

**Report from the DCC Executive Board on  
the Final Evaluation of  
the Downtown Community Court**

**September 30, 2013**



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## Introduction

The Downtown Community Court (DCC) was implemented in September 2008 as a partnership of the Ministry of Justice, the Provincial Court of British Columbia and 14 other justice, health and social services agencies. The DCC has garnered significant interest, from around the province, across Canada and internationally. Many communities are looking at the model and its principles as a potential approach to address their crime problems. The DCC pilot project offered a unique opportunity for the ministry and its partners to test a new integrated service delivery model.

To provide leadership and direction in support of the DCC final evaluation, an executive board was established in 2011. The DCC Executive Board is chaired by the Assistant Deputy Minister of the Justice Services Branch, Ministry of Justice. Other members include an Associate Chief Judge for the Provincial Court, Assistant Deputy Ministers of the Court Services Branch and of the Corrections Branch, the Assistant Deputy Attorney General of the Criminal Justice Branch, and a Vice-President of Vancouver Coastal Health. In particular, the DCC Executive Board was responsible for making decisions on matters related to the evaluation, including evaluation scope, changes to the DCC model, budget, project schedule, procurement, and communications, and provided direction to the DCC Evaluation Working Group.

The final evaluation was completed in three research streams, corresponding to the DCC objectives set out in the 2008 evaluation framework developed by researchers at Simon Fraser University (SFU), School of Criminology:

- in August 2013, an offender outcomes and recidivism evaluation was completed by a research team at SFU, Faculty of Health Sciences ([Appendix A](#));
- in May 2013, the Ministry of Justice completed a court efficiency evaluation, with a review by an independent evaluation expert ([Appendix B](#)); and,
- in December 2012, a compilation of six survey reports of DCC offenders, staff, partner agencies and community service providers was provided by researchers at SFU, School of Criminology ([Appendix C](#)).

The final evaluation research also involved the DCC Evaluation Working Group, with key stakeholder representatives. Specifically, members of the Evaluation Working Group advised on the evaluation methodology, logistics and timing; reviewed evaluation deliverables; and facilitated additional expertise when needed. Some decisions on resourcing, data, approach and methodology were made by the Ministry and then presented for approval to the DCC Executive Board.

The report that follows is the report of the DCC Executive Board; it brings together key evidence from the final evaluation reports and offers some guiding conclusions and observations. Comments, perspectives or concerns by any of the members are reflected in this report.

## Overview of the Downtown Community Court

On September 10, 2008, Canada's first community court opened in downtown Vancouver, bringing into one location a broad range of integrated services aimed at helping offenders break free from the cycle of crime, homelessness, addictions and mental illness. Health, income assistance and housing staff, as well as victim services and a native court worker, were located together in the new courthouse, along with Crown counsel, defence counsel, a police officer and probation officers – 14 agencies in total.

The Downtown Community Court was designed to take an innovative, problem-solving and more efficient approach to crime, to tackle some of the most difficult issues facing the city's core. It was, as the late Chief Judge Hugh Stansfield said, "a sophisticated and integrated response to a complicated set of problems."

The court was also designed to rely on relationships with neighbourhoods and community groups, and to create opportunities for public involvement. From the outset local businesses, groups and residents were engaged in this project, which was designed to help offenders get timely access to social, health and correctional services in order to deal with their problems in a meaningful way, to reduce re-offending and to make reparation for harm done to the community.



The Downtown Community Court has now been in operation for five years. As a pilot project, it has been evaluated to assess whether it has led to more successful outcomes for victims, offenders and the community – and whether it helps the justice system operate more efficiently and effectively. This volume of evaluation reports includes the following:

- the efficiency evaluation from the Ministry of Justice and related reports from R.A. Malatest & Associates Ltd., who independently reviewed the methodology and findings, as well as conducted a fidelity assessment;
- community engagement surveys and reports completed by researchers from the School of Criminology, Simon Fraser University;
- the outcome evaluation from a research team from the Faculty of Health Sciences, Simon Fraser University.



The following introduction provides the background and context on how the Downtown Community Court was developed, what was envisaged, how it is different from other courts, the agencies that have been involved, and some of the unique ways the community and stakeholders have been engaged. This introduction, along with the evaluation reports, forms the Downtown Community Court's story. Implicit throughout this

narrative is how this unique court aims to help the people committing crimes change their behaviour, make the community safer, and the system to operate more efficiently.

### ***How the Downtown Community Court came into being***

Vancouver has the second highest rate of property crime of any Canadian city. This includes theft from auto, shoplifting, and mischief. Other crimes, such as assault and drug possession, are also a serious problem. These problems are concentrated in Vancouver's downtown, the catchment area for the community court. At least 50 per cent of offenders in downtown Vancouver have a mental illness, a drug addiction, or both, and many are chronic offenders. Their problems are complex, and they challenge the justice system to respond in a meaningful and effective way.

The social costs of crime are high. Victims and their families suffer financially, emotionally and sometimes physically. Business owners have to deal with financial losses. Families struggle to find help for drug-addicted family members who have turned to crime to support their habits. And people not directly affected by crime see evidence of it in their neighbourhoods and communities – police making arrests; open drug deals; graffiti; alcohol and drug related crime; and more.

Crime also places great demands on all parts of the criminal justice system – the police, courts, judges, community corrections and others. Increasingly, the people committing crime are also coping with multiple issues, things that may be driving their criminal behaviour – addiction, mental illness, homelessness or a lack of job skills. People working in the criminal justice system and in the health and social services recognized that greater coordination and collaboration is needed across the various sectors to deal with both crime and the issues which contribute to criminal behaviour.

In early 2004, the BC Justice Review Task Force struck a Street Crime Working Group to develop strategies to target street crime and disorderly behaviour in downtown Vancouver. The working group conducted two public forums, as well as extensive consultation with all levels of the justice system, businesses, community groups and social service agencies. The working group also did data analysis and a review of approaches undertaken in other jurisdictions.

In late 2005, the working group recommended the creation of a community court to address Vancouver's crime problem. The British Columbia government endorsed the recommendation and provided funding for planning and developing the new court. The Chief Judge of the Provincial Court provided ongoing support for the initiative.

### **Designing the Downtown Community Court**

With the endorsement and support of the government and the Office of the Chief Judge, a planning team was formed in 2006 to initiate the design phase of the Downtown Community Court. The planners researched community court models around the world, particularly in the United States, where

community courts originated and have been found to be successful. The planning team visited several mental health, drug and community courts in New York, Portland and Seattle, as well as an aboriginal and mental health court in Toronto for an in-depth, on-the-ground review of how those courts operate and what lessons could be learned to inform the process and physical design of Vancouver’s community court.

Further development of the design included input received from public forums and discussions with residents, Aboriginal organizations, businesses, justice system employees, service providers and organizations in the court's catchment area in order to understand how crime affects the community and what kind of community service would be useful to compensate for crimes committed.

### **Project oversight**

In early 2007, the Criminal Justice Reform Secretariat was established by the three justice ministries of the time – Public Safety and Solicitor General, Attorney General, and Children and Family Development (youth justice) – to take a more integrated approach to criminal justice reform.

The Secretariat designed and implemented pilot projects that aimed to: bring crime down; manage prolific offenders more closely; and make the criminal justice process more timely and efficient. Each pilot project was evaluated to guide decisions on the next phase of criminal justice reform. The Downtown Community Court was the Secretariat’s first and largest pilot project.

Funding was received for the community court pilot project and the first two floors of the former (and long vacant) Vancouver pre-trial centre, at 211 Gore Avenue (adjacent to the Provincial Court at 222 Main Street) were selected as the location. Capital investment of \$6.225 million was provided to build the court. Construction began in 2007; extensive renovations were needed to upgrade and develop the courthouse.



**Extensive renovations were needed to convert the former pre-trial centre to the community court**



**An early mock-up of the main courtroom**



**The entrance begins to take shape**



## *Integrated services*

At its core, the Downtown Community Court is about partnership and problem solving. It's about creating new relationships, both within the justice system and with health and social services, community organizations, area residents, merchants, faith communities and schools. It aims to deal with offenders more quickly through a more co-ordinated and informed response. The court takes a problem-solving approach to address offenders' needs and circumstances and the underlying causes of their criminal behaviour.

During the construction phase of the courthouse, the planning team consulted extensively with key stakeholders to develop the plan for integrating justice, health and social services, and to negotiate co-location of service providers within the community court. They also developed the ways in which the community court would function. The co-location of dedicated services at the court site itself was, at its inception, seen as an essential part of the operational model.

The result of their efforts is a unique partnership between the Provincial Court of B.C. and 14 agencies co-located in the courthouse (this number has now grown to 15). Located in the courthouse at the outset were: a Provincial Court judge, a co-ordinator, Crown counsel, a defence lawyer, a Vancouver police officer, sheriffs, court clerks, probation officers, forensic liaison workers, a forensic psychiatrist, a nurse, health-justice liaison workers, employment assistance workers, a victim services worker, a BC Housing support worker and a native courtworker. Other resources have been added over the years to better facilitate court operation, as set out in the evaluation reports.



On February 5, 2009, the Downtown Community Court team received a Premier's Award for the Cross-Government Integration category (as a Lower Mainland regional finalist). The Premier's Awards recognize the work of some of the public service's most outstanding employees whose professionalism, dedication and innovation have made a difference in many lives and communities in B.C.

## *How the court works*

### **Goals**

The following goals were established in 2007 by the Secretariat with input from an advisory group:

- to create a more efficient court by reducing the time from charge to disposition;
- to provide an integrated model that includes the services required to address the needs of offenders;

- to increase offender accountability to reduce recidivism; and
- to increase public confidence in the justice system.

## Jurisdiction

The community court was designed to receive the following types of cases:

- Provincial offences that are heard by Provincial Court judges (such as driving while prohibited, aggressive panhandling);
- all Criminal Code offences:
  - in the absolute jurisdiction of the Provincial Court (for example, shoplifting);
  - summary conviction offences (such as causing a disturbance);
  - hybrid offences where the Crown proceeds summarily (examples are assault causing bodily harm, impaired driving);
- Controlled Drug and Substances Act
  - drug possession.

Offences relating to non-compliance with community court orders (for example, failing to appear in court or violating the terms of bail or probation) are also heard in the community court.

Persons accused of the most serious offences, or those electing their right to trial, must proceed at the Vancouver Provincial Court at 222 Main Street.

## Court operations

The Downtown Community Court operates on the principle that collaborative case management can help offenders make long-term changes to their behaviour. It is a process that involves all community court staff. It is important to note that the court does not deal with a specific offender type. Some offenders, but not all, have complex health and social service needs. Others may be first-time offenders. The process varies depending on the individual circumstances and the severity of each case. A key objective with the majority of offenders is to process their court cases in an efficient manner that is timelier and requires fewer appearances than traditional court.

A number of unique features are integral to the Downtown Community Court model to facilitate court efficiency:

- the services of an in-house defence lawyer available to all out-of-custody accused, in addition to a community court roster of duty counsel for those in custody;
- pre-court triage of cases to inform Crown and defence counsel in order to facilitate early case resolution and prepare for court; and
- inter-agency teams to manage offenders with multifaceted problems in a planned and integrated manner.

The community court endeavours to address crime in a timely way so that offenders experience the immediate consequences of their offending behaviour and can make reparation to the community. To

ensure an early first appearance in court, the police procedures provide for an early court date for accused who are not in custody, usually within 10 business days from the incident.

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

### **Case Management Team**

Accused with complex health and social services needs and history of offending may require in-depth assessments by mental health, addiction and other professionals working with the court, and their recommendations could include, for example, drug rehabilitation or mental health treatments. A case management team may be assigned to help the offender follow through with recommendations in the intervention plan. The case management team provides assertive case management to offenders who reside in the court's catchment area. There are two integrated teams that include probation officers, health care clinicians, including a registered nurse, a licensed practical nurse, an occupational therapist, and a social worker. The teams are supported by two income assistance workers, a Vancouver Police Officer, an Aboriginal case worker and a BC Housing worker.

The Downtown Community Court aims to keep offenders accountable while addressing their health and social circumstances and needs that, if left unattended, can make it difficult for a person to break the cycle of criminal activity. Individualized, solution-driven plans are developed to address offenders' justice and social circumstances, and reduce risks for reoffending. As indicated above, offenders with complex problems are managed in an assertive manner by inter-agency case management teams in the community court; others are managed in accordance with a probation order by probation officers in offices closest to where they live.



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

The Downtown Community Court also includes other programs, some of which have been developed since the court began operations:

- **Needs status report:** This is a report completed by the Vancouver Coastal Health nurse identifying issues related to housing, physical health, mental health, substance use and the accused's financial status. It is used to determine suitability for the other community court programs, including day programs, the Drug Treatment Court and the Burnaby Centre for Mental Health and Addiction.
- **Alternative measures report:** This report is completed by a dedicated probation officer who gathers information to assist the Crown to determine the suitability of the accused for alternative measures. The interview focuses on factors relating to social/personal, mental health, substance use, court history and attitude. If the offender complies with the plan, the charge may be stayed by the Crown counsel.
- **Vancouver Aboriginal Transformative Justice Society:** Aboriginal offenders may be referred to the alternative measures program offered by this society. Healing plans may include elder mediation, circle sentencing and community service.
- **Legal information outreach worker** This on-site worker assists accused at their court appearances, including assistance with their legal aid applications. Applications can be processed the same day and a lawyer can be assigned usually on the same day, rather than requiring additional unnecessary appearances to get counsel.
- **Mental health program:** Accused who present with mental health concerns may be placed into this program while on bail, for assessment and case planning. The team includes a psychiatrist, probation officer, psychiatric nurse and Watari Systems Negotiator who are able to refer to dedicated community resources, including supported housing. Successful compliance may result in proceedings being stayed or in plea and sentence, with placement with the Case Management Team on a community supervision order.
- **Chronic Offender Management Program:** This is a specialized program within the case management team, which offers the same overall services to chronic offenders provided by the case management team. Entry into this program can be triggered by a variety of events, including offenders who re-offend, or who are determined to be at risk of re-offending, while under supervision. In those instances the prospect of a custodial sentence can be deferred on the basis of strictly enforced referral to residential treatment or to the Drug Treatment Court.

### Community Connection

Because this is the community's court, it works to ensure that offenders make reparation for harm done to the community. Within the community court's geographic jurisdiction there are several distinct neighbourhoods: the central business district, Chinatown, Coal Harbour, Downtown Eastside, Gastown, Strathcona, Yaletown, and the West End (including Stanley Park).

Since the early planning stages, the Downtown Community Court has held public forums and discussions with residents, Aboriginal organizations, businesses, service providers and organizations in the court's catchment area in order to understand how crime affects the community and what kind of community service would be useful to compensate for crimes committed.

Through extensive, ongoing engagement with the community, local stakeholders have been involved in unique ways. A few examples demonstrate how the community contributes to the court and makes it possible for the court both to assist offenders and serve the community:

- The Elizabeth Fry Society of Greater Vancouver operates a volunteer program at the Downtown Community Court that assists persons appearing in court by escorting them from the courtroom to see their probation officer, case manager, and intake officer for other community court programs.
- Watari Youth, Family and Community Services' "system negotiator" is part of the court's mental health assessment and case planning team. The system negotiator position is funded by the Law Foundation of British Columbia.
- Sprott Shaw Community College provides seats for clients who are ready for school.
- The Cambie Malone's Group of restaurants donates bagged lunches twice weekly for offenders doing community service.
- Bean Around The World Coffee, Powell Street location, donates coffee and baked goods once a month for clients of the case management team.
- Telus donates over 500 "comfort kits" (soap, shampoo, a comb, deodorant, toothpaste, a toothbrush and soap) each year for community court clients attending onsite programming.

A Downtown Community Court Advisory Council was established by the Office of the Chief Judge in late 2011, to assist the court in achieving the vision of the community court. The Advisory Council provides the "voice" of the broader community. It consults and provides advice to the Downtown Community Court on relevant issues and matters of concern as related to the community court.

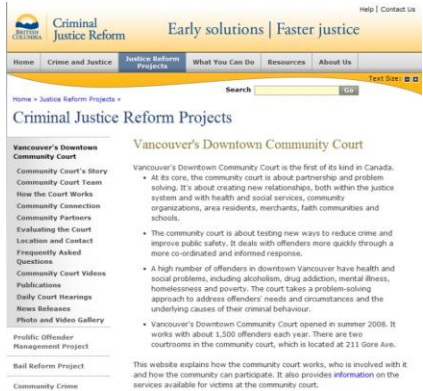
### Unique engagement activities

Public and stakeholder interest in the Downtown Community Court has been high since it was first announced as a project. The court engages with and involves the community in a number of unique ways.

Regular events have been held, such as barbecues, to bring service providers, residents, business people, and many others into the courthouse, to meet the staff, to learn how it operates, and to build relationships. Almost 300 people attended the first barbecue.



Media play a key role in profiling the court and the community it serves. All community court staff received media relations training at the outset.



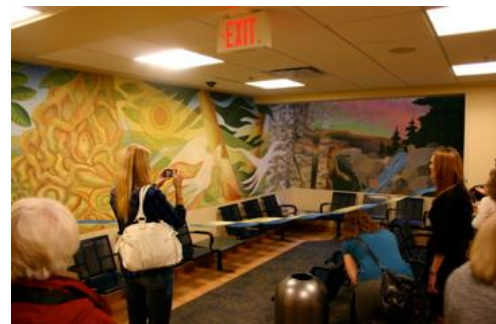
The Downtown Community Court has a dedicated web presence: [www.communitycourt.bc.ca](http://www.communitycourt.bc.ca). The website is a significant tool for connecting with a broad audience; it is an active site.

Posted on the website are three videos, produced in partnership with the Justice Education Society, which provide an introduction to the community court, how it works, and how the community is involved. DVD versions of the videos were provided to partner and community agencies.

Also posted to the website, with printed copies available in the community court, 222 Main Street, and elsewhere, are information fact sheets for victims of crime and accused persons. A poster, brochure, newsletters and other publications are also available on the website.

There is great interest in the community court and tours are a regular occurrence. Over the years, several thousand visitors from around the city, province, country and other parts of the world have been welcomed to learn about the court and how it functions.

A series of murals located in the courthouse stairwell and courtroom level are the result of a unique partnership in 2009 between the City of Vancouver (which funded it), the community court and the artists. The goal was to paint murals that would “humanize the face of justice.”



## Overview of the final evaluation research

The final evaluation is intended to determine whether the DCC results in more successful outcomes than the traditional justice solutions.

As part of the final evaluation, Dr. Julian Somers and his team at SFU, Faculty of Health Sciences examined the effectiveness of the DCC in reducing recidivism of the high-need offending group of offenders managed by the integrated Case Management Team (CMT). The study completed in August 2013 is the first independent academic empirical research on the effectiveness of community courts, which will undergo a peer review in the near future.

The efficiency evaluation was completed by staff at the Ministry of Justice in May 2013 and examined changes in trends in standard court efficiency measures achieved before and after the implementation of the DCC. As this evaluation was carried out by one of the direct partners to the DCC pilot, the results, as well as the evaluation methodology were reviewed by R.A. Malatest & Associates Ltd. to address any potential risk of bias in interpreting the results.

Between the summer of 2006 and August 2012, a series of surveys were carried out and reported on by a research team led by Dr. William Glackman and Dr. Margaret Jackson at SFU, School of Criminology. The surveys involved health and social service providers and agencies collaborating with or working in the DCC, staff in the DCC, as well as offenders in the DCC, including those managed by the integrated case management teams. Most surveys were completed in two phases to determine if the results changed over time. This extensive research was consolidated in December 2012 into a single reporting document. This qualitative research complements the quantitative analyses of DCC efficiency and offender outcomes.

Together, the three research streams endeavoured to assess the impacts of the DCC and its success in achieving the DCC objectives:

- improve outcomes for offenders, including reducing recidivism rates;
- improve efficiencies; and
- engage with the community the DCC serves.

### ***Is the DCC producing better outcomes for offenders, including improved recidivism rates?***

#### **Recidivism outcomes**

The results of Dr. Somers's study ([Appendix A](#)) indicate that the DCC's CMT achieved a reduction in recidivism that is significantly greater than that at a traditional court.

The outcomes for 250 individuals sentenced in the DCC between April 1, 2008 and March 31, 2011 and triaged to the CMT to be managed in the community in an integrated manner were examined. They were compared to an identical group of 250 offenders from the neighbouring Vancouver Provincial Court (VPC) matched simultaneously on a wide range of sociodemographic, criminal justice, health and social assistance variables.

The study examined the number of offences in the pre-period compared with the number of offences in the post-period. The pre-period was one year prior to enrolment in the DCC for the intervention group and one year prior to sentencing for the comparison group. The post-period for the CMT-managed offenders was one year after exiting the CMT, and for the comparison group it was one year following sentencing.

The CMT-managed offenders had a mean reduction of 2.30 offences per person (from 3.7 offences committed in the preceding year) versus 1.35 per person in the comparison group. Those managed by the CMT had a significantly greater reduction in property offences and breach offences. The CMT group also had a greater reduction in violent offences, but the difference was not statistically significant, in part due to the relatively infrequent occurrence of this type of offence in the groups.

### **Other findings**

The triage process in DCC successfully selected high-need and frequently offending individuals among offenders sentenced in the DCC to be managed by the CMT, as originally envisaged in the DCC model. The CMT-managed offenders committed significantly more offences over the 10 years preceding the CMT enrolment than other offenders in the DCC or in the VPC. They also had significantly higher number of prior violent offences, jail sentences and offences involving weapons. As well, offenders in this group were slightly older, with a greater proportion of women, more likely to be Aboriginal and less educated. This group spent more days in hospital, had higher number of visits to medical doctors, higher payments associated with physical health care, higher number of hospital admissions and received higher amounts of social assistance.

The triage process also selected individuals with mental health illness for enrolment into the Mental Health Program in the DCC to be managed in an integrated manner while on bail, with the objective to stabilize the accused in the community and then, if successful, the Crown could consider whether prosecution was still in the public interest. Typically if the offender completed the program successfully the Crown would have the charge stayed. The Mental Health Program participants had significantly fewer prior offences and spent considerably more days in hospital than both the CMT-managed group and all other offenders sentenced in the DCC.



## Further research

At this time, recidivism outcomes were measured for the CMT-managed offenders only – 250 individuals. It would be important to measure outcomes for the remaining 2,500 offenders sentenced in the DCC during the study period, who have different needs for services and risks for offending.

From a public policy perspective, it would be important to determine whether investments in the CMT made to manage the selected number of offenders who have high needs for services and commit frequent property offences are offset by any savings associated with the reduced recidivism, or other savings resulting from any changes in the frequency or type of health and social services utilized. It would also be important to determine whether any cost benefits extend to other offenders and interventions in the DCC.

At this time, it was not possible to determine what elements of the CMT approach produced the improved recidivism results. As a result, it was not possible to determine if a particular element of the CMT or specific services were effective, or whether the same intervention would be effective in other settings outside the DCC, or with other offenders in the DCC.

Offenders were not randomly assigned to the CMT and it is plausible that offenders who participated in the program had different motivations than offenders in the traditional court.

The study measured the impacts of the CMT over one year and it would also be important to confirm the results over a longer period of time. However, the study included very comprehensive matching procedures to create a comparison group to determine net impacts – Propensity Scoring Matching, used where randomization is not possible or practical.

## *Is the DCC more efficient?*

### Key efficiency outcomes

The results of the efficiency evaluation (**Appendix B**) indicate that statistically significant efficiencies were achieved but they were the result of long-term trends and factors other than the implementation of the DCC. The DCC Executive Board members were not in full agreement with all aspects of this evaluation, including the conclusions.

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

covers a four-year period prior to the implementation of the DCC and a three-and-a-half year period after implementation.

The key efficiency measures — the average number of appearances per concluded case and median time to case disposition — showed significant downward trends at the VPC in the four years prior to the DCC implementation. The trend continued in the same manner in the combined caseload of the DCC and VPC, following the introduction of the DCC. A regression analysis that considered the impact of the DCC, while controlling for other factors, determined that the trend was not impacted by the introduction of the DCC. In addition to the DCC implementation, the factors considered in the regression model were the impacts of new and concluded case volumes, types of crime, case complexity, types of appearances, and the number of sitting judges.

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

The methodology, including the framework, and the results were reviewed and confirmed by an independent evaluator – R.A. Malatest & Associates Ltd. – to address any potential bias in the analysis.

### **Additional efficiency findings**

There was a modest increase in the number of persons diverted away from the criminal court using alternative measures. With the launch of the DCC, matters suitable for diversion shifted away from the VPC and are now almost entirely dealt with at the DCC.

Backlog of cases as reflected by the number of pending cases (scheduled for court) has been decreasing at the DCC and VPC together, which is consistent with the provincial trend. Trial delays – another backlog indicator – had been increasing at the VPC, which is also the trial court for DCC cases, during the evaluation period. After the evaluation period, the provincial trial delay trends have improved and are now within the Office of the Chief Judge standard at VPC.

The trial scheduled rate for the two court locations together – an indicator of the focus of process and resources in the system on trials – has been decreasing over time.

As expected, based on the DCC model, a significant portion of the VPC criminal caseload is now processed in the DCC. The DCC has been dealing with a heavy workload, beyond what was originally envisaged in the planning phase. The heavy workload in the DCC and the challenges associated with managing it, along with changes to the DCC operations, may have contributed to the challenge of achieving greater efficiencies.

As confirmed by the fidelity assessment completed by Malatest, there have been a number of changes to the DCC model. All contested bail hearings for DCC cases are now scheduled in the DCC, contributing to the DCC workload. Other changes have been introduced in response to operational challenges and innovations in court and service delivery. These include modifications to the triage process, which now involves pre-meeting sharing of written information, informal consultations and a scaled down triage meeting. The DCC staff has developed proficiency in their communications with each other, and their respective organizations, which contributes to information sharing and planning. Triage – the key feature of the DCC model to inform early case resolution and planning for offenders – is not practiced as originally conceived, but has evolved.

The staff in the DCC remain committed to the original DCC principles. Approaches and solutions developed in the DCC are being adopted beyond the DCC as staff move on to pursue opportunities in other court locations, deriving benefits from the lessons learned to suit local needs and circumstances.

The Associate Chief Judge, who sits on the Executive Board representing the Office of the Chief Judge and speaking for the Court, disagrees with the report's conclusion that none of the observed efficiency gains are attributable to the operation of the DCC. The Court is of the view that this erroneous conclusion is attributable to limitations on time, data and methodology devoted and applied to the efficiency analysis. The DCC has resolved its cases in an average of 5.7 appearances and in a median time of 39 days per case, measured from the time of the first appearance to final disposition of the file. Even recognizing the difficulties inherent in making comparisons with traditional courts, the Associate Chief Judge notes that these results include offenders having some of the most complex and long-standing treatment needs. This cohort of high needs offenders has been found to have a reduced rate of recidivism as a result of having their matter dealt with at DCC. The Court therefore believes that additional research could be usefully undertaken to explore all aspects of the DCC's impacts and resulting benefits and further, that the process of governance in matters of collaborative projects and their goals, design, implementation and evaluation would similarly benefit from a comprehensive review.

### ***Is the DCC engaging with the community it serves?***

The DCC collaborates with many community service providers in Vancouver, the business community, Aboriginal organizations, government service agencies and others. Since the early planning stages, the Downtown Community Court has held public forums and discussions with residents and others in the court's catchment area. Regular events have been held at the DCC, such as open houses or barbecues, to bring service providers, residents, business people, and many others into the courthouse, to meet the staff, to learn how it operates, and to build relationships.

There is great interest in the community court and tours are a regular occurrence. Over the years, several thousand visitors from around the city, province, country and other parts of the world have been welcomed to learn about the court and how it functions.

A series of murals located in the courthouse stairwell and courtroom level are the result of a unique partnership in 2009 between the City of Vancouver, the community court and the artists. The goal was to paint murals that would “humanize the face of justice.”

A Downtown Community Court Advisory Council was established in November 2011, in accordance with the original model, to assist the court in achieving the vision of the community court.

Six qualitative evaluation reports on community engagement were carried out by Drs. Glackman and Johnson (**Appendix C**). Three of those, which represent the key findings, are summarized here.

### **Survey of Downtown Community Service Agency Representatives**

The Survey of Downtown Community Service Agency Representatives report was completed in August 2011 and presented the perceptions of community group members affiliated with the DCC. Thirty community service agency representatives completed either an online survey, a hard copy of the online survey, or participated in a focus group.

The following are key findings that resulted from the surveys and focus group:

**Continued support for the vision and goals:** Representatives from the community service agencies are generally supportive of the original vision of the community court in Vancouver and many agree that the court makes an important contribution to the community and that offenders are benefiting from the initiative.

**Implementation of the vision:** Some community service representatives, who indicated that they were initially very supportive of the DCC, are now concerned that the DCC is not operating as it was intended some stakeholders are not as committed to the value and quality of the court as was true earlier. Finally, the creation of effective partnerships was thought to be an on-going effort.

**Integration of service agencies in the DCC:** Community service agency representatives feel that they do not have enough opportunity to collaborate with DCC staff. The triage intake process at the DCC favours the involvement of justice staff and there is not enough agency participation. As a result, some service agency representatives feel distanced from the decision-making process within the DCC, which may impact future engagement with clients.

**Long-term offender support and services:** Many community service representatives feel that longer-term goals for offenders and improved access to services would be appropriate. They noted that aside from the relatively small number of clients involved with the intensive case management stream,

services stop when offenders' court obligations conclude. Many of these offenders have multiple, ongoing needs, and would benefit from ongoing support.

**Keeping offenders accountable and supporting them:** Some community service representatives noted that members of the public are frustrated with the DCC because it is seen as a lenient court. On the other hand, some believe that offenders would benefit from a more supportive, service-oriented focus that is less punitive.

**Information about the court's impacts:** Although court outcomes had not yet been evaluated, many respondents perceived that the DCC had positive outcomes for offenders. However, some noted that there is not enough feedback being given to the community and community agencies about the actual outcomes for the offenders, and that the court is not transparent about its impact.

**Vision of the DCC:** Overall, most community service representatives are supportive of the vision of the DCC and its potential, but note the operational challenges in realizing it.

### **Downtown Community Court Participant Survey -Phase II**

The Downtown Community Court Participant Survey – Phase II was completed in January 2012 and is an in-depth study of 44 DCC participants who were managed by the Case Management Team as part of the Case Management Program (CMP). One of the goals of the DCC is to reduce crime in the catchment area by addressing the criminogenic needs of chronic offenders. It is the participants in CMP who tend to have the most disadvantageous backgrounds. The study included only those participants who had been in the program for a minimum of 90 days and involved in-depth interviews on broad topics.

The following are key findings that resulted from the Phase II participant interviews:

**Demographics:** Most of the participants were male (73%), Caucasian (43%), about a fifth had completed high school and most were single. The average age of the sample was 36 years of age and their median age at first conviction was 17.

**Offence Type:** The CMP participants were sentenced to community corrections' supervision for a variety of property offences and a small number of violent offenses and administration of justice offences, such as breaches. Theft under \$5,000 convictions constitute the majority of offence types, with 15% falling into a more serious range of offending. The participants reported a mean of 34 past convictions. Thus the label of a chronic offender seems to be appropriate for the CMP supervised offenders.

**Impact of CMP program after 90 days:** Since they were already on income assistance (IA), little changed for the participants with regard to IA dependence from their life prior to involvement in CMP and about the same rate of unemployment continued. There was a reduced usage of alcohol and drugs and

accommodation was markedly better in that fewer were in shelters and/or friends'/relatives' homes, and more living in standard housing.

**Self-reported criminal behavior:** About two-thirds declined to respond to questions about criminal activity while in the CMP program. For those who did respond, the indication was that the criminal activity remained at about the same level of seriousness as occurred prior to CMP involvement, but 93% reported there was less of the criminal activity than previously.

**Self-reported positive outcomes:** A majority of participants reported positive outcomes perceived to have resulted from participation in the CMP component of the DCC. As with the reduction of the frequency of criminal behavior noted earlier, many of the improvements appear consistent with a harm reduction model outcome. There were also comments made about what it is that makes the CMP successful. Positive role modeling and the provision of practical skills and helpful support were viewed as CMP characteristics which helped them break the crime cycle. They were also appreciative of the personalized assistance and guidance by the staff within the courtroom and subsequently in the CMP program itself, the latter of which many saw as giving them a “second chance.”

**Self-reported negative outcomes:** A smaller number of negative comments described by participants as “less positive” were registered by the participants related to the perceived intrusiveness of the program in their lives, personality clashes with staff, a perceived shift in the caring approach in the DCC courtroom from their experience there, and the feeling expressed by one participant that the program simply wasn't for him.

## **Vancouver Downtown Community Court Staff Survey – Phase II**

In August 2011, the Vancouver Downtown Community Court Staff Survey – Phase II offered opinions and perceptions of DCC staff two and one-half years after opening. The intent of this study was to: (1) compare the opinions and perceptions about the Downtown Community Court by its staff members two and one-half years after the opening of the court with the opinions and perceptions of staff recorded four months after its opening in September 2008; and (2) summarize the primary issues identified by staff at two different points in time.

The following are key findings that resulted from the second staff survey:

**Efficiency:** Many staff members perceived an increase in the volume of court appearances and believe this is mostly related to a high number of breaches. In the 2008 survey, the DCC was perceived to be quicker at processing clients than the VPC; however, in the 2011 survey, staff generally felt there was no difference. Some pointed to cost-effectiveness of the court as an issue, particularly noting the additional resources the court received relative to its effectiveness.

**Workload:** Many staff observed that the workload at the DCC is too high. As a result, the stress level is also high. These staff members believe they spend a large portion of their time in court and on

administrative tasks, leaving only a small amount of time for offender management and service provision. Several noted the need for changes in this regard.

**Offender outcomes:** Many staff members noted the high number of returning offenders and saw the court as a revolving door. The possible high number of breaches was viewed as an indicator that the community court process is not effective in addressing offending behaviour. Some staff members perceived the DCC to be too lenient, particularly regarding breach behaviour, and that there is a need for greater offender accountability.

**Access to services:** Some staff felt there was a need for an increase in certain types of services for offenders, particularly drug treatment and rehabilitation services and permanent housing outside the Downtown Eastside. The types of individuals attending the DCC tended to be those with multiple needs and criminogenic behaviours. When one goal of the DCC is to reduce recidivism, the integration of services for these people and the commitment of the staff were also considered important innovations in service delivery and monitoring to achieve that goal.

**Operational integration:** Generally, staff indicated that collaboration and communication among team members is functioning much more smoothly and team members work together more effectively than in 2008, when the court first opened.

**Engagement with community and service providers:** Some respondents noted that although much effort is made to engage the community and community service providers, it is an ongoing challenge. One respondent noted that the community Advisory Board has not been established although it was originally intended (the Advisory Board has since been created).

**Security:** Staff generally felt that building security was too intrusive. This was thought to create a barrier to the development of trusting relationships between staff and clients who face multiple challenges.

**Work in progress:** Many respondents felt proud to be part of the DCC but view the court as a work in progress.

## Conclusions of the DCC Executive Board

All partner agencies have supported the DCC initiative and made significant investments in the development and operation of the DCC. The Ministry of Justice plans to use the findings of the DCC evaluation to inform the future plan for the DCC. Lessons learned from the pilot will inform an evidence-based strategy for specialized courts in the province.

The DCC pilot project was established to test new approaches to: produce better outcomes for offenders, including reduced recidivism; be more efficient than traditional courts; and to engage with the community it serves. The final evaluation of the DCC was intended to determine whether outcomes in the DCC are more effective than traditional justice solutions.

The offender outcome evaluation of the subgroup of offenders in the DCC who have high needs for services and have a history of frequent offending demonstrates that the CMT was more successful in reducing recidivism than the regular offender management model. These positive results cover the approximately 10% of the offenders sentenced in the DCC who were in this high-need subgroup and who were studied in the evaluation.

The results of the efficiency evaluation indicate that the DCC had a neutral impact on efficiencies. Improvements were achieved but they were part of long-term trends and factors other than the implementation of the DCC accounting for the trends. Changes to how the DCC operates may need to be considered to facilitate greater opportunity for enhancing timeliness of criminal case processing and effective use of court resources.

Resources permitting, further research could be considered to determine: why the CMT was successful in reducing recidivism; whether the positive impacts could extend to other offenders in the DCC; whether similar results could be achieved in other settings; whether positive impacts extend to other outcomes such as health and social services; and which interventions were most effective.

Finally, from a public policy perspective, it would be important to consider whether the CMT program is cost-effective and if this extends to other offenders in the DCC, and to consider the return on the investment in the DCC overall. As a stand-alone intake court, the DCC requires on-going investment. The DCC model is one of several currently in place in the province; others include the Drug Treatment Court, Victoria Integrated Court and various domestic violence and First Nations courts. Valuable lessons could be learned through broader research, including comparative studies, into which specialized court approaches are most successful and cost-effective and for which populations. The DCC evaluation process has also provided many lessons that will be useful in both the design of future collaborative initiatives and how they should be evaluated.

There is little research available on the effectiveness of community courts in Canada or in other jurisdictions. Given the interest in specialized courts in this province, the promise they offer, and the



unique opportunity for continued learning from the DCC, further research would greatly enhance the understanding of how effective specialized courts compare to other justice solutions.

## Appendix A: DCC Offender Outcome Evaluation

# Appendix B: DCC Efficiency Evaluation

# Appendix C: DCC Community Engagement Evaluation