

**Provincial Court of Newfoundland and Labrador:
Committed to Continuous Improvement**



**Strategic Plan
2007/2009**

Reflections of the Chief Judge

Every endeavour, whether it is carried on by a public or private corporation, by a government or non-government agency, to be successful requires a plan. The more thought and consideration put into crafting a plan, the more the plan will benefit the makers. Thus is our hope for this plan, the third in a series of three strategic plans for the court.

In 1996, the Provincial Court embarked upon the formal exercise of strategic planning. This exercise led to the development of our guiding principles reflected in our *Governing Values, Mission Statement and Vision Statement*. These still remain very relevant for the Court. At the end of the life of that first five-year plan we were profoundly encouraged by the results, which had been achieved by clearly defining our goals and objectives for the court and following the plan. We focused our next plan on a shorter-time frame, from five to three years, as we had learned that this was a more practical time scale to work with. Again, we were very pleased with the results of that second plan. Indeed, it is my view that the progress made by the Provincial Court under the guidance of those two plans stands as a powerful testimonial to their ultimate benefit.

While the planning cycle 2007-2009 again strongly supports our commitment to Continuous Improvement, it also attempts to put forward for dialogue, and in time implementation, a number of strategic directions and goals that we believe in the longer term will improve the governance, accountability and service delivery of the Court. It is our intention in this plan to reflect and act on the need to review the Court's mandate, including its public image and name, with a view to assessing its future role in a changing court environment. For example, the need to establish more formal measures of Court performance utilizing a structured case flow management system as a mandatory management tool. The need to position the Court for inevitable change demands a fresh examination of the many challenges and opportunities ahead of us. It is our belief that while incremental progress is being made in most areas of the Court, the need exists for a thoughtful and provocative review of court policies and processes to determine if a more profound breakthrough is required to elevate the profile of the court and to ensure its independence, and that its performance and its mandate sufficiently reflect the demographic, economic, and generational challenges for the next decade.

That is why I am now proud, on behalf of the Strategic Management Planning Committee, to endorse and present our new plan- *Committed to Continuous Improvement*. As the title implies this plan is focused on enabling the Provincial Court to continue to evolve as a modern day court: being accountable to those we serve, embracing technology to improve upon our service delivery, investing in human resource development and better communicating the court's role in society.

In conclusion, I would like to say that the only thing that might equal the importance of crafting a solid plan, is adhering to that plan. I believe our new plan identifies our most important goals and aims, but also remains sufficiently flexible to accommodate late-emerging demands and still stay on course.

Chief Judge M.R. Reid

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Planning Focus and Themes

The 2007-2009 Strategic Plan builds upon the significant progress and lessons learned during the life of the last Strategic Plan. The Strategic Management Planning Committee (SMPC) has carefully contemplated the impact of both provincial and national justice trends on the current court environment. Based on this assessment, coupled with consultations with both judiciary and staff, the Committee is confident that this new Strategic Plan will enable the Court to more proactively shape its immediate future. Several major planning themes have emerged from the Committee's review and analysis, namely:

- Public Access to Court Services
- Focus on Court Performance
- Public Accountability and Confidence in the Court
- Emerging Technology in Court Processes
- Comprehensive Information Management Strategy for the Courts
- Human Resource Development
- Court Security

For the next three years, the Court's efforts and activities will be guided by and supportive of these themes. Decision-making regarding resource allocation and business priorities over the life of the plan will demonstrate the Provincial Court's commitment to the Plan's strategic goals and objectives. A Report Card of annual progress regarding each specific goal statement will hold the Court accountable for meeting its commitments to the public, partners in justice and those who avail of Court services. The Report Card will be included as an appendix to the Provincial Court's Annual Report, presented to the Minister of Justice and made available to the public through the Court's webpage.



The Provincial Court of Newfoundland and Labrador Governing Values, Mission and Vision Statements

Our Governing Values

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

We are committed to:

- Integrity, ethical conduct and timely performance of duties;
- Providing all litigants with reasoned judicial decisions.
- The provision of quality service through the effective management of available resources and the continuous professional development of the judiciary and Court staff;

Our Mission

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

Our Vision

To provide access to justice to everyone and be sensitive to social and cultural diversity.

To operate the Court with highly qualified judiciary and personnel.

To emphasize the effective use of emerging technology and decentralized administrative decision-making.

To recognize the value of our judiciary and staff in achieving our mission.

To encourage the use of dispute resolution alternatives that respond to the changing needs of society

Introduction



As the third in a series of strategic plans, this latest effort builds upon the improvements made during the previous planning cycles. The Governing Values, Mission and Vision statements, adopted by the Provincial Court in 1997, continue to serve as the foundation for the Court's strategic planning efforts. Under the leadership of the Chief Judge and Director of Court Services, the SMPC has conducted consultations and provided considerable input and direction throughout the development of this plan. To gain a more informed view of the challenges and emerging trends that will affect the Court system over the next three years, the Committee conducted an environmental scan. The scan focused on not just national and provincial justice trends, but also included the emerging demographic and socio-economic trends that impact the Court.

The strategic directions mapped out in the Plan are intended to continue to build public confidence in, and foster a better understanding of, the Provincial Court's role in society. The strategic goals and objectives to which the Provincial Court has committed itself are relevant and practical. On a quarterly basis, the SMPC will objectively monitor and measure the Court's efforts and results with respect to the Plan's specific goals and objectives. Recognizing that we do not operate in a static environment, this is a living plan and on an annual basis the Committee will review and update it as necessary.

To better understand the context in which the Provincial Court operates, the Plan provides a brief review of the Court's mandate, history, organization, and caseload statistics. The results of the environmental scan are also discussed. This will provide the backdrop for understanding the plan's strategic directions, goals, and objectives.

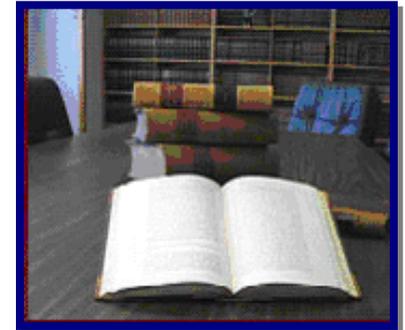
The Provincial Court

The Provincial Court of Newfoundland and Labrador is the legal and constitutional institution responsible for delivering "front line" judicial services throughout the Province. Its existence is authorized by section 92 of the Canadian Constitution Act, 1867, but its inception predates that time by about 140 years.

The Provincial Court is just one constituent part of a broad legal and judicial system in Canada. It is, however, a very important component in that it is the only Court with which a majority of persons in the province are likely to come into direct contact.

Historical Overview

From the time of discovery in 1497, until 1729, the now infamous "Fishing Admirals" administered the only public form of justice in the colony. But in 1729, responding to demands from the colony, Captain Henry Osbourne was dispatched to Newfoundland as the first Governor of the territory. One of Governor Osbourne's first acts was to divide the territory into six districts and appoint twenty justices from the local civilian population to act as magistrates, without remuneration. Twenty such magistrates were appointed and they covered an area roughly from Bonavista Bay to Cape Race. Settlement had by this time become de facto permanent and it was intended that these magistrates should act as resident, year-round justices. They exercised the same basic jurisdiction as their counterparts in England. Magistrates represented the only permanently organized local system of justice in the colony prior to the establishment of the Supreme Court in 1791.

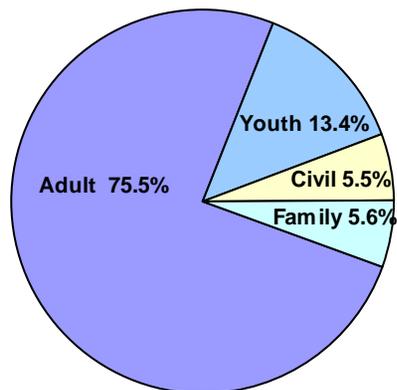


Salaried magistrates were first appointed in the 19th century. They eventually extended throughout the colony taking over from the voluntary, part-time justices. Confederation with Canada in 1949 was a milestone event in the development of the Provincial Court of today.

From those humble beginnings, a professional magistracy evolved. The court system over which the stipendiary magistrates presided became known as the "Magistrates' Court". That nomenclature prevailed until 1974 when the Legislature of what had now become the "Province of Newfoundland" enacted the first ever Provincial Court Act thereby replacing parts of the old Summary Jurisdiction Act and officially changing the name of the court to the Provincial Court of Newfoundland and later the Provincial Court of Newfoundland and Labrador. In 1979, by amendment of the Provincial Court Act, magistrates became known officially as Provincial Court judges.

Business Lines of the Court

Figure 1: Caseload Breakdown 2005/06



The Provincial Court is the Court of first instance for all criminal matters involving both adults and youths. While some matters may ultimately be tried in the Supreme Court, the vast majority of offences are tried and concluded in the Provincial Court. Even those accused of a criminal offence who are eventually tried in Supreme Court, must first appear before the Provincial Court.

The Court serves as the Adult Criminal Court, Youth Court, Traffic Court and Small Claims Court (Figure 1) for most civil claims up to \$5,000.00. With the exception of St. John's, the Provincial Court also deals with most family law matters (excluding divorce or the division of property). In St. John's the Unified Family Court Division of the Supreme Court is responsible for family law matters.

Criminal: all summary convictions offences under federal and provincial statutes; indictable offences, except those where excluded under the Criminal Code of Canada, e.g. treason.

Youth: all criminal matters involving persons 18 years of age or younger

Civil: all civil actions where amounts do not exceed \$5,000. The Provincial Court has no jurisdiction over cases in which title to land is brought into question, malicious prosecution, false imprisonment, and defamation, or complaint against a justice or other public official for anything done while executing the duties of office.

Traffic: all highway traffic matters.

Family: the Provincial Court , exclusive of St. John's, has jurisdiction over custody, support, maintenance, adoption, and child protection.

In addition, the Court also exercises special jurisdiction to issue emergency protection orders and conduct inquiries into accidental deaths and fires occurring within the Province. Within the St. John's area the Court also has jurisdiction to issue warrants of apprehension of a child in need of protection. On a routine basis the Court also provides, upon request, criminal history checks, certificates of conduct, and justice of the peace services. The Criminal History Division is responsible for maintaining and updating a province-wide electronic criminal history database, which is available to all criminal justice stakeholders.

Responsibility for the collection of fines and fees related to Court matters is handled by the Fines and Administration Division of the Department of Justice and does not fall within the purview of the Provincial Court.

The delivery of justice services is complex. The Provincial Court operates within the justice network and must engage with its many and varied partners on a daily basis. In addition to the Court's partners in justice, the court counts among its stakeholders: society in general, accused persons, offenders, litigants, victims of crime and witnesses. Building relationships and effectively communicating with partners in justice and stakeholders is essential to maintaining an effective court that instills public confidence.

Organizational Structure and Staffing Levels

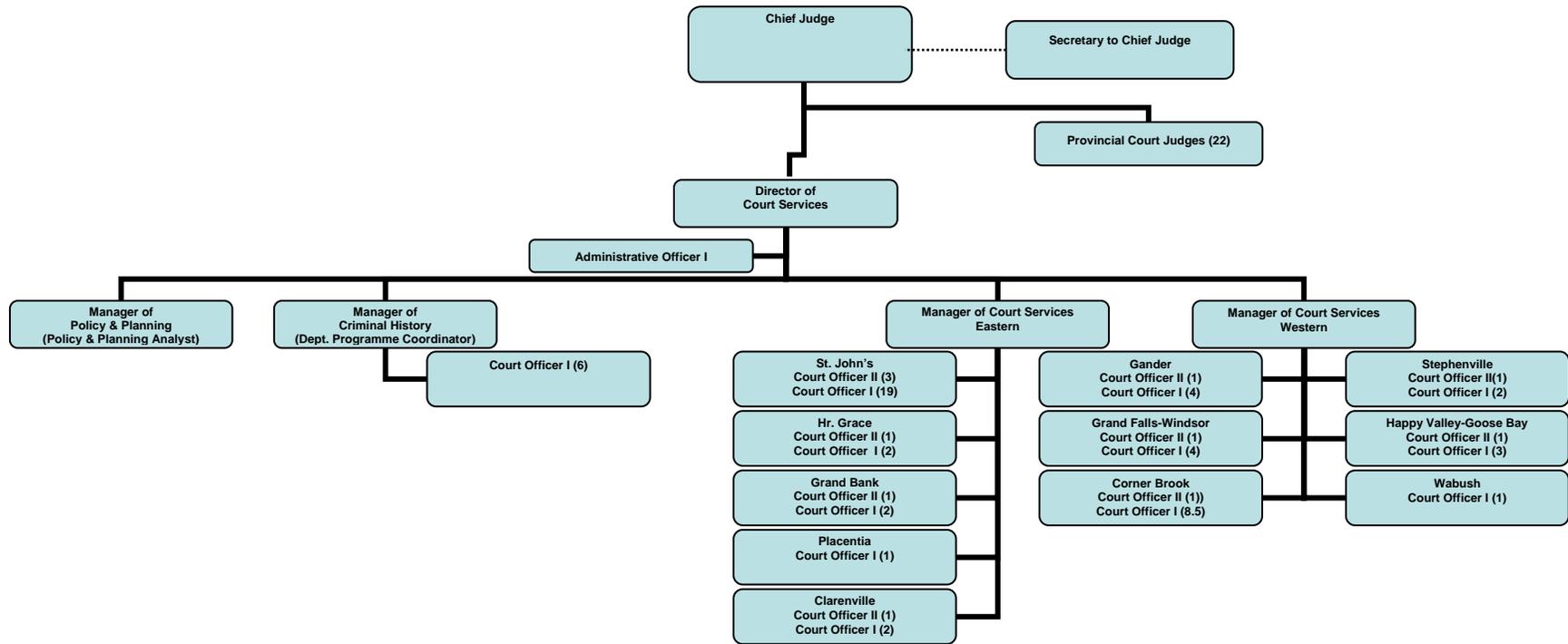
The Provincial Court is organized into eleven court centres. St. John's is the largest court and serves as the headquarters location (Figure 2). Judge and staff positions are assigned to the Court based on caseload statistics, size and geographic distribution of the population served.

Currently the Provincial Court has a complement of twenty-three judges directed by the Chief Judge, who also serves as an active judge on the bench. In addition, the Court has a staff complement of sixty-eight employees (61 permanent and 7 temporary). This includes four management positions: Director of Court Services, two Regional Court Managers and the Secretary to the Chief Judge. In judicial matters, Court staff are under the direction of the judges. But in all non-judicial matters they are directed by the Director of Court Services through the Regional Managers. The Court Services Office also includes an Administrative Officer, Departmental Program Coordinator and Program and Policy Analyst.

The Western Regional Manager is responsible for the operation of six court centres: Happy Valley-Goose Bay, Wabush, Stephenville, Corner Brook, Grand Falls-Windsor and Gander. The Eastern Regional Manager is responsible for overseeing the operation of five court centres: Clarenville, Grand Bank, Harbour Grace, Placentia and St John's. In St. John's the Regional Manager also serves as the Head Administrator and directs three Court Administrators¹ with responsibility for Criminal Division, Small Claims/Traffic Division, and Courtroom Services. All other court centres are assigned a Court Administrator who acts as the Centre's administrative head.

¹The Court Administrator position is a non-management position and does not have budgetary or human resource responsibilities.

Figure: 2.0: Provincial Court of Newfoundland and Labrador Organizational Chart



February 2007

Planning Environment

While the Provincial Court may be viewed as a long-standing institution, its planning environment is far from static. Changes in national and provincial justice trends impact the Provincial Court. Incidents of crime, particularly violent crime, and the consequent media's coverage of these events can significantly influence the Court's planning environment. Newfoundland and Labrador's socio-economic climate and demographic profile shape the Court's operating environment. The following sections highlight a number of these factors and their influence upon Court's caseload, budget, staffing and services, along with the public's expectations and perception of the Court.

National Justice Trends

At a national level, a number of trends continue to impact the courts. These national macro justice trends filter down to a provincial level impacting the Provincial Court in a very direct way. Therapeutic courts have been emerging across the country. Aboriginal justice has gained greater attention. Self-represented litigants, particularly in civil cases, are becoming more common. Increased cultural diversity and changing family composition requires the Court to respond to the changing needs of society. Science and technology are providing new tools but also raising expectations with respect to access to justice and service delivery.

Crime and Punishment: A wide range of measures are being contemplated by the Federal Government and these measures include the introduction of bills that may impact the Provincial Court's workload. For example:



- introduce mandatory minimum sentences for serious crimes such as drug-trafficking and gun related offences;
- eliminate house arrest (known as conditional sentencing), for serious violent and sex-related crimes punishable by a maximum sentence of ten years or more;
- require five-year minimum sentence for first-time weapons offences, seven years for second time and ten years for third time offenders;
- offer escalating minimum sentences of three to five years for firearm related offences, such as: trafficking, smuggling and robbery involving a stolen weapon ;
- require all sexual offenders be registered in a National DNA Bank;
- reverse the onus on violent and sexual offenders convicted of a third offence, to prove that they are not a risk to re-offend. These offenders would be subject to an indefinite sentence with a minimum of seven years before they would be eligible for parole.
- provide an improved system for tracking offenders upon release;
- provide funding to increase policing levels across the country by as much as 2500 positions.

Youth Justice: The federal government has indicated its intent to pursue legislation that would call for offenders 14 years of age, or older, charged with a serious violent offence or repeat offences, to be automatically subject to adult sentencing provisions. This includes an amendment to include deterrence and denunciation as mandatory sentencing principles. Further, children under 12 years of age who engage in criminal acts would no longer be exempt from the Youth Criminal Justice Act and the legal system. Currently, these children are referred to child welfare agencies. There are also plans for raising the age of sexual consent from 14 to 16 years, and toughening youth laws.



Specialty Courts: Problem-solving courts have emerged as the court attempts to meet the needs of a diverse clientele. As Canada's population continues to grow (32.6 million currently) and immigration continues to contribute to the country's ethnic diversity, courts will need to be more adaptable. Aboriginal justice continues to be the focus of research for Justice Canada, in particular to gain a greater understanding of the profile of aboriginal people as victims and offenders, and the underlying causes. There is a greater emphasis on providing improved services both in terms of courtroom building design, standards for interpretive services offered and respect for traditional aboriginal justice. Currently, therapeutic courts are established in a number of jurisdictions across the country. In particular, mental health, domestic violence, and drug treatment courts have been established. It is expected that these types of courts will continue to expand where demands exist. As baby boomers age, there may be a need to provide greater justice services tailored to seniors' needs. Self-represented litigants, especially in civil cases, are becoming more the norm. The court is being placed in the position of ensuring that these litigants are better informed of court processes and understand the role they are taking on. There is now a greater focus on giving victims a more effective voice in the justice system, as well as greater access to justice services.



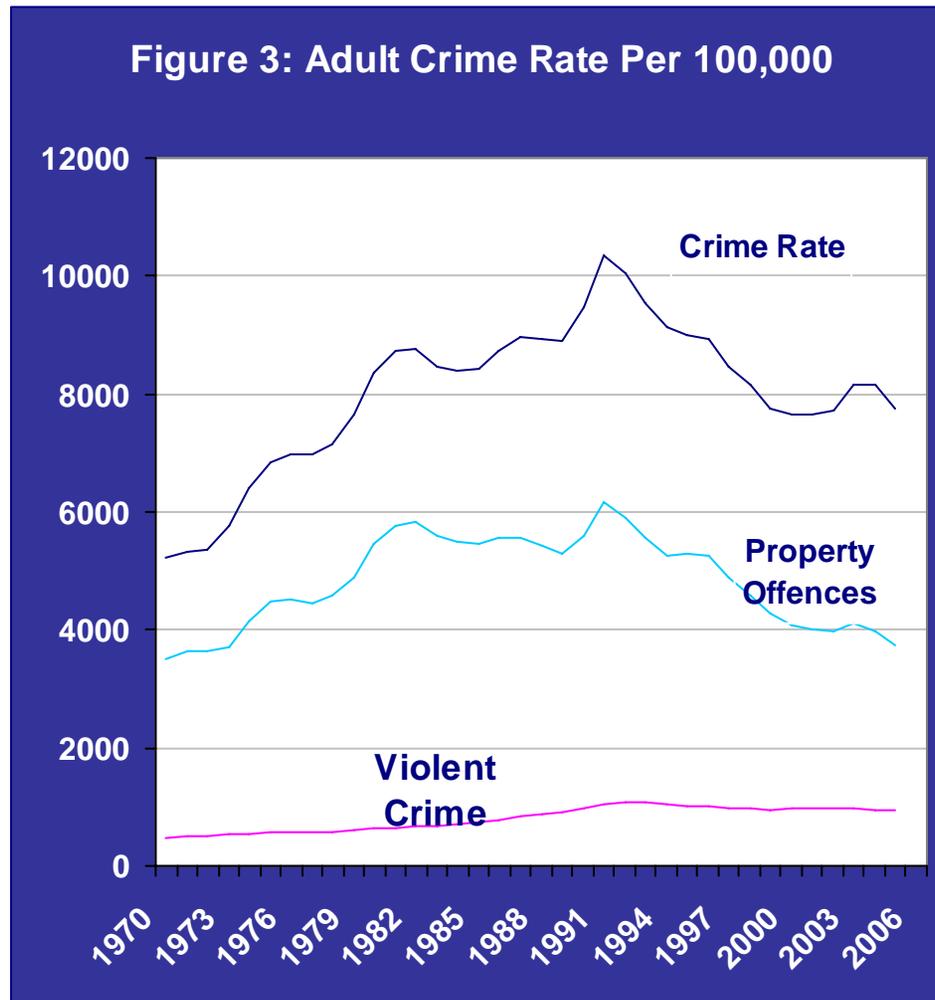
Technology and Science: The technological and information revolutions have become thoroughly integrated into popular culture. The courts will have to keep pace. Like most public and private business services the court is receiving increased demand for web-based services. E-courts are being developed by a number of jurisdictions across the country. Videoconferencing, digital recording equipment, and even the T.V. camera is becoming more mainstream for courts. DNA evidence and other science-based evidence is increasing the need for science and technology literacy for both judges and courtroom staff.

Aging of the Baby Boomers: As baby boomers near retirement, there will be impacts on staffing for the courts. Strategists and economists are predicting that the nature of the job offered will have to become more flexible and attractive if the courts, public service, and private business want to attract and retain skilled workers. Currently, there are ongoing changes across the country either, increasing or eliminating the mandatory retirement age. This may help to counter the exit of experienced workers. But it will also mean an aging workforce who will have increasing health issues. As well, these older workers will have to deal with caring for aging family members.

The aging of the Baby Boomer will also have an impact upon the incident and type of crime occurring across the country. The male age cohort of 15-24 year olds will represent a smaller percentage of the Canadian population. There will also be, to some degree, changes in the profile of victims before the court. Crimes that target seniors can be expected to increase.

National Crime Data

Adult Crime Statistics



In 2005, the latest available figures from Statistics Canada indicate about 2.5 million Criminal Code offences were reported by police (this excludes traffic incidents and other federal statutes such as drug offences). Of these incidents, 12% were violent crimes, 48% were property crimes and the remaining 40% were other Criminal Code offences, such as mischief, counterfeiting, disturbing the peace, and bail violations. Nationally the crime rate decreased 5% in 2005, primarily due to a reduction in non-violent crimes. Property crime decreased by 6%, while other Criminal Code offences dropped by 5%. The rate of violent crime remained stable, despite higher counts of homicides and attempted murders. The national crime rate (Figure 3) increased during the 1960's, 70s and 80s, peaking in 1991. Crime rates then fell throughout the rest of the 1990s, stabilizing in the early 2000s. In 2005, the overall crime rate was similar to that of 2002.

The nine largest census metropolitan areas² (CMA's) represent nearly half (47%) of all offences reported and represent 50% of Canada's population. These nine CMA's recorded a declining crime rate in 2005, with the exception of Ottawa which reported a small increase (1%). Among the Atlantic Provinces, Newfoundland and Labrador had the lowest recorded crime rate for the 22nd consecutive year. Whereas in the Western Provinces, Alberta had the lowest rate for the 13th straight year.³

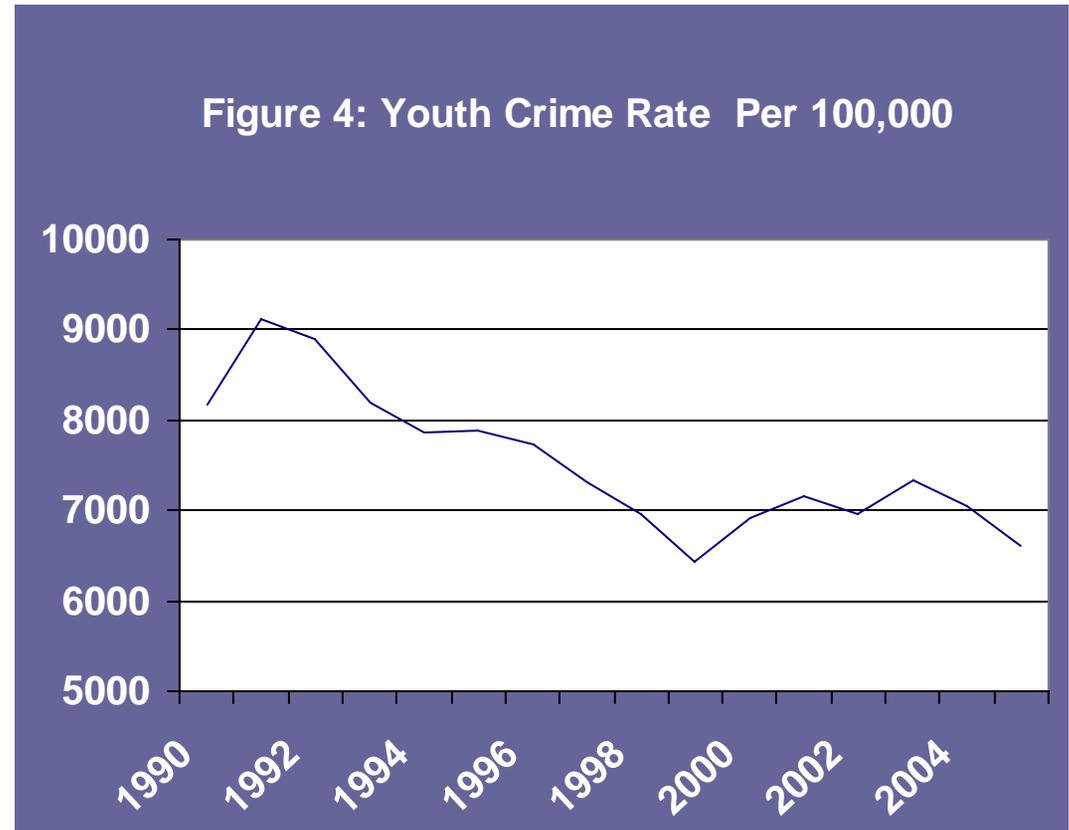
² Vancouver, Edmonton, Calgary, Winnipeg, Toronto, Ottawa, Hamilton, Montreal and Quebec City.

³Gannon, Marie. *Crime Statistics in Canada, 2005*. CCJS. Juristat Vol.26, No.4 23 pp

Youth Crime Statistics

In terms of youth crime (Figure 4) the statistics show a decrease of 6% in 2005. This figure reflects a drop of 6% in youth who were charged and a drop of 7% for youth who were otherwise cleared. Since the introduction of the Youth Criminal Justice Act (YCJA) in 2003, the proportion of youth who are apprehended and formally charged by the police has dropped from 56% in 2002 (pre-YCJA) to 43% in 2005 (post-YCJA). Violent crimes represented 22% of all youth crime in 2005 representing a 2% drop over the previous year. While violent youth crime decreased overall, there were increases in the most serious violent offences: homicide (+47%), attempted murder (+11%) aggravated assault (+6%) and robbery (+9%). Decreases were recorded for common assault and sexual assaults. Youth property crime continued to fall in 2005, down 12%; both break-ins and auto theft rates dropped by approximately 20%.⁴

While the good news is that crime rates continue to drop, increases in the most serious violent offences continue to rise. These types of crimes result in significant media coverage and increased public concern.

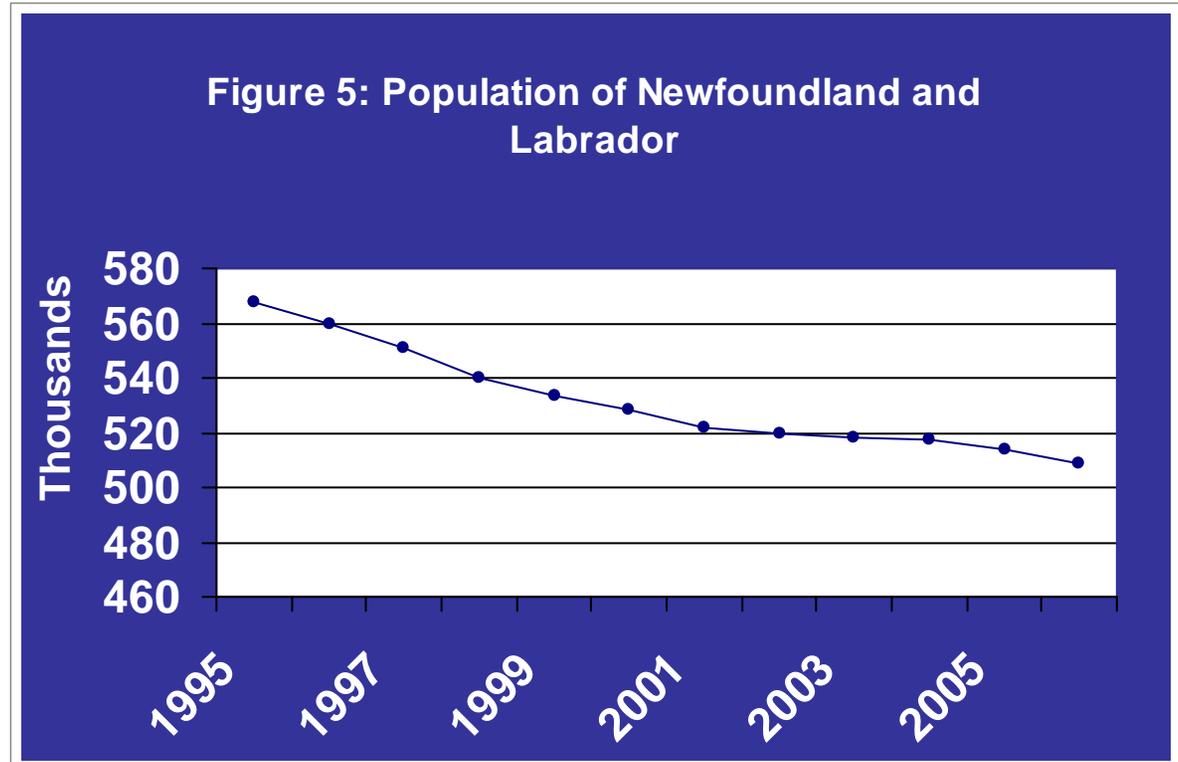


⁴ Gannon, Marie. *Crime Statistics in Canada, 2005*. CCJS. Juristat Vol.26, No.4 23 pp

Provincial Trends

Provincial Demographics:

At the time of writing the last strategic plan in 2002 the provincial population stood at 519,449. As of October 1, 2006 the Province's population is 508,955, a loss of approximately 2% (10,494) in just 4 years. In 2006, for the first time, the province's death rate exceeded its birth rate. The year 2006 is also the 14th consecutive year of population decline for Newfoundland and Labrador (Figure 5). The province is predicting that this downward trend will persist during the life of this plan and in the years beyond. Out-migration and the boom in Alberta's economy have and will continue to attract the more mobile segment of the province's workforce. These factors, combined with the aging of the baby boomer, are having a direct impact upon labor markets in this province. The shift from rural to more urban settings is also having a dramatic impact upon the province and will ultimately affect the location of the delivery of services.



While all Canadian provinces are facing the aging of the baby boomers, in the case of Newfoundland and Labrador the aging of our population is exacerbated by the lowest fertility rate in the country and out-migration among our young people. The average age for the province is 40 and it is expected to rise to 48 years by 2020. Currently in rural areas the average age is even higher at 44 and is expected to be in the high fifties by 2020. This could impact the nature and level of criminal activity that occurs in the future. In general one would anticipate a decrease in crime rates associated with the male in the 15 to 24 age cohort of the population. It will also impact the cost and location of Court services and ancillary justice services. The Court's ability to retain and attract skilled workers will become an issue over the next decade. The only exception to the aging and declining population trend in the province appears to be among aboriginal communities where there are much greater numbers of young people who tend to remain in their communities.

Public Demands and Perceptions

Two recent public inquiries have raised awareness and sensitivity with respect to decisions of the Courts and case processing times. The Lamer Inquiry examined what went wrong in the justice system in the case of three individuals who had murder convictions overturned. The Turner Report examined what went wrong in the case of the murder/suicide deaths of Shirley Turner and her 13-month old son, Zachary. Cases such as these foster public mistrust of the justice system and demand greater accountability .

As the public is becoming more informed of individual rights, cases are becoming more involved and lengthy requiring more and more resources from the court system. If public confidence is to be maintained in the court system, it will become incumbent upon the Court to demonstrate greater accountability with respect to case processing and the use of public resources in its service delivery.

Economic Trends:



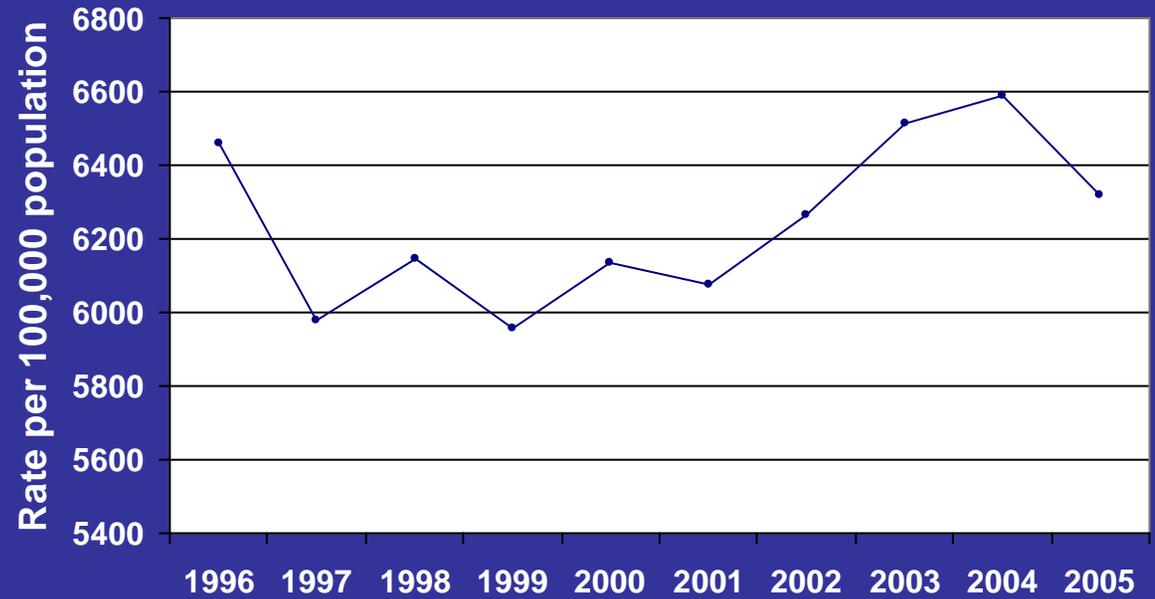
The Province's economy is based primarily on oil and mineral exploration/development, fishery, forestry, agriculture, manufacturing, construction and the service industry. The Gross Domestic Product is a leading economic indicator and as of November 2006, it was revised downward from 6% to 3% for 2006. This decline is related to the reduced production from Terra Nova and the two-month strike at Voisey's Bay. Other indicators, such as the number of housing starts, is also expected to be lower than forecast; however, the revised estimate of 2,179 new housing starts is still high compared to historical levels. In terms of the province's labour market, September, 2006 nearly matched the 18-year low for unemployment of 14% set last summer. This reduction is primarily the result of modest job gains and a shrinking labour force. While employment growth is expected to be lower than forecast, the number of persons employed is at an all-time high of 214,900 person years. Personal income is forecast to increase by 4% due to significant wage increases resulting in greater consumer spending. Retail sales are expected to increase by 2 % this year.⁵

⁵ Economic Research and Analysis Division, Department of Finance, *The Economic Review* 2006. November, 2006

Provincial Crime Rate

Based on the latest figures available from the Canadian Centre for Justice Statistics (CCJS), Newfoundland and Labrador's crime rate sits at 6320 incidents per 100,000 population (2005). This represents a 4.1% drop over the previous year. Looking back over a ten-year period (Figure 6) from 1996 to 2005, the crime rate dropped steeply from 1996 to 1997 and then fluctuated from 5900 to 6100 for the next four years. By 2002, the rate began to increase and continued to rise until 2004 when it reached 6600. It is noteworthy that although the number of males in the 15 to 24 age category has decreased over the ten years presented, crime rates have not followed this predicted pattern.

Figure 6: Crime Rate Newfoundland and Labrador



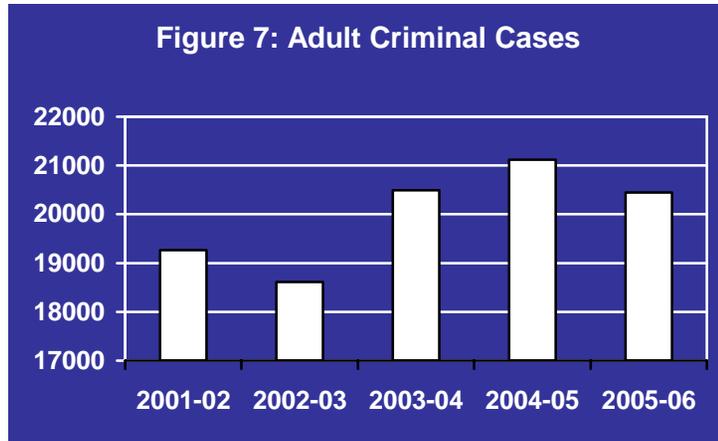
Provincial Caseload 2005/2006

The most recent statistics available indicate that there were 27,076 new cases initiated in the Provincial Court in 2005/2006. The breakdown by case type and court centre is provided in Table 1. When compared to the previous year, these statistics reveal a decline in adult, youth, and civil cases: -3.2%, -8.9% and -21.0%, respectively. Conversely, family caseload has increased by 7.8%. While the general trend was decreased caseload, a number of court centres experienced increases over the past year: in particular, Stephenville +25.7%, Corner Brook+14.4%, Gander +6.6% and Harbour Grace +0.7%. The remaining court centres experienced declines that ranged from -41% in Placentia to -5.8% in St. John's.⁶

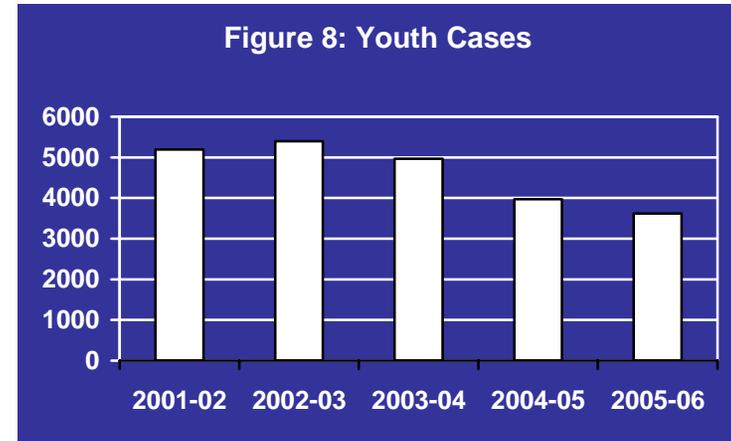
Table 1: Provincial Caseload 2005/2006					
Court Centre	Adult	Youth	Civil	Family	Total Cases
Clarenville	935	73	67	62	1137
Corner Brook	2,533	505	150	539	3727
Gander	1,172	218	81	138	1609
Grand Bank	839	204	52	82	1177
Grand Falls-Windsor	955	247	218	230	1650
H.V. Goose Bay	1,863	352	49	206	2470
Harbour Grace	766	162	72	83	1083
Placentia	275	82	6	13	376
Stepheville	1,643	244	43	88	2018
St. John's	9,239	1487	728	0	11,454
Wabush	224	43	23	85	375
TOTALS:	20,444	3,617	1,489	1,526	27,076

⁶ Provincial Court of Newfoundland and Labrador Annual Report 2005/2006.

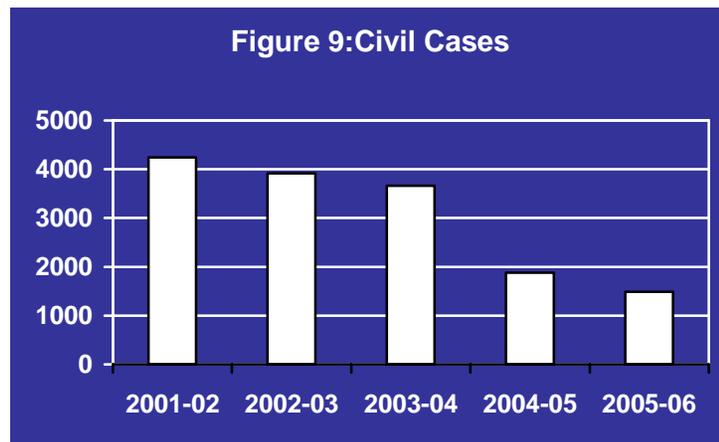
Five Year Trend in Provincial Court Caseload by Case Type



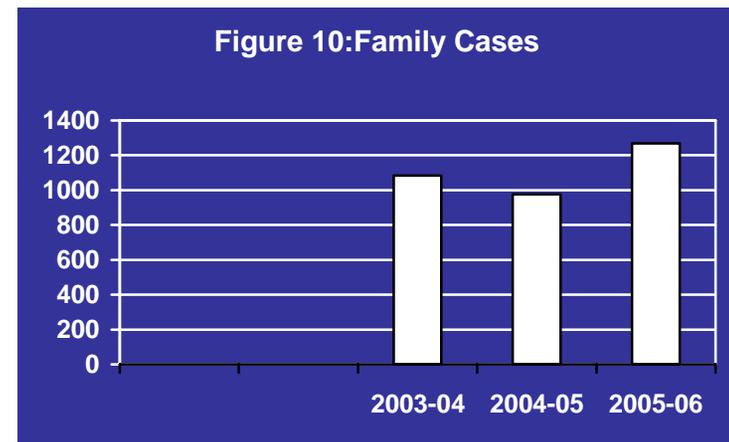
- Adult criminal cases have increased since 2001 by 6%, with the exception of a decline in 2002-03 and a small decline in 2005-06.



- Youth cases have declined steadily since 2002-03 (coincides with the introduction of YCJA)

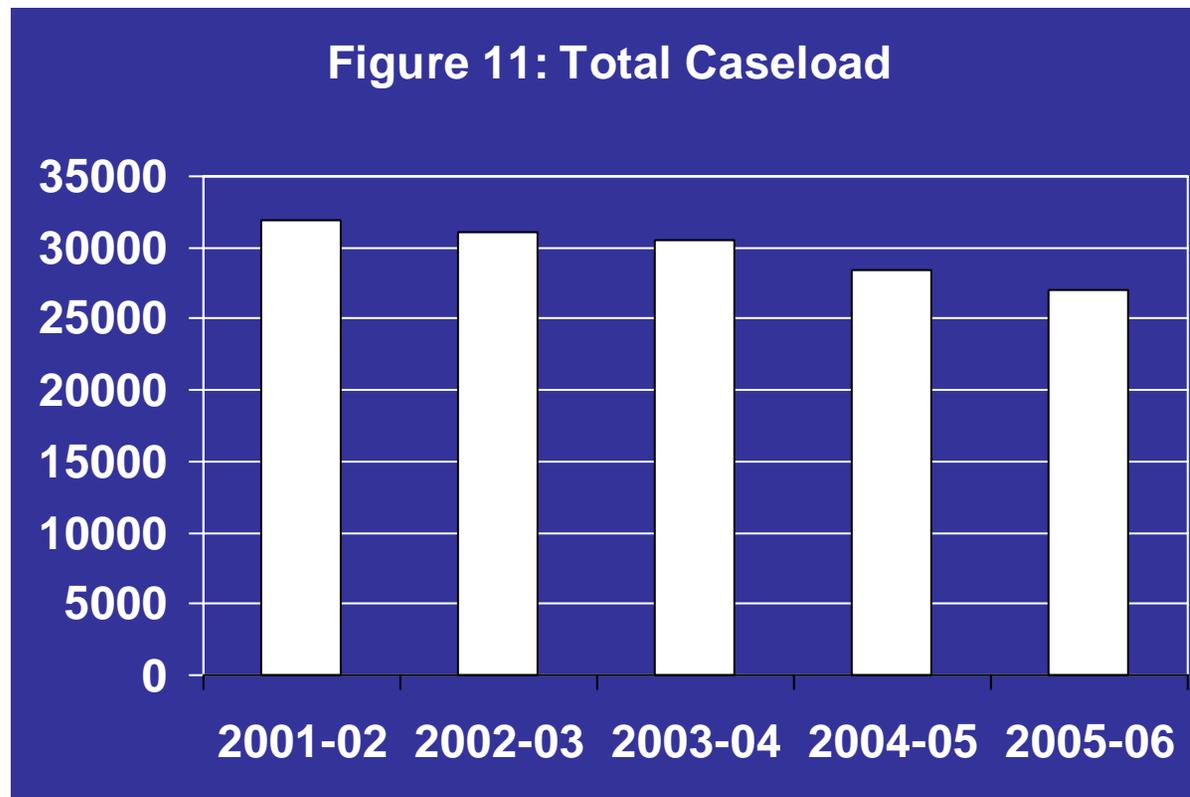


- Civil cases have declined by 65% since 2001-02, despite the increase in the small claim limit from \$2,500 to \$5,000



- Family case statistics are only available since 2003-04 and reveal an increase of 30% for 2005-06.

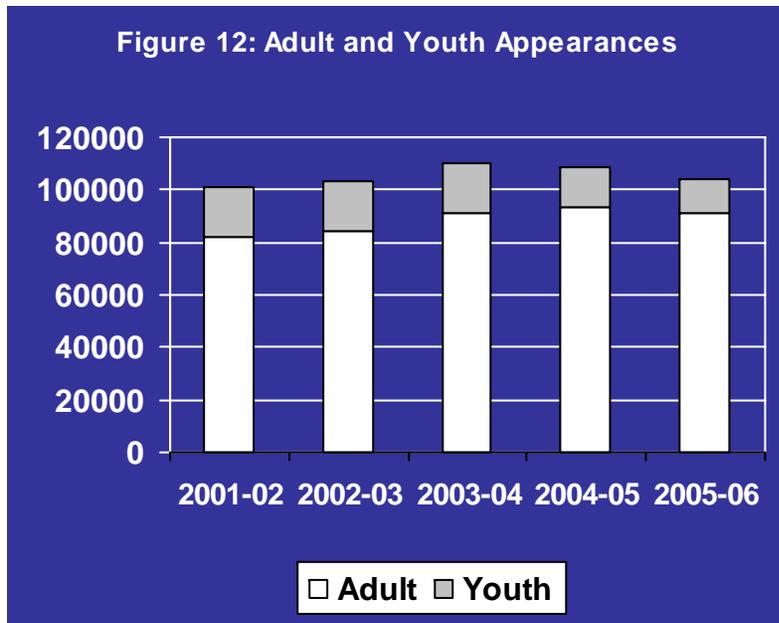
Five Year Trend for Total Caseload for the Provincial Court



Total caseload has been steadily decreasing since 2001/02 from 31,910 cases to 27,076 cases in 2005-06. This decline is largely due to a decrease in youth cases and civil cases. The decline in youth cases is likely the result of two trends: alternative measures to the court process offered through CYJA, and a decreasing youth population. The decline in civil cases appears to be related to the court no longer having jurisdiction over the collection of settlements ordered by the Court and the fact that inflationary factors have result in many civil claims that were once below \$5,000 now exceed that amount. Conversely, Adult Criminal cases have increased significantly over the five year period as presented in Figure 7. While total caseload has decreased appearances have been increasing.

Time to Disposition and Court Appearances

Figure 12: Adult and Youth Appearances



Five Year Trend Adult and Youth Appearances

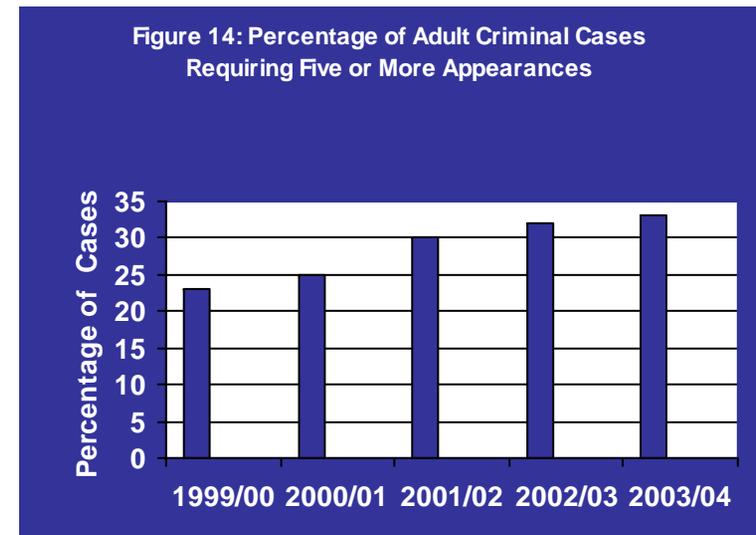
While the preceding discussion provides an indication of changes to case statistics, it does not give a complete picture of workloads trends at the Court. One of the primary indicators of workload for the Court is number of appearances.

Appearance data reveals that there has been an increase in the number of appearances for youth and adult combined. In 2001/02 appearances totaled 100,940 and the numbers continued to increase until 2003/04 when it reached a peak of 109,856. Since that time it has declined slightly to 104,243. For 2005/2006 there were a total of 104,243 appearances before the Court associated with criminal matters. In addition there were 1,615 civil and 3,497 family case appearances. This adds to a total of 109,355 appearances before the Court in 2005/06. Each appearance places demands on the court system: judge time, staff time, courtroom time and records processing.

Cases Requiring Five or More Appearances are Increasing

Within just five years, from 1999/00 to 2003/04, the number of Canadian Criminal Code (excluding traffic) cases before the Provincial Court requiring five or more appearances increased, from 23% to 33%. A ten percent increase is fairly significant for a five year period. The national statistics also reveal a similar pattern of a greater number of appearances for individual criminal cases. The 2003/2004 statistics are the latest figures available from CCJS.

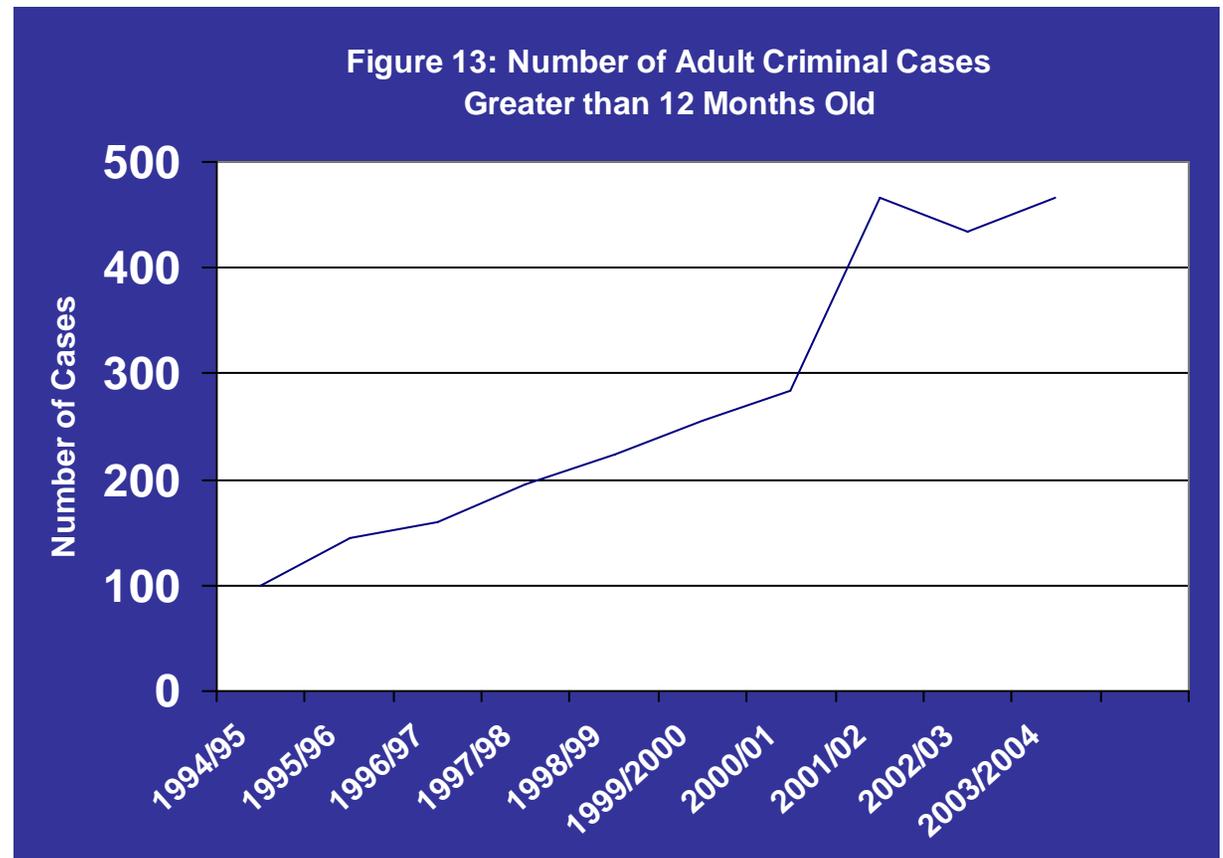
Figure 14: Percentage of Adult Criminal Cases Requiring Five or More Appearances



Case Processing Time is Increasing

As the number of appearances per case has increases so has case processing time. The processing time as measured by the mean number of days between the first and last appearance has steadily increased since 1994/95. Nationally the mean elapsed time between first and last appearance was 156 days in 1999/00 and by 2003/2004 it was 210 days, an increase of 35% (the latest figures available from CCJS). Likewise, for the Provincial Court of Newfoundland and Labrador the median elapsed time between first and last appearance was 117 days 1999/00 versus 164 days in 2003/04, an increase of 40 % in just five years.

If one examines the number of cases that are greater than 12 months old for all Criminal Code matters (excluding traffic) we see a dramatic increase in aging cases at both the national and provincial level. For instance, nationally in 1999/2000 there were 25,488 cases greater than 12 months old and by 2003/04 the number of cases had rose to 49,017, an increase of 92% in just a five year span. Meanwhile, at a provincial level there has been an increase in cases before the Court that are greater than 12 months old, from 256 cases in 1999/00 to 466 cases in 2003/04, an increase of 82% in just five years. So while caseload numbers are declining, the demands on the Court's resources continue to increase as evidence by the increased case processing time and an aging caseload.



Strategic Directions

The Court intends to focus available resources over the next three years on seven key strategic directions: case flow management, improved public access to court services, improving public awareness of the Court's role in the justice system, development of an information management strategy, human resource development, facility improvements, and improved court security.

Strategic Direction 1: Implement an enhanced Case Flow Management (CFM) Model by 2008 as a Primary Management Tool

The Court's environment is demanding in terms of the volume of cases heard, the variety of case types and the complexity of case law. Added to this, is the increased demands and expectations of both the public and those who appear before the Court (accused, witnesses, litigants, crown, private bar and legal aid) that their case will be dealt with in a timely and effective manner. In this environment it is important to take the time required to objectively assess how well the Court is performing in providing timely justice. A Case Flow Management System is an essential hands-on management tool that will allow the Court to track case processing indicators to ensure that the Court is meeting its commitment to timeliness from first appearance to disposition. Those cases that are approaching or exceeding the agreed upon timeframes for processing will be red-flagged by the system. This information will help to identify areas that may require further analysis and additional court resources. This will allow the Court to maximize the use of courtroom time and court resources, thereby, bringing the greatest overall benefit to the citizens we serve.

The implementation of a Case Flow Management System demonstrates that the Provincial Court is proactively assessing its effectiveness and remains accountable to the public for its delivery of justice services. It will enable the Chief Judge, Judges and Senior Managers to quickly assess how the Court is operating on a monthly, quarterly, and annual basis. The system will be able to produce information on a case-by-case basis and is intended to encourage self-assessment and foster improvement where necessary. It can also be used to demonstrate that the Court is meeting its commitment to timeliness. Formal self-assessment indicates the Court's recognition, willingness, and ability to respond to its critical responsibilities to the public. This type of self-assessment is essential and is being used as a standard management practice by courts throughout North America. This system will enable the Court to objectively assess the Court's case processing against a set of standardized benchmark indicators. The Provincial Court's existing automated case system can provide the required case processing information needed to implement a Case Flow Management System.

Goals

The Provincial Court recognizes that ideally all adult criminal cases should be disposed of within 240 days or less and that all youth cases should be disposed of within 120 days or less. With this in mind and the Court's commitment to continuous improvement targets have been set for this three-year planning cycle.

1. Increase the percentage of Adult Criminal Cases that the Provincial Court's disposes of in 240 days or less, as measured from First Appearance to Disposition, from the current average of 75% to:

- 79% by March 31, 2008;
- 83% by March 31, 2009
- 87% by March 31, 2010;

2. Increase the percentage of Youth Cases that the Provincial Court disposes of in 120 days or less, as measured from First Appearance to Disposition, from the current average of 66 % to:

- 70% by March 31, 2008;
- 74% by March 31, 2009;
- 78% by March 31, 2010;

3. Establish the format of the Monthly Case Flow Management Report to include the following set of definitive Court Indicators based on the Need for Assessing Case Processing.

Fortunately there is abundant available research on Case Flow Management and it is widely accepted that the following objective quantitative indicators are the gold standard in terms of measuring timeliness, workflow volume, and overall Court's effectiveness in terms of case processing:

- i. Clearance Rates:** examines court productivity in keeping current with the incoming flow of cases. If clearance rates consistently drop below 100% year after year, then a backlog of cases will build up in the system.
- ii. Age of Active Pending Cases:** is the amount of time cases have been pending or awaiting resolution. A court can show expediency processing disposed cases yet have an aged pending caseload. This happens when routine cases move through the system smoothly while problematic cases continue to age.
- iii. Time to Disposition:** calculates the length of elapsed time from first appearance to disposition with a comparison to an agreed upon case processing time standard.

iv. Trial Date Certainty: provides a tool to evaluate the effectiveness of calendaring and the impact of postponements. Postponements delay case resolution and may result in a failure to provide a trial date within an accepted standard.

- Ensure Integrated Provincial Court Information System (IPCIS) can accurately track these indicators on a Monthly and Annual Basis
- Automate the process of monthly reporting where practical

3. Publish Internally, on a Monthly basis, the Court Case Flow Indicators Including: Objectives, Actual Results and Exceptional Reporting

In order to bring about continuous improvement it is essential that the results of case flow management be shared on a timely basis with all staff and judges as is relevant to their job function. With this information staff and judges will be able to make individual adjustments to the specific areas of the court's operation that require attention. The format of the monthly report will highlight areas that require further work, as well as those areas where the court is performing at a desired level. This will allow the Court to quickly focus their efforts on the specific areas that require attention. A section will be included in the report titled, *Exceptions to the Report*, which will provide an explanation of special circumstances that may have created an anomaly in the report that is not linked directly to the Court's efforts to process a specific set of cases.

- Share a synopsis of the monthly report results with Staff and Judges by the 15th of the following month
- Ensure sufficient analysis is provided in the case of exceptions to the norm
- Task Court Administrators with follow-up work on gathering case information for those cases that fall beyond the benchmark

4. Train Management and Staff to Understand and Respond to the System as a Primary Management Tool.

In order for Case Flow Management to be effective all staff and judiciary must understand how the system evaluates the case processing and how the results of that review can be used to facilitate continuous improvement. The intended goals

must be clearly communicated to staff and judiciary. The goals will become part of the Court's organizational culture, as staff and judiciary carry out their daily activities.

- Develop a formal day long Case Flow Management Seminar specifically tailored to the needs of the Provincial Court
- Deliver Training to all Court Staff and Judges by March 31, 2008
- Court Leadership will play an active role in the delivery of the training seminar.

Strategic Direction 2: Improve Public Access to Court Services through Expanded Service Delivery

The Court will embrace emerging technology to deliver its service to the public and court users. The Court will seek to broaden its service delivery through: E filing, expansion of videoconferencing, improved digital recording and expansion of the Provincial Court webpage. It will also increase its efforts to make the Court more accessible to vulnerable witnesses through close circuit television and witness screens.

Goals

1. Provide all court centres with videoconferencing capability
2. Replace the current digital recording system
3. Increase transcript turnaround time
4. Maintain the Mental Health Court half-day session on a bi-weekly basis
5. Enhance the webpage to encourage a better understanding of the court process for potential self-represented litigants
6. Seek to hire some court staff persons in Labrador with some aboriginal language skills.
7. Provide E-filing for small claims court
8. Provide for non-adversarial alternative dispute resolution through the Family Justice Services Division.

Strategic Direction 3: Develop an Information Management (IM) Strategy that Reflects Best Practices for Paper and Electronic Records Management

Case file integrity is an essential component of the Court process. Access to accurate and complete court records is vital to the proper functioning of the court and ensures an individual's right to an accurate and complete record of his/her history in terms of the justice system. In addition, the confidential nature of some court records dictate that their security and preservation is a very high priority for the Court. The strategy will address the best practices for creating, filing, distributing, retrieving, storing, and disposing of both paper and electronic records. Standardized province-wide retention schedules for all criminal, youth, small claim and family records will be developed. Through its IM Strategy the Court will address improved access to court services through its webpage and other emerging technological solutions.

Goals

1. Commit the resources to develop an Information Management Strategy for the Provincial Court which addresses:
 - Formal paper and electronic retention schedules for Criminal, Youth, Civil and Family files
 - Webpage policy outlining specifically how the Provincial Court will use the webpage to maximize the dissemination of relevant information to the public and court users , especially self-represented litigants.
 - The current policy position of the court's with respect to developing Ecourts
 - Best Practices and policies for central file registries for Adult, Youth, Civil and Family Files
 - Training needs with respect to both paper and electronic filing practices

Strategic Direction 4: Carry out a Formal Review of the Provincial Court's Public Image, Mandate and Name to assess its Future Role in a Changing Court Environment.

Justice requires that the Court remain independent from the administrative branches of government. The public must clearly recognize this division, in order for justice to be seen as impartial and independent. The Provincial Court acknowledges that fostering a better public understanding of the court system and how it works is essential to preserving the Court's independence. Providing opportunities for the Chief Judge and his designate to go before various community groups and the media to discuss the Court's role and mandate can help to accomplish this goal. It will be essential that the message is consistent and clear. The Court has made great strides with respect to its ongoing educational efforts. The Court's Lunch with a

Judge Program is aimed specifically at children between the ages of 11-15, some of whom may be at risk of engaging in criminal activity and others who lack an understanding of the Court's role in the life of the citizens of the province. This plan supports the continuation and enhancement of this program. For some time the Provincial Court has contemplated the need to change its name to more accurately reflect its role in the justice system. .

Goals

1. Undertake a review of the Court's current name, mandate, and public image with the goal of developing a name better suited to the importance of the Court .
2. Task a Committee to develop a terms of reference to undertake the review under Goal 1.
3. Finalize the formal signing of the MOU with the Minister of Justice on a priority basis.
4. Continue with the Lunch with a Judge Program
5. Develop a communications package that is suitable for the Chief Judge or his designate to deliver to community groups
6. Strengthen the court's profile through regular press releases regarding positive developments in the Courts
7. Expand the webpage to help communicate a clearer image of the Court and its mandate

Strategic Direction 5: Develop a Three Year Human Resource Development Plan that meets the Demands of a Changing Court Environment

The Court, similar to all other employers in the Province, will face challenges associated with a changing labour market. The Court will need to ensure that it retains and recruits employees that have the required skills sets to keep up with the changing nature of the job. The human resource development plan will focus the Court 's recruitment efforts through raising awareness at the highschool and post-secondary level of the benefits available to Court employees and the nature of the job. With respect to retention, the Court will seek practical and innovative ways to encourage employees who choose to work for the Court, to remain with the Court.

Goals

1. Engage in workforce planning as a high priority
2. Continue annual performance reviews for all employees of the Court

3. Enhance the current Court Administration Certificate Program with a view to including further curriculum development around the Criminal and Youth Court Process, Concepts, and Terminology
4. Provide opportunities for staff to avail of specialized court training through webinar sessions
5. Increase recruitment efforts at both the high school and post-secondary level
6. Develop innovative strategies in concert with the Human Resources Division of the Department of Justice to foster retention of current employees
7. Designate 1 Regional Training Day a Year for all Staff by March 31, 2008.
8. Determine the core competencies and develop job prerequisites for Court Officer I and Court Officer II positions.
9. Provide for external professional development opportunities for the judiciary.

Strategic Direction 6: Prepare a Comprehensive Court Facilities Discussion Paper that specifically addresses each Court Location

The facility needs of the Provincial Court will be prioritized and the best practices for new courthouse development will be documented. Standards for circuit court facilities will also be addressed in the discussion paper. Plans are currently underway to design a stand-alone court facility in Corner Brook for both the Provincial and Supreme Courts. The Court acknowledges that Stephenville and Clarenville are its highest priority in terms of the need for improved facilities. In addition, the location of the St. John's Provincial Court Centre at Atlantic Place remains unacceptable for a number of reasons: security, access by the public, sharing of location with other private and public enterprises, and lack of adequate parking for employees and court users.

Goals

1. Prepare a comprehensive Court Facilities Discussion Paper that specifically addresses each court location, listing and prioritizing these facility requirements in a three-year plan.

2. Recognizing that the plan for Corner Brook court facility is now complete, the Stephenville and Clarenville court locations require immediate attention and will be given the highest priority for replacement
3. Prepare a position paper on the inadequacies of the current court facility in St. John's
4. In view of the fact that the lease for the St. John's Court at Atlantic Place expires in 2008, renew dialogue with both the Supreme Court and the Court of Appeal to advocate for an alternative stand-alone court facility for St. John's.
5. Develop standards for circuit court locations

Strategic Direction 7: Advocate for, on a Continuous Improvement Basis, a Court Security System that better meets the needs of the Court and the Public

The Court recognizes that the current level of court security is inadequate. The Sheriff's Office is onsite in only three (St. John's, Corner Brook and Stephenville) of the 11 court centres. There are no Sheriff's Officers specifically dedicated to circuit court. During the life of the plan the Court will seek to: support the expansion of the Sheriff's Office to all court centres, provide improved security services for circuit court, raise awareness for the need to acquire electronic screening capability at major entry points, establish better court security policies and provide court security training to the judiciary and staff.

Goals

1. Prepare a cost benefit analysis for replacement of punch key locks with proximity cards
2. Develop and deliver court security training for all staff and judges
3. Advocate for the expansion of the Sheriff's Office to all court centres
4. Identify means for improving security for circuit court
5. Require the Sheriff's Office to seek input from court administrators during the process of the biannual court security audits
6. Raise awareness of the need for electronic screening at major entry points