, who prepares it, and how it is sworn.

b) Previous Procedure

The Informations were typed in triplicate on a standard typewriter. The Information itself varied from region to region modelled on the format depicted in the Criminal Code.

The processing of the Information varied in as many ways as there are regions in the Province, with some variance occurring within regions. In some areas, the police prepared the Information.

In other areas, Court Services typed them (in Vancouver a Justice of the Peace prepared them) and the individual investigating officer swore his own Information. They were then submitted with the Report to Crown Counsel.

In some areas, a Crown Counsel reviewed the Report to Crown Counsel before the Information was prepared; in most areas

the Information was prepared before the Crown Counsel ever reviewed the case.

c) Present Procedure

The Case Management Evaluation Study in British Columbia identified that the preparation and processing of Informations should be the responsibility of Crown Counsel. The responsibility lies with the Crown Counsel to decide on the charge to be laid, the wording of that charge, and the time frame within which the Information should be sworn.

In the majority of areas in the Province - where implementation is complete - the following procedures are now utilized:

The investigating peace officer prepares the Report to Crown Counsel and the Evidence Checklist. These are screened by the shift NCO/Platoon Commander. They are then submitted to the Police/Crown Liaison Officer who also screens the Reports. In many areas, this officer will eliminate any police officers noted as witnesses on the Report which he feels are not required to give testimony; for instance, the officer taking breatherlyzer readings.

The Police/Crown Liaison Officer then takes the reports to the Crown Counsel office. In the larger centres a designated Crown Counsel acts as screening or approving Crown Counsel and screens all Reports, eliminates unnecessary witnesses, and decides on the charge. The approving Crown Counsel deals with overnight arrest cases first.

Once the charge has been approved, the Reports go to a typist who prepares the Information. The six Regional Crown Counsel

offices all have word processing typewriters with the standard worded charges entered on discs. The Information is readily prepared with the charges and other standard information typed automatically.

In other centres, pre-printed Informations are utilized for the ten most prevalent offences, again ensuring standard wording and rapid preparation. (See Appendix III.)

The P/CLO then swears all the Informations before a Justice of the Peace. The file is split into a Court Services file and a Crown Counsel file. The First Appearance list for the particular day has the overnight arrests noted on it for First Appearance Court that morning.

d) Problem Areas

There are no particular problems associated with this phase of case management. Clerical staff do have to ensure that pre-printed Informations are in stock; otherwise they would have to resort to typing each individual charge. This is not a problem in regional offices that have a word processor.

e) How to Resolve Problems

An office which finds its stock of a particular Information depleted can request its regional office to pre-print Informations on the word-processor, rather than re-type each form.

f) Advantages

The advantages of the new procedures for the preparation and processing of Informations are:

- (a) the preparation time is greatly reduced since all charge wording is either on disc or pre-printed;
- (b) the charges are properly worded negating any need for re-typing of Informations because of inaccurate wording;
- (c) the approving Crown Counsel need not write out the wording of the charge but merely quote the section number and the secretary does the rest - this is a significant time saver;
- (d) the processing of Reports prior to the typing of the Information negates, almost entirely, the need to ever re-iniate an Information - the charge should be right for the evidence submitted and the wording sufficient;
- (e) the processing of the Information after preparation and swearing by the P/CLO ensures rapid entrance into the court caseload.

g) Reception

Crown Counsel have always been receptive to the need to screen Reports to Crown Counsel and to decide on final charges prior to an Information being prepared and sworn. That this procedure was carried out in only a few locations in the past has been put down to a lack of staff time. That the Crown Counsel are now carrying out this function in all areas of the Province is an indication that management have accepted the responsibility and are managing their resources more effectively.

Witnesses benefit from this screening in that many police and civilian witnesses are eliminated from the need to appear in court only to face the possibility of not being called upon to give testimony.



h) Statistics

Vancouver, albeit a unique example, in the past utilized four man-years to swear Informations where now the Police/Crown Liaison Officer or his assistant swears all Informations in addition to their other duties.

Also, in Vancouver, there were previously four Justice of the Peace assistants preparing Informations where now one Crown Counsel clerical staff prepares them all on a word processing typewriter.

A two week study done in the South Fraser region in 1980 reflected that it took an average of 4.42 minutes to prepare an Information on a standard typewriter. On a word processing typewriter it takes 1.5 minutes. Pre-printed Informations take 2.0 minutes to prepare.

i) Cost-Benefits

The utilization of word processing typewriters, pre-printed Informations, and standard charge wordings:

- (a) saves time in preparation,
- (b) means that the prosecutor does not have to write out the charge in each instance but merely notes the section and subsection on the Report for the Information typist,
- (c) eliminates errors in wording which means that few Informations need to be retyped.

The reduction in preparation time becomes significant when support staff make \$13.02 per hour.

Word processing typewriters were purchased for each region at a cost of \$8,500.00 per system.

j) Implementation Problems

There were no implementation problems with this module, with the possible exception of Crown Counsel offices having to reorganize their time allocations to ensure proper screening of charges prior to the preparation of the Information.

Informations were pre-printed for the ten most prevalent offences and distributed. An ongoing factor will be the systematic, centralized ordering of further stocks.

Word Processors were obtained and staff from each Regional Office were trained without any problem. It should be noted that the word processing equipment is used for many other functions in each office and not merely for case management related functions.

k) Recommended Modifications

The consultants have recommended that the Information be printed in a four-part form with the three top pages being the Information and a fourth copy having only the accused's name and the charges typed through. This copy would then become a master for the preparation of a subpoena, a warrant, a summons and a police notification by photocopying the master onto these forms.

The object of the above is to eliminate re-typing of the same information.

The forms may be printed on continuous paper.

1) Informations Laid by Private Citizens

The laying of an Information by a private citizen is always a problem predominantly for the Crown Counsel. The majority of these Informations result from family disputes between spouses.

In most areas of the province, the Crown Counsel will not deal with the matter until the complainant first goes to the police who will then prepare a Report to Crown Counsel.

The Crown Counsel will then listen to the evidence and decide whether a charge is to be laid. This usually takes a lot of the Crown Counsel's time.

In most instances, private Informations are considered to be a nuisance.

This problem has been resolved in Calgary, Alberta and London, Ontario where the police investigate and lay charges in all cases when a citizen lays a complaint, particularly in cases of assault in family disputes.

Section D - Witness Notification

a) Definition

Witness notification refers to the process of notifying police and civilian witnesses that they are to appear in court on a particular day to give evidence on behalf of the Crown. (Defence Witnesses are not included in this definition as they remain the responsibility of individual defense counsel.)

In addition to notification, this module includes the provision of additional services to witnesses, on request, and may include describing court procedures, etc. This section will not deal with witness travel and accommodation arrangements as this is contained in Section F - Witness Administration.

The definition also includes witness denotification procedures; that is, informing witnesses that an appearance or trial date has been postponed or cancelled.

b) Previous Procedure

(i) Civilian witnesses

The procedure utilized throughout most of the Province in the past has been personal service of subpoenae by Sheriffs Services to all civilian witnesses. Diverse procedures existed for the sheriffs to inform the Crown Counsel's office if they were unable to serve a witness. On service, the

witness or receiver of the subpoena signed a "Document Served" form, a copy of which was returned to the Crown Counsel office.

The preparation of subpoenae varied from region to region; in most areas Court Services staff typed the subpoenae on request from the Crown Counsel office.

Denotification was carried out by Crown Counsel staff.

(ii) Police Notification

A B.C. Law Enforcement Notification form was prepared by Crown Counsel staff for every individual police witness (see Appendix IV). The forms were then forwarded to the respective police department where officers picked them up, signed a copy as having received the notification, and returned this copy to the Crown Counsel office.

In a few jurisdictions, police were served a subpoena.

Police denotification was also carried out by Crown Counsel staff who either informed the police department by memorandum or telephoned the individual officer.

c) Present Procedure

Crown Counsel have now accepted total responsibility for witness notification and denotification.

The Case Management Evaluation Study Report (dated October, 1981) highlighted the high cost of personal service of subpoenae to civilian witnesses. The report recommended that service could be effected more efficiently and

effectively through mail service and/or telephone notification.

The Criminal Code of Canada section 629 (2) states "a subpoena ... shall be served personally upon the person to whom it is directed. Sub-paragraph (b) of that section deals with the proof of service. It can be interpreted that personal service is mandatory only to the extent that the Crown Counsel would need to prove service as per section 629 if a Warrant of Arrest for failure to appear is later required.

Analysis of failure to appear statistics in areas which previously utilized telephone notification in lieu of personal service show that there was no difference in the number of failures to appear (Kamloops and Surrey).

In most areas of the Province, notification to civilian witnesses is now either by a mailed letter of notification or by telephone or a combination of the two. Vancouver is a major exception to this practice where, although witnesses are contacted by telephone, to confirm address, etc. - personal service of a subpoena is still effected by Sheriffs Services personnel.

No standard has yet been set as to the type of notification that is forwarded in the mail; for instance, New Westminster mail out a formal subpoena; Victoria mails out a form letter.

In all jurisdictions where telephone service is in practice, a formal subpoena will be served to the individual witness if he/she requests same for reasons of proof - to employer, etc.

When the Crown Counsel office feels that a witness may be uncooperative or hostile, personal service about appearing is requested.

In most instances, police witnesses are all notified by "Law Enforcement Notification Form" delivered to the detachment for pick-up by the respective officers.

A witness notifier has now been established in most locations in the province. In some areas, the incumbent is a retired peace officer; in others a seconded Sheriff from Court Services, and in others a clerk or office assistant.

The Notifier, in all instances, is responsible to the Crown Counsel office and works in that office. He/she is responsible for the preparation of subpoenae or notifications. Vancouver is the exception where five clerks act as Witness Notifiers - each responsible for two court's activity - and they submit requests to Court Services staff for the typing of subpoenae.

When telephone notification is utilized, it may be backed up by a mailed notification in all instances or only on request of the witness.

The Notifier is responsible for providing the witness with additional information pertaining to appearance date and time, court location, procedure in court, etc. In some areas, this is done by including a typed sheet containing supplementary information to assist the witness (see Appendix V for an example).

The Notifier is also responsible for denotifying witnesses on notice from Crown Counsel. All civilian denotifications are done on the telephone.

The Witness Notifier also works in close liaison with the Trial Coordinator in locations where that position exists (see Section I).

Police notification and denotification is also the responsibility of the Witness Notifier.

The time when the Notifier contacts witnesses varies from location to location but generally it is between two weeks to one month prior to the trial date. In any event, the earliest trials get priority attention.

d) Problem Areas

Because the Criminal Code states that personal service is required, there are some jurisdictions that feel they must abide by this practice, e.g. Vancouver.

In some areas, judges refuse to issue a warrant for failures to appear if the witness was not served personally. This is definitely the exception to the rule.

Another problem is that the Sheriff Services bureaucracy has grown to such proportions that there is a profusion of Sheriffs which must be kept active. This factor was highlighted in Kamloops where the Regional Crown Counsel has been a leader in implementing telephone notification of witnesses commencing in 1978. A witness notifier position was established to be responsible for all witness



notification and denotification utilizing telephone notice-in all but exceptional circumstances. As far as the Regional Crown Counsel was concerned that procedure was still in practice when the consultants spoke to him.

When the consultant spoke to the Witness Notifier an hour later and obtained statistics from him as to the different methods of service, it was discovered that most of the notifications were by personal service. When queried, the Notifier stated that in 1980, he was approached by the three sheriffs - whose office was down the hall in the court house - stating that since they had few duties to carry out, they may as well be serving subpoenae. So they did for the next two years, at a high cost, when it was the Regional Crown Counsel's belief that telephone notification was in force. The Witness Notifier admitted that he had not thought of the cost implications. His concern was that he had plenty of work to do and three cohorts down the hall had little to do. The procedure was changed back to telephone service immediately.

Circumstances like these, albeit rare, highlight the requirement for management to maintain close surveillance on procedures utilized within their area of responsibility.

The main jurisdiction which has not altered its notification procedure is Vancouver. Even though the Witness Notifiers contact each civilian witness on the telephones to verify information noted on the Report to Crown Counsel, as to address, etc., they request Court Services to prepare a subpoenae and then request Sheriff Services to serve it personally.

In certain areas, the Crown still requests personal service for all indictable offences, with mail or telephone notification being utilized for all summary and provincial offences.

The major problem, however, is that of allocation of a staff member to carry out the duties of Witness Notifier. As previously mentioned, some areas have retained the services of ex-police officers, others utilize clerks, while sheriffs are utilized in certain jurisdictions - seconded from Court Services. Where individuals had to be hired, the salaries are taken from the Crown Counsel vote without any set allocation for this position in complement - it is an ad hoc position in most areas.

A related problem is that of support staff for the Witness Notifier. In Vancouver, for instance, each notifier is responsible for two court rooms, and they are not required to type subpoenas, etc. - most of the preparation of documents is carried out by Court Services' staff. In Victoria, one Witness Notifier is responsible for five court rooms and is responsible for the preparation of notification forms for both civilian and police witnesses. In addition, the notifier has to deal with six different police forces which all service the Victoria provincial court. The greatest problem, therefore, is one of resource scarcity.

e) How to Resolve problems

The issue as to whether to standardize the procedure for notification of witnesses is one which can only be decided by the senior executive of the Ministry based on proof that the procedure is effective and efficient. The Deputy Attorney

General is in the process of informing all senior management staff to proceed forthwith with the implementation of all of the recommendations of the Case Management Evaluation Task Force. The issue will undoubtedly be resolved in the near future. (See copy of letter in Appendix VII.)

As well, the problem that sheriffs are now available to conduct personal service duties and the Crown Counsel do not have the resources to allocate staff recommended in the Task Force Report may be resolved. The consultants have shown that if 22 positions were transferred from the Court Services complement to Crown Counsel, all recommended positions could be filled. Court Services would lose 22 positions but could utilize existing resources more effectively in escort and court security duties.

The consultants have recommended that the Witness Notifier position, at least in the larger centres, should be at a clerk 3 level. At this salary level, it is assumed that responsible and accountable staff can be placed in this position. In smaller centres, an Office Assistant 2 would be satisfactory.

The Regional Crown Counsel in Vancouver has advised that he will change over to telephone and mail notification as soon as he obtains the staff required.

f) Advantages

The main advantage of mailed or telephone service over personal service is that of cost savings. (See cost-benefit section below.)

Probably as important is an advantage that arose that was not directly anticipated. In those areas where witnesses are notified by telephone, the Witness Notifiers are often given additional information by the witness that was not made clear by the investigating officer in the Report to Crown Counsel. For instance, a called witness may say that it was not she that saw the accused committing an alleged offence but her husband who saw him, etc. In this way, a poor witness is eliminated and a good witness has been identified.

The reception to the telephone calls has been well recieved according to the Notifiers. The witnesses appear to appreciate the verbal dialogue and they find it convenient to have one person they can contact for further information. They do not have to deal with the bureaucratic maze of calling a sheriffs office and dealing with someone who is not acquainted with the case.

The Witness Notifiers take a personal interest in assisting witnesses and ensuring they appear in court at the appointed time.

The prosecution find it convenient to be able to deal with one person to obtain confirmation that witnesses are available, etc.

g) Reception

As already mentioned in the Advantages section above, the reception by Crown Counsel and witnesses to the Witness Notifier position is extremely positive.

Court Services have, as well, been receptive to mail and telephone service since it has freed some of their resources

while still officially maintaining personal service in their terms of responsibility - at least on paper.

The Crown Counsel on the other hand, have had to reallocate existing financial resources to establish the new positions under their control in order to improve the process and provide better service to witnesses.

All components are aware of the significant cost savings that result from the new procedures.

h) Statistics

A survey conducted in Kelowna during the second half of 1981 and the first half of 1982 reveal the following civilian notification practices:

Table 1. Notification Practices in Kelowna

		<u>Percent</u>
Subpoenae served	315	22.2
Subpoenae mailed	841	59.3
Telephone notifications	<u>262</u>	<u>18.5</u>
TOTAL	<u>1418</u>	<u>100.0</u>

Of these cases, 18 (6.8 percent) failed to appear following telephone notification and 23 (7.3 percent) as a result of a personal service. Sheriffs were unable to serve in 23 instances.

A survey conducted in Kamloops in 1980 shows that out of 705 witnesses notified, only 38 (5.3 percent) required personal service and out of those notified by telephone, only three (0.4 percent) failed to appear.

The following table reflects the costly effect of the witness notification procedure having switched from telephone service to personal service in Kamloops in 1980 in order to provide the sheriffs with something to do:

Table 2. Notification Practices in Kamloops

	1978		1979		1980		1981
	2nd Half	1st Half	2nd Half	1st Half	2nd Half	1st Half	2nd Half
Subpoenae Served	865 (100.0)	859 (100.0)	113 (17.8)	223 (36.7)	464 (59.0)	469 (64.0)	628 (70.0)
Subpoenae Mailed			522 (82.2)	384 (63.3)	322 (41.0)	263 (36.0)	267 (30.0)
	865	859	635	607	786	732	895 (100.0)

The gradual change becomes apparent during the first half of 1980; by the first half of 1981 almost two-thirds of notices are served; four-fifths are served by the first half of 1982. (As previously mentioned, the change over back to mailed notification occurred immediately on identification of the situation.)

A survey conducted in Victoria in October and November, 1982, over a period of 30 working days, with personal service being replaced by mail denotification on November 1 shows the following results:

Table 3. Notification Practices in Victoria

	<u>Oct.</u>	<u>Nov.</u>
Personal service	200 (68.2)	55 (27.5)
Mailed notification	<u>93</u> (31.8)	<u>235</u> (72.5)
	293 (100.0)	290 (100.0)

It is anticipated that mailed notification will almost totally replace personal service in the next few months.

i) Cost-Benefit

As previously mentioned, telephone notification results in better rapport being established between the witness and the Crown Counsel, via the Witness Notifier. (Mailed notification is usually followed up by telephone confirmation one or two weeks prior to appearance for trial).

It has also been pointed out that the Witness Notifier, in many instances, obtains valuable witness information not previously obtained by investigating officers.

During the case management task force evaluation, it was revealed that personal service for civilian witnesses cost \$20.90 per service while the cost of mail notification is \$2.61 - a reduction of 87.5 percent in cost (telephone notification costs are again reduced significantly from the above).

Police notification costs have not changed in most areas.

The task force report outlined that the projected annual savings from operating Witness Service Centres throughout the province and utilizing telephone notification - with personal service for 10 percent of witnesses - would be \$886,567.00.

j) Implementation Problems

Once a region made the decision to appoint a Witness Notifier and adopt mail and/or telephone notification practices there were no implementation problems, other than the resource allocation problem.

The anticipated problem that witnesses might not pay any attention to a person on the telephone who has no apparent legal authority did not materialize (the fact that the person was not identified as a sheriff or as a peace officer). As well, there was unnecessary concern, albeit probably a chauvenistic concern, that a female voice might not carry as much authority as a male voice.

As mentioned above, the opposite reaction has resulted; witnesses appear to appreciate the more personalized service they receive over the telephone rather than the authoritarian



approach of a uniformed sheriff knocking at their door or arriving at their place of business. The latter approach causes some degree of embarrassment to many persons who are concerned that their neighbours or colleagues will think they are in some sort of criminal trouble - the paradox that what people perceive to be true is often as troublesome as the real situation.

It is anticipated that the resources required will materialize via a transfer of positions from the Court Services component to Crown Counsel.

k) Recommended Changes

There are no significant aspects of the Witness Notifier duties, responsibilities, and procedures which require any change. Telephone service has been proven to be effective as is the mailing of notifications (except for those isolated cases where personal service is required for hostile witnesses).

A clerk can do the job as effectively as a more highly paid sheriff or ex-police officer.

The area that does need to be changed is police notification. The expense of preparing a three-part Law Enforcement Notification form is not justified since the accounting part of the form is not being utilized. A memorandum to the Police/Crown Liaison Officer noting the officers required for each case might be sufficient.

Probably the best procedure is for a photocopy to be made of the suggested four-part Information described above and police notification information noted on the copy and distributed to the P/CLO. The police witness could sign a copy of this form and return it to the P/CLO who would submit it to a Notifier.

Section E - Police-Crown Interface

a) Definition

By police-crown interface we refer to the formal procedures established between these two components as these pertain to the general intake of cases into the criminal justice system. We are not here going to deal with the ongoing dialogue that exists between a prosecutor and investigating officers at both the arrest and detective division level, nor are we dealing with the process of establishing overall policy between the components as to particular operations, such as, a campaign to enforce drug laws, etc.

b) Previous Procedure

The concept of Police/Crown Liaison Officer previously alluded to has existed in various areas within the province in the past but primarily as a "runner" between the two components to deliver documentation such as Informations and Reports to Crown Counsel. The concept was not defined and limited in function. For instance, Vancouver years ago had screening officers who screened all charges prior to Informations being forwarded to Crown Counsel. The procedure was subsequently abolished because of a lack of resources.

Shift NCO's throughout the province were supposed to screen Reports to Crown Counsel but there was no attempt made by anyone to ensure that this was done.

The procedure for the screening of Informations varied from a single officer being designated to swear all Informations

during the day shift to the procedure in Vancouver where each investigating officer swore his own Informations at the end of each shift.

No effort was made to have anyone determine if all noted police witnesses were, in fact, necessary as a Crown witness - the majority of Crown Counsel called all police witnesses as a show of strength to Defence Counsel. In addition to the cost of the preparation and service of notifications for these officers, the result was extremely costly when approximately half of these never gave testimony (see Statistics section below).

c) Present Procedure

All areas in the province now have a Police/Crown Liaison Officer (a peace officer) either on a full-time basis or in conjunction with other duties. This officer, in most instances, is a senior N.C.O., experienced in field operations and investigation techniques, and knowledgeable of the legal requirements of charges.

The officer is responsible for supervising the quality control duties of shift NCO's and to further screen all Reports himself for evidentiary completeness. He also determines if all noted police witnesses are required and eliminates any unnecessary ones (in accordance with Crown Counsel policy).

He also ensures that dates are provided on the Report to Crown Counsel reflecting the days investigating officers are available for court appearance whilst on day shift.

He discusses all cases with the approving Crown Counsel and, once Reports and charges are approved and Informations prepared, he swears all Informations before a J.P.

All of the above procedure is completed before 9:00 a.m. for overnight in-custody cases. Appearance Notice cases are processed during the remainder of the day.

The Liaison Officer is also responsible for ensuring that Police Notification forms are delivered to respective officers and for denotifying officers as notified by the Witness Notifier.

Finally, the Liaison officer is responsible for maintaining close liaison with the Senior Crown Counsel or approving Crown Counsel on all cases, as well as with the Witness Notifier and Trial Co-ordinator where these positions exist (see Section I on Trial Co-ordinator).

d) Problem Areas

No significant problem areas have existed in this module. The responsibilities associated with the position are clearly defined and practical to carry out.

Police forces have been very cooperative in assigning staff to the position. In Vancouver, the Chief Constable was apprehensive at first since similar procedures had been tried before. The results obtained to date in that city has more than convinced authorities of the value of this module - specifically in the reduction of police overtime due to witness elimination .

An issue which must always be considered is the assignment of an experienced senior NCO to this position to ensure that his authority is respected by officers in the respective detachment/municipal force.

Minor problems have arisen when officers have questioned being eliminated from the witness list on a case, and it is imperative that the Liaison Office can justify his decision with authority.

In some jurisdictions the officer has been directed not to eliminate unnecessary witnesses. If this is to remain totally a Crown Counsel responsibility - in those jurisdictions - then the Liaison Officer should merely note those officers he considers as not necessary as a guide to the Crown.

e) How to Resolve Problems

The worthiness of establishing this position is readily apparent, and other than paying attention to the factors noted above, no further attention is required for this module.

f) Advantages

This position's duties and responsibilities cover the most crucial phase of effective case management. Quality control of case intake police witness control can do more to ensure that only quality cases enter the system at the minimal cost to Crown Counsel and police than any other procedure.

Its effectiveness is totally dependent upon belief in its worthiness by senior police management staff and by their continual monitoring of its efficiency.

As well, senior Crown Counsel must utilize the position effectively and ensure that guidelines to police and the Liaison Officer are always clear and realistic.

Combined with concentrated quality control by Crown Counsel, the cases entering the system will not only be reduced but those entering the system for trial will be legally sufficient in every sense possible.

g) Reception

The establishment of this position has benefited not only the Crown Counsel and police but Court Services, witnesses and victims. Not only are cases processed more efficiently, but a concentrated effort has been made to ensure that only quality cases enter the system . . . in a timely manner.

The Crown Counsel receives a thorough briefing on each case from a police perspective, and conversely, the Crown can explain its actions and requirements to one individual policeman who can in turn relate these to all officers.

The presence of this officer in the courthouse has been of tremendous assistance to Court Services staff.

As well, the Liaison Officer through his ensuring that police day shift schedules are noted on Reports to Crown Counsel, greatly assists the Trial Co-ordinator in scheduling cases.

The most receptive group has been police management, who can finally see some method of controlling costly police overtime.

This is a crucial position and its value has been realized by all components.

h) Statistics

Police/Crown Liaison Officers positions have been assigned in every location in the Province on either a full-time or part-time basis, except for a few locations in the South Fraser Region.

i) Cost-Benefit

The predominant cost-benefit functions of the Police/Crown Liaison Officer are:

- (a) the savings attributed to Crown Counsel and police from screening of Reports to Crown Counsel;
- (b) the significant savings in police overtime costs from police witness control;
- (c) the additional system savings from the noting of police day shift schedules on Reports;
- (d) the notification and timely denotification of police witnesses;
- (e) the improvement in the quality of Police/Crown Counsel liaison which improves the quality of case intake and enhances document flow.

The reduction of police overtime can be significant. Table 4 shows the comparative reduction in police overtime costs in Vancouver for three pay periods in 1981 and in 1982 to be in

excess of one third or \$47,813.38. Projected for one year this would amount to \$191,253.52.

Table 4. Court Related Overtime Payments - Vancouver

	81/82	1981	1982	% Difference
July 09/08		\$39,444.62	27,121.34	(-)31.2
	23/22	48,340.95	29,142.44	(-)39.7
August 06/07		43,285.91	26,994.32	(-)37.6

These figures, however, do not reflect time-off taken by peace officers in lieu of overtime payments. The overall saving is better reflected if we look at the actual number of police witnesses eliminated. In the five month period from April 1 to August 31, 1982, a total of 947 police witnesses were eliminated in Vancouver. Based on the cost of \$140.00 per officer to appear as a witness (utilized in the case management report), the cost saving is \$132,580.00 for the period. Projected for one year, these figures would result in a saving of \$318,192.00 - or 66.3 percent more efficient than the figures noted above.

These reductions plus improvement in trial scheduling mentioned above should lead to an improvement in the percentage ratio of officers who give testimony over those that are not called during a trial.

j) Implementation Problems

The implementation of this module is very straightforward and has not been a problem in any jurisdiction. The duties of



the position were compiled in a procedure manual and all jurisdictions were able to proceed without any difficulty.

The key to implementation of this position is for senior police management and senior Crown Counsel to liaise as to which person is to be assigned and then for both parties to thoroughly brief the incumbent as to his duties and reporting structure. The individual must be made to feel comfortable while being responsible to two components.

k) Recommended Modifications

No changes are required on this module. The position duties and responsibilities as defined are adequate.

Section F - Witness Administration

a) Definition

Witness Administration encompasses all aspects of witness contact following the witness notification phase. Functions included are:

- (a) travel and accommodation arrangements;
- (b) court facilities for witnesses; and
- (c) witness fees for attendance at court.

The report of the Case Management Task Force recommended the establishment of a Witness Service Centre in the larger centres of the province which would be responsible for all of the above and including witness notification. The unit would also incorporate the approving Crown Counsel and document preparation staff - Informations, subpoenae, warrants, etc. - in or adjacent to the Witness Service Centre. Only portions of this module have been established in certain jurisdictions.

The evaluation of physical courthouse facilities - furniture, refreshments, etc., was not in the task force's mandate. Their report, however, included in the Witness Service Centre concept, the recommendation that staff from such a unit would be available to assist witnesses (and victims) by providing direction within the courthouse complex and to assist with the procedure for collecting witness fees, etc.

In addition, the payment of witness fees in the Province of British Columbia was discontinued as of October 1, 1982.

Witnesses are now paid for meals taken on days they are required in court and for travel costs only if they reside in excess of 50 kilometres from the courthouse. The administration of these payments remains the responsibility of Court Services staff in the Court Registry.

Predominantly, therefore, this section will only refer to witness travel and accommodation arrangements. The same procedure defined for witnesses applies equally to prisoner and escort arrangements and can also be utilized for staff travel.

b) Previous Procedure

In the past, when a witness was required to be brought in from a distant location the requiring jurisdiction would make the arrangements for travel and accommodation.

The staff making the arrangements varied from Court Services staff in certain areas to Crown Counsel staff in others (Court Services staff made all the arrangements for prisoners and escorts).

Usually the staff would phone a travel agency to make travel arrangements. In some instances they would phone an airline direct, but that was the exception. The staff would phone local hotels directly and make accommodation bookings.

The travel agency and the hotel would each submit their invoices and these were forwarded to the Ministry Accounts Section in Victoria for processing and payment by the Ministry of Finance.

c) Present Procedure

The consultants to the task force were able to negotiate a program with Pacific Western Airlines to allow for transportation reservations and hotel accommodations at the destination point - to be made to move witnesses from one location to another either within the province or from outside the province by calling one central zenith number from any Crown Counsel/Court Services office in the province.

Pacific Western Airlines make all the arrangements for travel and accommodation and they contact the witness to provide the itinerary and later confirm the flight. They bill the regional office on a bi-weekly or monthly basis. (See Figures 1 and 2 that follow for a graphic depiction of action flow).

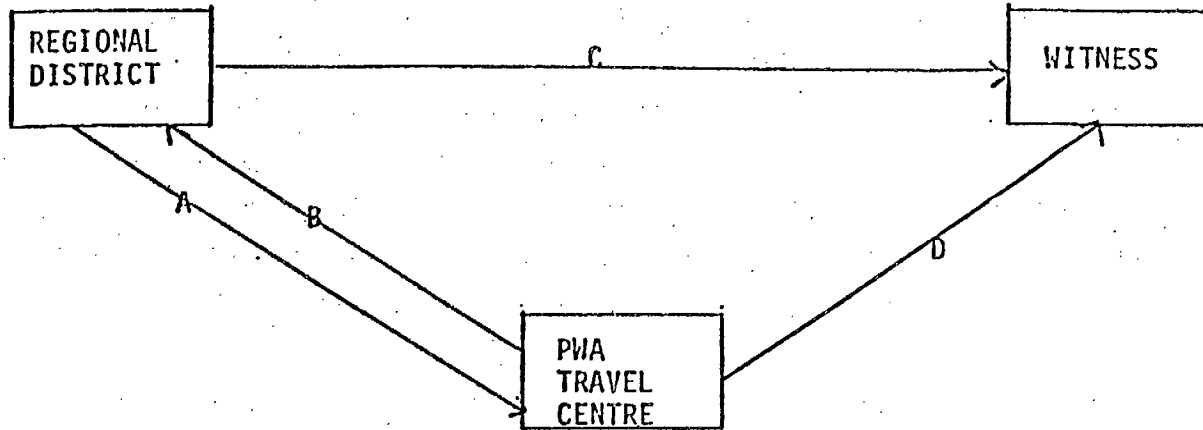
All that the ministry staff need to do is to inform the PWA Travel Centre of the day and time the witness is required in a specific place, how long he/she is scheduled to stay, and the intended day of return. The staff usually contact the witness to inform them that the arrangements are being done by PWA and that the witness will be contacted by the airline.

PWA forwards written confirmation of bookings to the requesting office.

Figure 1.

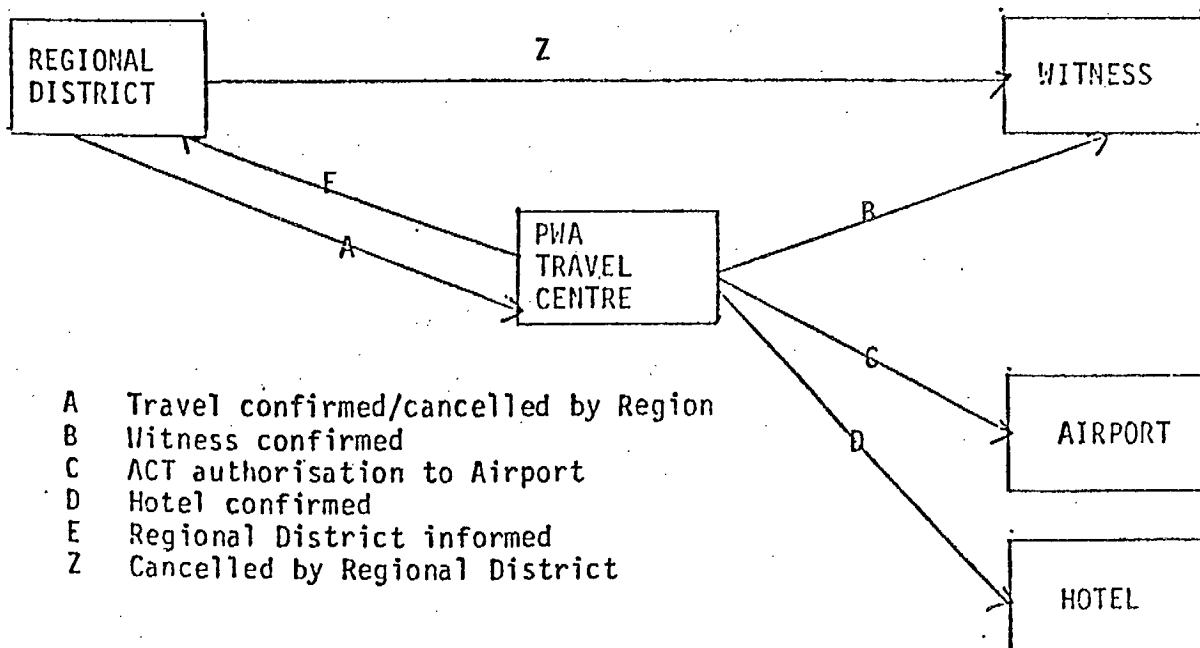
TYPICAL COMMUNICATIONS FLOW CHART -

Witness Management  
TRAVEL DATE MINUS 10 (a)



- A Reservation request from Regional District
- B Reservation confirmed from Travel Centre
- C Travel arrangements confirmed to Witness by Regional District
- D Itinerary forwarded by Travel Centre to Witness

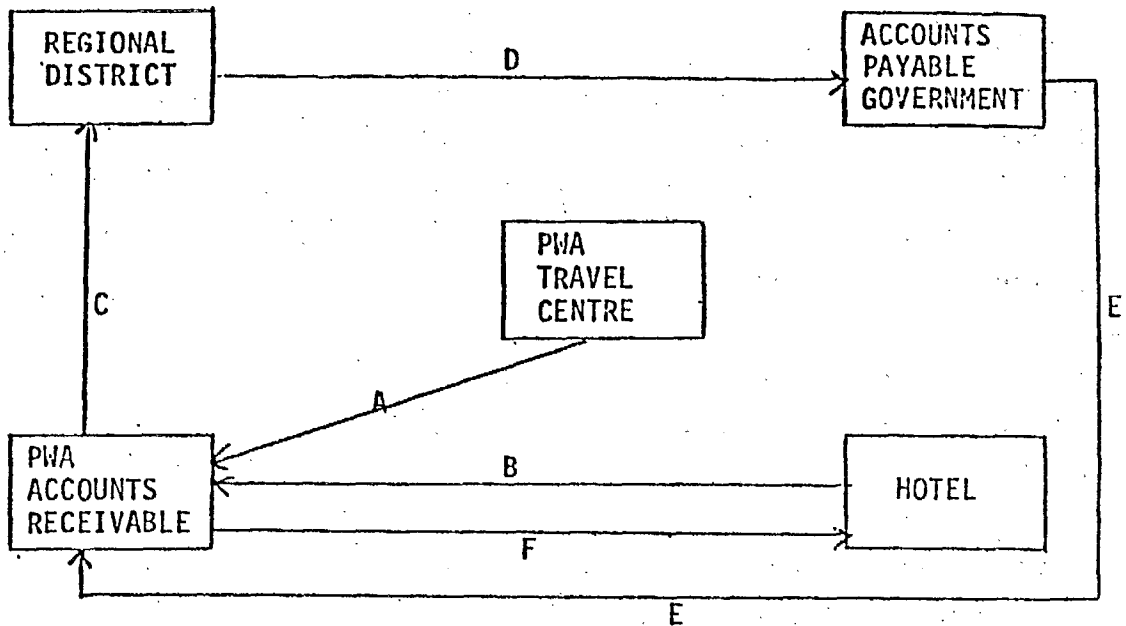
TRAVEL DATE MINUS 2 (b)



- A Travel confirmed/cancelled by Region
- B Witness confirmed
- C ACT authorisation to Airport
- D Hotel confirmed
- E Regional District informed
- Z Cancelled by Regional District

TYPICAL ACCOUNTING FLOW CHART -

Witness Management



- A Passenger name record (PNR) to PWA Accounts Receivable
- B Hotel invoice to PWA Accounts Receivable
- C PWA invoice to Regional District
- D Regional District to Accounts Payable
- E Accounts Payable Government to Accounts Receivable PWA
- F Accounts Payable PWA to Hotel

d) Problem Areas

Following preliminary discussions, PWA staff prepared a brief which was presented to the Chairman of the task force, the Ministry Comptroller and the consultants. PWA then set up the mechanics of the system, and when the report recommendations were approved, the system was ready to be placed in operation.

A procedure manual was prepared outlining the procedure for staff to utilize, and as well, PWA staff visited the major centres throughout the Province to brief staff personally.

There were therefore no procedural problems in the development of the module.

There was some initial skepticism voiced by the Comptroller that this type of process might negatively affect the travel agency business. This has not been a factor.

The fact that PWA charge a nominal fee for each client is more than offset by the savings in time and lower accomodation rates.

e) How to Resolve Problems

There were few procedural problems and only minor initial skepticism all of which has been eliminated. The cost benefits that could be realized from the utilization of a "one-call" system soon banished any apprehensions anyone had regarding the efficiency of the module.

f) Advantages

The advantages to this module are:

- (a) the time-saving for ministerial staff through the utilization of a one-call procedure and the elimination of having to confirm or make changes or cancellations - (the cancellation is also a one-call procedure;)
- (b) the savings to the government of long distance calls to the witness - PWA can make all contacts;
- (c) the witness can deal with PWA authorities at the local level if he/she has any travel queries;
- (d) the elimination of billings for every transaction which resulted in invoices having to be prepared, the processing of each by the Ministry Accounts Section in Victoria, and the cutting of a cheque for each separate invoice is a significant cost saving. The present system produces billings every two weeks with a detailed statement of expenditures resulting in much fewer cheques requiring processing.

Also, greater control and coordination is achieved.

In addition, PWA will be able to provide statistics as to the number of persons moved, overall costs, etc. These statistics are nearly impossible to obtain now.

The system can be expanded for all travel arrangements for all ministry staff.

There is better security on flight arrangements - if a witness is not required at the last minute, PWA does not issue the ticket.



g) Reception

Although there was some initial skepticism by Ministry Finance officials to the program, they soon became strong advocates of its benefits.

The staff who utilize the system are highly in favour as the task of making reservations and long distance calls was not a popular function because of the time factor infringing on other duties.

PWA officials state that the system operates well from their perspective and that they have received favourable comments from Ministry staff.

h) Statistics

There are no statistics pertinent to this module as to its effectiveness other than those reflected below in the cost-benefit sub-section showing the projected savings.

Statistics on the number of persons transported and the total cost will be provided by PWA.

At least 75 percent of the locations in the Province are now using the system effectively, some of these only recently.

i) Cost-Benefit

A survey conducted in Vancouver had shown that it took staff 0.3 hours per case to make initial travel and accommodation arrangements at a cost of \$3.92 per case. It was determined that accounting costs amounted to \$4.10 per case.

With the new program, PWA charges \$7.00 per transaction but their net costs for accommodation was rated at \$7.00 less than the government rate, nullifying the transaction cost.

The projected saving for one year for the movement of witnesses is approximately \$33,000.00. Utilizing the system for prisoners and escorts results in savings twice again as large.

j) Implementation Problems

Some areas have not yet adapted the one-call system merely because staff have not been directed to do so by management or the staff responsible has not yet studied the procedure manual in preparation for changing over systems. (The procedure manuals have only recently been forwarded to some offices.)

The program in itself is very basic as far as the tasks required by Ministry staff.

Also no problems have arisen from the services provided by the airline either in confirmation, reservation arrangements both for transportation and accommodation, or in billings.

k) Recommended Changes

No changes are required in this module other than authorities may wish to change the billing schedule to reduce the paper work.

An enhancement which should be considered, is to utilize the program to greater advantage, that is, to make travel arrangements for all government staff. PWA has been approached in this regard and they are prepared to proceed with such an expansion.

Section G - Crown-Defence Interface

a) Definition

Crown-Defence Interface encompasses three primary functions:

- (a) the submission of particulars [about a case] by Crown Counsel to Defence Counsel;
- (b) Defence Counsel's timely notification [to Crown Counsel] that a client intends to plead guilty ... thereby eliminating the need for a trial; and
- (c) advance notice of intention to request an adjournment.

The Case Management Task Force alluded to Crown-Defence liaison only briefly in the content of trial coordination.

Crown-Defence liaison is an issue that is argued pro and con and is never conclusively resolved - within the legal community it is tantamount to a discussion of the merits of one religion over another.

b) & c) Previous and Present Procedure

The extent and quality of Crown-Defence liaison in the Province of British Columbia varies from region to region and is totally determined by the local legal culture of each separate jurisdiction.

The importance of disclosure by both sides of the adversary process to case management effectiveness cannot be over-emphasized.

In several areas, the Crown provides particulars to Defence Counsel over the telephone when requested. Defence Counsel, in some of these areas, tape this telephone conversation; others merely make notes.

In other areas the Crown mails particulars, following a written request.

In some areas, a Crown Counsel secretary will provide particulars to Defence Counsel over the telephone.

In a few areas, no disclosure is made.

There appears to be little incidence of Defence Counsel informing Crown Counsel prior to the trial date that a client intends to plead guilty. The philosophy exists that Defence will wait until the last minute to determine if the Crown has all its witnesses, etc.

d) Problem Areas

The above factors combine to lead to significant court down time and more importantly to witness frustration; witnesses, both police and civilian, appear for trial only to be informed that the Crown has stayed its case or the accused has changed his/her plea to guilty and that their testimony is not required.

Witnesses lose faith in a system that seemingly cannot function effectively and too often manipulates people as pawns in a game that has no winner.

e) How to Resolve Problems

This is a problem that is outside the scope of this evaluation. Standard policy could be established that the Crown Counsel will, in all instances, provide particulars to Defence, and conversely, the Bar Association of respective provinces could direct Defense Counsel to make known their intention to Crown Counsel prior to the trial date. Officials are loathe to do this however.

The Law Reform Commission put forward a Working Paper to legislate this process but, so far, nothing has resulted and generally lawyers on both sides appear to be against such a move.

The establishment of Trial Coordinators in six centres in British Columbia has alleviated this problem to some extent, but the effect is not considered significant (statistics are not available pre and post implementation of the trial coordinator program).

f) Advantages

Theoretically, it appears obvious that if the Crown provided particulars to Defence, the Defence Counsel could better counsel his/her client as to whether to plead guilty or not. And, if the fact that a not guilty plea is to be changed to a guilty plea was transmitted to the Crown Counsel, it also appears obvious that witnesses [for the Crown] could be denotified leading to a significant reduction in police costs and in civilian witness personal costs and frustration.

This cannot be proven directly since so many variables enter into each case to determine whether adjournments are to be

requested or at what stage an accused chooses to plead guilty. It can only be premised that there is a direct positive correlation (as shown in the example noted in the Statistics sub-section below).

g) Reception

As previously stated, this is an issue that has many advocates pro and con, although the majority of lawyers - and police - tend to be anti-disclosure. It tends to be an issue of legal sufficiency winning out over legal efficiency, if the issue can be so easily categorized.

Despite this, there has been fairly positive reception to the Trial Coordinator program.

As previously noted, the issue of disclosure and improved communication of Defence intent is one of such import that it was beyond the scope of the task force evaluation and can only be alluded to briefly in this evaluation - by pointing out the benefits that appear to arise in areas where Crown-Defence liaison is prevalent.

h) Statistics

There are no statistics available that relate to the effect on case management of the Crown Counsel providing particulars to Defence Counsel and ongoing Crown-Defence liaison regarding forthcoming adjournments and guilty pleas.

It would be a valuable endeavour to establish an evaluation model to measure the results of cases in a "disclosure provided" jurisdiction and a "no disclosure provided" area.

The many other diverse factors that impact on case disposition would have to be carefully controlled to ensure that a true measure of disclosure is obtained.

This analysis was not considered within the scope of this evaluation since it was hoped that information might be made available from an evaluation study of the trial coordinator program now underway by Court Services staff. That study is not complete and the information is restricted until reviewed by the Chief Judge of the Provincial Court who has overall control of the program.

Although the following statistics do not reflect a controlled evaluation of the effect of disclosure on case disposition, they are worthy of consideration as a measure of the possible effect of Crown Counsel disclosure and Defense Counsel admissions.

Table 5. Case Disposition Statistics Comparison - 1980

	Province (%)	Vancouver	Kamloops
Disposed First Appearance	33,141 ( 36.0)	2,344 ( 17.6)	929 ( 21.0)
Disposed Pre-Trial	24,762 ( 27.0)	2,844 ( 20.2)	2,647 ( 60.0)
Disposed at Trial	33,836 ( 37.0)	8,544 ( 62.2)	845 ( 19.0)
Total Cases**	91,739 (100.0)	13,732 (100.0)	4,421 (100.0)
Guilty Pleas	60,987 ( 39.1)	6,247 ( 38.0)	2,710 ( 39.3)
Not Guilty	65,979 ( 42.2)	7,902 ( 48.0)	2,785 ( 40.4)
Found Guilty	29,221 ( 18.7)	2,294 ( 14.0)	1,396 ( 20.3)

Table 5 shows that Kamloops, which provides particulars in all cases on request from Defence (and all Defence in the area tape record the telephone disclosure), disposes of twice as many cases before trial than the provincial average and three times as many as Vancouver - where disclosure is haphazard at best and is provided by a secretary.

Probably also indicative are the statistics depicted in Table 6 which show that Kamloops has a significantly higher proportion of peace officers giving evidence than that in the remainder of the two provincial districts serviced by the RCMP. This reflects - at least to some degree - that cases proceed on the date of trial and do not suffer as much from last minute cancellations.

Table 6.

Police Overtime Comparison - R.C.M.P. Districts and Kamloops - Last Quarter 1979 and First Quarter 1980

	<u>District I</u>	<u>District II</u>	<u>Kamloops</u>
	(%)	(%)	(%)
Evidence given	(45.0)	(43.0)	(56.0)
Evidence not given	(54.0)	(55.0)	(44.0)

i) Cost-Benefit

Since it is not possible to attribute case disposal prior to trial directly to good Crown-Defence liaison, it would be misleading to attribute dollar savings in this section.



The benefits that result however, are:

- a) reduction in the number of trials held (at a minimum average cost of \$600.00 per trial this saving can readily be significant);
- b) the reduction of court down-time through the reduction in last minute guilty pleas means a more rapid processing of cases which benefits all participants; the state, the witnesses, victims, and probably more directly, the accused whose legal fees are reduced;
- c) less easily measured, is the perception by all participants and the public generally, that the system is operating effectively and that all the 'actors' are working on behalf of victims, witnesses and accused, and not solely for themselves.

j) Implementation Problems

No module was developed to deal with this issue as authorities were not prepared to deal with it on a general level. Crown-Defence interface is currently left to the particular local legal-culture of each jurisdiction.

k) Recommended Changes

From a legal efficiency perspective it would appear that full disclosure would be of considerable benefit to the timely disposition of cases; however, this is an issue that cannot be looked at from this perspective solely. There are many other factors involved and these are not within the domain of this evaluation.

Section H - Case Disposition and Follow-Up

a) Definition

The case management task force did not address issues pertaining to the movement of cases after disposition, other than to:

- (a) evaluate filing procedures in the Crown Counsel offices;  
and
- (b) highlight the existing problems of quantitative information storage and retrieval.

Therefore, the factors relating to transfer of case disposition information between components and the analysis of case disposition trends, is not addressed in this evaluation.

During the evaluation of the case management program, the consultants did review some of the Victim Assistance Programs that exist in the Lower Mainland. A precis of these is included in this section.

Reference is made to the Criminal Injuries Compensation Act which allows for the provision of financial compensation to victims of crime.

As well, reference is made to a unique program that exists in the Lower Mainland "to avail the victims of crime to reparation, restitution, and compensation from offenders."

Because of the diversity of subjects covered in this section, the format will not be the same as in previous sections but

will merely provide a narrative of procedures as they exist. On the subject of filing procedures, the narrative is an outline of recommended procedures which are now being implemented in Crown Counsel offices throughout the Province.

b) Crown Counsel Filing Procedures

In the past, the filing systems in Crown Counsel offices varied within each region and individual location. In Vancouver, for instance, once a case was disposed of (following appeal) the Crown Counsel file was merged with the Court Services file and the Crown had no further control of it.

The procedures for bringing forward a file for appearance or trial also varied from office to office. At the request of Crown Counsel, the evaluation task force addressed the development of a standardized filing and Bring Forward system for Crown Counsel.

The system now being implemented is as follows:

Police submit the Report to Crown Counsel and the Evidentiary Checklist in a file folder which has on its front flap sections to be completed providing the accused's name, suggested charges, court appearance date, and mode of requiring court appearance. Space is provided for further case follow-up information pertaining to pleas, election, bail information, adjournments, etc., and witnesses. (See Appendix VI for sample.)

Once the charge(s) has been approved by Crown Counsel and an Information sworn, a multi-copy N.C.R. 3x5 file card is

prepared containing accused name, the Information number - which is the numeric colour coded file number, the offence, and the date of next court appearance and type of appearance. A copy of the card is filed alphabetically in a live card file.

Another copy of the card is filed by date of next appearance. In this way all cards for a particular date are accessed and the respective files drawn for prosecutor preparation and for the next day's appearances. The day prior to appearance the Court List provided by Court Services is checked against the files drawn to ensure that all files are ready and are arranged in the same order as their appearance on the Court List.

It is suggested that active files be stored in two separate systems: one set of files reflecting cases that are to appear for trial, etc.; the other set for cases that are on diversion, etc.

In areas that do not have a permanent approving (screening) Crown Counsel, the prosecutor who is responsible for the day's First Appearance list is the approving Crown for all charges coming in that day.

Any prosecutor handling the file is to ensure that he/she completes the appropriate information on the front of the file folder; for instance; comments between Crown and Defence Counsel regarding any agreements, all bail provisions, Crown decisions as to stay of proceedings, etc., and dispositions. In this way any prosecutor should be able to pick up a file and action the case without having to peruse the material within the file.

Court Services maintain a separate filing system for their own purposes such as trial scheduling and the preparation of Court Lists, etc. The same Information number numerical colour coding system is utilized.

The key to this module is that it is easy to set up, it is cost efficient, and through utilization of this type of file folder, it allows any prosecutor to quickly peruse case circumstances.

c) Management Information Storage and Retrieval Systems

British Columbia has several automated programs to assist in the management of cases both from an operational perspective and for information storage;

(a) there is the Court Management Information System (CMIS) to which all courts submit case status reports and from which management reports are compiled. Basic analysis can be made from these reports to determine how cases are disposed, the time it takes to get to trial, the length of trials, etc.;

(b) the Provincial Court Calendaring Program (PCCP) has been until recently utilized totally in the Vancouver Court to prepare the daily Court Lists. The program is now being expanded to other areas in the Lower Mainland;

(c) to assist in the Court Calendaring Program, Vancouver also operates an on-line Police Annual Leave program (PAL) to maintain up to date listings of police availability for court appearances.

All of the above programs are expensive to operate and limited in scope. The British Columbia Systems Corporation -

responsible for information system development for government Ministries - has recently conducted an evaluation of the PROMIS programs for utilization by many social agencies in the province. To date nothing has been resolved, and it is doubtful if much will be changed in the area of information systems for some time.

The Coordinated Law Enforcement Unit - a government agency established to combat organized crime activities in the province - has developed an automated program to track heroin and cocaine addicts as they move in and out of the justice system. This tracking program is considered unique in the data processing field.

The Corrections Branch has had an automated Management Information System since 1972 which keeps track of inmates admitted to the system, their movements within the system, and subsequent release and re-entries. Vital statistic information is maintained on file giving inmate characteristics and offence and sentence data.

The mandate of this evaluation did not include further analysis of these programs.

d) Victim Assistance Programs

Although the mandate of this evaluation stressed the impact of case management procedures on witnesses, it is obvious that any improved procedures impact victims as well, who in most cases appear as witnesses in any proceedings.

As part of the effect victim assistance programs have on case disposition and case follow-up, a brief summary of some existing programs is included here.

Various victim assistance programs have operated in this province over the years. The ones now referred to include one which has been in operation for some time and is now being modified and can be considered a model. Both this program and the others referred to have received federal financing in the past under the Youth Summer Employment Program and for that reason are evaluated here.

The effectiveness of these programs will be commented on but are only the opinion of the consultants and not of the agencies operating the programs.

(i) New Westminster Victim Assistance Program

The Victim Assistance Program in New Westminster started as a pilot project in 1980 under the direction of Probation Services with partial funding by the B.C. Police Commission. The Corrections Branch (Probation) allowed one half-man year to the project.

Peace Officers in New Westminster were provided with business cards on the reverse of which was printed the name, address and telephone number of the Victim Assistance Program Director. The police handed the cards to victims that fell within the program guidelines, that is: residents of New Westminster, not a business organization, and not charged with a Motor Vehicle Act offence.

The program staff waited for victims to approach them and they were accepted as clients only after the victim had been to the police.

Family Court Counsellors assisted the victim to:

- (a) deal with the trauma of the victim;
- (b) provide legal advice to a degree;
- (c) provide access to social agencies;
- (d) utilize interpersonal skills to aid the victim;
- (e) inform the victim of eligibility to claim under the Criminal Injuries Compensation Act of British Columbia.

Statistics are available for the eight months from January to August 1981 inclusive and show that a total of twenty-two victims requested assistance.

During the summer of 1982, the New Westminster Police were able to obtain a grant under the Summer Youth Employment Program and obtained the services of four university students to supplement the Victim Assistance Program already in existence.

During the three months that the students worked, eighty-five (85) victims were assisted. From daily police reports the victims were contacted by telephone, an appointment arranged and a two person team was sent out to assist the victim. In this phase, businesses were included as victims.

The students were also involved in other crime prevention programs operated by the police department.

In the above brief precis of this program, it becomes readily apparent that unless victims are contacted personally by Victim Assistance Program staff the victimized population is not yet prepared to make the initial move toward seeking assistance.

It is not the function of this evaluation to determine the reasons why this may be so; however before further money is



directed toward these programs it should be determined if adequate resources are to be made available to allow for the program staff to make the first contact. As well it should be determined if that is the philosophy behind victim assistance. Maybe, money might be better spent on advertising that the program exists - operated by fewer staff - and leave it entirely to the victim to make the first move.

The Victim Assistance Program in New Westminster was turned over to the Police Department in November, 1982 due to a lack of manpower in the Probation Service. The Police Department was able to obtain the services of a volunteer through the Simon Fraser University Criminology program. This person volunteered her services on a half day basis for one year. Although this volunteer has not yet commenced working, it is her intent to seek out volunteers and probably operate in a similar fashion to the past summer's program.

This program will be worth monitoring in the future.

e) Criminal Injuries Compensation Act

The Criminal Injury Compensation Act of British Columbia came into force in British Columbia on July 1, 1972. It enables compensation to be provided for personal injury or death that results from a crime in the province. The money to pay criminal injury compensation comes from the Consolidated Revenue Fund of British Columbia. The province is partly reimbursed by the federal government. The Criminal Injury Program is administered by the Workers' Compensation Board.

If a victim has sustained personal injury as a result of a crime, or if they were dependent on a person who was killed, they may be entitled to compensation. They may have been the intended victim or may have been hurt while helping a law enforcement officer, or trying to prevent a crime. The offender need not have been caught nor do they have to wait till the criminal trial is over. The Act can also help if a court judgment or settlement proves uncollectable.

What Criminal Injury Compensation Pays For:

- loss of income or wages;
- medical, dental, ambulance and hospital costs that are not covered under a medical, dental or hospital plan;
- repair or replacement of damaged clothing, false teeth, eyeglasses, hearing aids, etc.;
- rehabilitation - physical and vocational;

- pain and suffering, disfigurement, loss of earning ability, loss of limb and enjoyment of life, etc.;
- loss of support for dependents.

Compensation awards may be paid in lump sum form and/or in the form of pensions. Lump sum awards may be as low as \$100.00 or as great as \$25,000.00 depending on the circumstances.

What Criminal Injury Compensation Does Not Cover:

- loss of or damage to property;
- theft of money or other personal belongings;
- legal fees or costs;
- hit and run accidents.

f) Project Restore/C.A.R.E.

C.A.R.E. - which stands for Criminal Activities Reparation Effort is a co-operative project of the Police, Crown Counsel, Courts Administration, Corrections Branch and various related community organizations in the South Fraser area. Project RESTORE/C.A.R.E. applies only to people in the South Fraser area and is managed and co-ordinated by the South Fraser Regional Justice Managers' Group.

This project recognizes that the person who commits a crime is responsible for his or her actions and must, therefore, make an effort to provide reparation to the victims of the crime.

This is the first time a co-ordinated effort has been made to assist the victim of a crime.

All the necessary legislation - both federal, provincial, and common law already exists to ensure that a victim receives due reparation. However, it is the individual's responsibility, as a victim, to let the police, courts or other investigating authorities know of a loss or damage and that reparation is necessary. This means completing some basic forms or applications to provide authorities with the necessary information to ensure that they receive due reparation.

In court, the prosecutor may ask for an Order of Restitution to be imposed on the accused. This means that stolen articles found in the possession of the accused should be returned to the victim from whom they were taken.

As a victim, they could seek an Order for Compensation in a case where a stolen article has not been recovered or when a victim has been injured or the stolen property damaged beyond repair. The compensation would be in the form of money.

This program was implemented in May, 1982 and is scheduled to continue until April, 1984.

The police provide the victim with an information booklet which explains his/her rights to make application for restitution or compensation, and provides an application form under the Criminal Injuries Compensation Act.

Statistics were not available on the number of persons who have made application under the Act as a result of having been given the booklet.

Section I - Trial Coordinator Program

a) Background

Commencing in April, 1982, trial coordination programs were introduced in six locations in the Province: Victoria; Vancouver; Burnaby; Surrey; Kelowna; and Kamloops.

The trial coordinator program is under the direction of the Chief Judge of the Provincial Court with the staff provided by Court Services.

Although the Case Management Task Force initially had as its mandate the evaluation of case scheduling procedures, the decision was finally made to consider trial coordination only as it was impacted by case management. Trial scheduling procedures as utilized in other jurisdictions, such as Edmonton, were also evaluated. As well, the task force report evaluated the trial coordination programs that already existed in Kamloops, Surrey, and to some extent, in Dawson Creek.

At the time of this evaluation, however, trial coordination is solely under the direction of the judiciary and therefore does not come under the mandate of this analysis.

However, because of the impact of the improved case management practices now being introduced in this province on trial coordination, a summary of the program as it now exists is being included in this report.

b) Objectives

The objectives of the trial coordination program have been defined as follows:

- (1) to assist in the effective utilization of courtroom time;
- (2) to minimize where appropriate, hardships or costs for trial court participants;
- (3) to assist the court in minimizing the delay in the disposition of cases;
- (4) to improve the attitudes and commitment of justice system participants to effective case management.

c) Procedure

Five of the locations noted above have one trial coordinator, and Vancouver has three. All are Justices of the Peace.

The trial scheduling procedure varies slightly from place to place, but mainly follow similar practices, as follows:

The trial coordinator gets a copy of the Report to Crown Counsel which provides the name of the prosecutor, the prosecutor's estimate of time to be taken for trial, the number of witnesses, and the accused(s)' name(s). Police "preferred court dates" lists are also provided to the coordinator. The procedure for the initial setting of trial dates varies: for instance, in Kamloops the coordinator appears in first appearance court and suggests available dates to the judge who confirms with the Crown and Defence as to suitability; conversely, in Vancouver, the judges are responsible for their individual calendar and the trial

coordinator's role is limited more to coordination with Crown Counsel and Defence to ensure trials will proceed on the day scheduled. In Kamloops, Defence Counsel call the coordinator to change dates.

In most areas, the trial coordinator takes first appearance court and takes not guilty pleas.

The coordinator maintains close liaison with Crown Counsel (prosecutor) and Defence Counsel to confirm trial/appearance dates.

Close liaison with the Witness Notifier is also maintained.

The coordinator soon gets to know the personalities and habits of the participants in the justice process and sets trials accordingly. Despite this, and despite the objective of attempting to reduce the hardships and costs to the participants, double and triple booking is still the practice. This may imply that despite the coordination function of the trial coordinator, Defence Counsel and prosecutors may not be totally candid about their intentions on appearance in court.

d) Reception

In the opinion of Court Services staff, the program is working well in Victoria, Kamloops and in Surrey. In Victoria, the program effectiveness is due in large fact to the personality and hard work of the coordinator - the workload with six jurisdictions feeding into one court complex is very heavy for one person.

In Kamloops, the program has been in effect for several years and is functioning very well. Similarly in Surrey, the program functions quite well.

In Vancouver, the fact that judges control their own calendar limits the effect of the trial coordinator.

In the other locations, the program may be less effective due, in part, to significant modifications in procedure.

e) Alternative

The automated trial scheduling program utilized in Edmonton, Alberta, is worthy of consideration for possible utilization in certain jurisdictions.

Basically the program operates as follows:

The basis of the Edmonton system is that trials for different offence types are assigned an average completion time; for instance, a robbery trial may be scheduled to take two hours and a shoplifting thirty minutes, etc.

Court sitting time is determined by the Chief Judge and the courts operate on the designated schedule; for instance, three hours in the morning and three hours in the afternoon for each operational trial court.

In order to maintain a record of court time availability, the program utilizes word processing equipment. An input typewriter is situated in each First Appearance Court and, in addition, each trial court has a "whisper" telephone for communication with the input typewriter operators in First



Appearance Court(s). Visual monitors may be utilized where required, for instance, the judge's podium and the Crown Counsel and the Defence tables; but these are not considered necessary.

When the First Appearance Judge wants to set a trial date, the Crown Counsel - the Judge, the Court Clerk or the Trial Coordinator could conduct this function - consults a listing prepared automatically by the word processing typewriter first thing in the morning and in the afternoon prior to commencement of First Appearance Court. He notes the available time in each trial court chronologically by date; for instance, for the setting of a robbery trial, the list shows that two hours are available in a particular court room on a particular date six weeks hence. The Crown Counsel acknowledges that the date is suitable, the Defence also acknowledges, and the Judge decrees that date as set.

The word processing typewriter operator eliminates those two hours from that particular court on that date and notes the case name. The next listing would reflect that less - or no time - is now available in that court on that date. The system operates on removing or adding available time for each court room on a daily basis.

Figure 3 below shows all the possible available time in eight trial courts - scheduled for 2.5 hours in the a.m. and in the p.m. Court 101 is utilized as a First Appearance Court in the mornings. Figure 4 shows the available time after a number of trials have been set. For instance, in court room 304 two hours are available in the p.m. on August 4th; one hour in the p.m. on August 6th; 2.5 hours in the a.m. on August 7th and 2.5 hours in the p.n. on the same day, and so forth for each court.



Figure 4  
COURT CALENDAR - TRIALS SET

	101		102		304		305		306		307		308		309	
	a.m.	p.m.														
Aug. 4	2:30		1:30		2:00		2:30		2:30		2:30		2:30		2:30	
Aug. 5	2:30		2:30				2:30	2:30	2:30	2:30		2:30		2:30		2:30
Aug. 6	2:30	2:30	0:30		1:00	2:30	2:30	2:30	2:30		2:30	2:30	2:30	2:30		2:30
Aug. 7	2:30	1:30			2:30	2:30	2:30		2:30		2:30		2:30			2:30
Aug. 10	2:30	2:00	2:30		2:30	2:30	2:30	2:30		2:30	2:30	2:30		2:30		2:30
Aug. 11	2:30		2:30		2:30				2:30	2:30				2:30		2:30
Aug. 12	2:30	2:30	1:30				2:30				2:30			2:30	2:30	2:30
Aug. 13	2:30		2:30		2:30	2:30	2:30	2:30	2:30	2:30	2:30	2:30	2:30	2:30	2:30	2:30
Aug. 14	2:30	2:30			2:30	2:30	2:30		2:30	2:30		2:30				
Aug. 17	2:30	1:00	2:30		2:30		2:30				2:30		2:30	2:30	2:30	2:30
Aug. 18		2:30	1:00		2:30				2:30	2:30	2:30		2:30			2:30
Aug. 19	2:30	1:00			2:30	2:30		2:30		2:30					2:30	
Aug. 20	2:30		1:30				2:30		2:30		2:30	2:30	2:30	2:30	2:30	2:30
Aug. 21	2:30	2:30			2:30	2:30	2:30		2:30			2:30	2:30	2:30		2:30

A trial court wishing to adjourn a case and set a date for the next appearance would contact the First Appearance Court word processing typewriter operator and request a particular time period acceptable to all parties from the listing - each trial court gets a copy of the a.m. and p.m. lists. The system operator ensures that that time is still available - has not been recently allocated by the First Appearance Judge - and removes that time from that court on the respective date.

The system does not allow for overbooking as a means for overcoming trials that fail to proceed as scheduled due to guilty pleas, lack of witnesses, etc. The problem of down time may be partially overcome by decreasing the amount of time estimated for each case type, thereby scheduling more trials. The amount of time each court sits could be increased; in other words, three hours could be set for the a.m. and p.m. but if only 2.5 hours are utilized it can be considered that the court completed sufficient trials. The system readily allows for the addition or reduction of any number of First Appearance or Trial Courts and allows for increasing or decreasing the time allotted for sitting in each trial court as directed by the Chief Judge, either for policy reasons, availability of judges, holiday schedules or as noted above.

Only one word processing typewriter "system" is required for each court complex with an input typewriter and operator in each First Appearance Court.

This system is inexpensive to operate, it leaves little if any room for errors in scheduling and it is extremely rapid.

Control of the developed system should be under the direct control of the Judiciary; however, the necessary daily listings are available to Crown and Defence Counsel in First Appearance Court.

This system could be installed at a cost of approximately \$1,000.00 per month per court complex with ample capacity for 5 - 6 years growth in caseload.

f) Evaluation

The trial coordination programs now in place in six locations in the Province are currently being evaluated by Court Services staff. Due to the short duration since the program has been in place, it is anticipated that the evaluation will be of a subjective nature relying on opinion of the participants in the system rather than quantitative data - at least in the near future.

Also, because of the diversity of procedures in each area, it will be difficult to compare the effectiveness of the program in one area with any other.

PART III - REGIONAL IMPLEMENTATION PROGRESS

a) Introduction

Implementation of the recommendations contained in the Case Management Evaluation Task Force commenced early in 1982 and proceeded in varying degrees of module development.

The diverse way in which implementation of the various modules proceeded was due in most part to the following factors:

- (i) there was no overall endorsement by the Ministry Executive Committee that implementation proceed ... this despite the fact that this Committee had approved all the recommendations of the task force;
- (ii) of the four major executive components of the justice system, only the Crown Counsel and police components displayed complete enthusiasm towards implementation of all modules at the earliest possible time;
- (iii) Court Services, although having endorsed the recommendations - senior executives of this component were members of the Steering Committee of the task force - chose, to a large extent, to remain isolated from the implementation phase;
- (iv) the responsibility for guiding the implementation phase rested with the task force consultants under the guidance of the Assistant Deputy Minister, Criminal Justice Division (responsible for Crown Counsel Services). The consultant was assisted by a legal Officer from the Criminal Justice Division;
- (v) implementation of all the modules described in Sections A to H above proceeded without any additional

allocation of resources - financial or personnel: personnel were assigned to new positions from other duties in both the police and Crown Counsel components; personnel were loaned from the Court Services component in some areas; other personnel were hired utilizing funds from the Crown Counsel ad hoc vote;

- (vi) since no overall directive was given to implement the modules, it was the responsibility of the consultant - with assistance by the Legal Officer - to develop forms, prepare procedure manuals, requisition equipment, visit each location to hold training seminars, etc., and to generally guide the components along.

The above noted factors are not noted as a criticism of the manner in which implementation proceeded; more than anything, they reflect the fact that the modules recommended can be implemented with a minimum of cost and effort as long as the operational field staff and field management are prepared to improve their manner of managing cases proceeding through the system.

b) Latest Developments

In October [1982] the Assistant Deputy Minister, Criminal Justice Division, directed that all Crown Counsel offices (responsible for the implementation of the majority of modules) proceed independently, under direction of their Regional Crown Counsel, with implementation of all recommendations and to coordinate closely with the police component to assist them in implementing modules relating to their terms of responsibility.

In November, the Deputy Attorney General forwarded a letter to the Assistant Deputy Minister Criminal Justice Division and the Assistant Deputy Minister, Court Services, directing them to proceed forthwith with implementation of all modules and to effect staff transfers from Court Service to Crown Counsel as required (many of the task force recommendations result in Crown Counsel Services accepting responsibility for functions previously conducted by Court Services - preparation of documentation, service of subpoenae, witness notification, etc.).

As well, the Deputy Attorney General forwarded a letter to the Deputy Commissioner of the RCMP for "E" Division and all Municipal Chief Constables outlining his endorsement of the task force recommendations and directing that the police forces proceed with implementation in total. (See Appendix VII .)

The Deputy Attorney General also forwarded a letter to all the Mayors in the province outlining the intent of the task force recommendations and soliciting their participation in implementing the modules and encouraging their cooperation in evaluating implementation progress later in 1983. (See Appendix VIII.)

Therefore, almost a year after the implementation phase had commenced, the senior executive of the Ministry fully endorsed every facet of the case management implementation phase.

c) Implementation Progress

As of the end of December, 1982, the implementation of the various modules in the six [Crown Counsel] regions of the Province is as depicted in Table 7.



Case Management Implementation Schedule as of end November, 1982

Legend:

Fully implemented - # Locations  
Partially implemented - %  
Future implementation - \*

Regions

	1	2	3	4	5	6
<u>Section A:</u>						
<u>Quality Control Police</u>						
i) Evidence checklists	#	#	#	#	#	#
ii) Standardized charges	#	#	#	#	#	#
iii) Reports to Crown Counsel	#	#	#	#	#	#
iv) Police Witness Control	Victoria Nanaimo	Vancouver	%	%	%	%
v) Swearing of Informations	#	#	#	#	#	#
<u>Quality Control Crown</u>						
i) Screening of Reports to Crown Counsel	#	#	#	#	#	#
ii) Permanent Approving Crown	Victoria	Vancouver	#	%	Kamloops	%
iii) Police and Civilian Witness Control	Victoria Nanaimo	#	#	%	Kamloops Kelowna	#
iv) Charge Approval	#	#	#	#	#	#
v) Crown Preparation of Informations	#	#	#	#	#	#

Table 7 (cont'd)

Case Management Implementation Schedule as of end November, 1982

Legend:

Fully implemented - # Locations  
 Partially implemented - %  
 Future implementation - \*

Regions

1 2 3 4 5 6

Section B:

Witness Management

i) Crown Subpoenae Preparation and Service	%	%	%	%	%	%
ii) Police Notification by Police Liaison Officer	%	%	%	%	%	%
iii) Witness Denotification by Witness Notifier						
- Police	Victoria	#	%	%	%	%
- Civilian	Victoria	#	%	%	%	%
iv) Witness Manager/Notifier	Victoria	Vancouver	%	%	Kamloops Kelowna	%
v) Telephone/mail Notification of Civilian Witnesses	Victoria	*	#	New West	#	#
vi) Police/Crown Liaison Officer	#	Vancouver	%	%	#	#
vii) Central Reservation System	Victoria	Vancouver	#	#	#	#
viii) Overtime Reduction	Victoria	Vancouver		New West	Kamloops	
ix) Position Tranfers	*	*	*	*	*	*

Table 7 (cont'd)

Case Management Implementation Schedule as of end November, 1982

Legend:

Fully implemented - # Locations  
 Partially implemented - %  
 Future implementation - \*

Regions

1                      2                      3                      4                      5                      6

Section C:

Information Storage and Analysis

	1	2	3	4	5	6
i) Standardized Central Filing System	Victoria	Vancouver	*	%	*	*
ii) Word Processing Equipment Acquisition	#	#	#	#	#	#

Section D:

Document Flow

i) Automated Information Preparation	#	#	#	#	#	#
ii) Automated Subpoenae Preparation and Service	*	*	*	*	*	*
iii) Automated Warrant Preparation	*	*	*	*	*	*
iv) Automated Summons Preparation	*	*	*	*	*	*
v) Automated Police Notification Preparation	*	*	*	*	*	*
vi) Automated Communications	*	*	*	*	*	*

Since the majority of modules apply directly to Crown Counsel, the six regions utilized by that Service are noted in the Figure. (Court Services and Corrections are divided into five regions, combining Crown Counsel regions three and five).

The six regions of the Province are as follows:

<u>Region</u>	<u>Location</u>	<u>Regional Centre(s)</u>
1	Vancouver Island	Victoria Nanaimo
2	Metropolitan Vancouver	Vancouver
3	South Fraser	Surrey
4	North Fraser	New Westminister
5	Interior/Kootenay	Kamloops Kelowna Cranbrook
6	Northern	Prince George Prince Rupert

The following synopsis provides a brief outline of implementation developments in the six regions and highlights particular factors which are particular to the regional developments.

REGION 1 - Vancouver Island

The southern section of the island, centered in Victoria and servicing six police jurisdictions, is a model of total implementation of all modules (this is the second largest jurisdiction in the Province)utilising the following:

- (a) a full time Police/Crown Liaison Officer;
- (b) a full time approving Crown Counsel;
- (c) a full time Witness Notifier;
- (d) automatic preparation of Informations by Crown Counsel;
- (e) mail notification of civilian witnesses;
- (f) utilization of the central reservation system;
- (g) witness control;
- (h) standardized filing system;
- (i) a full time trial coordinator.

Of specific interest in this region is the role of the Approving Crown. In addition to approving all charges, screening Reports, and elimination of unnecessary witnesses, the incumbent:

- (a) spends approximately one and one-half days in Court each week allowing other prosecutors more time for trial preparation;
- (b) he sets the standards for charges and police quality control;
- (c) he estimates the time required for each trial;
- (d) he consults with the respective trial prosecutor on special cases;
- (e) he counsels police on particular cases;
- (f) he does considerable public relations work with various local businesses - regarding means to reduce shoplifting, etc.;
- (g) he gives talks in schools;
- (h) he includes notes in files to assist the prosecutor on particular specific issues;
- (i) he maintains close liaison with the trial coordinator.

All of the above provide a good perspective of the advantage of assigning a full time person to this important function.

Both Saanich and Colwood police departments report very few Reports to Crown Counsel are now being returned.

Implementation has proceeded slowly in the northern part of the Island region, although police and Crown Counsel quality control is fully implemented; the utilization of the central reservations system is in effect; Evidence Checklists and pre-printed Informations are in use ... as they are in all Regions of the Province.

The Witness Notifier in Victoria has recently commenced mailing a letter of notification to all civilian witnesses in lieu of relying on personal service.

The Victory police have concentrated on the elimination of unnecessary police witnesses for several years; however an additional reduction in court related police overtime has been noted recently.

#### REGION 2 - Vancouver

Vancouver has assigned a full-time approving Crown Counsel whose office is located in the same location as the two First Appearance Court prosecutors allowing for excellent liaison at this level of proceedings. The Appearance Court prosecutors approve charges for overnight arrest cases.

The approving Crown Counsel does not eliminate civilian witnesses. It is left to the prosecutor to eliminate witnesses after a not-guilty plea is taken.

As well, the approving Crown does not approve charges unless the police have provided a criminal record with the Report to Crown Counsel. This record assists in the following manner:

- (a) assists in making a recommendation to the Justice of the Peace regarding process (summons or warrant);
- (b) assists in determining the need to serve "notice to seek greater penalty". (the approving Crown will not approve respective charges until this notice has been served as appropriate;)
- (c) influences which charge to lay, for instance, assault causing bodily harm versus wounding;
- (d) assists the prosecutor in Remand Court.

The police in Vancouver have assigned a Police/Crown Liaison Officer with one assistant and one stenographer to a P/CLO Unit. In addition to the quality control function of this staff in screening Evidentiary Checklists and Reports to Crown Counsel, this Unit has been extremely successful in contributing to the reduction of police overtime costs. (See section E).

Vancouver has a staff of five Witness Notifiers who are Court Services staff who liaise closely with the Crown Counsel office. Each Witness Notifier is responsible for two court rooms allowing for a very reasonable workload.

Despite the fact that the notifiers contact every witness by telephone to confirm address, obtain postal code, etc., this contact is not utilized as notification for appearance in court. The Witness Notifiers prepare a "Request for Subpoena" form, Court Services staff type the subpoenae and the Sheriffs Document Service Section (comprised of six sheriffs) serve the subpoenae personally.

It is not anticipated that any effort will be made to utilize mail or telephone notification in Vancouver until the Court Services staff positions now utilized as Witness Notifiers are transferred to Crown Counsel.

Other than witness notification procedures, the remaining modules are in place in Vancouver and operate effectively. The Evidentiary Checklists are of extreme value to the approving Crown; the Police/Crown Liaison Officers are eliminating many unnecessary police witnesses and thoroughly screening Reports to Crown Counsel to the point where few Reports have had to be returned for additional information.

The Witness Notifiers utilize the central reservation system to make travel and accommodation arrangements for witnesses. (The Supreme and County Court Registry staff are not yet utilizing this system although they are currently being approached by P.W.A. staff in this regard).

The preparation of Informations under the control of the approving Crown is carried out on a word processing typewriter by one office assistant (The previous procedure required four Justice of the Peace assistants to type Informations). The requirement for so many staff was unique to Vancouver because of the manner in which Informations were sworn individually by each respective investigating peace officer (80% were sworn in this manner). The reduction of Informations that now have to be retyped has decreased to merely a few. (No figures are available on the number of Informations that used to be retyped although the number was considered significant).



REGION 3 - South Fraser

South Fraser is one of two unique regions in that Surrey has had an approving Crown Counsel, a Police/Crown Liaison Officer and a trial coordinator since 1980. As well, they have utilized telephone notification of civilian witnesses throughout that time.

Crown Counsel in Surrey report a 70% decrease in the number of Reports to Crown Counsel that have to be returned to police since the introduction of Evidentiary Checklists and the new Report to Crown Counsel.

However, in the other areas of the region, little had been implemented as of November, 1982. Police/Crown Liaison Officers are now being assigned except for Delta and Matsqui.

It is also the intention of the Regional Crown Counsel to proceed with implementation of Witness Notifiers, police witness control - by Police/Crown Liaison Officers, and Crown Counsel preparation of Informations on word processing equipment.

It is the intention of the Regional Manager Court Services for this region - and region 4 - to establish a Witness Service Centre to service both these regions from one central location, in the very near future - starting in Region 3. This centre would operate with Court Services staff initially and later be transferred over to Crown Counsel Services.

Deputy Sheriffs are to be utilised to transport documents from each office to the centre in Cloverdale on a fee-for-service basis. All Informations, etc., will be prepared on word processing in the Centre and delivered to each office daily.

The centre will notify all civilian witnesses by telephone and denotify in the same way. Police witnesses will probably be notified by provision of a document other than the current

Law Enforcement Notification form and denotified by telephone. Automated telephone answering equipment is being purchased to allow for a 24 hour answering service for witnesses who wish to call after working hours. All telephone calls for notifications and denotifications will be recorded as proof of contact.

The central reservation system will also operate out of this centre.

The centre would prepare subpoenae as necessary for personal service of witnesses who are not cooperative.

The centre will make all arrangements for prosecutor interviews of witnesses.

The staff will be responsible for informing the prosecutor that witnesses have or have not been contacted.

The cost savings realized from the operation of this centre will be significant. Court Services now utilise 5.6 man years in witness notification and document preparation in this Region - with the establishment of the witness service centre, they will transfer one position to Crown Counsel Services to act as Witness Manager leaving them with 4.6 positions to carry out other duties

#### REGION 4 - North Fraser

Implementation has been only marginally more rapid in this region.

In New Westminster, an approving Crown Counsel has been in place for two and one-half years. The incumbent does not eliminate many witnesses while screening Reports to Crown Counsel and approving charges. Informations are typed on a word processing typewriter for the entire region.

The police in this city have developed a unique way of identifying preferred court days for peace officers based on a cross reference system providing at a glance day shift dates for all officers required as witnesses for each individual case.

Civilian witnesses are notified by mailed subpoenae and the approving Crown Counsel's secretary denotifies civilian and police witnesses by telephone.

The police in New Westminster have a Police/Crown Liaison Officer responsible for screening Reports to Crown Counsel. The liaison officer does not eliminate police witnesses. (Court related police overtime costs increased by 30.1 percent during the first three quarters of 1982 over the same period in 1981 - which is the opposite of the trend in areas that screen and eliminate unnecessary police witnesses).

The role of the Liaison Officer in this city is seen as that of an "expeditor" for documentation flow, swearing of Informations, etc., and to provide creditability to the police department.

All other locations in the region have Police/Crown Liaison Officers. The improvement in the quality of Reports to Crown Counsel is reported as significant - although few of the locations have any statistics pre and pro implementation.

In Burnaby, in a survey done over a six day period, 18.6 percent of the reports were rejected by the Police/Crown Liaison Officer - this is considered a great improvement over the period prior to utilization of Evidentiary Checklists and the new Reports to Crown Counsel.

In Coquitlam, 48 peace officers were eliminated as required witnesses in a two month period.

In Port Moody, 27 police witnesses were eliminated from 46 Reports. Prior to this, it was routine to have at least 4 - 5 police witnesses appearing on an impaired case.

It will be a few months yet before police court overtime costs comparisons can be made in these regions which have only implemented police control modules in the past one or two months.

#### REGION 5 - Interior/Kootenays

Implementation in this region is progressing satisfactorily, primarily because some important modules such as Police/Crown Liaison Officers and Witness Managers have been utilized since 1979, due almost totally to the efforts of the Regional Crown Counsel.

No permanent approving Crown Counsel exists anywhere in the region although a well managed system is in effect with the Crown Counsel who takes First Appearance Court approving charges and screening Reports to Crown Counsel.

While most areas of the province commence Remand Court at 9:30 a.m., in this region Remand Court commences at 9:00 a.m. and trials start at 9:30. The effect on the caseload of utilizing this extra half hour is considered significant by all components in this region.

The Crown Counsel report that the quality of Reports to Crown Counsel has improved dramatically since the new reporting procedure was adopted. Few reports are ever returned to police. Also, few extra police witnesses ever remain on the Witness Supplement.

The Regional Crown Counsel stated that when he adopted the procedure of notifying civilian witnesses on the telephone - in lieu of personal service - he was able to eliminate one and one-half sheriffs and the use of one car at a saving of \$40,000.00 per year. (It is unfortunate that the Witness Notifier reverted back to having sheriffs serve subpoenae in 1980 without informing anyone (see Section D for further amplification of this problem, which has now been rectified as a result of this evaluation).

The role of the Witness Notifier is considered very important in the case management process in this region. Witness Notifiers have been assigned in Kamloops, Kelowna, Cranbrook and Nelson. In addition to notification and denotification duties, the importance of the rapport that is established between the Witness Notifier and the witnesses is emphasized.

The Notifier should be responsible for explaining the duty of citizens to give evidence (this is considered more important since witness fees are no longer paid to recompense witnesses for their involvement).

Also, it is considered far better to have the Notifier set up appointments for prosecutors to see witnesses as the Notifier does not have the prima donna quality of lawyers and therefore relates better.

Because of the rapport that this individual can establish, they often obtain evidentiary information that is more accurate, or in addition to, that obtained by investigating peace officers.

The Notifiers send out detailed information sheets to each witness (Appendix V).

Police witness control is being carried out by Police/Crown Liaison Officers who have been assigned in all locations. Kamloops reports a 17% reduction in court related police overtime costs to date this year over last year's costs.

In Kelowna, the police have been directed to check with the Police/Crown Liaison Officer two days prior to trial to confirm if the trial is proceeding. If they don't and the trial does not proceed, they do not get paid overtime. This is a procedure worth considering for implementation in other areas.

The trial coordination program has been in effect on an unofficial basis in Kamloops for approximately four years initially operated by sheriffs and now by a Justice of the Peace. The program operates very well in this location.

The filing system in operation in this region - for Crown Counsel - is predominantly the same as the model described in Section H.

The Central Reservation System module is being utilized by all centres in the region, usually by Court Services staff.

#### REGION 6 - Northern

Implementation of modules in this region is proceeding satisfactorily.

Police/Crown Liaison Officers exist in each area either on a full or part-time basis.

Police witness control is in effect. Prince Rupert reported that they reduced the number of police witnesses required by 21.0 percent in the third quarter of this year.

The quality of Reports prepared by the police is still not up to the quality of the remainder of the province. The reason is that the Crown Counsel are not applying enough pressure on the police to improve the quality.

The police shift list utilized in Prince George is considered very basic and very effective. The days on which the officer is on day shift are highlighted on a multi-month calendar sheet. Trial dates can then be set on these days or on the next two days when he/she is on nightshift (the shift schedule is two shifts on days, two on nights, and four days off).

In Prince George, the Crown Counsel taking Remand Court suggests trial dates, Defence approves and the Judge sets the date.

Witness Notifiers, under control of Crown Counsel operate in Prince George, Prince Rupert, Dawson Creek, Fort St. John and Terrace. In three areas, the Witness Notifier is a sheriff. In this region authorities feel that there are advantages to this position being filled by a sheriff: the incumbent can issue subpoenae and assist with accused. As well, with some witnesses, there is an advantage to being in uniform.

RCMP witnesses in Prince George are notified by a simple memorandum and not by the multi-form Law Enforcement Notification form.

Civilian witnesses are contacted by telephone. A mailed notification is sent if telephone contact is not possible.

The Central Reservation System has only recently been utilized in this region. The delay in implementation was due to the fact that the Regional Crown Counsel had not distributed the procedure manuals.



## PART IV - JUSTICE SYSTEM CASE MANAGEMENT MODEL

### Introduction

Part II, Sections A to I of this evaluation report provide a description of case management procedures which have been implemented in the criminal justice system in British Columbia during the past year. Each section described procedures which may be implemented as independent "modules" separate from the others.

Part III provides an overview of which modules have been implemented in each region of the province and the degree of implementation.

Both Parts II and III provide sufficient qualitative and quantitative analysis to substantiate that the case management practices being implemented in this province are operationally effective and efficiently viable in their contribution to overall cost reductions.

Copies of correspondence included in Appendices VII to IX further enhance the view that authorities realize the worthiness and importance of the case management improvement program underway throughout the province and are prepared to give it their complete support.

Because the developed modules reflect basic, simple and sound management practices, and because they are based on a cost - reduction approach - as opposed to procedures that are expensive to implement - it is considered that they not only will be readily adaptable in any other jurisdiction, but their utilization would be welcome in any justice environment as a means of reducing ever increasing management and operational costs.

It had been hoped that more quantitative data would have been available to qualify the effectiveness and efficiency of the modules. These main factors have limited data availability

- 1) the dearth of pre-implementation data;
- 2) the short time period since implementation of most modules in many regions;
- 3) the difficulty of enticing component staff to maintain statistics.

One of the few criticisms of the implementation phase of the case management program is the obvious lack of built in evaluation measures. Some areas and some components have reasonable pre and post-implementation statistics; however they are in the minority. All staff concerned subjectively emphasize the value of the new procedures but it would be advantageous if defined evaluation measures were being utilized.

The model summarized below is not presented in any particular order for implementation. Each module is separate, although some obviously impact on other modules. Some modules have more impact on the system as a whole; again these are not identified separately. Primarily the modules are presented in order of case flow through the system.

The case management model applies primarily to Provincial Court procedures although certain modules, such as the central reservation system, apply to all court levels; in fact, this module may be utilized by any Ministry/Department to facilitate all staff travel.

## Module 1 - Charging Standards

### Evidentiary Checklists

- a) Evidentiary Checklists should be developed to ensure that peace officers provide all the necessary evidentiary information for each case. The checklists are compiled for the ten most prevalent offences. They provide for a check-off of required information and some short narrative description. They ensure sufficiency of information reflecting standard prosecution requirements and are easily perusable by Crown Counsel.

b) Standardized Charge Catalogue

This is a catalogue containing standard charge wordings for all Criminal Code offences and most Provincial Act offences. The catalogue wordings can then be transposed onto word processing typewriter discs for automatic preparation of documents.

The above two parts of this module are vitally important to any subsequent case management procedures. They ensure sufficiency, standardization, and greatly enhance the speed with which documentation is prepared and processed in subsequent modules.

## Module 2 - Reports to Crown Counsel

The development of a Report that investigating officers can readily compile containing, in conjunction with the Evidentiary Checklists, all the information about an alleged offence, the accused, the victim and witnesses, is mandatory to ensure that only sufficient, quality cases enter the system.

The Report must allow for rapid screening of the information therein to ascertain if a case exists for prosecution and to determine if all recorded witnesses' testimony is required in court.

The Report should contain all the necessary information to satisfy both the police and Crown Counsel components' file requirements; in other words, reports requiring the compilation of duplicate information should not need to be initiated. The Reports should satisfy both operational and management requirements.

### Module 3 - Quality Control

It is crucial that shift NCOs, watch or platoon commanders screen all Evidentiary Checklists and Reports to Crown Counsel for sufficiency and completeness before the end of each shift.

The checklists and the Reports should be screened further by a Police/Crown Liaison Officer who is familiar with Crown Counsel evidentiary requirements.

The Reports to Crown Counsel should be screened thoroughly by an approving Crown Counsel to ensure that the proper charge(s) is laid based on the sufficiency of information provided by police.

This module ensures that only evidentiary sufficient charges are accepted for prosecution.

### Module 4 - Witness Control

Both the shift NCOs and the Police/Crown Liaison Officer are to screen the evidence provided in the Reports to Crown

Counsel to determine if unnecessary police witnesses have been included in the Witness Supplement.

In addition, the Reports are to contain police shift schedules reflecting the days police witnesses are on day shift and the resultant preferred court appearance dates.

The approving Crown Counsel, in addition to receiving police evidence requirements, is to ensure that the civilian witness evidence noted on the Report is necessary to the prosecution. If not, the witness should be eliminated from the Report.

The elimination of civilian witnesses may be left for the trial prosecutor to decide following a not guilty plea.

This module is the main means of reducing police overtime costs - along with timely denotification of witnesses if a trial is not to proceed. It is also is a means of reducing witness inconvenience.

#### Module 5 - Police/Crown Liaison Officer

A position should be established within each police department/detachment on either a full or part-time basis - depending on the caseload - to carry out the duties of police/Crown liaison.

This staff member can greatly impact the quality of cases entering the system and subsequently significantly reduce the costs of case management.

The high costs of police overtime can be significantly reduced through proper witness control by the liaison officer

The importance of this position cannot be overemphasized.

**Module 6 - Document Preparation and Processing**

The automation, or at least semi-automation, of document preparation can greatly reduce preparation costs through the elimination of duplication and the resultant requirements for corrections, as well as ensure standardization of charge wordings.

The utilization of word processing equipment in the larger, regional centres and the utilization of pre-printed documents in the satellite centres can significantly reduce costs.

Informations should not be prepared until the approving Crown Counsel has approved the charge(s).

A four-part Information has been developed with a partially completed fourth copy recording only the accused's name and two counts. This copy is used as a master page for producing the subpoena, summons, warrant and police notification copies through a photocopying process. (The applicable process form is prepared only as required).

The majority of Informations should be sworn by the Police/Crown Liaison Officer.

**Module 7 - Pre-printed File Jacket**

A police initiated file folder containing sections for the recording of case summary information on the front provides ready reference to the prosecutor and highlights the current status of the case.

**Module 8 - Police Witness Notification and Denotification**

A specially designed notification form superimposed on a photocopy of the fourth page of the multi-form Information

should be utilized as a police witness notification form to eliminate the requirement to retype information already recorded.

The notification should be given to the Police/Crown Liaison Officer in duplicate for submission to platoon commander/shift NCOs for delivery to peace officers. The officer is to return a signed copy of the form as proof of notice.

Police witnesses should be responsible to confirm with the Police/Crown Liaison Officer two days prior to trial to ascertain if the trial is proceeding. Failure to do so (when the trial does not proceed) would negate any overtime payment applied for.

The Police/Crown Liaison Officer should be responsible for denotifying police witnesses on direction from the Witness Notifier.

#### Module 9 - Civilian Witness Notification and Denotification

Civilian witnesses can be notified as effectively by telephone and/or by mailed notification as by personal service for all but approximately ten percent of witnesses.

A Witness Service Centre under the management of a Witness Manager should be established in the larger metropolitan areas to administer all aspects of witness notification and denotification utilizing telephone and/or mail notification and telephone denotification procedures.

The centres operate under the direct control of Crown Counsel, and in addition to civilian and police witness notification and denotification, they are responsible for the following:

- a) document preparation utilizing word processing equipment - prepare Informations, subpoenae (for uncooperative witnesses), warrants, summons and police notifications;
- b) responsible for informing witnesses about all aspects of their appearances, such as, procedure in court, facilities available, entitlement to witness fees, and case disposition;
- c) responsible for witness travel and accommodation arrangements through a central reservation system.

The centres could be responsible for all of the above for an entire region as well as an individual city.

In small centres, a single Witness Notifier is responsible for all the duties of notification, document preparation (except for Informations), denotification and witness information provision.

#### Module 10 - Central Reservation Systems

A one-call reservation system is available through Pacific Western Airlines for travel and accommodation arrangements for witnesses, prisoners and escorts, Ministry/Department and Crown Corporation personnel travelling within and outside of any province west of Ontario.

The airline, on receipt of a telephone call from an office providing basic information on the client and circumstances of travel, will make all the necessary arrangements and invoice on a regional basis or a bi-weekly schedule. All arrangements are confirmed to the requesting agency and the travelling client.



### Module 11 - Filing Systems

It is imperative that the Crown Counsel offices maintain a centralized filing system which ensures that pending case files are maintained in a system that alerts prosecutors to upcoming cases in a timely manner. The files should contain summaries of all the necessary information for effective prosecution with notations that witnesses will attend.

### Module 12 - Trial Scheduling

There are easily operated automated systems to assist the judiciary to schedule trials so as to process the greatest number of cases in a timely manner with the minimum of inconvenience to all the participants.

The utilization of trial coordinators as utilized in six centres in British Columbia, has to date had minimal positive results.

The adoption of a courtroom allocation system such as that utilized in Edmonton should be considered as a possible model for implementation in other jurisdictions.

### Module 13 - Procedure Manuals

Procedure manuals should be compiled for all of the modules described above to assist in staff training and to provide management with staff selection guidelines.

### Module 14 - Form Compilation

An authority should be identified to maintain close

surveillance on all documents for suggested modification. As well, this authority should be responsible for ensuring adequate stocks of forms are distributed to all regions.

**Module 15 - Staff Training**

In addition to the provision of procedure manuals, jurisdictions should ensure that staff are properly trained in form preparation and utilization, either at justice training institutes or in seminars.

**Module 16 - Evaluation**

—  
Evaluation measures must be defined at the time of implementation. These are the variables designed to measure the effectiveness of implemented procedures. A quantitative evaluation should be conducted when possible utilizing statistics pre and post-implementation. Where pre statistics are not available, a subjective evaluation can be very adequate. Post-implementation statistics should be maintained.

PART V - CONCLUSION

The above model design provides an outline for effective case management practices in the justice field. The model's effectiveness is based on evidence compiled from an evaluation of the modules implemented in British Columbia.

Much of the proof of the effectiveness of the modules to contribute to efficient case management practices arises from a subjective analysis by justice component staff at all levels and in all regions of the province.

Where possible, a quantitative evaluation has been conducted based either on existing data or on data collected during the evaluation.

In all interviews, it was found that everyone in the system is in total agreement that all of the developed modules are practical, effective, and in most cases, lead to significant cost savings. The interest currently being shown in the implementation phase by senior executives of the Ministry is sufficient proof that the modules are the solution to the previously unacceptable backlog of cases that existed in this province.

A significant factor that has arisen as a result of the implementation phase of the program is the evolvement of inter-component communication and cooperation. In the past, it appeared that each component blamed another for the case backlog and management problems that existed; the atmosphere now is one of "let's-work-together-to-solve-the-problem."

It is gratifying to speak to regional managers who a year ago had thrown in the towel as far as trying to work with counter-parts in other components, now saying that they will implement a module utilizing their own staff and turn over the responsibility in an operational mode when staff transfers can be formalized between components. As previously mentioned, the implementation of these modules has proceeded with minimal formal backing - until the last month or so - and without any formal allocation of resources, and yet, it has proceeded effectively.

The effect on support staff is also very reassuring. For the first time, they are asked to carry out functions which they see as being effective and interesting. They feel more involved, and more importantly, they feel responsible for what they are doing. This is a crucial factor; all of the above modules have built-in accountability features. If the incumbent in a position does not carry out his/her tasks as defined, in the appropriate time frame, it becomes readily apparent. It is no longer feasible to arbitrarily lay the blame on someone else...if there is a problem, it is obvious where it originates.

This evaluation of the case management procedures being implemented in this province has hopefully shown that the developed modules are effective and efficient. However, it is estimated that within a year's time the true worth of these basic, yet sound, management practices will be more readily apparent. To this end, the Deputy Attorney General has directed that a full scale implementation evaluation be undertaken during the latter half of 1983 to ensure that all jurisdictions have implemented the modules, and that they are functioning satisfactorily.

As a result, all participants in the system are now working together to manage cases more effectively; the benefactors will be the victims and witnesses who will no longer be kept waiting six to twelve months for cases to come to trial and subsequently, be inconvenienced every step of the way. Hopefully, they will get the feeling that public servants can manage their work effectively, and that they do so for the benefit of the public.

Finally, the key to successful implementation of efficient case management practices in the justice field lies with the senior executives of the Ministry who must want to change old procedures and adopt efficient processes. Some of these may at first appear slightly unorthodox, but they are nonetheless necessary to an efficient processing of cases through the justice system.



NAMES OF ACCUSED

Appendix I

POLICE CASE NO.

FAILURE TO APPEAR

EVIDENCE CHECKLIST - Complete one checklist for each count  
- Copies of all documents noted must be attached

THIS CHECKLIST APPLIES TO PROPOSED COUNT \_\_\_\_\_

IDENTIFICATION OF ACCUSED:

NAME OF WITNESS ON ORIGINAL OFFENCE WHO CAN IDENTIFY ACCUSED

\_\_\_\_\_

	YES	NO
COPY OF REPORT TO CROWN COUNSEL ON ORIGINAL OFFENCE IS ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>
COPY OF ORIGINAL INFORMATION IS ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>
COPY OF ORIGINAL PROCESS (e.g. A/N, PTA) IS ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>

FAILURE TO APPEAR IN COURT:

NAME OF COURT OFFICIAL THAT CALLED ACCUSED AND NOTED NON-APPEARANCE:

\_\_\_\_\_


	YES	NO
WAS A COPY OF S. 133(9) C.C. CERTIFICATE SERVED ON ACCUSED?	<input type="checkbox"/>	<input type="checkbox"/>
DATE OF SERVICE _____		
NAME OF SERVER _____		
NOTATION OF SERVICE MADE?	<input type="checkbox"/>	<input type="checkbox"/>
COPY AND ORIGINAL COMPAREO BY SERVER?	<input type="checkbox"/>	<input type="checkbox"/>
COPY OF CERTIFICATE ATTACHED?	<input type="checkbox"/>	<input type="checkbox"/>
HAS ANY STATEMENT BEEN MADE BY ACCUSED CONCERNING THE FAILURE TO APPEAR?	<input type="checkbox"/>	<input type="checkbox"/>
IF SO, TO WHOM? _____		
WHEN _____		
DID THE WITNESS RECORD THE WORDS SPOKEN BY THE ACCUSED	<input type="checkbox"/>	<input type="checkbox"/>

COMPLETED BY (Name and Designation) \_\_\_\_\_

DATE AND TIME OF COMPLETION \_\_\_\_\_

CROWN COUNSEL MAY REQUIRE FURTHER INFORMATION



CASE TYPE ADULT   JUVENILE		POLICE AGENCY	CROWN COUNSEL FILE NO.		COURT FILE NO.	POLICE CASE NUMBER
<b>OFFENCE INFORMATION</b>						
NAMES OF ALL ACCUSED				OFFENCE DATE AND TIME:		
				LOCATION OF OFFENCE:		
PROPOSED CHARGES:			<input type="checkbox"/> APPROVED <input type="checkbox"/> NO CHARGE <input type="checkbox"/> RETURNED			
			COMMENTS:			
			ESTIMATED LENGTH OF OF CROWN'S CASE _____		NUMBER OF CROWN WITNESSES _____	
			CROWN COUNSEL _____		DATE _____	
<b>ACCUSED INFORMATION</b>						
ACCUSED FAMILY/BUSINESS NAME		GIVEN 1	GIVEN 2	ALIASES		
ACCUSED ADDRESS			PHONE	BUSINESS ADDRESS		
DATE OF BIRTH (YR., MON., DAY)	SEX	MARITAL STATUS	CITIZENSHIP	OCCUPATION	DURATION IN AREA	
DRIVERS' LICENCE NUMBER	PHYSICAL DESCRIPTION HEIGHT:      WEIGHT:		F.P.S. NO.	INTERPRETER REQUIRED (Language)		
DISTINGUISHING FEATURES	COLOUR OF HAIR	COLOUR OF EYES	OTHER	CRIMINAL RECORD Yes <input type="checkbox"/> Attached <input type="checkbox"/> Nil <input type="checkbox"/>	PSYCHIATRIC EXAM REQUESTED	
JUVENILE PARENT/GUARDIAN:		NOTIFIED Yes <input type="checkbox"/> No <input type="checkbox"/>		BAIL COMMENTS:		
ADDRESS:						
CITY:	HOME PHONE:	BUS PHONE:				
APPEARANCE DATE	ARRESTED <input type="checkbox"/>	WARRANT <input type="checkbox"/>	SUMMONS REQUESTED <input type="checkbox"/>	SUMMONS ISSUED <input type="checkbox"/>	APP. NOTICE <input type="checkbox"/>	P.T.A. <input type="checkbox"/> RECOGN. OFFICER <input type="checkbox"/>

ACCUSED FAMILY/BUSINESS NAME		GIVEN 1	GIVEN 2	ALIASES		
ACCUSED ADDRESS			PHONE	BUSINESS ADDRESS		
DATE OF BIRTH (YR., MON., DAY)	SEX	MARITAL STATUS	CITIZENSHIP	OCCUPATION	DURATION IN AREA	
DRIVERS' LICENCE NUMBER	PHYSICAL DESCRIPTION HEIGHT:      WEIGHT:		F.P.S. NO.	INTERPRETER REQUIRED (Language)		
DISTINGUISHING FEATURES	COLOUR OF HAIR	COLOUR OF EYES	OTHER	CRIMINAL RECORD Yes <input type="checkbox"/> Attached <input type="checkbox"/> Nil <input type="checkbox"/>	PSYCHIATRIC EXAM REQUESTED	
JUVENILE PARENT/GUARDIAN:		NOTIFIED Yes <input type="checkbox"/> No <input type="checkbox"/>		BAIL COMMENTS:		
ADDRESS:						
CITY:	HOME PHONE:	BUS PHONE:				
APPEARANCE DATE	ARRESTED <input type="checkbox"/>	WARRANT <input type="checkbox"/>	SUMMONS REQUESTED <input type="checkbox"/>	SUMMONS ISSUED <input type="checkbox"/>	APP. NOTICE <input type="checkbox"/>	P.T.A. <input type="checkbox"/> RECOGN. OFFICER <input type="checkbox"/>

INVESTIGATOR \_\_\_\_\_ YES NO \_\_\_\_\_ DATE OF REPORT \_\_\_\_\_  
 OFFICER WHO APPROVED REPORT \_\_\_\_\_ EVIDENCE CHECKLIST ATTACHED?   \_\_\_\_\_ DATE SUBMITTED TO CROWN \_\_\_\_\_  
**CROWN COUNSEL**



REPORT TO CROWN COUNSEL - 123 -

ACCUSED SUPPLEMENT

PAGE \_\_\_\_\_ OF \_\_\_\_\_

NAMES OF ACCUSED <b>Appendix II (cont'd)</b>							POLICE CASE NO	
ACCUSED FAMILY/BUSINESS NAME GIVEN 1 GIVEN 2					ALIASES			
ACCUSED ADDRESS					PHONE		BUSINESS ADDRESS	
DATE OF BIRTH (YR., MON., DAY)		SEX	MARITAL STATUS	CITIZENSHIP		OCCUPATION		DURATION IN AREA
DRIVERS' LICENCE NUMBER			PHYSICAL DESCRIPTION HEIGHT WEIGHT			F.P.S. NO		INTERPRETER REQUIRED (Language)
DISTINGUISHING FEATURES		COLOUR OF HAIR	COLOUR OF EYES	OTHER	CRIMINAL RECORD Yes Attached Nil <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		PSYCHIATRIC EXAM REQUESTED	
JUVENILE PARENT/GUARDIAN:				NOTIFIED Yes No <input type="checkbox"/> <input type="checkbox"/>		BAIL COMMENTS.		
ADDRESS:								
CITY:		HOME PHONE:	BUS PHONE					
APPEARANCE DATE	ARRESTED	WARRANT	SUMONS REQUESTED	SUMONS ISSUED	APP NOTICE	P.T.A.	RECOGN OFFICER	

ACCUSED FAMILY/BUSINESS NAME GIVEN 1 GIVEN 2					ALIASES			
ACCUSED ADDRESS					PHONE		BUSINESS ADDRESS	
DATE OF BIRTH (YR., MON., DAY)		SEX	MARITAL STATUS	CITIZENSHIP		OCCUPATION		DURATION IN AREA
DRIVERS' LICENCE NUMBER			PHYSICAL DESCRIPTION HEIGHT WEIGHT			F.P.S. NO		INTERPRETER REQUIRED (Language)
DISTINGUISHING FEATURES		COLOUR OF HAIR	COLOUR OF EYES	OTHER	CRIMINAL RECORD Yes Attached Nil <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		PSYCHIATRIC EXAM REQUESTED	
JUVENILE PARENT/GUARDIAN				NOTIFIED Yes No <input type="checkbox"/> <input type="checkbox"/>		BAIL COMMENTS.		
ADDRESS:								
CITY:		HOME PHONE:	BUS PHONE					
APPEARANCE DATE	ARRESTED	WARRANT	SUMONS REQUESTED	SUMONS ISSUED	APP NOTICE	P.T.A.	RECOGN OFFICER	

ACCUSED FAMILY/BUSINESS NAME GIVEN 1 GIVEN 2					ALIASES			
ACCUSED ADDRESS					PHONE		BUSINESS ADDRESS	
DATE OF BIRTH (YR., MON., DAY)		SEX	MARITAL STATUS	CITIZENSHIP		OCCUPATION		DURATION IN AREA
DRIVERS' LICENCE NUMBER			PHYSICAL DESCRIPTION HEIGHT WEIGHT			F.P.S. NO.		INTERPRETER REQUIRED (Language)
DISTINGUISHING FEATURES		COLOUR OF HAIR	COLOUR OF EYES	OTHER	CRIMINAL RECORD Yes Attached Nil <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		PSYCHIATRIC EXAM REQUESTED	
JUVENILE PARENT/GUARDIAN				NOTIFIED Yes No <input type="checkbox"/> <input type="checkbox"/>		BAIL COMMENTS		
ADDRESS:								
CITY:		HOME PHONE:	BUS PHONE					
APPEARANCE DATE	ARRESTED	WARRANT	SUMONS REQUESTED	SUMONS ISSUED	APP NOTICE	P.T.A.	RECOGN OFFICER	





REPORT TO CROWN COUNSEL  
WITNESSES

NAMES OF ACCUSED					Appendix II (cont'd)					POLICE CASE NO.				
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														
R	WITNESS' SURNAME										GIVEN 1	GIVEN 2	AGE	INTERVIEW TIME
NR	HOME ADDRESS/LAW ENFORCEMENT AGENCY					PHONE					HOLIDAY LEAVE			
S	BUSINESS ADDRESS					PHONE								
P	WILL SAY:													
CROWN														
RELUCTANT <input type="checkbox"/> INTERPRETER <input type="checkbox"/> PROBLEMS <input type="checkbox"/> DRIVER'S <input type="checkbox"/> S.I. <input type="checkbox"/> HOSTILE <input type="checkbox"/> LANGUAGE <input type="checkbox"/> (MEDICAL, ETC.) <input type="checkbox"/> LICENCE NO. <input type="checkbox"/> NO. <input type="checkbox"/>														



NAMES OF ACCUSED	Appendix II (cont'd)			POLICE CASE NUMBER	
	YES	NO		YES	NO
DID THE ACCUSED MAKE A STATEMENT?	<input type="checkbox"/>	<input type="checkbox"/>	ARE COPIES OF ALL WRITTEN STATEMENTS MADE BY THE WITNESSES ATTACHED?	<input type="checkbox"/>	<input type="checkbox"/>
ARE ALL ORAL STATEMENTS SET OUT BELOW AND ARE COPIES OF ALL WRITTEN STATEMENTS ATTACHED?	<input type="checkbox"/>	<input type="checkbox"/>	ARE THERE ANY EXHIBITS?	<input type="checkbox"/>	<input type="checkbox"/>
ARE ALL WITNESSES PRESENT AT ALL ORAL AND WRITTEN STATEMENTS MADE BY ACCUSED, LISTED?	<input type="checkbox"/>	<input type="checkbox"/>	ARE ALL EXHIBITS LISTED?	<input type="checkbox"/>	<input type="checkbox"/>
			WAS A SEARCH WARRANT USED?	<input type="checkbox"/>	<input type="checkbox"/>
			IS A COPY OF SEARCH WARRANT ATTACHED?	<input type="checkbox"/>	<input type="checkbox"/>
COMPLETE IF ACCUSED WAS ARRESTED OR DETAINED:					
WAS THE ACCUSED INFORMED <u>AT THE TIME OF ARREST OR DETENTION</u> OF THE REASONS THEREFOR?				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
ARE THE EXACT WORDS SAID TO THE ACCUSED RE REASONS FOR ARREST OR DETENTION SET OUT BELOW?				<input type="checkbox"/>	<input type="checkbox"/>
WAS THE ACCUSED INFORMED <u>AT THE TIME OF ARREST OR DETENTION</u> OF HIS RIGHT TO RETAIN AND INSTRUCT COUNSEL WITHOUT DELAY?				<input type="checkbox"/>	<input type="checkbox"/>
ARE ALL CIRCUMSTANCES OF THE ACCUSED'S EXERCISE OF HIS RIGHT TO RETAIN AND INSTRUCT COUNSEL WITHOUT DELAY SET OUT BELOW?				<input type="checkbox"/>	<input type="checkbox"/>
DESCRIBE THE EVENT IN CHRONOLOGICAL ORDER CONTAINING ALL THE PERTINENT FACTS:					



Form 2 PCR 004A (Rev. 6/80)

## Appendix III

COURT FILE NUMBER

Prov. \_\_\_\_\_

Sup. \_\_\_\_\_

City. \_\_\_\_\_

**INFORMATION**

## CANADA

## PROVINCE OF BRITISH COLUMBIA

This is the information of Bud Curry, a Peace Officer of the Victoria City Police

The informant says that he has reasonable and probable grounds to believe and does believe that

## COUNT 1:

CHARLES JONES on or about the 27TH day of JULY 1982 at or near VICTORIA in the County of VICTORIA Province of British Columbia, while his ability to drive a motor vehicle was impaired by alcohol or a drug did have the care or control of a motor vehicle on or near GOVERNMENT STREETS contrary to Section 234 of the Criminal Code of Canada.

## COUNT 2:

CHARLES JONES on or about the 27TH day of JULY 1982 at or near VICTORIA in the County of Westminster, Province of British Columbia, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeded 80 milligrams of alcohol in 100 millilitres of blood did have the care or control of a motor vehicle on or near GOVERNMENT STREETS contrary to Section 236 (1) of the Criminal Code of Canada.



TRIAL TIME		COURT DATE D. M. Y.			ATTEND COURT LOCATION AT:	
INTERVIEW TIME		INTERVIEW DATE D. M. Y.			ATTEND INTERVIEW LOCATION AT <input type="checkbox"/> SAME AS ABOVE	
NAME OF INTERVIEWING CROWN COUNSEL				AGENCY FILE NUMBER		COURT FILE NUMBER
RETAIN WHITE COPY FOR COURT DATE SHOWN ABOVE	RANK		FAMILY NAME		FIRST NUMBER	
	LAW ENFORCEMENT AGENCY					
	ADDRESS					
	CITY			POSTAL CODE		
CONFIRMATION SIGNATURE OF MEMBER				CASE STATUS <input type="checkbox"/> PRELIMINARY HEARING <input type="checkbox"/> TRIAL <input type="checkbox"/> CONTINUATION TRIAL <input type="checkbox"/> HEARING <input type="checkbox"/> INTERVIEW		

**NOTE. IF YOU WILL BE ABSENT OR IN ANOTHER COURT AT THE ABOVE INDICATED COURT DATE/TIME PLEASE CONTACT CROWN COUNSEL IMMEDIATELY.**

CONFIRMATION SIGNATURE INDICATES THAT THE MEMBER IS AVAILABLE TO GIVE EVIDENCE FOR TRIAL.

ACCUSED FAMILY NAME		FIRST		NAME(S) OF CO-ACCUSED	
D. M. Y.		OFFENCE DATE		CHARGE(S)	
COURT NOTIFIER: FAMILY NAME			FIRST		
ADDRESS					
CITY		TELEPHONE		DATE NOTIFIED D. M. Y.	

**NOTE. PLEASE RETURN SIGNED YELLOW COPY TO COURT NOTIFIER AT LEFT AS SOON AS POSSIBLE**

APPLICATION FOR <input type="checkbox"/> PAY <input type="checkbox"/> CREDIT		COURT SESSION <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. <input type="checkbox"/> EXT. CT.		APPEARANCE <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3		WEEKLY LEAVE		DURATION CLAIM: INTERVIEW		HOURS	
DUTY HOURS TO		<input type="checkbox"/> ON		TIME EXCUSED HOURS		MEMBER'S APPEARANCE SIGNATURE			COURT A.M. P.M.		
COURT OFFICER/CLERK SIGNATURE				NCO/SUPERVISOR CERTIFICATION SIGNATURE				EXTENDED COURT			
EVIDENCE GIVEN <input type="checkbox"/> YES <input type="checkbox"/> NO		TRIAL DISPOSITION <input type="checkbox"/> G/P <input type="checkbox"/> F/G <input type="checkbox"/> S.O.P. <input type="checkbox"/> F.T.A. <input type="checkbox"/> ADJ. <input type="checkbox"/> OTHER				PAYROLL ACCT. NO.		PAYROLL USE ONLY TOTAL AMT.		\$	

REMARKS: FROM COURT NOTIFIER

REMARKS: FROM LAW ENFORCEMENT MEMBER

COURT PROCEDURE

## Appendix V

(1) At the opening of most trials, the Court orders that all witnesses be excluded until they are called. You will, therefore, be required to wait in the lobby area at the outset, until your name is called. Come into the courtroom and the Court Clerk will point out the witness box to you and you will be sworn in.

While outside the Courtroom waiting to give your evidence refrain from discussing your evidence with the other witnesses.

(2) As a Crown witness you will first be questioned by myself regarding your involvement in the matter before the Court. When I have concluded my questions, the Defence Counsel will question you about your testimony. The Judge will then excuse you and unless directed otherwise, you are free to leave or you may sit in the Courtroom if you wish.

(3) Refer to the Judge as "YOUR HONOUR" and direct your answers toward him.

(4) SPEAK MORE LOUDLY THAN NORMALLY YOU WOULD. The microphones in front of the witness box do not amplify your voice: they only serve to tape record the proceedings. Also remember to speak more slowly than you normally would, since the Judge will be making notes of your testimony.

YOUR TESTIMONY

(1) YOUR ANSWERS: The Court is interested in what you have to say about the case before it. Therefore, please be as clear as possible about your evidence. That is, avoid phrases such as "I THINK" and "I GUESS" as they sound misleading.

If you are sure that something occurred, make it clear. For example, "I saw X hit Y".

On the other hand, if you are not sure that something happened or not, say "I am not sure whether.....".

If you are asked for an opinion but you don't feel that you can give one, simply say, "I can't give an opinion on that", or "I don't feel qualified to give an opinion".

(2) QUESTIONS: If you do not understand a question that either I or the Defence Counsel or the Judge asks you, just ask that the question be repeated. It is very important that you understand what is being asked.

(3) If a question can be answered "YES" or "NO", it is generally best to answer it that way

(4) Don't volunteer information; don't answer a question with a question, e.g. "Wouldn't you" or "What would you do"; WAIT to be asked "WHY" you did what you did and then answer

(5) TAKE YOUR TIME

(6) Prior to giving your testimony, carefully think about your involvement in the matter before the Court. Review in your mind the order in which the events happened and try to remember particulars such as: the EXACT WORDS stated in conversations, the number of persons present, lighting, weather conditions, distances, speed, licence numbers, colors, etc.

(7) IDENTIFICATION: Your testimony will often require you to relate the actions of another person. You may be asked if you see that person (in the courtroom) today. If your answer is "YES", the prosecutor will then ask you where that person is seated and to indicate by pointing (with outstretched arm) to that person and describe clothing that person is wearing.

(8) Please advise the prosecutor before the trial if you have any reason not to have your address stated in open Court.

(9) Most persons who testify are entitled to a witness fee, if a Kelowna resident, or to travelling expenses if they were incurred while travelling to attend the trial. See the Court Clerk in this regard.

CONCLUSION

If you have any questions, please do not hesitate to ask them of the prosecutor prior to the trial.

It is appreciated that for many witnesses Court attendance is an inconvenient and nervous affair. Our justice system depends upon your involvement and so your co-operation and patience is most appreciated.

Should you have any further questions regarding your attendance at this trial, please contact Mr. R.C. FARROW, at the Crown Counsel Office, 763-3314

TRIAL PROSECUTOR

DISTRICT CROWN COUNSEL  
#201 - 1460 PANDOSY STREET  
KELOWNA, B.C. V1Y 1P3



C830-59-17

November 10, 1982

Deputy Commissioner T. S. Venner  
Commanding Officer  
"E" Division Headquarters, RCMP  
2881 Nanaimo Street  
Victoria, BC  
V8X 4X8

Dear Deputy Commissioner Venner:

I enclose a copy of a letter that I have written to all of the mayors of the municipalities having their own municipal police forces. I have sent the same letter to each of the mayors of municipalities that contract with the RCMP for police services. I send this letter to you with the suggestion that a copy of the enclosed letter together with a copy of this note be sent to each of the officers commanding the RCMP detachments. I do this for the following reasons:

1. so that you will have the information that has been given to the mayor and council;
2. I want you to know that this Ministry will be implementing the recommendations of the Ministerial Case Management Group.

A copy of the enclosed letter has also been sent to the Chief Constables of each of the municipal police forces and to the Executive Director of the Union of B. C. Municipalities. There may be others in your command who should also have a copy. I leave that decision to your discretion.

There may be some sensitivity within your force when we come to implement these recommendations. As a consequence, I write, as well, to ask for your help in marshalling co-operation from you and yours for this phase of the work.

Yours sincerely,

Richard H. Vogel  
Deputy Attorney General

RHV/cad

cc: Mr. Harry Bradley

Appendix VII (cont'd)

THIS LETTER SENT TO ALL CHIEF CONSTABLES  
(see attached list)

C830-59-17

November 10, 1982

□

Dear □ :

I enclose a copy of a letter I recently wrote to your mayor. I send this to you so that you will be aware of two things:

1. the information that has been given to your mayor and council;
2. that this Ministry will be implementing the recommendations of the Ministerial Case Management Evaluation group.

There may be some sensitivity within your force when we come to implement these recommendations. As a consequence, I write, as well, to ask for your help in marshalling the necessary co-operation from you and yours for this phase of the work.

You will notice that I have suggested that your municipality contribute to the cost of the audit which I feel should be carried out. You will undoubtedly be consulted by your mayor as to the propriety of this suggestion.

If you have concerns about the propriety of the suggestion I would like to hear from you. I would also like to hear from you if you have any concerns in respect of the detail of the recommendations.

Kind regards.

Yours sincerely,

Richard H. Vogel  
Deputy Attorney General

RHV/cad

cc: Mr. Harry Bradley





Province of  
British Columbia

Ministry of  
Attorney General

Fifth Floor  
609 Broughton Street  
Victoria  
British Columbia  
V8V 1X4  
(604) 384-4434

OFFICE OF THE  
DEPUTY ATTORNEY GENERAL

- 132 -

Appendix VIII

OUR FILE ..... C830-59-17

YOUR FILE .....

November 4, 1982

His Worship Mayor G. F. Ferguson  
District of Abbotsford  
33914 Essendene Avenue  
Abbotsford, BC  
V2S 2H8

My dear Mayor Ferguson:

The costs of the administration of justice are substantial for all levels of government. I write to you to report on the completion of a very extensive study which was conducted at the cost of the provincial government and this Ministry. It has one important bearing on both cost and efficiency of justice services in your area. Over the years, many mayors have expressed concern about police costs incurred in the course of providing police as prosecution witnesses. This study and its recommendations deal with those concerns.

In June 1980, the Attorney General gave instructions to establish an operational review of procedures in the Provincial Court (Ministerial Case Management Evaluation Group). The group consisted of four Assistant Deputy Attorneys General, senior management from Court Services, senior Crown Counsel, senior representatives of the police community, Corrections Branch, defence bar and others. From time to time there were discussions with the Provincial judiciary. The task force has now reported. We are now in the process of implementing the recommendations of this task force.

Appendix VIII (cont'd)

- 2 -

The duty of those involved in this work was to identify the most efficient procedures that could be utilized in order to enhance and improve the delivery of justice services. We were anxious to improve the quality of the services but more importantly, we were anxious to reduce the time and thereby the cost of delivery where this was possible.

I am impressed with the findings. I am attaching a summary of the recommendations. I do this so that you will understand what I mean when I talk of "implementation."

My understanding is that preliminary results of the implementation process are gratifying. I am told that there are, and will be for the future, significant savings realized in many jurisdictions, particularly with respect to police overtime costs.

As the recommendations are acted upon and the changes required by these recommendations are implemented, many members of your community involved in various aspects of the justice system will be affected. It is important that both you and each of them are kept informed both of these developments and their objectives. There will be a requirement for some analysis in respect of each local circumstance.

If you or any members of your Council or any employees of your Corporation would like to have a copy of the summary of the report of the task force, please get in touch with Mrs. Joanne Palmer of my Victoria office (384-4434, local 395) and she will make available copies of the report so long as our supply lasts.

... /3

Appendix VIII (cont'd)

-- 3 --

I write, as well, for a further purpose. As there will likely be a need to change existing procedures, there will be, in my opinion, a need in six or eight months time to follow-up on the implementation of the recommendations in each of the local areas of the province. This follow-up or audit is very important. In the absence of an audit, neither you nor I will know what has been done, if anything, in the course of the implementation process of these recommendations. The work of the committee has been expensive and looks to me to be valuable. Not to follow-up would put at risk the objective we each are seeking to accomplish.

I write to ask you and your Council whether or not you would consider participating in the costs of this proposed audit. I cannot now estimate the cost. I write simply to propose consideration of this as a shareable item between the provincial government and you and your Council. My suggestion would be that we use the consultant, Mr. Harry Bradley, who worked with the task force throughout the period the task force was in existence, for this purpose.

I would very much like to have your reaction to this suggestion such that we could start now to plan. With an agreement in principle, we could begin to estimate the cost of this follow-up procedure.

I know that members of the justice community, your Council and you are anxious to improve the justice system and to reduce the costs where this is possible. In my view, both the recommendations and the audit process I suggest offer us an opportunity to achieve these objectives.

I look forward to hearing from you.

Kind regards.

Yours sincerely,



Richard H. Vogel  
Deputy Attorney General

Enclosure

RHV/cad

City of **VICTORIA** British Columbia

Police Department

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Mr. Harry Bradley  
Consultant  
Ministry of Attorney General  
824 Fort Street  
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Dear Mr. Bradley:

SUBJECT: POLICE LIAISON UNIT AND EVIDENCE CHECKLISTS

Now that approximately six months have passed since the Police Liaison Unit concept and the Evidence Checklist were introduced, it is perhaps appropriate to comment on the experience to date.

Feedback from line personnel indicates that the Checklists are both a blessing and a nuisance. Although they provide a quality control, which was previously missing in the information exchange between the police and prosecutor, they add considerably to a paper workload already considered to be too heavy. I am aware that revision of the present Checklist format is underway, and elimination of the current need for unnecessary duplication when more than one count is involved will be most welcome.

One of the important aspects of the Checklist was to enable the Liaison Unit to provide a quality control function. After some initial difficulty, this objective is now being met. The incidence of RCC return for additional information is very low and the task of eliminating unnecessary police witnesses has become fairly straightforward and effective.

It is my opinion that the concept objectives are being achieved and, with improved Checklists, the long-term, time-saving benefits will be considerable.

Yours truly,

B. Bailey  
Inspector  
Bureau of Support Services

## RESUME

La firme H. J. Bradley et associés, en vertu d'un contrat avec le Ministère de la Justice du Canada et en collaboration avec le Ministère du Procureur général de la Colombie Britannique a entrepris l'évaluation du système de gestion des poursuites criminelles mis sur pied par ce dernier ministère en avril 1982.

L'étude visait à évaluer les aspects les plus importants du système de gestion des poursuites criminelles et à évaluer l'impact de ce système sur les victimes et témoins d'actes criminels en Colombie Britannique. Les principaux aspects évalués étaient les suivants:

- (a) le déroulement des cas à l'intérieur du système de justice pénale
- (b) les pratiques en matière de gestion des témoins
- (c) les procédures en matière de contrôle des décisions de poursuivre
- (d) les techniques utilisées pour fixer le calendrier des cours
- (e) les systèmes existants de gestion de l'information relative aux poursuites.

L'évaluation fut conçue en trois phases:

- (a) Des entrevues personnelles avec des policiers, des procureurs de la Couronne et de la défense dans trente-six localités réparties dans trois régions (Victoria, Vancouver, Kamloops, Surrey, Burnaby et Kelowna).
- (b) Analyse des données obtenues sur chaque système en ce qui a trait aux procureurs de la Couronne, aux programmes d'aide aux victimes/témoins, et aux avocats de la défense.
- (c) Raffinement des politiques en matière de décisions de poursuivre. Analyse des implications des données recueillies pour l'avenir du système de gestion instauré.

Le rapport présente un examen détaillé du système de gestion des poursuites criminelles mis sur pied. Les différents modules de ce système sont examinés un à un et les perceptions qu'en ont les responsables du processus sont présentées et analysées.

Les auteurs de l'évaluation notent que la totalité des intervenants interviewés au cours de l'étude se sont dits satisfaits du système mis en place. Il s'agit, selon eux, d'un système efficace et pratique qui, de plus, peut produire des

économies importantes au niveau des ressources investies. Des réductions appréciables ont été observées au niveau des divers coûts associés aux poursuites criminelles entreprises: la congestion des cours, la réduction du nombre d'affaires sans suites, et la réduction du nombre d'heures que les policiers doivent passer en cour comme témoins ont, entre autres, été responsables de ces importantes économies. De plus, la rationalisation du processus de gestion des poursuites criminelles a également permis un traitement plus efficace des victimes/témoins au niveau de la cour et a rendu l'expérience du témoignage moins honoreuse pour les victimes d'actes criminels.