



The Law Courts of Newfoundland and Labrador

Building On Our Successes

**The Provincial Court of
Newfoundland and Labrador**

**Strategic Plan
2012-2014**



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EXECUTIVE SUMMARY

The Provincial Court of Newfoundland and Labrador recognizes the importance of strategic planning. It is particularly beneficial in assisting the Court to wisely manage and leverage limited resources to achieve its priorities. The Court's first Strategic Plan was a five-year plan penned in November 1997. Many plans later, the 2012-2014 Strategic Plan, *Building on Our Successes*, identifies new strategic directions for the Provincial Court. It also continues to build upon the work that was initiated in the previous Strategic Plan, *Committed to Continuous Improvement*.

In the absence of a strategic planning process, management may become too focused on the myriad of tasks involved in the operation of the Court each day and on the crises that arise. This leaves little time for management to step back and consider where the organization is and where it should be headed. The strategic planning process allows management to reflect upon the current environment and think strategically about where it would like to see the Court positioned in the near future as well as over the longer term. The Strategic Plan enables the Court to clearly articulate and communicate its most important priorities to the Court's judges, senior managers, and staff as well as its partners in justice and the general public.

● *Building on Our Successes* considers the impact of current national and provincial justice trends on the Court environment. The Plan also reflects the information that was gathered during the Court's consultation with its partners in justice. These consultations were initiated by the Court and specifically focused on eliciting the opinions of these agencies with respect to what the Court was doing well, where they saw need for improvement in the Court's operations/programs, and potential opportunities for new initiatives. An examination of how changing demographics, workloads, legislation, and economic conditions impact the Court was also included. By analyzing these factors, the Court has determined its priorities for the next three years. The Court has decided to focus on the following strategic directions:

1. Improved Public Trust and Confidence through Greater Transparency and Accountability
2. Improved Timeliness and Access
3. Wise Use of Emerging Technology to Improve Court Processes
4. High Quality Service and Professionalism
5. Strengthened Court Security
6. Comprehensive Information Management Strategy

INTRODUCTION

The Provincial Court of Newfoundland and Labrador has had considerable experience in developing strategic plans. *Building on Our Successes* is the Court's fourth plan and it builds upon the improvements made during the previous planning cycle. The Governing Values, Mission, and Vision Statements adopted by the Provincial Court in 1997 continue to serve as the foundation for the Court's strategic planning efforts. Under the leadership of the Chief Judge and the Director of Corporate Services, and the participation of the other strategic planning members, considerable time and effort has been expended in delivering *Building on Our Successes* (the Plan). To gain a more informed view of the challenges and emerging trends that will impact the Court over the next three years, the Court conducted a thorough environmental scan. This scan included external consultation with partners in justice; an analysis of Strengths, Weaknesses, Opportunities, and Threats (SWOT); and considerable research regarding national and provincial caseload and justice trends as well as emerging demographic and socioeconomic trends that may impact the Court.

The strategic directions included in the Plan are intended to improve public trust and confidence in the Provincial Court by demonstrating greater transparency and accountability. They also serve to focus the Court on improving timeliness and access to justice. The Plan commits the Court to providing high quality service and professionalism, wise use of emerging technology, strengthened court security, and a robust information management strategy. Each broad strategic direction is associated with clearly identified goals and objectives. Progress towards achieving the goals and objectives will be monitored on a regular basis and the results will be published in the Court's Annual Report available to the public through the Court's website.

To provide a better understanding of the Court's operating environment, the Plan provides a brief overview of the Court's mandate, history, organizational structure, and caseload. This will provide the background for understanding the Plan's strategic directions, goals, and objectives. The delivery of justice service is very complex. The Provincial Court operates within a justice network and must engage with its many and varied partners on a daily basis. In addition, the Court counts among its stakeholders accused persons, offenders, litigants, witnesses, victims of crime, and society in general. The Court recognizes that building relationships and effectively communicating and collaborating with stakeholders can sometimes be challenging, but it is essential to the effective operation of the Court and to instilling public trust and confidence.

GOVERNING VALUES, MISSION, AND VISION STATEMENTS

Values

Governed by the Constitution of Canada and the rule of law, we are an independent, impartial, and accessible judicial system.

We are committed to the provision of quality service through the effective management of available resources and the continuous professional development of the judiciary and staff.

We are committed to integrity, ethical conduct, and the timely performance of duties.

We are committed to providing all litigants with reasoned judicial decisions.

Mission

The Provincial Court of Newfoundland and Labrador exists to uphold and preserve the fundamental values of society by judging legal disputes, conducting inquiries, and providing quality service to the public.

Vision

- **To recognize the value of staff and judiciary in achieving our mission.**
- **To operate the Court with highly qualified personnel and judiciary.**
- **To provide access to justice to everyone and be sensitive to social and cultural diversity.**
- **To encourage the use of dispute resolution alternatives that respond to the changing needs of society.**
- **To emphasize the effective use of technology and decentralized administrative decision making.**

OVERVIEW OF THE PROVINCIAL COURT

History

The Provincial Court is just one constituent part of a broad legal and judicial system in Canada. However, it is a very important component in that it is likely the only Court with which a majority of persons in the province will have direct contact.

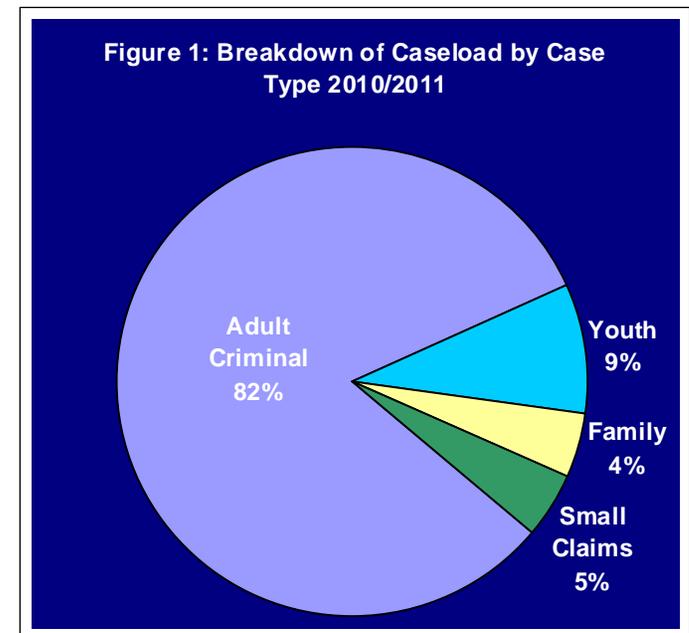
The Provincial Court of Newfoundland and Labrador is the legal and constitutional institution responsible for the delivery of front line judicial services throughout the province. Its existence is authorized by section 92 of the *Constitution Act, 1867*, but its inception predates that by approximately 140 years. In 1729, the first Governor, Henry Osbourne, effectively abolished the “Fishing Admirals” as the only public form of justice; he divided the territory into six districts and appointed twenty magistrates. These magistrates represented the only permanently organized local system of justice in the colony prior to the establishment of the Supreme Court in 1791. The Magistrate’s Court nomenclature prevailed until 1974 when the Legislature enacted the first *Provincial Court Act*. In 1979, by amendment of the *Provincial Court Act*, magistrates became known as Provincial Court judges.

Business Lines of the Court

The Provincial Court is the court of first instance for all criminal matters involving both adults and youth. This means that even those who are eventually tried in Supreme Court must first appear in Provincial Court. That being said, the vast majority of offences are concluded in Provincial Court.

Beyond Adult Criminal and Youth matters, which accounted for 91% of the Provincial Court’s workload in 2010/2011 (Figure 1), the Court also adjudicates Small Claims matters where the monetary value claimed does not exceed \$25,000, increased from \$5,000 in May 2010. The Provincial Court has jurisdiction over most family matters within the province with the exception of the St. John’s area and the west coast, where family matters are the exclusive jurisdiction of Supreme Court, Family Division.

In addition to this, Traffic Court processed 170,713 Summary Offence tickets in 2010/2011 and conducted 1,293 trials.



Jurisdiction

Criminal: all summary conviction offences under federal and provincial statutes; indictable offences, except those excluded under the *Criminal Code*, for example, murder or treason.

Youth: all criminal matters involving persons twelve years and older but less than eighteen years of age at the time the offence occurred.

Small Claims: all civil actions where amounts do not exceed \$25,000. The Provincial Court has no jurisdiction over cases involving: land title disputes, malicious prosecution, false imprisonment, defamation, or complaints against a justice or other public official for anything they have done while executing the duties of office.

Family: custody, support, maintenance, paternity, adoption, and child protection in those geographic areas where it maintains jurisdiction. It does not deal with divorce or division of property under the *Family Law Act*. All applicants in either Provincial Court or Supreme Court, Family Division are provided with parent education sessions, mediation, and counseling delivered by Family Justice Services Division which serves both levels of court.

Traffic: ticketable offences (summary offence tickets) under the *Highway Traffic Act*, the *Motorized Snow Vehicles and All Terrain Vehicles Act*, and various municipal or institutional parking by-laws or regulations.

In addition, the Provincial Court also exercises special jurisdiction to issue emergency protection orders and to conduct inquiries into accidental deaths and fires occurring within the Province. Upon request, the Court provides criminal history checks, certificates of conduct and Justice of the Peace services. The Provincial Court is responsible for maintaining and updating a province-wide electronic criminal history database that is relied upon by all partners in justice and the public. Responsibility for the collection of fines and fees related to court matters is handled by the Fines Administration Division of the Department of Justice and does not fall within the purview of the Court.

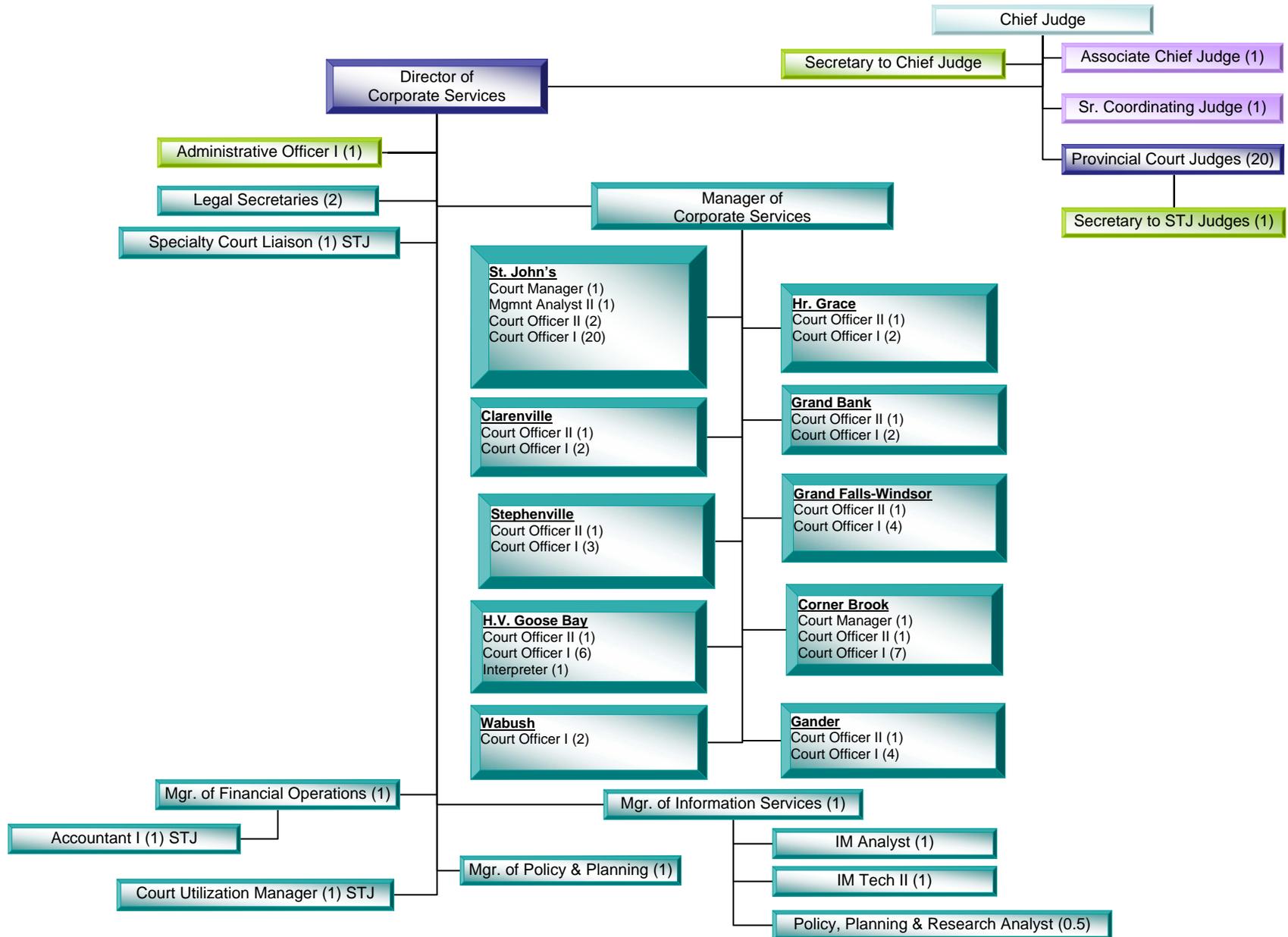
ORGANIZATIONAL STRUCTURE AND STAFFING LEVELS

The Provincial Court has ten Court Centres. St. John's is the largest centre and serves as the headquarters location (Figure 2). Judge and staff positions are assigned to the Court based on caseload statistics, geographic location, and population size of the area being served.

Currently, the Provincial Court has a complement of twenty-three judges directed by the Chief Judge who also serves as an active judge on the bench when required. There are two other administrative judicial positions, the Associate Chief Judge and the Senior Coordinating Judge for St. John's.

The Provincial Court has a staff complement of approximately 80 employees. The administration of the Court is led by the Director of Corporate Services. In addition to directing the Provincial Manager of Corporate Services, who is tasked with overseeing the operations and human resource management of all ten Court Centres, the Director also oversees the Corporate Services Division. This Division, centered in St. John's, provides for the Provincial Court's overall management of human resources, finances, information, transcript production, and policy and planning.

Figure 2: Provincial Court of NL – Organizational Chart

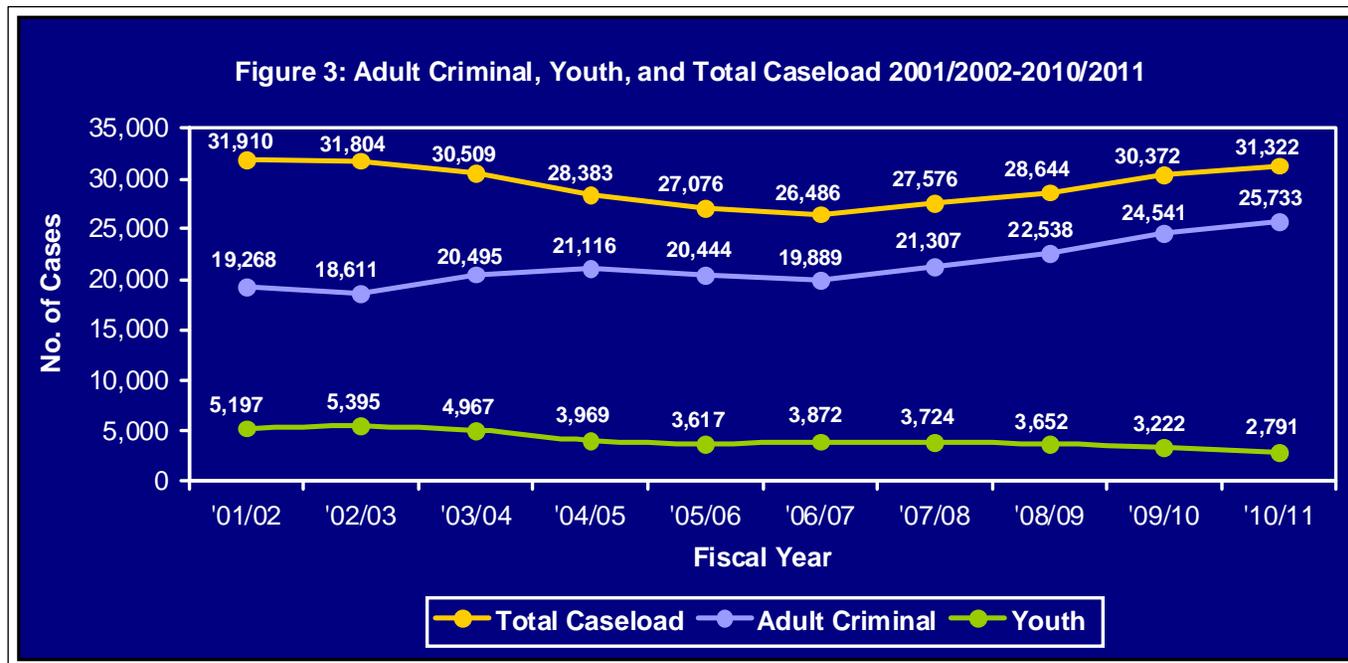


PLANNING ENVIRONMENT

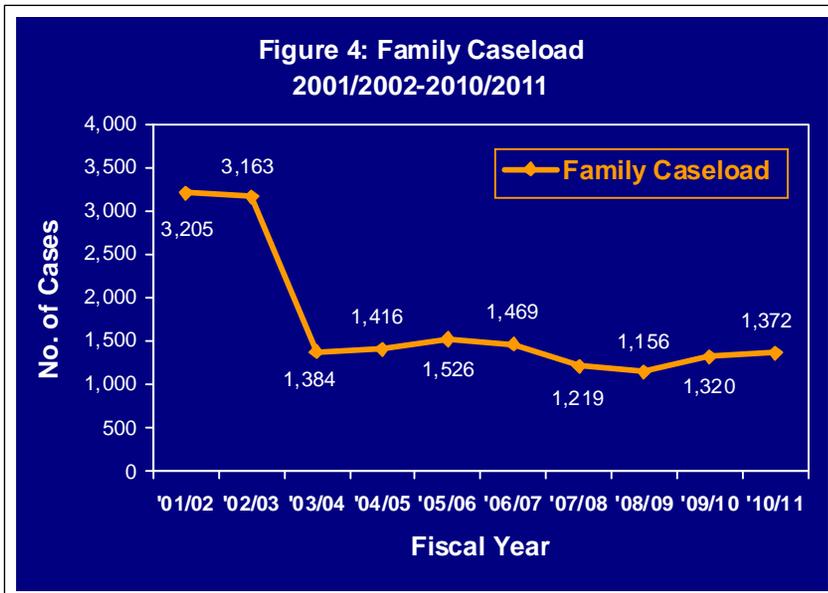
Adult Criminal and Youth Caseloads

As Figure 3 demonstrates, the Provincial Court deals primarily with criminal matters. This trend has become more pronounced over the decade from 2001/2002 to 2010/2011. In 2001/2002, the Adult Criminal and Youth caseloads accounted for 76.7% of the total caseload; by 2010/2011, this figure had increased to 91.1%.

While the total number of cases has decreased slightly, from 31,910 cases in 2001/2002 to 31,322 cases in 2010/2011 (1.8%), this does not give a complete picture of what has been occurring in recent years. As Figure 3 illustrates, from 2006/2007 the caseload has been increasing annually from 26,486 to 31,322 cases, an increase of 18.3% over five years. A very significant increase (29.4%) in the Court's Adult Criminal caseload over this same five-year period was primarily responsible for the increase that occurred in total caseload. Adult Criminal cases increased from 19,889 cases in 2006/2007 to 25,733 cases in 2010/2011, which translates into an additional 5,844 cases in 2010/2011. In contrast, Youth cases decreased over the same period from 3,872 in 2006/2007 to 2,791 in 2010/2011, a decrease of 27.9% or 1,081 fewer cases. In 2001/2002, the Youth caseload was 5,197; however, it has declined over the last ten years by 46.3% to 2,791 cases.



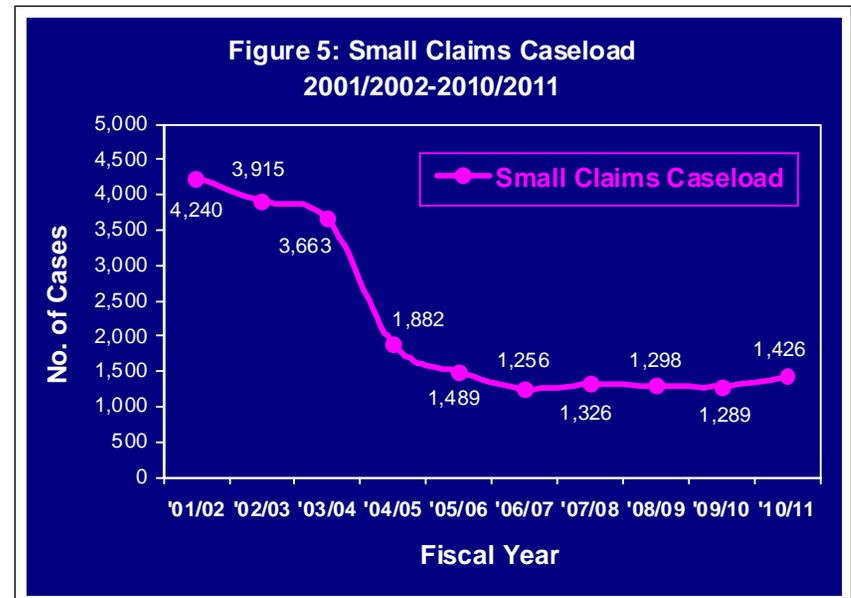
Family Caseload



Family caseload in 2010/2011 totaled 1,372 and accounted for 4.4% of the total caseload. Ten years earlier, in 2001/2002, this caseload stood at 3,205. Family caseload has declined significantly over the past decade (57.2%), resulting in 1,833 fewer cases (Figure 4). Compared to the previous year, 2009/2010, when there were 1,320 Family cases, there was a 3.9% increase in 2010/2011. Looking at the five-year period, beginning in 2006/2007, Family caseload decreased from 1,469 cases in 2006/2007 to 1,372 cases in 2010/2011, a decline of 6.6%. Prior to 2010, the Provincial Court shared family jurisdiction with the Supreme Court on the west coast of Newfoundland. In late fall of 2010, Supreme Court, Family Division was assigned sole jurisdiction for Family matters on the west coast of the province, including the Northern Peninsula. It is therefore likely that the Provincial Court will experience a significant reduction in Family caseload over the next three years.

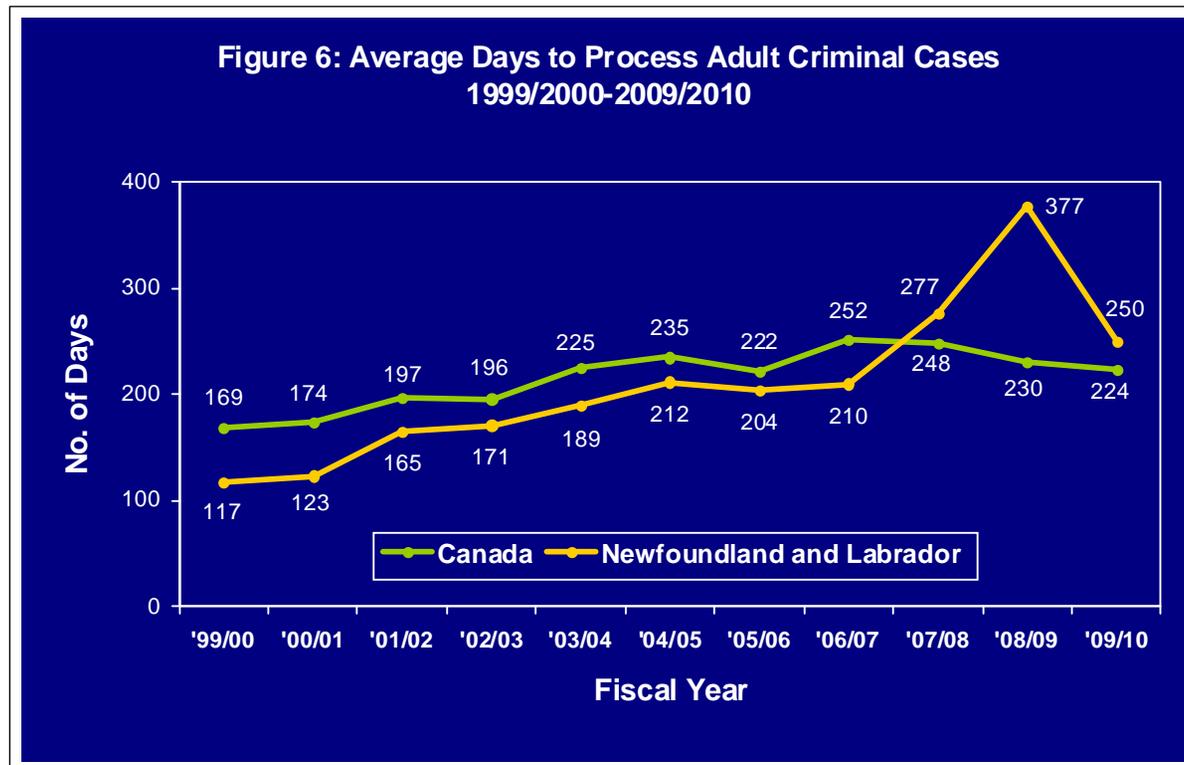
Small Claims Caseload

Small Claims caseload, which accounted for 4.6% of total caseload in 2010/2011, has decreased significantly from 4,240 cases in 2001/2002 to 1,426 in 2010/2011 (Figure 5). If one examines the five-year period from 2006/2007 to 2010/2011, the numbers remained fairly stable with the exception of 2010/2011 when Small Claims caseload increased by 10.6%, translating into an additional 137 cases. With the recent increase in the Small Claims jurisdiction from \$5,000 to \$25,000, announced in May of 2010, one would expect the number of Small Claims cases filed in the Provincial Court to increase. The introduction of the Small Claims E-filing application in May 2010 provides an alternative method of service delivery that may encourage potential clients to file a claim. In the past, the time and effort required to manually file a claim may have acted as a deterrent.



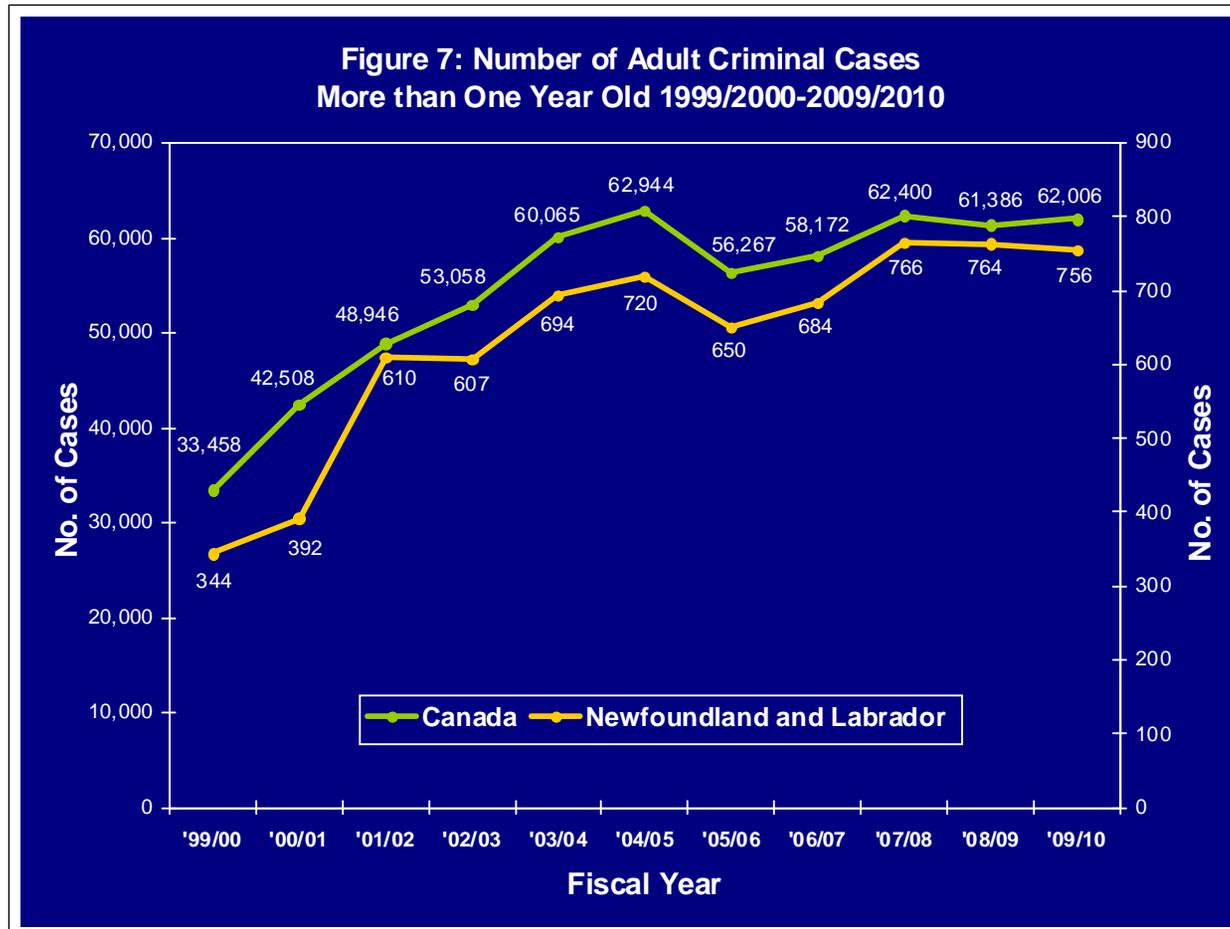
Case Processing Time Increasing

Based on the latest figures available from the Canadian Centre for Justice Statistics (Figure 6), cases are taking longer to process. The average elapsed time to dispose of an Adult Criminal case for all ten Canadian jurisdictions was 169 days in 1999/2000; by 2009/2010, this figure had risen to 224 days, a 32.5% increase. For Newfoundland and Labrador, a similar but more striking pattern emerges. In 1999/2000, it took just 117 days to dispose of an Adult Criminal case. In 2009/2010, the average had increased to 250 days, an increase of 113.7%. If one examines the previous year (2008/2009), it took an additional 127 days or 377 days total to process an Adult Criminal case in Newfoundland and Labrador. The reason for the extreme spike in case processing time in 2008/2009 is difficult to determine but it certainly stands out as an anomaly. In general, case processing time tended to increase over the entire ten year period in gradual fashion with the exception of 2008/2009. Some of the reasons cited for the increase in case processing times include the increased introduction of complex scientific evidence, the need for expert witnesses, the inclusion of victim impact statements, and multiple charge cases.



Aging Caseload

With time to disposition increasing over the ten-year period from 1999/2000 to 2009/2010, it is not surprising that the number of cases greater than a year old has also increased (Figure 7). In 1999/2000, Canada had 33,458 cases greater than a year old and by 2009/2010, the figure stood at 62,006 cases, an 85.3% increase. Likewise, Newfoundland and Labrador reported 344 cases greater than a year old in 1999/2000 and by 2009/2010 there were 756 cases greater than a year old, an increase of 119.8%.

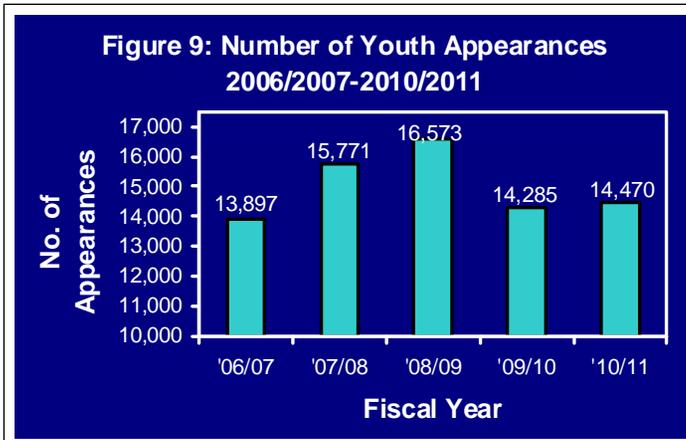
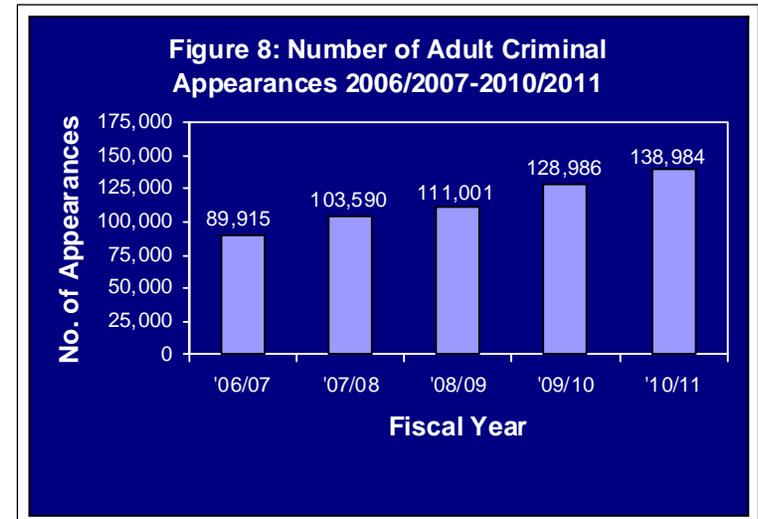


Appearance Data

Appearance data is one of the most important measures of court workload. Each appearance directly impacts court resources such as judge time, court clerk time, courtroom time, the use of courtroom equipment (videoconferencing units, smart cart, etc.), and registry staff time. Furthermore, each appearance invariably generates follow-up paperwork. This does not include the resources expended in terms of time and personnel of other parties involved, including the accused, crown, legal aid, private bar, police, witnesses, sheriff's officers, corrections, and probation officers as well as interpreters and expert witnesses (if required).

Adult Criminal Appearances

The Canadian Centre for Justice Statistics no longer tracks appearance data for Adult Criminal and Youth Court. Therefore, no comparison can be made between provincial and national trends related to this specific statistic. The Provincial Court has recorded a dramatic increase in the number of Adult Criminal appearances over the past five-year period: from 89,915 appearances in 2006/2007 to 138,984 in 2010/2011 (Figure 8). This represents a 54.6% increase, or an additional 49,069 appearances, in just five years. When one compares this increase in appearances to Adult Criminal caseload for the same five-year period, there was a 29.4% increase in caseload. That translates into an additional 5,844 cases in 2010/2011 compared to 2006/2007. If one then divides the additional appearances (49,069) by the additional cases (5,844) for that five-year period, it computes to an average 8.4 appearances per case.



Youth Appearances

Youth appearances (Figure 9) have increased from 13,897 in 2006/2007 to 14,470 in 2010/2011, a relatively small increase of 4.1% over five years. Still, this is significant given that Youth caseload for the same period declined from 3,872 cases in 2006/2007 to 2,791 cases in 2010/2011, a decrease of 27.9% in five years. While there were 1,081 fewer cases, there were 573 more appearances.

ENVIRONMENTAL SCAN

In preparation for the development of this Strategic Plan, the Provincial Court performed a comprehensive environmental scan. The partners of the wider justice network interact with each other on a daily basis, shape each other's operations, and ultimately impact the effective delivery of justice. It was deemed essential that the Court hold meaningful dialogue with each of these partners, recognizing the need to work collaboratively to identify and resolve issues related to the delivery of justice. As part of developing a Strategic Plan, it is critical that the Provincial Court be able to clearly identify its internal strengths and weaknesses, as well as any external opportunities and threats. National justice trends must be reviewed, as these trends also impact the Provincial Court. Lastly, socioeconomic trends and demographic shifts at a provincial level may impact the Court's operation over time and must also be considered.

The following elements were included as part of the environmental scan:

- Consultation with Justice Stakeholders
- Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis
- Review of National Justice Trends (Public Confidence in the Justice System, Other Trends, Federal Legislation, and Crime Rates)
- Provincial Trends (Crime Rates, Labour Markets, Economic Forecasts, Demographics, and Greying of the Workforce)

External Consultation with Justice Stakeholders

The following stakeholders were consulted by Provincial Court as part of the strategic planning process:

- Adult Probation
- Canadian Bar Association Criminal Law Section
- Child, Youth and Family Services
- Family Justice Services
- Her Majesty's Penitentiary
- John Howard Society
- Legal Aid Commission
- Office of the High Sheriff
- Public Prosecutions
- Royal Canadian Mounted Police
- Royal Newfoundland Constabulary
- Victim Services

One issue that was raised by numerous stakeholders was insufficient communication and consultation between the Court and its stakeholders. Additional issues raised included the need for continued case management improvements and for the expansion of videoconferencing. With respect to the therapeutic courts, stakeholders requested more information regarding Family Violence Intervention Court and Mental Health Court, and also suggested the implementation of a Drug Court.

Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis

A SWOT analysis is an internal and external environment scan. It has served as an important tool in the Provincial Court's strategic planning process. The environmental factors internal to the Provincial Court can be classified into two categories: Strengths (S) - the internal resources and capabilities of the organization, and Weaknesses (W) - the absence of certain resources or capabilities, or the existence of a set of circumstances that prevent or diminish the organization's ability to meet its objectives. The environmental factors external to the Provincial Court can be categorized as Opportunities (O) - a set of favourable external circumstances or factors that may contribute to the Court achieving its objectives, and Threats (T) - factors or circumstances in the external environment that the Court recognizes as a risk that may prevent it from achieving its organizational objectives.

The results of the SWOT analysis informed the strategic directions, goals, and objectives that are included in the Plan. While there were a number of internal weaknesses and external threats that may prove to be barriers in achieving the Court's goals and objectives, they are not insurmountable. By capitalizing on the internal strengths and external opportunities identified in the SWOT analysis, the Provincial Court is well positioned to achieve success. This Plan, like the previous strategic plans, includes an ambitious set of goals and objectives to be fulfilled. The Court has proven that, with a plan to guide its progress, it has the capacity to channel its energies to make sure the work is completed, meeting more than 90% of past targets. In fact, the Provincial Court has already made significant progress on many of the strategic directions identified in this new Plan and will use these advances as a springboard for further improvement.

Public Confidence and the Canadian Criminal Justice System

The 2007 National Justice Survey sought to develop an understanding of public confidence in the criminal justice system, both in general and more specifically with regards to the individual components of the justice system (e.g. police, courts). It is clear from the survey results that public confidence in Canada's criminal justice system is relatively low when compared to other public systems. Interestingly, confidence decreases as one moves through the criminal justice process from arrest (i.e. police) to trial and sentencing (i.e. courts and corrections) and ultimately to release (i.e. parole). Canadians have a relatively high level of confidence that the police will solve crimes, the courts will convict the right individuals, and the prison system will prevent them from escaping. The central concern expressed by Canadians is that the sentences may not always be appropriate (either in quantum or design) and that the prison system does not rehabilitate offenders. The public also believes that the parole system is releasing offenders who will likely re-offend. The expressed lack of confidence in the justice system is therefore centered primarily on sentencing practices.

Based on the 2008 National Justice Survey, Canadian public confidence is also low with respect to the youth criminal justice system. The central issue here also appears to be related to sentencing and the perceived lack of rehabilitative effect. The perception that youth crime, including violent crime, drug crime, and gang involvement, has been rising in recent years influences the belief that the youth justice system is not effective in reducing crime. Those with direct experience (e.g. accused, victim, parent) expressed significantly lower levels of confidence than those without such experience.

- Canadians indicated that the three most important goals of sentencing should be repairing the harm caused by the crime, making the offender take responsibility for his or her actions (i.e. accountability), and rehabilitating the offender in order to prevent recidivism.

Other Trends

A number of other trends that are present at the national level have an impact at a provincial level:

- Based on population size, Aboriginal groups are comparatively over-represented in the justice system as both perpetrators and victims of crime leading to an increased demand for Aboriginal justice initiatives.
- Courts are also facing increasing numbers of self-represented litigants who are often unfamiliar with the legal system and who require direction to navigate the entire court process.
- The emergence of specialized courts such as Mental Health Courts, Domestic Violence Courts, and Drug Treatment Courts raises public expectations and increases calls for the Court to provide additional resources to operate these specialized courts.
- The public is demanding that the justice system, courts included, provide greater transparency and accountability.
- At a national level, demographic shifts are occurring that will require the Court to respond to increasing cultural diversity, changes in family composition, a rapidly aging population and workforce, and more seniors as victims of crime.
- More science and technology-based evidence in court cases, combined with the increased application of new technology, will require greater scientific and technical literacy for both judges and staff.

Federal Legislation

Federal legislation may have an impact on the Provincial Court's caseload. Following the federal election in May 2011, two pieces of legislation have been implemented to address various concerns within the criminal justice system. The *Fair and Efficient Criminal Trials Act*, S.C. 2011, c. 16, amends provisions of the *Criminal Code* to ensure that large and complex trials, such as cases involving drug trafficking, white-collar crime, terrorism, organized crime, or gang-related activity, may be heard more swiftly and effectively. As well, the *Standing Up for Victims of White Collar Crime Act*, S.C. 2011, c. 6, which received royal assent prior to the election, came into force in November. This Act amends the fraud provisions of the *Criminal Code* and includes a mandatory minimum sentence for fraud over one million dollars.

In addition, various bills affecting the criminal justice system are currently before Parliament, including Bill C-10 which introduces numerous reforms including increased penalties for sexual offences against children, minimum penalties for serious drug offences, and elimination of conditional sentences for serious and violent crimes.

Canadian Crime Statistics

The following synopsis is based on figures published by the Canadian Centre for Justice Statistics in July 2011. Police-reported crime in Canada, as well as the severity of crime, continues to decline.

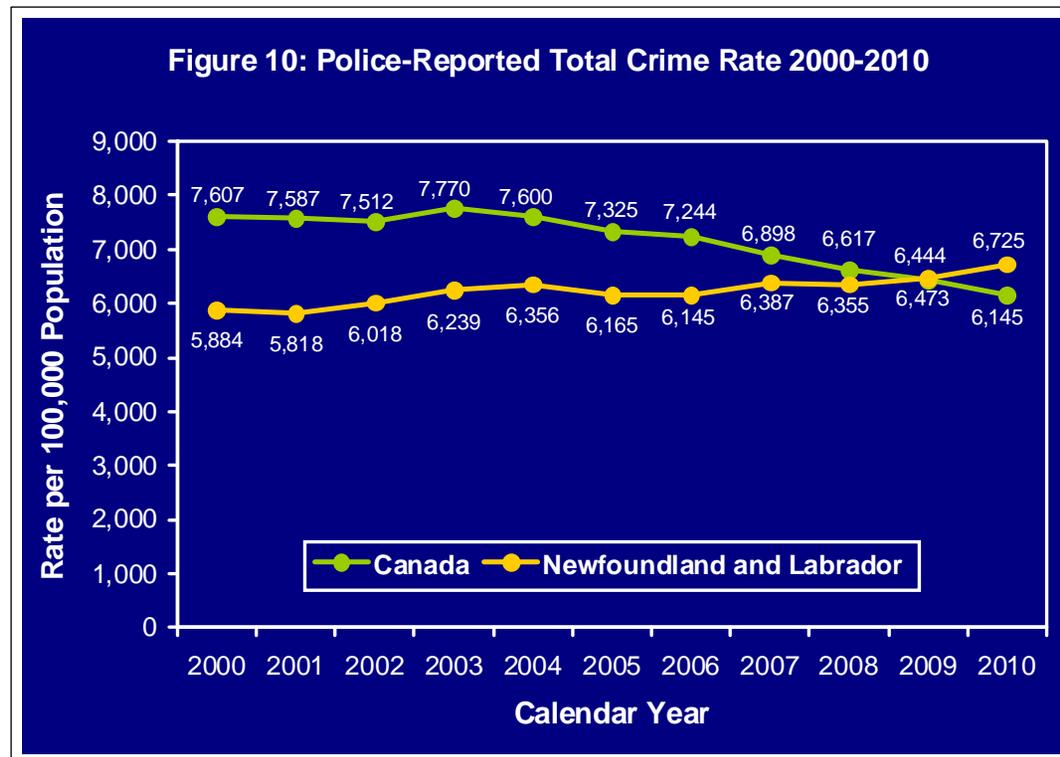
- The police-reported crime rate, a measure of the volume of crime reported to police, declined by 5% in 2010.
- There were approximately 77,000 fewer crimes reported to police in 2010. Four property crimes accounted for the majority of the decrease: theft under \$5,000, mischief, motor vehicle thefts, and break-ins.
- Canada's Crime Severity Index (CSI), a measure of the seriousness of police-reported crime, declined by 6% in 2010.
- Violent crime in Canada also declined, but to a lesser extent. Police reported approximately 7,200 fewer violent incidents in 2010, a decrease of 1.6%. The violent CSI declined by 6%, the fourth consecutive annual decrease.
- The youth crime rate declined by 7%, with approximately 15,000 fewer crimes reported to police in 2010. The youth CSI has declined over the past ten years, including a 6% decrease in 2010. However, the severity of violent crime committed by youth has not seen a similar decrease. Despite a 4% decline between 2009 and 2010, the youth violence CSI is 5% higher than in 2000.

Newfoundland and Labrador Crime Statistics

In contrast to Canadian crime rate statistics, total crime rates, violent crime rates, and property crime rates have increased in Newfoundland and Labrador from 2000 to 2010 (Figures 10-12), as reflected in the larger Adult Criminal and Youth caseloads discussed earlier.

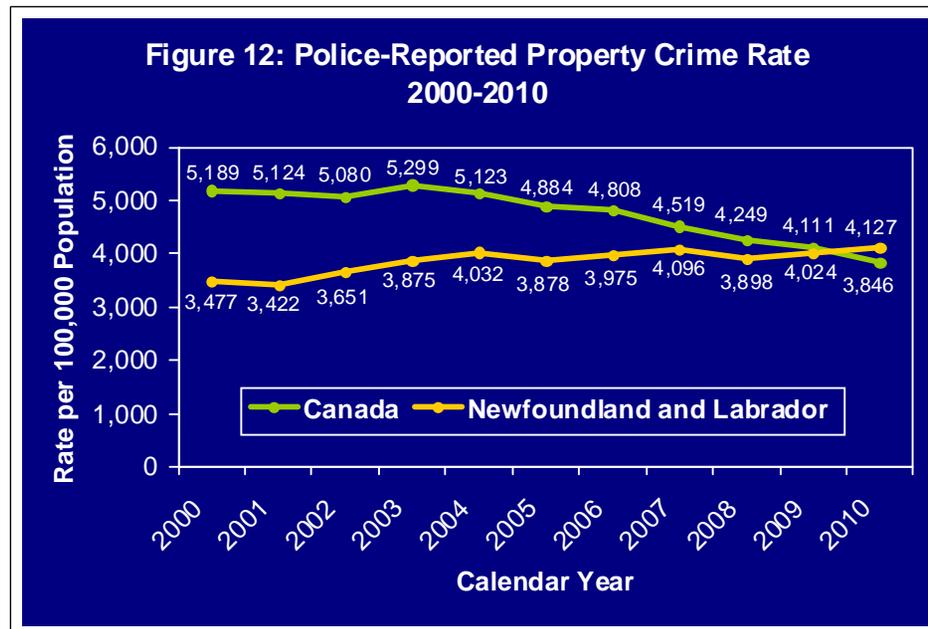
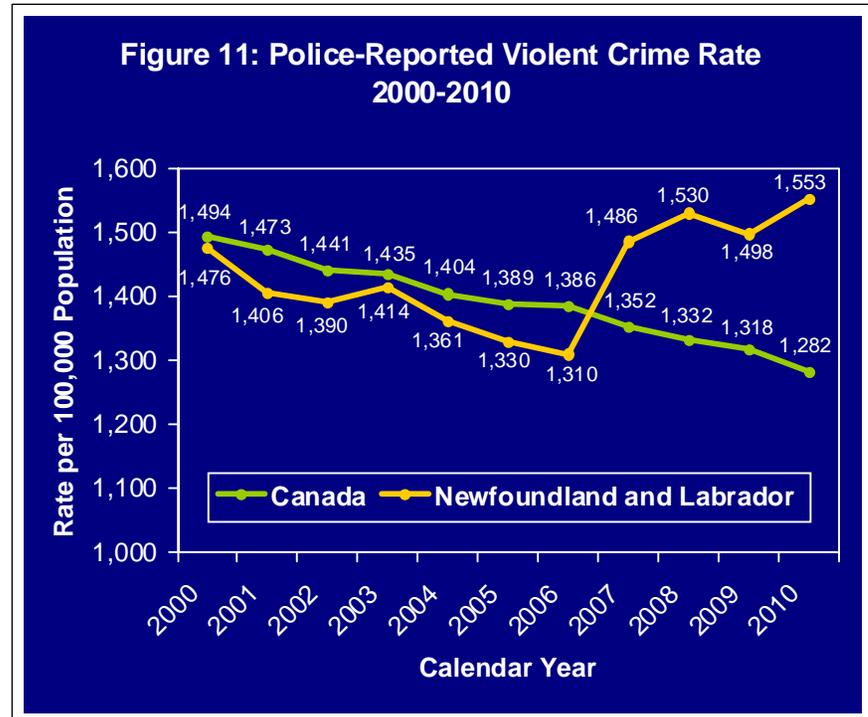
Total Crime Rate

The provincial police-reported total crime rate has increased from 5,884 in 2000 to 6,725 in 2010, a 14.3% increase over ten years (Figure 10). For two consecutive years, 2009 and 2010, the provincial total crime rate has surpassed the Canadian crime rate.



Violent Crime Rate

In 2000, the provincial violent crime rate was 1,476, slightly below the Canadian rate of 1,494 (Figure 11). This was followed by general decline over the next six years, with the exception of a minor increase in 2003. Starting in 2006, there was an extremely sharp increase and the 2010 rate of 1,553 was distinctly higher than the Canadian rate of 1,282.



Property Crime Rate

The provincial property crime rate (Figure 12) oscillated back and forth between 2000 and 2010; the general trend was an increased property crime rate in contrast to the national trend of a declining property crime rate. The provincial rate was 3,477 in 2000 and increased to 4,127 in 2010, a rise of 18.7%.

Factors Affecting Police-Reported Crime Statistics

- Demographic changes in the age structure of the population, particularly for the high-risk to offend age cohort (15-24 years old) and the low-risk to offend age cohort (over 50 years old) can significantly impact crime statistics.
- Changes in societal responses and perceptions of certain crimes (such as sexual assault or spousal violence) can lead to differences in reporting rates.
- Legislative changes (e.g. the introduction of a new offence category) can impact the number of incidents reported.
- Advances in technology present new opportunities for crime or new types of offences (e.g. cyber crime).
- Social and economic factors (such as shifts in inflation, alcohol consumption, and unemployment rates) can also influence crime statistics.

Provincial Economy

Labour markets in the province rebounded in 2010 resulting in a 1.1% decrease in unemployment rates; overall, there was a 3.3% increase in employment and labour income increased by 5.2% supported by employment growth and wage increases. In 2010, total personal income increased by 4.2% and personal disposable income rose by 4.1%. Economic growth is predicted to be strong in the next year, fuelled by investment in major projects in the mining and oil and gas industries. Meanwhile, personal income is expected to increase by 5.4% stemming from higher employment and wage gains. As of December 2011, Newfoundland and Labrador's unemployment rate stood at 13.1%.

Provincial Demographics

Newfoundland and Labrador's population was 510,578 as of July 1, 2011. This represents a decrease of 703 people (0.1%), following two consecutive years of population growth. The population growth in 2009 and 2010 stemmed from positive net in-migration and reflected the strength of the economy and optimism about future prospects in the province. If one examines the structure and trends of Newfoundland and Labrador's population, several factors emerge:

- There has been a shift from rural to urban centres and particularly to the Avalon Peninsula from other parts of the province.
- Newfoundland and Labrador has the most rapidly aging population compared to all the other provinces and territories in Canada.
- The high-risk to offend age cohort (15-24) has decreased by 20.6% from 77,257 in 2000 to 61,324 in 2011.
- In contrast, the low-risk to offend age cohort (over 50) has increased over the same time period by 34.6%, from 151,001 to 203,299.
- The province's workforce is rapidly aging and this includes court personnel (i.e. legal secretaries, court officers, administrators, and judges).
- The provincial death rate has exceeded the birth rate for the past number of years, thus net in-migration accounts for gains in population the past two years.
- As of the 2006 census, immigrants accounted for only 1.6 % of the population, with only 1.9% of the population having a language other than English or French as their mother tongue.
- Aboriginals, a group which has a much younger population than the total provincial population, account for 2.6 % of the population according to the 2006 census.

STRATEGIC DIRECTIONS

1. Improved Public Trust and Confidence through Greater Transparency and Accountability

In order for the public to have trust and confidence in the court system, it needs to be both transparent and accountable, two attributes that also need to be strategically aligned. If the court system is going to open itself up to public scrutiny, as it should, it must ensure that it is prepared to be held accountable for its performance. Transparency is a core value of an open court; it involves increasing access to readily understood information regarding the Court's role in society, the rules that govern the Court's work, what occurs at the Court on a daily basis, and how well the Court is performing.

Courts need to foster a better relationship with members of the media as they are the listening post for the public in the courtroom and courthouse. They are essential to the concept of an open court and they will continue to help shape public opinion. The Court and the public would not be well served by the Court adopting an adversarial approach towards the media. Instead, the Court should encourage, initiate, and maintain a meaningful dialogue between judges, journalists, and the bar to discuss items of mutual concern. The Court must also be more proactive and strategic in directing its public education efforts through the expansion of the Lunch with the Judge Program, increased functionality of the Court's website, and collaboration with partners in justice whose mandate it is to better inform and educate the public regarding justice issues.

Media Relations and the Public

How does the public come to form opinions about the Court? It does not occur in a vacuum. Broadcast news and print media are consistently the greatest sources of information and probably the most influential forces in formulating public understanding of, and satisfaction with, the Court. Therefore, it is incumbent upon the Court to take a leadership role in media relations and public education.

Court communication requires a balance between maintaining judicial impartiality and ensuring that the Court and its leaders communicate with, and learn from, diverse publics. While reserve and distance are critical to the judicial process, they should not lead to institutional isolation. This type of isolation is harmful to effective interaction with and understanding of the community and leads to difficulty when responding to legitimate public questions, concerns, and insights about courts and court performance. With effective leadership, the media and the local legal culture can advance the public confidence in the Court. This requires an opportunity not just to hear from the Court but to have meaningful input and discussion into key issues. The media need to understand the ethical guidelines that judges must adhere to when communicating with them and the public, and they must be informed of the Court's expectations with respect to responsible court reporting.

Justice requires that the Court remain independent from the administrative branches of government. However, if the public fails to clearly recognize this division, justice will not be seen to be impartial and independent. The Provincial Court acknowledges that fostering a better public understanding of the court system and how it works is essential to preserving the Court's independence. Providing opportunities for the Chief Judge and his designate to go before various community groups and the media to discuss the Court's role and mandate can help accomplish this goal. The message that is sent must be consistent and clear, and it must be communicated at the outset that it is not appropriate for the Chief Judge or his designate to comment on any decisions regarding specific cases that come before the Court.

Public Education

The Court has made great strides with respect to ongoing educational efforts aimed specifically at children between the ages of 11 and 12. Some of these children may be at risk of engaging in criminal activity, while others may lack an understanding of the Court's role in the life of the citizens of the province. This Plan supports the continuation and enhancement of the Lunch with a Judge Program. It also recommends the development of an online education module, available through the Provincial Court's website, which can serve to enhance school curriculum regarding the role of the Court and the consequences a criminal record can have on a person's everyday life. This online module would allow the Provincial Court to reach out to an even wider audience, many of whom generally prefer to gain most of their information through online media.

The Court must also be willing to share its benchmark performance indicators with the public and report on how successfully the Court is meeting these benchmarks. While the Court monitors its performance on a monthly basis, the Annual Report is the best venue to communicate the results to the general public and our partners in justice. To demonstrate its commitment to accountability, the Provincial Court must be willing to objectively report on how well it is performing, including identifying areas where it may be failing to meet the standards that have been set.

Goal 1: Improve Provincial Court’s media relations so that citizens of the province have an accurate understanding of how the Court works and its role in society.

Objectives:

- Invite the local press who cover the Court to meet with the Chief Judge to begin a dialogue, identify, and discuss issues of mutual concern.
- Develop a set of ethical guidelines for the judiciary with respect to the media and provide them with same, so that the boundaries placed on the judge, with respect to commenting on specific cases or other issues that impact the Court, are clear to all parties.
- Develop a set of guidelines for the media that outline expectations regarding professional standards of behavior for reporting on court matters and the use of electronic equipment, including cameras, in the courthouse.

Goal 2: Expand public outreach to improve citizens’ understanding of the Provincial Court system and its role in society.

Objectives:

- Expand the current Lunch with a Judge Program by working with all Court Centres throughout the province to support their efforts to offer the program.
- Develop an online school education program, available through the Provincial Court’s website, focused on the role of the Court and the consequences a criminal record can have on a person’s everyday life.
- Partner with Public Legal Information Association of Newfoundland and Labrador and the Canadian Bar Association so that these organizations can educate the public regarding the limitations and precedents that must be followed when sentencing in relation to specific charges, especially in high profile cases.

Goal 3: Increase the functionality of the Provincial Court's website.

Objectives:

- Revise the Court's website to provide real time accurate information in a user-friendly format that offers the public specific information about how Adult Criminal, Youth, Small Claims, Family, and Traffic Courts operate.
- Publish performance indicators online in the Annual Report by July 31st of each calendar year.
- Publish the Provincial Court's Strategic Plan online and report progress on meeting established objectives by March 31st of each calendar year.
- Add Traffic dockets to the Court's website.

Goal 4: Proactively communicate key messages about the Provincial Court to partners in justice and the citizens of the province.

Objectives:

- Inform service groups, like the Rotary Club, that the Chief Judge or his designate is available to speak on the Court's vision, mission, and strategic directions.
- Initiate a Court Stakeholders Committee that meets quarterly or as required to improve the lines of communication and openly discuss issues pertaining to the Court and stakeholder groups.
- Consult in advance with partners in justice before embarking on any new Court initiatives that may directly or indirectly impact upon their operations.
- Adopt as a best practice the preparation of press releases for all new Court initiatives and positive developments.

2. Improved Timeliness and Access

The Court must hold itself accountable for the judicious use of scarce resources and for operational efficiency. This can only be done by establishing performance indicators for the Court and regularly comparing the actual performance of the Court against these standards. A Case Flow Management System is an essential hands-on management tool that will allow the Court to track case processing indicators to ensure that the Court is meeting its commitment to timeliness from first appearance to disposition. Those cases that are approaching or exceeding the agreed upon timeframes for processing will be red-flagged by the system. This information will help to identify areas that may require further analysis and additional resources. This will allow the Court to maximize the use of courtroom time and resources thereby bringing the greatest overall benefit to the citizens served by the Court.

The implementation of a Case Flow Management System demonstrates that the Provincial Court is proactively assessing its effectiveness and remains accountable to the public for its delivery of justice services. It will enable the Chief Judge, judges, and senior managers to quickly assess how the Court is operating monthly, quarterly, and annually. The system will be able to produce information on a case-by-case basis and is intended to encourage self-assessment and foster improvement. This type of self-assessment is essential and is being used as a standard management practice by courts throughout North America. This system will enable the Court to objectively assess the Court's case processing against a set of standardized benchmark indicators. The Provincial Court's existing automated case management system has been adapted to provide the required case processing information needed to support case flow management.

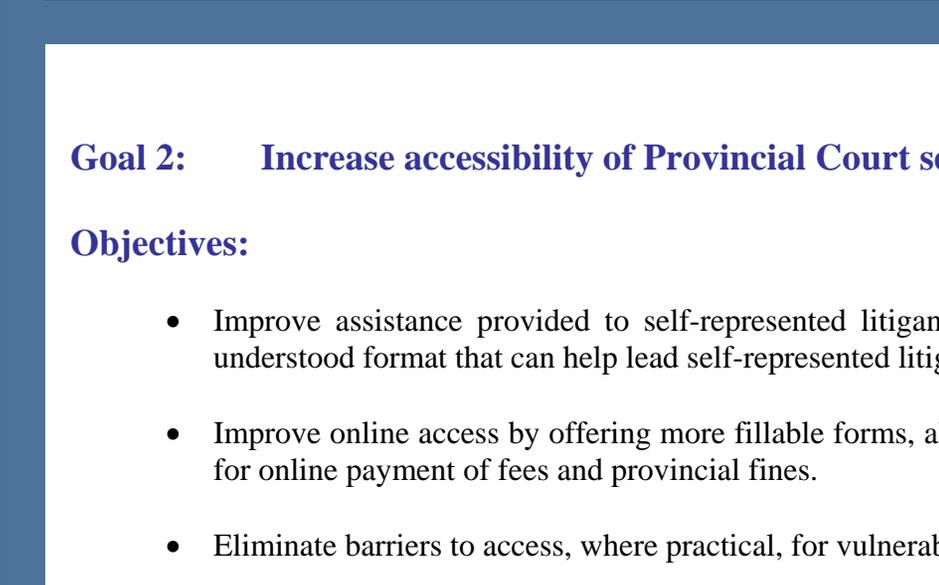
Beyond providing better access through improved timeliness in case processing, the Provincial Court is improving access by exploring alternative service delivery models in the form of therapeutic courts. These types of courts provide better access to services for offenders who meet the eligibility criteria. The Family Violence Intervention Court is intended to address the complex issue of family violence and provides early access to support services and intervention programs. It also focuses on enhancing victim safety and emphasizing offender accountability. The Mental Health Court provides access to an increased level of medical and community-based support for certain offenders who suffer from a mental disorder and may commit an offence as a consequence of their mental disorder or lifestyle issues related to the disorder. Research has demonstrated that many offences that occur in Adult Criminal and Youth Court are drug-related. Drug Treatment Courts have existed for some time in other jurisdictions, and now that the Provincial Court has gained some experience in other types of therapeutic courts, it will explore options for piloting this type of court.

Providing more services online through the Court's website is also a means of improving access to justice, particularly for those who prefer online service delivery, rather than having to physically come to the Court to fill out documents, receive documents, or pay fees and fines.

Goal 1: Reduce the number of appearances and the length of time it takes to dispose of cases from first appearance until final disposition.

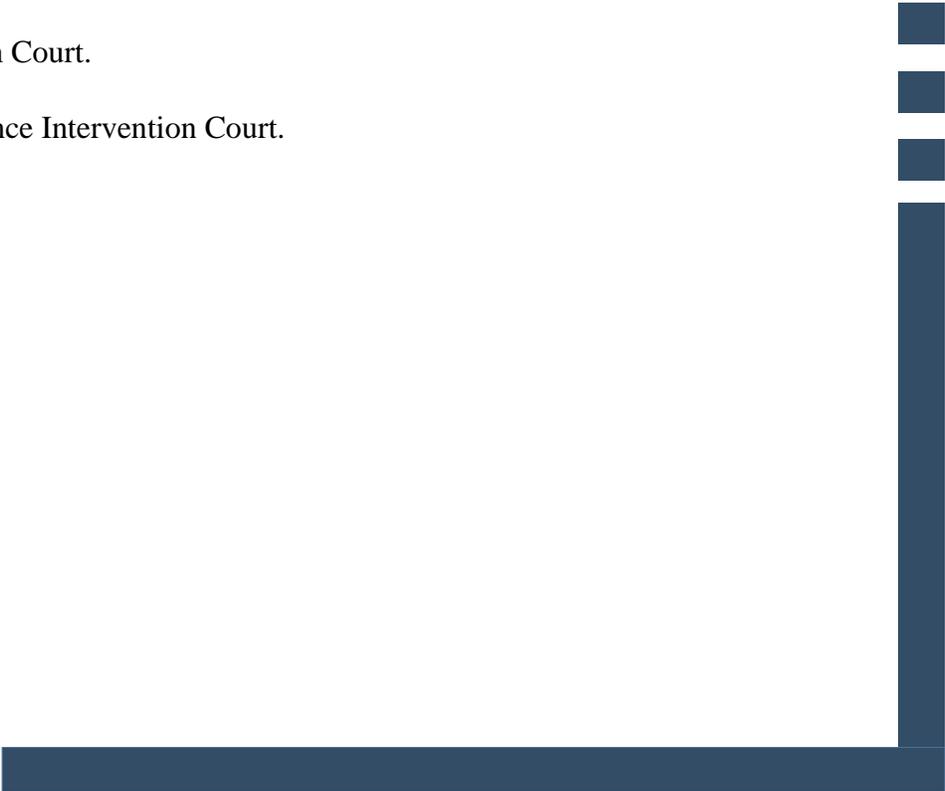
Objectives:

- Improve case scheduling through the introduction of an electronic calendaring system.
- Roll-out Case Assignment and Retrieval System (CAARS) to all Court Centres by tasking Court Administrators and designated staff with a more active role in case scheduling.
- Continue to improve case processing by collaborating with justice partners on new initiatives and those outlined in the Task Force on Justice Efficiencies.
- Adopt as a best practice a rigorous approach to court scheduling and develop a set of standards for court scheduling practices, particularly for routine matters, with low tolerance for court delays.
- Train and task Court Administrators and designated employees with follow-up work on gathering case information for those cases that fall beyond the established benchmarks.



Goal 2: Increase accessibility of Provincial Court services for all citizens of the province.

Objectives:

- Improve assistance provided to self-represented litigants by developing a guide and providing online assistance in an easily understood format that can help lead self-represented litigants through the court process.
 - Improve online access by offering more fillable forms, allowing for more electronically filed documents, and providing the option for online payment of fees and provincial fines.
 - Eliminate barriers to access, where practical, for vulnerable witnesses and persons who require interpreters.
 - Continue to support and annually evaluate Mental Health Court.
 - Continue to support and annually evaluate Family Violence Intervention Court.
 - Explore options for piloting a Drug Treatment Court.
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3. Wise Use of Emerging Technology to Improve Court Processes

The Provincial Court has a proven record of adapting emerging technology to improve court processes. This includes: videoconferencing, online dockets, electronic case management systems, digital recording, E-filing, CourtCall, and enhanced electronic evidence presentation. Yet, the Provincial Court still has many opportunities to further its application of technology to improve the efficiency of court operations and improve access to court services. Technology can help improve collaborative efforts with our partners in justice through the sharing of electronic files, where appropriate, with police, crown, legal aid, private bar, and corrections. Moving towards more of a “Paper on Demand” model for the Court would improve electronic access to our court records. It would provide an alternative model of service delivery especially for those clients who prefer E-filing, rather than coming to the Court and relying on paper documents. Cost savings and efficiency would also be realized with respect to document management and retention of electronic versus paper records.

Goal 1: Continuously improve court processes through the thoughtful application of emerging technology.

Objectives:

- Adopt as a best practice the preferred use of videoconferencing for all court hearings where it makes practical sense in terms of time and cost savings.
- Expand E-filing initiatives by exploring the feasibility of electronically filing other documents.
- Provide more options for payment by installing debit/credit card terminals at each Court Centre.
- Evaluate options for enhancing presentation of evidence by preparing an assessment of available technology that compares ease of use, functionality, and cost.
- Demonstrate a green philosophy by moving towards a “Paper on Demand” model, which replaces paper records with electronic records, wherever feasible, resulting in a reduction in the time and costs associated with printing, searching, and storing paper records.
- Test the feasibility of automating the courtroom process involved in the generation of court orders.
- Support the establishment of a Court Stakeholders Committee to identify opportunities for electronic sharing of files, where practical and appropriate.

4. High Quality Service and Professionalism

Court Administration and the Frontline Delivery of Services

The Provincial Court must maintain a highly-skilled and motivated workforce that consistently provides excellence in service delivery. The Court will continue to set a high standard of professionalism by focusing its efforts on attracting, recruiting, and retaining employees with the right attitude, skill sets, and experience to be able to evolve with the changing nature of the job. The Court has a greying workforce, and with the recent elimination of mandatory retirement at age sixty-five, staff and judges can now opt to continue working longer. As an organization, the Court must be ready to effectively manage an intergenerational workforce that often has both conflicting values and divergent work/life balance expectations. The Court must be proactive in gauging when employees will choose to exit the workforce. This will ensure that proper succession planning has occurred in advance and that adequate orientation is delivered so that the transition is as seamless as possible. The Court must hold itself to a very high standard with respect to the frontline delivery of services. This requires management to continuously monitor, and support through training, the provision of respectful, professional, and timely service.

Judicial Excellence

The Provincial Court must require continuing education for the judicial branch, the transfer of institutional knowledge through enhanced mentoring, and succession planning for administrative judicial positions. This will ensure that changes over time to the senior leadership of the judiciary and the appointment of new judges will be as seamless as possible. A shared vision of efficient and effective case flow management among all members of the judiciary is critical to the success of the Provincial Court. As part of its commitment to judicial excellence, the Court must be willing to transform itself into a culture of high performance and accountability in which management decisions and policies are informed by performance-based data, rather than anecdotes and intuition. This commitment to excellence can be reinforced and accentuated by making information available to the public on the efficiency and timeliness of court services.

Goal 1: Provide all court users and the public with consistent high quality service and professionalism in the delivery of court services.

Objectives:

- Measure client satisfaction by administering the CourTools Client Service Survey.
- Continue to conduct a formal annual performance review and training needs assessment for every employee of the Provincial Court.
- Ensure Court Officer II positions and above receive training focused on excellence in court management and administration.
- Require all staff to complete customer service training and refresher courses.
- Require all staff to complete training regarding ethics and professionalism for court employees.
- Finalize and implement a Code of Conduct for Provincial Court staff and deliver training to all staff on the Code of Conduct.
- Continue to update the Provincial Court New Employee Orientation Guide as necessary. Implement a formal training program that clearly details orientation activities to occur over the first 12 months of employment with the Court.
- Ensure that the Provincial Court builds a pool of excellent candidates by expanding recruitment efforts in high schools and technical colleges across the province and raising awareness through the Court's website of jobs available and the benefits of working in the Provincial Court.
- Finalize a succession plan for all Provincial Court senior positions and set an overlap period of up to six weeks before a management employee retires, or accepts employment elsewhere, to match them with new recruits for on the job training.
- Develop an employee recognition program that serves to recognize, motivate, and engage employees in the Court's mission.
- Establish a change management team to assist with implementation of projects which will impact the Court and its employees.

Goal 2: Commit the Provincial Court to a high standard of judicial excellence, for the benefit of all court users and the public, by cultivating a court culture typified by a knowledgeable and well-trained judiciary.

Objectives:

- Formally adopt a rigorous judicial mentoring program for all new judges.
- Develop a succession plan for administrative judicial positions.
- Provide specialized training for administrative judges.
- Increase accountability for case flow decisions.
- Provide opportunities for external professional development for the judiciary.
- Process judicial complaints impartially and efficiently.

5. Strengthened Court Security

Court security is not a one-time achievement. It is a serious and continuous goal that requires constant vigilance. The risks involved in operating courts are great and while they cannot always be eliminated, they should be minimized whenever possible. Operating a court building or a circuit court facility by its very nature involves a medium to high degree of risk. Each day courts are visited by a large volume of disgruntled and often lawbreaking clients. In addition, there are many groups involved directly or indirectly in the court process: the public, witnesses, interpreters, crown, private bar, legal aid, sheriff's officers, court staff, judges, and in some cases other building occupants. The safety needs of all these groups must be recognized and addressed. While the Office of the High Sheriff is tasked with providing court security, it is incumbent upon the Court to support and advocate for the development and implementation of effective court security measures. The appropriate access to, and protection of, court records and exhibits is also an area of security that cannot be overlooked.

The Court also has a duty and responsibility to continue to provide services to the public even in times of natural disasters, pandemics, and emergency situations. To accomplish this, the Provincial Court has developed a Business Continuity Plan (BCP) which clearly details how the Court will achieve continuation of its essential services when these unfortunate events occur. The BCP has already been tested by a number of weather-related and emergency events and it was activated successfully. For example, the BCP was successfully implemented in September 2010 when flooding related to Hurricane Igor required the closure of the Clarenville courthouse.

Goal 1: Minimize the risks in operating Courts for all staff, judges, stakeholders, and the public by improving court security measures.

Objectives:

- Identify security needs with respect to circuit courts and advocate for improvements.
- Support measures to control the entry of people and prevent the entry of weapons and potential weapons into court facilities.
- Evaluate the BCP on an ongoing basis to review and refine as new lessons are learned from future emergency events.
- Review the procedures related to the handling of exhibits to reduce risk of injury, enhance integrity and security of exhibits, and improve their management and control.

6. Comprehensive Information Management Strategy

While the Court must be open and transparent in its delivery of justice, it must also be cognizant of privacy concerns and be able to balance those concerns against the requirement to maintain open courts. The need for a comprehensive information management strategy is very clear. Although the Provincial Court has greatly improved its information management capacity over the past year, with the establishment of a permanent dedicated information management section within its Corporate Services Division, there is more to be accomplished.

There are many challenges to be met regarding data quality, given the volume and complexity of the data generated. The Provincial Court has five business lines: Adult Criminal, Youth, Small Claims, Traffic, and Family and each of these divisions generate both paper and electronic records. With ten permanent Court Centres and 23 circuit locations, the volume of records and data generated is enormous. For example, the St. John's Court alone generates over a 100,000 pages of data annually as part of the Adult Criminal and Youth Court processes.

Beyond the sheer volume of records generated, there are other issues related to technological changes which add to the complexity of maintaining the integrity of the data. For instance, information has been collected in a variety of formats (court diaries, index cards, paper, electronic files, audio tapes, and CDs), and the Court has cycled through many different software applications while creating those records. Adult Criminal, Youth Court, Small Claims, and Family have gone from a manual case management system that relied on paper records to different generations of custom-built automated case management systems. Traffic Court has remained a manual system. Small Claims Court has successfully implemented an E-filing application and it is an option that is increasingly accessed by Small Claims users. More and more, the Court needs to move towards an electronic records model wherever feasible and practical.

Goal 1: Develop a comprehensive information management strategy for the Provincial Court that embraces a data quality standards program for the management and long-term integrity of both electronic and paper records.

Objectives:

- Adopt a data quality standards and monitoring program and ensure each Court Centre is following consistent and robust information management practices.
- Implement TRIM for Adult Criminal, Youth, Small Claims, Family, Traffic, and Corporate records.

- Complete the Adoption Records Project by centralizing all adoption records in a secure records vault, indexing the records, and providing filing solutions that ensure their long-term integrity and security.
- Pursue a technological solution that would provide the security, integrity, and capacity for the long-term storage of the Court's electronic files.
- Develop and seek approval of retention schedules for Youth, Family, and Traffic records.
- Reduce commercial storage of records by reviewing and eliminating, where possible, records that have reached their final disposition date.
- Make it a priority to explore and implement options for replacing Traffic Court's manual processes with automated solutions.