



**Evaluation of the
Expanded Criminal Duty Counsel**

**Evaluation Refresh
Final Report**

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Prepared for:

Legal Services Society of British Columbia

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Executive Summary

This report presents the findings for the evaluation refresh of the Legal Services Society of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) project. The evaluation refresh uses a similar methodology to the process and summative evaluations of the EXP CDC, which were conducted in 2015 and 2016, respectively. The evaluation refresh was conducted to demonstrate the EXP CDC's progress made toward achieving its intended outcomes after two full years of operations. The evaluation covers the project's activities from March 2, 2015 to April 28, 2017.

Conclusions on delivery of the EXP CDC

The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court. In particular, the triage process, whereby individuals are determined to fall under the exceptions criteria, is better understood by stakeholders and is enabling accused persons who are clearly not eligible for the project to be redirected to LSS intake or other legal options sooner. The intake process has also been streamlined to provide a more seamless experience for clients, rather than being moved back and forth between LSS intake and EXP CDC intake. Stakeholders (external and internal) are particularly supportive of the presence of EXP CDC duty counsel at first appearance court; this is credited with connecting clients to the project quickly, as well as assisting the court by being able to provide information about and some assistance to individuals who are appearing without counsel.

With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services. In terms of staffing, both the duty counsel roster and the second administrator have addressed capacity issues identified in the earlier evaluations. With these additional resources, the project has been able to handle the fluctuations in intake from month to month and to keep pace with the demand for its services.

Achievement of outcomes

The project is accepting appropriate clients/cases for expanded service. Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services. The evaluation evidence shows that clients/cases entering the project meet its eligibility criteria, and that the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract. Over three-fourths (78%) of clients accepted into the project would not have been eligible for a legal aid representation contract.

In general, clients are receiving referrals to the project in a timely manner. Most clients (72%) are made aware of the project and make initial contact at their first appearance. The smooth referral process is likely due to several factors: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply. Almost all clients interviewed considered the experience of connecting to the EXP CDC and applying to be easy. The timeliness of service

in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors, including higher number of clients in certain months, clients missing appointments, and other scheduling issues.

All lines of evidence indicate that clients' legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Clients received a variety of services from the pilot project, including summary advice, which includes options for how to respond to the charges; negotiations with the Crown on their criminal matters; court attendance; and a resolution to their criminal matter. Based on client interviews, clients found the services to be helpful in assisting them through the court process. The pilot data show that duty counsel spend, on average, 2.2 hours on the files of clients who received expanded service and 0.9 hours on the files of clients who were not accepted into the EXP CDC but received summary advice.

The evaluation evidence supports the conclusion that the project has led to the earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations (64% in Abbotsford and 70% in Kelowna). The most common reasons for not being able to resolve cases were the client's and/or the Crown's positions. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

Most clients who were interviewed were very satisfied with the services they received from the project. Almost all of the 44 clients interviewed said they were satisfied with the services they received. They felt treated with respect and believed they received good results.

There is evidence that the project has led to greater efficiency for the court process. The summative evaluation found early indications that the project had led to greater efficiency for the court process, which was confirmed and the conclusions strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as the project uses fewer appearances to resolve cases than the comparison court locations.

The project has increased access to justice. The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

The project has achieved efficiencies for the justice system. The summative evaluation occurred at an early stage of the project; however, even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations. Based on the available measure of the number of appearances per resolved case, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

Recommendations

- Recommendation 1:** Consider offering greater flexibility for providing same-day guilty pleas for certain types of offences where clients often do not have a defence and sentencing is usually the statutory minimum.
- Recommendation 2:** Consider improvements to the data tracking system and consent processes to facilitate future studies.
- Recommendation 3:** Consider options for obtaining regular feedback from clients.

1.0 Introduction

The British Columbia Ministry of Attorney General (the Ministry)¹ provided the Legal Services Society of British Columbia (LSS) with \$2 million of additional funding over a three-year period (2014–15 to 2016–17) to implement five pilot projects intended to help address access to justice in the province, collectively referred to as the Justice Innovation and Transformation Initiatives (JITI). These projects included the Parents Legal Centre (PLC), the Expanded Family Duty Counsel (EXP FDC), Expanded Family LawLINE (FAM LL), Family Mediation Referrals (MED REF), and the subject of this report, the Expanded Criminal Duty Counsel (EXP CDC).

PRA Inc. was hired to conduct process and summative evaluations for the projects in 2015–2016. The process evaluations focussed on the early implementation phase of the projects. The summative evaluations covered the entire period of project operations and considered issues related to implementation, achievement of outcomes, and efficiencies. For the EXP CDC project, the time period covered by the summative evaluation was March 2, 2015 to June 4, 2016.

As noted in the EXP CDC summative evaluation report, the process and summative evaluations occurred primarily during the first year of the project's operations, which is an early stage for assessing achievement of outcomes. Evidence related to the achievement of intermediate and long-term outcomes is usually not available for at least two to three years. As a result, the summative evaluation report noted that evidence of achievement of outcomes is preliminary and based on the best available evidence.

Since the summative evaluation, LSS committed to updating the four evaluations for the projects that are continuing (PLC, EXP CDC, EXP FDC, and FAM LL) in order to demonstrate progress made toward achieving outcomes.² The replication of the summative evaluations is intended to provide more recent data on the degree to which projects are meeting their objectives and yielding efficiencies. In so doing, the evaluations will be able to consider another year of project operations. With the additional year of data, the evaluations should be able to at least partially address some of the methodological limitations of the summative evaluations, such as the short time horizon.

This report presents the refresh evaluation findings for EXP CDC project and covers the project's activities from March 2, 2015 to April 28, 2017.

¹ The Ministry of Attorney General was previously known as the Ministry of Justice prior to July 19, 2017.

² MED REF did not receive funding to continue beyond 2016.

2.0 Brief overview of the EXP CDC project³

The EXP CDC project serves out-of-custody accused persons at the Port Coquitlam Provincial Court and has been accepting clients since March 2, 2015. The project provides criminal duty counsel services using a new model of delivery that is intended to: 1) increase the scope of people eligible to receive assistance from legal aid by expanding duty counsel services based on new eligibility criteria; 2) provide greater continuity of counsel for clients; and 3) achieve the early resolution of cases, where appropriate.⁴

Under the traditional model that existed prior to the EXP CDC project, criminal duty counsel services consisted of the provision of summary advice to clients appearing in court who had been charged with a criminal offence and did not yet have a lawyer. A roster of private bar lawyers provided this service, and clients received assistance from whichever lawyer was serving as duty counsel on that court date. As a result, clients who were present without counsel for multiple court appearances may have received brief assistance from several individual duty counsel. Duty counsel services were limited to explaining the nature of the charges the accused person was facing and the court procedures, providing advice about legal rights, and, if there was time, assisting with a guilty plea.⁵

The EXP CDC project has changed this traditional model in a number of ways.

- ▶ First, the project provides qualifying clients with **extended support**, in order to pursue a non-trial resolution, including duty counsel making court appearances with the client up to and including entering a guilty plea and/or agreeing to a peace bond. Duty counsel services will not assist clients who want their matters to go to trial or who have a viable defence. In those circumstances, clients who are eligible for legal aid representation contracts will be referred back to LSS, and non-eligible clients will be provided information on other legal services that might assist them.
- ▶ Second, this extended support is facilitated by **greater continuity in the duty counsel** serving the client. Initially, the project guaranteed continuity by having only one criminal duty counsel. The project later instituted a small roster of criminal duty counsel in order to handle the volume of clients. Even with the creation of a small roster of duty counsel, the project maintains continuity of duty counsel by ensuring that the counsel who assisted the client for their initial interview maintains the client's file until the file is closed.⁶

³ This section is largely taken from the project's charter and interviews with project personnel. It describes how the project operated as of June 2017.

⁴ Throughout the report, resolution of cases or resolution rates refers to criminal cases that have concluded with a finding on the charge(s) (e.g., guilty, not guilty, charges stayed or withdrawn). For the EXP CDC, the resolution types will not include not guilty, as the project does not assist clients with trials.

⁵ Legal Services Society of British Columbia, 2015. Duty Counsel Lawyers for Criminal Matters. Retrieved on July 5, 2015 from http://www.lss.bc.ca/legal_aid/criminalAndImmigrationDutyCounsel.php.

⁶ When referring to EXP CDC files being closed, this refers to the administrative closing of a file, which could mean that the matter was resolved (see Evaluation Question 6, Table 14) or that the file was closed for another reason (see Evaluation Question 6, Table 10).

- ▶ Third, the project has **increased the scope of clients** receiving this extended service. Under LSS guidelines, there are both financial and coverage eligibility requirements for criminal matters (i.e., for coverage eligibility, there must be the risk of jail). Under the EXP CDC project, clients must either meet the financial eligibility criteria for a legal aid representation contract or they can be eligible under the EXP CDC's financial eligibility discretionary coverage guidelines (which has a higher income cut-off). EXP CDC clients do not need to face the risk of jail in order to receive the expanded service. Instead, their case must be assessed by the criminal duty counsel against project criteria, which include the case not being too complex for the project to undertake and the potential to achieve non-trial resolution.

The criminal duty counsel also provide summary advice to out-of-custody accused persons who are not accepted into the project. These clients do not receive the project's expanded service, but are to receive more meaningful summary advice than is provided by the traditional duty counsel model, as expanded duty counsel have had an opportunity to review the particulars of the case before meeting with the accused person.

In this report, the EXP CDC has two types of clients: those who are accepted into the EXP CDC for expanded service and those who are not accepted into the project but who may have received summary advice.⁷

The EXP CDC project has the following personnel:

- ▶ one full-time lead criminal duty counsel who is responsible for the management of the project and also provides expanded duty counsel services;
- ▶ a roster of criminal duty counsel who also provide expanded duty counsel services; and
- ▶ two project administrators who work exclusively for the project. The project's administrators assist with intake and support the criminal duty counsel by, among other things, opening and maintaining client files, explaining the services to clients and making their appointments with duty counsel, and managing the duty counsel's calendar.

The process for client interactions with the project has several stages:

- ▶ Clients who attend court without counsel are informed about the availability of duty counsel services by the criminal duty counsel who attends first appearance court. If the criminal duty counsel is not available (e.g., their presence has been requested in another courtroom), the justice personnel in first appearance court (e.g., judicial case managers, Crown) will inform them of legal aid and the project.

⁷ Clients who are not accepted into the project are either not financially eligible or they are not appropriate for expanded service after assessment by the EXP CDC (see Evaluation Question 3). Not accepted clients who attend their meeting with duty counsel receive summary advice from the EXP CDC.

- ▶ The court will stand down their matter so the clients may go to the EXP CDC project office, as that is the first step in applying for the project.⁸
 - Clients who attend the morning session of court will go to the project office and begin the application process. If the client does not fall into one of the exceptions (listed below), the project administrator will give the client a form with the date for their appointment with duty counsel and a requested adjournment date. The client will then return to court with their appointment date and the court will adjourn their matter to the date requested and provided by the administrator.
 - For the afternoon court session, the duty counsel in court will provide an appointment and adjournment form to the client so the court can set the adjournment date before sending the unrepresented accused person to apply for the project. The different approaches to morning and afternoon sessions were created by the EXP CDC project to ensure that afternoon court sessions, which are shorter, were not delayed by clients having to begin the application process before returning to court.

- ▶ Once clients report to the EXP CDC office, the project administrators conduct an initial triage, where certain applicants are screened out of the project and referred to LSS intake if they meet one of the following exceptions:
 - the applicant is a youth
 - the applicant is detained in custody after a bail hearing
 - the applicant has a trial date set
 - there is a conflict of interest
 - the applicant is charged with a breach of conditional sentence order
 - the applicant has an open criminal representation contract
 - the applicant has multiple criminal charges in different courts
 - the applicant has both a mental or physical disability and an established relationship with a contract lawyer⁹

The project began tracking exceptions in January 2017; as of June 26, 2017, 77 individuals were screened out of the project under the exceptions.

- ▶ Clients who have not been screened out of the project proceed to making an application to the project and having an appointment scheduled with the criminal duty counsel.

⁸ Earlier in the project, the clients were first sent to the LSS intake office in the courthouse, which also serves clients with other legal issues covered by legal aid, such as family law and child protection. LSS intake would conduct the intake assessment for legal aid and refer potentially eligible clients to the project. That process has now changed, and the EXP CDC project administrative staff handle intake for the project as well as the applications for legal aid for individuals who are not eligible for the project.

⁹ In addition, the project administrator can decide if there are other exceptions (e.g., the seriousness of the criminal charges) that make the accused person ineligible for the EXP CDC project.

- ▶ The project administrator opens a file and photocopies the client’s particulars so that the criminal duty counsel can review them before the initial client meeting. The administrator also explains the EXP CDC project to the client, has the client sign an acknowledgment of service form, and provides them with an appointment date for their meeting with criminal duty counsel and a requested adjournment date for the court. The dates that are chosen ensure continuity of duty counsel.
- ▶ At the scheduled appointment, criminal duty counsel interviews the client to determine if the client is eligible for the project.
 - If the client is eligible for expanded service, the criminal duty counsel will represent the client until the matter is resolved or until the client and/or duty counsel determine that the client needs other representation (e.g., a legal aid representation contract, pro bono legal services, private bar assistance). This situation occurs when the matter cannot be resolved within the scope of the project’s services (e.g., without a trial).
 - If the client is not eligible for expanded service, but is eligible for a legal aid representation contract, the project administrator will complete the LSS application with the client and will handle the other administrative matters for that client (e.g., notifies client of acceptance, contacts the lawyer, issue the contract). This is a change in the process, as earlier, the client was referred back to the LSS intake worker.
 - If the client is not eligible for expanded service or for a legal aid representation contract, criminal duty counsel will provide the client with summary advice and will provide information on other available legal resources.
- ▶ Each appointment is scheduled for 45–60 minutes and is intended to provide clients of the project (expanded service and summary advice) more extensive services than under the traditional duty counsel model, either through continued representation (expanded service) or more meaningful summary advice.

2.1 Profile of clients¹⁰

Table 1 provides an overview of clients since the EXP CDC’s inception on March 2, 2015, to March 31, 2017. During that time, the project received applications from 1,298 unrepresented out-of-custody accused persons. The project accepted 566 clients for expanded service and provided summary advice to 732 clients. Table 1 provides the demographic characteristics for all clients.

Of the 566 clients accepted for expanded service:

- ▶ 73% are male;
- ▶ 58% are over 30 years of age;
- ▶ 70% are single;
- ▶ 10% identified as an Indigenous person; and
- ▶ 94% are Canadian citizens.

Table 1: Demographics (administrative data)			
	EXP CDC clients		
	Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Gender			
Male	73%	82%	78%
Female	27%	18%	22%
Age			
18 to 25	26%	18%	22%
26 to 30	15%	16%	15%
31 to 40	26%	28%	27%
41 to 50	18%	19%	19%
51 to 64	12%	16%	15%
65 or over	2%	2%	2%
No response	1%	1%	1%
Marital status			
Single	70%	69%	70%
Separated	9%	9%	9%
Married	9%	10%	10%
Common law	7%	8%	8%
Divorced	4%	2%	3%
Widowed	1%	1%	1%
Indigenous ancestry			
Yes	10%	12%	11%
No	89%	86%	87%
No data	1%	2%	2%
Immigration status			
Canadian citizen	94%	95%	94%
Permanent resident	5%	4%	4%
Permit holder	<1%	<1%	<1%
Student	<1%	<1%	<1%
Refugee claimant	–	<1%	<1%
No data/no status	1%	1%	1%

Note: Totals will not all equal 100%, due to rounding.

¹⁰ Throughout the report, we refer to clients. These are not unique individuals as some people may have used the project services more than once. Instead, each unique service record in the project database is considered a client for reporting purposes.

Table 2 provides the complete listing of charges against EXP CDC clients.¹¹ The most common types of crimes clients were charged with have been consistent across the two years of the project: theft under \$5,000; spousal or domestic assault; and *Motor Vehicle Act* offences. As shown below, the most common types of crimes are similar both for clients who were accepted into the project as well as those who were not.

Table 2: All charges laid against EXP CDC clients (administrative data)

	EXP CDC clients		
	Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Theft under \$5,000	23%	14%	18%
<i>Motor Vehicle Act</i> offences	18%	11%	14%
Spousal or domestic assault	15%	17%	16%
Breach of probation	8%	6%	7%
Assault	7%	9%	8%
Uttering threats to people	7%	10%	9%
Mischief	7%	7%	7%
Breach of undertaking or recognizance (breach of bail)	4%	8%	6%
Peace bond offences	3%	3%	3%
Offences related to a peace officer	3%	3%	3%
Impaired driving	3%	3%	3%
Breaking and entering	2%	2%	2%
Assault with a weapon	2%	3%	3%
Possession of stolen property under \$5,000	2%	5%	3%
Fraud (other)	2%	3%	3%
<i>Controlled Drugs and Substances Act</i> (CSDA) offences (except trafficking)	2%	2%	2%
Firearms/weapons offences	2%	3%	3%
Other summary offences	2%	1%	1%
Possession of a break-in instrument	1%	2%	1%
Fraud under \$5,000	1%	2%	1%
Dangerous driving (<i>Criminal Code</i>)	1%	2%	1%
Refuse to provide sample	1%	1%	1%
Assaulting a peace officer	1%	1%	1%
Fraud over \$5,000	1%	<1%	1%
Failure to appear	1%	–	<1%
Assault causing bodily harm	<1%	2%	1%
Robbery	<1%	2%	1%
Possession of stolen property over \$5,000	<1%	1%	1%
Harassment	<1%	1%	1%
Income tax offence	<1%	<1%	<1%
Unlawfully at large	<1%	<1%	<1%
Theft over \$5,000	<1%	<1%	<1%
CDSA trafficking	–	2%	1%
Sexual assault	–	1%	1%
Indecent act	–	1%	1%
Other sexual offences	–	1%	<1%
Other indictable offences	–	1%	<1%
Uttering threats (other)	–	<1%	<1%
Arson	–	<1%	<1%
Other	1%	2%	2%

Note: One case can include multiple charges; column totals may sum to more than 100%.

¹¹ All charges in the cases handled by the project for these clients are included.

2.2 Cost of the EXP CDC

Table 3 provides the costs for the first three years of the EXP CDC project and includes a calculation of the unit costs (cost per client¹²) of providing its services in its first two full years of operations (years 2 and 3). Because the project provides services to those clients who are accepted into the project (expanded service) as well as those who are not accepted (summary advice), the estimated costs per unit are estimated for both categories of clients.¹³ The costs of the project are apportioned between the two groups based on the proportion of duty counsel hours they receive, as recorded in the project database. For 2015–16, 68% of project costs are allocated to the expanded service clients and 32% of project costs are allocated to the summary advice clients. For 2016–17, 63% of the project costs are allocated to the expanded service clients and 37% of the project costs are allocated to the summary advice clients.

Project costs were \$258,972 for 2015–16, which result in a cost of \$640 per client receiving expanded service and \$249 for clients who receive summary advice. For 2016–17, project costs rose to \$388,092. The project costs for 2016–17 are adjusted to reflect costs for delivering the services in Port Coquitlam, and remove costs associated with project development.¹⁴ The increase in costs is primarily due to the additional costs of the roster lawyers as well as the second full-time administrator.¹⁵ The result is an increase in unit costs to \$821 for expanded service clients and \$352 for summary advice clients.

¹² See footnote 10.

¹³ The EXP CDC unit cost analysis is not intended for comparison to costs of other LSS services for similar criminal matters, such as the regular criminal duty counsel service or representation contracts. The unit cost analysis includes costs for LSS overhead, while tariff rates do not include similar LSS overhead costs (e.g., application processing, invoice processing). For the same reason, overall project costs are not intended for direct comparison with costs avoided through system efficiencies, which don't include costs avoided for comparable overhead (including facilities, out of court activities, Crown overhead, etc.).

¹⁴ The lead criminal duty counsel is estimated to have spent about 20% of her time on activities related to developing the EXP CDC model for its potential use in additional court locations. As a result, additional resources were spent on the roster. Table 3 expenditures for roster lawyers have been adjusted from actual expenditures (\$107,605) to reflect what would have been required had the lead duty counsel been dedicated full-time to operating the project.

¹⁵ The project administrators have taken on additional duties since the summative evaluation, in particular handling LSS intake for EXP CDC clients and administering legal aid representation contracts for those not accepted into the project but who are eligible for legal aid.

Table 3: EXP CDC project costs (adjusted) (LSS financials)

Item	Year 1 2014–15 Actual	Year 2 2015–16 Actual	Year 3 2016–17 Actual
Full-time lawyer – criminal duty counsel	\$32,215	\$130,337	\$120,000
Roster lawyers – backfill capacity	–	\$3,889	\$77,590 ¹⁶
Full-time administrator – lead	\$6,283	\$50,279	\$48,472 ¹⁷
Full-time administrator	–	–	\$43,257
Floater administrators ¹	–	\$6,612	–
Office expenses	\$5,563	\$11,722	\$10,104
Sub-total for EXP CDC expenses	\$44,061	\$202,838	\$299,423
In-kind: Overhead on lawyer salaries ²	\$4,832	\$20,134	\$26,190
In-kind: Office space ³	\$7,500	\$36,000	\$54,000
Total	\$56,393	\$258,972	\$379,613
Number of expanded service clients		275	291
Unit cost ⁴		\$640	\$821
Number of summary advice clients		333	399
Unit cost ⁴		\$249	\$352
Sources: Calculations were made based on the EXP CDC database and LSS data.			
Notes: Costs may not sum to totals, due to rounding.			
The clients for year 2 include those who entered the program between March 2015 and February 2016 and year 3 includes clients who entered between March 2016 and March 2017. While this does not strictly match fiscal years, it enables the cost per unit estimates to include all clients who have received services from the project during the two fiscal years.			
¹ Prior to the hiring of a second full-time administrator, floater administrators were used to cover vacation and sick days of the project administrator.			
² Calculated as 15% of lawyer contract costs.			
³ Calculated as \$1,500 per month per office used.			
⁴ Unit costs are allocated based on the proportion of time spent by criminal duty counsel on the type of client (expanded service or summary advice) multiplied by the total cost of the project and then divided by the number of clients (expanded service or summary advice).			

¹⁶ The costs for counsel (lead and roster) are higher in Year 3 in part because of the time the lead duty counsel spent on other activities (as explained in footnote 14). To account for this and provide a truer estimate of the actual project costs, the total roster expenditures have been reduced by the estimated additional seven hours required per week using the following formula — 7 hours X \$92.29 (maximum lawyer billing rate) X 46 work weeks = \$29,717.38 + 1% GST (for non-profits) = \$30,015 — which is rounded to the nearest dollar.

¹⁷ The estimated cost for the additional project administrator duties that are not related to the operations of the EXP CDC or are unusual one-time costs (e.g., intake not associated with the project and digitizing files) are \$8,479, rounded to the nearest dollar. While both administrators do this additional work, for simplicity, the estimated cost has been removed from the actual project expenditures for the lead administrator in Table 3.

3.0 Methodology

The evaluation refreshes the methodology used in the summative evaluation of the EXP CDC project and consists of four lines of evidence: a document and data review, interviews with key informants, interviews with clients, and a systems efficiency analysis.

Prior to commencing data collection, LSS and PRA reviewed and revised as appropriate the logic model and evaluation matrix, which are in Appendices A and B, respectively. PRA also revised the data collection instruments to update them, and LSS approved the data collection instruments used for the refresh evaluation. The data collection instruments are included in Appendix C.

3.1 Document and data review

PRA reviewed relevant documents produced by the project, including the project manual and charter, descriptions and diagrams of the EXP CDC model, and the forms used by the project to collect information on its clients and the types of assistance provided.

The data review involves a review of available data from the EXP CDC project database, as well as data provided by Court Services Branch (CSB) and other data provided by LSS as follows:

- ▶ LSS provided an extract of the database for all EXP CDC clients (accepted and not accepted) whose files were opened between March 2, 2015 (the start of implementation) and March 31, 2017.
- ▶ LSS provided financial information on the project.
- ▶ CSB provided provincial criminal court data to support an analysis of outcomes and potential system efficiencies. To make the CSB data as comparable to the type of cases handled by the EXP CDC project, the CSB extracts were for cases with the same types of charges as those handled by the EXP CDC project and excluded cases where there was a bail hearing that resulted in a detention order.¹⁸ CSB provided the data for Port Coquitlam Provincial Court and two comparison provincial court locations, Abbotsford and Kelowna. The choice of comparison court locations and additional data related to the sites is described in more detail in Appendix D. Data were requested for new cases¹⁹ in Port Coquitlam Provincial Court that were opened and resolved between March 2, 2015 (to coincide with project implementation) and December 31, 2016.²⁰ This extract

¹⁸ Excluding cases where the bail hearing resulted in a detention order is an improvement on the analysis done for the summative evaluation. As the project assists out-of-custody clients, those cases where the bail hearing resulted in a detention order would not be comparable to cases handled by the project.

¹⁹ A new criminal court case refers to a substantive initiating criminal court document (information) sworn against an accused person in provincial adult criminal court. This generally does not include subsequent documents, such as re-laid informations and applications. CSB extracted new cases by first appearance date within the selected time periods. One case may have more than one accused and this is counted as multiple cases.

²⁰ According to CSB, the provincial court data do not become stable for three months, as changes or updates to the data may occur. In order for the evaluation to have reliable provincial court data in time for the refresh evaluation report, it was determined to have the provincial court data extract include March 2, 2015 to December 31, 2016.

provided information on Port Coquitlam Provincial Court and the comparison court locations for a 22-month time period during the EXP CDC project operations.

Throughout the report, all references to quantitative information related to the project are based on the EXP CDC database. Information provided by CSB is referenced by court location (Abbotsford, Kelowna, and Port Coquitlam).

3.2 Key informant interviews

The refresh evaluation includes interviews with 14 key informants to obtain their perspectives on project implementation and evidence of outcomes. Interviews were conducted with six internal key informants (the CDC project lead, the lead duty counsel, three roster counsels, and the lead project administrator) and eight external key informants (two Crown counsel, three judges, and three judicial case managers). Most interviews were conducted by telephone, with the exception of two external key informants who requested to provide written feedback to the interview questions. The key informant interviews occurred in May and June 2017.

3.3 Client interviews

To obtain feedback from EXP CDC clients, PRA conducted individual telephone interviews with clients (expanded service and summary advice) whose files were closed. For the process and summative evaluations, the focus was on interviewing clients accepted for expanded service. However, over one-third of counsel time is being spent on clients who were not accepted for expanded service but did receive summary advice, and the expectation is that the project will also promote system efficiencies by assisting these clients. Consequently, for the refresh evaluation, the interviews include a small number of clients who were not accepted for expanded service but who did receive summary advice.

A total of 30 accepted clients who received expanded service, and 14 not-accepted clients who received summary advice, were interviewed.²¹ The interviews focussed on the clients' experience and satisfaction with the EXP CDC services, and how the services might be improved.

²¹ PRA contacted clients who received services since the summative evaluation (to avoid contacting clients twice), who had a telephone number in the project database, and whose file was closed. The evaluation target for client interviews was met.

3.4 System efficiencies analysis

The system efficiencies analysis considers the potential of the EXP CDC to achieve system efficiencies by estimating the potential impact of the project to avoid court costs through earlier and more efficient resolution of cases. Early resolution can be demonstrated by the following:

- ▶ a reduction in the number of court appearances
- ▶ a reduction in the time to resolution
- ▶ an increase in cases resolved without a trial

To determine the EXP CDC's success in achieving early resolution, the evaluation includes a comparison of provincial criminal court data for Abbotsford, and Kelowna for two time periods (see Section 3.1). The use of comparison court locations allowed the evaluation to isolate the potential effects of the project's services from the impacts of the Crown File Ownership Project, which is another change in the operations of the provincial criminal courts that could lead to the earlier and more efficient resolution of files. Similar to the idea of continuity of counsel in the EXP CDC project, the Crown File Ownership Project assigns a file to a Crown counsel in order to increase continuity of Crown counsel. Further details on the considerations in choosing the comparison sites are discussed in Appendix D.

The monetary estimates of efficiency (i.e., cost avoidance) are based on average provincial adult criminal court costs per hour. These cost estimates are applied to the average number of appearances across the different comparison locations as a method of showing a range of potential efficiency gains.

3.5 Limitations

The refresh evaluation has reduced the number of methodological limitations and/or their potential impact. In particular, the summative evaluation occurred early in the project, which meant that only eight months of project and court data could be used for the analysis. As noted in the summative evaluation, a longer time frame would likely have produced different results related to the number of appearances and time to resolution for criminal matters that were of a similar nature to those handled by the project. The refresh evaluation includes project and court data for cases opened and resolved over a longer time frame — between March 2015 and December 2016. The longer time frame means that the court data used in the refresh evaluation will more accurately represent the length of time and number of appearances for criminal cases resolved in provincial court.

However, a few limitations that are outside the control of the evaluation remain, as they involve the limitations of currently available data.

- ▶ The CSB data included all cases with the same charges that appear in the project's cases; however, as Table 2 (above) and Table 4 (below) show, clients of the project's expanded service faced similar charges to those clients who were not accepted into the project and received only summary services. The project is expected to handle those cases that are better-suited to early resolution and plea negotiations, and to refer appropriate cases to legal aid for a representation contract or (if not eligible) to the private bar or pro bono services. Determining a more accurate sample of comparable cases (i.e., those better-suited to early resolution) at another court location would have required information which is not tracked in the criminal case management system. Consequently, the comparison court locations are not, strictly speaking, a true comparison group. While they are the best reference group available for making comparisons at the court level, the results should be treated with caution.
- ▶ CSB data did not support a determination of whether the EXP CDC saves court time through shorter court appearances. The duration of court appearances was not captured in Port Coquitlam Provincial Court and the comparison court locations. Duration for appearances would have provided a more accurate estimate of court time per appearance for these types of cases and could have enabled an analysis of appearance duration based on whether the accused individual had counsel. A common theme in the literature is that unrepresented accused persons require more court time, which was also an issue raised by key informants.
- ▶ The available data on court costs provide only some of the potential costs that might be avoided by the project's operations. The hourly court cost includes the cost of the court clerk, deputy sheriffs, provincial court judge, senior Crown prosecutor, and registry staff hours. It does not include the cost of judicial support services, sheriff out-of-court activities, court and Crown overhead, or building occupancy charges.

4.0 Findings

The refresh evaluation findings are organized by evaluation question. They consider the operations of the EXP CDC, particularly since the summative evaluation, and the project's achievement of its intended outcomes in its first two years.

4.1 Delivery

1. How well is the EXP CDC model working for providing the expected services since the summative evaluation?

Key findings: The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court.

The summative evaluation concluded that the project had been implemented largely as intended and had demonstrated flexibility in its processes in order to better respond to demand and improve client service. In its second year, the project continued to be responsive to the needs of its clients and other justice stakeholders. Key informants (internal and external) believe that the project is working well, with several external key informants who have decades of criminal justice experience specifically commenting that this project has been one of the best innovations they have experienced in the Port Coquitlam Provincial Court.

What follows is a summary of the key improvements made to the model as well as the features key informants highlighted as contributing to the effectiveness of the project.

Procedural improvements

The earlier concerns with the bureaucracy of the project, particularly the forms and their effect on efficiency, have eased. The project has worked to improve the forms, which has paid off. The forms are now considered to be more relevant and useful to the work of the project.

Processes are now better known and understood by internal and external stakeholders. An example is the exceptions criteria that are used to triage individuals who are clearly not eligible for the project (see Section 2.0). While this triage approach began during the first year of the project, not all stakeholders were aware of it. Consequently, some had concerns that the project was requiring all individuals, even those clearly not suited to the project, to go through needless steps including appointments with EXP CDC duty counsel before making a legal aid application. The creation of the exceptions form, which is now in use to document these early decisions on eligibility, has helped both to formalize and create a better understanding of this triage stage. The project administrators also have the discretion in identifying exceptions, which was considered to be appropriate and working well. For example, the project administrators can determine that someone who does not meet one of the listed criteria but has very serious charges with lengthy particulars should nonetheless be treated as an exception. This further streamlines the process and benefits the clients by not requiring them to attend a meeting with the EXP CDC when they are clearly not going to be eligible for expanded service.

A change since the summative evaluation involves the process of connecting clients with the project. Previously, clients were referred to LSS intake, where they began the application process and, if they appeared to be eligible for the project, were referred to the EXP CDC offices to complete their intake. If they were ultimately determined not to be suitable for the project (e.g., the client denies the allegations or has a possible defence) but were eligible for legal aid, they were referred back to LSS intake. Now, clients attend the EXP CDC offices directly to make their application for the project. Individuals who are determined to be better served by a representation contract are no longer referred to LSS intake. Project administrators can now complete their legal aid applications and, if accepted, handle the administrative tasks related to their representation contracts. This additional workload for the project administrators is estimated to constitute about 10–15% of their time.

The process for handling intake and setting appointment times with duty counsel, which differed depending on whether the client had attended the morning or afternoon session of court, has continued to work well from the perspective of internal and external stakeholders. The approach ensures that afternoon court is not delayed while waiting for individuals to begin intake with the project.

Staffing

Early in the project it became evident that a single full-time duty counsel would not be able to handle the demand. As a result, in July 2015, the duty counsel roster was created to provide the necessary backup and support to the lead duty counsel. While it was considered a “work in progress” in the summative evaluation, largely due to the challenges in scheduling to manage the workload and maintain continuity of counsel, the roster is now operating well. Over the first two years, the roster has included five duty counsel. There are currently three active members of the roster with one duty counsel taking a larger role. To give an idea of the workload distribution, the lead duty counsel has handled 43% of the cases, while the three active roster counsel have handled 29%, 18%, and 6%.

By all reports, the roster has addressed the capacity challenges and the scheduling issues have become less problematic in the second year. The project administrator’s scheduling duties require substantial juggling, but the strains on the project related to scheduling pressures have been eased by requesting that roster counsel provide their available dates up to six months in advance. All key informants reported that the project has continued to maintain continuity of counsel. Given that continuity is a key innovation of the project and is considered one of the main factors in the success of the project, the ability of the project to successfully manage the roster is critical to its effectiveness.

The project hired a second administrator shortly before the summative evaluation concluded. The second administrator provides needed capacity when the lead administrator is away (and vice versa). Having a second administrator also enables the project to manage the volume of intake, which can vary from day to day, making it sometimes difficult for one person to handle. The additional administrative capacity has also enabled the project to streamline its processes as described above so that individuals experience less referring between the project and LSS intake.

Attendance in first appearance court

At the time of the summative evaluation, the project had begun having a greater presence in first appearance court. While many key informants supported this move for enabling clients to make an earlier connection with the project, there was concern among some of those interviewed that the time duty counsel spent in court could be better utilized. These concerns have largely disappeared, as there is greater acceptance of the role of duty counsel in attending first appearance court. In part, this is due to a better understanding of the role and its value as well as a more formalized process. The project administrator provides an annotated court list so that duty counsel is aware of what contact the individuals have had with legal aid (e.g., have they had their appointment with EXP CDC, have they applied for legal aid), so if questions arise, duty counsel can inform the Crown and court. External key informants consider this service very useful, particularly because some accused people are unable to provide the court any information because they do not understand the process or remember what they have been told.

In addition, the duty counsel's presence in first appearance court is considered to have helped streamline the project's processes. More specifically, it has facilitated more timely connection between the project personnel and potential clients. The annotated list helps the duty counsel identify individuals who may need assistance from the project. They can then proactively approach those individuals, explain the project to them, and direct them to the office so they can apply.

The duty counsel's role in first appearance court also involves assisting individuals who were not accepted into the project and who have reappeared in court without counsel. This service is technically outside of the model, as clients who were not accepted have already either received the EXP CDC services to which they are entitled, or were ineligible for summary advice services by the project. However, this additional service contributes to the efficiency of the court process by having a lawyer present to provide some assistance, and external key informants who commented are pleased that duty counsel are now providing this service. Sometimes duty counsel find assisting clients who were not accepted for expanded service, but are back in court without counsel, challenging. While the EXP CDC has provided summary advice to these clients, they do not always recall the advice previously given to them or have their file with them.

Suggestion for improvement

While the project has made efforts to provide immediate assistance to individuals whose situations make it difficult for them to attend an appointment with duty counsel at a later date (e.g., hardship in taking off work, distance to travel to courthouse, need for assistance of translator, mental health issues), some key informants (external and internal) suggested that the project could still provide greater flexibility to assist with same-day guilty pleas, if desired by the client. However, the project would need to be careful not to compromise its objective of providing more meaningful legal advice. In addition, it would need to balance the benefits from this approach with the additional resources (e.g., more lawyer hours) this flexibility would likely require. One concrete suggestion made was to focus on providing same-day guilty pleas on a few types of cases, such as driving while prohibited cases where the clients do not have a defence and sentencing is usually the statutory minimum.

2. Does the EXP CDC project have sufficient resources and capacity to meet demand?

Key findings: With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services.

When the EXP CDC project began operations in March 2015, it had a single full-time duty counsel and one full-time administrative assistant. The lack of backup personnel and the initial influx of files when the project started created capacity issues that were identified and addressed during the first year of project operations. As discussed in the response to Evaluation Question 1 in the fall of 2015, a roster of duty counsel was developed and began providing support, and in the spring of 2016, a second full-time administrative assistant was hired.

While the initial influx of files has leveled off, the intake of files does fluctuate from month to month, as shown in Figure 1. This situation would have created capacity issues for the project had it continued with one duty counsel and one administrative assistant. To give an example, after the initial influx, the difference month to month in the number of files has ranged from about one-quarter fewer files to about two-thirds more files. According to internal key informants, the initial project staffing would have been insufficient to continue the pace required to meet demand in a timely manner. While few external key informants could comment, those who had expressed concerns about capacity earlier in the project no longer believe that the project might be under-resourced.

Once the backlog of unrepresented accused persons that existed at the project’s inception was dealt with, and with the additional capacity from the roster and the administrative assistant, the project has been able to keep pace with demand. Figure 1 demonstrates that over time there has been an increase in files closed. In addition, the alignment of intake and closing files since the fall of 2015 indicates that the project is currently keeping up with the volume of clients.

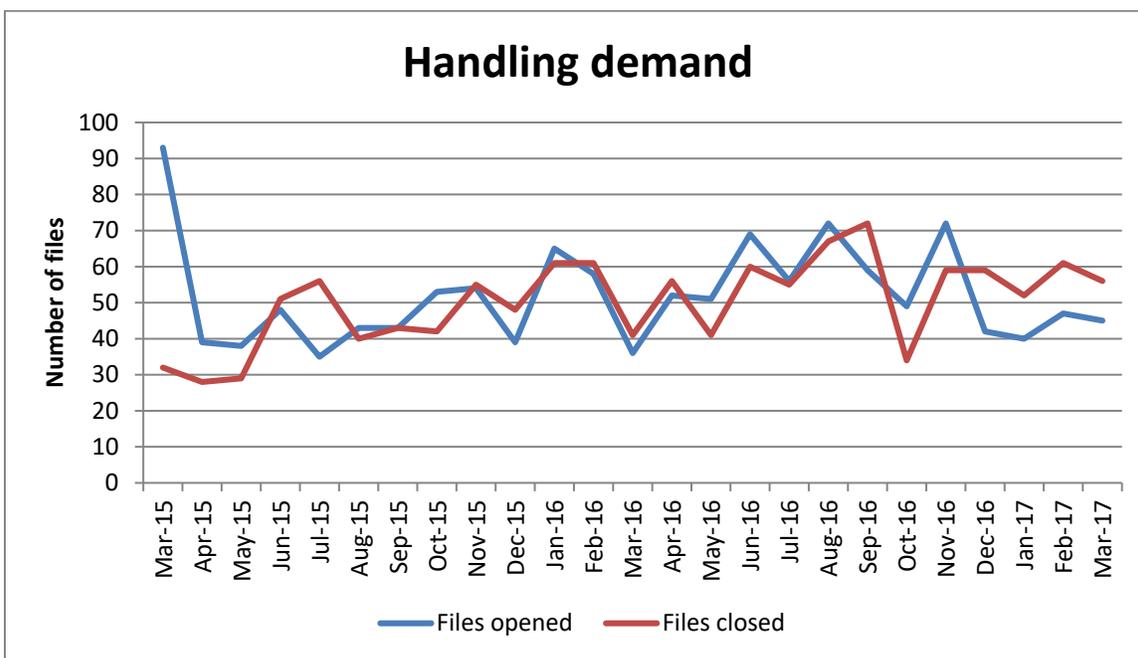


Figure 1 (administrative data)

The reasons for clients not being accepted into the project also do not reveal capacity issues. While 10% of clients were excluded, in part because they would exceed the capacity of the project, in all but two of those cases there were other reasons that made the client ineligible for expanded service (the types of other reasons are presented in Evaluation Question 3).

Office space remains a concern for the project. Roster counsel do not have dedicated office space for meeting with clients. When they have appointments with clients on days when the lead duty counsel is involved in meetings at LSS headquarters in Vancouver (Fridays), sharing the lead duty counsel office is perhaps an under-explored possibility. However, that does not address situations when the roster counsel are in court or have appointments when the lead duty counsel is in Port Coquitlam. In these circumstances, they have to look for appropriate private spaces in the courthouse — which are not easy to find — where they can consult with their clients.

4.2 Achievement of outcomes

This section considers the project's ability to demonstrate achievement of its outcomes after just over two years of operations.

3. Are appropriate clients/cases streamed into EXP CDC services?

Key findings: Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services.

Key informants believe that the project is accepting individuals who meet the project's eligibility guidelines and have matters that are appropriate for an early non-trial resolution (e.g., relatively simple, no viable defence). The project data confirm that appropriate clients/cases are entering the project.

Type of offences. Table 4 (pages 19–20) presents the most serious offences (MSO) with which the EXP CDC clients are charged.²² The results indicate substantial similarities, yet also important differences, between those clients who were accepted for expanded service and those who were not accepted, but who did receive summary advice.

The types of offences for both groups of clients are similar, with the five most common MSOs being the same (although in a different order in terms of frequency): theft under \$5,000; *Motor Vehicle Act* offences; spousal or domestic assault; breach of probation; and uttering threats to people. As would be expected, the most common MSOs accepted by the project are also less serious offences.²³ While infrequent, applicants charged with more serious offences are typically not accepted into the project. Examples of more serious offences are robbery, *Controlled Drugs and Substances Act* offences (trafficking), sexual assault, and arson. A breach of recognizance or undertaking (a relatively less serious offence) is more frequently the MSO of clients not accepted into the project for expanded service. This is because the project typically only handles breaches of

²² The Canadian Centre for Justice Statistics has developed a ranking of offences so that the most serious offence with which a person has been charged can be determined.

²³ MSO rankings list offences by order of seriousness, as defined by the Canadian Centre for Justice Statistics, with one being the most serious and higher numbers being less serious offences.

recognizance if it is handling the underlying offence. If the person accused of the breach has another lawyer handling the underlying offence, the matter will be referred to that lawyer.

	MSO ranking	EXP CDC clients		
		Accepted (n=566)	Not accepted (n=732)	Total (n=1,298)
Theft under \$5,000	136	21%	12%	16%
<i>Motor Vehicle Act</i> offences	118	17%	10%	13%
Spousal or domestic assault	149	12%	14%	13%
Breach of probation	139	8%	5%	6%
Uttering threats to people	130	6%	8%	7%
Assault	149	5%	6%	6%
Breach of undertaking or recognizance	147	4%	7%	6%
Mischief	144	4%	3%	3%
Impaired driving	159	3%	2%	2%
Peace bond offences	147	2%	3%	3%
Firearms/weapons offences	57	2%	3%	2%
Fraud (other)	86	2%	3%	3%
Breaking and entering	68	2%	2%	2%
CDSA offences (except trafficking)	74	2%	1%	1%
Assault with a weapon	109	1%	3%	2%
Possession of stolen property under \$5,000	106	1%	2%	2%
Fraud under \$5,000	86	1%	2%	1%
Offences related to a peace officer	143	1%	1%	1%
Possession of a break-in instrument	71	1%	1%	1%
Assaulting a peace officer	134	1%	1%	1%
Dangerous driving (<i>Criminal Code</i>)	111	1%	1%	1%
Other summary offences	N/A	1%	1%	1%
Failure to appear	157	1%	–	<1%
Uttering threats (other)	135	<1%	<1%	<1%
Robbery	27	<1%	2%	1%
Harassment	131	<1%	1%	1%
Assault causing bodily harm	109	<1%	1%	1%
Possession of stolen property over \$5,000	106	<1%	1%	1%
Income tax offence	160	<1%	<1%	<1%
Unlawfully at large	118	<1%	<1%	<1%
Refuse to provide sample	151	<1%	<1%	<1%
Fraud over \$5,000	86	<1%	<1%	<1%
Theft over \$5,000	81	<1%	<1%	<1%
CDSA trafficking	74	–	2%	1%
Sexual assault	63	–	1%	1%
Indecent act	N/A	--	1%	<1%
Arson	47	–	<1%	<1%
Other indictable offences	N/A	--	<1%	<1%
Other sexual offences	N/A	–	<1%	<1%
Other	N/A	1%	<1%	1%

Note: The MSO ranking was provided by CSB and is based on the Canadian Centre for Justice Statistics' "most serious offence" ranking. The lower the ranking, the more serious the offence.
 Column totals may not sum to 100% due to rounding.

Financial eligibility. As described in Section 2.0, one of the project’s objectives is to expand the scope of clients receiving legal aid services. The project does this through its financial eligibility discretionary coverage guidelines, which have a higher income cut-off than the guidelines for a representation contract, and through coverage guidelines that do not require the risk of incarceration. The project records eligibility of clients based on the guidelines for legal aid representation services, as well as its own expanded guidelines, so that the project can determine increased access.

Project data demonstrate that the project is meeting its objective of expanding the scope of clients receiving services by providing services to unrepresented accused persons who are not eligible for a legal aid representation contract. As shown in Table 5, just over one-quarter of clients accepted into the project for expanded service (27%) are not financially eligible for a legal aid representation contract, but almost all of them qualify based on the project’s financial eligibility discretionary coverage.²⁴ In addition, most accepted clients do not meet the coverage guidelines (72%) and would therefore not be eligible for a legal aid representation contract. When considering both financial and coverage criteria, 78% of clients receiving expanded service would not be eligible for a legal aid representation contract.

Table 5: Eligibility (administrative data)

	EXP CDC clients			
	Accepted (n=566)		Not accepted (n=732)	
	#	%	#	%
Eligible financially for a legal aid representation contract	414	73%	478	65%
Eligible financially with discretionary coverage	145	26%	114	16%
Not eligible financially	7	1%	140	19%
Meets coverage guidelines	158	28%	387	53%
Does not meet coverage guidelines	408	72%	345	47%
Eligible for legal aid representation contract (financial and coverage)	122	22%	320	44%
Ineligible for legal aid representation contract	444	78%	412	56%

Note: Totals may not sum to 100% due to rounding.

Other reasons not accepted. For those clients who would be financially eligible for the project but are not accepted, the reasons provided in the project database indicate that appropriate criteria are being applied. Most of these clients who are not accepted either do not admit responsibility (45%), would be better served by a legal aid representation contract (27%), or have a viable defence (23%) (Table 6).

One reason for non-acceptance points to the issue that was raised in the earlier evaluations of the project — the unwillingness or difficulties some clients have related to attending their initial meeting with duty counsel. Approximately one-sixth (16%) of financially eligible clients who are not accepted have abandoned their file. Almost all of these clients did not attend their initial interview with the duty counsel, which meant they were not assessed by the project and may have been ineligible for other reasons. The notes kept on many of these files indicate a variety of reasons that the client’s file was abandoned. Many of the files were beyond 90 days from file opening without client contact (e.g., missing appointments), so the files were closed. The

²⁴ There are seven clients (1%) who were not eligible financially but were accepted into the project. These clients had unique circumstances and the project exercised its discretion to provide them expanded duty counsel services.

concerns raised by some key informants are that clients who are unwilling to return or have difficulty returning for appointments end up without service under the current model, and some pick up additional charges during that time. Other key informants believe that the project cannot do much more to remedy the situation. The project already tries to accommodate clients with special considerations (e.g., they have an interpreter with them; serious mental health issues; the distance they must travel to the courthouse) by providing same day advice, when possible. In addition, the duty counsel in first appearance court now have the annotated court list provided by the project administrator; this list flags if an individual has missed their EXP CDC appointment so that the duty counsel can connect with the individual that day.²⁵ These key informants pointed out that this client group experiences various challenges that can cause them to fail to connect with the project, including simply not wanting the project’s assistance.

Table 6: Reasons not accepted into the EXP CDC (administrative data)	
	n=590*
Client does not admit responsibility	45%
Client interests are better served by a legal aid representation contract	27%
Viable defence exists/may exist	23%
File abandoned by client	16%
Client is not cooperative nor amenable	14%
Unlikely to have a timely resolution ²⁶	13%
Exceeds capacity of EXP CDC ²⁷	10%
Factual complexity	3%
Volume of disclosure	2%
Legal complexity	2%
Other	3%
Note: Multiple responses accepted.	
*Does not include clients who are not financially eligible and those who opted out of the EXP CDC project.	

²⁵ The duty counsel will also be the one assigned to that individual originally and, therefore, will have reviewed the file. This avoids duplication of effort.

²⁶ The duty counsel may determine that the matter will not resolve in a reasonable period of time or will require an unreasonable amount of lawyer time to resolve and, therefore, is unsuitable to the project. For example, the abilities of the client may limit their ability to assist in resolving the matter (e.g., ability to enter or follow through on treatment), the Crown position may make resolution unlikely, or the seriousness of the charge may mean the case would require substantial lawyer time.

²⁷ As noted under Evaluation Question 2, the EXP CDC rarely does not accept clients solely for the reason that they exceed the capacity of the project. When this occurs, the client is eligible for assistance elsewhere (e.g., legal aid representation contract).

4. Do clients receive a referral to EXP CDC services in a timely manner?

Key findings: In general, clients are receiving referrals to the project in a timely manner. Most clients are made aware of the project and make initial contact at their first appearance. The timeliness of service in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors.

Internal and external key informants believe that unrepresented out-of-custody accused persons are being made aware of the project at the earliest opportunity, i.e., their first appearance in court post-bail. While key informants consistently have reported that people are not “falling through the cracks,” they attributed the smooth referral process to the presence of criminal duty counsel in first appearance court. Internal and external key informants believe that the duty counsel’s presence in court ensures that accused persons not only are made aware of the project and the process for applying, but are also more likely to make a prompt connection. As one external key informant stated, “they are less likely to wander away without going to apply.”

The administrative data confirm the key informant opinion, as a majority of clients (72%) connect with the project and begin their application the same day as their first appearance. Overall, the average number of days between the first appearance date and file open date is 10.9 days for clients who entered the criminal justice system after the project began, but with a median of 0 (same day), the average reflects the relatively small number of clients that delay in connecting with the project.²⁸ While over time the time between first appearance date and file open date has fluctuated, there is a downward trend. As Table 7 shows, the increase occurred in the project’s early period but has been declining since the January–March 2016.²⁹ The reasons for the more timely connection of clients to the EXP CDC in 2016 are likely several: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply.

File opened (by fiscal year quarter)	# of clients	First appearance date to file open date Average number of days
2015 Mar	43	2.5
2015 Q1 (Apr to Jun)	107	8.4
2015 Q2 (Jul to Sep)	116	16.4
2015 Q3 (Oct to Dec)	141	16.3
2015 Q4 (Jan to Mar)	157	12.7
2016 Q1 (Apr to Jun)	169	10.6
2016 Q2 (Jul to Sep)	182	11.5
2016 Q3 (Oct to Dec)	158	8.5
2016 Q4 (Jan to Mar)	129	5.6

Base: Clients who entered the criminal justice system after the project began operations

²⁸ Clients whose first appearance predates the project’s operations are not included, nor is one client who abandoned his initial file and subsequently returned to the project on the same charges approximately 18 months later. These records would skew the results and not be reflective of the timeliness of the project in connecting with clients.

²⁹ The summative evaluation raised concerns as the average time between the first appearance date and the file open date had increased since the process evaluation. However, that increase has reversed itself since the summative evaluation, which covered the March 2015 to February 2016 period.

Almost all clients interviewed considered the process of applying for legal aid and getting connected with the project easy (41 of 44). Their connection with legal aid also occurred early in their criminal cases. Over half of the clients interviewed said they applied for legal aid (i.e., went to see the project) before or at their first court appearance (32 of 44). Those who applied after their first court appearance typically either believed they applied at their second court appearance or could not recall specifically when. The EXP CDC intake process also appears to work smoothly for clients. Only a few (n=5) of the clients interviewed said there was a line to apply, and most reported waiting 10 minutes or less. Almost all of the clients interviewed found the wait to be “about right.” Typical client comments about the intake process include the following:

“They introduced themselves; they let me know they were there for me right away in the courtroom, before they even called my name. They made it easy and comfortable for me, letting me know what was going to happen.”

“Super easy. Well, my duty counsel was right there, offering her services. I was checked in. I don't think it took longer than five minutes.”

“It was actually easy, not too much bureaucracy involved.”

“It was easy. The whole process was easy. Everything from applying to showing your income. I did not have to do much for that — just had social services fax over the documents.”

“It was a quick process. They did it all for me. They told me where to go; they were already there waiting for me.”

“All it took was just sit and answer a few questions; then they assigned me my duty counsel. It was easier than I thought it would be.”

“There was a lot of people helping me, we walked out and knew where to go and what to do.”

A few clients said the process was hard, but their complaints mainly centred on not being eligible for the expanded coverage.

Timely service is also about how soon the client can meet with criminal duty counsel after their file has opened. In the early stages of the project, when it was dealing with the influx of initial files, the wait time to seeing duty counsel increased and concerns with the ability of one full-time duty counsel to handle the volume of clients led to the institution of the duty counsel roster. Since then, the time between file opening and meeting with the criminal duty counsel has declined, although, as Figure 2 shows, it remains volatile on a month-to-month basis. The volatility can be driven by a higher number of new clients in a given month, but also by other factors.³⁰

³⁰ For example, December 2016 appears to have been heavily affected by the holiday season.

Overall, the average time from file opening to meeting with the criminal duty counsel is 11.4 days, with a median of eight days.

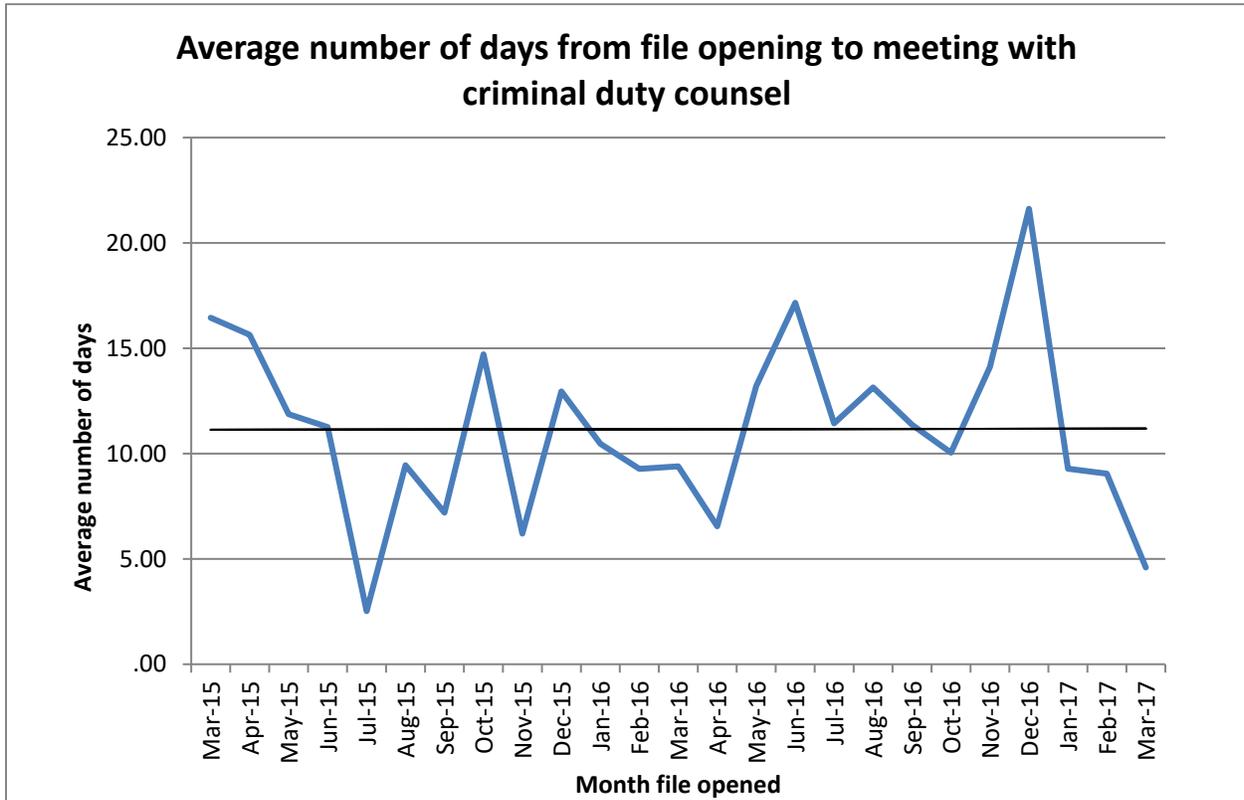


Figure 2 (administrative data)

Yet another way to view timeliness incorporates the time from the accused person’s first appearance to meeting with duty counsel. This includes the time for the accused to connect with the project to have a file opened, as well as for the time for the first meeting with the duty counsel to be scheduled. For accused persons whose first appearance date occurred after the project began operations, the average time to meet with the duty counsel was 21.6 days, and the median was 11 days.³¹ Figure 3 shows the experience over time.

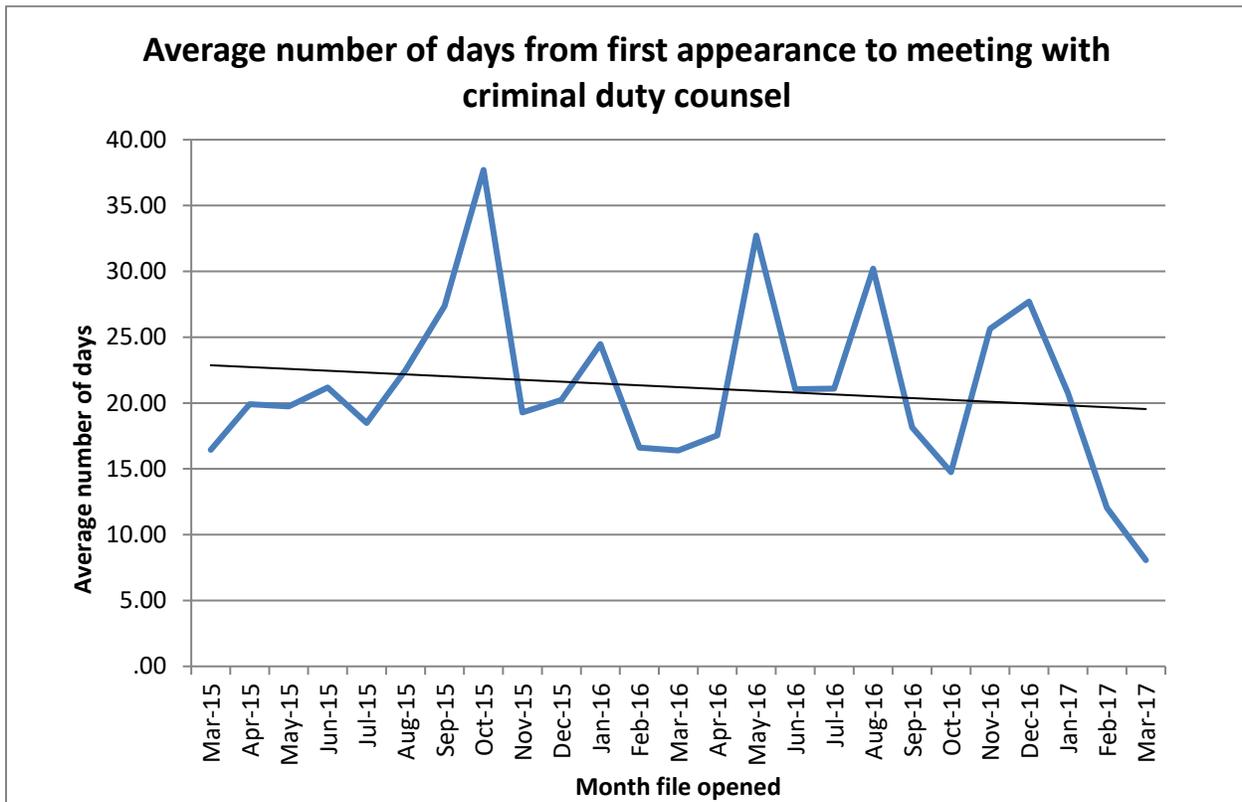


Figure 3³² (administrative data)

³¹ Accused persons who never made contact with the duty counsel are not included in this analysis.

³² Clients whose first appearance predates the project’s operations are not included, nor is one client who abandoned his initial file and subsequently returned to the project on the same charges approximately 18 months later.

5. Are clients’ legal needs being met by the EXP CDC project?

Key findings: All lines of evidence indicate that clients’ legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Based on client interviews, clients found the services to be helpful in assisting them through the court process.

Legal services provided. The criminal duty counsel reviews disclosure from the Crown; explains the court process, charges, police report, and particulars; provides summary advice, including options for how to respond to the charges; negotiates with the Crown; attends court (as needed); and resolves matters (if appropriate). For clients who are not accepted, the criminal duty counsel reviews disclosure from the Crown; explains the court process, charges, police report, and particulars; and provides summary advice. Not all clients who were not accepted received summary advice, primarily because they abandoned their file without attending a meeting with the criminal duty counsel. In addition, criminal duty counsel attends court for almost one-sixth of clients who are not accepted for expanded service. Key informants reported that this typically occurs when a summary advice client reappears in court without counsel and the judge or judicial case manager requests that duty counsel assist the individual. Table 8 provides a detailed breakdown of services by type of client.

Table 8: Types of legal services provided by EXP CDC (closed files only) (administrative data)

Services	EXP CDC clients	
	Accepted (n=543)	Not accepted (n=732)
Summary advice	100%	84%
Reviewed disclosure from Crown	100%	93%
Court attendance	95%	14%
Negotiations with Crown	93%	3%
Resolved matter	83%	—
Bail variation	3%	<1%
Vacated a bench warrant	1%	1%
Provided self-help literature	<1%	1%
No data	<1%	6%

Note: Multiple responses accepted.

Referrals to other services. For those not accepted into the program and whose files are closed for reasons other than inactivity,³³ 595 out of 612 (or 97%) were referred to other legal services. Of those who received referrals, they were most often referred to LSS to apply for a legal aid representation contract (52%), followed by referral to a private lawyer (29%), law students/pro bono services (33%), or self-help resources (8%).³⁴

³³ Only files closed for reasons other than being “inactive” are included, as duty counsel may not have been able to meet with those individuals to provide referrals.

³⁴ Multiple responses accepted, so total exceeds 100%.

Time spent on client files. For the first two years of the project’s operations, duty counsel has spent an average of 2.2 hours on the files of clients who received expanded service, and 0.9 hours on the files of clients who were not accepted into the project. The consistency in the amount of time each duty counsel spends with clients has improved since the summative evaluation, where it ranged from 1.0 to 1.6 hours. Reflecting key informant opinion that the quality and level of service provided by all criminal duty counsel on the roster is consistent, the average time spent on client files (accepted or not) was similar across the active duty counsel,³⁵ ranging from 1.5 to 1.7 hours per file.

Client opinion of legal services. To determine if clients believe their legal needs were met, they were asked about the types of assistance they received, if it was helpful, and whether they needed assistance that they did not receive from the duty counsel. Of the 44 clients (accepted and not accepted) interviewed, most clients reported that the criminal duty counsel explained the court process to them (n=38), provided them with information on the charges they were facing (n=42), explained the particulars prepared by the Crown (n=42), and told them different ways they might respond to the charges (n=33). All of the clients who received expanded service reported that the CDC attended court with them. Almost all of the clients reported the services to be helpful (n=39). Examples of client comments are as follows:

Accepted clients who received expanded service

“It was very helpful, these proceedings are complex and unknown to lay people and so it’s very important that someone who is understanding is able to explain to a lay person.”

“I’ve never been in trouble before. I was very embarrassed. [The duty counsel] did everything for me. She was definitely meant to do what she does. She is really good at it.”

“Everything was helpful. She kept me informed as to what was happening in general and kept me calm. I was not frozen in anxiety. It was a pleasure to go through, even if it was a crappy experience.”

“They’re accessible and they ran through all my options. That was helpful.”

“I had never gone to court, so I had no idea what I was really in for. It is a lot more assuring to have somebody help you rather than being alone.”

“It was very helpful. I was very thankful. She laid it out for me very well. She reassured me and calmed my nerves.”

“When I first went in to court, I was alone and I didn’t understand the charges or why. I just wanted to plead guilty. When [the duty counsel] saw me, she explained to me that I should plead guilty and she explained the charges against me.”

³⁵ Some duty counsel provided service on a small number of matters only in the first year.

“Because when I first went into the situation, it was pretty scary. She calmed me down. It felt like you had a friend in your corner, not like you were dealing with someone who was just doing their job.”

Not accepted clients who received summary advice

“All helpful, first experience, and they walked me through the whole process. They were so very helpful.”

“All her assistance was very helpful; she went above and beyond, although I wasn't qualified [for expanded service].”

“They pointed me in the right direction — what I need to do and who I needed to see.”

“Really enlightened me on how the process worked, made me more knowledgeable.”

“It was helpful, but I would have liked to have been in the loop a lot sooner. When they did tell me my options, I didn't have much time to think about it.”

Of the few clients who commented that the assistance they received was not helpful, their comments tended to reflect communication issues. This was the case for both clients receiving expanded service as well as clients receiving only summary advice.

“Yes, they told me my options, but I got confused. She said one thing, then a couple of months down the road she said it was not an option. I got really confused.”

“I was so nervous I could not understand.”

6. Has the EXP CDC service led to the earlier resolution of cases at the project site?

Key findings: The evaluation evidence supports the conclusion that the project has led to earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

As with the summative evaluation, key informants (internal and external) believe that the project has led to earlier resolution of cases, fewer court appearances, and fewer cases that are set for trial and then collapse on the trial date. They credited the pilot with reducing the churn in the Port Coquitlam Provincial Court, where some accused persons return to court many times without counsel or having applied for legal aid.

According to the key informants, these individuals often experience multiple issues that make the criminal justice process challenging for them, such as drug or alcohol addiction, mental health issues, and/or poverty and react to the charges by simply hoping they will go away, which often occurs eventually with a guilty plea. Key informants credit the project with providing a path for these clients to deal with their criminal matters more expeditiously, with their interests represented. For clients receiving expanded service, this involves working with the criminal duty counsel to resolve their matter, which sometimes requires taking steps (e.g., treatment programs, counselling) to enable them to get a lesser sentence or to have charges stayed or withdrawn. For clients receiving only summary advice, they now come to court with a better understanding of the process and are ready to deal with their case by having made connections to legal aid, pro bono legal services, or private counsel.

A few key informants suggested that the project could further enhance earlier resolution by assisting some individuals who desire to enter guilty pleas at their first appearance. As was discussed in Question 1, the project could focus on a few types of cases that are particularly amenable to faster resolution without violating a key objective of the model — the provision of meaningful summary advice. The example given was driving while prohibited cases where the individual does not have a defence and sentencing is usually the statutory minimum.

Resolution rate. Project data show a resolution rate of 86% of closed files (Table 9). Of the 78 matters that were not resolved by the EXP CDC, the most common reason was that the client’s position made resolution impossible (Table 10).

Table 9: Resolution rate by EXP CDC (closed files only) (administrative data)		
	Closed files (n=543)	
	#	%
Resolved	465	86%
Not resolved	78	14%

Table 10: Reasons not resolved (closed files only, no resolution) (administrative data)		
	Closed without resolution (n=78)	
	#	%
Client’s position (does not want to plead guilty)	36	46%
Crown’s position	17	22%
Triable issue (client has defence to charges)	15	19%
Inactive	12	15%
No longer qualifies	12	15%
Other	18	23%

Note: Multiple responses accepted.

When comparing the project’s resolution rate to the court locations, the results demonstrate the project’s ability to resolve a higher proportion of its matters. During the 22-month period available for the comparison (March 2015 to December 2016), the EXP CDC resolved 84% of its cases compared to 70% in Kelowna and 64% in Abbotsford Provincial Courts (see Table 11). In the summative evaluation, these results carried the caveat that the time horizon available was short (eight months) for getting an accurate understanding of the project’s resolution rate. The results for 22 months of operation continue to demonstrate that the project is resolving matters earlier. The project’s resolution rate has increased from 69% in the summative evaluation to 84% and remains higher than the resolution rate in the comparison court locations.³⁶ The results of the refresh evaluation provide evidence of the project’s ability to maintain its higher resolution rate when considering cases over a longer span of time, thereby demonstrating project success.

Table 11: Resolution rates — Comparison provincial court locations (CSB data for court locations and administrative data for EXP CDC)					
Location	A Cases with similar charges	B Number resolved at bail hearing	C Remaining new cases	D Number resolved post-bail hearing*	Resolution rate for cases resolved post-bail hearing (D/C)
Abbotsford	3,199	608	2,591	1,656	64%
Kelowna	3,830	644	3,186	2,240	70%
EXP CDC	475	N/A	475	397	84%
Port Coquitlam (total)	3,103	598	2,505	1,761	70%

Note: The table includes cases with first appearance dates between March 2, 2015 and December 31, 2016.
 *Includes cases for which a scheduled bail hearing did not have a result indicated in the CSB data

³⁶ The comparison must still be treated with some caution, as the comparison court locations include all cases with similar charges, while the EXP CDC accepts cases with those charges that have been assessed as appropriate for early resolution (see Section 3.5).

Time to resolution. The average time to resolution once the client has made contact with the duty counsel has remained fairly stable over the first two full years of the project. However, the median (or middle) value for the number of calendar days, which is less affected by a few cases with longer times to resolution, reflects some improvement. Based on project data, it has taken, on average, 41.6 calendar days from the date of first contact with the criminal duty counsel to resolution with a median of 20 days (minimum: same day; maximum: 364 days). At the time of the summative evaluation, which considered the first 12-months of operations, the time to resolution averaged 40 calendar days from the date of first contact with the criminal duty counsel to resolution with a median of 27.5 days (minimum: same day; maximum: 203 days).

Table 12: Time to resolution: First contact with criminal duty counsel to resolution (files with resolutions only) (administrative data)		
	Resolved cases (n=465)	
	#	%
Same day	53	11%
1–10 days	99	21%
11–20 days	83	18%
21–30 days	33	7%
31–40 days	35	8%
41–50 days	39	8%
Over 50 days	123	27%

When comparing the time to resolution by the project to that of the court locations, the project has demonstrated more timely resolution: the average number of days from first appearance to resolution is 61 days, compared to 101 and 137 for the provincial courts in Kelowna and Abbotsford, respectively. The comparison of medians shows that half the cases handled by the EXP CDC are resolved within 43 days or less, compared to the medians for provincial courts in Kelowna and Abbotsford of 75 and 103 days, respectively. These results are a further indication of the project’s effectiveness in supporting the early resolution of cases.

Table 13: Time to resolution —Comparison provincial court locations and EXP CDC CSB data for court locations and administrative data for EXP CDC)					
Location	n	Number of days			
		Average	Median	Minimum	Maximum
Abbotsford	1,520	137	103	1	1,415
Kelowna	2,107	101	75	1	595
EXP CDC	397	61	43	0	352
Port Coquitlam (total)	1,638	102	70	1	660

Note: Time to resolution is from first appearance (excluding bail hearings) to resolution. The table includes new cases with first appearances between March 2, 2015 and December 31, 2016 that were resolved during that time period. Cases resolved at the bail hearing or for which a scheduled bail hearing did not have a result indicated in the CSB data are not included.
 For EXP CDC, the calculation excludes new cases with a first appearance date before March 2, 2015 when the project began operations.

Types of resolutions. During the summative evaluation, some key informants held the view that the types of resolutions achieved by the project are affected by the EXP CDC duty counsel’s more complete understanding of the file and their ability to spend more time meeting with the client and negotiating with the Crown. Examples of the types of resolutions thought to have increased due, in part, to the project were alternative measures, peace bonds, and stays of proceedings. During the interviews for the refresh evaluation, fewer key informants mentioned the project having an impact on the types of resolutions, as they focussed much more on the efficiencies that the project created (see discussion under Evaluation Question 8). Unfortunately, the project and court data do not use comparable categories for types of resolutions, so no comparisons between the project and the comparison court sites are possible. The types of resolutions achieved by the project are listed in Table 14.

Table 14: Types of resolutions achieved by EXP CDC (administrative data)	
	Resolved cases (n=465)
Guilty plea	47%
Stay of proceedings	34%
Peace bond	17%
Alternative measures	11%
Guilty plea to a lesser offence	7%
Charge withdrawn	2%
No charge sworn	<1%
Note: Multiple responses accepted.	

7. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients’ experience?

Key findings: Most clients who were interviewed were very satisfied with the services they received from the project. Overall, they felt treated with respect and believed they received good results.

Key informants could not comment directly on whether clients were satisfied with their experience using EXP CDC services. A few internal stakeholders noted that some clients had expressed appreciation for the assistance they had received.

The clients who were interviewed were satisfied with their experience using the EXP CDC service. All of the 44 interviewed clients felt they were treated with respect by the criminal duty counsel and most (n=39) reported being satisfied with the services received. Those who were dissatisfied (n=5) cited a variety of reasons, including communication issues (“*I never knew what was going on*”), feeling hurried along (“*Everything felt rushed*”), or not getting the result they wanted (“*I was not satisfied. She did not go through with what she was said she was going to do and did not succeed with what I wanted*”). Of the clients who were satisfied, many believe that they received the best outcome that could have been achieved for them. Some client reactions are as follows:

“Absolutely satisfied. Very helpful and has been able to even make the outcome better. It was reduced from the 1–2 years sentence, which was great. You could tell she was busy and popular, but there was never any time where she put me aside.”

“The charges were dropped and I can have a clean name and continue my life.”

“I was just happy most of all to get off my assault charges. Most do not get off on assault charges that easily. It was my fifth, and they wanted to send me to jail. But with my stable home life and employment, they did not.”

“I was happy because I didn't get a criminal record. I came from another country with a hard life; I had problems and came to Canada to live a better life, and I am very happy not to have the record.”

“I was pretty lucky. I did a few community hours, and I wrote a letter of apology. It made me realize it was not a good choice (the shoplifting).”

“It was over and done with quickly, didn't have to go back a bunch of times.”

Some clients could compare the EXP CDC project to previous legal aid experiences, although the comparison may not have been with duty counsel but with services through a representation contract. Of those, nine said their experience with the EXP CDC project was better, six believed it was about the same, and one thought it was worse. The most common reasons given by clients who found the experience to be better was that their case was resolved faster and that EXP CDC duty counsel were more helpful.

8. Has the EXP CDC service led to greater efficiency for the court process at the project site?

Key findings: The early indications that the project had led to greater efficiency for the court process were confirmed and the finding strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as project uses fewer appearances to resolve cases than the comparison court locations.

All key informants (internal and external) believe that the project has created efficiencies for the court process and offered many examples of various ways that the project has positively affected the flow of adult criminal cases in Port Coquitlam.

- ▶ The EXP CDC duty counsel's presence in first appearance court saves court time in a number of ways. The duty counsel is available to explain to the accused person the project and how to apply. They can also inform the court about the status of individuals on the court list that day (e.g., have they applied for legal aid or received a referral to pro bono legal services).
- ▶ The project is considered to have streamlined the connection between accused persons and LSS by handling LSS intake for those individuals who are not eligible for the project. A common complaint in the criminal justice system is that accused persons make numerous court appearances without applying for legal aid or knowing the status of their legal aid application. Some external key informants credit the project for the reduction in

court appearances where the accused person has made little to no progress in accessing legal aid services.

- ▶ External key informants reported fewer court appearances both in first appearance court and disposition court. For first appearance court, the project has contributed to a reduction in appearances because individuals are either receiving expanded service or, with the assistance of the project, have connected with legal aid or some other type of legal assistance. This, in turn, reduces the number of unrepresented persons being sent to disposition court by the judicial case managers in the hopes of discouraging further delays and unproductive appearances.
- ▶ The continuity of EXP CDC duty counsel on cases means that for clients who received expanded service, the duty counsel is knowledgeable of the particulars, has had an opportunity to talk to the client at length, and usually has already discussed resolution options with the Crown. EXP CDC duty counsel are well-prepared and, should anything unanticipated arise, they have the background on the file to handle it. This was contrasted with traditional duty counsel where the client is likely seeing a new duty counsel for the first time. The continuity of duty counsel enables each appearance to move the case forward, reducing the churn of repeated, unproductive court appearances.
- ▶ A few external key informants perceive fewer unrepresented accused in Port Coquitlam Provincial Court and attribute that to the project. Unrepresented accused require substantially more court time and the Crown will not negotiate with them directly, which slows down the court process. The client interviews provide some support for this, as one-third of those interviewed said they would have tried to represent themselves had the project not assisted them.
- ▶ The EXP CDC model of providing one hour of summary advice allows the duty counsel to provide more meaningful consideration of the client's legal situation than does the traditional duty counsel model. As a result, key informants believe that clients receiving this summary advice have a better understanding of the court process and what to expect at their next court appearance, which saves court time.
- ▶ Many key informants (internal and external) also believe that individuals are receiving the legal advice they need earlier in the process. As a result, the project has resolved cases earlier, such as prior to the cases being set for trial, which saves administrative time for the court. Even for cases that the project does not resolve, clients have received summary advice, are connected to other forms of legal assistance, and are able to dispose of their matters sooner.
- ▶ The EXP CDC duty counsel are also flexible and assist the court in ways that are technically beyond the model. On occasion, when a summary advice client is still appearing in court without counsel, or their counsel has failed to show, the duty counsel will step in to assist, which external key informants appreciated.

The overall perception of key informants that the project has created efficiencies for the court process is confirmed by the available EXP CDC and court data. Table 15 provides the time to resolution and the number of court appearances over the life of the project. A comparison of the cases that pre-dated the project’s start to those with a first appearance after the project began operations shows the effectiveness of the project in resolving these cases. The pre-pilot cases provide examples of the “churn” mentioned by key informants, with many appearances and a long time to reach resolution compared to the post-pilot cases.

When considering cases that began after March 2, 2015, the project’s performance has remained fairly steady. The project could improve its effectiveness by reducing the number of appearances that clients make before connecting with the project. Ideally, clients would have one post-bail appearance prior to meeting with duty counsel, while the average is currently 1.5 appearances.

Table 15: Efficiency of EXP CDC project — time to resolution and number of appearances (administrative data)

Resolved cases	#	Average days		Average number		
		Duration from first appearance to resolution	Duration from first contact to resolution	Post-bail appearances before contact with EXP CDC	Appearances after entering EXP CDC to resolution	Total number of appearances to resolution
Pre-pilot ¹	39	304.6	62.6	5.0	3.4	8.4
Post-pilot ²	426	58.5	37.0	1.5	2.3	3.9
Post-pilot cases only (resolved cases by FY quarter)						
2015 March	8	4.8	3.6	.4	1.0	1.4
Q1 2015/16	29	40.0	23.6	1.6	1.7	3.3
Q2 2015/16	36	60.9	34.0	1.7	2.3	4.0
Q3 2015/16	48	59.7	44.9	1.5	2.7	4.2
Q4 2015/16	66	62.1	41.2	1.7	2.3	4.0
Q1 2016/17	55	54.4	38.0	1.4	2.2	3.6
Q2 2016/17	67	48.2	24.7	1.5	1.9	3.4
Q3 2016/17	50	61.9	38.0	1.6	2.6	4.2

¹ Pre-pilot cases are cases with a first appearance date before March 2, 2015, which is the date when the project began operations.
² Post-pilot cases are cases with a first appearance date on or after March 2, 2015.
 Fiscal year quarters: Apr–Jun (Q1); Jul–Sep (Q2); Oct–Dec (Q3); Jan–Mar (Q4)

When compared to the court locations, the project uses fewer appearances to resolve cases.³⁷ When considering the time period of March 2015 to December 2016, the project averages 3.9 appearances to resolution, compared with 6.4 in Abbotsford and 6.2 in Kelowna. In addition, in spite of the longer time frame for the refresh evaluation (22 months, compared with eight months for the summative evaluation), during which the number of appearances to resolution might be expected to increase, the project experienced a slight decline from 4.1 to 3.9 appearances per case. In contrast, the average number of appearances in the comparison sites rose from 4.3 to 6.4 (Abbotsford) and 4.7 to 6.2 (Kelowna). This confirms the claim made in the summative

³⁷ The number of appearances includes the first appearance post-bail hearing to the final appearance when the case was resolved.

evaluation that an analysis covering a longer time period would better demonstrate the project’s potential impacts of reducing the number of court appearances.

Table 16 results, coupled with the project’s higher resolution rate in Table 11, indicate that over time, the project has demonstrated the potential to resolve cases earlier and reduce the number of court appearances when compared to Kelowna and Abbotsford.

Table 16: Number of appearances — project and comparison provincial court locations (CSB data for court locations and administrative data for EXP CDC)						
	Project cases March 2, 2015 to March 31, 2017					
	# cases resolved	# of appearances	Average # of appearances	Median	Minimum	Maximum
EXP CDC	426	1,673	3.9	3.0	1.0	13.0
New and resolved cases March 2, 2015 to December 31, 2016						
Abbotsford	1,520	9,780	6.4	6.0	1.0	32.0
Kelowna	2,107	13,013	6.2	5.0	1.0	30.0
EXP CDC	397	1,548	3.9	3.0	1.0	13.0
Port Coquitlam, total	1,638	10,890	6.6	5.0	1.0	61.0
Sources: Project database and CSB data Note: EXP CDC cases are based on the resolved cases with a first appearance after the project began operations. Cases resolved at the bail hearing or for which a scheduled bail hearing did not have a result indicated in the CSB data are not included.						

Figure 4 plots resolved cases by the number of appearances for the EXP CDC and the comparison court locations. It illustrates the difference between the EXP CDC, which resolved half of its cases with three or fewer appearances, and the Kelowna and Abbotsford Provincial Courts, which had a much flatter distribution, reflecting the greater proportion of cases that require more than three court appearances before resolution.

Mann-Whitney-Wilcoxon tests³⁸ confirmed that the observed differences are statistically significant ($p < .001$ for each comparison), suggesting that the differences are unlikely to have been the result of chance alone. To estimate the magnitude of these differences in the population, confidence intervals³⁹ around the median differences were calculated. The EXP CDC resolved cases in three fewer appearances on average compared to Abbotsford, 95% CI [-3,-1], and in two fewer appearances compared to Kelowna, 95% CI [-2,-1]. Given that larger sample sizes will, in

³⁸ The data were substantially right skewed, making them less suited to parametric tests. To account for this, the small number of cases requiring 30 or more appearances was collapsed into one category (30+) and medians rather than means were used in the comparison. Given two independent variables, the Mann-Whitney-Wilcoxon tests whether one variable tends to have a higher value than the other variable without requiring parametric assumptions.

³⁹ Confidence intervals are estimates of the uncertainty surrounding another estimated value, the median differences in this case. Smaller intervals represent more accurate estimates. A 95% confidence interval is often interpreted as a 95% chance that the interval contains the true value, although this is a simplification. More accurately, it suggests that if many repeated samples were taken and the 95% confidence interval was computed for each sample, 95% of those intervals would contain the true median difference in the population from which the sample was drawn. Standard bootstrap methods were used to calculate the intervals, which require no assumptions about how the data are distributed.

general, result in more accurate estimates, and that the comparison courts were selected in advance as appropriate comparators, the median number of appearances in Kelowna and Abbotsford combined was compared to EXP CDC. EXP CDC resolved cases in two fewer appearances on average compared to the combined comparison court locations, 95% CI [-2,-1].

Resolved cases by number of appearances and location

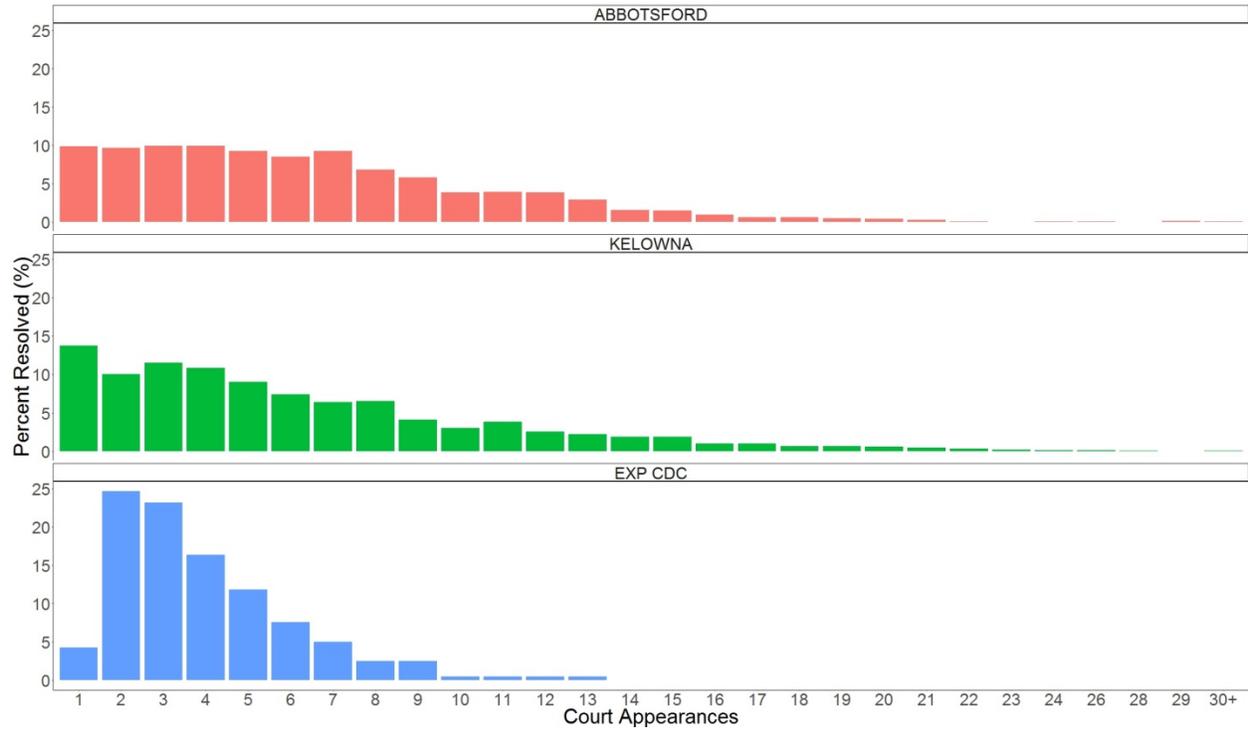


Figure 4
(CSB data for court locations and administrative data for EXP CDC)

9. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?

Key findings: The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

In terms of increasing access to legal aid, of the 566 clients admitted in the first 22 months of operations, 78% would not have been eligible for a legal aid representation contract based on either financial or coverage guidelines or both. The individuals accepted into the project are also receiving assistance similar to what is received under a representation contract, short of going to trial. In addition, clients not accepted into the project are receiving more extensive summary advice than under the previous system; the criminal duty counsel has an opportunity to review their particulars and have a more detailed conversation with them under the new system.

External key informants also commented on how the level and consistency of the EXP CDC service contributes to access to justice. With the project, clients regularly receive more meaningful legal advice earlier in the process. In addition, every client is given the same consideration, with the level and quality of service being consistent across the duty counsel. The amount of one-on-one time with the duty counsel is also much greater than under the traditional duty counsel model. While the model incorporates these quality features, much of the project's success is due to the professionalism and dedication of the duty counsel involved, according to the external key informants.

10. To what extent has the EXP CDC project led to net system savings due to efficiencies gained for LSS and/or other areas of the justice system?⁴⁰

Key findings: The summative evaluation occurred at an early stage of the project, yet even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations.

This section looks at potential system efficiencies gained as a result of the project. This analysis builds on the discussion under Question 8 and considers what costs might be avoided by the efficiencies gained from the operations of the project.

With the longer time horizons, the refresh evaluation has more stable findings for the differences in the median and average number of appearances between the EXP CDC and the comparison court locations. Between March 2015 and December 2016, the project has demonstrated its ability to maintain its performance on this efficiency measure of court appearances in contrast to the comparison court locations, which have experienced an increase with the longer time horizons. To estimate the potential impacts of the project, Table 17 provides different scenarios based on the number of expanded service cases (n=566) that the project has accepted since its inception just over two years ago and considers a potential range of avoided costs using the median number of appearances experienced in the comparison court locations.

As shown below, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

# of cases	Median # of appearances	Total number of appearances	Total court hours	Court costs	Costs avoided
EXP CDC 566	3.0	1,698	226	\$184,290	
566	5.0	2,830	377	\$307,149	\$122,860
566	6.0	3,396	453	\$368,579	\$184,290

Sources: Calculations made based on administrative data, CSB data, and BC Justice Dashboard
 The median number of appearances for EXP CDC cases is based on the resolved cases with a first appearance after the project began operations.
 The comparisons are to the median number of appearances for the comparison court locations (Kelowna: 5 appearances and Abbotsford: 6 appearances).
 The time per appearance for Port Coquitlam Provincial Court was estimated using BC Justice Dashboard and five-year averages (FY 2011–12 to 2015–16). Total court time was divided by the number of scheduled appearances and resulted in an average time per appearance of eight minutes.
 Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry of Justice data. Adult criminal provincial court costs are estimated to be \$814 per court hour and include the cost of the court clerk, deputy sheriffs, provincial court judge, senior Crown prosecutor, and court registry staff. It does not include the cost of judicial support services, sheriff out-of-court activities, or court and Crown overhead.

⁴⁰ We understand that any efficiency created in the system will be backfilled by cases waiting for a hearing. Thus, any court savings are at best costs avoided by these cases. The language in the question above has not been changed, as it was approved during consultations for development of the summative evaluation matrix, on which the refresh evaluation matrix provided in Appendix B, is based.

There are limitations with the above analysis, many of which are noted in Section 3.5:

- ▶ The comparison court locations include all cases with similar charges, while the EXP CDC accepts cases with charges that have been assessed as appropriate for early resolution.
- ▶ Actual time for appearances is not available and is based on the average time of scheduled appearances for all cases in Port Coquitlam Provincial Court.
- ▶ Data on the costs of appearances related to administrative time and effort (e.g., data entry and file movement) are not available and, therefore, not captured.
- ▶ Data to support additional potential costs avoided by resolving cases earlier, which would require tracking trial preparation time for the Crown, potential witnesses, and the judge, are not available.
- ▶ The project also provides assistance to clients who are ineligible for the expanded service that may create efficiencies. Those clients' experiences after receiving assistance from the project are not tracked and so any potential efficiencies are not captured.

The ability of the project to create substantial efficiencies is affected by the volume of clients the project can serve as well as the extent to which it can achieve its desired objectives. An increase in the number of clients served by the EXP CDC will increase system efficiency gains and, correspondingly, the cost for LSS to deliver the service, unless the project is able to increase the number of clients served with the same resources that the project is currently using. Based on the experience of the project's first two years, the project is connecting with almost all eligible clients and the volume is relatively steady, so the ability to expand the number of clients served in Port Coquitlam based on current eligibility criteria is minimal. Expansion of the project to other locations of the province also has the potential to add to efficiency gains in terms of increasing volumes, but again with a corresponding increase in costs to LSS for providing the service.

5.0 Conclusions

This section presents the conclusions of the refresh evaluation.

5.1 Conclusions on delivery of the EXP CDC

The consensus is that the EXP CDC project has met and even exceeded expectations in its first two years of operation. After only one year, the project was already operating effectively, and in the ensuing 12 months, its operations have continued to improve based on refinements that better assist clients and the court. In particular, the triage process, whereby individuals are determined to fall under the exceptions criteria, is better understood by stakeholders and is enabling accused persons who are clearly not eligible for the project to be redirected to LSS intake or other legal options sooner. The intake process has also been streamlined to provide a more seamless experience for clients, rather than being moved back and forth between LSS intake and EXP CDC intake. Stakeholders (external and internal) are particularly supportive of the presence of EXP CDC duty counsel at first appearance court; this is credited with connecting clients to the project quickly, as well as assisting the court by being able to provide information about and some assistance to individuals who are appearing without counsel.

With the roster counsel and the additional administrative assistant, the EXP CDC project has sufficient resources to meet the current demand for its services. In terms of staffing, both the duty counsel roster and the second administrator have addressed capacity issues identified in the earlier evaluations. With these additional resources, the project has been able to handle the fluctuations in intake from month to month and to keep pace with the demand for its services.

5.2 Achievement of outcomes

The project is accepting appropriate clients/cases for expanded service. Consistent with the findings from the process and summative evaluations, all lines of evaluation evidence continue to indicate that the project is accepting appropriate clients/cases into the EXP CDC services. The evaluation evidence shows that clients/cases entering the project meet its eligibility criteria, and that the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract. Over three-fourths (78%) of clients accepted into the project would not have been eligible for a legal aid representation contract.

In general, clients are receiving referrals to the project in a timely manner. Most clients (72%) are made aware of the project and make initial contact at their first appearance. The smooth referral process is likely due to several factors: the presence of duty counsel in first appearance court to inform accused persons about the project and how to apply; the fact that clients can now go directly to the EXP CDC office to apply; and the second administrative assistant, which has likely affected wait times to apply. Almost all clients interviewed considered the experience of connecting to the EXP CDC and applying to be easy. The timeliness of service in terms of meeting with duty counsel continues to show month-to-month volatility, which may be due to a number of factors, including higher number of clients in certain months, clients missing appointments, and other scheduling issues.

All lines of evidence indicate that clients' legal needs are being met by the project. The project is providing the level of service envisioned by the model for its clients who are eligible for expanded service, as well as its clients receiving only summary advice. Clients received a variety of services from the pilot project, including summary advice, which includes options for how to respond to the charges; negotiations with the Crown on their criminal matters; court attendance; and a resolution to their criminal matter. Based on client interviews, clients found the services to be helpful in assisting them through the court process. The pilot data show that duty counsel spend, on average, 2.2 hours on the files of clients who received expanded service, and 0.9 hours on the files of clients who were not accepted into the EXP CDC, but who did receive summary advice.

The evaluation evidence supports the conclusion that the project has led to the earlier resolution of cases. Key informants consider this to be a major achievement of the project. An analysis of project and court data shows that the project has resolved 86% of its cases during its first two years of operations, which is greater than the resolution rate of the comparison court locations (64% in Abbotsford and 70% in Kelowna). The most common reasons for not being able to resolve cases were the client's and/or the Crown's positions. Similarly, the project's cases are resolved in less time when considering the elapsed time between first appearance post-bail and the date of resolution.

Most clients who were interviewed were very satisfied with the services they received from the project. Almost all of the 44 clients interviewed said they were satisfied with the services they received. They felt treated with respect and believed they received good results.

There is evidence that the project has led to greater efficiency for the court process. The summative evaluation found early indications that the project had led to greater efficiency for the court process, which was confirmed and the conclusions strengthened with the evidence available for the refresh evaluation. Key informants credit the project with reducing inefficient use of court time and the number of court appearances both through the project's provision of expanded service as well as by assisting those not eligible for the project with summary advice and/or connecting them to legal aid or other legal services. The administrative and court data confirm the efficiencies of the expanded service as the project uses fewer appearances to resolve cases than the comparison court locations.

The project has increased access to justice. The refresh evaluation findings reconfirm what was heard in the summative evaluation. External key informants unanimously consider the project to be an improvement on the previous duty counsel model and to enhance access to justice. The innovative features of the project — the ability to offer more extended support to pursue non-trial resolutions, the continuity of counsel, and the increased accessibility to legal aid — are all considered to contribute to access to justice, which benefits clients as well as the criminal justice system.

The project has achieved efficiencies for the justice system. The summative evaluation occurred at an early stage of the project; however, even then there was an indication that the project contributed to cost avoidance through the efficiencies created. The refresh evaluation findings further support that conclusion and, with the longer time horizon, provide a more reliable comparison between the project and the other court locations. Based on the available measure of the number of appearances per resolved case, the estimated costs avoided since the project began two years ago range from \$122,860 to \$184,290.

5.3 Recommendations

Below provides a few recommendations for LSS's consideration.

Recommendation 1: Consider offering greater flexibility for providing same-day guilty pleas for certain types of offences where clients often do not have a defence and sentencing is usually the statutory minimum.

The project has made efforts to provide immediate assistance to individuals whose situations make it difficult for them to attend an appointment with duty counsel at a later date. However, it was suggested that the project could still provide greater flexibility to assist with same-day guilty pleas, if desired by the client. Should the project explore this possibility, it would need to be careful not to compromise its objective of providing more meaningful legal advice, and would need to balance the benefits from this approach with the additional resources (e.g., more roster support) this flexibility may require. An example might be providing same-day guilty pleas on a few types of cases, such as driving while prohibited cases where the clients often do not have a defence and sentencing is usually the statutory minimum.

Recommendation 2: Consider improvements to the data tracking system and consent processes to facilitate future studies.

Based on the experience of analyzing the EXP CDC data, the process and summative evaluations included recommendations related to enhancing the project database. The following suggestions are offered again for database improvement:

- ▶ The project does not capture all of the charges clients faced for which the project is assisting them, nor does it capture the information based on *Criminal Code of Canada* provisions; rather, it uses an open text field. As a result, the nomenclature for the charges depends on the person recording the charges and entering them into the project database. The project would benefit from having mechanisms put in place to minimize inconsistencies, such as using a “pick list” for common charges handled by the project that would match how charges are entered in CIS. In addition, ensuring that these standardized charge descriptions can be mapped onto the *Criminal Code of Canada* provisions in CSB data will better enable the EXP CDC project to make future comparisons with CSB data.
- ▶ The database does not have logic checks on data entry, which can lead to inconsistencies, errors, and missing data.

The project may also want to consider changing its consent form, so that client information can be shared with CSB. This would allow LSS to make the appropriate requests of CSB for more detailed court data on project clients who have consented, which might be beneficial for future studies.

Recommendation 3: Consider options for obtaining regular feedback from clients.

The refresh evaluation included interviews with 34 clients, which was its target number given budgetary limitations. LSS may want to consider more regular feedback from a larger number of clients. Based on the evaluation experience, a short telephone survey shortly after the client's file is closed is the best method for obtaining responses — contact information is still valid and the client's experience with the EXP CDC is fresh in their minds. Other options might be including the EXP CDC clients in the existing LSS client survey or a short paper exit survey (although response rates to the latter are usually not high).

Appendix A –Logic model

Program logic model — Expanded Criminal Duty Counsel (EXP CDC)

	Program activities	Program outputs	Short-term outcomes	Medium-term outcomes
INTAKE AND ASSESSMENT	Assess clients and make decision about whether early resolution is possible	<ul style="list-style-type: none"> • # of clients assessed for EXP CDC services • # of files/clients accepted • # of files rejected 	<ul style="list-style-type: none"> • Appropriate clients/cases are streamed into EXP CDC services • Clients receive referrals to EXP CDC services in a timely manner 	<ul style="list-style-type: none"> • The courts at the EXP CDC program site operate more efficiently • Access to Criminal Legal Aid at the EXP CDC program site is increased
LEGAL ADVICE AND REPRESENTATION	Provide continuing legal advice and representation support to eligible EXP CDC clients <ul style="list-style-type: none"> • Provide advice to clients • Provide continuous representation to clients Provide brief or summary advice to all those who contact the project	<ul style="list-style-type: none"> • # of clients assisted (or # of files) • # of cases resolved • # of clients who enter and exit through the program (i.e., resolve matters in the program) that are assisted by the same CDC 	<ul style="list-style-type: none"> • EXP CDC clients achieve early resolution of their criminal matters • Clients are satisfied with their experience in the EXP CDC program 	

Appendix B – Evaluation matrix

Framework for the Refresh of the Evaluation of the Expanded Criminal Duty Counsel (EXP CDC) project		
Questions	Indicators	Data sources
Implementation questions		
1. How well is the EXP CDC model working for providing the expected services since the summative evaluation? What, if any, changes or improvements have been made to the model or how it operates?	<ul style="list-style-type: none"> Stakeholder opinion on the model or aspects of the model and how well it works Stakeholder opinion on changes/improvements made to the model or how it operates and how well these have worked Stakeholder suggestions for improvements to the model or how it operates Decision-records and timelines of changes made to improve model or how it operates 	<ul style="list-style-type: none"> Key informant interviews Document review
2. Does the EXP CDC have sufficient resources, supports, and capacity to meet demand?	<ul style="list-style-type: none"> Number of clients assessed for EXP CDC services Number of cases accepted by the EXP CDC Number of files opened and files closed over time by the EXP CDC Number and percentage of clients not accepted (solely) because capacity of EXP CDC program has been exceeded Stakeholder opinion on whether the EXP CDC has sufficient resources, supports, and capacity to satisfactorily meet demand 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews
Outcome questions		
3. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none"> Comparison of clients accepted and those not accepted based on type of charge (most serious offence) Number and types of files/cases accepted/not accepted with reasons why based on eligibility criteria Reasons why financially eligible clients are not accepted Stakeholder opinion on appropriateness of eligibility decisions 	<ul style="list-style-type: none"> EXP CDC database LSS CIS database Key informant interviews
4. Do clients receive a referral to EXP CDC services in a timely manner?	<ul style="list-style-type: none"> Time between first appearance and file open date for clients who entered the criminal justice system after EXP CDC began Time between first appearance and date of first contact with CDC for clients who entered the criminal justice system after EXP CDC began Time between file open date and date of first contact with CDC Stakeholder opinion on whether clients receive timely referrals to EXP CDC Client opinion on whether referral to EXP CDC was timely 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews Client interviews
5. Are clients' legal needs being met by the EXP CDC project?	<ul style="list-style-type: none"> Types of legal services received by clients from EXP CDC Number and percent of clients not accepted into EXP CDC receiving referrals to other legal services⁴¹ Type of other legal services clients not accepted into EXP CDC are referred to by EXP CDC Time spent with clients by EXP CDC Stakeholder opinion on measures of quality of EXP CDC services (continuity of counsel; consistency of service; quality of summary advice) Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> EXP CDC database Key informant interviews Clients

⁴¹ Clients not accepted and whose files were closed due to inactivity are not included.

Framework for the Refresh of the Evaluation of the Expanded Criminal Duty Counsel (EXP CDC) project		
Questions	Indicators	Data sources
6. Has the EXP CDC service led to the earlier resolution of cases at the project site?	<ul style="list-style-type: none"> • Number and percent of EXP CDC cases resolved by type of resolution (by information) • Number and percent of EXP CDC cases not resolved and reasons why (by information) • Number and percent of cases⁴² resolved (EXP CDC with comparison sites)⁴³ • Number of days from first contact with EXP CDC to resolution (by information) • Number of days from first appearance to resolution for clients who entered the criminal justice system after EXP CDC began (by information) • Number of days from first appearance (post-bail hearing) to resolution (EXP CDC cases with comparison sites) • Comparison of number of days from first appearance (post-bail hearing) to resolution by whether case had trial date set (EXP CDC, Port Coquitlam, comparison sites) • Stakeholder opinion on whether cases are resolved earlier 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • CSB database • Key informant interviews • Client interviews
7. Are clients satisfied with their experience using the EXP CDC service? What, if anything, can be done to improve clients' experience?	<ul style="list-style-type: none"> • Client opinion on satisfaction with EXP CDC services 	<ul style="list-style-type: none"> • Client interviews
8. Has the EXP CDC service led to greater efficiency for the court process at the project site?	<ul style="list-style-type: none"> • Number of appearances before resolution (EXP CDC with comparison sites) • Number and percentage of cases resolved without a trial or trial fixed date (EXP CDC with comparison sites) • Number and percentage of cases resolved before trial fixed date (EXP CDC, Port Coquitlam, comparison sites) • Stakeholder opinion on whether the EXP CDC has increased efficiency in the court process 	<ul style="list-style-type: none"> • EXP CDC database • CSB database • Key informant interviews
9. Has the EXP CDC project resulted in increased access to criminal legal aid services for clients who may not currently meet eligibility guidelines for full representation?	<ul style="list-style-type: none"> • Number and percent of EXP CDC applicants who do not meet eligibility guidelines for full representation but received EXP CDC services • Services received by clients who are not eligible for a representation contract 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database
10. To what extent has the EXP CDC pilot led to net system savings due to efficiencies gained for LSS and/or other areas of the justice system?	<ul style="list-style-type: none"> • EXP CDC average cost per case • Cost implications of estimates of avoided court costs based on costs of actual court activity • Comparison of budget allocation versus expenditures • Success of project in reaching clients (relative to commitments/expectations) 	<ul style="list-style-type: none"> • EXP CDC data • LSS CIS data • CSB data • Key informant interviews

⁴² Excludes cases resolved at bail hearing.

⁴³ Comparison sites will be Kelowna and Abbotsford for the same time period as the pilot (cases opened and concluded between March 1, 2015 and December 31, 2016), and Port Coquitlam for cases opened and concluded between March 1, 2014 and February 28, 2015.

Appendix C – Data collection instruments

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Project Evaluation Refresh**

**Interview guide for internal stakeholders
(Project lead, lead CDC, roster counsel)**

The Legal Services Society of British Columbia (LSS) requires an update of the evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview for the purpose of note taking. No one outside of PRA will see these notes or listen to the recordings.

The evaluation of the EXP CDC project occurred in two phases. A process evaluation focussed on the implementation of the EXP CDC project during its first three months (March to June 2015), and a summative evaluation considered project operations as well as outcome achievement and efficiencies from inception to March 2016. LSS committed to updating (or refreshing) the evaluation to support the request to the British Columbia Ministry of Justice for the possible expansion of the project. This interview is for the refresh evaluation component and will consider the delivery of the EXP CDC project and progress in achieving the expected outcomes.

We realize that you may not be able to answer all of the questions; please let us know, and we will skip to the next question.

Delivery of the EXP CDC pilot

1. Based on your observations, since the summative evaluation, how well has the model worked for providing the expected services? Please explain what you believe has contributed to the model working well or to any challenges encountered. Q₁
2. Have any changes or improvements been made to the model or how it operates since the summative evaluation? If any changes have been made, how well have these worked? Q₁
3. How well has the roster of criminal duty counsel operated since the summative evaluation? Have there been any challenges experienced or any changes made to the roster and/or how it operates? What has been the effect of having the criminal duty counsel roster on project delivery? Q₁
4. Have demands for services changed since the summative evaluation and has that affected resources and capacity? Do staff (administrator, criminal duty counsel) receive the needed supports for providing the expected level of services to all eligible EXP CDC clients? What steps has the EXP CDC project taken to overcome any resource challenges? Q₂
5. Are there any other challenges or suggestions for improvement related to the operations and delivery of the EXP CDC project that you have not already discussed? Q₁ and Q₂

Progress towards achieving objectives

6. In your opinion, are appropriate clients/cases being referred to and accepted by the EXP CDC project? Are the criteria for acceptance to receive expanded services working well or would you suggest any changes? Q3
7. At what point in the criminal justice process are clients typically referred to the EXP CDC project? Do you consider the referrals to occur at the earliest point possible in the process? What are the factors (positive or negative) that affect the timeliness of referrals? Q4
8. To what extent is the connection between referrals to the EXP CDC project and potential clients making contact with the EXP CDC project working smoothly? Are there any accessibility issues for clients between referral/intake/screening/initial meeting? Q3 and Q4
9. In general, do you believe that the EXP CDC project is achieving its objective of meeting clients' legal needs? In your response, please consider aspects of its services, such as the continuity of counsel, the consistency of service, the ability to spend sufficient time with clients, the quality of summary advice, and the types of resolutions achieved for clients. Has the project's ability to meet client's legal needs changed over the course of the project's operation? What factors positively or negatively affect the ability of the EXP CDC project to meet the clients' legal needs? Q5
10. Based on your experience, to what extent has the EXP CDC project led to earlier resolution of cases? To fewer court appearances prior to resolution? Has the ability to achieve early resolution/fewer court appearances changed since the summative evaluation? If so, what factors have impeded or facilitated early resolution or reduction in the number of court appearances? Q6
11. Have you received any feedback from clients about their experiences with the EXP CDC project? Do you have any suggestions for how clients' experiences with the EXP CDC project can be improved? Q7
12. Overall, how would you compare the EXP CDC project to the traditional duty counsel approach in terms of access to justice? In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Q9
13. In your opinion has the EXP CDC project created efficiencies for the court process in Port Coquitlam? What impact, if any, has that had on other stakeholders in the justice system? (e.g., judiciary, judicial case managers, court administration, Crown, police) In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Please explain why you believe the model has or has not created these efficiencies and what the impact has been. Q8 and Q10
14. Do you have any other comments?

Thank you for your participation.

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Project Evaluation Refresh**

**Interview guide for external stakeholders
(Judges, Judicial Case Managers, Crown)**

The Legal Services Society of British Columbia (LSS) requires an update of the evaluation of the Expanded Criminal Duty Counsel (EXP CDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP CDC project.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview for the purpose of note taking. No one outside of PRA will see these notes or listen to the recordings.

The current evaluation focusses on the delivery of the EXP CDC project and progress in achieving the expected outcomes since March 2016.

We realize that you may not be able to answer all of the questions; please let us know, and we will skip to the next question.

Delivery of the EXP CDC pilot

1. Please briefly describe your involvement with the EXP CDC pilot project or with clients of the EXP CDC pilot project.
2. Since we last conducted interviews for the summative evaluation (March 31, 2016), how well would you say the model has worked for providing the expected services? Q1
3. In your opinion, does the EXP CDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP CDC clients? Please explain why or why not. Have demands for the services offered by the EXP CDC changed since the summative evaluation and, if so, how has this affected resources and capacity? To your knowledge, has the EXP CDC taken steps to overcome any resource challenges? Q2
4. The EXP CDC operates with a full-time lead lawyer and a limited roster of lawyers who appear as scheduled. How well has the roster of criminal duty counsel operated in the last year? What has been the effect of having the criminal duty counsel roster on project delivery? Based on your observations, is there a consistent level of service among the roster? To what extent is there continuity of counsel for clients? Q1
5. Have you encountered any challenges in your interactions with the EXP CDC? If yes, when did these challenges occur and have they been addressed? Q1

Progress towards achieving objectives

6. What is your involvement, if any, in directing individuals to the EXP CDC project? Q4
7. From your perspective, how well is the process of directing/referring individuals to the EXP CDC project working? Q4
 - a. At what point in the criminal justice process are clients typically referred or directed to the EXP CDC project? Do you consider the referrals to occur at the earliest point possible in the process? What are the factors (positive or negative) that affect the timeliness of referrals?
 - b. Are any criminal defendants who should be directed to the EXP CD project not getting connected to the project? If so, why do you think that is occurring? Q4
8. In general, do you believe that the EXP CDC project is achieving its objective of meeting clients' legal needs? In your response, please consider aspects of its services, such as continuity of counsel, consistency of service, and quality of service. Has the project's ability to meet the client's legal needs changed over the course of the project's operation? What factors positively or negatively affect the ability of the EXP CDC project to meet clients' legal needs? Q5
9. Based on your experience, to what extent has the EXP CDC project led to earlier resolution of cases? To fewer court appearances prior to resolution? Has the ability to achieve early resolution/fewer court appearances changed in the last year? If so, what factors have impeded or facilitated early resolution or reduction in the number of court appearances? Q6
10. Based on what you have observed, how would you assess the quality of services clients receive from the EXP CDC project? Do you have any suggestions for how clients' experiences with the EXP CDC project can be improved? Q7
11. Overall, how would you compare the EXP CDC project to the traditional duty counsel approach in terms of access to justice? In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Q9
12. In your opinion has the EXP CDC project created efficiencies for the court process in Port Coquitlam? What impact, if any, has that had on other stakeholders in the justice system? (e.g., judiciary, judicial case managers, court administration, Crown, police) In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only. Please explain why you believe the model has or has not created these efficiencies and what the impact has been. Q8 and Q10
13. Do you have any other comments?

Thank you for your participation.

**Legal Services Society of British Columbia
Expanded Criminal Duty Counsel Pilot Project Evaluation**

Interview guide for clients

Interviewer will verbally discuss the introduction with the client prior to the beginning of the interview: My name is (NAME) and I am from PRA, an independent research company. The Legal Services Society of British Columbia, you might know them as legal aid, has hired us to help them conduct a study of one of their services, the Expanded Criminal Duty Counsel. The Expanded Criminal Duty Counsel provides advice and assistance to people with criminal law matters in Provincial Court in Port Coquitlam. They do not represent people at trial, but their assistance can include reviewing police reports, having discussions with the Crown counsel, and attending court if a guilty plea is being entered to resolve the case. You might have received assistance from Carmen

Legal aid wants to know how well the Expanded Criminal Duty Counsel is working for clients. We understand you were or still are a client of the Expanded Criminal Duty Counsel. The form you filled out when you first got services from the Criminal Duty Counsel indicated you may be contacted to ask you about their services.

That's why I'm calling today, to invite you to participate in a short survey. Your participation is voluntary.

I'd like to ask you some questions about the help you got from the Expanded Criminal Duty Counsel. Please be assured that I will not ask you anything personal about your criminal law matter, only about the services you received and how helpful these were to you. This information will help the LSS in identifying how the project can be improved.

The interview should take about 15 minutes. The information from your interview will be combined with other interviews and reported all together, so your name will not be mentioned. With your permission, I will audio record the interview for the purpose of note taking. No one outside of PRA will see these notes or hear the recording. If you cannot answer a question, let me know and we will skip to the next question.

First, I'd like to find out more about your experience applying for legal aid.

1. When did you apply for legal aid — was it before your first court appearance, after your first court appearance, or at your first court appearance? (Q4)
2. Did someone tell you to go see legal aid, or did you know where to go get legal aid assistance? (Q4)
 - a. Who told you about legal aid? (*Probe: judge, justice of the peace, sheriff, registry, Crown, another agency*) Who did they tell you to see about getting legal aid? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - b. Where did you go to get legal aid assistance? (*Probe: CDC in court, the legal aid intake office in the courthouse, LSS call centre*)
 - c. (If in person; everyone except those who used call centre) Was there a line to apply for legal aid? (If call centre) Were you put on hold when you called? (Both) About how long did you wait? Did you think the wait was too long or about right?

3. How soon after you applied for legal aid did you meet with the Criminal Duty Counsel? (*Probe: Same day, how many days later*) Did you think the wait was too long or about right? (Q4)
4. How difficult or easy did you find the process of applying for legal aid and getting connected with the Criminal Duty Counsel? What made it difficult/easy? (Q4)

Now, I'd like to ask you some questions about the legal services that you received from the Criminal Duty Counsel.

5. What type of legal assistance did the Criminal Duty Counsel give you? Did they...
 - a. Explain the court process to you?
 - b. Provide you with information on the charges you were facing?
 - c. Explain to you the allegations by the Crown?
 - d. Tell you different ways you might respond to the charges?
 - e. (ONLY CLIENTS ACCEPTED) Attend court with you?
 - f. Any other types of assistance?(Q5)
6. Thinking about the assistance that you received, what was helpful? What was not helpful? (Q7)
 - a. (ONLY CLIENTS NOT ACCEPTED) Did the advice you received from Criminal Duty Counsel help you when you appeared in court? If yes, what ways? (*Probe: did it help you understand the court process? Did it help you understand the case against you? Did it help you know your legal options? Did it help you know where to go to get legal assistance? Did it help you present your position in court?*) If no, what additional advice or information might have assisted you?
7. Did you feel treated with respect by the Criminal Duty Counsel? Please explain why or why not. (Q7)
8. (ONLY CLIENTS ACCEPTED) Were you helped by the same criminal duty counsel each time? (Q5 and Q7)
 - a. If yes, how did having the same lawyer throughout your case help you, if at all?
 - b. If no, how many different criminal duty counsel helped you? How did switching lawyers affect the services you received, if at all? (*Probe: was the new lawyer already brought up to speed on your case? How smooth was the transition between lawyers?*)
9. Is your case ongoing or completed?

10. (ONLY CLIENTS ACCEPTED AND CASE COMPLETED) What was the outcome of your case? I'm going to read several options and let know which ones apply to your situation. More than one can apply. Did you plead guilty, receive alternative measures (such as an order for restitution, community service or counseling), have a peace bond issued, have the proceedings against you stayed, eventually go to trial for a decision on whether you were guilty? (Q8 and Q10)
- a. (If pled guilty) Did the Criminal Duty Counsel attend court with you to enter the plea? Do you think your case was resolved sooner because of the involvement of the Criminal Duty Counsel? Why or why not?
 - b. (If went to trial) Did you have representation by counsel at trial? Did Criminal Duty Counsel refer you to other legal services? If yes duty counsel referred them to other legal services, please specify. Did you receive a legal aid referral for a lawyer, did you hire a lawyer on your own, or did you receive free legal help from another service like Access Pro Bono?
 - c. (all respondents) Were you satisfied with the outcome of your case? Why or why not?
11. (ONLY CLIENTS ACCEPTED) Was there any type of legal assistance that you think you needed but did not get from the Criminal Duty Counsel? (Q5)
12. Overall, were you satisfied with the services you received from the Criminal Duty Counsel? Do you have any improvements that you would like to suggest? (Q7)
13. (ONLY CLIENTS ACCEPTED) Have you had assistance from legal aid before? Was it from legal aid in BC or somewhere else? (let them specify) How would you compare the most recent experience to the one you had before – was it better, worse, or the same? Please explain. (Q8 and Q10)
14. (ONLY CLIENTS ACCEPTED) What would you have done if the Expanded Criminal Duty Counsel service was not available (e.g., plead guilty at your first appearance, hire your own lawyer, represent yourself on your own with no help)? (Q8 and Q10)

Thank you for your participation.

Appendix D – Comparison site selection

Considerations in choosing comparison court locations

In order to assess the impact of the EXP CDC pilot and conduct the efficiency analysis, the evaluation included court data for the Port Coquitlam Provincial Court and two comparison provincial court locations. The comparison court locations were chosen after discussions with representatives of the Strategic Planning, Prosecution Service of the Ministry of Justice and in consultation with LSS and CSB. The choice of comparison court locations was based on several factors.

First, a key consideration was identifying other court locations with Crown file ownership so that the evaluation could, to the extent possible, isolate the effect of the pilot project from Crown file ownership, since both innovations are intended to create greater continuity of counsel (duty counsel and Crown, respectively) and result in more the efficient and earlier resolution of cases. While there is Crown file ownership across the Prosecution Service, there are differences in how it is implemented in assignment court locations compared to other locations. The list of locations with assignment court is below. For each location, Crown file ownership began on the effective scheduling date listed for each site location.

Location	Effective scheduling date	Assignment court start date
Port Coquitlam	February 3, 2014	July 7, 2014
Vancouver (222 Main St.)	March 3, 2014	October 20, 2014
Robson Square (Van. Youth) ⁴⁴	March 3, 2014	November 17, 2014
Victoria	April 1, 2014	December 1, 2014
Kelowna	June 2, 2014	January 19, 2015
Abbotsford	June 2, 2014	February 2, 2015
Surrey	May 5, 2014	March 2, 2015

⁴⁴ The EXP CDC only handles adult criminal matters, so Robson Square is not a suitable comparison location.

Second, the choice of comparison court locations also considered contextual factors related to Crown file ownership:

- ▶ **Strong buy-in and adherence:** As the pilot site, Port Coquitlam has strong buy-in and adherence to the file ownership model.
- ▶ **The type of model used:** This varies across the locations. Some offices assign a “front-end” team early in the file, while other offices (like Port Coquitlam) assign the individual Crown.
- ▶ **Size of Crown office:** Port Coquitlam is a small office, so assigning one Crown to a matter early in a case is simpler. The Reports to Crown Counsel (RCCs) were used as a proxy for the size of the Crown office.

Location	Buy-in	Type of model	RCCs
Port Coquitlam	Strong	Individual Crown assigned	2,687
Vancouver (222 Main St.)	Strong	Front-end model	7,851
Victoria	Strong	Front-end model	4,310
Kelowna		Individual Crown assigned	2,630
Abbotsford	Strong	Individual Crown assigned	2,444
Surrey	Strong	Front-end model	8,682

Third, an analysis was completed of relevant CSB data, including new adult and youth (A&Y) criminal cases, percentage of new youth cases, adult and youth completed cases, completion rate, median time to conclusion, and average appearances per concluded case. The data were for all criminal cases for a five-year period (FY 2010–11 to 2014–15). An analysis of these court data was completed by an external consultant hired by CSB, who concluded that while the court data suggested that Abbotsford and Kelowna are not as strongly correlated to Port Coquitlam as other court locations, based on the nature of the Crown file ownership along with the comparability in courthouse size, Abbotsford would appear to be the strongest candidate, followed by Kelowna.

Socio-demographic data

The tables below provide basic socio-demographic data for Port Coquitlam, Abbotsford, and Kelowna. This information is provided simply as context and was not used to determine the comparison locations.

As Table 3 shows, Kelowna has an older population than either Port Coquitlam or Abbotsford.

Table 3: Demographic information from 2011 Census for Abbotsford, Kelowna, and Port Coquitlam						
	Abbotsford¹		Kelowna²		Port Coquitlam³	
	n	%	n	%	n	%
Population	169,923		165,233		309,561	
Male	84,205	49.60%	79,960	48.4%	152,535	49.3%
Female	85,720	50.40%	85,275	51.6%	157,020	50.7%
Age						
Less than 15 years	32,260	19.0%	24,570	14.9%	53,650	17.3%
15–24	23,600	13.9%	21,300	12.9%	43,140	13.9%
25–39	33,085	19.5%	29,165	17.7%	58,730	19.0%
40–54	36,755	21.6%	36,585	22.1%	80,760	26.1%
55–69	27,290	16.1%	31,005	18.8%	49,690	16.1%
70 and older	16,920	10.0%	22,655	13.7%	23,600	7.6%
Married or common-law ⁴	82,850	60.2%	83,265	59.2%	152,380	59.5%
Not married and not common-law	54,810	39.8%	57,405	40.8%	103,540	40.5%
Note: Other than total population, the numbers are estimated to the nearest 5. Therefore, the numbers do not always correspond exactly with the total population figure. ¹ Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission. ² Includes, according to census subdivisions, City of Kelowna, District Municipality of West Kelowna, District Municipality of Peachland, District Municipality of Lake Country (includes Oyama and Winfield), and Designated Place of Beaverdell. ³ Includes, according to census subdivisions, City of Port Coquitlam, City of Coquitlam, City of Port Moody, City of Pitt Meadows, and District Municipality of Maple Ridge. ⁴ Calculated out of those 15 years and older (Abbotsford = 137,655, Kelowna = 140,665, Port Coquitlam = 255,920) Source: Statistics Canada Census 2011						

Port Coquitlam differs from the comparison sites in several respects.

- ▶ Port Coquitlam has more immigrants, more visible minorities, and fewer people self-identifying as Aboriginal than each of the comparison sites.
- ▶ Port Coquitlam has higher education levels than Abbotsford.
- ▶ Port Coquitlam has a lower unemployment rate than each of the comparison sites.

See Table 4.

	Abbotsford ¹		Kelowna ²		Port Coquitlam ³	
	n	%	n	%	n	%
Population in private households	166,415		161,625		306,520	
Canadian citizen	154,460	92.8%	155,430	96.2%	279,720	91.3%
Immigrant	39,030	23.5%	22,650	14.0%	95,775	31.2%
Non-permanent resident	1,675	1.0%	1,025	0.6%	3,950	1.3%
Visible minority	42,505	25.5%	10,250	6.3%	92,105	30.0%
Aboriginal identity	6,725	4.0%	7,185	4.4%	8,755	2.9%
Population aged 15 years and over	134,180		137,360		252,895	
Education						
No certificate, diploma, or degree	28,970	21.6%	21,520	15.7%	33,775	13.4%
High school diploma or equivalent	41,755	31.1%	38,870	28.3%	73,470	29.1%
Post-secondary certificate, diploma, or degree	63,445	47.3%	76,970	56.0%	145,645	57.6%
Employment status						
Employed	82,355	61.4%	82,155	59.8%	162,065	64.1%
Unemployed	7,345	5.5%	7,175	5.2%	12,005	4.7%
Not in labour force	44,485	33.2%	48,025	35.0%	78,820	31.2%
<i>Unemployment rate</i>		8.2%		8.0%		6.9%
Income						
None	6,985	5.2%	5,175	3.8%	15,550	6.1%
Under \$20,000	50,335	37.5%	46,455	33.8%	85,455	33.8%
\$20,000–\$39,999	33,905	25.3%	36,935	26.9%	54,125	21.4%
\$40,000–\$59,999	20,785	15.5%	24,110	17.6%	43,390	17.2%
\$60,000–\$79,999	11,735	8.7%	12,210	8.9%	26,685	10.6%
\$80,000–\$99,999	5,480	4.1%	5,720	4.2%	13,650	5.4%
\$100,000 and over	4,960	3.7%	6,745	4.9%	14,020	5.5%
Note: Other than total population in private households, the numbers are estimated to the nearest 5; therefore the numbers do not always correspond exactly with the total population figure.						
¹ Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission.						
² Includes, according to census subdivisions, City of Kelowna, District Municipality of West Kelowna, District Municipality of Peachland, and District Municipality of Lake Country (includes Oyama and Winfield). The Designated Place of Beaverdell was not available from the National Housing Survey.						
³ Includes, according to census subdivisions, City of Port Coquitlam, City of Coquitlam, City of Port Moody, City of Pitt Meadows, and District Municipality of Maple Ridge.						
Source: Statistics Canada National Housing Survey 2011.						

Criminal court data

The tables below are based on the cases that have similar charges to the EXP CDC pilot project. These charges were identified from information entered into the pilot database and LSS’s Case Information System (CIS), provided to CSB for extracting the court data for use in the study.

The volume of new cases filed is similar across the sites (Table 5).

Year	Port Coquitlam	Abbotsford	Kelowna
2014	980	1,020	1,155
2015	1,066	1,206	1,350

Tables 6 to 9 show the charges for new cases and the new and concluded cases during the two time periods analyzed for the evaluation. All four tables show similarities for three of the most

frequent charges (theft under \$5,000; failure to comply with a probation order; and breach of an undertaking or recognizance). Kelowna differs in two respects from Port Coquitlam and Abbotsford: it has fewer spousal (or domestic) assaults and more cases with charges for possession of a controlled substance and breach of an undertaking under sections 499(2) or 503(2.1) of the *Criminal Code*.

Table 6: 2015 New cases by Most Serious Offence

Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Theft \$5,000 or under	232	22%	159	13%	195	14%
Failure to comply with probation order	220	21%	269	22%	200	15%
Breach of undertaking or recognizance	142	13%	314	26%	221	16%
Assault-spousal	96	9%	154	13%	72	5%
Uttering threats to cause death or bodily harm	58	5%	30	2%	31	2%
Assault	45	4%	29	2%	36	3%
Assault with a weapon	34	3%	40	3%	15	1%
Possession of stolen property under \$5,000	31	3%	27	2%	19	1%
Possession of controlled substance	26	2%	21	2%	150	11%
Possessing a controlled drug/substance for the purpose of trafficking	21	2%	25	2%	38	3%
Willfully resisting or obstructing a peace officer	18	2%	15	1%	23	2%
Being unlawfully at large	18	2%	5	<1%	14	1%
Breach of undertaking under s. 499(2) or 503(2.1)	15	1%	16	1%	182	13%
Robbery	15	1%	3	<1%	6	<1%
Assault causing bodily harm	11	1%	21	2%	25	2%
Driving while prohibited	10	1%	11	1%	12	1%
Fear of injury/damage by another person	9	1%	15	1%	2	<1%
Assault peace officer	8	1%	8	1%	8	1%
Possession of stolen property over \$5,000	8	1%	7	1%	9	1%
Fraud \$5,000 or under	8	1%	5	<1%	2	<1%
Failure to comply with probation order	8	1%	0	-	20	1%
Failing to appear pursuant to court order	5	<1%	4	<1%	24	2%
Assaulting a peace officer engaged in execution of duty	5	<1%	3	<1%	4	<1%
Mischief	5	<1%	7	1%	7	1%
Uttering threats to burn, destroy, or damage property	4	<1%	4	<1%	1	<1%
Fraud over \$5,000	4	<1%	0	-	0	-
Driving while prohibited or licence suspended	3	<1%	3	<1%	1	<1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	2	<1%	1	<1%	6	<1%
Theft over \$5,000	2	<1%	4	<1%	6	<1%
Failing to appear on recognizance or undertaking	1	<1%	0	-	3	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	0	-	0	-
Uttering threats to kill, poison, or injure a person's animal or bird	1	<1%	0	-	0	-
Escape from lawful custody	0	-	1	<1%	1	<1%
Failing to appear	0	-	0	-	1	<1%
Assault with intent to resist arrest or detention	0	-	0	-	4	<1%
Assault peace officer engaged in execution of his duty	0	-	0	-	1	<1%
Break and enter a dwelling with intent or commit	0	-	5	<1%	11	1%
Total	1,066	100%	1,206	100%	1,350	100%

Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	138	25%	139	25%	125	19%
Theft \$5,000 or under	125	23%	60	11%	69	11%
Breach of undertaking or recognizance	85	15%	198	36%	147	23%
Assault-spousal	48	9%	51	9%	33	5%
Uttering threats to cause death or bodily harm	23	4%	10	2%	12	2%
Possession of stolen property under \$5,000	18	3%	8	1%	6	1%
Assault	15	3%	7	1%	13	2%
Assault with a weapon	15	3%	11	2%	6	1%
Being unlawfully at large	12	2%	1	<1%	11	2%
Breach of undertaking under s. 499(2) or 503(2.1)	12	2%	4	1%	83	13%
Possession of controlled substance	12	2%	16	3%	58	9%
Willfully resisting or obstructing a peace officer	8	1%	8	1%	17	3%
Failure to comply with probation order	6	1%	0	-	13	2%
Fear of injury/damage by another person	5	1%	6	1%	1	<1%
Driving while prohibited	4	1%	2	<1%	2	<1%
Assault peace officer	3	1%	4	1%	4	1%
Assaulting a peace officer engaged in execution of duty	3	1%	0	-	0	-
Robbery	3	1%	2	<1%	1	<1%
Possession of stolen property over \$5,000	3	1%	5	1%	3	<1%
Mischief	3	1%	3	1%	5	1%
Failing to appear pursuant to court order	2	<1%	4	1%	15	2%
Assault causing bodily harm	2	<1%	5	1%	6	1%
Fraud \$5,000 or under	2	<1%	1	<1%	1	<1%
Failing to appear on recognizance or undertaking	1	<1%	0	-	0	-
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	0	-	0	-
Uttering threats to burn, destroy, or damage property	1	<1%	0	-	1	<1%
Uttering threats to kill, poison, or injure a person's animal or bird	1	<1%	0	-	0	-
Theft over \$5,000	1	<1%	2	<1%	1	<1%
Possessing a controlled drug/substance for the purpose of trafficking	1	<1%	2	<1%	6	1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	1	<1%
Assault with intent to resist arrest or detention	0	-	0	-	1	<1%
Break and enter a dwelling with intent or commit	0	-	0	-	3	<1%
Driving while prohibited or licence suspended	0	-	2	<1%	0	-
Total	553	100%	551	100%	644	100%

Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	222	23%	200	20%	229	20%
Theft \$5,000 or under	214	22%	174	17%	156	14%
Breach of undertaking or recognizance	120	12%	216	21%	178	15%
Assault-spousal	98	10%	126	12%	57	5%
Uttering threats to cause death or bodily harm	56	6%	44	4%	22	2%
Assault	34	3%	27	3%	20	2%
Possession of controlled substance	29	3%	20	2%	144	12%
Possession of stolen property under \$5,000	27	3%	25	2%	16	1%
Assault with a weapon	25	3%	36	4%	12	1%
Possessing a controlled drug/substance for the purpose of trafficking	24	2%	35	3%	33	3%
Breach of undertaking under s. 499(2) or 503(2.1)	22	2%	22	2%	115	10%
Driving while prohibited	17	2%	13	1%	23	2%
Willfully resisting or obstructing a peace officer	15	2%	6	1%	18	2%
Theft over \$5,000	11	1%	8	1%	4	<1%
Fraud \$5,000 or under	10	1%	2	<1%	8	1%
Assault causing bodily harm	9	1%	14	1%	13	1%
Assault peace officer	9	1%	3	<1%	6	1%
Failing to appear pursuant to court order	8	1%	10	1%	31	3%
Being unlawfully at large	7	1%	3	<1%	17	1%
Robbery	6	1%	6	1%	11	1%
Break and enter a dwelling with intent or commit	4	<1%	3	<1%	8	1%
Possession of stolen property over \$5,000	3	<1%	9	1%	5	<1%
Uttering threats to burn, destroy, or damage property	2	<1%	2	<1%	0	-
Assaulting a peace officer engaged in execution of duty	2	<1%	3	<1%	4	<1%
Driving while prohibited or licence suspended	2	<1%	2	<1%	1	<1%
Escape from lawful custody	1	<1%	3	<1%	2	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	1	<1%	1	<1%
Fraud over \$5,000	1	<1%	1	<1%	2	<1%
Mischief	1	<1%	4	<1%	4	<1%
Failing to appear on recognizance or undertaking	0	-	0	-	3	<1%
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	9	1%
Failing to appear pursuant to summons	0	-	1	<1%	0	-
Assault with intent to resist arrest or detention	0	-	0	-	2	<1%
Assault peace officer engaged in execution of his duty	0	-	1	<1%	1	<1%
Total	980	100%	1,020	100%	1,155	100%

Charges	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
Failure to comply with probation order	216	23%	190	21%	220	20%
Theft \$5,000 or under	199	22%	151	16%	150	14%
Breach of undertaking or recognizance	117	13%	202	22%	172	16%
Assault-spousal	96	10%	116	13%	57	5%
Uttering threats to cause death or bodily harm	52	6%	41	4%	18	2%
Possession of controlled substance	29	3%	17	2%	137	13%
Assault	28	3%	24	3%	20	2%
Assault with a weapon	25	3%	32	3%	12	1%
Possession of stolen property under \$5,000	25	3%	24	3%	14	1%
Breach of undertaking under s. 499(2) or 503(2.1)	21	2%	21	2%	111	10%
Possessing a controlled drug/substance for the purpose of trafficking	15	2%	19	2%	24	2%
Driving while prohibited	15	2%	10	1%	22	2%
Willfully resisting or obstructing a peace officer	14	2%	6	1%	18	2%
Theft over \$5,000	10	1%	6	1%	4	<1%
Assault causing bodily harm	9	1%	11	1%	12	1%
Fraud \$5,000 or under	9	1%	0	-	8	1%
Failing to appear pursuant to court order	8	1%	10	1%	27	2%
Being unlawfully at large	7	1%	3	<1%	16	1%
Assault peace officer	7	1%	3	<1%	5	<1%
Robbery	6	1%	6	1%	11	1%
Break and enter a dwelling with intent or commit	3	<1%	3	<1%	7	1%
Possession of stolen property over \$5,000	3	<1%	8	1%	5	<1%
Uttering threats to burn, destroy, or damage property	2	<1%	2	<1%	0	-
Assaulting a peace officer engaged in execution of duty	2	<1%	3	<1%	4	<1%
Driving while prohibited or licence suspended	2	<1%	1	<1%	1	<1%
Escape from lawful custody	1	<1%	2	<1%	2	<1%
Breaching a condition of an undertaking or a recognizance - summary conviction	1	<1%	1	<1%	1	<1%
Fraud over \$5,000	1	<1%	0	-	2	<1%
Mischief	1	<1%	4	<1%	4	<1%
Failing to appear pursuant to summons	0	-	1	<1%	0	-
Failing to appear or to comply with appearance notice or promise to appear or recognizance	0	-	0	-	7	1%
Assault with intent to resist arrest or detention	0	-	0	-	2	<1%
Assault peace officer engaged in execution of his duty	0	-	1	<1%	1	<1%
Total	924	100%	918	100%	1,094	100%

Tables 10 and 11 provide data on legal representation for accused persons during their first two court appearances. The locations have similar results for both 2014 and 2015.

Representation	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
First - Agent	42	4%	39	3%	30	2%
First - Counsel Present	121	12%	188	16%	159	12%
First - Duty Counsel	382	36%	456	38%	503	38%
First - Counsel Not Present	498	47%	492	41%	618	47%
First - Not Stated	8	1%	13	1%	5	<1%
First - Designated Counsel	0	-	0	-	6	<1%
Total	1,051	100%	1,188	100%	1,321	100%
Second - Agent	73	7%	86	8%	36	3%
Second - Counsel Present	294	30%	358	32%	380	30%
Second - Duty Counsel	219	22%	248	22%	408	33%
Second - Counsel Not Present	383	38%	432	38%	384	31%
Second - Not Stated	24	2%	9	1%	22	2%
Second - Designated Counsel	3	<1%	1	<1%	18	1%
Total	996	100%	1,134	100%	1,248	100%

Note: Totals may not sum to 100% due to rounding.

Representation	Port Coquitlam		Abbotsford		Kelowna	
	#	%	#	%	#	%
First - Agent	31	3%	47	5%	20	2%
First - Counsel Present	133	14%	164	16%	150	13%
First - Duty Counsel	309	32%	350	35%	487	43%
First - Counsel Not Present	488	50%	441	44%	475	42%
First - Not Stated	6	1%	6	1%	5	<1%
First - Designated Counsel	7	1%	5	<1%	5	<1%
Total	974	101%	1,013	101%	1,142	100%
Second - Agent	56	6%	76	8%	32	3%
Second - Counsel Present	261	28%	319	33%	344	32%
Second - Duty Counsel	192	21%	207	21%	414	38%
Second - Counsel Not Present	381	41%	355	36%	277	25%
Second - Not Stated	19	2%	12	1%	9	1%
Second - Designated Counsel	11	1%	9	1%	16	1%
Total	920	99%	978	100%	1,092	100%

Note: Totals may not sum to 100% due to rounding.