

Downtown Community Court In Vancouver

Efficiency Evaluation



Ministry of Justice

September 6, 2013

Executive Summary

The Government of British Columbia accepted the 2005 recommendation of the B.C. Justice Review Task Force and its Street Crime Working Group to create a community court to address Vancouver's crime problem. The government provided funding for the planning and operation of the new court. The Chief Judge of the Provincial Court provided ongoing support for the initiative. Planners representing key project partner agencies researched community court models around the world, particularly in the United States where community courts originated and are thought to be successful. The findings informed the model for the Downtown Community Court (DCC), which aims to address downtown Vancouver's unique circumstances.

The DCC was launched in September 2008 as a joint strategy of the Ministry of Justice and the Provincial Court to test a new approach for achieving an effective criminal justice system. The initiative brought together 14 justice, health and social service agencies, as well as numerous community groups and service organizations. Lessons learned from this pilot initiative will inform the development of a provincial strategy for specialized courts which was announced in the White Paper on Justice Reform, Part Two in February 2013.

Downtown Community Court Project

The DCC serves a designated area in downtown Vancouver; it hears all cases from within the court's geographic jurisdiction that proceed summarily, and where the accused does not elect the right to trial. The DCC does not deal with a specific offender type. Some offenders, but not all, have complex health and social service needs.

The DCC co-locates and integrates justice, health and social services. A number of unique features are integral to the DCC model. These include: the services of an in-house defence lawyer available to all out-of-custody accused, in addition to a DCC roster of duty counsel; pre-court triage of cases to inform Crown and defence counsel in order to facilitate early case resolution and prepare for court; and inter-agency teams to manage offenders with multifaceted problems in a planned and integrated manner.

The DCC model was structured to be more efficient than traditional courts; produce better outcomes for offenders, including reduced recidivism, and to engage with the community it serves.

Evaluation Approach

The DCC final evaluation involves three streams of research:

- **DCC efficiency** – the focus of this report;

- **offender outcomes, including recidivism** – completed by a research team at Simon Fraser University, Faculty of Health Sciences in August 2013; and
- **community engagement** – completed by a research team at Simon Fraser University, School of Criminology in December 2012.

The DCC deals with criminal cases and offenders that, prior to the DCC's implementation, would have been dealt with in the Vancouver Provincial Court at 222 Main Street (VPC), which is located in close proximity to the DCC. To determine the impact of the DCC on efficiency outcomes, this study analyzed trends in efficiency measures at the VPC before implementation of the DCC in 2008, and compared them to the trends for the combined caseload of the DCC and VPC after the DCC implementation. The analysis covers a four-year period prior to the implementation of the DCC and a three-and-a-half year period after implementation.

This methodological approach allows for the measurement of changes in efficiencies following the DCC implementation, in the absence of a comparison court location. The study does not measure whether the DCC handles the cases it took from the VPC more efficiently than the VPC would have, had they stayed there, or alternatively, whether the VPC's efficiencies alone changed during the evaluation period. Finally, the analysis does not examine the impacts of any particular agency or a specific feature of the DCC on efficiency results.

The efficiency analysis was completed through a working group approach with key stakeholder representatives. The methodology, as well as the results were reviewed and confirmed by an independent evaluator – R.A. Malatest & Associates Ltd. – to address any potential bias in the analysis. In addition, researchers from Malatest completed a fidelity assessment to determine if the DCC was implemented and operated as originally conceived, and how the final evaluation results relate to the project as it is now.

Key Findings

Efficiency outcomes speak to the timeliness of criminal case management and hope to lead to a more effective use of court resources. Faster processes provide assurance to citizens that the system is able to resolve problems within a reasonable amount of time. Timely justice serves the right of the accused to have his or her guilt or innocence determined in a timely manner. Timely resolution of criminal matters allows communities and victims to see justice done, and offenders to see consequences from their offending behaviour sooner, without the process, though unintentionally, being the punishment.

The following are the key findings of the DCC efficiency evaluation:

1. **There has been a downward trend in the average number of appearances required to resolve a court case that began prior to the implementation of the DCC, and**

continued in the combined caseload of the DCC and VPC. Factors other than the DCC account for the trend.

The average number of appearances per concluded case – a standard efficiency measure – showed a statistically significant downward trend that began prior to the implementation of the DCC and continued throughout the evaluation period. A regression analysis that considered the impact of the DCC, while controlling for other factors, determined that the trend was not impacted by the introduction of the DCC.

2. There has been a downward trend in the median time to case disposition in the combined caseload of the DCC and VPC; however, factors other than the DCC account for the trend.

Similar to the efficiency measure described above, the median time to disposition also showed a downward trend that began prior to the implementation of the DCC. The trend was statistically significant and continued after the introduction of the DCC. The regression analysis determined that the trend was not impacted by the DCC.

3. Slightly more individuals were diverted away from the criminal court.

Alternative measures is a legal process that diverts appropriate individuals away from the criminal court, allowing court resources to be focused on other matters that require a more substantive intervention. With the launch of the DCC, almost all matters suitable for diversion shifted away from the VPC and are now almost entirely processed in the DCC. In 2012, the numbers were slightly higher in the DCC than they had been in the VPC alone prior to the DCC implementation.

Other research by the ministry has shown that the number of persons resolving their court matters via adult alternative measures over the last 10 years has been stable, with intermittent spikes. The proportion of individuals dealt with through alternative measures relative to cases proceeding in court is comparatively small.

4. There has been a slightly increasing trend in the proportion of cases with post-sentence appearances at the DCC and VPC together, which does not appear to be related to the DCC.

Post-sentence court appearances are normally intended to improve offender accountability, but could also increase the overall number of appearances, potentially impacting efficiency. Post-sentence appearances were initially frequent in the DCC, but in 2012, the proportion of cases with post-sentence appearances in the DCC was not greater than that in the VPC. Overall for the two courts together, there has been a slightly increasing trend in these cases, which began prior to the implementation of the DCC.

5. Backlog of cases as reflected by the number of pending cases has been decreasing at the DCC and VPC together, consistent with the provincial trend.

Pending cases (cases scheduled to court) in the two court locations together have been decreasing since before the DCC implementation. The introduction of the Immediate Roadside Prohibition process in 2010 contributed to the trend because of fewer criminal prosecutions and, hence, fewer new impaired driving cases.

6. Backlog of cases as reflected by trial delays at the VPC had been increasing during the evaluation period.

During the evaluation period, trial delays have been increasing at the VPC, which is also the trial court for DCC cases, during the evaluation period. After the evaluation period, the provincial trial delay trend has improved and is now within the standard set by the Provincial Court.

7. The trial scheduled rate for the DCC and VPC together has been decreasing over time.

The trial scheduled rate reflects the focus of process and resources on trials, while only a very small proportion of cases actually concluded with a trial. The trial scheduled rate has been decreasing over time at the VPC – the trial court for DCC cases. This was in spite of the increasing trial scheduled rate for summary conviction cases originating in the DCC.

8. The DCC has been dealing with a heavy workload, beyond what was originally envisaged in the planning phase.

As expected, based on the DCC model, a portion of the VPC criminal caseload is now processed in the DCC. In 2010-2011, over 4,700 new cases originated from the area in Vancouver that is within the DCC jurisdiction; they required time in the DCC. However, not all these cases were resolved in the DCC. This number constitutes 28% of the combined VPC and DCC caseload.

The daily average of court cases in the DCC courtroom was higher than originally expected. Some VPC resources, such as an additional Crown counsel and court registry clerks, were brought in to assist with the DCC caseload, and new processes, such as streamlining of the morning triage, were adopted to help address the longer court sitting times.

9. Over time, DCC operations have evolved, resulting in changes to the originally envisaged model.

Notably, all contested bail hearings for DCC cases are now scheduled in the DCC, contributing to the DCC workload. Other changes have been introduced in response to operational challenges and innovations in court and service delivery. These include modifications to the morning triage that involves sharing of written information among agencies before the triage meeting, quick “curbside” consultations, and a new version of the triage meeting. While the number of persons present at the triage meeting is reduced, the information that is shared is fundamental to the DCC’s objectives of achieving same-day community work service placements, needs assessments and referrals to services. Triage – the key feature of the DCC model to inform early case resolution and planning for offenders – is not practiced as originally conceived.

Conclusions

Efficiencies were achieved in the combined caseload of the DCC and VPC; however, the DCC was statistically determined to have had neither a positive nor negative impact, and factors other than the implementation of the DCC accounted for the trend. The trends are, for the most part, consistent with provincial trends.

There have been changes to the DCC’s operations and, together with the heavy workload experienced in the DCC, these might have contributed to the challenges of achieving operational efficiencies.

The staff and personnel in the DCC remain committed to the DCC original principles. Approaches and solutions developed in the DCC are being adopted beyond the DCC as staff and personnel move on to pursue opportunities in other court locations, deriving benefits from the lessons learned to suit local needs and circumstances. Beyond efficiency in processing criminal cases, other major objectives were better outcomes for offenders, including improved recidivism rates, and community engagement. These results were analyzed and reported on through other studies.

Table of Contents

Introduction	1
DCC Project Overview	3
Evaluation Methodology	7
Overview of DCC Caseload	12
Key DCC Efficiency Findings	15
Fidelity Assessment Results	25
Observations and Conclusions	27
Appendix 1: DCC 2010 Interim Evaluation Results	30
Appendix 2: Efficiency Evaluation Matrix	31
Appendix 3: External Review of DCC Efficiency Evaluation by R.A. Malatest & Associates Ltd.	32
Appendix 4: Summary of Analytic Approach and Results by R.A. Malatest & Associates Ltd	38
Appendix 5: DCC Fidelity Review and Assessment by R.A. Malatest & Associates Ltd.	43
Appendix 6: Data Supporting Efficiency Results	67

Introduction

The Downtown Community Court (DCC) was created as a pilot project in response to a recommendation of the Justice Review Task Force and its Street Crime Working Group. The pilot court was implemented in September 2008 to test a new integrated service delivery model for justice, health and social services. The Ministry of Justice and other partner agencies have supported the initiative and made significant investments in the development and operation of the DCC.

The DCC has a number of goals: improve outcomes for offenders, including reduced recidivism; implement innovative criminal case management to improve justice efficiencies; and provide new opportunities for community participation in the justice system. Ultimately, the DCC aims to reduce crime in Vancouver's downtown area, improve public safety, and increase public confidence in the justice system.

The DCC pilot offers a unique opportunity for the ministry and its partners to test the new integrated service delivery model. The lessons learned from the DCC will help determine if the project resulted in better outcomes than traditional justice system solutions.

The DCC has extensive public support. The community court model has garnered significant interest in the province and across Canada. Many communities are looking at the community court model and principles as a potential approach to address their crime problems. The Ministry of Justice plans to use the findings of the DCC evaluation to inform an evidence-based strategy for specialized courts in the province.

The comprehensive evaluation study of the DCC pilot began prior to the court's implementation with the development of the evaluation framework. Since then, much research has been completed, including the interim evaluation report and a series of surveys of offenders in the DCC, DCC staff, partner agencies and service providers in the community. An offender outcomes and recidivism study has also been recently completed. This report's focus is on the DCC efficiency results.

DCC results in the 2010 interim evaluation

The initial evaluation research – the Interim Evaluation Report – was completed in September 2010. The interim results showed that the DCC partner agencies worked together in an integrated manner, facilitated by co-location of staff and services. The DCC also created relationships with neighbourhoods and community groups, and sought opportunities to engage with the public. Since its opening, the DCC has managed a high volume of summary conviction offences. The court had to deal with operational adjustments in response to challenges with the early stages of the DCC operation.

While the indicators selected to demonstrate the DCC's efficiency showed no clear trend at the time, the report provided an initial overview of areas where net impacts were expected in the long run.

A synopsis of the 2010 interim results is provided in Appendix 1. The report is available online at <http://www.criminaljusticereform.gov.bc.ca/en/reports/pdf/interimevaluation.pdf>

DCC final evaluation research

As part of the DCC final evaluation, a series of surveys were carried out and reported on by a research team led by Dr. William Glackman and Dr. Margaret Jackson, Simon Fraser University, School of Criminology. The surveys involved health and social service providers and agencies collaborating with or working in the DCC, staff in the DCC, as well as offenders in the DCC, including those managed by the integrated case management teams. Most surveys were completed in two phases to determine if the results changed over time.

This extensive research was consolidated into a single reporting document by the SFU research team and addresses the DCC's engagement with the community it serves and its stakeholders – one of the DCC's three key goals. This qualitative research complements the quantitative analyses of DCC efficiency and offender outcomes, and assists in interpreting the results and drawing conclusions.

The efficiency analysis – the focus of this report – has been completed through a working group, representing key project stakeholders, to facilitate better understanding of the court's operations. The approach to and results of this component of the final evaluation were reviewed by R.A. Malatest & Associates Ltd., an independent evaluator, to confirm the evaluation methodology and address any potential risk of bias in interpreting the results.

The remainder of the research – analysis of offender outcomes and recidivism – was undertaken by a research team led by Dr. Julian Somers, University of Simon Fraser, Faculty of Health Sciences, and has now also been completed.

DCC Project Overview

The DCC pilot project was designed to implement and test new approaches in delivering justice. The DCC project has the following objectives:

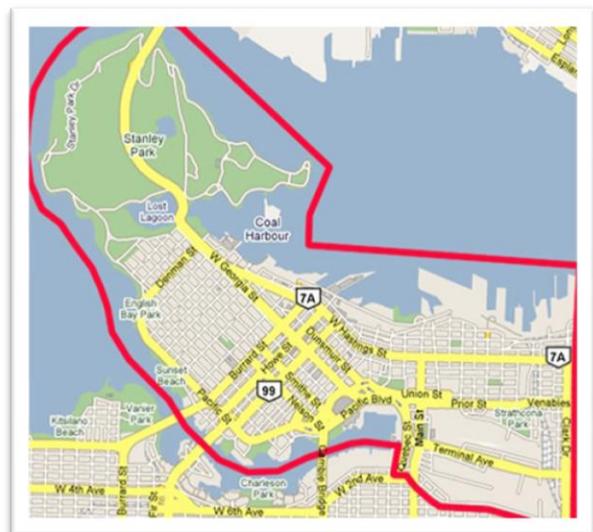
- improve justice system efficiencies through co-ordinated case management practices among justice, health and social service agencies, emphasizing collaborative problem-solving approaches;
- hold offenders accountable while producing better outcomes for the community by addressing risk-related needs of offenders through integration of justice, health and social services; and
- contribute to a livable community and provide new opportunities for community participation in criminal justice system outcomes.

Scope of the program

The DCC serves a designated catchment area in downtown Vancouver. It receives all provincial and *Criminal Code* offences normally heard in Provincial Court, as well as simple drug possession offences and breaches arising from non-compliance with DCC orders. Persons accused of the most serious offences, or those electing their right to trial, must proceed at the Vancouver Provincial Court at 222 Main Street (VPC).

The DCC does not deal with a specific offender type. Some offenders struggle with complex legal, health or social circumstances, while others may be first-time offenders. The DCC deals with approximately 2,500 accused annually, with up to 200 managed in an integrated, comprehensive manner. A key objective with the majority of offenders is to process their court cases in an efficient manner that is timelier and requires fewer appearances than traditional court.

The DCC is located in a renovated facility with one courtroom in operation, as well as office and program space that allows co-located staff to work as an integrated team. A second courtroom is not staffed. Trials, if required, are scheduled at the neighbouring VPC.



The DCC brings together the services and resources of the following agencies:

- Ministry of Justice (Court Services Branch, Criminal Justice Branch, Justice Services Branch, Corrections Branch, Victim Services and Crime Prevention Branch, and Policing and Security Programs Branch)
- Provincial Court of British Columbia
- Vancouver Coastal Health Authority
- Ministry of Social Development and Social Innovation
- BC Housing
- Forensic Psychiatric Services Commission
- Vancouver Police Department
- Legal Services Society
- Native Courtworker and Counselling Association of BC
- Public Prosecution Service of Canada
- City of Vancouver
- Watari Youth, Family & Community Services
- Vancouver Aboriginal Transformative Justice Services Society

The problem the DCC set out to address

The 2005 report of the Street Crime Working Group entitled, *Beyond the Revolving Door: A New Response to Chronic Offenders*, which recommended the creation of a community court, spoke of many individuals in downtown Vancouver appearing in court several times a year for different matters, and of their criminal activities significantly impacting the quality of life in the community. Many offenders were thought to be coping with problems such as alcoholism, drug addiction, mental illness, homelessness and poverty. At the time, most offenders were thought to have had contact with one or more health or social service agencies in relation to these problems, but typically each agency responded only to the problem within its own mandate, without broader coordination among agencies or with the justice system, and at times working at cross-purposes. The justice system was criticized for its focus on the offence without necessarily the attention to the underlying causes of criminal behaviour, and as a result, was challenged to stop the cycle of reoffending.

The recommendation to establish a community court to address crime in Vancouver was accepted by government. Extensive planning in partnership with the Provincial Court and several justice, health and social service agencies began in 2006 and culminated in the 2008 launch of the DCC.

During the planning phase, it became apparent that the justice system was challenged to deal effectively with offenders with multifaceted problems. Individuals were thought to spend long periods of time in custody awaiting trial or, if released on bail, many spent long periods of time in the community while their charges proceeded through the court. During the lengthy bail, many would breach their bail conditions, commit further offences or fail to appear in court when required, leading to further charges clogging the system and contributing to delays. Court cases were thought to drag out over a long period of time, with many ineffective court appearances taking up significant justice system resources. Since many offenders were charged with minor offences, many would be sentenced to time served with the process having unintentionally been the punishment.

The Vancouver community court – the first in Canada – was designed specifically to improve timelines in court, improve offender outcomes, reduce reoffending and create a connection with the community. A stand-alone facility was thought necessary to facilitate the culture change to implement the new approach.

How does the DCC differ from a traditional court?

The DCC brings together justice, health and social services through shared work processes and policies in a purpose-designed physical space. The DCC takes a one-window approach to facilitate problem solving to improve timelines of criminal cases, and to hold offenders accountable while helping them connect and stay connected with the services and assistance they need. Staff from partner agencies is co-located in the courthouse and work collaboratively to support the court, victims and the accused. The integrated approach is intended to make better use of finite resources.

The DCC endeavours to address crime in a timely way so that offenders experience the immediate consequences of their offending behaviour and can make reparation to the community. To ensure an early first appearance in court, the police procedures provide for an early court date in the DCC for accused who are not in custody, usually within 10 business days from the incident. To support the accused in the DCC and facilitate court efficiency, the DCC has an in-house defence counsel for out-of-custody accused, as well as its own roster of duty counsel for accused in custody. This service is available to any accused in the DCC, regardless of financial circumstances or whether or not the likely sentence involves jail time.

A key feature of the DCC is the morning triage, which involves sharing information about the accuseds' history and circumstances, and services and treatments available in the community to help offenders. Triage is intended to inform early offender management planning and help defence and Crown counsel develop bail or sentencing positions. Cases are expected to proceed more quickly, while sentencing is better informed to manage offenders effectively. Early access to relevant information about the accused and the case, as well as dedicated staff resources, including in-house defence and duty counsel, aim to increase opportunities for out-

of-court solutions, such as alternative measures and early case resolution, and facilitate timely court processes with fewer court appearances.

The DCC aims to keep offenders accountable while addressing their health and social needs which, if left unattended, can make it difficult for a person to break the cycle of criminal activity. Individualized, solution-driven plans are developed to address offenders' health and social circumstances and reduce risks for reoffending. Offenders with complex problems are managed in an assertive manner by inter-agency case management teams in the DCC; other offenders are managed by Community Corrections offices closest to where they live.

Whenever possible, offenders are expected to be sentenced promptly and serve their sentences immediately after appearing in court, hence avoiding lengthy time on bail or remand. All sentencing options normally available in Provincial Court are available to the judge in the DCC. The DCC, together with community partners, works to establish community work service programs for offenders to contribute to the community in a meaningful way.

The DCC engages with the community it serves, through public forums, open houses and other events, as well as through its partnerships with local businesses and community organizations and its Advisory Board.

Evaluation Methodology

The final evaluation is intended to determine whether the DCC results in more successful outcomes than the traditional justice solutions. The original evaluation plan envisaged a three-phase evaluation. The initial evaluation report was completed in September 2010 and addressed the first 12 months of the court's operation. The study concluded that the outcome measures selected to demonstrate the pilot court's impacts required a longer period for data collection and follow-up. The ministry and its partners determined that a second interim report originally planned for Spring 2011 would be premature as any findings based on data available for that period would have been limited in scope and application. As a result, it was decided that the ministry's efforts would be more effective if focused on the final evaluation.

The final evaluation addresses the following:

- **community engagement** – this study was completed in December 2012 by a team of researchers led by Dr. William Glackman and Dr. Margaret Jackson, Simon Fraser University, School of Criminology;
- **efficiency** – the focus of this report; and
- **offender outcomes, including recidivism** – this research was led by Dr. Julian Somers, Simon Fraser University, Faculty of Health Sciences and completed in August 2013.

To provide context for the final evaluation, a series of surveys were completed and reported on by the research team led by Dr. William Glackman and Dr. Margaret Jackson. The surveys provide information about accused in the DCC and offenders managed by DCC integrated teams; opinions and perceptions of DCC staff and personnel; and present views of service providers and community organizations engaged with the DCC.

Efficiency Evaluation Approach

The efficiency analysis in this report, which forms part of the final evaluation, is authored by the Ministry of Justice in collaboration with key DCC partners and with the assistance of a review by an independent evaluator.

The original comprehensive evaluation framework was developed in January 2008 by the research team from Simon Fraser University, School of Criminology. The framework was then refined for the 2010 Interim Evaluation Report. Since then, the ministry worked with the project partners to focus the efficiency component of the framework on key measures to demonstrate the court's impacts. The revised efficiency evaluation framework is provided in Appendix 2.

The DCC efficiency evaluation methodology, including the framework, and the evaluation results were reviewed and confirmed by an independent evaluator – R. A. Malatest & Associates Ltd. – to address any potential bias in the analysis. The review assessed the validity of the research design and the interpretation of results. Based on the results of the review, Malatest recommended further analysis to determine the statistical significance of the findings, as well as a program fidelity assessment to determine whether the current DCC model is consistent with that which was originally envisaged. The recommended research was completed and informs this report's findings.

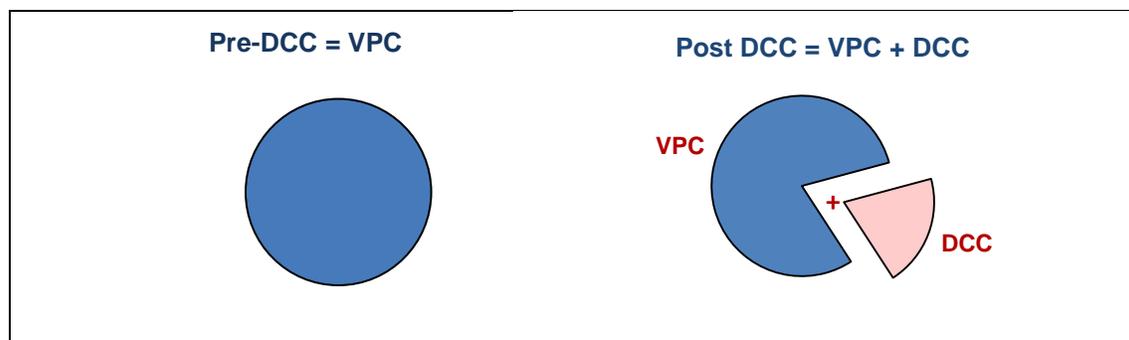
Efficiency Evaluation Period

The efficiency evaluation covers the first three and a half years of the DCC's operation. The evaluation period begins October 1, 2008, one month after the court operation commenced, and ends on March 31, 2012, when the evaluation analysis began.

Net Impact

The DCC is unique in the province in that it is not a trial court; it only deals with arraignments, bail and sentencing upon hearing a guilty plea to offences where the Crown proceeds summarily. If a person pleads not guilty and a trial is required, the case is scheduled to a trial court, normally to the VPC. As a result, no other court location can be used as a comparator to demonstrate the net impact of the DCC.

Because the DCC handles caseload that would have otherwise been streamed to the VPC, the analysis in this report looks at the aggregate of the DCC and VPC caseloads and compares the results in criminal case processing before and after the DCC was introduced. The VPC results prior to October 1, 2008 provide the baseline against which the combined DCC and VPC results are compared. This approach allows for the determination if there have been efficiencies created in the combined caseload of the two courts, and if they can be attributed to the DCC. The efficiency analysis does not compare the DCC to the VPC.



- **Pre-DCC = Total VPC cases 4 years prior to DCC opening**
- **Post-DCC = VPC + DCC cases 3.5 years since DCC opened**

The key efficiency measures in this analysis are the average number of appearances per concluded court case and the median time to disposition of a court case. These are the two standard efficiency measures in the justice system consistently reported on by the ministry. These are also commonly used national and international metrics for criminal justice efficiency, and reported on by the Canadian Centre for Justice Statistics.

Efficiency results speak to timely processes that provide assurance to citizens that the justice system is able to resolve problems within a reasonable amount of time and with reasonable resources. Timely resolution of criminal matters allows communities and victims to see justice done, and offenders to see the consequences of their offending behaviour sooner. Timely justice provides for the right of the accused to have his or her guilt or innocence determined in a timely manner. Delays undermine public confidence in the justice system.

Independent Review of Methodology and Results

The research approach was reviewed by Malatest and was confirmed as a valid design that allows for the examination of the extent to which apportioning caseload from the VPC to the DCC created efficiencies in the combined caseload. The methodology in this report does not measure whether the DCC handles the cases it took from the VPC more efficiently than the VPC would have, had they stayed there, or if the VPC became more efficient, less efficient or stayed the same during the evaluation period. The evaluation approach does not allow for the determination of impacts of any particular feature of the DCC model on efficiency results. Appendix 3 contains the external review of the efficiency evaluation methodology.

The independent review also considered the efficiency results and noted that differences in efficiency trends between the pre-DCC period and post-DCC period were the result of factors other than the DCC. Malatest indicated that these other factors could be (partially) controlled through statistical techniques. Regression analysis was completed by Malatest, controlling for factors such as type of offence, case complexity, type of appearance, case volume and availability of judicial resources. The regression model description and its results are contained in Appendix 4.

In addition, researchers from Malatest completed a fidelity assessment to determine if the DCC was implemented and operated as originally conceived, and how the final evaluation results relate to the project as it is now. The results of the fidelity assessment are provided in Appendix 5.

Data Sources

Several lines of evidence were used for the justice efficiency evaluation contained in this report. The research activities are as follows:

- JUSTIN (Court and Crown counsel modules) and CORNET administrative data extract and analysis;
- document review; and
- key informant interviews.

JUSTIN and CORNET are the two operational data sources used in the Ministry of Justice by the Criminal Justice Branch, Court Services Branch and Corrections Branch. They were relied on for data for the DCC efficiency evaluation. Measures taken to ensure data reliability for this evaluation include applying defined procedures for data recording, extraction, verification and analysis. To the extent that there are some unavoidable data limitations, this is likely a systemic factor that equally affects all court locations over time, including the DCC. Any data that were deemed unreliable, invalid or deficient were not used in this report.

A review of program documentation and interviews with key DCC personnel were important to assess adherence to the original design of the DCC model and its implementation plan. This information provided context for the interpretation of the trends in efficiency measures.

Definitions

The following definitions are provided to further assist the reader:

- Provincial Court Criminal Case
One accused person with one or more charges identified in an Information (a police-sworn document filed with a court registry) or another initiating document that has led to at least one court appearance in the Provincial Court of BC. These charges can be *Criminal Code*, *Youth Criminal Justice Act*, as well as other federal or provincial statutes. This does not include traffic or municipal by-laws, which are normally reported separately. A charge resulting from breach of an existing court order is recorded as a new court case in most instances; however, it continues as the existing court case in other instances; e.g. a breach of a Conditional Sentence Order. All mentions of 'case' in this document refer to this definition, unless otherwise stated.
- Provincial Court Criminal Completed Case
One accused person with a final disposition recorded against all of the charges on the Information or ticket. Cases with an outstanding bench warrant issued are not counted as completed cases.

- Provincial Court Criminal Appearance

A date where there is a court activity scheduled on a case for a specified reason (e.g., first appearance, judicial interim release, plea, preliminary inquiry, trial, sentencing, etc.). A scheduled appearance, even if the accused is absent or where the matter is purely administrative in nature, is counted as an appearance. The appearance does not need to be in a courtroom before a judge; it may take place at a desk or a court registry before a Court Services Justice of the Peace, or via phone or video conference with a Judicial Justice. All court appearances require ministry and judicial resources, in varying amounts.

Overview of DCC Caseload

This section provides some factual information about the DCC to set the context for the efficiency analysis in the sections that follow.

Annually, approximately 28% of the combined DCC-VPC caseload originated in the DCC designated area in downtown Vancouver, and exceeded 4,700 cases in 2010-2011 (Table 1). As expected, the DCC experienced a gradual growth of caseload after opening. Between years two and three of the DCC operation, the number of new cases from the DCC area increased by almost 1,200 or approximately 30%; at the same time there was a reduction in new cases in the VPC area of approximately 500 or less than 5%.

The DCC cases are those offences, except for most serious ones, that originate in the designated DCC area and where Crown counsel decides to proceed summarily. This includes hybrid *Criminal Code* offences, as well as provincial statute offences. All DCC cases appear in the DCC, but not all of them conclude there. Those that require a trial are scheduled to another court location, almost always at the VPC. Before a case leaves the DCC for resolution by trial, there will have been at the minimum one appearance in the DCC.¹

Overall, for the two court locations together, there was a very gradual decrease of new cases (Figure 1)². There was a somewhat more noticeable trend of decrease in concluded cases for the two locations together (Table 2 and Figure 2).

Provincially, the criminal caseload started to decline in 2010 as a result of the introduction of the Immediate Roadside Prohibition program, which provided the police the option of processing impaired driving matters administratively rather than in the Provincial Court, thereby reducing the overall number of prosecutions entering the system.

The combined case completion rate (proportion of concluded cases to new cases coming in) does not show substantive variation over time (Figure 3). Cases are being concluded at a rate that is higher than the rate of new cases coming in. This is consistent with the provincial trend for the criminal case completion rate.

The average number of cases (files) appearing each day in the DCC ranges between 60 and 80 (Figure 4). These are new offences, as well as breaches and cases brought in for reviews, dispositions and other reasons. The average court sitting hours per day often exceed the standard court day of 4.5 sitting hours per day.

¹ Note: Data related to cases that leave the DCC, remain included in DCC-reported statistics.

² Note: The final year of information is only a partial year and is presented for review but was not considered in the analysis statements above due to its incomplete nature.

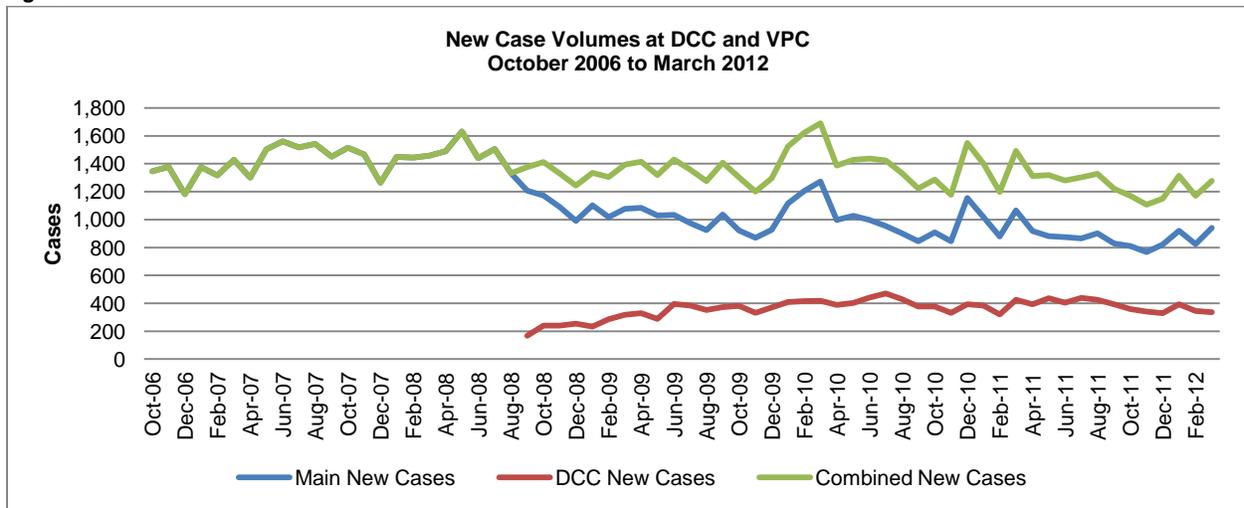
Table 1

New Cases			
Period	VPC	DCC	VPC + DCC
	New Cases	New Cases	New Cases
Oct. 06 - Sept. 07	16,900	--	16,900
Oct. 07 - Sept. 08	17,204	168	17,372
Oct. 08 - Sept. 09	12,534	3,693	16,227
Oct. 09 - Sept. 10	12,030	4,836	16,866
Oct. 10 - Sept. 11	11,136	4,724	15,860
Oct. 11 - Mar. 12	5,082	2,107	7,189
Total	74,886	15,528	90,414

Source: Courts Corin DB

Note: New case selection criteria based on the court file folder home location. Main Street = '2040'; DCC = 2042.

Figure 1



Source: Courts Corin DB

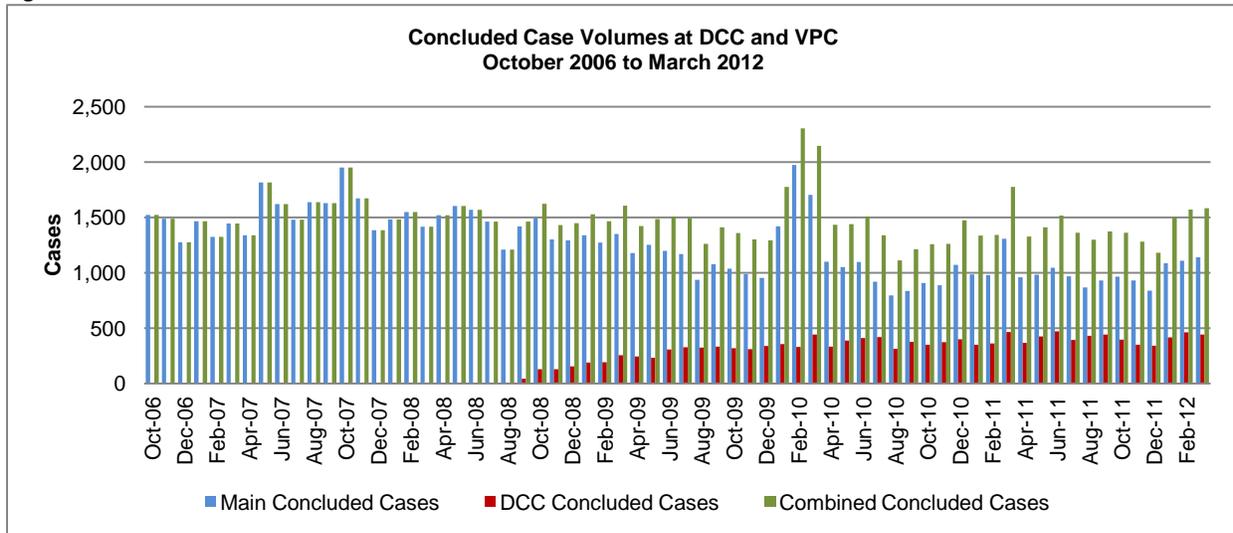
Table 2

Concluded Cases			
Period	VPC	DCC	VPC + DCC
	Concluded Cases	Concluded Cases	Concluded Cases
Oct. 06 - Sept. 07	18,049	--	18,049
Oct. 07 - Sept. 08	18,239	44	18,283
Oct. 08 - Sept. 09	14,863	2,830	17,693
Oct. 09 - Sept. 10	13,884	4,343	18,227
Oct. 10 - Sept. 11	11,898	4,844	16,742
Oct. 11 - Mar. 12	6,072	2,416	8,488
Total	83,005	14,477	97,482

Source: Courts Corin DB

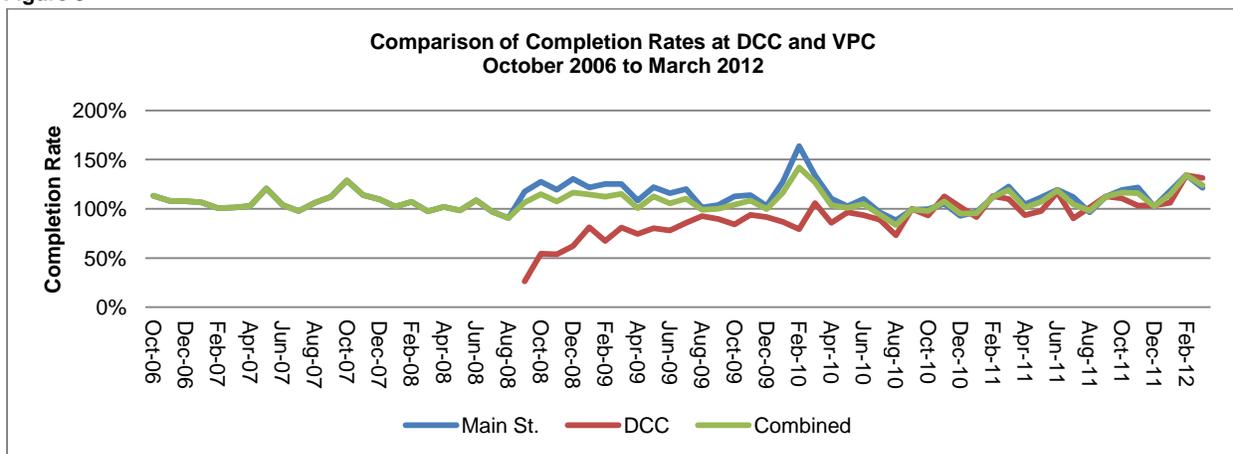
Note: Concluded Cases based on the home file folder location, regardless of where a case concluded.

Figure 2



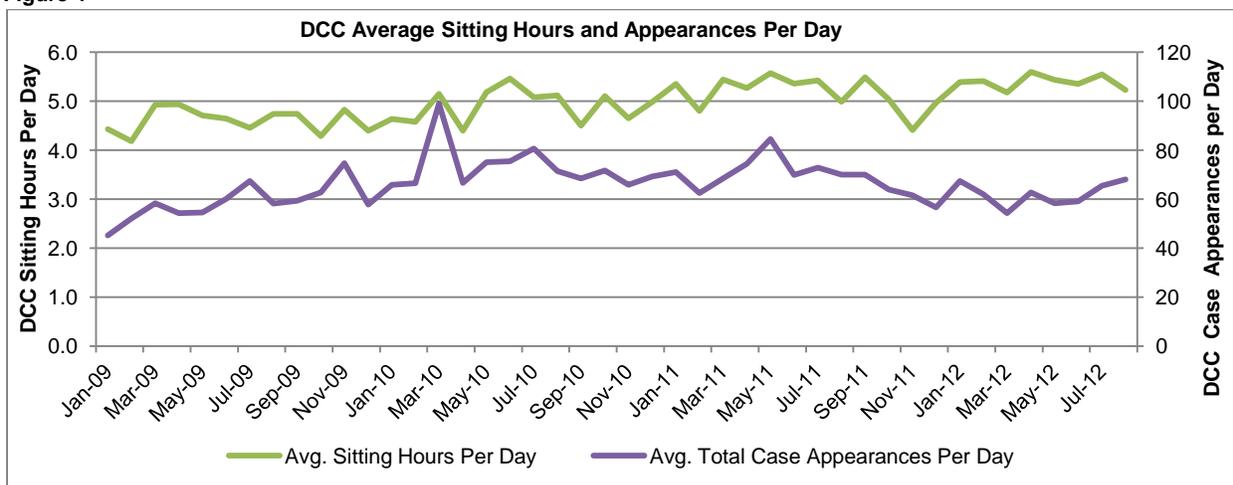
Source: Courts Corin DB

Figure 3



Source: Courts Corin DB

Figure 4



Source: Courts Corin DB

Key DCC Efficiency Findings

This part of the final evaluation speaks to the DCC results in achieving Objective 1 – to improve justice system efficiencies through co-ordinated case management practices among justice, health and social services agencies, emphasizing collaborative problem-solving approaches.

Using the evaluation approach described earlier that relies on a comparison between the combined results for DCC and VPC before and after the implementation of the DCC, Objective 1 was evaluated with the following research questions:

1. Has the number of appearances per case decreased? Why were cases adjourned?
2. Has the average time to disposition decreased?
3. Is a greater proportion of DCC matters being resolved through diversion?
4. What is the profile of cases involving judicial monitoring/progress reports?
5. Has the backlog been reduced? Is the age of pending cases shorter?
6. Are fewer trials being scheduled? Has the trial scheduled rate decreased?

Statistical data supporting the figures in this chapter is available for reference in Appendix 6.

1. Has the number of appearances per case decreased?

Indicators:

- Number of appearances per case for three cohorts: DCC, VPC, DCC+VPC

Background:

The average number of appearances per concluded court case is a standard court efficiency measure on which the Ministry of Justice relies, along with median time to disposition.

The DCC was expected to conclude cases with fewer appearances than would have been required had the cases resolved in a traditional court.

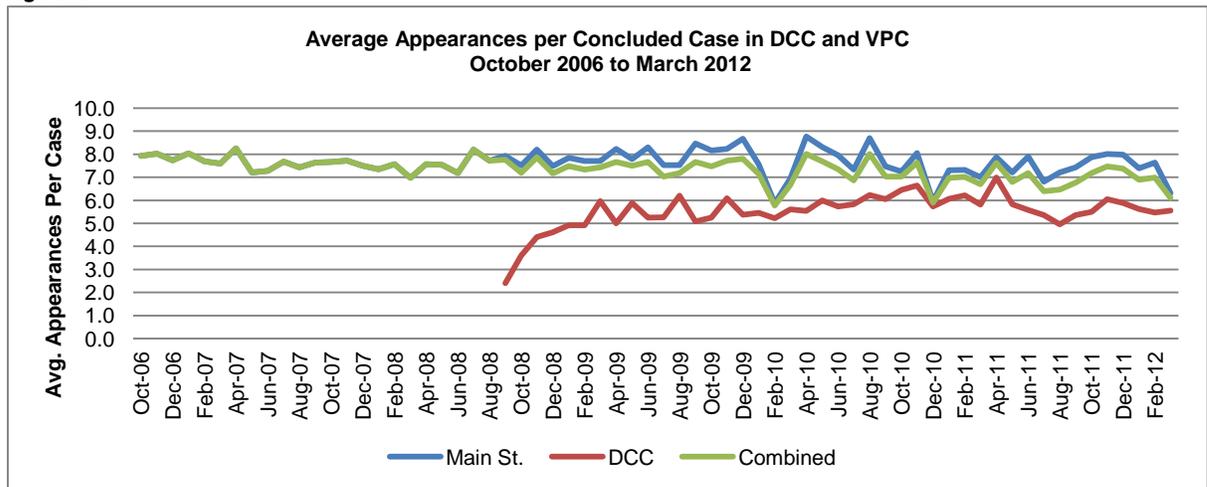
Elements of the unique DCC model anticipated to facilitate improved efficiency include in-house defence counsel, a specific roster of duty counsel and consistent court staff and judiciary. The court's integrated approach is intended to provide timelier and better information about offenders' history and circumstances to inform counsel and, if appropriate, the court. It is expected that court cases would proceed more quickly with fewer appearances and that sentences would be better informed to manage offenders effectively in the community, contributing to the court's efficiency.

Results:

For the combined DCC and VPC workload, the average number of appearances per concluded case has been gradually decreasing (Figure 5). This trend was observed in the pre-DCC period leading to the DCC implementation and continued throughout the post-DCC implementation period.

The downward trend in the average number of appearances per concluded case in the total workload (i.e., improvement in efficiency) was found to be statistically significant (Appendix 4). This means that the decrease is different and consistent enough to be statistically identified. However, the introduction of the DCC did not negatively or positively affect the decreasing trend in the average number of appearances. In other words, factors other than the implementation of the DCC account for this trend (see Appendix 4 for the results of the regression analysis).

Figure 5



Source: Courts Corin DB

2. Has the median time to disposition decreased?

Indicators:

- Median length of time from Information swearing to case conclusion, for three cohorts: DCC, VPC, DCC+VPC. Note: The DCC cohort includes DCC files that had an appearance(s) at the VPC or at the Justice Centre.

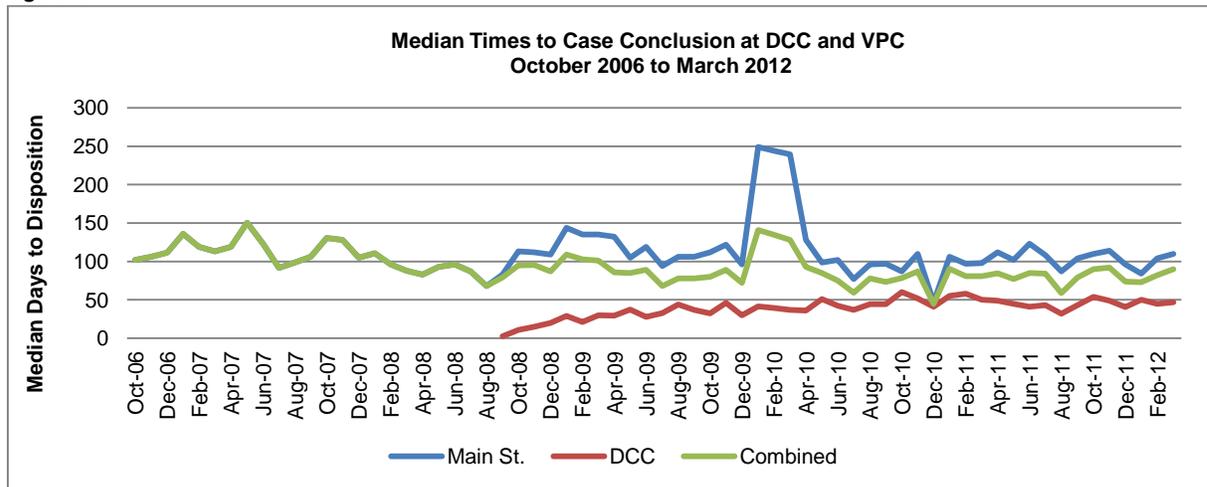
Background:

The median time to disposition, along with the average number of appearances per concluded case, is a key justice efficiency measure. The approach applied to the data analysis in this section is consistent with that in the preceding section.

Results:

The median time to disposition for the two courts together has been decreasing over time, both pre- and post-DCC implementation (Figure 6). This trend is statistically significant. The DCC, however, was not found to be a significant contributor to that decrease (see Appendix 4 for the results of the regression analysis).

Figure 6



Source: Courts Corin DB

Note: Time to disposition based on the time between information swearing and case conclusion.

3. Is a greater proportion of DCC matters being resolved through diversion?

Indicators:

- Number of referrals to alternative measures from VPC, DCC, and VPC+DCC
- Number of completed alternative measure with full compliance from VPC, DCC, and VPC+DCC
- Number of alternative measure admissions to Community Corrections offices associated with VPC, DCC and VPC+DCC

Background:

Alternative measures are intended to manage low-risk offenders in a more appropriate and cost-effective manner. Alternative measures can be the appropriate and effective way to address harm done to the community and allow low-risk offenders to accept responsibility for their criminal conduct and make reparations to the community and victims without increasing risk to the community. Moreover, resolving more matters with alternative measures in the DCC, where appropriate, is expected to take up less court time and have an impact on the efficiency of the DCC. It should be noted that some alternative measures involve court appearances; the impact of these court cases on efficiency is included in the analysis of court appearances, time to disposition and backlog.

The operational emphasis on resolving court matters through alternative measures in the province grew after 2002, but it varied among court locations. The DCC put in place operational processes and resources to facilitate increase in the number of matters resolved by alternative measures. In addition, in October 2010, the Criminal Justice Branch revised its provincial Alternative Measure Policy to increase the flexibility of Crown counsel to refer matters into alternative measures.

Coincidental with the policy changes, the ministry implemented a pilot project in a number of Crown counsel offices to increase the number of low-risk matters resolved by alternative measures, as opposed to by court. The pilot was intended to promote proportionate response to criminal behaviour and reduce pressure on court resources. While the DCC was not among the pilot sites, the evaluation methodology and conclusions of the pilot informed the alternative measures analysis in this report.

Results:

There has been a substantial increase in the number of persons referred to alternative measures from the VPC and the DCC combined, whether at the charge approval stage or later from court (Figure 7). The increased number of referrals, however, is not a reliable outcome measure as some referrals are not supported by Corrections and not all supported ones lead to alternative measures agreements. An individual who signs an alternative measures plan may be non-compliant, partially compliant or fully compliant. While it is generally accepted that outcomes are better reflected in the number of fully compliant alternative measures plans, some individuals may complete much of their community work service and, hence, be partially compliant with their alternative measures plan. In the DCC, many individuals cope with complex problems and have a history of criminal behaviour; a partial compliance outcome may still be a benefit to these offenders and may satisfy Crown counsel.

The number of full compliance alternative measures increased in 2010, but declined thereafter and slightly exceeded 200 in 2012 (Figure 8). This is close to the volume of alternative measures at the VPC prior to the implementation of the DCC. When all partial compliance alternative measures are added, the number increased by 28. These results do not include referrals to the Aboriginal Transformative Justice Program.³

Although the combined DCC-VPC number of alternative measures increased only somewhat over time, the court from which they originated and the probation office to which they proceeded did change. Almost all alternative measures now originate from the DCC and proceed to the DCC Community Corrections office; the numbers of alternative measures from the VPC proceeding to the Vancouver Court Community Corrections

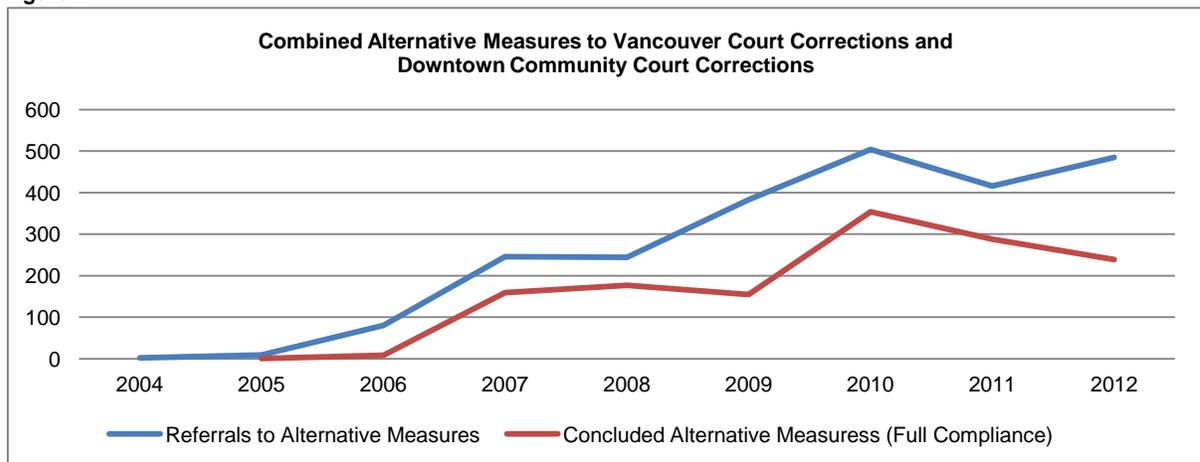
³ Note: Outcomes of the Aboriginal Transformative Justice Program – a contracted service provider – are not tracked in JUSTIN or Cornet at this time. Only referrals information is available and not alternative measures plans. Because the number of referrals in 2012 was 65, and in 2008 was 70, the net impact of this program was assumed to be neutral.

drastically declined following the implementation of the DCC in 2008 (Figure 8). This is because the nature of offences from the geographic area now within the DCC jurisdiction makes them appropriate for diversion away from the criminal court.

Admissions of persons with alternative measures to the Community Corrections offices throughout Vancouver followed a similar pattern (Figure 9). Other Community Corrections offices experienced an increase in admissions similar to that experienced by the DCC Community Corrections during the relevant period.

Over time, there has been little variation in the number of persons concluded by full compliance alternative measures, as well as in the number of persons proceeding in court in the Vancouver Region (Figure 10); this is also true for the province overall.

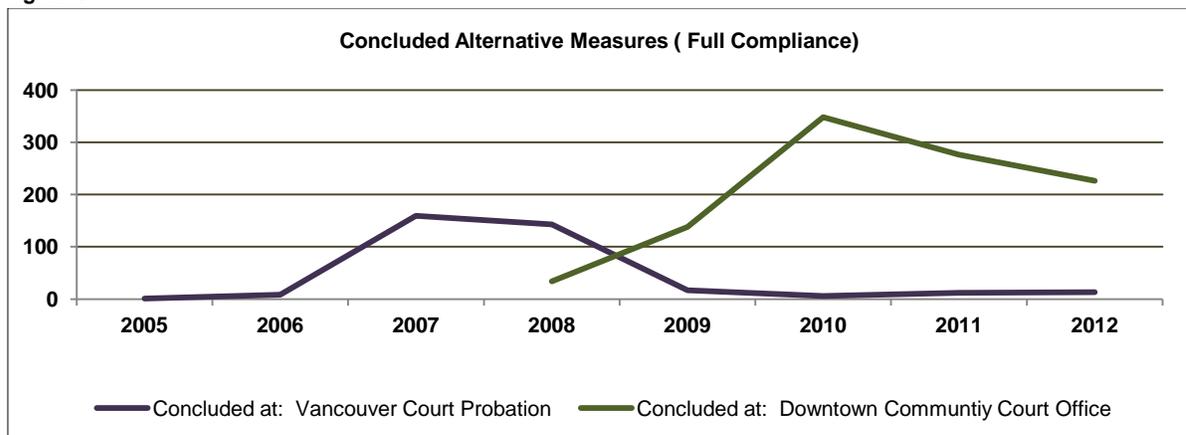
Figure 7



Source: JUSTIN Crown Counsel Module

Note: Graph does NOT include referrals to Vancouver Aboriginal Transformative Justice Services

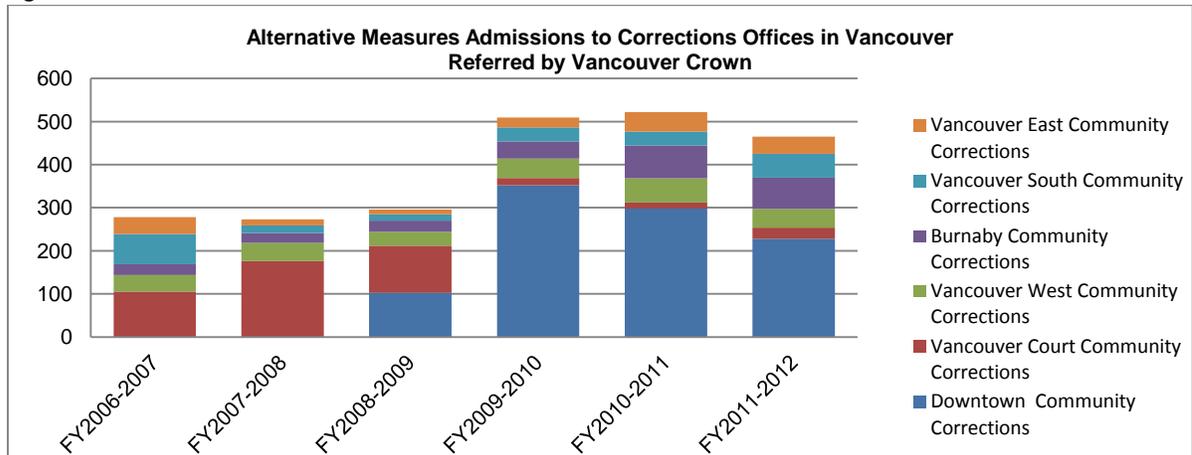
Figure 8



Source: JUSTIN Crown Counsel Module

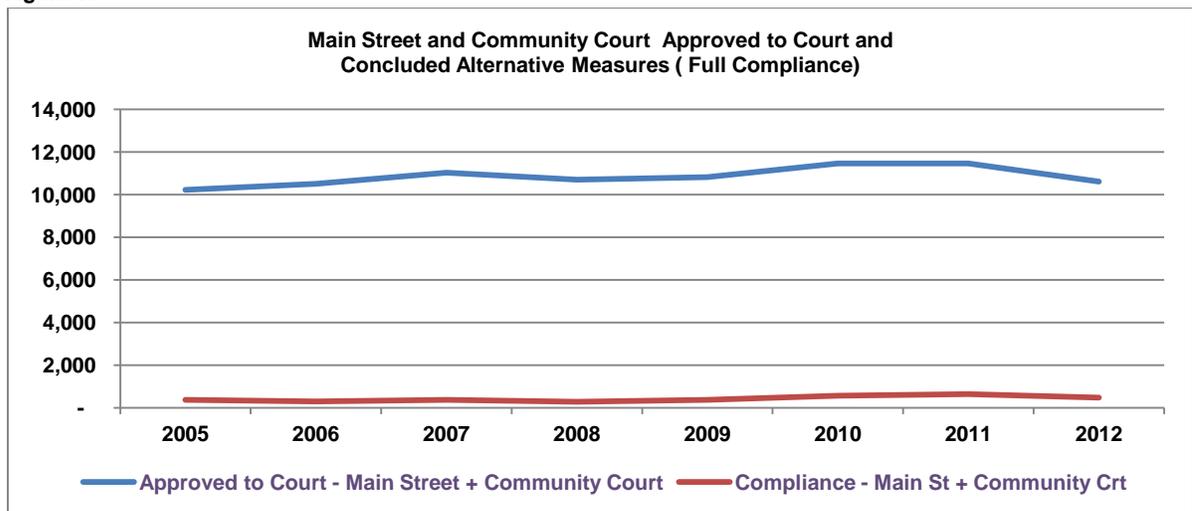
Note: Graph does NOT include alt. measures completed in Vancouver Aboriginal Transformative Justice Services

Figure 9



Source: CORNET

Figure 10



Source: JUSTIN Crown Counsel Module

4. What percentage of cases involves post-sentence appearances?

Indicators:

- Proportion of cases with appearances after the case was deemed concluded (e.g., next appearance reason that is recorded in JUSTIN is for “Review”)

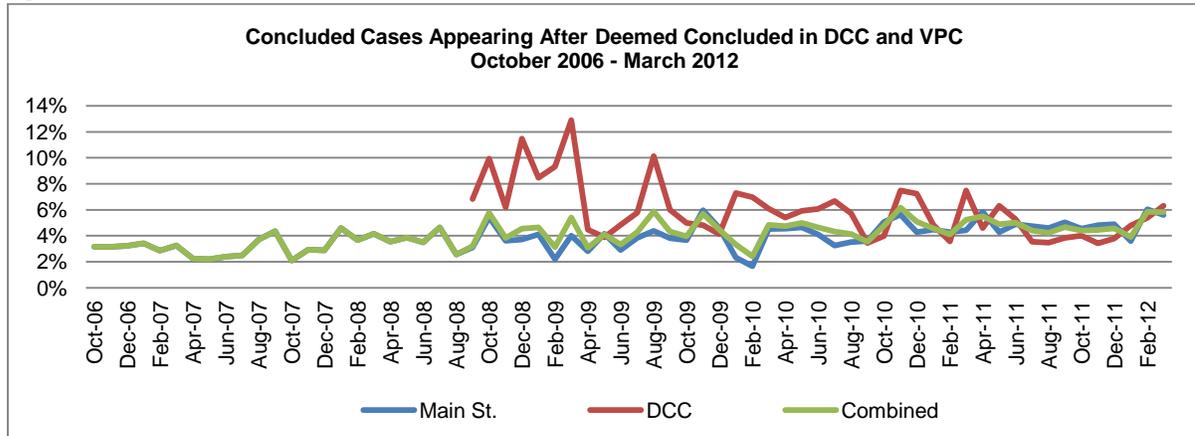
Background:

Post-sentence court appearances by offenders occur in both traditional court and the DCC. Although intended to improve offender accountability, court appearances of already sentenced offenders may also potentially impact efficiency results by raising the number of appearances.

Results:

Although initially frequent, post-sentence appearances have decreased substantially in the DCC over time, and their proportion in the most recent years is comparable to that at the VPC. The combined data for DCC and VPC reveals a slight upward trend of cases with post-sentence appearances.

Figure 11



Source: Courts Corin DB

Notes: Concluded cases with a sentence where the most serious sentence was not "OM - Order Made". "Deemed concluded date" is based on the minimum appearance date on sentenced cases where the appearance result was "END" and not 'OM'. Cases with an appearance greater than the deemed concluded date were counted in this group.

5. Has the backlog been reduced? Is the age of pending cases shorter?

Indicators:

- Volume of pending court cases
- Age of pending court cases
- Next Available Trial Date Survey results from the Office of the Chief Judge

Background:

The number of pending cases is indicative of future demand on the system; this is the number of court cases with a scheduled next appearance. The Immediate Roadside Prohibitions program introduced in September 2010 contributed to that trend because it resulted in fewer impaired driving cases being submitted to Crown for prosecution through criminal court.

Trial scheduling delays (length of time from when a case is scheduled for trial to the date when the trial is to occur) are also indicative of the health of the system. Reasonable access to trial is the right of the accused and is in the society's interest.

Although the DCC is not a trial court, the question is whether the removal of cases from VPC to the DCC altered the trial delays at the VPC.

Results:

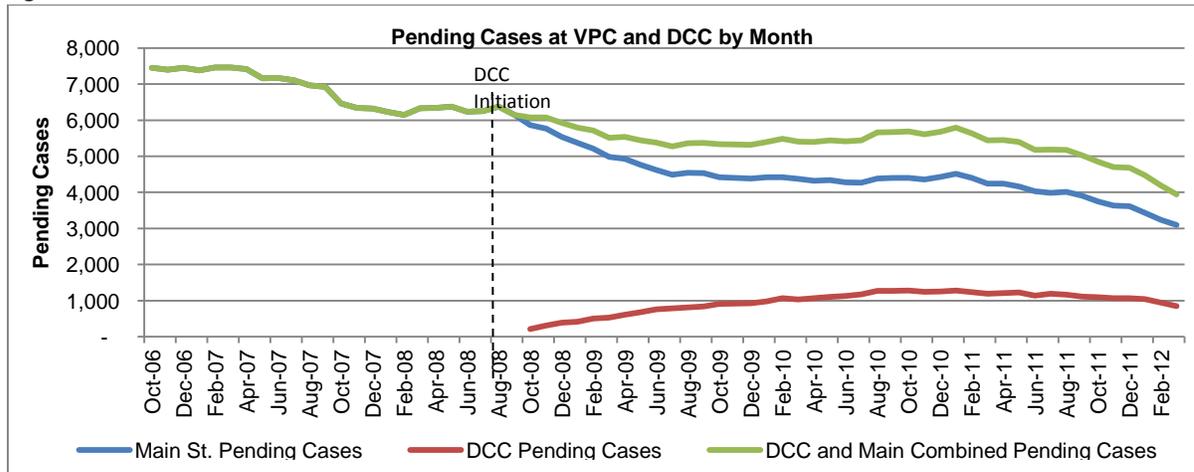
When looking at the two court locations together, the number of pending cases has been decreasing over several years (Figure 12).

The age of pending cases at the two court locations together has not been decreasing at the same rate (Figure 13). The age of DCC cases has been increasing and more recently is approaching that of VPC cases. A closer examination of the DCC cases shows that the older DCC cases are those either waiting for a trial date or already scheduled for trial at the VPC.

The time to trial at the VPC has been increasing, with trials that require two or more days being scheduled 14 months ahead and trials of half days scheduled 12 months ahead (Figure 14).

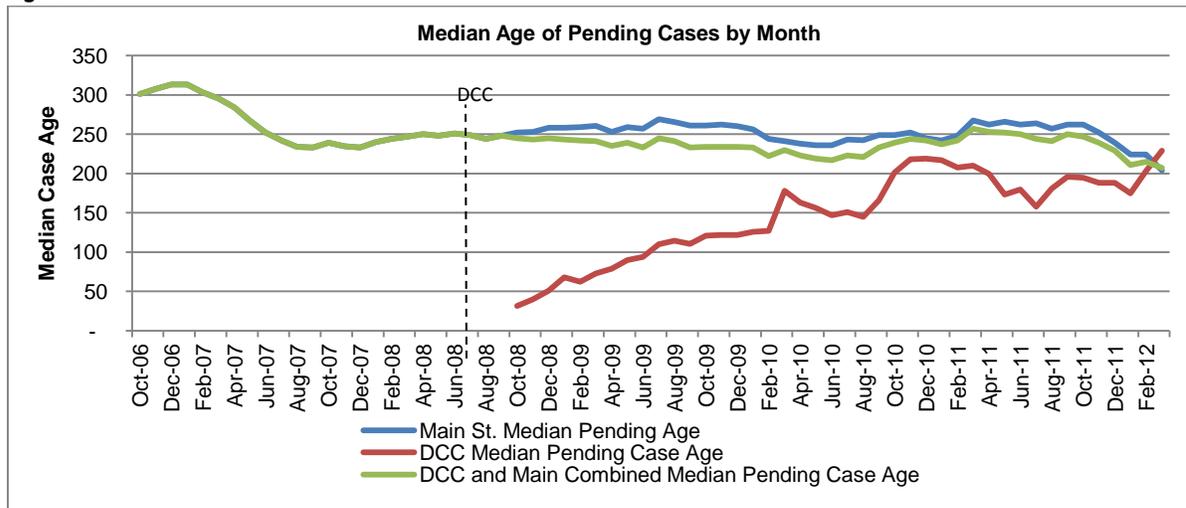
Since March 31, 2012, when the DCC evaluation period ended, the trial delays have been decreasing in the province, with trials requiring two or more days of court time being scheduled eight months ahead and trials of half days being scheduled six months ahead most recently. Both of these delays are within the Office of the Chief Judge standards for trial delays.

Figure 12



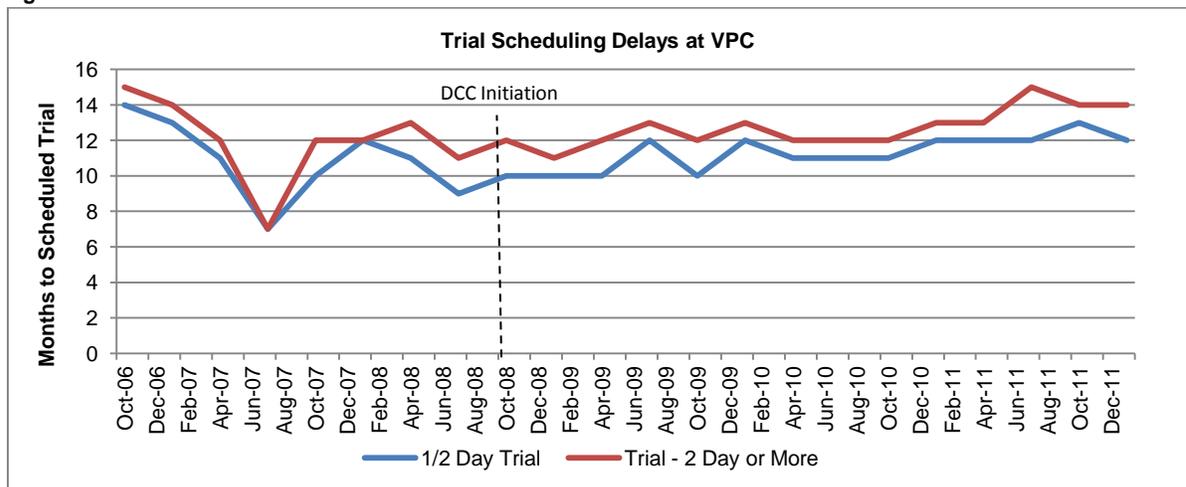
Source: Courts Corin DB

Figure 13



Source: Courts Corin DB

Figure 14



Source: Office of the Chief Judge - Next Available Date Survey

6. Are fewer trials being scheduled? Has the trial scheduled rate decreased?

Indicators:

- Trial scheduled rate for DCC + VPC cases, compared to pre-DCC volumes

Background:

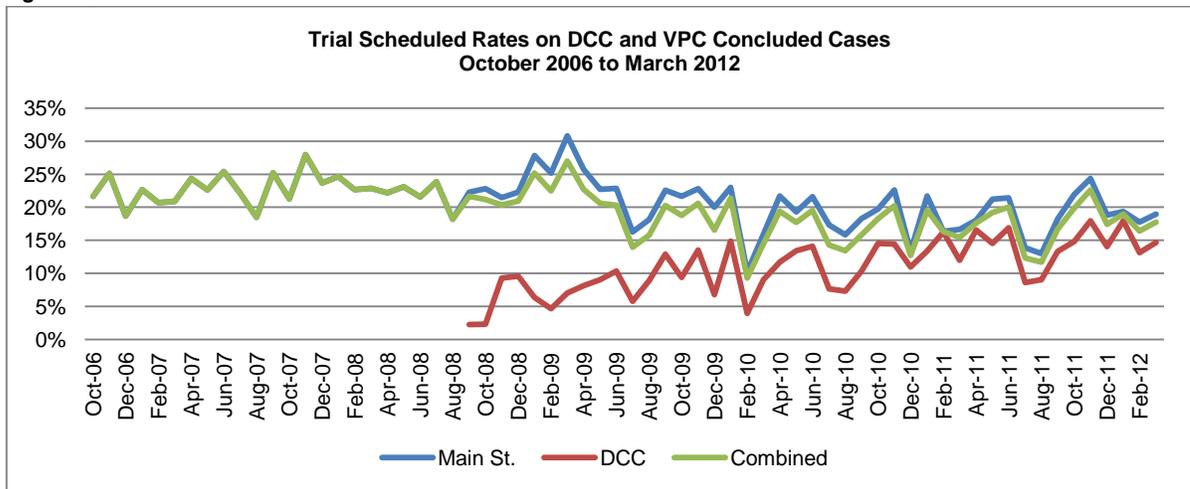
A trial scheduled rate is indicative of the focus of process and resources on trials. A trial scheduled rate may potentially be influenced by a number of causes, such as a decrease in the volume of cases in the system or more files resolving early and without a trial. There has long been a concern about the impact on the court system of cases that are scheduled for trial, but ultimately resolve without a trial.

Provincially, the vast majority of cases (around 80%) resolve without a trial date being scheduled, and fewer than 20% of cases conclude with a trial appearance scheduled. As stated previously, although the DCC is not a trial court, the implementation of the DCC may impact VPC trials.

Results:

The trial scheduled rate for the combined workload of the two court locations is decreasing. The trend has continued from the pre-DCC period (Figure 15). The rate for summary conviction cases originating in the DCC has climbed over time, but is below that for VPC cases.

Figure 15



Source: Courts Corin DB

Note: Trials scheduled based on concluded cases that had at least one appearance scheduled for "FT", "CNT", "PI" or "HR".

Fidelity Assessment Results

Since the implementation of the DCC in 2008, some aspects of the DCC model have evolved, largely in response to operational challenges and to innovations in court and service delivery. The DCC is dynamic in nature, as necessitated by the sheer magnitude of variables that drive its workload and an extensive range of operational issues that arise with the integration and collaboration of 14 agencies and more than twice that number of external stakeholders. Understanding the extent of the changes to the DCC model as it was at implementation is important when considering the evaluation results.

The fidelity assessment provides a method to compare the model as it was originally conceived and implemented to the DCC as it is now. Lack of awareness of the changes to the project can lead to a mistake in concluding that the intervention is ineffective when, in fact, it was not implemented in full or as intended, or substantive modifications were made, thus changing the intervention. The assessment can also inform about how the final evaluation results are relevant to the project as it is now.

The fidelity assessment was conducted by Malatest. The assessment methodology involved comparing the original DCC model as described in available documents and comparing it to the DCC model as described through interviews with 11 individuals currently working in the DCC. The full report is provided in Appendix 5. The following are the key findings of the assessment:

- The interviewees reported their impressions of the relative proportion of types of cases seen at the DCC as being different than they expected, and perhaps different than originally expected: drug possession charges are infrequent; domestic violence cases are proportionally high; violent crimes are also proportionally high; contested bail hearings were not originally included but are now heard at the DCC; and there seem to be more in-custody appearances in the DCC. These are impressions that have not been tested against the data.
- The number of individuals and daily number of court cases seen at DCC exceeds pre-implementation expectations.
- Triage was envisioned to be a signature feature of the DCC and was to involve justice, social, health and other related staff gathering and sharing relevant information about the accused. Over time the number of members and organizations present in the triage meeting has diminished, but their participation in information sharing and collaboration for needs assessment and intervention both at the pre-triage meeting and after remains high.

- The assertive Case Management Teams (CMT) have been reconfigured: the teams now include a Chronic Offender Management Team, which serves offenders identified as at risk for reoffending by the Vancouver Police Department.
- There has been a revitalization, not so much a change, of the Mental Health Program (accused with mental health challenges managed “assertively” while on bail in the community). Some CMT members are now dedicated to the Mental Health Program.
- The DCC remains committed to the principles of timeliness, integration and connection. Attributes include: court date set within 10 business date from arrest; triage, which emphasizes information sharing; defence counsel services provided in-house, offender case planning; document processing timeliness; assertive offender supervision by CMTs; and same-day community work service placement.
- As envisaged, the referrals to Alternative Measures are reported as high.
- The degree to which the DCC remains committed to its community engagement objective as envisioned in the original model was not determined based on the interviews.

Observations and Conclusions

The DCC pilot was implemented in September 2008 to test a new integrated service delivery model for justice, health and social services that is different from the traditional court. Evaluation is a fundamental component of the DCC project intended to determine the following:

- Is the DCC more efficient?
- Is the DCC producing better outcomes for offenders, including improved recidivism rates?
- Is the DCC engaging with the community it serves?

The final DCC evaluation is being delivered in three research streams corresponding to the three questions above. This report addresses the DCC efficiency results.

Efficiency speaks to the timeliness of criminal case management in the DCC and the hope of leading to a more effective use of resources. The DCC is testing a new way of processing criminal cases, aided by information from justice, health and social service agencies. The DCC deals with cases that previously would have gone to the VPC and the expectation was that efficiencies in the DCC would lead to freed-up capacity at the VPC, making it available for reallocation elsewhere.

To determine efficiency outcomes in the DCC, without readily available comparisons, this study analyzed trends in efficiency measures at the VPC before the DCC implementation and compared them to the trends for the combined caseload of the DCC and VPC after the DCC implementation. This approach examined whether the efficiency trends in the post-DCC implementation period were significantly different from those in the pre-DCC implementation period, and if the difference was due to the DCC. The methodology did not permit to explore whether any of the specific features or processes in the DCC model made the difference.

The following are the findings of the DCC efficiency analysis:

1. The key efficiency measures — the average number of appearances⁴ per concluded cases and median time to disposition — have been improving, however the trend began prior to the DCC implementation. Although the trend continued following the introduction of the DCC, it was determined through a statistical analysis that the introduction of the DCC did not affect the trend.

⁴ As defined on Page 10, court appearances include administrative appearances, by phone or video, as well as in the courtroom.

2. With the launch of the DCC, matters suitable for diversion shifted away from the VPC and are now almost entirely dealt within the DCC. Although initially increasing, alternative measures have been decreasing since 2010. In 2012, alternative measures in the DCC were slightly higher than they had been in the VPC alone prior to the DCC implementation. Overall, when considering the expansion of eligibility for diversions and also taking into account partial compliance alternative measures, there have been slightly more individuals diverted away from the criminal court.
3. Initially higher, in 2012 the proportion of cases with post-sentence appearances in the DCC was the same as in the VPC. Over time at the two courts together, there has been a somewhat increasing trend in the proportion of these cases, possibly adding appearances.
4. Pending cases (scheduled to court) have been decreasing in the VPC and in the two court locations together have after the DCC implementation, consistent with the provincial trend, which likely results from fewer new cases coming into the system due to the alternative administrative process – the Immediate Roadside Prohibition Program – now utilized by police for most impaired driving matters. The age of pending cases has been increasing in the DCC. Based on pending cases, backlog in the two court locations together is consistent with the provincial trends and there is no clear indication of the DCC's impact.
5. Trial delays – another backlog indicator – had been increasing at the VPC, which is also the trial court for DCC cases, during the evaluation period. Provincially, after the evaluation period, the trial delay trends have improved and are now within the Office of the Chief Judge standard.
6. The trial scheduled rate – an indicator of the focus of process and resources in the system on trial – has been decreasing over time. This is in spite of the increasing trial scheduled rate for summary conviction cases originating in the DCC that is now approaching the rate in the VPC.

As expected based on the DCC model, a portion of the VPC criminal caseload is now processed in the DCC. The DCC has been dealing with a heavy workload, beyond what was originally envisaged in the planning phase. The daily average number of court cases in the DCC courtroom ranged between 60 and 80 in the evaluation period. Some VPC resources, such as an additional Crown counsel and court registry clerks, are now assisting to support the DCC caseload.

There have been a number of changes to the DCC model. Significantly, all contested bail hearings for DCC cases are now scheduled in the DCC, contributing to the DCC workload. Other changes have been introduced in response to operational challenges and innovations in court and service delivery. These include modifications to the triage process, which now involves pre-meeting sharing of written information, informal consultations and a scaled down

triage meeting among some agencies. The DCC staff has developed proficiency in their communications with each other, and their respective organizations, which contributes to information sharing and planning. Triage – the key feature of the DCC model to inform early case resolution and planning for offenders – is not practiced as originally conceived, but has evolved.

The heavy workload in the DCC and the challenges associated with managing it, along with changes to the DCC operations may have contributed to the challenge of achieving efficiencies.

The staff and personnel in the DCC remain committed to the DCC original principles. Beyond efficiency in processing criminal cases and community engagement, these include better outcomes for offenders and improved recidivism rates, which have yet to be reported on.

Appendix 1: DCC 2010 Interim Evaluation Results

The Interim Evaluation Report completed in September 2010 analyzed the initial 12 months of the DCC's operation, from October 2008 to September 2009.

The DCC dealt with 2,000 accused and 3,600 criminal cases. Approximately 1,300 offenders concluded 2,300 criminal cases in the DCC. Prior to the implementation of the DCC, criminal cases from the area would have proceeded at the Vancouver Provincial Court at 222 Main Street. The volume of new criminal cases at the Vancouver Provincial Court decreased by approximately 28 per cent or 4,700 cases and the number of concluded cases decreased by 17 per cent or 3,100 cases, in the first year of the DCC operation.

Close to 800 individuals were referred to information sessions on substance abuse management, mental health, life skills and nutrition offered by Vancouver Coastal Health. Many of them were referred to other programs for continued support. Approximately 400 were interviewed by BC Housing staff and of that number over 200 were successfully housed. Some 170 individuals experiencing mental health problems were seen by a forensic psychiatric nurse and 60 by a psychiatrist.

Over 180 offenders with the most serious health and social challenges were managed by the court's integrated case management teams.

Many offenders in the DCC were required to perform community work service and together completed 7,560 hours of work. A number of organizations in Vancouver work with the DCC to provide opportunities for offenders to fulfil their community work service requirements, including RainCity Housing, Lookout Emergency Aid Society, Portland Hotel Society, Gallery Gachet, Gathering Place, First United Church and Salvation Army.

The DCC collaborates with a number of community organizations. Elizabeth Fry Society of Greater Vancouver operates a court support program where volunteers assist offenders in the DCC. Family Services of Greater Vancouver provides a financial literacy program in the DCC. Watari Youth, Family & Community Services provide the services of a system negotiator to help with mental health assessment and planning for offender management in the DCC. Several businesses in Vancouver provide contributions to support the DCC. The Cambie Malone's Group of restaurants donates bagged lunches twice a week.

The Insurance Corporation of BC provided funds for lunches for the DCC offenders. Bean Around The World Coffee donates coffee and baked goods once a month. TELUS has donated over 500 "comfort kits" (soap, shampoo, a comb, deodorant, toothpaste, a toothbrush and soap) each year for community court clients attending onsite programming. Home Depot, Costco and Dan-D Foods provided other donations to the DCC.

Appendix 2: Justice Efficiency Evaluation Matrix

Streamlined Efficiency Measures for DCC Evaluation

Developed and approved by the DCC Evaluation Working Group

Reviewed by R. A. Malatest & Associates Ltd.

November 5, 2012

Objective 1: To create a more efficient court

Questions	Indicators	Data Source	2010	2012
1. In what way has the original DCC operational plan been changed and why?	<ul style="list-style-type: none"> Key elements of the model at implementation Key changes and rationale 	Interviews	√	√
2. Has the number of appearances per case decreased? Why are cases adjourned?	<ul style="list-style-type: none"> Number of appearances per case for three cohorts (DCC, VPC, DCC+VPC) Reasons for adjournments (from court observations) 	JUSTIN; Court observation	√	√
3. Has the average time to disposition decreased?	<ul style="list-style-type: none"> Average length of time from first appearance anywhere to disposition in DCC, for DCC cases concluded in the DCC (as an example, this could include DCC files that had a bail appearance at 222 Main St. or at the Justice Centre) 	JUSTIN	√	√
10. Is a greater proportion of DCC matters being resolved through diversion?	<ul style="list-style-type: none"> Number of all types of alternative measures in DCC <ul style="list-style-type: none"> Number of caution letters/no charge Number of alternative measures agreements/ no charge Number of alternative measures agreements/ with charges % of all stays associated with alternative measures 	JUSTIN, Crown Module CORNET	In part	√
12. What is the profile of cases involving judicial monitoring/progress report?	<ul style="list-style-type: none"> Proportion of cases with appearances after sentence was pronounced for REVIEW (i.e., next appearance reason that is recorded in JUSTIN) Characteristics of these cases (e.g., type of sentence, type of offence, offender's needs/CRNA/criminal history) Frequency—number of REVIEW appearances for each case (i.e., reasons for appearance that are recorded in JUSTIN) 	JUSTIN CORNET	In part	√
13. Has the backlog been reduced? AND/OR Is the age of pending cases shorter?	<ul style="list-style-type: none"> Volume of pending court cases Age of pending court cases Next Available Date survey results from OCJ? 	JUSTIN		√
14. Are fewer trials being scheduled? OR Has the trial schedule rate decreased?	<ul style="list-style-type: none"> Trial schedule rate - DCC cases + Main St. cases combined compared to pre DCC volumes (methodology to be finalized) 	JUSTIN		√

Appendix 3: External Review of the DCC Efficiency Evaluation

by R.A. Malatest & Associates Ltd.

External Review of the DCC Efficiency Evaluation

Introduction

Vancouver's Downtown Community Court (DCC) was launched in September 2008 in an effort to deal with inefficiencies in the Vancouver Provincial Court (VPC), in addition to improving offender outcomes, including reduced recidivism rates and better engaging with the community. The DCC is responsible for a subset of cases that would have otherwise been served by the VPC, specifically, *Criminal Code* summary conviction offences and possession of drugs under the *Controlled Drugs and Substances Act*. The DCC serves a designated catchment area in Vancouver's downtown from the West End and Stanley Park, through the Central Business District to the Downtown Eastside. Ultimately, the goal of the DCC is to reduce crime in Vancouver's downtown area, improve public safety, and increase public confidence in the justice system.

The DCC differs from the VPC in that it takes a problem-solving approach to deal with offending behaviours of individuals including the health and social circumstances that can lead to crime. Staff from participating health and social services agencies are co-located in the courthouse and work collaboratively to support the court, victims and the accused using a problem-solving approach. The DCC model is also meant to make information about the criminal history and circumstances of the accused available to Crown and defence counsel prior to a court hearing to help identify appropriate sentencing options and effectively manage the individual in the community. Offenders with complex problems are managed by inter-agency case management teams in the DCC. It was anticipated that court cases would proceed more quickly, with fewer appearances in a DCC model relative to the traditional model.⁵

A three year evaluation plan was developed to determine if the DCC model results in more successful outcomes for victims, offenders and the community, and whether it helps the justice system operate more efficiently. An interim evaluation was completed in 2010, covering the first year of the DCC's operation. A final evaluation was to be conducted in 2012. While the final evaluation has not yet been completed, some DCC workload and efficiency measures were assessed in 2011.⁶

R.A. Malatest & Associates Ltd. was contracted as an external, independent evaluator to review the approach used in the 2011 assessment of efficiency and the DCC's impact on justice efficiency. As well, the proposed evaluation questions and indicators for the final efficiency evaluation are examined. This document presents the results of the external review.

⁵ http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/story/index.html

⁶ Ministry of Attorney General (April 23, 2011). *Downtown Community Court: Monitoring Report*.

External Review Findings

The external review focuses on the efficiency monitoring assessment and evaluation, and examines:

- Efficiency hypotheses being tested;
- Research approach/design used to test hypothesis;
- Analytic approach and conclusions;
- Program design and fidelity (i.e., intended versus actual model); and
- The proposed evaluation questions and indicators for the final evaluation.

Efficiency Hypotheses

Clearly stated hypotheses (or evaluation objectives) guide the methodological approach/research design used in examining program/project outcomes. One of the stated objectives of the DCC is to create a more efficient court; therefore, the basic evaluation objective or hypothesis is to determine whether or not the DCC is an efficient court model. However, what is missing from the statement is “efficient relative to what?”

The DCC was introduced in response to inefficiencies noted in the VPC relative to other BC Provincial Courts. Essentially, the DCC removed a portion of the caseload from the VPC in an attempt to improve efficiencies within the caseload overall, leading to the following hypothesis:

Efficiency Hypothesis 1: The DCC creates greater efficiencies in the VPC overall.

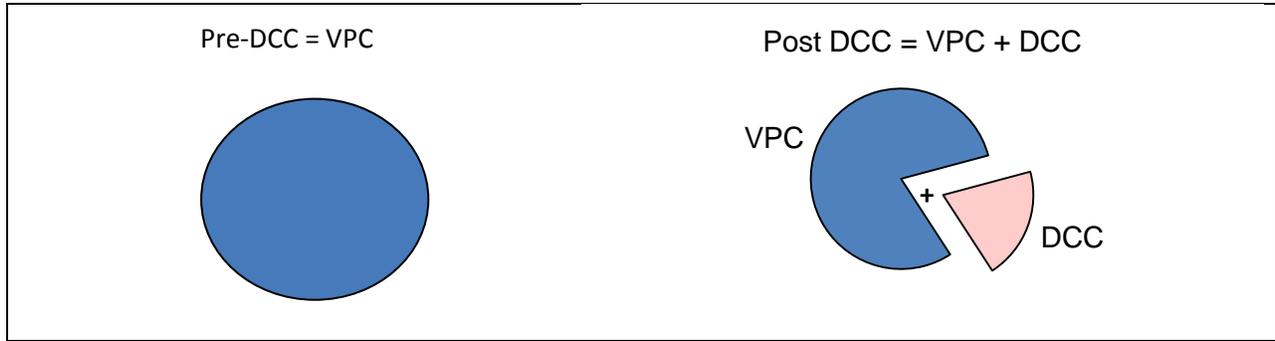
In addition, the DCC is thought to be a more efficient alternative for dealing with the type of caseload apportioned to it than the VPC, a more traditional provincial court. Therefore, the second hypothesis related to efficiency is:

Efficiency Hypothesis 2: The DCC model processes its workload more efficiently than it would have been processed in the VPC location.

Research Design

In order to assess efficiency and the two hypotheses, outcomes of the DCC need to be compared to some standard (e.g., a period of time before the DCC) or to what would have happened in the absence of the DCC.

In the Monitoring Report pre-post comparisons were made between a period before the introduction of the DCC (pre-DCC; October 2001 to August 2008) and a period after the DCC was introduced (post-DCC; October 2008 to August 2010). In this way, the full caseload from pre-DCC can be compared with the full caseload post-DCC to determine if there had been a change in the efficiency measures. Said another way, efficiency was assessed by collapsing results for the DCC with those of the VPC (i.e., putting the DCC back into the VPC) in the post period and comparing the aggregated results with the VPC before the DCC was introduced (Pre-DCC), as illustrated below. This approach examines whether overall efficiencies were achieved after the introduction of the DCC.



Finding 1: The approach used in the Monitoring Report, which aggregated the DCC and VPC caseloads and compared the results before and after the DCC was introduced (pre-post design) is appropriate for assessing Efficiency Hypothesis 1. The pre-DCC measures provide the baseline against which the post-DCC measures can be compared. This would be an appropriate research design for the evaluation to examine the extent to which apportioning caseload from the VPC to the DCC creates efficiencies in the combined caseload. However, it is not possible to attribute any changes to the DCC specifically as other factors may have also influenced efficiency (see Analytic Approach and Conclusions).

Overall efficiencies could have been achieved in two ways. First, the DCC may be a more efficient model than the VPC for dealing with the types of cases it does (i.e., Hypothesis 2). Second, removing the DCC cases from the VPC may allow the VPC to operate more efficiently.

Finding 2: The research design does not address Efficiency Hypothesis 2. In order to assess whether the DCC manages its caseload more efficiently than the VPC would have managed it, cases with similar characteristics from each of the two courts would have to be compared pre- and post-DCC. That is, the difference in outcomes between similar VPC cases from pre-DCC and DCC cases would have to be compared to the difference in outcomes between similar cases from pre- and post-DCC from the VPC.

The Monitoring Report also examined differences in the efficiency indicators and other factors that could be related to changes in efficiency, including case volume (new cases, concluded cases), pending cases and the case completion rate to explore where changes in efficiency might be occurring (DCC or VPC) and what other factors could be contributing to or influencing efficiency outcomes.

Finding 3: Exploration of the differences in efficiency indicators and other measures in the DCC and the VPC completed in the monitoring report is an important step in understanding where the efficiencies might lie, in the DCC or in the VPC, particularly since the research design does not permit conclusions around why efficiencies were or were not realized. This type of analysis should be included in the final evaluation as an exploratory exercise. However, here again, attributions cannot be made as the influencing factors have not been controlled for in the analysis (see Analytic Approach and Conclusions).

Analytic Approach and Conclusions

The findings and conclusions in the monitoring report were based on graphic (e.g., trends over time) and descriptive (e.g., means, medians) summaries of data for the selected efficiency measures. The results of the descriptive analysis provide an indication of general performance and the graphical presentations illustrate patterns over time.

Finding 4: The descriptive approach does not permit conclusions about whether trends or differences were statistically significant (i.e., were due to chance or due to the different models) or if the changes/differences were noteworthy (i.e., were large enough to matter/to be meaningful⁷). Additional analysis needs to be completed in order to make conclusions about what is observed in the descriptive summaries of the data presented in the monitoring report. Inferential statistics would allow the researcher to reach conclusions that extend beyond the immediate data alone. For instance, with inferential statistics the researcher can make judgments about the probability that an observed difference between groups is a dependable one or that it have happened by chance. Statistical techniques (e.g., regression, analysis of variance (ANOVA), interrupted time series analysis) would assess significant differences between pre- and post-DCC time periods and trends over the pre- and post-periods.

Another consideration in drawing conclusions about efficiency of the DCC is that other factors could be influencing the outcomes. For example, appearances may be tracked differently for different types of cases (e.g., CSO cases where there is a breach). This could be an issue if the volume of these types of cases differs between the points of comparison (i.e., pre/post and court), as a greater volume of these types of cases in one court or time period could inflate the average number of appearances. The number of appearances per case could also be influenced by case complexity or case/offender characteristics. Resource capacity/workload issues could also affect a court's ability to be efficient, which was explored in the monitoring report as an influencing factor through descriptive analysis. Efficiency outcomes could also be affected by policy or procedural changes such as a change in the type or volume of cases referred to the DCC.

Finding 5: While the descriptive analysis conducted in the monitoring report explored capacity issues that might affect efficiency, this type of analysis does not account for differential influences on efficiency these factors may have in the DCC and in the VPC, or pre- and post-DCC. Preliminary analysis could be completed to determine what factors are correlated to the efficiency measures of interest and these could subsequently be accounted for (controlled) through statistical techniques. At a minimum, factors that could be considered for statistical control might be capacity/workload issues; case complexity and case type (in terms of procedural differences).

⁷ Given the large caseloads in both courts, it is likely that very small differences will be found to be statistically significant. Therefore, effect size would also have to be considered.

Program Design and Fidelity

Fidelity may be thought of as adherence or closeness to the procedures that make up a particular intervention or model (Frank et al., 2008). To assess the effectiveness of an intervention or model requires attention to fidelity. When research is inattentive to fidelity, changes in outcomes can be attributed to variations in the processes of delivery and receipt of services just as plausibly as changes attributed to the model itself (Bellg et al., 2004). Compromising program fidelity can lead to *Type III error*, or a mistake made in concluding an intervention is ineffective when in fact the intended intervention was not implemented in full or at all.

Based on preliminary consultations with various members of the working group, and on a cursory examination of documentation, it appears that various changes have been made to the DCC since its implementation. As a result, understanding the full range of changes and whether/how these changes affect the outcomes and efficiency of the model are important considerations for the evaluation. Although it is clear that those involved with the DCC are aware of changes that have occurred to the DCC over the past three or four years, these have not been explicitly tracked and analysed in terms of their possible effect on court efficiencies, as defined by the designated performance indicators. The issue to be examined, therefore, is whether the DCC model in place at the time of the evaluation is the same as the model that was originally intended.

Finding 6: A fidelity assessment could be conducted to trace the original model through to its form at the time of the efficiency review/evaluation documenting any changes and assessing the extent to which the original assumptions hold. The processes and structure of the current model would be examined relative to the original logic model to determine whether the linkages/logic holds under the changed model. The fidelity assessment would permit an examination of whether the DCC, in its current form, could reasonably expect to create efficiencies, as measured by the evaluation indicators defined for the evaluation and for general performance monitoring purposes. It could also reveal points in time across which comparisons could be made to determine where efficiencies may have been most effective and what parts of the model are critical to achieving efficiencies (if any).

Appendix 4:

Summary of Analytic Approach and Results

by R.A. Malatest & Associates Ltd

Summary of Final Analytic Approach and Results

Purpose

To examine changes over time in the average number of appearances to disposition and median time to disposition before and after the introduction of the DCC.

Outcomes Measured

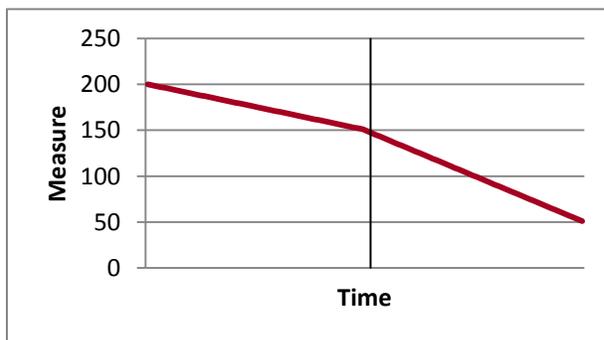
- average number of appearances, and
- median time to disposition⁸

Regression Analysis

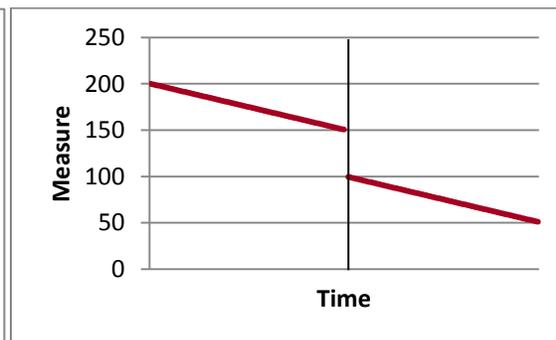
- An analysis comparing trends pre-DCC with post-DCC after the specific point in time the intervention was introduced:
 - Pre-DCC = Total VPC cases 4 years prior to DCC
 - Post-DCC = VPC + DCC cases 4 years since DCC

The trend line after the intervention is introduced will change from the trend line before the intervention, as a result of the intervention (i.e., precluding other potential explanations). The trendline could change in two ways if the DCC improves efficiency: it could change in the degree of decrease (i.e., change in the slope) or it could shift or drop down (i.e., change in y-intercept). The two possible scenarios are presented in the following example figures.

Change in Slope



Change in Intercept



⁸ Diversion from court is another outcome measure that was considered, but it was decided that it would be better examined through alternative methods.

Controlling for Other Influences on the Net Impact Measures

Factors other than the introduction of the DCC could influence the average number of appearances and the median time to disposition. These factors can be (partially) controlled through a statistical technique called regression analysis. In this approach, a model is developed whereby certain factors (covariates) thought to influence the outcomes of interest are included and accounted for in the statistical analysis. It is important to understand that, through the modelling procedure, the influences of each factor are considered in the context of all the other factors included the model. Thus, the analysis goes beyond simply analysing the influence of one factor at a time on the outcome measures (as would be the case if each factor was examined independently for the pre-post-DCC periods).

For the DCC efficiency evaluation, the following factors (predictors; covariates) were considered for inclusion in the model:

- Type of offence
- Type of offender/Offender history
- Case complexity
- Workload per judge
- Type of appearance
- Case volume (new and/or closed cases)

To include any of the above predictors in the model, there must be data available at the level required for the analysis. Review of the data sources with members of the working group revealed that the following data could be made available for the regression analysis (given the time and resources available):

Measure (monthly data required)	Data Source
new cases per month	JUSTIN
concluded cases per month	JUSTIN
cases by type of crime/offense	JUSTIN
closed cases by type of appearance (bail; trial)	JUSTIN
cases by level of complexity	(CJB)
judges sitting per month	(OCJ)

Data used in the Analysis

Monthly data was provided for the VPC and DCC for a 90 month period: 47 months prior to the introduction of the DCC and 43 months after the introduction of the DCC. Type of crime, case complexity and type of appearance were broken down into the following categories:

- Type of Crime (new and concluded cases)
 - Bylaw
 - Drug
 - Federal Statute

- Provincial Statute
 - Traffic
 - Motor Vehicle Accident (MVA)
 - Violent
 - Property
 - Other
 - Unknown
- Case Complexity (concluded cases)
- Micro
 - Very Small
 - Small
 - Medium
 - Large
 - Very Large
 - Macro
 - Mega
- Type of Appearance:
- Administrative Appearances
 - Bail Appearances
 - Arraignment Appearances
 - Post Sentencing Appearances
 - First Appearances
 - Trial Confirmation Appearances
 - Trial Appearances

Caseload was calculated as the ratio of cases concluded within a month to the number of justices (full time equivalents) sitting in the VPC that month.

Model Specification

Two models were developed (one for median time to disposition and one for average number of appearances) using a stepwise regression approach. Under this approach one predictor at a time is included in the model until the addition of the next predictor provides little or no more explanation about the outcome of interest (R^2).

In this type of analysis, it is important to ensure the validity of the statistical test in that none of the independent variables are related to each other (multicollinearity). This creates problems in the model as both variables would be explaining the same thing and prevents the model from providing an accurate assessment. Upon examination of the data (using correlation analysis) it was discovered that several of the predictor variables were strongly related to one another. Therefore, many predictors could not be included in the model at the same time.

Time period and caseload were determined to be good predictors and not highly correlated to other predictor variables being considered for the model. Therefore, they were entered into the model first, and were both found to be significantly related to each of the efficiency measures.⁹

The post-DCC period variable, which identifies the introduction of the DCC, was entered into the model next, as the predictor of interest to the two efficiency measures. Including this predictor would explain whether or not the efficiency measures changed after the DCC was introduced. The statistical test showed that the DCC did not change the downward in average number of appearances or median time to disposition in any significant way, while controlling for judicial caseload and time.

For the sake of being comprehensive, several separate regressions building on the time, caseload, post-DCC period model were run for each type of crime, type of appearance and level of case complexity. The DCC was not found to be a significant predictor of average number of appearances or median time to disposition in any of the regression tests.

Thus, the overall conclusion is that the DCC did not have an impact (neither positive or negative) on the two efficiency indicators measured in this analysis.

⁹ It should be noted that, as a result of the 2010 Olympic Games, median time to disposition was an extreme outlier in February 2010 compared to the other months in the evaluation period included and was excluded from the analysis.

Appendix 5: DCC Fidelity Review and Assessment

by R.A. Malatest & Associates Ltd.

**DOWNTOWN COMMUNITY COURT
FIDELITY REVIEW AND ASSESSMENT**

FINAL REPORT

Prepared for

Ministry of Justice

Prepared by

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TABLE OF CONTENTS

SECTION 1:	Introduction and methodology.....	47
1.1	Methodology	47
1.1.1	Document Review	47
1.1.2	Observation & Key Informant Interviews	48
SECTION 2:	The DCC - Then and Now	49
2.1	Pre-implementation	49
2.1.1	History and Origin	49
2.1.2	Goals and Guiding Principles.....	49
2.1.3	The Downtown Community Court Location and Geographic Reach	50
2.1.4	Staff Resources.....	51
2.1.5	Types of Offences and Court Appearances in the DCC.....	53
2.1.6	Changes to Types of Offences and Court Appearances in the DCC.....	53
2.1.7	Case Volume at DCC.....	55
2.1.8	Change in Case Volume.....	55
2.2	Unique Features of the Downtown Community Court.....	56
2.2.1	Timely Dealing with Court Cases and Offending Persons	56
2.2.2	Changes to Timely Dealing with Court Cases and Offenders.....	57
2.2.3	Triage.....	58
2.2.4	Changes to Triage.....	59
2.2.5	Offender Interventions in the DCC	60
2.2.6	Changes to Offender Interventions in the DCC.....	63
2.2.7	Community Involvement	64
2.2.8	Changes in Community Involvement.....	65
2.3	Summary of findings:	66

SECTION 1: INTRODUCTION AND METHODOLOGY

Since its planning and implementation, various modifications have been introduced to the Downtown Community Court (DCC). Fidelity is a concept related to evaluation that measures the adherence of a current program or intervention to those of the planned model (Frank et al., 2008). In this report, the current structure and processes of the DCC are compared to those in the first year of implementation.

This report is structured such that each section which follows the *History and Origin of the DCC* and its *Goals and Guiding Principles* describes a DCC component, as it was originally envisioned,¹⁰ and is in turn followed by a brief synopsis regarding how this original vision may have changed (or not) over time. This report serves as an adjunct to the *DCC Justice Efficiency Evaluation*.

1.1 Methodology

The fidelity assessment relied on documentation detailing the structure and procedures of the DCC prior to and during the first year of implementation, documentation relevant to the current operations of the DCC, observational research, and in-depth interviews with key staff and personnel at the DCC. As many of the present DCC staff and personnel have not been with the DCC since implementation, interviews focussed on the current DCC operations, with documentation and insights from the most long-standing personnel providing the pre/implementation vision.

1.1.1 Document Review

An extensive document review was undertaken by the researchers to develop an understanding of the original vision, principles, structure and operations of the DCC. This included the DCC's history and origin, goals and objectives, staffing, operational processes, including offence types and case volume. Specific documentation is cited throughout this report.

The documentation revealed certain elements and characteristics of the DCC to be unique features of the overall model. These elements include:

- Timeliness in dealing with court cases and offenders;
- Triage and integrated offender management planning;
- Offender management interventions in the DCC (e.g., assertive case management, chronic offender management, mental health programs); and
- Community engagement.

¹⁰ The proposed vision is drawn from the early Operational Manuals, the Criminal Justice Reform website, Community Court Videos and early reports.

1.1.2 Observation & Key Informant Interviews

The original model, as described in documents and publications, was compared with insights provided through key informant interviews with eleven key members of the DCC personnel and staff. Interviews were conducted with key members of the Corrections Branch, Court Services Branch, Criminal Justice Branch, Legal Services Society, Victim Services and Crime Prevention Division and the Provincial Court of BC. In general, interviews with key informants took an open-ended approach. Since many interview participants had not been involved with the DCC at its inception, participants were invited to describe their role and/or their agencies' role within the day-to-day processes of the DCC (i.e., triage, alternative measures, case management, etc.), including specific job responsibilities and staff/work-related challenges. Those interviewees who have been involved with the DCC since inception were invited to comment on notable changes in the DCC over time.

In addition, several days of onsite observation at the DCC (i.e., courtroom, program area, waiting area, morning triage meetings) were undertaken.

SECTION 2: THE DCC - THEN AND NOW

2.1 Pre-implementation

2.1.1 History and Origin

The vision for the DCC originated with the Street Crime Working Group's report to the Justice Review Task Force entitled, *Beyond the Revolving Door: A New Response to Chronic Offenders*, whose mandate was "...to propose justice reforms that would alleviate problems associated with street crime in Vancouver."¹¹ The Street Crime Working Group concluded that changes to the criminal justice system were urgently needed. This included rethinking the interaction between health, social and justice system agencies as well as:

...[D]eveloping an improved strategy to separate those cases which can be dealt with through minimal involvement of the criminal justice system from those where protection of the public requires that the full force of the justice system be brought to bear is required.¹²

Government accepted the recommendations of the Street Crime Working Group to establish a community court in Vancouver. The Criminal Justice Reform Secretariat, in partnership with the Provincial Court and other justice, health and social service agencies, developed the plan for and implemented Vancouver's DCC. This court was envisioned to take a problem-solving approach to crime by addressing the underlying health and social problems that often lead to criminal behaviour, by responding in a timely manner and by involving the community.¹³

2.1.2 Goals and Guiding Principles

According to government's Criminal Justice Reform website, the DCC was envisioned to function differently from the traditional justice system in three key ways. It is guided by the principles noted in the sub-bullets:¹⁴

- DCC process, was to be timely (Responsive)
 - The court would deal with cases in a timely manner;
 - Offending persons would come to court quickly and be assisted by DCC Defence counsel;
 - Information about the offending person would be readily available; and

¹¹ British Columbia Justice Review Task Force; Street Crime Working Group (2005), *Beyond the revolving door: a new response to chronic offenders: report of the Street Crime Working Group to the Justice Review Task Force*.

¹² British Columbia Justice Review Task Force; Street Crime Working Group (2005), *Beyond the revolving door: a new response to chronic offenders: report of the Street Crime Working Group to the Justice Review Task Force*, p. 10.

¹³ Criminal Justice Reform Projects, available at: http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/index.html

¹⁴ Vancouver's Downtown Community Court - Guiding Principles, available at: http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/how_it_works/guiding_principles/index.html

- When community service was deemed appropriate, it would begin immediately, while referrals and connection to needed services would be identified early.
- DCC would take an integrated approach to assessing and managing offenders (Collaborative)
 - The court would work with partners in health, social services and community;
 - Programs and services of the DCC were to be coordinated and support the same objectives; and
 - The court would use its influence and authority to connect offending persons to needed services.
- DCC would be connected to the community (Connected)
 - Justice system and community to work together on common interests in public safety and accountability for criminal behaviour;
 - The court would hold offending persons responsible for making reparations to the community for harm done; and
 - The court envisioned being welcoming to visitors, responsive to the community and putting offenders to work on jobs of value to the community.

From the Downtown Community Court Model Principles, dated April 2, 2007, the goals of the DCC would include:

- Improving justice system efficiencies through the adoption of innovative case management practices;
- Integrating justice, health and social services to hold offenders accountable while producing better outcomes for offenders by responding to their needs and circumstances; and
- Contributing to a liveable community and affording new opportunities for community participation in the criminal justice system.

The DCC goals, as identified in the earliest (2008) DCC Manual, mirror the Downtown Community Court Model Principles, dated April 2, 2007 and emphasise early solutions and faster justice.

From the Interim Evaluation Report (2010), the following were identified as central goals of the DCC:

- Improved outcomes for offenders;
- Implement innovative criminal case management to improve justice efficiencies; and
- Provide new opportunities for community participation in the justice system

2.1.3 The Downtown Community Court Location and Geographic Reach

The DCC is part of the Provincial Court of British Columbia and is designed to address, in a timely manner, both crime and the underlying problems of any offenders committing offences in downtown Vancouver. Mental illness, drug addiction and/or both, as well as homelessness, lack of employment skills, and inadequate social supports are a challenge for a percentage of repeat offenders coming to the DCC.¹⁵

¹⁵ Ministry of Attorney General. Backgrounder: Vancouver's Downtown Community Court, September 6, 2008. Available online: http://www2.news.gov.bc.ca/news_releases_2009-2013/2009AG0007-000359.htm

The DCC is located at 211 Gore Avenue, in the former Vancouver pre-trial centre. The first two floors were made available to the DCC with dedicated space for staff from justice, health and social service agencies, Vancouver Coastal Health, Ministry of Employment and Income Assistance, Vancouver Police Department, BC Housing, Victim Services Division, Forensic Psychiatric Services Commission, Native Court-Workers and Community Corrections in addition to Crown and Defence counsel. Further, dedicated personnel including judges, Crown, court staff and Defence were to be designated at the DCC.¹⁶

The geographic area (catchment) of the court was defined as downtown Vancouver from Clark Drive on the east to Stanley Park on the west, with Great Northern Way as the southern boundary and the Inner Harbour and Coal Harbour of Burrard Inlet as the northern boundary.¹⁷

2.1.4 Staff Resources

According to the Memorandum of Understanding (2008-2012), it was recognized that all of the participating agencies at the DCC encounter organization pressures and priorities that require flexibility in maintaining staffing levels at the DCC. This said, all of the partner agencies remain committed to maintaining the staffing levels needed for operations as described in the DCC Manual of Operations. The planned and current staffing structures are summarized in Table 2.1.

In March, 2010, the Criminal Justice Reform Secretariat, with responsibility for the DCC (including Treasury Board submissions, budget, policy, evaluation and operation), was merged into the Criminal Justice and Legal Access Policy Division. Budget and operations were transferred to the Court Services Branch, whereas the policy and evaluation function remained with the Justice Services Branch.¹⁸ Additionally, some of the functions of the administrative Senior Crown¹⁹ that originally were at the DCC were transferred to Crown at 222, and Community Corrections²⁰ moved to a model providing oversight of all integrated Community Corrections functions.

¹⁶ Evaluation Framework: Vancouver Community Court, January 2008, p. 3.

¹⁷ Ministry of Attorney General. News Release: *Premier Opens Canada's First Community Court*, September 6, 2008. Available online: http://www2.news.gov.bc.ca/news_releases_2005-2009/2008OTP0218-001343.htm

¹⁸ DCC Significant Events, page 5 of 9.

Table 0.1: Court Personnel and Staffing 2008 and 2013

Organization	FTEs 2008	FTEs 2013
BC Mental Health & Addictions Services		
Forensic Liaison Nurse	1.0	1.0
Psychiatric Support	v	v
BC Housing		
Support Worker	0.5	0.5
Backfill	v	v
City of Vancouver (<i>Via the Vancouver Agreement, City of Vancouver provided one time funding for one year</i>)		
Probation Officer 14	v	--
Corrections Branch		
Local Manager, ICM	1.0	1.0 ²¹
Probation Officers	6.0	6.0
Probation Officer 14	3.0	2.0
Office Administrative Support	1.0	1.0
Backfill	v	--
Court Services Branch		
Court Clerks	3.0	3.0
Senior Sheriff	1.0	1.0
Deputy Sheriff	8.4 ²²	8.4 ²³
DCC Coordinator		1.0
Program Support Worker/Analyst		1.5
Office Administrative Support		2.0
Criminal Justice Reform Secretariat		
DCC Coordinator	1.0	
Manager of Community Engagement	1.0	
Program Support Worker/Analyst	1.0	
Office Administrative Support	2.0	
Funding for 2nd Probation Officer 14	v	
Criminal Justice Branch		
Admin Crown	1.0	-- ²⁴
Crown Counsel	1.0	3.0
Office Administrative Support	1.0	2.0
Ministry of Housing and Social Development		
Employment Assistance Workers	2.0	2.0
Legal Services Society		
Duty Counsel (in-house defence counsel and roster of duty counsel)	2.0	2.0
Legal Information Outreach Worker		1.0
Native Courtworker & Counselling Association of BC		
Native Courtworker	1.0	1.0
Backfill	v	--
Provincial Court of BC		
Presiding Judge (including alternate)	1.0	1.0

²¹ Not specific to DCC any longer. Management shared among VISU, Vancouver Drug Court and Community Corrections.

²² 6.0 + Backfill = 8.4

²³ 6.0 + Backfill = 8.4

²⁴ Primarily focussed on VPC, provides oversight and is not specific to DCC any longer.

Vancouver Coastal Health		
Triage Nurse	1.0	1.0
Justice Liaison Workers	4.0	4.0
Information Session Facilitator	1.0	1.0
Receptionist	--	0.5
Vancouver Police Department		
Police Officer	1.0	1.0
Backfill	√	√
Victim Services and Crime Prevention Division		
Victim Court Support Worker	1.0	2.0
Backfill	√	√

Source: Memorandum of Understanding, April 2009-2012; Key Informant Interviews; DCC Coordinator.

2.1.5 Types of Offences and Court Appearances in the DCC

It was intended that the DCC judge would hear cases²⁵ involving most offences committed in downtown Vancouver. Specifically, the DCC was intended to deal with:

- Provincial offences that are heard by Provincial Court judges (e.g., driving while prohibited, aggressive panhandling);
- All Criminal Code offences:
 - In the absolute jurisdiction of the Provincial Court (e.g., shoplifting);
 - Summary conviction offences (e.g., causing a disturbance); and
 - Hybrid offences where the Crown proceeds summarily (e.g., assault causing bodily harm, impaired driving).
- Simple drug possession under the Controlled Drugs and Substances Act; and
- Offences relating to non-compliance with community court orders (e.g., failing to appear in court or violating the terms of bail, conditional sentence orders or probation).²⁶

2.1.6 Changes to Types of Offences and Court Appearances in the DCC

Qualitatively, interviewees reported the following in relation to the types of offences and court appearances in the DCC:

- *Drug possession charges are infrequent.*
- *There are more domestic violence charges than anticipated.*
- *There are more violent crimes than anticipated.*
- *There are contested bail hearings.*
- *More hearings involve an accused in-custody.*

²⁵ Cases proceed in the DCC up to the fixed date or disposition only.

²⁶ Downtown Community Court: Information for Accused Persons - How the Downtown Community Court Works; Criminal Justice Reform - Vancouver's Downtown Community Court - The Jurisdiction. Available at: http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/how_it_works/jurisdiction/index.html

Overall, some key informants interviewed who were long standing staff and personnel of the DCC expected that less serious offences would make up the majority of cases proceeding in the DCC. Key informant interviews²⁷ explored (anecdotally) if the DCC was, in fact, seeing the types of cases that the court had intended to see (e.g., auto theft, mischief, assault, drug possession).

Interviewees report that the DCC sees significantly fewer drug possession charges than originally envisioned. On the other hand, the court seems to be seeing a somewhat higher number of Criminal Code charges with approximately half of the interviewees remarking that they thought that court is seeing more domestic violence cases (K-files) than originally expected.²⁸ One interviewee had the impression that the DCC is also seeing more violent crime than perhaps intended. Drug possession, domestic violence and violent offences were always anticipated to be heard at the DCC and therefore does not represent a significant change to the envisioned model. However, the relative proportion and severity of these types of crimes were reported as unexpected and sometimes surprising.

A few interviewees commented that the DCC is seeing more in-custody cases than originally anticipated and that this is a change to the original DCC model.²⁹ This change seems to have occurred incrementally in relation to a shift to having contested bail hearings at the DCC:

1. In June of 2009, it was decided to test the capacity of the DCC to schedule bail hearings, first with show cause hearings for accused who were under Case Management Team support and supervision(CMT).³⁰
2. In December of 2010, it was decided that all remaining show cause hearings arising from breaches and summary offences in the DCC catchment would be scheduled at the DCC.³¹

Interviewees noted, as was also noted in the August 2011 Monitoring Report, that the contested bail process has changed at the DCC.³² In January of 2011, the DCC began hearing contested bail hearings for all DCC cases. Initially, contested bail hearings were excluded from the DCC because the intended focus of the DCC was dispositions. Also, there was concern that resources at the DCC would be insufficient to handle both while also allowing time for out-of-court information sharing and offender outcome planning. Contested bail hearings were determined to be held at DCC resulting from a decision of the Vancouver Provincial Court judiciary, the Office of the Chief Judge and the local Crown office. The rationale was that the move would allow workload associated with the DCC cases to be handled by the DCC, as well as possibly eliminating some duplication between DCC and Vancouver Provincial Court.³³

²⁷ DCC Key Informant Interviews, March-April, 2013.

²⁸ DCC Key Informant Interviews, March-April, 2013. See also: SFU Research Team (February, 2009). *Downtown Community Court (DCC) Staff Survey Summary: Opinions and Perceptions Four Months After DCC Opening*, in DCC Compilation of Research on the Downtown Community, p. 50 of 201.

²⁹ DCC Key Informant Interviews, March-April, 2013.

³⁰ DCC Significant Events, page 3 of 9.

³¹ DCC Significant Events, page 6 of 9.

³² DCC's 2008 Operating Manual, p. 8, states: "Contested bail hearings will not be conducted in DCC. Where a bail hearing is required to determine whether detention is necessary, the hearing will be conducted prior to the Community Court Conference." The 2008 Evaluation Framework, p. 5, states: "Breach of bail, including failure to appear and breach of probation will be excluded unless the subject order was made by the Community Court."

³³ Downtown Community Court: Monitoring Report, August 18, 2011, p. 4.

Additionally, it was thought that the DCC Crown, case management teams and the presiding judge would be the best position to have the most accurate picture of the accused and as a result there would likely be higher quality bail hearings and outcomes.

2.1.7 Case Volume at DCC

It was expected that the DCC would process approximately 1,500 clients annually. A proportion were expected to suffer from mental illness and/or drug addiction. Further, it was expected that the daily intake, both in- and out- of custody, would be approximately 12 to 15 clients with new charges and that the court would have the capacity to accommodate 100 intensively case managed offenders at any one time.³⁴

2.1.8 Change in Case Volume

➤ *Average daily number of appearances exceeds pre-implementation expectations.*

Various reports,³⁵ including this one,³⁶ note that some DCC personnel and staff feel that the number of cases seen at the DCC on a daily basis (comprised of new offences, breaches and cases brought in for other reasons) exceeds the number envisaged during the pre-implementation phase.³⁷ This sentiment was also reflected in staff interviews undertaken by Simon Fraser University's Criminology Department with DCC personnel who reported long work days put in at the DCC.³⁸ As noted in the 2011 staff survey, the high caseload at the DCC was (and continues to be) associated with perceptions of too much work to do, work related stress, undue pressure and staff turnover.³⁹

Court administration requires increased sharing of resources with VPC, somewhat more than the 3 FTEs originally designated. Presently some of the staff support for the DCC comes from the VPC, with one clerk responsible for live monitoring and another for running files between the two courtrooms and undertaking less time sensitive data entry. The volume of work at the DCC contributes to this increase

³⁴ Evaluation Framework: Vancouver Community Court, January 2008, p. 5. Criminal Justice Reform Projects - Vancouver Downtown Community Court. Commented as revised by key staff in the DCC. Available at: http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/index.html.

³⁵ School of Criminology, SFU (February, 2009). *Downtown Community Court (DCC) Staff Survey Summary: Opinions and Perceptions Four Months After DCC Opening*, in DCC Compilation of Research on the Downtown Community; Margaret Jackson, Ph.D. and William Glackman, Ph.D. School of Criminology, SFU (August, 2011). *Vancouver Downtown Community Court (DCC) Staff Survey II: Opinions and Perceptions Two and One-Half Years After Opening*, p. 66.

³⁶ DCC Key Informant Interviews, March-April, 2013.

³⁷ It should be noted that there are divergent views as to projected appearances. From the DCC Monitoring Report dated November 17, 2011, "...the expectation was that 10 to 15 new cases would appear each day and if resolved quickly with one, two or three appearances, the total number of cases appearing each day would be 30 to 40..." (p. 4).

³⁸ DCC Key Informant Interviews, March-April, 2013. See also: DCC Monitoring Report, November 17, 2011, p. 4-5.

³⁹ Margaret Jackson, Ph.D. and William Glackman, Ph.D. School of Criminology, SFU (August, 2011). *Vancouver Downtown Community Court (DCC) Staff Survey II: Opinions and Perceptions Two and One-Half Years After Opening*, p. 8.

as it takes extra staff to achieve the quick result of producing a document within minutes of the Judge's order.⁴⁰

2.2 Unique Features of the Downtown Community Court

2.2.1 Timely Dealing with Court Cases and Offending Persons

One of the unique features of the DCC is that accused individuals are to move through the justice system and be held accountable for their behaviours in a timely manner. This was to be reflected in processes unique at the DCC, including:⁴¹

- *Timeliness*: Timeliness was envisaged in various ways at the pre-implementation stage.
 - It was envisioned that first appearance in the DCC was to take place within two to 14 days from when the police issued a document to appear in court;⁴²
 - It was envisioned that timely and accurate information would be available to inform court decisions, e.g. offender's criminal history, assessment of needs, service availability and recommendations for appropriate interventions, whether in court or outside the justice system;⁴³
 - It was also envisioned that timeliness would be facilitated by a number of features unique to the DCC, including an on-site Defence lawyer available for all accused; dedicated and experienced staff resources;⁴⁴ and varied offender interventions that would allow cases to be resolved, on average, "in one or two appearances," compared to the typical seven appearances;⁴⁵ and
 - Offenders were envisaged to be sentenced promptly, avoiding being sentenced to time served while waiting for their cases to be heard.⁴⁶

⁴⁰ DCC Key Informant Interviews with Manager of Vancouver Provincial Court, March-April, 2013.

⁴¹ http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/story/index.html

⁴² The 2008 DCC Operations Manual, p. 11, states, "Where an accused is arrested for an offence that occurred in Vancouver's downtown, the accused will be required to appear in the Community Court *as early as practical*. This could be as early as the next day when an accused is held in custody, and generally will be scheduled within 5 days for those out of custody." The 2009 Operations Manual, p. 17, states "DCC attempts to resolve cases at the *earliest practical appearance*." Page 19 states, "The return date, when police decide to release by AN, Promise to Appear or OIC release, will be between 2 and 10 days at the discretion of the police – but, in any event, the appearance may not be scheduled sooner than two business days after submission of the Report to Crown."

⁴³ Downtown Community Court in Vancouver: Justice, Health and Social Service Program, March 27, 2009, slide 8 (Power Point).

⁴⁴ Initially, one courtroom would operate with two court clerks in the courtroom and a third clerk functioning as a liaison with the Main St. courthouse and the registry located there. The court's reliance on registry services was imaged to be minimal as all documents were to be produced in the courtroom. This approach ensures that there is no significant waiting time for the accused and counsel. Documents were to be read in court by the judge. (Overview for Court Services Branch – September 4, 2008)

⁴⁵ http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/story/index.html

⁴⁶ http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/story/index.html

- *Integrated offender management*: DCC was intended to work with a wide range of partnering health and social service agencies to address the underlying health and social problems leading to crime. These include drug and alcohol abuse, mental illness, poverty, poor job and social skills. These factors make it difficult for an offending person to break the cycle of criminal activity. Thus, experienced and dedicated health, income assistance and housing staff, as well as victim services and Native court workers, were to be co-located at the DCC, along-side similarly qualified Crown counsel, Defence counsel, police officer and probation officers.⁴⁷ Offender management planning starts with triage and informs sentencing. Plans are focused on managing the risks and needs specific to each individual offender; hence the interventions will vary. Offenders with complex problems may be managed in an assertive way by integrated case management teams. Others may begin reparation to the community almost immediately through community work service.

2.2.2 Changes to Timely Dealing with Court Cases and Offenders

- *Key informant interviews suggest that the DCC processes continue to reflect the principles of timeliness and integration as envisioned in the original program model⁴⁸ and recently reconfirmed in such practises as the judicial direction - the 'Guidelines for Counsel at Downtown Community Court.'⁴⁹*

The various aspects of timeliness outlined above were explored with interview participants. With respect to the timeliness of first appearance at the DCC, several interviewees commented that DCC cases are brought in for first appearance very quickly (relative to other courts), typically within ten business days for out of custody offending persons. As envisaged (and observed by the researcher), timely and accurate information is made available during the triage process through the integrated and co-located service agencies at the DCC.

Another indication of timeliness (prompt sentencing) relates to the immediacy with which an offending person may begin to take accountability for his/her actions and begin making reparation to the community. Although explored anecdotally, members of the Crown interviewed for this report indicate that it is not uncommon for an offender to appear in court in the morning and begin completing his/her community service by the afternoon of the very same day.

The 2009 Operations Manual for the DCC states, "All orders, including bail and sentencing orders, will be entered into JUSTIN and the associated documents will be produced by the court clerk in the DCC courtroom."⁵⁰ This process now happens differently than originally intended, as outlined below:⁵¹

⁴⁷ http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/story/index.html

⁴⁸ Key informant interviews for fidelity did not focus on such quantitative measures as the average number appearances it took to resolve a case.

⁴⁹ These guidelines are intended to: familiarize Counsel with the daily schedule of the DCC, expectation of the DCC Duty Counsel, educate Counsel appearing at DCC about the programs available to accused persons, and encourage Counsel to avoid unproductive adjournments.

⁵⁰ The 2009 Operations Manual, p. 11.

Methods of producing documents are standard throughout the province, however interviewees indicate that the DCC has become very efficient in comparison. At the DCC, it takes an average of 20 minutes for the order to be prepared for the accused to sign their documents. This is in comparison with several hours of wait time at most court houses throughout the province, including the Vancouver Provincial Court. To achieve this efficiency, in addition to the two court clerks assigned to the courtroom to work with the DARS, JUSTIN and court files (as is customary for any busy courtroom), another clerk at 222 live monitors the court proceedings and enters conditions; another (one) clerk runs files between 222 and DCC in addition to undertaking data entry and document production for files that do not require an immediate result (i.e., adjournments, warrants, etc.).

2.2.3 Triage

"Triage is a signature function of the DCC"⁵² and was envisaged to involve skilled justice, social, health, and other related staff gathering relevant information about the accused. It was intended that the Triage team would bring its collective knowledge of and information about the offender to the triage meetings. The resulting information would form the basis for the pre-sentence report, which will recommend a Case Management Plan. The Crown, it was envisioned, would base their sentencing position on the information gathered, and this would be discussed with Defence. Together Crown and Defence, as appropriate, would generate a submission to court. The submission would identify the needs of the offender and suggest intervention strategies and disposition alternatives for the court to consider.⁵³ The court order, where appropriate, would reflect the Case Management Plan. The plan may include a brief intervention, an assertive case management strategy, maintaining existing case plans and/or incarceration.

The following agencies were expected to participate in Triage, depending on the nature of the case:

- Community Corrections
- Vancouver Coastal Health Authority
- Forensic Psychiatric Services Commission
- Vancouver Police Department – as required
- Ministry of Employment and Income Assistance – as required
- BC Housing – as required
- Victim Services – as required
- Native Court Workers and Counselling Association – as appropriate⁵⁴

⁵¹ According to DCC Significant Events document, in November 2010, "commencement of orders being produced at Vancouver Provincial Court via live monitoring and electronically sent to DCC for signatures" ensued.

⁵² Downtown Community Court Manual of Operations, July 2009, p. 28.

⁵³ Evaluation Framework: Vancouver Community Court, January 2008, p. 6.

⁵⁴ Downtown Community Court Manual of Operations, July 2009, p. 89.

The Triage team was designed to assist in determining appropriate interventions in addition to determining suitability for alternative measures as well as services offered by the agencies that the team members represent. The Triage team was also to be available, through a probation officer, to supply information to the Court to provide information about available programs and resources to assist the court and the parties to arrive at an appropriate intervention.⁵⁵

With respect to in-custody offenders, each morning, before court commences, the Crown and Defence were to meet with members of the Triage team.⁵⁶ When the Triage team came together, each member was to provide a brief synopsis of the risk factors associated with the offender. Many of the offenders involved with DCC were anticipated to have already been involved with existing programs and services, likely related to the fact that it was believed a high proportion of the offenders within the DCC would be repeat offenders. The degree of the offender's connection to existing services was to be compiled in the information that the Triage team would share with the Crown and Defence during the morning Triage meetings.

2.2.4 Changes to Triage

➤ *Morning Triage Modified*

The first change to morning Triage took place in April 2009 wherein the members who attended the meeting were reduced to the triage Probation Officer, Forensic Liaison Nurse, VCH nurse, Victim Services, Defence counsel and Crown counsel.⁵⁷

A further change is noted in June 2011, wherein the meeting was divided into two parts, with the first meeting (8:30 am) between in-custody Crown, Defence and the Triage Probation Officer and the second meeting (8:45 am) between out-of-custody Crown, Defence and Triage Probation Officer. The discussions were to focus on sentence positions, clarification of the Collateral Information Screen and requests for follow up information from probation officers, VCH nurse and/or Forensic Liaison nurse.⁵⁸

A key aspect of Triage was to bring justice, health and social service agencies together to 'problem solve' by working together in an integrated way to get at root causes of crime to stop the offending cycle.⁵⁹ Daily Triage team meetings continue to take place during the early morning hours before court, with Crown counsel leading the meeting.

⁵⁵ Downtown Community Court Provisional Operating Manual, September 10, 2008, p. 10-11.

⁵⁶

http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/community_court_videos/index.html

⁵⁷ DCC Signifiant Changes Document, p. 2.

⁵⁸ DCC Signifiant Changes Document, p. 7.

⁵⁹ Downtown Community Court in Vancouver: Justice, Health and Social Service Program, March 27, 2009, slide 7 (Power Point).

Interviewees for this report noted, as they did during the 2011 staff survey as well as in the 2011 survey of the DCC's partnering service agencies, that the Triage process, although still practised, is perceived to have changed. Observation also showed that the number of members and organizations physically present at the morning triage meetings has been substantially reduced relative to the Triage meeting procedures described in the informational videos, early Operation Manuals, and DCC Significant Events documentation. In short, while information exchange between agencies continues to occur, no longer do representatives from all service organizations attend early morning Triage, as originally envisioned.⁶⁰

Presently, the morning Triage meeting consists of Crown counsel, Defence counsel and Triage probation officer. Observation of Triage did not include a 8:45 am meeting between out of custody Crown, Defence and triage probation officer. While it may be the case that the 8:45am Triage continues to take place, it was not made evident (through observation) to the researcher at the time of preparing this report nor was it reflected in the interview data. Although the number of members and organizations present at the morning Triage meetings has diminished, the information-sharing intent of morning Triage continues to be achieved through a modified process: the Collateral Information Screen. The Collateral Information Screen is collected in real time by all relevant agencies at the request of the Triage probation officer and passed on to Crown and Defence during the Triage meeting. In this way, all relevant agencies remain involved and active, in an informational capacity, in the process.

The 2010 Interim Report of the DCC also notes this change, and while some of those interviewed for this report suggest the change to the morning Triage is a positive change and addresses the needs of Crown and duty counsel, other interviewees report that it has made some organizational members feel the process has become more fragmented and less collaborative and contrary to their understanding of the original DCC model.⁶¹

2.2.5 Offender Interventions in the DCC

A disposition of the Community Court originally envisaged that offending persons would generally be placed into one of the following interventions:

- A brief period of intervention⁶² by means of a plan for alternative measures;
- Community supervision and/or programs delivered elsewhere outside the DCC;
- Assertive case management by the case management teams in the DCC; or

⁶⁰ 2011 Staff Survey (Interim Draft); Margaret Jackson, Ph.D. and William Glackman, Ph.D. (August, 2011) - School of Criminology, Simon Fraser University. *Survey of Downtown Community Court Service Agency Representatives*, p. 11.

⁶¹ See similar finding in 2011 Staff Survey findings, p. 7 as well as Margaret Jackson, Ph.D. and William Glackman, Ph.D. (August, 2011) - School of Criminology, Simon Fraser University. *Survey of Downtown Community Court Service Agency Representatives*.

⁶² It was envisioned that the majority of offenders would receive a brief intervention, in which offenders completed community work service and attended treatment readiness sessions in the community court or are supervised by probation staff elsewhere (Downtown Community Court in Vancouver: Justice, Health and Social Service Program, March 27, 2009, slide 11 (Power Point)).

- Incarceration, where appropriate.⁶³

Alternative measures⁶⁴

Alternative measures programs provided by the DCC were envisioned to include a variety of community services that were available to be performed by the accused, as well as health and social service sessions to assist in the offending person's rehabilitation and address health and social needs.⁶⁵

The Crown decides if alternative measures are appropriate based on rigorous charge approval standards, the offender's willingness to accept responsibility for their offence(s), as well as the Probation Officer report.⁶⁶ Alternative measures may be identified as an option for both in-custody and out-of-custody persons.

A charged person who agrees to participate in an alternative measures plan was to be required to appear at a Community Court Conference before the DCC judge. The Conference was to be adjourned to a court date coinciding with the completion date for the plan. The proceeding would continue and the offender would remain under the jurisdiction of the court until the alternative measures plan was completed.⁶⁷ Conferences were to be open to the public and provide an opportunity for the offender to be held publicly accountable, and for reparations made through alternative measures to be publicly acknowledged.

Where there was compliance, the charges would be discontinued or stayed. However, failure to comply with the terms of an alternative measures plan may have resulted in the continuation of a criminal court proceeding. If appropriate, Crown counsel may determine to proceed by alternative measures, without a charge.

Coordination with existing community programs and supervision provided elsewhere

Offenders sentenced in the DCC who are not candidates for CMT are usually supervised outside the DCC, by the Community Corrections offices where they live. Where it was determined that supervision on an ongoing basis is required, but the offending person does not fit the criteria for the DCC case management team,⁶⁸ the case management team would coordinate programming and service delivery by external agencies, including other community corrections offices.⁶⁹

This intervention could include coordinating assistance to services such as housing, income assistance, health care programs or access to specific treatment programs (e.g., substance addiction programs), as

⁶³ Downtown Community Court Manual of Operations, September 2008, p. 12.

⁶⁴ A term used in the Criminal code of Canada to describe a process of diverting an offender from court; approval of Alternative Measures is at the discretion of Crown Counsel.

⁶⁵ Downtown Community Court Manual of Operations, September 2008, p. 12.

⁶⁶ Information for Victims of Crimes: How the Downtown Community Court Works.

⁶⁷ Downtown Community Court Manual of Operations, September 2008, p. 12.

⁶⁸ Downtown Community Court Manual of Operations, September 2009, p. 41.

⁶⁹ Downtown Community Court Manual of Operations, September 2008, p. 13.

well as overseeing locally performed community service. In these instances, offenders on probation orders or conditional sentence orders would be managed by Community Corrections offices and not the DCC case management team.⁷⁰

In instances where it was decided that an offender needed significant support and supervision to remain in the community, a more detailed plan outlining specific interventions was to be developed by the Triage team and/or the case management team (e.g., housing, employment, financial assistance, mental health, addictions). The plan could also incorporate other therapeutic and supportive aspects with agreement of the offender.⁷¹

Offender case management

Because the DCC is part of the Provincial Court, all available sentences can be imposed including jail terms. However, the emphasis of the court was to be on problem solving in the form of a brief interventions for lower risk offending persons and intensive interventions for offending persons who are at higher risk and committed more serious offences and were envisioned to involve intensive supervision by the DCC assertive case management team.⁷² For these high risk offenders, a plan representing the best course of action to reducing the risk that the offender presents was to be developed.⁷³

Assertive case management was envisioned to be undertaken by two integrated CMT's in the DCC. These teams would strive to balance the supervision and enforcement of orders with the commitment to assist offenders in bringing about positive changes in their lives. Each member of the DCC CMT would have a caseload of 10 to 15 offenders at one time.⁷⁴

Offender case management and bail for mental health purposes

Therapeutic bail refers to instances where the Crown seeks a condition on bail providing that the accused be directed to a Forensic Psychiatric Services Commission (FPSC) psychiatrist for further assessment concerning a treatment and stabilization plan. A reporting condition requiring that the accused report to the DCC case management team may be imposed as well.

Further appearances in the DCC may be required during the period for assessment and treatment as an aspect of case management.

The aim of case management in these circumstances is to change behaviour. The case will be discontinued at the discretion of the DCC Crown counsel where, as a result of assessment and

⁷⁰ Downtown Community Court Manual of Operations, September 2008, p. 13.

⁷¹ Downtown Community Court Manual of Operations, September 2008, p. 13-14.

⁷² Evaluation Framework: Vancouver Community Court, January 2008, p. 7.

⁷³ Evaluation Framework: Vancouver Community Court, January 2008, p. 7.

⁷⁴ Downtown Community Court Manual of Operations, September 2009, p. 8-9.

treatment, personal circumstances of the accused change (e.g., stabilization, through referral to the civil mental health system) and there is no longer a public interest in continuing a prosecution.

Where there remains a public interest in a prosecution, despite participation in an assessment and voluntary treatment, the proceeding will continue. In contrast to an alternative measures plan, voluntary participation and compliance in a treatment plan may not result in a diversion. The decision to prosecute is determined by Crown counsel.⁷⁵

2.2.6 Changes to Offender Interventions in the DCC

- *High Referrals to Alternative Measures*
- *Designation of Chronic Offender Management Team (subset of integrated supervision by Case Management Teams)*
- *Revitalization of Mental Health Program*

Interviews and observations confirm that there are different offender interventions in the DCC, including diversion to alternative measures (pre-charge; post-charge; Aboriginal Transformative Justice Program). Assertive offender case management includes Integrated Case Management teams, of which the Chronic Offender Management Team is part, as well as the Mental Health Program in addition to more traditional offender supervision of DCC offenders provided elsewhere outside the DCC.

Alternative Measures

The 2010 Interim Report of the DCC noted that the utilization of Alternative Measures steadily increased between FY 07/08 and FY 09/10.⁷⁶ Anecdotally, this trend seems to have continued throughout 2012.⁷⁷

Offender Case Management

With changes to the Triage process and management structure, the Local Manager, Integrated Case Management Services, no longer participates in the daily Triage meetings and it was difficult to determine how collaborative the relationship between Crown and the CMTs is at present. Documentation shows that Crown and Defence identify accused for consideration to CMTs, with Crown initiating the referral, while the Senior Probation Officer determines based on client profile, room on the team, etc. Interviewees reported that CMTs are operating within capacity and have an overall capacity to case manage 150 to 175 offenders.

⁷⁵ Downtown Community Court Manual of Operations, September 2009, p. 30.

⁷⁶ Downtown Community Court in Vancouver: Interim Evaluation Report, August 30, 2010, p. 36.

⁷⁷ Downtown Community Court Newsletter, Fall 2012.

CMTs have been reconfigured from two large into four smaller teams and accommodates a Chronic Offender Management Team and Mental Health Program. Three teams consist of a probation officer and a VCH Justice Liaison worker, with shared support from Employment and Assistance Worker (2), Vancouver Police Department (1) and an Aboriginal Case Worker (1).⁷⁸ The fourth team is the Chronic Offender Management team.

Chronic Offender Management Team

The Chronic Offender Team represents a change in the interventions provided by the CMT, with the team taking responsibility for supervision of particular types of offenders. In March of 2012 the Chronic Offender Management Team was established with the Vancouver Police Department identifying chronic offenders on the CMT roster who are considered at high risk to re-offend. In partnership with the VPD, Probation and Reaching Out Recovery Program, the DCC established a Chronic Offender Management Team.

Mental Health Program

Although the Mental Health Program was envisioned early, it took some time for the program to become fully engaged, thus it can be said that the Mental Health Program has not so much changed, as been revitalized.

2.2.7 Community Involvement

Since the early planning stages of the DCC, a central goal of the DCC is to reduce harm caused to the community by crime.⁷⁹ Thus, activities intended to cultivate community (i.e., community businesses, residents) engagement in the DCC have included:⁸⁰

- Mounting a public education strategy for communities about DCC;
- Developing newsletter format about court activities to keep community regularly informed;
- Surveying of community members for perceptions of impact of community court;
- Conducting regular community meetings with court personnel;
- Permitting media accessibility to DCC;
- Conducting Public forums/workshops; and
- Creating community advisory board.

⁷⁸ Downtown Community Court Document.

⁷⁹ Downtown Community Court Participant Survey II.

⁸⁰ Appendix 1: Program Logic Model: Vancouver Community Court Program.

Changes in Community Involvement

- *There was a delay in appointing an advisory board; and*
 - *Manager, Community Engagement position is no longer staffed.*
-

While no interviews were conducted in relation to Community Engagement, documentation shows that the Manager of Community Engagement retired in July 2011 and the position has subsequently not been filled.

A Downtown Community Court Advisory Council was envisioned as component of the DCC during the planning stage. The Advisory Council was intended to give “voice” to the broader community and to provide advice to the DCC on issues and matters of concern as they relate to the criminal justice system and the DCC. A DCC Judge was to attend the Advisory Council meetings to engage with the community and advise on matter related to court matters. Documentation shows that the appointment of the Advisory Council was somewhat delayed with the initial posting for applicants and the selection process occurring in 2009 and appointment by the Office of the Chief Judge of the DCC of the Advisory Council occurring in late 2011.⁸¹ The researcher was unable to determine the cause(s) of this delay.

Although interviews did not explicitly explore community involvement, several interviewees spoke positively about the impact that community service work had upon the offenders involved in it.

⁸¹ Downtown Community Court Newsletter, Fall 2012.

2.3 Summary of findings:

- ✓ The relative proportion of various types of cases expected to be seen at the DCC are reported as different than anticipated day to day, with interviewees reporting the impression that: drug possession charges are infrequent, domestic violence cases are proportionally higher, violent crimes are also proportionally higher and contested bail hearings were not originally envisaged but are now heard at the DCC. Further, there seems to be more in-custody appearances in the DCC than may have been expected.
- ✓ The number of individuals and daily number of court cases seen at DCC exceeds pre-implementation expectations.
- ✓ Triage was envisioned to be a signature feature of the DCC and was to involve justice, social, health and other related staff gathering relevant information about the accused. Over time and in response to increased court lists and time pressure the number of members and organizations physically participating in the Triage meetings has diminished so as to streamline the process. Presently, the focus has turned to collaborative efforts in information collection for senior probation officer, the Crown and Defence.
- ✓ The Assertive Case Management Teams have been reconfigured: the teams now include a Chronic Offender Management Team which serves offenders identified as at risk for reoffending by the Vancouver Police Department.
- ✓ There has been a revitalization, not so much a change, to the Mental Health Program (accused with mental health challenges managed “assertively” while on bail in the community). The CMT’s have been reconfigured and with a team now dedicated to this program.
- ✓ The DCC remains committed to the principles of timeliness and connection. Attributes of timeliness include: court date set within 10 business date from arrest; triage, which emphasizes information sharing; defence counsel services provided in-house, offender case planning; document processing timeliness; and assertive offender supervision by CMTs.
- ✓ As envisaged, the referrals to Alternative Measures are reported as high.
- ✓ The degree to which the DCC remains committed to its community engagement objective as envisioned in the original model, was not determined based on the interviews. However, there appears to have been some delay in appointing an advisory board.

Appendix 6: Data Supporting Efficiency Analysis

1. Court case appearances and time to disposition

Concluded Cases												
PERIOD	Main Street				Downtown Community Court				Combined			
	Concluded Cases	Appearances Per Concluded Case	Avg. Appear. Per Concluded Case	Median Time to Disposition ³	Concluded Cases	Appearances Per Concluded Case	Avg. Appear. Per Concluded Case	Median Time to Disposition	Concluded Cases	Appearances Per Concluded Case	Avg. Appear. Per Concluded Case	Median Time to Disposition
Oct. 06 - Sept. 07	18,049	138,827	7.7	113					18,049	138,827	7.7	113
Oct. 07 - Sept. 08	18,239	138,200	7.6	97	44	106	2.4	3	18,283	138,306	7.6	96
Oct. 08 - Sept. 09	14,863	116,660	7.8	116	2,830	14,835	5.2	29	17,693	131,495	7.4	89
Oct. 09 - Sept. 10	13,884	106,106	7.6	141	4,343	24,764	5.7	39	18,227	130,870	7.2	97
Oct. 10 - Sept. 11	11,898	86,303	7.3	98	4,844	28,474	5.9	47	16,742	114,777	6.9	77
Oct. 11 - Mar. 12	6,072	45,406	7.5	103	2,416	13,657	5.7	47	8,488	59,063	7.0	83
Total	83,005	631,502	7.6	111	14,477	81,836	5.7	39	97,482	713,338	7.3	93

Source: Courts Corin DB

Notes:

1. Concluded Cases based on the home file folder location regardless of where a case concluded: Main Street = '2040'; DCC = 2042.
2. Time to disposition based on the time between Information swearing and case conclusion.

2. Alternative Measures

Referrals to Vancouver Aboriginal Transformative Justice Services			
Year	Referred by VPC Crown to:	Referred by DCC Crown to:	Totals - Referred by VPC and DCC Crown:
	Vancouver Aboriginal Transformative Justice Services	Vancouver Aboriginal Transformative Justice Services	Vancouver Aboriginal Transformative Justice Services
2002			
2003			
2004	15		15
2005	22		22
2006	33		33
2007	34		34
2008	65	5	70
2009	26	3	29
2010	29	1	30
2011	41	25	66
2012	18	47	65

Source: JUSTIN, Crown Counsel Module

Completed Alternative Measures (Full Compliance)			
Year	Referred by VPC Crown to:	Referred by DCC Crown to:	Totals - Referred by VPC and DCC Crown to:
	Concluded at: VPC Probation	Concluded at: DCC Probation	VPC + DCC Probation
2005	1		1
2006	8		8
2007	160		160
2008	144	34	178
2009	17	138	155
2010	6	348	354
2011	12	276	288
2012	13	226	239

Source: JUSTIN, Crown Counsel Module

Completed Alternative Measures (Full and Partial Compliance)			
Year	Referred by VPC Crown to:	Referred by DCC Crown to:	Totals – Referred by VPC and DCC Crown to:
	Concluded at: VPC Probation	Concluded at: DCC Probation	VPC + DCC Probation
2005	1		1
2006	8		8
2007	164		164
2008	156	34	190
2009	19	168	187
2010	6	432	438
2011	12	332	344
2012	14	253	267

Source: JUSTIN, Crown Counsel Module

3. Post-sentence appearances

Post-Sentence Appearances												
PERIOD	Vancouver Provincial				Downtown Community Court				Combined			
	Concluded Cases	Concluded Cases Sentenced ¹	Cases Appearing after Deemed Concluded ² % Cases	Sentenced Appearing After Conclusion	Concluded Cases	Concluded Cases Sentenced	Cases Appearing after Deemed Concluded % Cases	Sentenced Appearing After Conclusion	Concluded Cases	Concluded Cases Sentenced	Cases Appearing after Deemed Concluded % Cases	Sentenced Appearing After Conclusion
Oct. 06 - Sept. 07	18,049	9,025	549	6%	--	--	--	--	18,049	9,025	549	6%
Oct. 07 - Sept. 08	18,239	9,157	628	7%	44	28	3	11%	18,283	9,185	631	7%
Oct. 08 - Sept. 09	14,863	7,156	560	8%	2,830	1,449	213	15%	17,693	8,605	773	9%
Oct. 09 - Sept. 10	13,884	5,708	516	9%	4,343	2,104	246	12%	18,227	7,812	762	10%
Oct. 10 - Sept. 11	11,898	5,213	568	11%	4,844	2,288	251	11%	16,742	7,501	819	11%
Oct. 11 - Mar. 12	6,072	2,685	300	11%	2,416	1,180	114	10%	8,488	3,865	414	11%
Total	83,005	38,944	3121	8%	14,477	7,049	827	12%	97,482	45,993	3,948	9%

Source: Courts Corin DB

Notes:

1. Concluded cases with a sentence where the most serious sentence was not "OM - Order Made".
2. "Deemed concluded date" is based on the minimum appearance date on sentenced cases where the appearance result was "END" and not in ('OM'). Cases with an appearance greater than the deemed concluded date were counted in this group.

4. Trial Scheduling Delays?

Trial Scheduling Delays at Main Street		
Month	1/2 Day Trial	Trial - 2 Day or More
Oct-06	14	15
Jan-07	13	14
Apr-07	11	12
Jul-07	7	7
Oct-07	10	12
Jan-08	12	12
Apr-08	11	13
Jul-08	9	11
Oct-08	10	12
Jan-09	10	11
Apr-09	10	12
Jul-09	12	13
Oct-09	10	12
Jan-10	12	13
Apr-10	11	12
Jul-10	11	12
Oct-10	11	12
Jan-11	12	13
Apr-11	12	13
Jul-11	12	15
Oct-11	13	14
Jan-12	12	14

Source: Office of the Chief Judge, Next Available Date Survey

5. Trial scheduled rate

Trial Scheduled Rates									
PERIOD	Vancouver Provincial			Downtown Community Court			Combined		
	Concluded Cases	Trials Scheduled ¹	% Concluded Cases Scheduled for Trial	Concluded Cases	Trials Scheduled	% Concluded Cases Scheduled for Trial	Concluded Cases	Trials Scheduled	% Concluded Cases Scheduled for Trial
Oct. 06 - Sept. 07	18,049	4,040	22%	--	--	--	18,049	4,040	22%
Oct. 07 - Sept. 08	18,239	4,181	23%	44	1	2%	18,283	4,182	23%
Oct. 08 - Sept. 09	14,863	3,483	23%	2,830	233	8%	17,693	3,716	21%
Oct. 09 - Sept. 10	13,884	2,558	18%	4,343	444	10%	18,227	3,002	16%
Oct. 10 - Sept. 11	11,898	2,138	18%	4,844	646	13%	16,742	2,784	17%
Oct. 11 - Mar. 12	6,072	1,220	20%	2,416	370	15%	8,488	1,590	19%
Total	83,005	17,620	21%	14,477	1,694	12%	97,482	19,314	20%

Source: Court Services Corin DB

Note:

1. Trials scheduled based on concluded cases that had at least one appearance scheduled for "FT", "CNT", "PI" or "HR".