



**Evaluation of the
Expanded Criminal Duty Counsel
Summative Evaluation Report**

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Prepared for:

Legal Services Society of British Columbia

Table of Contents

Executive Summary	i
1.0 Introduction.....	1
2.0 Brief overview of the EXP CDC	1
2.1 Profile of clients	4
2.2 Cost of the EXP CDC	7
3.0 Methodology	8
3.1 Document and data review.....	8
3.2 Key informant interviews	9
3.3 Client interviews	10
3.4 System efficiencies analysis	10
3.5 Limitations	11
4.0 Findings.....	13
4.1 Delivery.....	13
4.2 Achievement of outcomes.....	22
5.0 Conclusions.....	41
5.1 Conclusions on implementation and delivery of the EXP CDC.....	41
5.2 Conclusions on early indications of outcomes.....	42
6.0 Recommendations to further enhance the EXP CDC	44
Appendix A – Logic model	
Appendix B – Evaluation matrix	
Appendix C – Data collection instruments	
Appendix D – Comparison site selection	

Executive Summary

This report presents the summative evaluation findings for the Legal Services Society (LSS) of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) pilot project. The pilot project provides criminal duty counsel services using a new model of delivery that is intended to increase the scope of people eligible to receive legal representation, to provide greater continuity of counsel for clients, and to achieve the early resolution of cases, where appropriate.

The summative evaluation considers the implementation of the pilot and its success in achieving its outcomes during its first year of operations. The lines of evidence for the summative evaluation included a review of key documents (including financial information); an analysis of the project database; a review of provincial criminal court data provided by the Court Services Branch; interviews with key informants (LSS personnel and external stakeholders); and interviews with clients who had received services from the pilot. The summative evaluation also included a system efficiencies analysis that considered the potential impact of the EXP CDC to avoid court costs through earlier and more efficient resolution of cases.

Conclusions on implementation and delivery of the EXP CDC

The EXP CDC was implemented largely as intended and has shown flexibility to respond to early challenges. LSS and pilot project personnel indicated that in Year 1 the project has been implemented largely as intended. The project has undertaken logistical modifications to respond to demand and handle the volume efficiently.

The EXP CDC has benefited from external factors that support its mandate and goals. Interviews conducted for the evaluation indicated that external stakeholders' support through their referral of clients to the EXP CDC has aided its implementation.

The EXP CDC has had success in addressing early resource and capacity issues, although a few issues remain. The difficulty with meeting demand identified in the process evaluation appears to have lessened. Currently, based on file openings and closings each month, the pilot appears to be handling the demand for its services.

The current model supports efficient and effective delivery. Key informants were generally positive about how well the current model is working. They believe that the EXP CDC has provided more consistent and higher quality services, more meaningful summary advice to clients, resolutions for its expanded service clients, and has reduced the churn of unrepresented accused persons in the system who appear in court multiple times without counsel.

Suggested areas for improvement focussed on methods to increase the flexibility of the model. Several areas of improvement were identified by key informants: considering additional triage so that clients who clearly are not suitable for the pilot do not have to go through full intake; building in capacity so that clients who want to plead guilty at their first appearance can receive summary advice that day; and continuing to look for ways to streamline forms and reduce any unnecessarily bureaucratic elements.

Conclusions on early indications of outcomes

The outcome evaluation of the EXP CDC occurred at early stages in the pilot's operations. Consequently, the evaluation findings should be read with the caveat that the pilot project is still in its very early stages, and evidence of achievement of outcomes is preliminary and based on the best available evidence. Conclusions for outcomes are summarized briefly below:

- ▶ Appropriate clients/cases are being streamed into the EXP CDC, and the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract.
- ▶ In terms of timeliness of service, most clients' EXP CDC files are opened the same day as their first appearance, but the pilot project has been experiencing a lengthening of the average time between first appearance and file open date. Another issue was the lengthening period of time between the file open date and the date of first contact with duty counsel, but the development of the roster has addressed that issue.
- ▶ The EXP CDC is providing services that help clients with their legal needs. Clients considered the legal services they received to be helpful, and none thought there was legal assistance that they needed that they did not receive.
- ▶ There are indications of earlier resolution by the EXP CDC. The evaluation findings considered this outcome from a few perspectives and found indications of success. The pilot shows a higher resolution rate and a shorter time to resolution when compared to other provincial court locations.
- ▶ Clients are satisfied with the EXP CDC assistance they received. Clients uniformly expressed appreciation for the work of the criminal duty counsel.
- ▶ The EXP CDC has increased access to criminal legal aid. 76% of clients would not have been eligible for a legal aid representation contract based on financial or coverage guidelines, or both.
- ▶ There is early evidence that the EXP CDC will lead to greater efficiency for LSS and the court process. The comparison to other court locations and to cases that began pre-pilot also indicates a reduction in the number of appearances.
- ▶ Given that the pilot has achieved some modest system efficiencies, the evaluation used available data to make some estimates based on several scenarios, which translated to potential cost avoidance for the justice system of \$10,797 to \$72,877.

Recommendations to further enhance the EXP CDC

Recommendation 1: Consider mechanisms for improving communication with external stakeholders, particularly around changes in the pilot processes.

Recommendation 2: Continue to monitor the pilot's resource needs to ensure it is operating efficiently and is not over- or under-resourced.

Recommendation 3: Consider adopting additional triage processes.

Recommendation 4: Consider tracking reasons for files becoming abandoned or inactive in order to understand if the pilot could or should develop a response to engage these clients.

Recommendation 5: Monitor key service metrics, such as the length of time between intake and the first appointment with the criminal duty counsel.

Recommendation 6: Consider improvements to the data tracking system and consent processes to facilitate future studies.

1.0 Introduction

This report presents the summative evaluation findings for the Legal Services Society (LSS) of British Columbia's Expanded Criminal Duty Counsel (EXP CDC) pilot project. This evaluation is one of five evaluations being conducted of pilot projects implemented under the Justice Innovation and Transformation Initiatives (JITI).

The evaluation of the EXP CDC occurred in two phases. First, the process evaluation focussed on implementation and early progress toward achieving outcomes and covered the pilot project's activities from March 3, 2015 to June 4, 2015. The final process evaluation report (November 4, 2015) presents those findings.

The second phase is the summative evaluation, which updates the findings of the process evaluation by considering a full year of operations. The summative evaluation includes activities undertaken to improve the operations of the pilot that occurred after June 4, 2015. The summative evaluation also updates the pilot project's success in addressing outcomes.

2.0 Brief overview of the EXP CDC¹

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

Under the traditional model that existed prior to the pilot 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 attended court for multiple court appearances without counsel 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.²

¹ This section is largely taken from the pilot's charter and interviews with project personnel. It describes how the pilot operated as of March 15, 2016.

² 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.

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

- ▶ First, the pilot project provides qualifying clients with **more 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 matter to go to trial or 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 pilot project guaranteed continuity by having only one criminal duty counsel. The pilot 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 pilot 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.
- ▶ Third, the pilot project has **increased the scope of clients** receiving this more 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 pilot, clients must either meet the financial eligibility criteria for a legal aid representation contract, or they can be eligible under the pilot's financial eligibility discretionary coverage guidelines (which has a higher income cut-off). Pilot project 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 pilot criteria, which include the case not being too complex for the pilot 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 pilot project. These clients do not receive the pilot's expanded service, but are to receive more meaningful summary advice as duty counsel have had an opportunity to review the particulars of the case before meeting with the accused person.

The EXP CDC pilot project has the following personnel:

- ▶ one full-time lead criminal duty counsel and a roster of four criminal duty counsel who provide the expanded duty counsel services
- ▶ one LSS intake personnel, who also serves clients with other legal issues covered by legal aid, such as family law and child protection, and conducts the intake assessment for making legal aid applications
- ▶ one pilot administrator, who works exclusively for the pilot project; the pilot administrator assists with intake and supports 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 calendar³

The process for client's interactions with the pilot has several stages:

- ▶ Clients who attend court without counsel are informed about the availability of duty counsel services by the justice personnel in the courtroom (e.g., judges, justices of the peace, court clerks, Crown prosecutors, or sheriffs), or by the criminal duty counsel, if they are in court. The court will stand down their matter so they may go to the LSS intake office, as that is the first step in applying for the pilot project.
- ▶ The LSS office in the courthouse goes through the LSS intake procedure with clients. Certain applicants are screened out of the pilot at the intake stage. Applicants are not forwarded to the pilot for assessment if:
 - the applicant is a youth;
 - the applicant is in custody;
 - 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; and/or
 - the applicant has both a mental or physical disability and an established relationship with a contract lawyer.⁴
- ▶ Once the interview with the LSS intake worker is completed, clients who have not been screened out are sent to the pilot project's office.
- ▶ The pilot project administrator photocopies each client's particulars, so that the criminal duty counsel can review them before the initial client meeting. The administrator also explains the pilot 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.

³ A second administrator began work after data collection ended.

⁴ These applicants will be assessed at legal aid intake for eligibility and, once necessary documentation is provided and they are determined to be eligible, will receive a representation contract.

- ▶ For clients who attended the morning session of court, the pilot project administrator will give them a form with their appointment date and a requested adjournment date. The client then returns to court with their appointment date and the court adjourns their matter to the date requested and provided by the administrator.
- ▶ For the afternoon court session, either the pilot project has provided the Crown with requested adjournment dates so the court can set the adjournment date before sending the unrepresented accused person to apply for the pilot project, or the duty counsel is in court and they will provide an appointment and adjournment form to the client. As will be explained in Section 4.1, this streamlined process was developed by the pilot project to enable the afternoon court session to end on time.
- ▶ At the scheduled appointment, duty counsel interviews the client to determine if the client is eligible for the pilot project.
 - If the client is eligible, the 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., 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 pilot's services (e.g., without a trial).
 - If the client is not eligible for the pilot, but is eligible for a legal aid representation contract, the client will be referred back to the LSS intake worker.
 - If the client is not eligible for the pilot or for a legal aid representation contract, duty counsel will provide the client with summary advice and will provide information on other available legal resources.

2.1 Profile of clients⁵

Table 1 (next page) provides an overview of the clients since the pilot's inception on March 3, 2015, to February 28, 2016. During that time, the pilot received applications from 594 unrepresented out-of-custody accused persons. The pilot accepted 271 clients for expanded services and provided summary advice to 323 clients. Table 1 provides the demographic characteristics for all clients.

Of the 271 clients accepted for expanded service:

- ▶ 75% are male;
- ▶ 59% are over 30 years of age;
- ▶ 66% are single;
- ▶ 9% identified as Aboriginal; and
- ▶ 94% are Canadian citizens.

⁵ Throughout the report, we refer to clients. These are not unique individuals as some people may have used the pilot project services more than once. Instead, each unique service record in the pilot project database is considered a client for reporting purposes.

Table 1: Demographics			
	EXP CDC clients		
	Accepted (n=271)	Not accepted (n=323)	Total (n=594)
Gender			
Male	75%	85%	81%
Female	25%	15%	19%
Age			
18 to 25	28%	22%	25%
26 to 30	12%	13%	13%
31 to 40	28%	28%	28%
41 to 50	19%	19%	19%
51 to 64	11%	15%	13%
65 or over	2%	2%	2%
No response	1%	1%	1%
Marital status			
Single	66%	70%	69%
Separated	13%	11%	12%
Married	8%	8%	8%
Common law	7%	7%	7%
Divorced	5%	3%	4%
Widowed	1%	2%	1%
Aboriginal ancestry			
Yes	9%	8%	8%
No	90%	89%	90%
No data	1%	3%	2%
Immigration status			
Canadian citizen	94%	94%	94%
Permanent resident	6%	5%	5%
Permit holder	<1%	<1%	<1%
Refugee claimant	–	<1%	<1%
Student	<1%	–	<1%
No data	–	<1%	<1%

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

Table 2 provides the complete listing of charges against EXP CDC clients.⁶ The most common types of crimes clients were charged with are theft under \$5,000; spousal or domestic assault; *Motor Vehicle Act* offences; and breach of probation. This is similar for both clients who were accepted into the pilot project as well as those who were not.

	Accepted (n=271)	Not accepted (n=323)	Total (n=594)
Theft under \$5,000	20%	12%	16%
Spousal or domestic assault	16%	15%	16%
<i>Motor Vehicle Act</i> offences	16%	13%	14%
Breach of probation	10%	9%	10%
Assault	9%	8%	8%
Uttering threats	7%	10%	9%
Mischief	7%	6%	6%
Peace bond offences	5%	3%	4%
Offences related to peace officer	4%	3%	3%
Breaking and entering	3%	2%	2%
Impaired driving	3%	3%	3%
Assault with a weapon	2%	3%	3%
Possession of stolen property under \$5,000	2%	7%	4%
Possession of a break-in instrument	2%	2%	2%
Fraud over \$5,000	2%	<1%	1%
Fraud (other)	2%	2%	2%
<i>Controlled Drugs and Substances Act</i> offences (except trafficking)	2%	2%	2%
Firearms/weapons offences	2%	5%	4%
Breach of undertaking or recognizance (breach of bail)	2%	7%	5%
Failure to appear	2%	–	1%
Theft over \$5,000	1%	<1%	1%
Fraud under \$5,000	1%	2%	1%
Refuse to provide sample	1%	1%	1%
Assaulting a peace officer	1%	1%	1%
Dangerous driving (<i>Criminal Code</i>)	<1%	3%	2%
Income tax offence	<1%	1%	1%
Harassment	<1%	1%	1%
Unlawfully at large	<1%	1%	1%
Assault causing bodily harm	–	2%	1%
Possession of stolen property over \$5,000	–	1%	1%
Robbery	–	2%	1%
CDSA trafficking	–	3%	2%
Sexual assault	–	1%	1%
Arson	–	1%	<1%
Other sexual offences	–	1%	1%
Other summary offences	1%	1%	1%
Other	2%	4%	3%

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

⁶ All charges in the cases handled by the pilot for these clients are included.

2.2 Cost of the EXP CDC

Table 3 provides pilot costs for the first two years of the pilot and includes a calculation of the unit costs of providing its services in its first full year of operations (year 2). Because the pilot project provides services to those clients who are accepted into the pilot (expanded services) as well as those who are not accepted (summary advice only), the estimated costs per unit are estimated for both categories of clients.⁷ The costs of the pilot are apportioned between the two groups based on the proportion of duty counsel hours they receive: 70% of pilot costs are allocated to the expanded service clients and 30% of project costs are allocated to the summary advice clients.

Pilot costs were \$258,972 for 2015–16, which results in a cost of \$669 per client receiving expanded services and \$241 for clients who receive summary advice.

Table 3: EXP CDC pilot costs, actuals for Year 1 and 2		
Item	Year 1 2014–15 Actual	Year 2 2015–16 Actual
Full-time lawyers – criminal duty counsel	\$32,215	\$130,337
Roster lawyers – backfill capacity	--	\$3,889
Full-time pilot administrator	\$6,283	\$50,279
Floater pilot administrators	--	\$6,612
Office expenses	\$5,563	\$11,722
Sub-total for EXP CDC expenses	\$44,061	\$202,838
In-kind: Overhead on lawyer salaries	\$4,832	\$20,134
In-kind: Office space	\$7,500	\$36,000
Total	\$56,393	\$258,972
Number of expanded service clients		271
Unit cost (.70 X 258,972/271)		\$669
Number of summary advice clients		323
Unit cost (.30 X 258,972/323)		\$241
Sources: Calculations were made based on pilot database and LSS data. The number of clients is for a 12-month period, but does not align with the fiscal year (March 2015 to February 2016).		
Notes: Costs may not sum to totals due to rounding.		
Unit costs are allocated based on the proportion of time spent by criminal duty counsel: clients receiving expanded service (70%) and summary advice clients (30%).		

⁷ 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 pilot 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.).

3.0 Methodology

The summative evaluation consists of four lines of evidence: a document and data review, interviews with key informants, interviews with clients, and a systems efficiency analysis.

An EXP CDC Project Working Group (WG), comprised of representatives from LSS and the British Columbia Ministry of Justice (MOJ), guided the evaluation process. PRA held consultations with the WG to refine the key evaluation documents that informed its design: the logic model and evaluation matrix, which are in Appendices A and B, respectively.⁸ The WG also reviewed and approved the data collection instruments used for the evaluation. The data collection instruments are included in Appendix C.

3.1 Document and data review

PRA reviewed relevant documents produced by the pilot project, including the project manual and charter, descriptions and diagrams of the EXP CDC model, forms used by the pilot to collect information on its clients and the types of assistance provided; and documents related to pilot implementation and quality improvement (e.g., WG materials, change timelines, decision records). As the pilot project continued to evolve, pilot forms were revised and provided for review.

The data review involves a review of available data from the pilot 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 pilot database for all EXP CDC clients that were either provided expanded services or summary advice and whose files were opened between March 3, 2015 (the start of implementation) and February 28, 2016.
- ▶ LSS provided financial information on the pilot, including actual costs for year 1 and 2 and budgeted costs for year 3.
- ▶ CSB provided provincial criminal court data to support an analysis of outcomes and potential system efficiencies. The data were for cases with the same types of charges as those handled by the pilot project. 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 two time periods:
 - The first time frame included new cases⁹ in Port Coquitlam Provincial Court that were opened and concluded between March 1, 2015 (to coincide with pilot

⁸ After the process evaluation, the evaluation matrix and logic model were reviewed and changes were made. The logic model was modified to remove the outcomes related to referring EXP CDC clients to resources to assist them with their underlying problems. The process evaluation findings indicated that this was not occurring due to capacity issues as well as the fact that many clients were already connected to appropriate services. Consequently, this outcome was not explored in the summative evaluation.

⁹ 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 file sworn date within the selected time periods. One case may have more than one accused and this is counted as multiple cases.

implementation) and October 31, 2015.¹⁰ This extract provided information on Port Coquitlam Provincial Court and the comparison court locations for an eight-month time period during pilot operations. This time period is short, particularly considering that the evaluation was interested in both cases that began and concluded during that eight-month period.

- The second time period included new cases between March 1, 2014 and October 31, 2014 that concluded between March 1, 2014 and October 31, 2015. This second time period was requested so that the evaluation had more representative information for closed cases at each court location related to the number of appearances, the percentage going to trial, and the length of time to conclusion.

For further discussion of the limitations related to the court data and the rationale behind the choice of the two time periods, see Section 3.5.

Based on the experience of analyzing the pilot project database for the evaluation, the following suggestion is offered for database improvement:

- ▶ The pilot project does not capture all of the charges clients faced for which the pilot 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 pilot database. For the evaluation, the charges were coded to make them comparable to how CSB records charges. They were also supplemented, as needed, with information from the LSS Case Information System (CIS) to ensure all charges were captured. A comparison of charges recorded in the pilot database with those found in CIS showed that the charges entered were not always consistent. The pilot would benefit from having mechanisms put in place to minimize this inconsistency, such as using a “pick list” for common charges handled by the pilot 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.

3.2 Key informant interviews

The summative evaluation includes interviews with 11 key informants to obtain their perspectives on pilot project implementation and evidence of outcomes. Interviews were conducted by telephone with five internal key informants (the CDC Project Lead, the Pilot Lead CDC, three roster CDCs) and six external key informants (two Crown counsel, two judges, and two judicial case managers). The key informant interviews occurred in March and April 2016.

¹⁰ 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 summative evaluation report, it was determined to have the provincial court data extract include March 1 to October 31, 2015.

3.3 Client interviews

To obtain feedback from EXP CDC clients, PRA conducted individual telephone interviews of about 20 minutes each with clients who had been accepted into the pilot project for expanded services and whose matters had been completed. Interviews focussed on the clients' experience and satisfaction with the EXP CDC services, and how the services might be improved.

The evaluation includes results from 36 client interviews: six clients were interviewed during the process evaluation and 30 clients were interviewed during the summative evaluation.¹¹ Overall, a total of 181 unique clients with completed matters were contacted for the telephone interviews. When excluding the 54 clients for whom a valid telephone number was not available (e.g., telephone not in service, no longer at that number), the response rate is 28%. The results from all 36 interviews are presented in the summative evaluation report.¹²

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

The system efficiencies analysis considers the ability of the pilot to demonstrate success in achieving early resolution, based on the information in the pilot database and a comparison of the pilot data with provincial criminal court data.

To determine the EXP CDC's success in achieving early resolution, the evaluation includes a comparison of provincial criminal court data for Port Coquitlam, 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 pilot'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 pilot project, the Crown File Ownership Project assigns a file to a Crown counsel in order to increase continuity of Crown counsel. As mentioned earlier, further details on the considerations in choosing the comparison sites are discussed in Appendix D.

¹¹ To obtain a better response for the summative evaluation, the pilot project provided updated lists of clients whose matters were recently completed each week for January and February. This enabled PRA to contact clients within days of their matter being completed.

¹² The decision was made to include all client interview results in the summative evaluation report for several reasons. The interview guides for the process and summative evaluations were almost identical; in the summative evaluation, a few questions were dropped and a few questions were added to gather information relevant to the institution of the roster. The small number of interviews for the process evaluation also made comparisons to the summative evaluation client interview results not useful. Finally, the client interviews for both the formative and summative evaluation were collecting information on client experiences from the same client group: those who were accepted into the pilot project's expanded services and had a completed matter.

As will be shown in the discussions of the evaluation findings that follow, the provincial data provide very preliminary indications of potential efficiency gains. Given the short time period of pilot operations and the limitations of the comparison court data, the evaluation can offer estimates of possible ranges of efficiencies to the system. The monetary estimates of efficiency (i.e., cost avoidance) are based on average provincial adult criminal court costs per hour for 2015–16. 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

There are several methodological limitations that affect the evaluation.

- ▶ Both the process and outcome evaluations occurred at early stages. Typically, only project implementation and its success toward achieving immediate outcomes would be explored within one year of a project's inception. Evidence related to the achievement of intermediate and long-term outcomes is usually not available for at least two to three years. Consequently, the evaluation findings should be read with the caveat that the pilot project is still in its very early stages, and evidence of achievement of outcomes is preliminary and based on the best available evidence.
- ▶ The eight-month time period (March to October 2015) available for the provincial criminal court data means that more than four months of pilot operations are not included in the comparisons. As a result, the provincial court data do not cover a substantial amount of the time that the pilot has been operating. In addition, even were the data to include the full first year of operations, this is still a short time period for assessing success in achieving earlier resolutions and reducing the number of appearances. Based on CSB data for the province, the median time to complete an adult criminal matter in FY 2013–14 was 78 days and for about one-fifth of cases, the median was more than 180 days.¹³ As a result, analyzing court data that span a longer time period than eight months could provide very different results. To mitigate this challenge and provide the broader context, the evaluation also included provincial court data for 2014 criminal cases that had similar charges to those handled by the pilot, and considers the progress of those cases through October 31, 2015. While these cases predated the pilot project, they provide more accurate information on the average time to resolution and the number of appearances for completed criminal matters that are of a similar nature to those handled by the pilot.¹⁴
- ▶ The CSB data included all cases with the same charges that appear in the pilot's cases; however, as Table 2 (above) and Table 4 (below) show, clients of the pilot's expanded services faced similar charges to those clients who were not accepted into the pilot and received summary services. The pilot 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.

¹³ From BC Justice Dashboard Data. Retrieved on May 24, 2016, from <https://catalogue.data.gov.bc.ca/dataset/courts-completed-criminal-case-timeliness-5-year-provincial-report-dashboard-data>

¹⁴ Only five pilot cases began in March to October 2014, which is less than 1% of the 2014 Port Coquitlam sample. This small number will not affect results for the 2014 cases.

Determining a more accurate sample of comparable cases (i.e., those better suited to early resolution) at another court location would have required information in addition to the charges, some of which is not tracked by CSB. 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.

- ▶ The evaluation also could not assess possible pilot impacts in two key ways:
 - 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 three 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 data on court costs provide only some of the potential costs that might be avoided by the pilot'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 summative evaluation findings are presented based on the evaluation questions. They consider the implementation of the pilot project and its progress toward achieving its intended outcomes.

4.1 Delivery

1. Did the EXP CDC operate as expected in year one? What, if any, challenges were met in year one, and how were these addressed?

The EXP CDC pilot project largely operated as expected in its first year. The pilot project adhered to its core innovations of more extended support to clients, increased scope of the type of clients being served, and continuity of duty counsel (see Section 4.2 for more details). At the same time, the pilot project demonstrated flexibility in responding to challenges it experienced in handling the volume of clients. The major improvements to the pilot project's model are described below.

Changes in setting appointments to streamline the process. Within its first months of operation, the pilot project found that it needed to modify its intake procedures in order to ensure that the process worked smoothly and did not create delays for the court. Given the volume of clients, the pilot project could not conduct intake, evaluate the client for eligibility in the pilot project, and provide legal advice at their first appearance. As documented in the process evaluation report, the solution devised by the pilot project ensured that clients could go through initial intake, and receive an appointment date with the duty counsel and a return court date at their first appearance.

- ▶ For morning court sessions, clients go through LSS intake and then meet with the pilot administrator to be assigned an appointment date with the criminal duty counsel and a suggested adjournment date. The clients return to court with a form that contains their appointment date and suggested adjournment date, and the court schedules their next court appearance for the requested adjournment date, which is a date after they have met with duty counsel.
- ▶ Afternoon court sessions are shorter, and the court was having to wait for clients to go through LSS intake and meet with the pilot administrator. To ensure that the pilot project did not delay the court's ability to end the afternoon session on time, the project modified its approach for the afternoon session. Now, either the Crown is provided with forms that have several suggested adjournment dates (i.e., post-EXP CDC appointment dates) or the duty counsel is in court to provide an appointment and adjournment form to the client. Using either approach, the adjournment date can be set before directing the accused person to the LSS offices to complete their intake assessment and provide their particulars to the pilot administrator.

External key informants who could comment consider this process to be working well. Judicial case managers, in particular, were pleased with the approach. They think the current system flows better as they no longer have to wait for people from the afternoon session to come back with their appointment date. They appreciated the pilot project's flexibility in responding to their concerns.

Use of a roster of counsel to handle the volume. The pilot project assesses and offers some level of service (summary advice only or expanded services) to all out-of-custody accused persons coming to first appearance (or remand) court without counsel. Traditional duty counsel services did not necessarily provide assistance to all out-of-custody accused persons without counsel, and data on the accused person's financial status was not kept. As a result, understanding how the changes to coverage criteria and expanded financial eligibility would impact the volume of clients has been part of the learning process for the pilot project.

As noted in the process evaluation report, the pilot project experienced capacity issues during its first few months of operations when there was one full-time duty counsel. The time from initial intake to appointment with the criminal duty counsel had grown from one week to two or three weeks. As a result, the pilot project was considering the formation of a small roster of duty counsel and has since put one in place.

The roster was first formed in July 2015 and remains a work in progress. The roster has four lawyers who were initially used to cover the days the lead criminal duty counsel was away (e.g., vacation, illness, weekly Friday JITI project meetings). The pilot project found that this method for using the roster made it difficult to maintain continuity of counsel and has now moved to a system where the roster criminal duty counsel have committed to set days each week. One roster criminal duty counsel has committed to two days a week and another to one day a week, while the other two duty counsel remain on the roster to cover any gaps. This method has only recently begun (mid-April), but some internal key informants believe that scheduling might still be an issue. The pilot project is considering moving to two full-time criminal duty counsel.

The development of a roster and its implementation aligns with one of the recommendations from the process evaluation, which was to consider measures to increase flexibility of the model to respond to demand, but not at the expense of the innovative features of the model. Continuity of counsel is one of the project's innovative features, and external key informants believe it is important to the pilot's success in being able to resolve cases earlier and provide more consistent legal advice to clients. Results from internal key informant and client interviews indicate that the pilot project has been largely able to maintain continuity of counsel.¹⁵

In terms of lessons learned from the development of the roster, the pilot project reports that managing the schedule to ensure continuity was difficult, particularly when the roster CDC did not have regularly scheduled return days. All internal key informants involved commented that it is essential to have roster criminal duty counsel come on a regular basis so that clients do not have to wait weeks for their next court date.

Greater presence of criminal duty counsel in court. When the pilot project began, the criminal duty counsel was occupied with doing assessments for eligibility and initial interviews. As a result, unlike traditional criminal duty counsel, who were in the courtroom to assist with unrepresented accused persons, the pilot project did not have a courtroom presence. This situation made the responsibility of informing unrepresented accused persons of the pilot project a "grey area," according to most external key informants.

¹⁵ Only one interviewed client did not have the same counsel throughout his case.

Since the advent of the roster, the lead criminal duty counsel is now more consistently in the courtroom, and this change to the pilot's operations has been favourably received. Judicial case managers and judges prefer to have a criminal duty counsel in the courtroom so that unrepresented accused persons can be told about the pilot project and directed to intake by the criminal duty counsel. These external key informants believe that this information more appropriately comes from the pilot project rather than from the bench or Crown; otherwise, it may appear as though judges, judicial case managers, or the Crown are forcing choice of counsel on the accused person.

A few issues were raised about whether the criminal duty counsel's courtroom presence is the most efficient use of resources. It was noted that the criminal duty counsel sits in the morning sessions of remand court, where it was reported that there are fewer first appearances. As a result, the criminal duty counsel is assisting some individuals who have already gone through intake, were not eligible for the pilot's extended service, and have received their summary advice. In these circumstances, some key informants believed that the pilot is technically going beyond the model and providing additional services, although others noted that the pilot is providing traditional duty counsel services to these individuals who are still unrepresented, which is not inconsistent with the model. Some key informants questioned the time spent by the criminal duty counsel in court rather than handling client interviews, as they thought it inefficient for the duty counsel to sit through the entire list.

Same-day service for clients with unique needs. This example of pilot flexibility was mentioned in the process evaluation. The pilot project understands that its process should not be too rigid, as some clients have difficulty returning for appointments (e.g., clients with mental health issues, clients with language needs and who have their interpreter with them at their first appearance). The responsiveness of the pilot to the needs of these clients is reflected in its willingness to conduct the initial interview with the Expanded Criminal Duty Counsel the same day as the client's first appearance in court. Some internal key informants believe that the greater use of the roster (or the move to two full-time duty counsel) will increase the pilot's ability to accommodate these clients.

There were a couple of challenges or areas of improvement raised in interviews.

Issues created by the need for return appointments. According to a few internal key informants, one ongoing challenge for the pilot project is the requirement that most clients have a return appointment to speak with duty counsel. While a minority view, a few stakeholders questioned whether the pilot has fully delivered on a key innovation, which is to provide more complete and well-considered legal advice to clients during meetings with duty counsel. These key informants emphasized that the need for return appointments is difficult for many of the pilot's clients. They pointed out that, while interviews are scheduled for 45 minutes, most clients come late to their meeting. As a result, interviews may end up being much shorter, and not that different from the traditional duty counsel model in terms of length.¹⁶ The short time for some interviews, coupled with the challenges faced by this client group (e.g., drug issues, mental health issues, level of education), raised questions about whether the interviews are consistently

¹⁶ Although, as discussed in Question 4, duty counsel (particularly the full-time duty counsel) have more time to prepare for the client interview.

able to provide a level of service that distinguishes the pilot from the traditional duty counsel model. Roster duty counsel, who handle some of the files, also only come on certain days which creates time pressures for reading the particulars and preparing for client interviews, according to a few internal key informants.

Better communication with other justice stakeholders. While external key informants generally praised the pilot project, they could not comment on whether the pilot was implemented as planned. They noted that there was no communication with them prior to the pilot beginning operations, and suggested that in future locations there be more communication with other stakeholders in the justice system, such as judicial case managers and judges. These stakeholder groups could point to potential implementation issues and offer solutions to improve pilot operations. Some external key informants said that they still do not have a clear understanding of how the pilot operates.

Overall, external and internal key informants believe that the pilot project has operated better than they expected in many ways. In particular, they commented that it has noticeably reduced the “churn” of accused persons who appear multiple times in court without representation by counsel before they apply for legal aid, hire private counsel, or are prepared to proceed without representation. They also believe that the pilot project has increased early resolutions.

2. What external factors have influenced the implementation and success of the EXP CDC?

The findings for this evaluation question have not changed since the process evaluation. The same two external factors that influenced the implementation of the pilot project were identified and both still have positive effects:

- ▶ **Support of other key informants.** Other stakeholders in the courthouse have remained supportive of the pilot project, which has aided its implementation. External key informants emphasized that the personalities and experience of the lead criminal duty counsel as well as the roster counsel have been instrumental in the success of the project.
- ▶ **Crown File Ownership.** As part of Crown File Ownership, the Crown who approved the charges keeps the file. This greater continuity of Crown on files complements the greater continuity of criminal duty counsel and makes negotiations on files more efficient. Both internal and external key informants who could comment believe that the criminal duty counsel (lead and roster) have excellent working relationships with the Crown, and both sides work diligently to resolve appropriate files in a reasonable manner.

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

The pilot project is addressing the early capacity issues noted in the process evaluation, although a few issues remain.

The volume of new clients has remained fairly steady after the immediate influx when the project began, although in January and February 2016 there were more opened files compared to any time since the pilot's inception (closer to 60 files per month compared to between 40 and 50). As noted in the process evaluation, the early capacity issues in handling the volume of clients would be expected to stabilize once the "backlog" of unrepresented accused persons that existed at the pilot's inception received services. Figure 1 demonstrates that over time there has been an increase in files closed. The alignment of intake and closing files over the last seven months indicates that the pilot project is currently keeping up with the volume of clients.

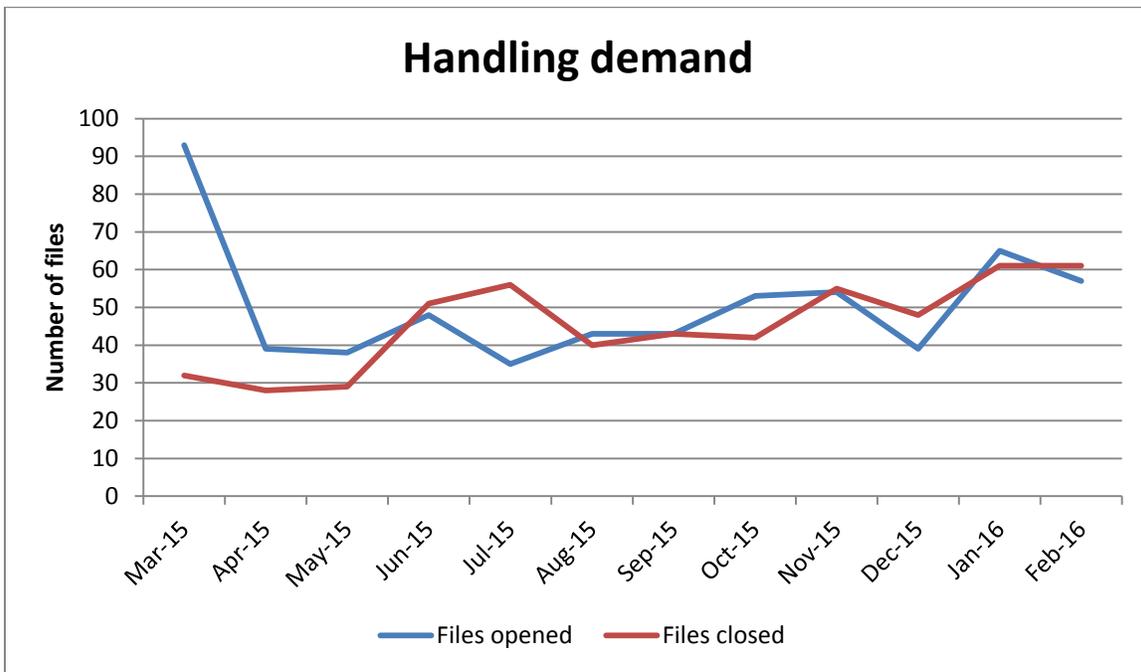


Figure 1

The reasons for clients not being accepted into the pilot also do not reveal capacity issues. While 13% of clients were excluded, in part because they would exceed the capacity of the pilot project, in all but two of those cases were there other reasons that made the client ineligible for expanded service.

Key informants had different perspectives on whether the pilot project has sufficient resources and capacity to meet demand. Some external key informants raised questions about whether the pilot has sufficient capacity. They get the sense that the roster has improved the situation, but still hear that there is a lengthy wait to get an appointment with duty counsel. While they commented that this could slow down the progression of cases, they were quick to point out that the pilot project is not slower than the legal aid system prior to the EXP CDC, which still involved duty counsel services and then referral of appropriate clients to LSS to apply for a

representation contract. Instead, they questioned only whether the time to appointment made the pilot project slower than it could be. Other external key informants thought that the pilot's capacity seemed sufficient, as criminal duty counsel were available when called upon. The time between intake and appointments with the duty counsel will be discussed more in response to Evaluation Question 7.

Internal key informants largely believe that the pilot project generally has the resources and capacity to meet demand. A few thought that the project may now be over-resourced, while others believe that additional capacity is necessary and that a second full-time duty counsel would be the preferred approach as that approach makes it easier to ensure consistency of counsel. These key informants noted that if there is excess capacity with a second full-time duty counsel, that individual could also provide some in-custody duty counsel services.¹⁷

In the process evaluation, key informants raised capacity issues related to the pilot administrator, who did not have support to cover any sick days and leaves. The pilot project recently hired a second pilot administrator, so any capacity issues in this area have been dealt with. However, it will be incumbent on the pilot project to ensure that there is not excess administrative support with a second full-time administrative person.

Office space remains a concern for the pilot and the issue will likely become more acute now that the second administrative assistant has been hired. Roster counsel had been using that additional space for their client interviews. Without access to an office, roster counsel commented that they would have to look for appropriate private spaces — which are not easy to find — where they can consult with their clients in the courthouse.

4. To what extent do the current processes and structure of the EXP CDC support its efficient and effective delivery?

The positive features of the model remain the same as those identified in the process evaluation:

- ▶ **More consistency in duty counsel services.** The new model's strength is seen as giving the service a structure that ensures all unrepresented out-of-custody accused persons are interviewed and provided either summary advice or, if eligible, the extended assistance available from the pilot project. External key informants commented that the pilot project's service is more consistently of high quality than the previous out-of-custody duty counsel services in Port Coquitlam Provincial Court. As mentioned earlier, the experience and temperament/approach of the criminal duty counsel (lead and roster) was praised as being conducive to achieving appropriate early resolutions to cases.
- ▶ **More meaningful summary advice.** Unlike the traditional model, the EXP CDC model ensures that the duty counsel has access to the particulars of the case and an opportunity to review them before meeting with the accused person. Generally speaking, the meeting with the client is longer under the new system, even for individuals not accepted into the EXP CDC, which provides more opportunity for the criminal duty counsel to discuss the

¹⁷ The pilot is also intended to expand services in year three to include mentoring to help self-represented clients prepare for trial.

charges and give summary advice.¹⁸ Project data indicate that counsel provide clients accepted into the expanded service with an average of 2.2 hours of preparation/direct client interaction; clients who were not accepted (summary advice only) receive 0.8 hours of preparation/direct client interaction from counsel. While the traditional model did not track lawyer time per client, duty counsel did not have preparation time prior to meeting with clients and, based on anecdotal evidence, the time spent per client was much shorter.

- ▶ **Efficiencies of the EXP CDC model.** Key informants (internal and external) pointed to several efficiencies created by the EXP CDC model.
 - As noted earlier, there is less “churn” of unrepresented accused persons in the system; fewer people are appearing multiple times in court without counsel and without a plan for resolving their matter. External key informants who could comment generally believe that there has been a noticeable improvement since the pilot project began.
 - Clients accepted into the pilot project now have duty counsel assisting them, which facilitates resolutions. Before, Crown were in a difficult position when negotiating with unrepresented accused who might seek advice from the Crown or not understand the potential consequences of pleading guilty. Crown are more comfortable working with the criminal duty counsel to resolve the matter. Key informants pointed out that this aspect of the pilot project not only promotes efficiency but also access to justice. Some external key informants also pointed to the unintended financial incentives created by the traditional duty counsel model by which duty counsel benefited from obtaining representation contracts or private retainers to assist accused persons rather than resolving the case as duty counsel. These incentives do not exist under the EXP CDC model.
 - Clients who are not accepted into the pilot project’s expanded services still receive summary advice from duty counsel. These clients are reported to be more informed when they return to court. According to external key informants, when they return to remand court, they are clear about their options and they have disclosure from Crown. Those who appear in trial court may still be unrepresented, but they have spoken to duty counsel. The few key informants who could comment said that they believe these individuals are better informed since the pilot project began operations: they are aware of Section 606 of the *Criminal Code* related to entering guilty pleas; they know the possible sentences related to their charges; and they understand the consequences of entering a guilty plea. As a result, judges feel more comfortable proceeding with a guilty plea in those cases.

¹⁸ See the discussion under Question 2 for the minority view that at least some clients do not receive more meaningful summary advice under the EXP CDC model.

Key informants also identified several areas for improvement:

Institute a triage system. Both internal and external key informants still question the requirement that everyone who is not considered exempt must have an initial interview with the EXP CDC duty counsel.¹⁹ This was raised in the process evaluation and was the subject of a recommendation. For some key informants, the concern is that people who want to receive advice that day and plead guilty cannot do so. For other key informants, the concern is that individuals who are more appropriately dealt with through a representation contract with LSS have to go through the pilot project and be interviewed by duty counsel. Some internal key informants were of the opinion that this process is required because, until duty counsel can review the particulars and speak with the client, they cannot know if the client might be better served by a representation contract. Others believe that the pilot project has the ability to make this determination for some clients earlier than it currently does. Some suggested that experienced intake staff (or the pilot administrator) are capable of triaging clients and determining whether certain clients should bypass the pilot project and directly make an application for a representation contract. Others noted that since the duty counsel is now attending court, they could also make some of these determinations when they discuss the pilot project with the unrepresented accused person. Suggestions as to the factors that could be considered earlier were whether clients do not admit guilt and want a trial; cases that are clearly too complex for the pilot to resolve quickly; and high jeopardy cases.

Internal key informants estimated that about 10% of unrepresented out-of-custody accused persons are clearly ineligible for the pilot (e.g., face multiple and complex charges, deny guilt) and are likely eligible for legal aid. By sending these individuals directly to LSS intake to make applications for representation contracts, the pilot project would reduce client volumes, which would correspondingly improve the timeliness of service by reducing the time from intake to interview with criminal duty counsel for the remaining clients. In addition, those accused persons who are more appropriately handled by a representation contract would not have to go through a multi-step process that involves an interview with the criminal duty counsel. Key informants believe this is beneficial for those clients as they often face multiple barriers which make attending an additional meeting difficult.²⁰

After the data collection for the summative evaluation concluded, the pilot project began discussions on how to create a triage process/criteria. These discussions are in their early stages.

Continue to streamline and reduce unnecessary, bureaucratic elements. Related to the above improvement, some internal key informants, while acknowledging that the pilot project had responded to challenges and demonstrated flexibility, still consider the process unnecessarily cumbersome and bureaucratic. Based on suggestions from duty counsel, the pilot's forms that duty counsel must complete have improved, but they are still considered too detailed and request unnecessary information that is not useful for counsel.

¹⁹ LSS intake does not send individuals to the pilot project in certain situations, as noted in Section 2.0 .

²⁰ When a client misses their second appointment, the pilot identifies them in their next appearance in remand court and provides an interview the same day.

Monitor to determine if more resources are needed. This point is discussed in more detail under Question 3. Opinion is divided on whether EXP CDC requires more resources. Some internal key informants think a second full-time duty counsel would simplify scheduling and better handle the volume of clients. Others think the pilot project is adequately staffed or even over-staffed. The pilot is still in transition related to how the roster will work and whether a second full-time duty counsel will be hired. The pilot may also be reducing the client volume through instituting a triage system. Given the ongoing changes, LSS and the pilot project should monitor its workload to assess its resource needs so that it is not either under or over-resourced.

5. What are the lessons learned either for continuing the EXP CDC in Port Coquitlam or for establishing Expanded Criminal Duty Counsel in other locations in the province?

Key informants emphasized a few lessons learned from the pilot project that can also be used to inform the successful implementation of a similar project in another location.

- ▶ Expanded Criminal Duty Counsel services benefit from being located in the courthouse. The location of its offices was considered critical to the success of the pilot project because clients are less likely to attend their appointments if they have to go to another location, the close proximity to the Crown's offices facilitates negotiations on files, and duty counsel can more easily attend court and assist when requested.
- ▶ The experience of the pilot project in terms of the volume of unrepresented out-of-custody accused persons and the resources required to handle the volume will help inform the resources needed by future sites.
- ▶ In order to maintain continuity of counsel when a roster is used, the project should schedule duty counsel on the roster for regular days (e.g., one or two days a week preferably).
- ▶ The project should make efforts to communicate with other justice stakeholders (e.g., judges, judicial case managers, Crown, court administrators, sheriffs) before the project begins operations in any future sites. For future sites, now that model is tested, it should be easier to conduct outreach to explain how the expanded duty counsel system model works, and to provide other justice stakeholders an opportunity to discuss any foreseeable challenges.

4.2 Achievement of outcomes

This section considers the pilot project's ability to demonstrate achievement of its outcomes after 12 months of operations.

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

All lines of evaluation evidence indicate that the pilot project is accepting appropriate clients/cases into the Expanded Criminal Duty Counsel services. Key informants believe that the pilot project is accepting individuals who meet the pilot projects 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 pilot.

Type of offences. Table 4 presents the most serious offences (MSO) with which the EXP CDC clients are charged.²¹ The results indicate substantial similarities, yet also important differences between those clients who are accepted for expanded services and those who are not. The types of offences for both groups of clients are similar, with the six 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; assault; and uttering threats. These most common MSOs are also of relatively high ranking (meaning less serious offences). While infrequent, applicants charged with MSOs with a lower ranking (more serious) are typically not accepted into the pilot project, as would be expected. Examples are robbery, *Controlled Drugs and Substances Act* (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 pilot project for expanded services. This is because the pilot typically only handles breaches of 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.

²¹ 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.

Table 4: MSOs of EXP CDC clients				
	MSO ranking	Accepted (n=271)	Not accepted (n=323)	Total (n=594)
Theft under \$5,000	136	19%	8%	13%
<i>Motor Vehicle Act</i> offences	118	15%	13%	14%
Spousal or domestic assault	149	11%	10%	11%
Breach of probation	139	10%	9%	9%
Assault	149	6%	5%	5%
Uttering threats	130	6%	8%	7%
Mischief	144	3%	2%	3%
Peace bond offences	147	3%	2%	3%
Breaking and entering	68	3%	2%	2%
Impaired driving	159	3%	2%	2%
Offences related to peace officer	143	2%	2%	2%
Assault with a weapon	109	2%	3%	2%
Fraud over \$5,000	86	2%	<1%	1%
CDSA offences (except trafficking)	74	2%	2%	2%
Firearms/weapons offences	57	2%	4%	3%
Breach of undertaking or recognizance	147	2%	6%	4%
Failure to appear	157	2%	–	1%
Possession of stolen property under \$5,000	106	1%	5%	3%
Possession of a break-in instrument	71	1%	2%	1%
Fraud (other)	86	1%	2%	1%
Theft over \$5,000	81	1%	<1%	1%
Fraud under \$5,000	86	1%	1%	1%
Assaulting a peace officer	134	1%	<1%	1%
Refuse to provide sample	151	<1%	–	<1%
Dangerous driving (<i>Criminal Code</i>)	111	<1%	2%	1%
Income tax offence	160	<1%	1%	1%
Harassment	131	<1%	1%	1%
Unlawfully at large	118	<1%	1%	1%
Other summary offences	N/A	<1%	<1%	<1%
Assault causing bodily harm	109	–	1%	1%
Possession of stolen property over \$5,000	106	–	1%	1%
Robbery	27	–	2%	1%
CDSA trafficking	74	–	3%	2%
Sexual assault	63	–	1%	1%
Arson	47	–	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.

Financial eligibility. Project data also demonstrate that clients are being appropriately streamed into the program when it comes to eligibility determination. As described in Section 2.0, individuals are eligible for the pilot if they are financially eligible either for a legal aid representation contract or under the pilot’s discretionary coverage. The coverage guidelines for a legal aid representation contract (i.e., accused person faces risk of incarceration) do not apply to the pilot. The pilot project records eligibility of clients based on the guidelines for legal aid representation services as well as its own expanded pilot guidelines, so that the project can determine increased access (discussed more under Question 13).

As shown in Table 5, almost one-quarter of clients accepted into the pilot (24%) are not financially eligible for a legal aid representation contract, but almost all of them qualify based on the pilot’s financial eligibility discretionary coverage.²² In addition, most clients accepted do not meet the coverage guidelines (73%) and would, therefore, not be eligible for a legal aid representation contract. When considering both financial and coverage criteria, 76% of clients accepted into the pilot would not be eligible for a legal aid representation contract. Conversely, most of those individuals not accepted into the pilot meet the coverage guidelines for a legal aid representation contract (57%) and two-thirds (67%) are eligible financially. Almost half (49%) of those not accepted are eligible for a legal aid representation contract.

These results demonstrate that the pilot project is reaching one of its target groups — unrepresented accused persons who are not eligible for a legal aid representation contract.

	Accepted into EXP CDC			
	Yes (n=271)		No (n=323)	
	#	%	#	%
Eligible financially for a legal aid representation contract	205	76%	217	67%
Eligible financially with discretionary coverage	62	23%	38	12%
Not eligible financially	4	2%	68	21%
Meets coverage guidelines	74	27%	183	57%
Does not meet coverage guidelines	197	73%	140	43%
Eligible for legal aid representation contract (financial and coverage)	64	24%	158	49%
Ineligible for legal aid representation contract	207	76%	165	51%

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

²² There are four clients (1%) who were not eligible financially but were accepted into the pilot. These clients had unique circumstances and the pilot exercised its discretion to provide them expanded duty counsel services.

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

One reason for non-acceptance points to the issue raised earlier — the unwillingness or difficulties some clients have related to attending their initial meeting with duty counsel. Approximately 20% 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 pilot 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. Some key informants commented that clients who are unwilling or have difficulty returning for appointments end up without service under the current model, and some pick up additional charges during that time.

Table 6: Reasons not accepted into the EXP CDC	
	n=253*
Client does not admit responsibility	40%
Client interests are better served by a legal aid representation contract	34%
Abandoned by client	20%
Viable defence exists	19%
Unlikely to have a timely resolution	13%
Exceeds capacity of EXP CDC	13%
Client is not cooperative or amenable	7%
Volume of disclosure	4%
Factual complexity	3%
Legal complexity	2%
Other	5%
Note: Multiple responses accepted.	
*Does not include clients who are not financially eligible and those who opted out of the pilot project.	

Now that roster lawyers are also making eligibility determinations, the evaluation analyzed the project data to determine if the duty counsel assessing the accused person made a difference in whether they were accepted into the pilot. This could show an uneven application of the criteria for acceptance. The data show that the differences in acceptance rates by counsel are not statistically significant, indicating that the criteria are being applied consistently by different duty counsel.

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

Consistent with the findings in the process evaluation, both internal and external key informants believe that unrepresented out-of-custody accused persons are being made aware of the pilot project by expected justice stakeholders (e.g., court staff, judges, judicial case managers, Crown). The key informants reported that people are not “falling through the cracks” but are being referred to the pilot at their first appearance in court post-bail.

There is a change from the process evaluation findings in terms of the pilot data’s ability to support key informant opinion that the connection between accused persons and the pilot project is occurring smoothly. The results reported in the process evaluation showed that after three months, the average time between the first appearance date to the file open date was 4.3 days for clients who entered the criminal justice system after the pilot began. Of these clients, two-thirds had their EXP CDC files opened the same day as their first appearance. For the summative evaluation, the average time had risen to 13.2 days. Still, close to two-thirds of clients had their files opened the same day as their first appearance (63%).²³

Clients did not report any difficulties making a connection with the EXP CDC. Over half of the clients interviewed said they applied for legal aid (i.e., went to see the pilot) after their first court appearance (21 of 36). They were referred by the judge, the Crown, or friends, although some were uncertain who referred them. The process for directing the clients to the pilot project appears to be working well, as the clients interviewed did not report any difficulties finding the pilot’s offices. The intake process also appears to work smoothly for clients. About half of the clients interviewed said there was a line to apply, but almost all found the wait to be “about right.” Two-thirds of the clients who were interviewed said they waited 20 minutes or less. Overall, about four-fifths of the clients interviewed said the process of applying for legal aid and getting connected with the criminal duty counsel was easy. Typical client comments include the following:

“It was fantastic.”

“Super easy. All they asked me to do was get proof of income. All the rest, they did for me.”

“I would have waited longer and the intake worker was quite wonderful.”

“It seemed easy to deal with them. Difficult information for me, but the intake worker was helpful, so it made it easier.”

²³ The results in the summative evaluation may be affected by the new process where clients attending the afternoon court session do not have to return to court the same day to receive their next court date. These clients may take longer to go to the pilot for intake, as a result.

A few clients said the process was hard. They found the paperwork required for the application daunting and some also mentioned the wait time.

Timely service is also about how soon after the client has connected with the pilot and had their file opened, and when the client can meet with the criminal duty counsel. In the process evaluation, the key informants reported that the wait time to seeing the duty counsel was becoming an issue and had grown from one week to three weeks. The concern expressed then was that the lengthier wait time will result in more clients missing their meeting with criminal duty counsel. The roster was put in place to deal with this issue, and key informants who could comment believe that the roster has helped.

The project data indicate some improvement in the average time between the file open date and the date of first contact with the duty counsel. Once the pilot dealt with the higher intake that it received in its early months of operations — which was the result of unrepresented accused persons attending court on charges that predated the pilot — the average time declined. It should be noted that there has been some variability in the time between the file open date and the date of first contact with duty counsel over the life of the pilot (see Figure 2). The overall average number of days from file opening to first contact with duty counsel is 11 days, with a median of seven days.

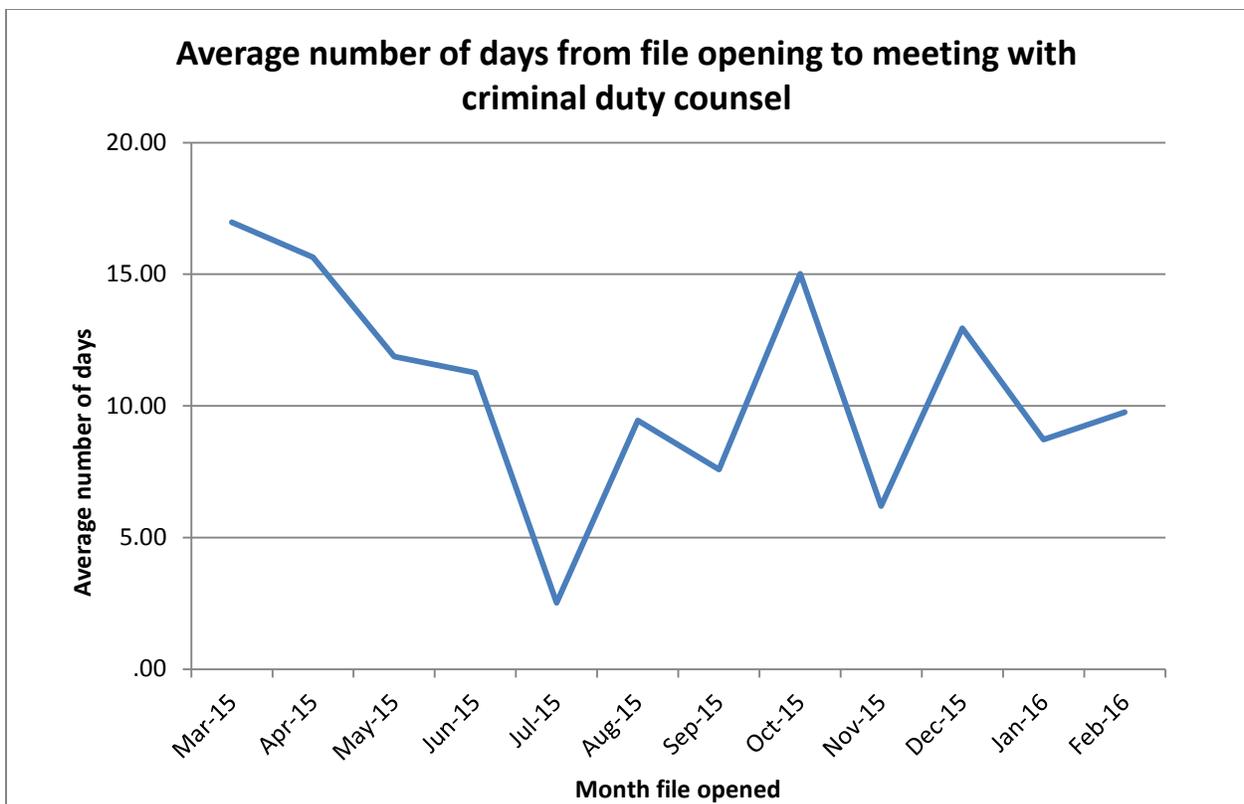


Figure 2

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 pilot 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 pilot began operations, the average time to meet with the duty counsel was 22 days, and the median was 12 days.²⁴ Figure 3 shows the experience over time and reflects that the pilot appears to have struggled more in the early fall (September and October 2015); this mirrors the findings in Figure 2.

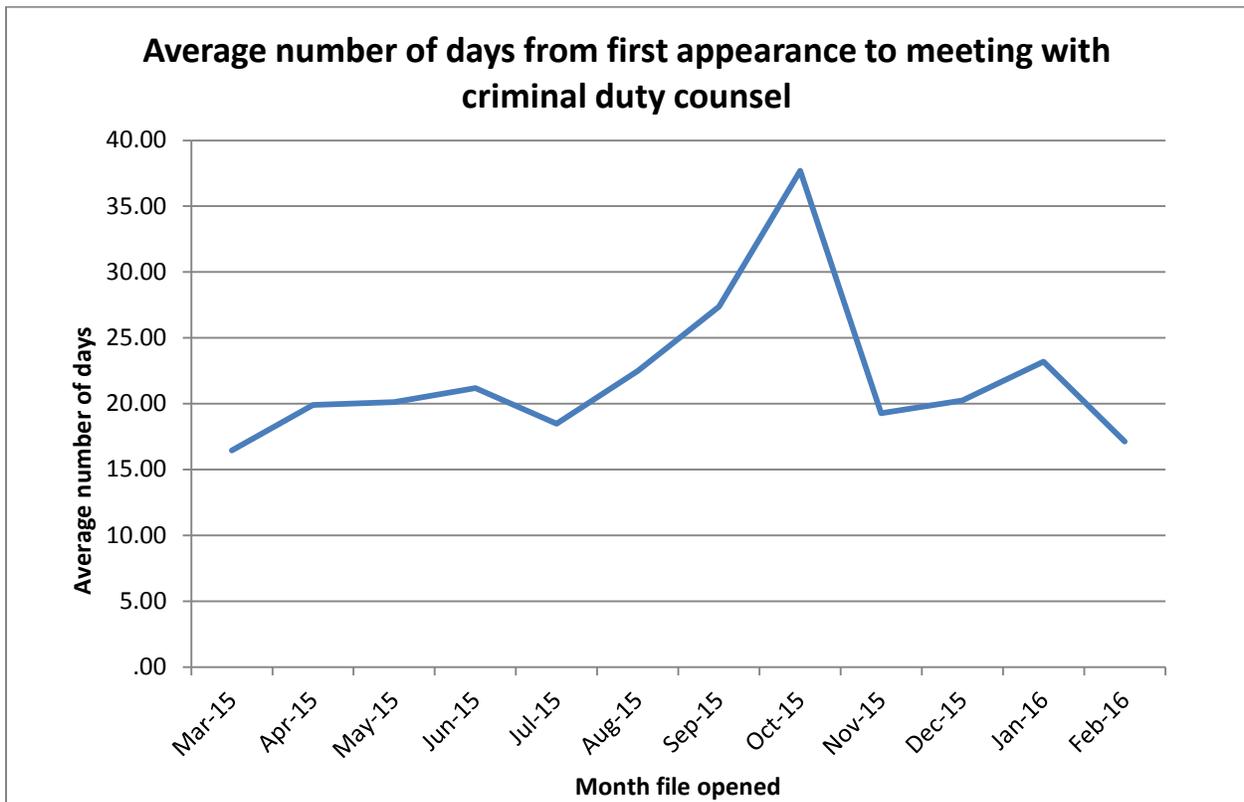


Figure 3²⁵

²⁴ Accused persons who never made contact with the duty counsel are not included in this analysis.
²⁵ Only files with a first appearance on or after March 3, 2015 are included.

8. Did clients receive services to help them meet their legal needs?

Legal services provided. The data validate the findings from key informant and client interviews that, for accepted clients, 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 20% abandoned their file without attending a meeting with the criminal duty counsel.

Table 7: Types of legal services provided by EXP CDC (closed files only)

Services	Accepted into EXP CDC	
	Yes (n=253)	No (n=323)
Summary advice	100%	79%
Reviewed disclosure from Crown	99%	96%
Court attendance	95%	7%
Negotiations with Crown	93%	1%
Concluded a resolution	86%	–
Vacated a bench warrant	2%	<1%
Bail variation	2%	<1%
Provided self-help literature	1%	1%
No data	<1%	3%

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,²⁶ 249 out of 251 (or 99%) 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 (56%), followed by referral to a private lawyer (32%), or law students/pro bono services (20%).²⁷

Time spent on client files. For the summative evaluation, the results were similar to the process evaluation: duty counsel spent an average of 2.1 hours on the files of clients who received expanded services, and 0.8 on the files of clients who were not accepted into the pilot. Key informants mentioned that the initial interview time spent with clients depended on the duty counsel, as some will schedule 60 minutes while others prefer to schedule 45 minutes. These differences are reflected in the project data, as the average time spent on the files of accepted clients ranged from 1.7 to 2.5 hours depending on the duty counsel. The time spent on the files of all clients (accepted or not) ranged from 1.0 to 1.6 hours. This variation among duty counsel raises the potential issue of efficiency versus a consistent standard of service. However, there is insufficient information to make a judgement on this issue.

²⁶ Only closed files for reasons other than being “inactive” are included, as duty counsel may not have been able to meet with those individuals to provide referrals.

²⁷ Multiple responses accepted, so total exceeds 100%.

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. In terms of the services received, clients reported that the criminal duty counsel explained the court process to them, provided them with information on the charges they were facing, explained the particulars prepared by the Crown, and told them different ways they might respond to the charges. All of the clients reported that the CDC attended court with them. Almost all of the clients reported the services to be helpful. None reported that they needed assistance that they did not receive from CDC. Examples of client comments are as follows:

“Everything was explained very well to me. He took the time to listen to my side of the story. He took time to explain the rules surrounding the law that I was being charged with.”

“They told me a few different ways to handle my case and the best solution.”

“They explained the charges I was being faced with and what my options were and what route we could go. I explained my situation to him, and he explained the outcome of what was going to happen. He told me the best way to go without being criminally charged.”

“What was helpful was that she explained to me what the charges involved and how I might respond to it. It was also helpful that she suggested what might be the best option for me. After she explained this, it made sense to me, so that is what we decided to do. It was a very positive experience.”

“It was beneficial. There was consistency in that I did not have to go over things with another person again.”

“He gave me some information about how to talk, how to appear in court. He gave me a lot of information. Right now, I cannot remember it all. But it was very, very useful.”

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

Most key informants (internal and external) believe that the pilot project has begun achieving success in the early resolution of cases, and that cases handled by the pilot project have resulted in fewer appearances than under the traditional duty counsel model. As noted earlier, external key informants believe that individuals, even those receiving only summary advice services, now come to court better prepared and ready to deal with their case. For those clients who receive expanded services, the criminal duty counsel are actively engaged in plea negotiations with the Crown earlier in the process. The external key informants attributed much of this success to continuity of duty counsel.

A minority view (internal and external key informants) is that the time to resolution and number of appearances has not changed as clients who wanted to plead guilty on the same day as their first appearance now have a minimum of two — and possibly more — appearances before they can enter their guilty plea. Some of these key informants acknowledged that while there may be a delay, particularly for clients not accepted into the pilot, the trade-off is likely a better quality of legal advice.

Resolution rate. Project data show a high resolution rate of 87% of concluded matters (Table 8). Of the 33 matters that were not resolved, the most common reason was that the client’s position made resolution not possible (Table 9).

Table 8: Resolution rate by EXP CDC (closed files only)		
	Concluded cases (n=253)	
	#	%
Resolved	220	87%
Not resolved	33	13%

Table 9: Reasons not resolved (closed files only, no resolution)		
	Concluded without resolution (n=33)	
	#	%
Client’s position	25	76%
Triable issue (client has defence to charges)	8	24%
Crown’s position	5	15%
Inactive	4	12%
Other	9	27%

Note: Multiple responses accepted.

When comparing the pilot’s resolution rate for new cases to the court locations, the results demonstrate the pilot’s ability to resolve a higher proportion of its matters during the eight-month period available for the comparison (March to October 2015). The EXP CDC has resolved 69% of its cases compared to 44% in Kelowna Provincial Court and 39% in Abbotsford Provincial Court. As noted in Section 3.5, these comparisons should be treated with caution as the court locations include all cases with similar charges, while the EXP CDC includes cases with those charges that were assessed as appropriate for early resolution. Both a longer time horizon and a comparison group of cases, rather than court locations, are required to more accurately assess the EXP CDC’s effect on resolution rates. That being said, the results in Table 10 reflect what would be expected if the pilot were being successful in resolving matters earlier.

Table 10: Resolution rates — Comparison provincial court locations

Location	A New cases with similar charges	B Number concluded at bail hearing	C Remaining new cases	E Number concluded post- bail hearing	Resolution rate for cases resolved post- bail hearing (E/C)
Port Coquitlam	1,066	128	938	425	45%
Abbotsford	1,206	134	1,072	417	39%
Kelowna	1,350	93	1,257	551	44%
EXP CDC	179	N/A	179	124	69%

Note: The table includes cases with first appearance and resolution dates between March 1, 2015 and October 31, 2015.

Time to resolution. The time to resolution after first contact with the criminal duty counsel has lengthened since the process evaluation. This is expected, given that the time period covered by the process evaluation was three months and the summative evaluation covers a 12-month period. Based on project data, it has taken on average 40 calendar days from the date of first contact with the criminal duty counsel to resolution (median: 27.5 days; minimum: same day; maximum: 203 days).²⁸

A method for assessing whether the EXP CDC has resulted in earlier resolutions examines the time to resolution for cases handled by the pilot project, based on whether the first appearance date was before or after the EXP CDC’s inception. This comparison indicates that the pilot project has had an impact (see Table 11). Where the first appearance date was before the pilot’s inception, the average time between the first appearance and resolution was 197 days. Where the first appearance was after the pilot’s inception, the average time between the first appearance and resolution was 56 days. The pre-pilot cases appear to reflect what has been called the “churn” that occurred under the previous system. Once these clients had their first meeting with EXP CDC duty counsel, their average time to resolution was 56 days, which is the same as cases with a first appearance during the pilot. This result demonstrates the pilot’s potential to reduce the time to resolution by minimizing this churn.

²⁸ At the time of the process evaluation, the time to resolution averaged 14 calendar days from the date of first contact with the criminal duty counsel to resolution (median: 16 days; minimum: same day; maximum: 84 days).

Table 11: Date of first appearance to resolution				
	Cases with first appearance pre-pilot (n=36)		Cases with first appearance during pilot (n=184)	
		# of days		# of days
Mean		197		56
Median		154		43
Minimum		16		1
Maximum		940		275
Completed files with resolutions. First appearance excludes bail hearings.				

When comparing the time to resolution by the pilot to the other court locations, the pilot has demonstrated more timely resolution: the average number of days from first appearance to resolution is 67 days compared to 88 and 89 for the provincial courts in Kelowna and Abbotsford, respectively. This analysis may underestimate the reduction in time to resolution by the pilot. As mentioned in Section 3.5, analyzing court data that span a longer time period than eight months could provide quite different results.

Table 12: Time to resolution — Comparison provincial court locations and EXP CDC					
Location	n	Number of days			
		Average	Median	Minimum	Maximum
Port Coquitlam (total)	425	82	74	1	218
Abbotsford	417	89	82	2	220
Kelowna	551	88	82	1	225
EXP CDC	124	67	56	0	275
Note: Time to resolution is from first appearance (excluding bail hearings) to resolution. The table includes new cases filed between March 1, 2015 and October 31, 2015 that were completed during that time period. For EXP CDC, the calculation is only for those new cases with a first appearance date on or before March 3, 2015.					

Types of resolutions. Some internal and external key informants also believe that the types of resolutions are different due to the criminal 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 pilot project were alternative measures, peace bonds, and stays of proceedings. This finding is important as there are potential social and economic benefits when matters are resolved without the accused person receiving a criminal record. The types of resolutions achieved are listed in Table 13.

Table 13: Types of resolutions achieved by EXP CDC	
	Resolved cases (n=220)
Guilty plea	47%
Stay of proceedings	32%
Peace bond	19%
Alternative measures	12%
Guilty plea to a lesser offence	5%
Charge withdrawn	3%
No charge sworn	1%
Note: Multiple responses accepted.	

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

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 36 of the interviewed clients felt treated with respect by the criminal duty counsel and only one reported being unsatisfied with the services received (*"It is just my feeling. They do their jobs, but I was not fully satisfied with the experience"*). The clients who were satisfied provided a variety of reasons. Most believe that their sentence was reduced because of the duty counsel or at least was the best outcome that could have been achieved for them. Some client reactions are as follows:

"Everything seemed to work out in my favour, so I think everything was pretty helpful. Nothing seemed to go wrong. He always kept me updated on all the processes and procedures, what I needed to bring in."

"She was very thorough and professional. I was treated with respect and can't find fault with anything."

"It was helpful. He just tried his best to get the best outcome for me."

Some clients could compare the EXP CDC to previous legal aid experiences, although the comparison may not have been with duty counsel but with services through a representation contract. Of those, six said their experience with the pilot project was better, four believed it was about the same, and two could not comment. Of those who found the experience to be better, they felt listened to and treated like a priority rather than rushed:

"100% better. Just because the last lawyer wasn't so friendly and didn't want to listen. He just wanted to get it over with. The duty counsel wanted to hear my story of what happened."

"I think the difference in the duty counsel. She was much better. She took the time to sit with you. The other one was just rush, rush, rush, and didn't take the time to get to know the case like she did."

"Way better. Just the person who helped me this time was 100 times better than the last time I used legal aid. She kind of solved a lot of it for me. She was the nicest person I have ever met in my life."

11. Has the EXP CDC service led to greater efficiency for LSS?

The pilot project was not necessarily expected to create substantial efficiency gains for LSS given that the main goals of the pilot were to expand and improve services for out-of-custody unrepresented accused persons. That being said, internal and external key informants believe that an innovative feature of the pilot project — continuity of the duty counsel — has provided efficiency gains for both LSS as well as for the courts in handling these cases. For LSS, the efficiency is that cases that are appropriate for early resolution enter into plea negotiations sooner than under the traditional duty counsel model.

Some of the key informants believe that the pilot project may have taken legal aid representation contracts away from the private bar. Others believe that the pilot project may not have reduced the number of representation contracts in Port Coquitlam. Its processes mean that LSS intake is now conducted with all out-of-custody unrepresented accused persons, which did not occur before. The belief is that under this system more individuals who are eligible for representation contracts are being identified and referred for full coverage.

Based on the pilot project data, 86 of the individuals assessed have been deemed more suited to services through a representation contract and referred to LSS intake. In addition, many of the 33 unresolved completed files were also referred to LSS intake to apply for a representation contract. This shows that the pilot is not usurping service under representation contracts; it is, instead, attempting to handle matters that do not require a representation contract in order to be resolved. LSS data also indicate that the pilot has not created a substantial reduction in the number of applications or representation contracts for administrative or summary offences.

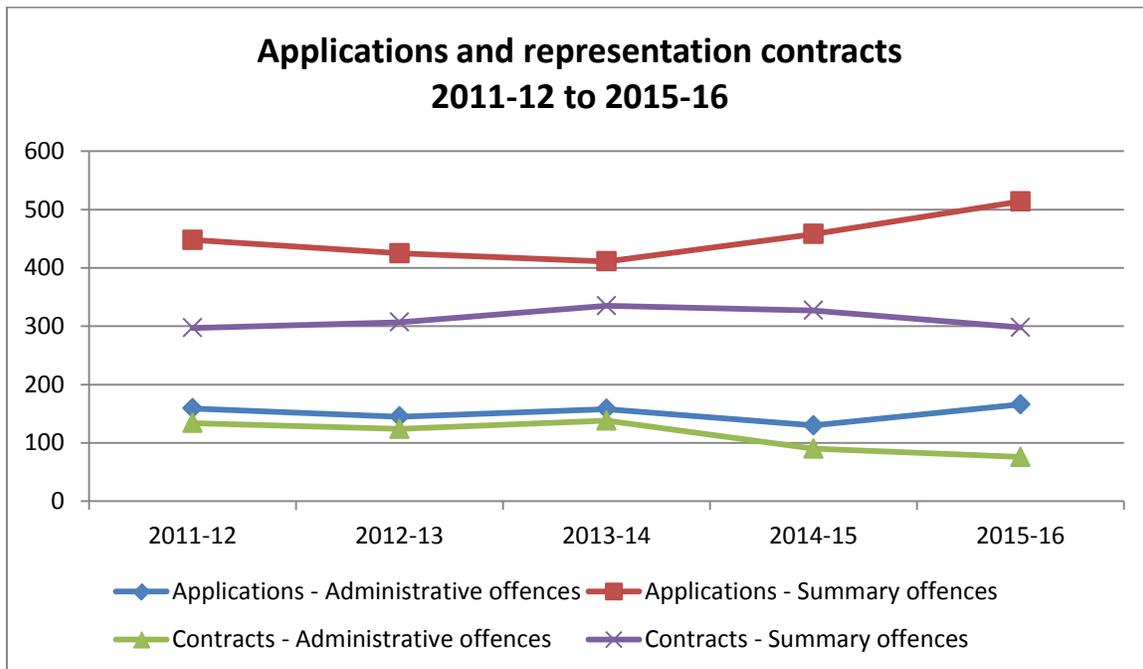


Figure 4

Handling cases through the most appropriate service should provide efficiencies to LSS. This assumes that matters are appropriately streamed into duty counsel or representation contract services, and that the EXP CDC services are more efficient. As shown in the discussion under Question 6, it appears that appropriate cases are being streamed into the pilot project. The fact that 87% of concluded matters are successfully resolved is another indication that the pilot project is handling appropriate cases. One area where the pilot project might be more efficient is in intake. As noted earlier, some key informants think that a triage system that would direct clients who will ultimately not be accepted into the pilot project to appropriate services earlier would make the pilot more efficient. This is particularly the case for clients who are eligible for and should receive a representation contract.

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

Most key informants (internal and external) believe that the pilot project has created efficiencies for the court process by reducing the “churn” of unrepresented accused persons who are described as coming back to court over weeks and months for multiple appearances without knowing how to resolve their cases. These unrepresented accused may have received assistance from duty counsel, but each time they return to court unrepresented, they are assisted by a different duty counsel and “start over,” according to key informants.

Most key informants believe that the pilot has resolved cases earlier in the process, in particular prior to the cases being set for trial, which saves administrative time for the court. Project data support this perception, as discussed in more detail in response to Question 9. Both the comparison of the pilot’s time to resolution to the other court locations and the comparison of pre-pilot cases to those that began during the pilot support the finding of earlier resolution.

In addition, most key informants believe that there are fewer court appearances for clients accepted into the project, which reduces the demands on court resources. For those individuals who were not accepted but received summary advice, judges and judicial case managers generally think that they are more prepared for their next court appearance and, as a result, may be using fewer court appearances to resolve their cases.

The available project and court data provide some evidence that this may be occurring. Table 14 compares the number of appearances to cases that began pre-pilot to cases with a first appearance during the pilot. Based on this comparison, there is some evidence of the pilot reducing the number of appearances.

Table 14: Number of appearances to resolution (completed files with resolutions)

	Cases with first appearance pre-pilot (n=36)		Cases with first appearance during pilot (n=184)	
	Appearances by CDC	Total appearances	Appearances by CDC	Total appearances
Mean	3.0	7.4	2.3	3.8
Median	3.0	5.5	2.0	3.0
Minimum	1.0	2.0	0	1.0
Maximum	10.0	18.0	8.0	13.0

Note: Total appearances include appearances before client was receiving assistance from EXP CDC, as well as appearances where EXP CDC client chose to appear without duty counsel.

When compared to the other court locations, the pilot uses fewer appearances to resolve cases. While the results appear modest — less than one fewer court appearance for the pilot when considering the time period of March to October 2015 — Table 15 demonstrates the importance of having a longer time horizon to accurately measure the pilot’s impacts. When the analysis covers a slightly longer time frame (March 2015 to February 2016), the average number of appearances to resolution for the pilot **declines** from 4.1 to 3.8. Contrast that to the direction of change for a longer time period for the court locations. When considering a length of time that more accurately reflects what is required to conclude most criminal matters,²⁹ the number of appearances **increases** substantially (from 4.3 to 6.9 for Abbotsford and from 4.7 to 6.1 for Kelowna). Table 15 results coupled with the pilot’s higher resolution rate in Table 10 indicate that over time, the pilot has the potential to demonstrate a greater reduction in the number of court appearances when compared to other court locations.

Table 15: Number of appearances — pilot and comparison provincial court locations						
	Pilot cases					
	March 3, 2015 to February 28, 2016					
	# cases concluded	# of appearances	Average # of appearances	Median	Minimum	Maximum
EXP CDC	184	698	3.8	3.0	1.0	13.0
New and concluded cases						
March 1, 2015 to October 31, 2015						
EXP CDC	124	512	4.1	4.0	1.0	13.0
Port Coquitlam, total	426	1,780	4.2	3.0	1.0	19.0
Abbotsford	418	1,814	4.3	4.0	1.0	23.0
Kelowna	552	2,570	4.7	4.0	1.0	19.0
New cases between March 1, 2014 and October 31, 2014 concluded by October 31, 2015						
Port Coquitlam	790	5,765	7.3	6.0	1.0	40
Abbotsford	813	5,621	6.9	6.0	1.0	37
Kelowna	985	6,017	6.1	5.0	1.0	28

Sources: Pilot database and CSB data.
 Note: EXP CDC cases are based on the completed cases with a first appearance after the pilot began operations.

The effectiveness of the pilot in reducing the number of appearances could be improved by looking for methods to reduce the number of appearances that clients make before connecting with the pilot project. Even for those cases where the first appearance is after the pilot began operations, the average number of appearances before clients engage with the EXP CDC is 1.6. In addition, some clients who have been accepted into the pilot occasionally appear in court without duty counsel, although this number is reportedly small.

Another way that the pilot might create efficiencies for the court process is by concluding cases early (i.e., before a trial appearance is set for the case). Matters that are resolved before a trial is set save the system time (e.g., court time scheduled for trials is not used; Crown do not spend time preparing for a trial that does not proceed; police do not spend time attending court to serve as witnesses). For those cases the pilot resolves, all are resolved prior to a trial appearance being

²⁹ As noted in Section 3.5, the median time to complete an adult criminal matter in FY 2013–14 was 78 days and for about one-fifth of cases, the median was more than 180 days.

set. Available court data provide an indication of the magnitude of potential efficiencies the pilot may provide in the future.

The client survey also provides some indication that the pilot project may be creating efficiencies. Self-represented accused persons are considered to add considerable time to the court process. In interviews, clients were asked what they would have done had they not received duty counsel assistance.³⁰ While it would not be appropriate to generalize from the client interviews, it is of interest that almost half believe they would have represented themselves.

13. 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?

As described in Section 2.0, the pilot project expands access to criminal legal aid services by providing assistance to accused persons, even if they are not eligible for a legal aid representation contract under the existing coverage and financial guidelines. The pilot project does not require that the client face charges that could involve jail time and it offers expanded financial eligibility guidelines. The pilot project has shown success in increasing access to legal aid. Of the 271 clients admitted in the first 12 months of operations, 207, or 76% would not have been eligible for a legal aid representation contract based on either financial or coverage guidelines or both. In addition, most key informants noted that clients not accepted into the pilot 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.

Most external key informants believe that clients are receiving better services under the pilot project, which contributes to access to justice. These key informants commented that the continuity of counsel has led to better advocacy on the files accepted into the pilot project. The process is considered to be fairer than under the previous traditional duty counsel approach. All available defences are being advanced on behalf of clients accepted into the pilot because duty counsel have more time to review the particulars, interview clients, and negotiate with Crown.

Some external key informants believe that a broader range of resolutions are considered, such as stays, alternative measures, and common law peace bonds. For example, Crown are more willing to let an accused person who is being assisted by the pilot project remain on bail for a lengthy period to see how they are doing and then potentially stay the file. Some key informants believe the attachment to counsel, which is aided by the continuity of counsel in the model, makes it more likely that clients will successfully meet conditions (e.g., take anger management) and receive a discharge. Resolutions where the individual does not receive a criminal record are considered to be beneficial for the individual, as well as in public interest, by key informants.

³⁰ This question was only asked of the 30 clients who were interviewed for the summative evaluation.

14. 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?³¹

This section looks at potential system efficiencies gained as a result of the pilot project. This analysis builds on the discussion under Question 12 and considers what costs might be avoided by the efficiencies gained from the operations of the pilot.

Although, the available data on the number of appearances do not support a definitive finding of system efficiencies in Port Coquitlam Provincial Court due to the pilot, we can construct some scenarios that indicate potential impacts of the pilot. Table 16 provides different scenarios based on the volume of cases for the pilot in a 12-month period for the expanded service (n=271) and considers a potential range of avoided costs, should the pilot result in fewer appearances.³² As shown below, the potential costs avoided range from \$10,797 to \$72,877.

# of cases	Average # of appearances	% difference (approx.)	Total number of appearances	Total court hours	Court costs	Costs avoided
EXP CDC 271	3.8		1030	137	\$102,568	
Scenarios						
271	4.2	10%	1138	152	\$113,365	\$10,797
271	4.6	20%	1247	166	\$124,161	\$21,593
271	4.9	30%	1328	177	\$132,259	\$29,691
271	5.3	40%	1436	192	\$143,055	\$40,487
271	5.7	50%	1545	206	\$153,852	\$51,284
271	6.1	60%	1653	220	\$164,649	\$62,081
271	6.5	70%	1762	235	\$175,445	\$72,877

Sources: Calculations made based on pilot database, CSB data, and BC Justice Dashboard.

EXP CDC cases are based on the completed cases with a first appearance after the pilot began operations.

The time per appearance for Port Coquitlam Provincial Court was estimated using BC Justice Dashboard and five-year averages (FY 2009–10 to 2013–14). 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 MOJ data. Adult criminal provincial court costs are estimated to be \$747 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.

Note: The percentage difference is rounded to the nearest 10%.

³¹ 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 provided in Appendix B.

³² The average number of appearances for the pilot project is based on data captured in the pilot database. The estimates for the possible higher average number of appearances are roughly based on the range of average appearances for similar cases in the comparison court locations.

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

- ▶ Actual time for appearances is not available and is based on average time of scheduled appearances for all cases in Port Coquitlam Provincial Court.
- ▶ Data to support potential costs avoided by resolving cases earlier, which would require tracking trial preparation time for Crown, potential witnesses, the judge are not available.
- ▶ A longer time horizon may yield different results, as that would provide a more complete understanding of the number of appearances required to resolve these types of cases.
- ▶ The pilot also provides assistance to clients who are ineligible for the expanded service that may create efficiencies. Those clients' experiences after the pilot are not tracked and so any potential efficiencies are not captured.

The ability of the pilot to create substantial efficiencies is affected by the volume of clients the pilot 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 of LSS to deliver the service unless the pilot is able to increase the number of clients served with the same resources that the pilot is currently using. However, based on key informant interviews, there is the belief that almost all eligible clients are being connected to the pilot, so the ability to expand the number of clients served in Port Coquitlam based on current eligibility criteria may be minimal. Expansion of the pilot to other locations of the province also has the potential to add to efficiency gains in terms of increasing volumes as well as additional costs to LSS for providing the service.

15. Were there any unintended consequences or outcomes of the EXP CDC project identified in Year 1?

Few key informants could identify unintended consequences. Most believe that the project has operated as intended without any unanticipated effects. The unintended positive or negative outcomes identified by key informants remain largely the same as the process evaluation:

- ▶ Judges and judicial case managers want the accused person to provide proof that they have scheduled EXP CDC appointments when they appear in court. This request demonstrates that other stakeholders see the value in the new system.
- ▶ The increased volume of clients who qualify for expanded assistance has made it difficult for the criminal duty counsel to provide same-day summary advice.
- ▶ Individuals who qualify for a legal aid representation contract and whose charges (e.g., severity, complexity) or other circumstances (e.g., denial of guilt) make them ineligible for the pilot project's expanded services are having to have a scheduled interview with criminal duty counsel, which is considered by a few key informants to be an inefficiency in the current model.

5.0 Conclusions

This section presents the conclusions of the summative evaluation.

5.1 Conclusions on implementation and delivery of the EXP CDC

The EXP CDC was largely implemented as intended and has shown flexibility to respond to early challenges. LSS and pilot project personnel indicated that the project has largely been implemented as intended in Year 1. As noted in the process evaluation, the project initially found handling the volume of clients to be a challenge. The project has undertaken several logistical modifications to handle the volume efficiently, including instituting a small roster of duty counsel, developing new processes for working with the court to ensure that clients will have met with criminal duty counsel prior to their next court date, having a greater presence in court, and prioritizing clients with unique needs.

The EXP CDC has benefited from external factors that support its mandate and goals. Interviews conducted for the evaluation indicate that external stakeholders are supportive of the pilot project, which has aided its implementation by referring clients to the EXP CDC. Crown File Ownership has complemented the pilot project in terms of creating more continuity of Crown counsel on files. External key informants emphasized that their support for and excellent relationship with the pilot project is due to the personalities and experience of the lead criminal duty counsel as well as the roster.

The EXP CDC has had success in addressing early resource and capacity issues, although a few issues remain. The difficulty with meeting demand identified in the process evaluation appears to have lessened. As predicted, once the pilot handled the early backlog of unrepresented accused persons that existed at its inception, the number of clients per month stabilized to between 40 and 50, although in the first two months of 2016, the volume had increased to close to 60 files per month. Currently, based on file openings and closings each month, the pilot appears to be handling the demand for its services. The pilot has also taken active steps to address its early capacity issues: the roster of duty counsel was created and a second administrative staff member has recently been hired. While some key informants believe that these additional resources will enable the pilot to be even more efficient and potentially do more (e.g., being present in remand court, potentially assisting with in-custody accused persons), others question whether the additional resources are necessary. Another area of concern is office space. Being present in the courthouse is considered essential to the success of the pilot project. As part of that, having sufficient office space so that duty counsel can have a suitably quiet and private space to meet with their clients is important to the delivery of services.

The current model supports efficient and effective delivery. Key informants were generally positive about how well the current model is working. In particular, they believe that the EXP CDC has provided more consistent and higher quality services, crediting the consistency of counsel and the greater amount of preparation and time spent with clients. The EXP CDC approach is considered to give more meaningful summary advice to clients as well as better facilitating resolutions for its expanded service clients. External key informants believe that the pilot project has reduced the churn of unrepresented accused persons in the system who appear multiple times without counsel. The pilot project is considered to enter into plea negotiations with Crown earlier and the temperament/approach of duty counsel (lead and roster) is considered

conducive to achieving appropriate early resolutions to cases. External key informants have also noticed that summary advice clients come back to court, even if still unrepresented, better prepared.

Suggested areas for improvement focussed on methods to increase the flexibility of the model. Several areas of improvement were identified by key informants: considering additional triage so that clients who clearly are not suitable for the pilot do not have to go through full intake; building in capacity so that clients who want to plead guilty at their first appearance can receive summary advice that day; and continuing to look for ways to streamline forms and reduce any unnecessarily bureaucratic elements.

5.2 Conclusions on early indications of outcomes

Appropriate clients/cases are being streamed into the EXP CDC. The evaluation evidence shows that clients/cases entering the pilot project meet its eligibility criteria, and that the project is reaching unrepresented accused persons who are not eligible for a legal aid representation contract.

Timeliness of service appears to be a challenge for the EXP CDC. Key informant and client opinion indicate that timeliness of service is not an issue. Clients found the process of connecting with EXP CDC and making an application uncomplicated and wait times for intake and meeting with criminal duty counsel “about right.” However, project data point to some issues. The average time between first appearance and the file open date for clients who entered the criminal justice system after the pilot began has grown from 4.3 days to 13.2 days between the process and summative evaluations. That being said, for two-thirds of clients, their EXP CDC file is opened the same day as their first appearance. Timeliness of service is also measured by the time between when the accused person connects with the pilot and has a file opened and the date of first contact with duty counsel. During the process evaluation, key informants were concerned that this time was lengthening to three weeks. The summative evaluation found that the overall average number of days from file opening to first contact with duty counsel is 11 days, with a median of seven days.

The EXP CDC is providing services that help clients with their legal needs. 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. Clients considered the legal services they received to be helpful, and none thought there was legal assistance that they needed that they did not receive. The pilot data did show that the time spent on files depended on the duty counsel with averages for expanded service clients, ranging from 1.7 to 2.5 hours per client. This variation among duty counsel raises the potential issue of efficiency versus a consistent standard of service. There is insufficient information for the evaluation to make a judgement on this issue, but it is worth monitoring and considering if it is something that should be addressed. Recommendations 2 and 5 address this possible issue.

There are indications of earlier resolution by the EXP CDC. The evaluation findings considered this outcome from a few perspectives and found indications of success. These analyses required looking at sub-sets of the pilot's data.

- ▶ Considering the pilot's resolution rate for the March to October 2015 period allowed for a comparison to the other court locations based on the available CSB data. The pilot's resolution rate was 86% compared to 46% for Abbotsford Provincial Court and 48% for Kelowna Provincial Court.
- ▶ Similarly, the comparison of time to resolution for the pilot and the other court locations from March to October 2015 shows the pilot's ability to resolve cases early: the average time for the pilot is 67 days compared to 89 for Abbotsford Provincial Court and 88 for Kelowna Provincial Court.
- ▶ Comparing the time to resolution, where the first appearance date was before or after the pilot project's inception, provides an indication of the pilot project's potential to reduce the time for achieving resolution. Where the first appearance was before the pilot's inception, the average time between the first appearance and resolution is 197 days. Where the first appearance was after the pilot's inception, the average number of days between the first appearance and resolution is 56 days.

Clients are satisfied with the EXP CDC assistance they received. Almost all of the 36 clients interviewed said they were satisfied with the services they received, including feeling treated with respect. They uniformly expressed appreciation for the work of the criminal duty counsel.

There is early evidence that the EXP CDC will lead to greater efficiency for LSS and the court process. Most key informants believe that the pilot project will lead to earlier resolution and fewer court appearances, which are thought to create efficiencies for both LSS by handling appropriate matters by duty counsel rather than a representation contract, and for the CSB, by reducing court and administrative time in handling these cases. Data provide support for the key informant opinions. Early resolutions are discussed above. The comparison to other court locations and to cases that began pre-pilot also indicates a reduction in the number of appearances.

The EXP CDC has increased access to criminal legal aid. The pilot project has shown success in increasing access. Of the 271 clients admitted in the first 12 months of operations, 207 (76%) would not have been eligible for a legal aid representation contract based on either financial or coverage guidelines, or both. In addition, the clients who were not accepted into the pilot project are provided with more extensive summary advice than under the previous system, which also increases access to legal aid.

The indications are that the pilot has achieved some efficiencies for the justice system, but they are likely modest. The evaluation was able to make use of available data to make some estimates based on several scenarios related to the reduction in the number of court appearances. The estimates ranged from scenarios that had 10% to 70% more appearances than the pilot's average in its first 12 months of operation. This translated to potential cost avoidance of \$10,797 to \$72,877. The analysis has several limitations. The time for appearances was not tracked in Port Coquitlam Provincial Court and is based on the five-year average of court hours divided by the number of scheduled appearances for Port Coquitlam Provincial Court. A more precise

understanding of actual court time for these cases would improve the accuracy of the analysis. The data were not available to support an estimate of efficiencies created by earlier resolutions, which would require tracking time spent on trial preparation by Crown, witnesses, the judge, for example. A longer time horizon may yield different results, as that would provide a more complete understanding of the number of appearances required to resolve these types of cases. The pilot also provides assistance to clients who are ineligible for the expanded service that may create efficiencies. Those clients' experiences after the pilot are not tracked and so any potential efficiencies to the system are not captured.

6.0 Recommendations to further enhance the EXP CDC

Below provides a few recommendations for LSS's consideration.

Recommendation 1: Consider mechanisms for improving communication with external stakeholders, particularly around changes in the pilot processes.

External key informants suggested that the pilot project, as well as any future projects based on the EXP CDC model, should conduct more communication with external justice stakeholders. These communication activities should make other stakeholders aware of the pilot's processes and its intended impacts. External stakeholders may be able to provide advice to avoid or address challenges.

Recommendation 2: Continue to monitor the pilot's resource needs to ensure it is operating efficiently and not over- or under-resourced.

In terms of its human resources, the pilot has been in flux with a roster being formed, scheduling and availability of the roster changing over time, and now the hiring of a second full-time duty counsel. Due at least in part to these changes, the pilot appears to have largely addressed its early capacity issues, but the evaluation findings also raised questions about whether the pilot now is over-resourced. The pilot will need to continue to monitor its resource needs to ensure efficient operation.

Recommendation 3: Consider adopting an additional triage system.

The process evaluation recommended that the EXP CDC consider whether to implement measures that will increase the flexibility of the model to respond to demand, but not at the expense of innovative features of the model. One suggestion was to adopt additional triage processes so that appropriate clients can be referred for a representation contract or to the private bar sooner, which was raised again in the summative evaluation.

Recommendation 4: Consider tracking reasons for files becoming abandoned or inactive in order to understand if the pilot could or should develop a response to engage these clients.

The pilot data on clients who are not accepted into the EXP CDC for expanded service points to an issue raised by key informants: the unwillingness or difficulties some clients have related to attending their initial meeting with duty counsel. Approximately 20% of financially eligible clients who are not accepted have abandoned their file. The notes kept on many of these files indicate a variety of reasons that the client's file was abandoned. Since this is the third most prevalent reason for not accepting the client into the project, tracking the reasons for abandonment more systematically might be useful.

Recommendation 5: Monitor key service metrics, such as the length of time between intake and first appointment with the criminal duty counsel.

The evaluation found that the average time between first appearance and the file open date for clients who entered the criminal justice system after the pilot began has grown. Whether this is caused by capacity issues or clients having to reschedule their first appointments with duty counsel is not clear. The pilot should determine why the period of time to connect clients to the pilot is increasing, in order to determine whether changes to its processes might be needed to engage with clients sooner.

Recommendation 6: Consider improvements to the data tracking system and consent processes to facilitate future studies.

There are a few key areas where the pilot project could improve its data collection processes that will assist with future studies that might want to compare the pilot's results to court data. First, the pilot project does not capture all of the charges clients faced for which the pilot project is assisting them nor does it capture the information based on *Criminal Code of Canada* provisions, but rather uses an open text field. This makes comparison with court data challenging. The pilot would benefit from having mechanisms put in place to minimize this inconsistency, such as use of a "pick list" for common charges handled by the pilot that would match how charges are entered into CIS. In addition, LSS should ensure that these standardized charge descriptions can be mapped onto the *Criminal Code of Canada* provisions in CSB data. Second, the pilot does not track information that supports an assessment of outcomes and efficiency gains for its summary advice only clients. The pilot could track a few key items, such as time to resolution and number of appearances for these clients. Finally, the pilot might 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 pilot clients who have consented, which might be beneficial for future studies.

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 • LSS operates its criminal legal aid services 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

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
Delivery questions		
1. Did the EXP CDC operate as expected in year one? What, if any, challenges were met in year one, and how were these addressed?	<ul style="list-style-type: none"> • Key informant opinion on the operation of the EXP CDC • Key informant opinion on challenges/improvements • Decision records and timelines of changes made to improve model 	<ul style="list-style-type: none"> • Key informant interviews • Document review
2. What external factors have influenced the delivery and success of the EXP CDC?	<ul style="list-style-type: none"> • Key informant opinion on external factors that have affected delivery and success of the EXP CDC • EXP CDC WG meeting minutes documenting external factors • Evidence that decisions, actions, policies of external organizations/key informants affect the EXP CDC (e.g., Crown ownership of files) 	<ul style="list-style-type: none"> • Key informant interviews • Document review
3. Did the EXP CDC have sufficient resources and capacity to meet demand?	<ul style="list-style-type: none"> • Number of cases accepted by the EXP CDC • Number of legal aid representation contracts for similar types of criminal matters in year one of the pilot compared to representation contracts for similar types of criminal matters in previous years (for catchment area) • Number and percentage of clients not accepted (solely) because capacity of EXP CDC program has been exceeded • Key informant opinion on whether the EXP CDC has sufficient resources and capacity to satisfactorily meet demand 	<ul style="list-style-type: none"> • EXP CDC data • LSS CIS data • Key informant interviews
4. To what extent do the current processes and structure of the EXP CDC support its efficient and effective delivery?	<ul style="list-style-type: none"> • Key informant opinion on effectiveness of current processes and structure to support the project 	<ul style="list-style-type: none"> • Key informant interviews
5. What are the lessons learned either for continuing the EXP CDC in Port Coquitlam or for establishing Expanded Criminal Duty Counsel in other locations in the province?	<ul style="list-style-type: none"> • Key informant opinion on factors to be considered for expansion to other locations/lessons learned/best practices • Documentation related to Q1 to 3 	<ul style="list-style-type: none"> • Key informant interviews
Outcome questions		
6. Are appropriate clients/cases streamed into EXP CDC services?	<ul style="list-style-type: none"> • Number of clients assessed for EXP CDC services • Number and types of files/clients accepted with reasons why (i.e., meets financial and coverage guidelines or is financially eligible under discretionary coverage) • Number and percentage of clients not accepted because clients' interests are better served by a representation contract who apply for and receive LSS representation contract • Number of files not accepted with reasons why • Key informant opinion on appropriateness of eligibility decisions 	<ul style="list-style-type: none"> • EXP CDC data • LSS CIS data • Key informant interviews
7. 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 pilot began • Time between first appearance and date of first contact with CDC for clients who entered the criminal justice system after pilot began • Time between file open date and date of first contact with CDC • Key informant 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 data • Key informant interviews • Client interviews

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
8. 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 percentage of clients/applicants receiving referrals to other legal services • Number and type of other legal services applicants/clients are referred to by EXP CDC • Time spent with clients by EXP CDC • Key informant opinion on whether client legal needs are being met • Client opinion on whether legal needs are being met 	<ul style="list-style-type: none"> • EXP CDC data • Key informant interviews • Client interviews
9. Has the EXP CDC service led to the early resolution of cases?	<ul style="list-style-type: none"> • Number and percentage of EXP CDC cases resolved by type of outcome (by information) • Number and percentage of EXP CDC cases not resolved and reasons why (by information) • Number of days from first appearance to resolution (by information) • Number of days from first contact with EXP CDC to resolution (by information) • Number of appearances to resolution • Key informant opinion on whether cases are resolved early 	<ul style="list-style-type: none"> • EXP CDC data • CSB data • Key informant interviews • Client interviews
10. Are clients satisfied with their experiences using the EXP CDC service? What, if anything, can be done to improve clients' experiences?	<ul style="list-style-type: none"> • Client opinion on satisfaction with EXP CDC services • Key informant opinion on quality of EXP CDC services 	<ul style="list-style-type: none"> • Client interviews • Key informant interviews
11. Has the EXP CDC service led to greater efficiency for LSS?	<ul style="list-style-type: none"> • Number of LSS legal representation contracts in first year of pilot compared with prior year at pilot site • Average cost per EXP CDC file (resolved/unresolved) compared with average cost of comparable LSS representation contracts • Number and percentage of clients leaving the EXP CDC program and applying for and receiving LSS representation contract • Number of court attendances per file that were resolved by EXP CDC compared with number of court attendances by counsel for comparable LSS representation contracts • Key informant opinion on whether efficiencies created for LSS by EXP CDC 	<ul style="list-style-type: none"> • EXP CDC database • LSS CIS database • Key informant interviews
12. 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 days from first appearance to resolution (EXP CDC with comparison sites) • Number of appearances (EXP CDC with comparison sites) • Number and percentage of cases resolved without a trial (EXP CDC with comparison sites) • Key informant 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
13. 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 a representation contract 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

Evaluation matrix for the Expanded Criminal Duty Counsel (EXP CDC) pilot project		
Questions	Indicators	Data sources
14. 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
15. Were there any unintended consequences or outcomes of the EXP CDC project identified in year one?	<ul style="list-style-type: none"> • Key informant opinion on unintended consequences or outcomes of the EXP CDC 	<ul style="list-style-type: none"> • Key informant interviews

Appendix C – Data collection instruments

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

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

The Legal Services Society of British Columbia (LSS) requires an 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 project's success towards meeting its intended outcomes. The evaluation will also assess project delivery since mid-2015.

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 role in the delivery of the EXP CDC pilot project.
2. (Project lead and lead CDC) In what ways did the pilot project operate as expected during its first year? Were any changes required regarding how the project is delivered (e.g., development of roster)? If changes were required, please describe the rationale for the changes and the effects of these changes on project delivery. Q1
3. (Roster counsel) Please describe how the roster of criminal duty counsel operates, based on your experience. Has the roster of criminal duty counsel operated as expected or have changes been made? What has been the effect of the criminal duty counsel roster on project delivery? Q1
4. What steps, if any, have been taken to promote consistent service delivery among roster counsel? How successful have those efforts been and are there any areas for improvement? Q1
5. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model? Q4
6. 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. What steps has the EXP CDC taken to overcome any resource challenges. Q3

7. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the delivery and success of the model? (*Probe: judiciary, assignment court in particular; Crown; court administration*) If yes, how has the project responded to mitigate problems or use opportunities? Q2
8. Are there any other challenges not already discussed that were encountered during the delivery of the EXP CDC in its first year? How were these challenges addressed? Q1
9. What has been learned from the experiences in delivering the EXP CDC that would be useful for continuing the pilot project in Port Coquitlam? What lessons learned would be useful for sharing with any future sites? (*Probe: what factors should be considered in any plans for expansion?*) Q5

Progress towards achieving objectives

10. How are people being referred to the EXP CDC? Who is referring them (e.g. judge, justice of the peace, CDC office, CDC in court, LSS intake, another JITI pilot or agency)? Are all relevant stakeholders referring people to the EXP CDC? Are they referring appropriate people to the EXP CDC? Q6
11. How efficient is the current intake and screening process? In your response, please consider the various points in the process (e.g., LSS intake, pilot admin, lead criminal duty counsel). In your opinion, are appropriate clients/cases being streamed into EXP CDC services? (*Probe: is LSS intake forwarding appropriate cases; do the criteria developed ensure that inappropriate cases are not accepted and that appropriate cases are not excluded?*) Are there any difficulties in assessing which clients/cases are appropriate for the pilot? Q6
12. At what point in the criminal justice process are clients typically referred to the EXP CDC? Do you consider referrals to EXP CDC to be timely? Is there anything that could be improved about the referral/intake/screening process? Q6 and Q7
13. What are the types of legal services that the EXP CDC provides clients? When and to what other legal services might the EXP CDC refer clients? In general, do you believe that clients' legal needs are being met by the EXP CDC? Q8
14. How effective has the EXP CDC been in ensuring continuity of counsel? What factors have facilitated or impeded continuity of counsel? Q8
15. For clients who receive summary advice services only, what are the features of the pilot that distinguish this service from duty counsel services at other provincial court locations? How do these differences impact the client and their case? How do these differences impact the court and other affected justice stakeholders (e.g., police) in Port Coquitlam?
16. Are there any gaps in legal services that you believe still exist for EXP CDC clients? Q8

17. Based on your experience, to what extent has the EXP CDC service led to earlier resolution of cases? To fewer court appearances prior to resolution? Please be as specific as possible as to how cases have been resolved earlier/with fewer court appearances. Are there any factors that have impeded or facilitated early resolution or reduction in the number of court appearances? Q9
18. Have you received any feedback from clients about their experiences with the EXP CDC? Do you have any suggestions for how clients' experiences with the EXP CDC can be improved? Q10
19. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative, on the efficiency of:
 - a. LSS criminal legal aid services in Port Coquitlam (e.g., reduction in number of cases that require a full LSS representation contract); and
 - b. the court process in Port Coquitlam?Q11 and 12

In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only.

20. Based on your experience in Provincial Court in Port Coquitlam **before** the EXP CDC pilot project, approximately what proportion of accused with charges that are not covered by legal aid proceeded without benefit of counsel? What are the most common legal consequences that accused experienced when they were not represented by counsel? What were the most common effects of unrepresented accused on the functioning of the criminal justice system?
21. Have there been any unintended consequences of the EXP CDC project?
22. 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 external stakeholders
(Judges, Judicial Case Managers, Crown, Sheriff)**

The Legal Services Society of British Columbia (LSS) requires an 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 project's success towards meeting its intended outcomes. The evaluation will also assess project delivery since mid-2015.

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. Are you able to comment on whether the EXP CDC pilot operated as expected in year one? 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. To your knowledge, has the EXP CDC taken steps to overcome any resource challenges? Q3
4. In your opinion, do the current structure and processes of the EXP CDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model? Q4
5. What has been the effect of 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 and Q8
6. Have any factors or stakeholders external to the EXP CDC project affected, either positively or negatively, the delivery and success of the model? (*Probe: judiciary, assignment court in particular; Crown; court administration*) If yes, how has the project responded to mitigate problems or use opportunities? Q2
7. Have you encountered any challenges in your interactions with the EXP CDC? If yes, have these challenges been addressed? Q1

Progress towards achieving objectives

8. Do you think that criminal defendants are aware of the EXP CDC and how to apply for its services? If not, what could LSS do to make more criminal defendants aware of the services and how to access them? Q6
9. Do you refer individuals to the EXP CDC? If yes, how does that typically occur? (*Probe: to whom do you refer clients?; at what point in the criminal justice process do you typically refer clients?*) Have you encountered any difficulties in making a referral? (*Probe: knowing to whom to refer — LSS intake or duty counsel; timeliness of decision-making process related to EXP CDC*) Q6 and Q7
10. Do you think that appropriate clients/cases are being streamed into EXP CDC services? Why or why not? Q6
11. In your opinion, is LSS making timely decisions about whether criminal defendants are eligible for EXP CDC services? Do you have any suggestions for improving the referral/intake/screening process? Q7
12. What are the types of legal services that the EXP CDC provides clients? In general, do you believe that the clients' legal needs are being met by the EXP CDC?
13. How effective has the EXP CDC been in ensuring continuity of counsel? What factors have facilitated or impeded continuity of counsel? Q8
14. For clients who receive summary advice services only, what are the features of the pilot that distinguish this service from duty counsel services at other provincial court locations? How do these differences impact the client and their case? How do these differences impact the court and other affected justice stakeholders (e.g., police) in Port Coquitlam?
15. Are there any gaps in legal services that you believe still exist for EXP CDC clients? Q8
16. Based on your experience, to what extent has the EXP CDC service led to earlier resolution of cases? To fewer court appearances prior to resolution? Please be as specific as possible as to how cases have been resolved earlier/with fewer court appearances. Are there any factors that have impeded or facilitated early resolution or reduction in the number of court appearances? Q9
17. Based on what you have observed, do you have any suggestions for how clients' experiences with the EXP CDC can be improved? Q10

18. Based on your experiences working with the EXP CDC thus far, has the EXP CDC service had an impact, positive or negative, on the efficiency of:
- LSS criminal legal aid services in Port Coquitlam; and
 - the court process in Port Coquitlam?

Q11 and 12

In your response, please consider clients receiving the expanded services, as well as clients receiving summary advice services only.

19. Based on your experience in Provincial Court in Port Coquitlam **before** the EXP CDC pilot project, about what proportion of accused with charges that are not covered by legal aid proceeded without benefit of counsel? What are the most common legal consequences that accused experienced when they were not represented by counsel? What were the most common effects of unrepresented accused on the functioning of the criminal justice system?
20. Have there been any unintended consequences of the EXP CDC project?
21. 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: Thank you very much for agreeing to come in and talk to me today. I am (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 disclosure, having discussions with the Crown counsel, and attending court if a guilty plea is being entered to resolve the case. 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, and that is why you were asked to take part in this interview.

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 or at your first court appearance? (Q7)
2. Did someone tell you to go see legal aid, or did you know where to go get legal aid assistance? (Q7)
 - a. (If told to go to legal aid) 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. (If knew where to go) 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. How many people did you have to approach before you were in the right place to apply for legal aid?
 - d. (If in person) 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? (Q7)
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? (Q7)

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 particulars prepared by the Crown?
 - d. Tell you different ways you might respond to the charges?
 - e. Attend court with you?
 - f. Any other types of assistance?(Q8)
6. Thinking about the assistance that you received, what was helpful? What was not helpful? (Q8)
7. Did you feel treated with respect by the criminal duty counsel? Please explain why or why not. (Q8)
8. Were you helped by the same criminal duty counsel each time?
 - a. If yes, how did having the same lawyer throughout 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 still ongoing or completed? (If completed) What was the final outcome of your case — did you plead guilty or eventually go to trial? (Q8, Q9, 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? Were you satisfied with the outcome? 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? 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? Were you satisfied with the outcome? Why or why not?

10. Was there any type of legal assistance that you think you needed but did not get from the criminal duty counsel? (Q8)
11. 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? (Q10)
12. Have you had assistance from legal aid before? How would you compare the most recent experience to the one you had before — was it better, worse, or the same? Please explain.
13. 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)?

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 MOJ 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.

Assignment court locations		
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) ³³	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

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.

Crown File Ownership			
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

³³ The EXP CDC only handles adult criminal matters, so Robson Square is not a suitable comparison location.

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 provincial court data suggested that Abbotsford and Kelowna are not as strongly correlated to Port Coquitlam as other provincial court locations, based on the nature of the Crown File Ownership along with the comparability in courthouse size, Abbotsford Provincial Court would appear to be the strongest candidate, followed by Kelowna Provincial Court.

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 the table below shows, Kelowna has an older population than either Port Coquitlam or Abbotsford.

Demographic information from 2011 Census for Abbotsford, Kelowna, and Port Coquitlam						
	Abbotsford ¹		Kelowna ²		Port Coquitlam ³	
	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.

¹Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission.

²Includes, 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.

³Includes, 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.

⁴Calculated 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 17 below.

	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.

¹Includes, according to census subdivisions, City of Abbotsford and District Municipality of Mission.

²Includes, 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.

³Includes, 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.

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

The following four tables (pages 5 to 8) 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 Provincial Court differs in two respects from the provincial courts in 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*.

2015 New cases by Most Serious Offence (by provincial court location)						
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%

2015 New and concluded cases by Most Serious Offence (by provincial court location)						
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%

2014 New cases by Most Serious Offence (by provincial court location)						
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%

2014 New and concluded cases by Most Serious Offence (by provincial court location)						
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%

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

2015 Rates of legal representation (by provincial court location)						
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.

2014 Rates of legal representation (by provincial court location)						
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.