FINAL REPORT

ON

AN EVALUATION OF THE MANITOBA FRONT END PROJECT

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EXECUTIVE SUMMARY

Purpose

- This study was undertaken to assess the impact of the Front End Project on the quality of justice in the Winnipeg Family Violence Court

- Three points of inquiry were pursued
    - Family court data before and after the FEP were analyzed
    - Key justice personnel were interviewed
    - Women whose partners were charged with assault were interviewed

Findings

Early Intervention

- The Rehabilitative Remind option directs low risk accused into treatment programs. Individuals who have been in this program have the lowest rate of recidivism of all accused persons in FVC.
- Analysis of trials and guilty pleas indicates that the time between arrest and first appearance has been significantly shortened.

Timely Case Resolution

- There was a 74 day reduction or (24%) in the average time to process all cases in FVC.
- There was a 101 day reduction or (33%) in the average time to determine a stay of proceedings.
- However, timely resolution was perceived by court personnel as a challenge.
- For guilty plea cases (over 75% of all court dispositions) there has been a drift from quick disposition (3 months of less) to the intermediate disposition (six months or less).

Vigorous Prosecution of Serious Offenders

- There has been a dramatic increase in plea changes for cases originally set for trial.
- 74% of plea changes after the FEP compared to 33% before.
- 3.5% increase in sentences of incarceration
- A decrease in conditional discharges
- Key informants comment on improved evidentiary material being presented in bail hearings, sentencing, and trials as a result of Crown ownership of files.

Greater Sensitivity

- 44% of women, whose partners have been charged, had a positive assessment of prosecutor
- 52% of Aboriginal women had a positive assessment of prosecutors
- 57% of Winnipeg women, whose partners have been charged, had a positive assessment of judges.
- Key informants report that Crown ownership of files has increased their understanding of family dynamics associated with ‘their’ accused cases.

Background

In 1990 the Winnipeg Provincial Court became the first court in Canada to develop a specialized response to family violence cases, known as the Winnipeg Family Violence Court (FVC). This court hears all cases involving individuals who are in a trust dependency and/or kinship relationship with their assailant. Thus, the FVC hears cases involving a criminal offense against an intimate partner, as well as cases of child abuse, child pornography, and elder abuse. The introduction of the specialized court resulted in a rapid increase in the volume of cases. In 2004 the Provincial Court Chief Judge introduced the 'Front End Project' which removes all administrative matters from the court room and commits all components of the system including police, prosecutors and defense lawyers to meet prescribed time frames to submit essential information so that cases could proceed to court. Prior to the Front End Project (FEP) many hours of judges', prosecutors', and defense lawyers' time would be spent in court rooms requesting remands because not all of the necessary information to proceed was available. A dedicated magistrate was appointed to ensure compliance with the prescribed time frames. Court hearings occur when all necessary information is collected and the defense lawyer is ready to enter a guilty plea or set a trial date. This process was designed to substantially reduce, and in some cases, eliminate remands. This project won the 2006 United Nations Public Service Award. Case management tracking indicated much more efficient use of court time and faster court processing. However, case management data does not collect the details of each criminal matter to determine whether efficiency and speed actually results in a better quality of justice. The purpose of this study was to apply a 'quality of justice' framework to the evaluation of the impact of the Front End Project on cases heard in the Winnipeg FVC.

Quality of Justice

The concept of quality of justice can be somewhat elusive and certainly can depend on the perspective of the assessor. A defense lawyer and an accused may have a very different view of justice than the prosecutor and the complainant. It is likely that this dichotomy is inevitable in an adversarial system. Thus, to use a 'quality of justice' framework I will quickly summarize the five benchmarks for assessing the effectiveness of specialized domestic violence courts first identified in the proposal for this project (p.2).

1. Early Intervention - This focus involves rapid movement of low risk offenders into treatment. Different jurisdiction have accomplished this in a number of ways: The 'Calgary model' involves early stays of proceedings with counselling and/or a peace bond (Hoffart & Clarke, 2004); The 'Winnipeg model' introduces a delay of proceedings until a treatment program is successfully completed. Successful completion will result in a stay of proceedings (Ursel, 2006). The 'Yukon model' takes the form of treatment courts in which offenders sentenced to treatment report back to the court on a regular basis during the treatment program (Hornick, Boyes, Tutty & White, 2005; Van de Veen, 2004). Regardless of the route to early treatment, researchers confirm that early entry into treatment is one of the most critical determinants of an individual's success in treatment (Gondolf 2002; Dobash, Dobash, & Cunningham & Lewis, 2000).
2. Timely resolution of cases – This focus is to limit the opportunity for the accused to pressure the victim to recant and to limit the disruption to the family with an unresolved court case dragging on for months, possibly years. (Ventura & Davis 2004, Hoffart & Clarke, 2004).

3. Vigorous prosecution for serious offenders - This goal of specialized courts is frequently associated with special domestic violence police teams and facilitated by 'Crown ownership' of a file; the same prosecutor stays with the case in circumstances of recidivism and through all levels of court hearings (Dawson & Dinovitzer 2001; Ursel 2002).
4. Greater sensitivity – This focus is on the needs and interests of the victim and family involved through provision of Victim/Witness assistance programs (Ursel, 2002; 2006). Two U.S. studies found that victims that utilized advocacy programs and protection orders were much more likely to testify or have the cases completed in court (Weisz, Tolman & Bennet, 1998; Barasch & Lutz, 2002)
5. Rehabilitation of offenders - One of the consequences of specialization is a greater emphasis on treatment and rehabilitation. This is evident in the sentencing practices of judges in specialized courts in Canada, in which treatment is a regular condition on probation and/or incarceration (Hornick, Boyes, Tutty & White, 2004; Ursel 1998, 2002; Healey, Smith & O'Sullivan, 1998).

Goals and Objectives of This Study

The original goal of this project was to assess the impact of an administrative procedure introduced in the Winnipeg FVC in 2004, (the FEP), on the quality of justice in this court. The objective was to conduct this study through a three pronged or tri-angulated data collection procedure:

1. Collection of three years of quantitative data (2004,2005,& 2006) on all cases processed in the Winnipeg Family Violence Court (FVC).
2. Interviews with 16 key informants (4 Crown Attorneys, 4 judges, 4 defense lawyers and 4 court administrators) concerning their experience of the Front End Project.
3. Analysis of victim interviews on their experience of the criminal justice system in general and the FVC in particular. These interviews were being collected as part of a larger study and we used this data for an analysis of the court from the victim's perspective.

Emerging Challenges and Opportunities

For a variety of reasons identified in the progress reports, this project took longer to complete than anticipated. While delays are disappointing, in this case they also presented us with a number of opportunities to observe the court over a longer period than the three years initially outlined. The delays also permitted us to observe the FVC at a time when the Front End model was being applied to all criminal matters in Manitoba. Thus, what began as a dedicated project focused on family violence matters became, after several years, simply the way courts operated in Manitoba. On one hand, the fact that the FEP was so quickly and comprehensively adopted in all courts was evidence of how effective the model of administration was. On the other hand, this has given rise to the question of whether the rapid roll out of the model to all courts resulted in diluting the focused effect of the FEP when it was applied only to FVC. In some of our key informant interviews this issue was raised and recent changes to scheduling family violence cases have increased this concern.

Introduction

To assess an initiative it is important to know the key components of the initiative and what they are intended to accomplish. Thus, we will begin with a description of the components and goals of the FEP. Prior to the introduction of the FEP, judges, prosecutors, and defense lawyers were expending a great deal of time in court to determine if the case was ready to proceed, (i.e. did all of the parties have all of the necessary information for the defense to enter a plea or set a trial date). This would involve the 3 key professionals, judge, prosecutor, and defense (all of whom are scarce resources in the criminal justice system (CJS)) who would have significant portions of their work week attending screening court to indicate that they were not yet ready to proceed. Given that these personnel were in great demand for substantive court hearings, the Chief Judge at the time met with all of the key stakeholders to determine a better use of human resources and court time. The intended outcome was threefold:

1. More effective use of human resources;
2. More effective use of courtrooms
3. More expeditious time lines for proceeding with criminal matters.

The outcome of these meetings were:

1. To set time lines for all of the key CJS professionals to have their information completed. Police would need to commit to have full reports to prosecutors within a certain time, prosecutors would commit to disclosure to the defense lawyer within a certain time, and defense lawyers would commit to having their case ready by a certain time so that when the key personnel met before a judge in a criminal court, a substantive court hearing would occur, either to enter a plea of guilt or to set a trial date.

2. To assign paraprofessionals to handle administrative matters in order to allow key professionals to attend to the substantive legal issues. The tracking of cases and timelines were assigned to pre-trial coordinators, who would communicate with the 'front end' of the justice system, (i.e. police, prosecutors, and defense lawyers) to ensure that they met their time lines. In addition, paralegals, who worked for the prosecutors, would be tasked with all communication to the pre-trial coordinators regarding time line issues and requesting time extensions where necessary.

3. This liberated prosecutors from countless hours of court appearances for administrative matters. As a result, concurrent with the introduction of the FEP, the prosecutor's office introduced 'Crown ownership' of files. This was an unanticipated but hugely important contribution to the 'quality of justice', because each prosecutor would be responsible for a particular accused and would stay with the case over time, prosecuting any subsequent re-offenses. This enhanced the quality of justice in two ways: First, the Crown became very familiar with the accused and the pattern of their offending behaviour. This in depth knowledge, provided prosecutors with greater evidence to present at bail court, sentencing court and/or trial. Secondly, the victim would only have to interact with one Crown, who would be familiar with her case history. This innovation was only possible through allocating the administrative matters to paraprofessionals and it is perhaps the best example of more effective use of personnel.

4. If reasonable and agreed upon time lines were not met, an administrative court was set up with one judge who would meet with one prosecutor (who would represent the Crown) and the relevant defense lawyer/s to determine and hopefully remedy the situation causing the delay.

In order to assess the impact of the above components of the FEP we will report on our findings in three sections according to the methods outlined above. The first section will present the quantitative data collected on case characteristics and outcomes of cases heard in the family violence court. The year the FEP was introduced (2003-2004) will be our focal point with which we compare data from four years prior to and four years following the introduction of the Front End Project.

Our second section will present the results of our key informant interviews. The number of planned interviews and the occupational role of our interviewees differed somewhat from our original plan. In particular, we had hoped to interview 4 defense lawyers but were only able to interview two. Overall our key informant interviews were extremely helpful and raised issues the other two components of the study would not have revealed. We are supplementing these interviews with some court data on case processing time to compare anecdotal information with available data.

Our third section presents a brief review of victims experiences of the justice system, taken from interviews conducted for another study led by RESOLVE (The Healing Journey). These interviews provide information on interviews with 222 Manitoba women on their experience of the justice system when their intimate partner was charged with a crime against the women interviewed. There are some limitations to this data, these women were not questioned specifically about the FEP, and we asked 'if they had ever been involved in the justice system'. However, their experiences do help to identify the challenges women face when their partner's have been charged and as such help to inform our discussion about the quality of justice. While this is a very indirect assessment and it does not provide a before and after measure of the impact of the FEP it is arguably one of the most important measures of the quality of justice. Further, there is also a general belief among professionals that the more quickly a case moves through the justice system the greater the benefit to the parties involved. This may be particularly true in domestic violence cases where delays will keep families in an emotional and physical upheaval for an extended period of time.

PART 1

AN ANAYSIS OF COURT DATA BEFORE AND AFTER THE INTRODUCTION OF THE FRONT END PROJECT

This section is based on all cases that proceeded through the Family Violence Court from 1999-2000 to 2007-2008. This data set covers 4 years before the introduction of the FEP and 4 years following the introduction of the new administrative system. The data includes all cases; it involves cases of intimate partner violence, child abuse, child pornography and elder abuse. Overall, about 75% of the cases heard in the court involve intimate partner violence (IPV).

Entry to the Criminal Justice System

Entry into the criminal justice system occurs at the police level. They determine who gets arrested and the charges that will be laid. We have no evidence to suggest that the Front End Project would have any effect at this level. However, this data describes the volume and type of cases addressed by the prosecutors, the judges and the defense lawyers, and provides the context for our assessment of the Front End Project.

Overall there were 29,627 cases that were before the family violence court between 1999-2000 and 2007-2008. Table 1 identifies the volume of cases and their increase or decline over the study period.

Table 1. Total Number of Cases Before the Winnipeg FVC by Year

Year	# of Cases	Year to Year Change
1999-00	**4,047**	
2000-01	**3,747**	**7% decline**
2001-02	**3,929**	**5% decline**
2002-03	**3,539**	**10% decline**
2003-04	**3,121**	**12% decline (First Year of the FEP)**
2004-05	**3,074**	**2% decline**
2005-06	**2,697**	**12% decline**
2006-07	**2,761**	**2% increase**
2007-08	**2,712**	**2% decline**
TOTAL	**29,627**	

Throughout our period of study we see a fairly consistent decline in the number of cases tracked by our research. This decline is a function of two factors. First, it is an artifact of our data collection procedure and secondly, police arrests have declined over time. When our study was first introduced 23 years ago we had a code (external transfer) for cases that were transferred out of Winnipeg and heard in a court in some other location in the province. We also had a code (internal transfer) for cases that were transferred to a crown not in the D.V. Unit. Cases with these two codes were not included in our final

count of cases and not included in our data collection. Two factors have made this coding scheme obsolete over time. First, Crown attorney's in the Domestic Violence Unit (DVU) began to do circuit court and thus, many external transfers were in fact prosecuted by the DVU staff and should now be included in our data set to measure prosecution work load. Secondly, with the introduction of Crown ownership in 2004, when a prosecutor leaves the DVU and one of "their offenders" reoffends, the Crown will prosecute that offender, especially if they have only recently left the DVU. What this means is that cases have become more fluid in terms of prosecuting Crown than they were in the past. As a result we have altered our coding practices to include the internal and external transfers when they involve domestic violence cases prosecuted by a member or recent member of the DVU. Unfortunately this change in data collection procedures did not occur before this study was completed. However, as a result of the inclusion of these cases, the decline in cases will be moderated. For example, in 2007-2008 if we included the external and internal transfers the number of family violence cases would be increased from 2,712 to 3,266. This is a 20% increase, very close to the 18% decline demonstrated since the introduction of the FEP in Table 1 above.

The second factor, decline in police arrests, is probably best explained by the fact that 1999-2000 was the year in which a very high profile murder of a woman and her sister by the woman's ex- partner dominated the headlines in the city. The murders were a result of a failure to respond to a number of 911 calls by the sister. As a consequence of this event, a number of changes in policing policy resulted in a very dramatic increase in arrests (the arrest numbers peaked that year). Over time the policy was reviewed and relaxed and arrest rates declined. Thus, there is no reason to think that the declining volume of cases could be attributed to the Front End Project. However, noting this pattern may inform our subsequent analysis.

Another characteristic of these cases determined at the policing level is the type of charge/s with which the accused enters the justice system. Table 2 outlines the charging pattern over the study period, indicating the type and frequency of the charge by the most serious charge an accused has when they enter the system.

Throughout this section of the report we will cite every second year to make the tables more manageable. This is possible because the differences from year to year are not substantial and reporting on every second year does capture the patterns of change we are concerned with.

Table 2. Type & Frequency of Charge By Most Serious Charge Per Case By Year

Type of Charge	1999-00 N=4,047	2001-02 N=3,929	2003-04 N=3,12	2005-06 N=2,697	2007-08 N=2,712
Common Assault	50%	49%	47%	43%	44%
Breaches	18%	21%	22%	16%	25%
Assault w/weapon	12%	11%	11%	14%	10%
Ag. Assault &ACBH*	7%	7%	7%	8%	8%
U.T. & Crim Harass**	7%	7%	7%	7%	5%
Sexual Assault	3%	2%	3%	3%	4%
Murder***	(10)	(10)	(14)	(4)	(3)

*** Aggravated assault and ACBH (assault causing bodily harm),**
**** UT (Utter threats) and Criminal Harassment**
***** Murder recorded as number of cases not percentage**

During the study period we see some minor fluctuations in the most serious charge per accused. From 1999-2000 to 2007-2008 there is a consistent decline in common assault being the most serious charge an accused has when they enter the court. Overall, there is a decline of 6% between 1999 and 2008 in common assault and an increase of 7% in breaches constituting the most serious charge. The other clear change is the reduction in number of murder cases before the court. Our definition of murder is broad and includes murder, manslaughter, and attempted murder. We should be cautious in our interpretation of what seems like a dramatic decline between 1999 and 2008 for two reasons: First, domestic homicides are, on occasion, a homicide/suicide so there is no assailant to prosecute; secondly, a murder case is, on occasion, transferred to another prosecutor and heard in another court. The reason for this is to move the case to a Crown attorney who has a strong history in murder prosecutions if such a Crown is not available in the FVC.

If we compare the above broad definition of murder (which includes attempted murder) and compare it to the actual homicide rate in Manitoba over a seven year period we see that fluctuation is not unusual and unfortunately does not indicate a downward trend.

Table 3. Manitoba Homicides 2006-2012

Year	Total	Victim's Gender		Homicide/Suicide
		Female	Male	
2006	3	0	3	0
2007	4	3	1	0
2008	4	2	2	0
2009	7	5	2	0
2010	10	7	3	1
2011	4	3	1	0
2012	5	5	0	2
Total	37	25(68%)	12(32%)	3(8%)

Characteristics of Cases and Accused before the Court

Factors known to affect court outcome are the characteristics of the accused and the victim as well as the prior record of the accused. Thus, to ensure that any differences in court outcome observed are not an artifact of the above factors we compare these characteristics before and after the F.E.P. One difference that does emerge in comparing the characteristics of the accused before and after the FEP is the gender of the accused. This is significant because women tend to have a higher rate of stays of proceedings and less severe sentences, (Fraehlich & Ursel 2013). Once again we will present the data for every second year for the nine year period because fluctuation from year to year is not that great, but overall patterns do emerge.

Table 4. Characteristics of the Accused by Year

Characteristics	1999-00	2001-02	2003-04	2005-06	2007-08
Male	**82%**	**84%**	**86%**	**86%**	**86%**
Female	**17%**	**16%**	**13%**	**14%**	**14%**
Male/Female*	**0.5%**	**0.3%**	**0.5%**	**0.4%**	**0.2%**
Ethnicity					
European origin	**51%**	**47%**	**45%**	**43%**	**42%**
Aboriginal origin	**40%**	**44%**	**44%**	**46%**	**48%**
Other	**10%**	**9%**	**11%**	**11%**	**10%**
Average Age	**34 yrs**	**34yrs**	**34yrs**	**34yrs**	**34yrs**

*Male/Female – occurs in cases of multiple accused and opposite sex accused. In other multiple accused cases if they are all male they are counted in the male category and if they are all female they are counted in the female category.

While there is no variation in age of accused, we have noted a 3% decrease in the number of female accused. We also observed an 8% increase in the number of Aboriginal accused from 1999. The significant increase in accused of Aboriginal origin may affect both court outcomes and sentencing patterns because Aboriginal accused tend to have a lower rate of stays of proceedings and are more likely than non-Aboriginal offenders to receive a sentence of incarceration (Ursel, 2008).

An interesting factor that may explain the reduction in female accused is the significant reduction in police making a dual arrest. A dual arrest occurs when the police attend an IPV domestic call and at the scene cannot determine the assailant from the victim due to allegations by both parties that the other was the assailant. The incidence of dual arrest, while not large, is an ongoing concern for women's advocates. These advocates rightly point out that if an abused woman calls police and then ends up arrested the likelihood that she will call for help again is reduced. In response to this concern, the police have introduced dominant aggressor training for their membership in the hopes that dual arrests could be reduced. Table 5 indicates the significant reduction in dual arrests over time. The all-time high was recorded in 1998 with 9% of police responses resulting in a dual arrest which accounted for 18% of the

accused. Table 5 indicates the significant reduction in dual arrests over our comparative time period with specific figures on the decline in dual arrests in IPV cases. The 3% reduction in female accused can be explained by the reduction in dual arrests in IPV cases.

Table 5. Single and Dual Arrests in Winnipeg Family Violence Court by Year

Year	% of Cases Single Accused	% of Cases Dual Arrest	% IPV Cases of Dual Arrest
1999-00	92%	8%	9%
2001-02	94%	7%	8%
2003-04	95%	5%	5%
2005-06	94%	6%	3%
2007-08	95%	5%	3%

Finally, when we examine characteristics of the accused entering the court, prior record is an important determinant of court outcome and sentencing. Table 6 below indicates the most serious charge an accused had in prior court cases. In the case of common assault we distinguish between a general assault and an assault on a domestic partner. What is most striking is the fact that over 80% of all accused had prior charges, the overwhelming majority of which were for prior assaults against persons.

Table 6. Most Serious Prior Charge of the Accused by Year

Prior Charge	1999-00	2001-02	2003-04	2005-06	2007-08
Prior Charges	82%	83%	81%	81%	81%
<u>Charge Type</u>					
Domestic Assault	37%	44%	40%	39%	42%
General Assault	23%	18%	16%	14%	13%
Sexual Assault	3%	4%	7%	6%	6%
Child Abuse	1%	2%	3%	7%	8%
Murder	0%	0.5%	0.2%	2%	2%
Other charges	18%	15%	14%	13%	10%

There is a pattern of change in the prior charges an accused has had. There is an 8% reduction in other charges, (not violent crimes). Among crimes against persons there are increases of 5% in domestic assaults, 3% in sexual assaults, 7% in child abuse, and 2% in murder/attempt murder prior charges. This suggests that the accused have a more violent prior charge history over time which could be correlated with more serious sentences.

In addition to changes in the prior record of the accused, there are also some changes in the characteristics of the accused. In summary, there was a decrease of 3% in female accused and 9% in accused of European origin and an increase of 8 % in accused of Aboriginal origin. This shift would also suggest a correlation with more serious sentences; many years of analysis indicate that Aboriginal

offenders are more likely to be incarcerated than any other ethnic group,(Ursel, 2007; 2008). When considering whether the FEP had an impact on court outcomes we must consider the above changes in accused characteristics which are also known to effect court outcomes.

Court Outcomes

A final question concerning the impact of the Front End project on the 'quality of justice' is to consider whether there was any change in court outcome, (i.e. stay rate v.s. conviction rate) and in sentencing for convicted offenders. First, we want to determine whether the processing of cases more quickly might affect the conviction rate. Secondly, we want to determine whether Crown ownership will have an impact on the outcome of contested cases (trials) given that greater familiarity with a family may provide prosecutors with a stronger brief. Finally, we want to determine whether Crown ownership of a file might have an effect on conviction rates and/or sentencing.

Table 7 indicates that during the period under review, both before and after the introduction of the FEP, conviction rates fluctuated between 52% and 57%. Prior to the FEP in 2001-02, conviction rates peaked at 56% and following the introduction of the FEP in 2004-05, conviction rates peaked at 57%.

There does not appear to be any evidence that the Front End Project had either a positive or negative effect on conviction rates.

Table 7. Court Outcome by Year

Outcome	1999-2000 N=4,038*	2001-2002 N=3,913	2003-2004 N=3,090	2005-2006 N=2,669	2007-2008 N=2,702
Guilty Plea	51%	55%	53%	56%	53%
Trial: Guilty	1%	2%	0.5%	0.1%	0.1%
All Convictions	52%	57%	54%	56%	53%
Rehabilitative R.	8%	9%	9%	7%	7%
Outcome with Consequences	60%	66%	63%	63%	60%
Stay w Peace Bond	8%	7%	8%	8%	8%
Stay of Proceedings	30%	26%	28%	33%	31%
Trial: Not Guilty	1%	1%	1%	1%	<1%
Dismissed/Discharged	1%	1%	<1%	<1%	<1%

***The total number has been adjusted to remove accused who died before sentencing and a small number of cases with missing information.**

'Rehabilitative R.' refers to a rehabilitative remand, a circumstance in which the accused is judged to be a low risk and is likely to benefit from a treatment program for abusive persons. In this case, the prosecutor delays the final decision on prosecution, giving the accused an opportunity to attend, participate and complete a treatment program. If they do so successfully, the prosecutor will stay the case. If they fail to do so, then the prosecutor has the ability to proceed with the prosecution. In this

way the accused is offered a benefit. A stay of proceedings results in no criminal record and the crown attorney has a 'stick'; non-compliance will result in proceeding with a prosecution.

From the evidence available in the above table three observations can be made. First, the volume of cases in our data set has decreased over time from 4,038 in 1999-2000 to 2,702 in 2007-2008. This is a reduction of 1,336 cases or 33%. As explained earlier in the report, this is a result of an artifact in our data collection process as well as a function of changes in police charging policies and is not a result of the introduction of the Front End project. A second observation is the tendency for the stay rate to increase over time. Before FEP, if we examine all four years, the average stay rate was 35%, varying from a low of 33% (2001-2002) to a high of 38% (1999-2000). In the four years that followed the introduction of the FEP, the average stay rate was 38% varying from a low of 35% (2004-05) to a high of 40% in (2005-06).

Finally, there does not seem to be any evidence that crown ownership of a file affects the conviction rate. This is a bit surprising because one might assume that file ownership may lead to greater familiarity with an accused and hence a stronger case. This affect is not evident in the conviction rate overall. Thus, the next question concerns whether crown ownership might have an impact on their success in prosecuting contested cases. Table 8 below considers the outcome on contested cases.

Table 8. Court Outcomes of Contested Cases by Year

Trial Outcome	1999-2000 N=137	2001-2002 N=124	2003-2004 N=38	2005-2006 N=41	2007-2008 N=28
Guilty Verdict	**44 (32%)**	**60 (48%)**	**16 (42%)**	**20 (49%)**	**13 (46%)**
Not Guilty	**57 (42%)**	**44 (36%**	**16 (42%)**	**13 (32%)**	**11 (39%)**
Dismissed/ Discharged	**36 (26%)**	**20 (16%)**	**6 (16%)**	**8 (19%)**	**4 (14%)**

When we consider trial outcomes there is a modest increase in guilty verdicts after the introduction of the Front End Project. However, the remarkable difference is the dramatic reduction in contested cases. In the four years prior to the introduction of the FEP there were 450 trials or an average of 112 trials a year. In contrast, in the four years following the introduction of the FEP there were 134 trials or an average of 34 trials a year. It is possible that the impact of crown ownership may have the effect of last minute guilty pleas,(i.e. the case is set for trial however, the accused decides at the last minute to plead guilty on the strength of the prosecutor's case).

To assess this possibility we have done an analysis of guilty pleas in cases set for trial for the year 2001-02 and the year 2007-08. In 2001-02 there were a total of 185 cases set for trial and 61 or 33% entered last minute guilty pleas. In 2007-08 there were a total of 107 cases set for trial, however, 79 cases or 74% ended with a last minute guilty plea. This does provide some compelling evidence that Crown ownership has increased the strength of the prosecutor's case resulting in a much higher percentage of cases set for trial that were resolved with a change of plea and conviction.

The final consideration of the impact of the FEP on the 'quality' of justice is to see whether there are any discernible differences in sentencing patterns before and after FEP.

Table 9 examines the sentencing pattern for selected years before and after the introduction of FEP.

Table 9. Sentences of Offenders in the Winnipeg Family Violence Court for Selected Years

Sentence	1999-2000 N=2087	2001-2002 N=2202	2003-2004 N=1656	2005-2006 N=1378	2007-2008 N=1451
Incarceration at Sentence*	25%	26%	27%	34%	26%
Cond. Sentence	2%	2%	2%	2%	2%
Supervised Probation	33%	26%	19%	22%	18%
Unsupervised Prob.	4%	5%	5%	5%	5%
Fine &/or Restitution	13%	15%	13%	12%	14%
Conditional Discharge	12%	11%	9%	9%	8%
Absolute Discharge	1%	2%	<1%	2%	1%

***In many cases incarceration at sentence includes or is equivalent to the time in custody. Because there is so much overlap between incarceration as a result of time in custody and an actual sentence of incarceration we are including the single measure, incarceration at sentence.**

Overall the sentencing pattern before and after the Front End Project does not reveal any dramatic change. Two changes in sentencing suggesting greater severity are an increase in incarceration from an average of 26% before to an average of 29% after FEP. There is also a decrease in conditional discharges from 12% to 8%.

Another change is the reduction in the percentage of offenders sentenced to supervised probation. Further, the past pattern of combining a period of incarceration with on-going probation, 68% in 1999-2000 and 58% in 2001-2002, seems to have been dramatically reduced after 2003-2004 when the FEP was introduced. In 2007-08 34% received this combination of incarceration and probation which was half the rate in 1999-2000. It is not clear if there is any connection between changes in sentences of probation and the introduction of the FEP. These changes may result from the fact that since 2004 there has been an overall reduction in programs in corrections for domestic violence offenders including the closure of the Domestic Violence Unit in the provincial prison (Headingly). This separate and unrelated (to FEP), development may have an impact on sentencing. This pattern deserves more inquiry, but it falls outside of the parameters of this report.

Despite the above changes and a slight increase in stays of proceedings, most measures of court outcome and sentencing suggest that the efficiencies introduced with the FEP were not at the expense of the quality of justice as measured prior to the introduction of the Project. Our data suggest that the FEP is most closely associated with two developments. First, a significant reduction in cases set for trial. Crown attorneys have suggested that this may be an effect of the greater accountability that comes with Crown ownership of a file. If a prosecutor knows they will be the one prosecuting the accused at trial, they will give serious consideration to whether there will be enough evidence to meet their criteria of

"reasonable likelihood of conviction". Secondly, there is a significant increase in plea changes for matters originally set for trial. This is a significant development because, not only is it likely to increase convictions, but perhaps more importantly it no longer requires the victim to testify. Reducing the necessity for the victim to testify eliminates one of the most serious anxieties women report when their partner has been arrested. Other measures of the quality of justice can be found in the next two sections, the interviews with key CJS personnel in Part 2 and the interviews with women whose partners have been arrested for their abuse Part 3.

PART 2

KEY INFORMANT INTERVIEWS

This section presents the results of our interviews with key informants, (i.e. personnel in the criminal justice system associated with the FVC). An open-ended interview guide, (appendix A) was used to ask justice personnel about their impression of the impact of the Front End Project. We focused on a three major issues: Their work experience before and after the introduction of the FEP; the human resource impact of the initiative and; adherence to time lines. To a lesser extent, some participants commented on whether the FEP had an impact on victims or accused, ongoing accomplishments and challenges, and suggestions for improvement. While not part of the original proposal, we added some data analysis on time lines from arrest to disposition and number of hearings to disposition, to assess the extent to which key informant impressions matched the statistical evidence.

Key Informants and Sampling

The number of planned interviews and the occupational role of our interviewees differed somewhat from our original plan:

Table 10. Key Informant Interviews

Profession	Original Plan	Actual Interviews
Crown Attorneys	**4**	**4**
Judges	**4**	**4**
Court administrators	**4**	**3**
Defense lawyers.	**4**	**2**
Victim Service Staff*	**-**	**2**
Total	**16**	**15**

- With the reduction in the number of defense lawyers we could interview we added two victim services staff whose role involves a close working relationship with the Crown and an important perspective on victim's needs and interests.

While we regret that we were able to interview only two defense lawyers, overall our key informant interviews were extremely helpful and raised important issues the other two components of the study would not have revealed.

One of the most important sampling issues was to locate individuals who were working before and after the introduction of the FEP. Since the project was introduced in 2004 and the interviews were conducted in 2012, we were looking for individuals in practice for a minimum of ten years. On average, for all of the professions sampled the length of employment in their given field was 15 years.

Thus, everyone interviewed had worked in the system for a number of years prior to the introduction of the FEP. This was important because we were asking participants to make before and after comparisons.

Chart 1. Court Staffing: Before and After Front End Project

BEFORE FEP		AFTER FEP	
Type of Court	**Personnel**	**Type of Court**	**Personnel**
Administrative			
Intake	**Judge,** **Crown attorney** **Duty counsel/other defense**	**Intake**	**Pre Trial Coordinator** **Crown paralegal** **Defense & Legal Aid paralegal**
Screening	**Judge** **1 Crown** **All defense with conduct**	**Remand**	**Pre Trial coordinator** **Crown paralegal** **Legal aid paralegal** **All Defense with conduct**
		Administrative	**Judge** **Supervising Crown** **All defense with conduct**
		Legal Aid Admin.	**Judge** **Supervising Crown** **Legal Aid Area Director/** **Paralegal/intake support**
Substantive			
Bail	**Judge** **One Crown** **All defense with conduct** **Legal Aid Duty Counsel**	**Bail**	**Judge** **Two Crowns** **All defense with conduct** **Legal Aid Duty Counsel**
Plea/ Sentencing	**Judge** **One Crown** **All defense with conduct**	**Plea/ Sentencing**	**Judge** **All Crown with conduct** **All defense with conduct**
Trial	**Judge** **Crown with conduct** **Defense Lawyer**	**Trial**	**Judge** **Crown with conduct** **Defense Lawyer**

Work Experience Before and After the Front End Project

Throughout this section I will be making a distinction between administrative matters and substantive legal matters, because one of the main goals of the FEP was to separate the two. In addition, the FEP involved setting timelines for each member in the CJS to complete their task. These two initiatives were designed to: 1. Provide a more efficient use of human resources and 2. Improve (shorten) the time involved in processing cases. Administrative matters include hearings to determine whether the accused has counsel, to remand cases not ready to proceed, and to ensure disclosure has occurred. Substantive legal matters include: bail hearings, hearings to determine sentence in guilty pleas, and hearings in contested cases to set a trial date and proceed with a trial. Prior to the front end project, Judges, Crown attorneys and defense were involved in administrative and substantive matters which were often mixed together. Chart 1 above identifies the composition of courts before and after the Front End Project.

All categories of professions indicated that the FEP did have an impact on their work. Prior to separating administrative matters from substantive legal matters all of the court personnel, Crown attorneys and Judges and defense lawyers identified the overwhelming size of dockets. Volume really militated against deliberation and many referred to the intake and screening courts as 'assembly line' or 'sausage factory' work. Commenting on the system before the FEP one Crown commented on the intake court process:

"*I remember having to come in on a Saturday and Sunday to prepare for the Monday morning docket that would have over 400 matters on it. It was just sort of like a mill, you just address the files, remand them, adjourn them and so on, that's how the court system worked."* (Crown 3)

The legal aid duty counsel had a similar comment:

"*I can tell you that Monday intake court was a zoo. It was a very stressful day for me and the court as well*" (Defense 1)

One judge commented on the amount of time they had to preside over administrative matters prior to the FEP:

"….an awful lot of time would be taken up with those first steps, such as advising the person that they have a right to a lawyer; getting the person attached to legal aid or to seek a lawyer privately; getting the lawyer to get a police report; seeking bail variations; getting Crown to review whether they had a case to proceed against one or both parties. " (Judge 3)

Following the intake process, there were screening courts. These courts dealt largely with administrative matters, and were overwhelmed by volume as well. As one judge remarked:

"*….screening courts …..were so large and so unreal…it really just became a bit of a sausage factory …it was difficult to spend much time on any particular matter to…get to the heart of what the particular problem was to investigate*". (Judge 2)

This led to backlogs. As one judge expressed:

"The back log at that point in time was unconsciounable….We had lots of docket courts where all that happened for five and a half hours a day was judges did remands and cases got remanded." (Judge 4)

As indicated in Chart 1 below, the separation of administrative matters from substantial legal matters changed the point at which various court personnel became involved and changed the nature of work for other court staff.

The introduction of the FEP is credited with making the system less chaotic through separating the administrative matters from substantive legal matters and assigning different personnel to the two tasks. In addition to streamlining the system, the creation of new job descriptions and the negotiation necessary to implement this model resulted in a work culture shift for many of the personnel involved.

In discussing the process of setting up the Front End Project one judge referred to a change in work culture. The judge was describing the developmental stage of the FEP which involved a great deal of collaboration among all CJS personnel from police to corrections.

"*So one of the strengths, which was unintended, was the start of a change of culture; a culture of collaboration, of discussion, which I think, I believe probably does continue today at some levels."* *(*Judge 4)

Changing the Work Culture

The theme of a change in work culture was articulated by a number of participants. Interviews indicated that the major human resource impact was most significant for four professions: 1. Crown attorneys; 2. Prosecution assistants (paralegals in prosecutions); 3. Staff justices of the peace who became pre-trial coordinators; and 4. Judges.

Chart 1 above identifies three categories of staff who now play a more independent role as paralegals in the administrative courts. The pretrial coordinators, staff justices of the peace, now preside over the intake and remand courts. The court administrators spoke of the impact of the FEP, in particular, the creation of pre-trial coordinator positions which resulted in a new line of work for paralegal court workers, increased responsibility, and greater job satisfaction.

"…it's brought about a change in our workplace here definitely and the way in which court functions…..It certainly has provided for people to take on new roles that were obviously not available to them before, such as the pre-trial coordinator role." (Court Administrator 1)

Similarly, the Crown assistants also experienced a significant change in their work and their responsibilities. As one Crown, involved in the implementation stated:

"*…training our paralegals was a big change…..I think there was nervousness at first, but I think that it's a really valued position in our office now, a really looked-up-to position…. I think that there is huge job satisfaction*." They are playing an important ….. "*role in court, running the dockets on their own and having interactions with defense counsel about adjournments and things like that. I think it's empowering.*" (Crown 2)

The respondents most enthusiastic about the FEP were the prosecutors who valued this project most for facilitating the introduction of Crown ownership of a file. All of the prosecutors interviewed highly valued file ownership and felt it enhanced their ability to prosecute cases more effectively.

I like ownership. I think being responsible for my file makes me more accountable, more invested in the outcome and gives me the availability to be more involved in the people in the files." (Crown 1)

One prosecutor recounted an experience she had, which she attributed to her greater knowledge of the individuals involved, that Crown ownership permitted.

I recall one woman, . . . who came to court . . . and was addressing the judge, asking for contact with the accused. I was indicating that (contact) should not be a part of the disposition. Part of the probation order should include a no contact order because she wasn't in the best position currently to assess the risk. For a variety of reasons the judge ordered it (no-contact). When I went out of the court room, she asked to speak to me privately in the witness room, so we went into this room. I was waiting for the barrage, the blast. But she hugged me and thanked me and said she'd been feeling such pressure from his family to come and felt guilty about doing it. ….(she) was so glad that I had known her well enough….to put the situation in context before the court that allowed the no contact order to be put in place." (Crown 2)

One judge, who was previously a prosecutor, summarized the significance of the move to Crown ownership:

"*….We felt very strongly that there was a gap in terms of the Crown being able to maintain continuity and to have the full picture when it came to both the offender and the victim. So from my perspective that was a really key component of affecting change and that was ensuring that we could have file management so that is, one Crown, one file, one Crown, one offender and one Crown, one victim where possible so that the Crown would always have the full picture and the history of the parties in terms of the abuse and their involvement in the system.*" (Judge 1)

This same judge added:

"*I see a higher quality of prosecution from my perspective on the bench; I think it ups the ante in terms of the level of seriousness."*

Crown ownership also had an impact on the work of Victims Services staff. In pursuit of the "full picture" of the dynamic of abuse in a relationship, prosecutors relied on victim service staff for greater information from the victim. A victim service respondent talked about the change in work culture which resulted in a concurrence of Crown ownership, the new computerized system (PRISM), and younger Crown who were comfortable with computers.

"*….things are happening a lot quicker than they used to and I think the Crowns, there's been a big shift in the culture of the crowns*. *They really are making better use of us I would say…way beyond just reading our memos. "* (Victim Service staff 2)

This staff person, also indicated that there were times when Crown ownership could be an impediment if the file was not assigned quickly.

"*….So they're not necessarily being assigned for the first appearance. That does affect us because we've meanwhile seen the woman, have all the information there but no one's looking at it. …and sometimes the really difficult situations that people are in, they legitimately need conditions changed. When people say to us that this whole process is causing them more stress than the incident itself, that's difficult."* *(* Victim Service staff 2)

Recently, (2013) prosecutions have added two senior Crowns to respond to the work load, and in the above scenario the senior Crown should be able to respond to the request for variation without delay.

The Front End Project also introduced some very welcome changes into the day to day work of the judges.

"We saw an immediate change in terms of less administrative matters coming before us. As a judge when we're going to court, we're more often doing something significant, such as bail or sentencing or trial" (Judge 3)

This judge observed that the division of labour between the administrative and substantive court hearings and the efficiencies it introduced has enabled the courts to handle what would have been a crushing volume of work under to old system.

"*Well, I don't see how we could possibly handle the numbers that we're handling now under the old system. I mean we're trying to maximize the use of our judicial resources and we're still struggling." (*Judge 3)

The professionals who reported the least satisfaction with the FEP were the defense lawyers. They acknowledged that FEP introduced efficiencies for court personnel but they did not express the same benefits to their day to day work as the prosecutors. Defense remarked that although judges and prosecutors no longer had to attend administrative hearings, defense lawyer's presence was required. Referring to these front end courts, one defense lawyer stated:

"Crowns didn't have to come to court so they weren't as accountable in my experience….You have a roomful of defense lawyers, we still all have to come to court. The onus, I think has increasingly shifted to defense to move a case forward and contrary to what some people may tell you, that's really not defense's job. ….Prosecuting used to be a verb. There are very few prosecutors who take the steps to move a case forward since FEP because there is no pressure on them from a judge." (Defense lawyer 1)

Defense lawyers expressed frustration that they may want to file for a variation in conditions and this may require that they seek out a crown to verify their position on variation and a judge to approve, if there is consent. In response to this particular concern, prosecutors have indicated that there is always the opportunity to determine these issues ahead of time via email with the prosecutor who has conduct of the file and with consent of Crown the matter can be handled quickly.

A judge heard similar sentiments discussed by defense. This judge observed:

"The one thing I haven't talked about is that the defense lawyers still say they want to go back to the days of the old screening courts. And they say that what they have lost as a result of the FEP is the opportunity to meet face to face with the Crown attorney. And I say we didn't take that away from you, all we did was take away the ability of having a judge present when you're having that conversation with the Crown, and in my view, it's inappropriate for there to be a judge present for Crown and defense to have a conversation." (Judge 1)

This judge also confirmed the defense lawyers' belief that you need "pressure from a judge to move a case forward."

"*I think that defense lawyers in particular continue to be court driven. And what I mean by that is unless there's a court date looming; they're not doing anything on a file."*

To summarize, the FEP did have a significant impact on the day to day work and satisfaction of a number of professionals, specifically: paralegal's work and responsibilities, Crown ownership of files, and judges release from many administrative hearings. In terms of indirect impact, Victim Services staff expressed the view that the FEP, along with the introduction of computerized systems and Crown ownership of files, had improved and increased the communication between the two offices. All of the above professionals were able to identify very distinct improvements in their work as a result of the FEP, however, defense lawyers were much less enthusiastic. They preferred the old screening court system because they felt it facilitated greater contact between prosecutors and defense. However, both defense lawyers did acknowledge that the docket courts presided over by the pre trial coordinators had substantially reduced the volume and the chaos of the old docket court system.

Time Lines

Given that one of the major goals of the FEP was to have all of the personnel agree to time lines for completion of their work, we were particularly interested in the time guidelines police, Crown, and defense were provided and the time it took for cases to go through the court. In general, for out of custody cases "police are expected to provide full particulars to the Crown within 4 weeks. In the following 4 weeks (so up to 8 weeks after release), Prosecutions is expected to assign a Crown to each matter, the assigned crown is expected to review particulars, make a referral to Women's Advocacy (now Victim Services) program if appropriate, and be ready to engage in pleas discussions with Defense Counsel. The timeline for the next 6 to 8 weeks depends on when and if the accused retains counsel". (Associate Chief Judge, 2013).

The Front End Protocol quoted above increases in complexity because there are different timelines for accused in and out of custody and different time lines for accused with a defense lawyer at first appearance and those who were not represented. Practitioners in the system understand all of these complexities so we simply asked them to report on their experience of compliance with the guidelines.

The court administrators interviewed had a positive assessment of most of the personnel successfully meeting time lines.

"…its a very smooth operation and matters are moving along a lot faster than they used to because these people (PTC Pre trial coordinators),are dedicated to watching these matters and ensuring the timelines are met and the matters aren't lost in the system."(Court Administrator 2)

They explained the timeline monitoring system which tracks cases at the administrative court level.

"*TMS is a computer system application that is used by the administrative judiciary, JJPs (Judicial Justices of the Peace) the SJPs as well as the judges to manage timelines that are established in order to make sure that we're managing the process."* (Court Administrator 3)

They also identified the staff required to staff the administrative components of the court.

"*There's five pre-trial coordinators and an assistant to them, the case management coordinator, three trial coordinators, myself as manager, and there's also two dedicated court clerks for the in-custody maters. So that is what the unit comprises, those individuals, thirteen individuals"* (Court admin. 2)

It is clear that since the concept of the FEP was introduced it has grown substantially. While it was first introduced only to the Winnipeg FVC within a couple of years it was applied to all provincial courts.

In the interview with the court administrators their observations about the system tended to be about the system as a whole and not specific to domestic violence matters.

Despite the commitment to tracking and recording the specifics of cases at the PTC level of the courts there are still many cases in which the time lines are not met. In the evolution of the system the PTC's authority expires when the timeline expires. Once the case falls outside of the agreed upon timelines the case must appear before a judge in what is formally referred to as Administrative Court. This is clearly designed to be a "step up" in pressure to get the matter ready for disposition or trial. In addition to having to appear before a judge, the supervising senior Crown of the prosecutorial unit appears to speak to the matter along with defense lawyers involved in cases outside the time line.

"*Administrative Court is supposed to be a deterrent to delay. That is counsel should not view it as simply an uneventful occurrence and one that can be dealt with without much difficulty…..not viewed as a rubber stamp*" (Judge 2)

In the past there was a specific administrative court for FVC cases, however, currently domestic violence matters no longer appear in a designated Administrative Court. This integration of D. V. with generic criminal matters makes it extremely difficult to determine how wide spread timeline violations are in domestic violence cases. To overcome this limitation we conducted a detailed analysis of guilty plea cases for the period 2007-2008, (see Table 13 below). This sample selected guilty plea cases that had never been set for trial. The sample included all out of custody cases because the number who met our criteria was small and we sampled every fifth case for the in custody cases. Of the 41 out of custody cases 16 (39%) had time line violations noted and 7 (17%) of these cases had multiple violations noted. Of the 48 in custody cases 17 (35%) had time line violations noted and 7 (15%) of these cases had multiple time violations noted.

There is, further, evidence of difficulties meeting timelines in the growing number of administrative courts that are now in operation and the size of their dockets.

"*The size of those dockets, at least in the past, has been quite significant….like the old screening courts to some extent. The numbers can still be high you know, I remember a number of years ago sitting from*

(9:30am) to 5:30 or 6:00 at night….with no break, literally no break, that is no bathroom break, no lunch break, no nothing, it was one of those (situations) you were just welded to the seat." (Judge 2)

One judge who regularly sits in Administrative Court identifies two major sources of delay; first, the assignment of counsel for the accused and secondly the issue of disclosure (has all of the necessary information been received by the prosecutor and shared with defense?).

The problem of delays due to unrepresented accused became so severe that a Legal Aid Administrative Court was developed. The biggest stumbling block was to provide Legal Aid with all of the information required to determine the accused eligibility. Persons in conflict with the law are often not individuals who keep good track of their income records. Thus, through a combination of negotiation with Legal Aid about relaxing some of their bureaucratic requirements and creation of the specialized Legal Aid Administrative Court, the system is attempting to reduce that source of delay.

For Administrative Courts to be effective, however, Judges have commented that there needs to be consistency in Administrative Court:

"(If) *counsel feel they, at least, have a fighting chance of not being quizzed extensively on what the holdup is, then Administrative Court loses some of its power….it emphasizes the importance, I think of everyone being close to being on the same page"* (Judge 2)

One of the questions asked of all the participants is if they felt there was "institutional drift" back to the old ways of doing things. Two judges responded affirmatively to this question and one judge reported that they were just in the process of reviewing the FEP protocol.

"We do have institutional drift, ….I'd love to see the stats on remand delay and trial delay, I'd be shocked if they're as good as we got in the early days of the project. We may get back to that institutional thing (drift). The fact that they (Administrative Courts) proliferated and the fact that there's so many matters in there is a great worry to me. Why do so many cases go in there? Why are there timeline violations? So does that mean that the timelines were inappropriate to begin with or people aren't adhering to the agreements that they made. I suspect both." (Judge 4)

"*It seems to me that it'd probably be of some assistance to have kind of a reassessment and reevaluation of where we want to go and where our guidelines are, so that we can avoid the drift back. It's probably helpful for us as a bench to take another look at the guidelines to sort of re-acquaint ourselves with the philosophy of the Front End Project and that refresher I think may cause a bit of tightening up of things that have become a little more lax than the way they were."* (Judge 2)

The Crown attorney's also spoke to the issue of time lines reinforcing the judges' view of institutional drift.

"*I think there's been a focus away from the time lines…..it was sort of a key component when we first rolled out Front End. ….the only time that (timelines) comes up is when we're getting to the end of a deadline and somebody's saying we need something to happen with this and then people start scrambling…. The biggest challenge in maintaining the timelines is the judge. The courts, aren't necessarily holding people to them, and it's too easy to come up with reasons why the timelines need to be extended*". (Crown 1)

Another Crown had similar observations about timelines:

"And with our ongoing case load it's very difficult to meet those timelines. My time line that I use is Administrative Court. ….the straight forward cases I can do, (within the time line). Complicated (cases) that require more time and those are the ones that I sort of push the work to the outside limit." (Crown3)

Finally, one Crown referenced the ongoing review of the protocol making specific reference to timelines.

"*I can tell you the Front End protocol, in fact, is under review right now and there's some adjustments being made. So, some of the changes are to tighten the timelines, in fact, to make them even shorter than they were. ….adherence to enforcement of the timelines that, as I said, have sort of regressed a little bit.*"

While there is concern expressed about adherence to time lines and the growth of Administrative Courts, all respondents were in agreement that when a case legitimately required time extensions the court was definitely flexible enough to provide those extensions.

"*If you have an individual that has been so traumatized by what happened to her….If she can't face what happened to her, she's not coming to court to tell anybody else what happened to her. In particular there was a young lady who got beaten. Her jaw was…..it was horrible, horrible horrible. And that particular case, I did give her as much time as I could."* (Crown 3)

Time Line Analysis

The Front End Project had two major goals, these included, better allocation of human resources through the introduction of paralegals to handle administrative matters at the front end of the system and the creation of time guidelines to ensure that cases didn't languish in the system. Respondents all agreed that the human resource management goal had been effectively achieved. However, there was much more debate about the issue of timelines. As a result of this debate I decided to extend the study to include some data analysis of timelines. Some information was easily accessible in our data set; however, much of the information had to be hand calculated because we did not collect all of the necessary variables. In cases involving manual calculation, we selected two comparative years 2001-2002 before FEP and 2007-2008 after FEP. In cases in which we had the information in our data set, we included more years of observation.

The broad comparison of average time to process all cases in the family violence court from first appearance to final disposition reveals a substantial reduction in time. The average time to disposition in 2001-2002 was 304 days and the average time to disposition in 2007-2008 was 230 days, this 74 day reduction constitutes a 24% reduction in average case processing time. As indicated in Table 11 below, two factors account for this significant reduction. Using the same two comparative years we find that cases that end in a stay of proceedings are disposed of more quickly in 2007-2008 than in 2001-2002. The second factor is the number of cases set for trial before and after FEP.

Table 11. Average Time to Case Disposition for Selected Years: Before and After Front End Project

	2001-02 (N=3,913)	2007-08 (N=2,702)	Change	% Change
All cases	**304 days**	**230 days**	**-74 days**	**24%**
Stay*	**309 days**	**208 days**	**-101days**	**33%**

***Stay- we excluded those cases that were stayed for counseling because they extend time to allow for completion of counseling.**

Because the stays we included constitute 33% of all cases in 2001-2002 and 39% of all cases in 2007-2008 much of the overall reduction can be explained in terms of the shorter time to dispose of stayed cases.

However, another factor accounting for the reduction in case processing time is the reduced number of cases set for trial. As indicated earlier in this report, in the four years prior to FEP there was on average 112 trials per year and after FEP there was on average 34 trials per year. Given that trials are very lengthy processes, the overall reduction in the number of trials account for a significant reduction in the average time for all cases to be disposed.

When we examine the time involved in the disposition of trial cases, we find that FEP did not reduce trial times. We took a sample of trial cases each year for five years, one year (2001-2002) prior to the FEP and four years after the introduction of the FEP to see if the time from arrest to disposition changed. For this sample we only included accused in adult intimate partner abuse cases who were out of custody.

Table 12. Case Processing Time for Domestic Violence Contested Cases (Trials)

Year	Arrest to 1st App.	1st App to Dispo.	Total Time (Arrest to Dispo)
2001-02	**25.42 days**	**514.61 days**	**539.89 days**
2005-06	**20.14 days**	**578.48 days**	**598.61 days**
2006-07	**25.93 days**	**548.62 days**	**574.55 days**
2007-08	**17.18 days**	**476.14 days**	**493.32 days**
2008-09	**12.25 days**	**588.04 days**	**603.45 days**

1st App.–The first appearance (after FEP) occurs before a Pre Trial Coordinator.

Overall the single difference is the time from arrest to first appearance which is an average of 25.4 days before the FEP compared to an average of 18.9 days or a (26%) reduction after the FEP. However, from arrest to disposition the average time in 2001-2002 was 539.9 days and the average after FEP is 567.5 days a 5% increase. Thus, when it comes to trials for out of custody accused FEP has not succeeded in shortening time.

Trials, however, may not be the best measure for timelines since they only account for 2% of all cases before the court. To assess the impact of the FEP on timelines a consideration of guilty plea cases may well be a better measure. In considering a before and after measure we selected two years 2001-2002 and 2007-2008 to assess three measures to determine differences in time lines before and after FEP. These measures are: First, the percentage of cases disposed in a short period (3 months or less); in a medium length of time (over 3 months but within 6months) and a longer time (greater than 6 months). Second, we measured the average number of days it took to disposition with in these 3 categories. Finally, we were also interested the impact of paraprofessionals to limit the involvement of the full complement of court personnel for hearings where substantive legal issues were dealt with, rather than have judges, prosecutors and defense lawyers all present to participate in a request for a remand.

Our third measure is to compare the number of full hearings (identified as presence of judge, Crown attorney and defense) that occurred from first appearance to final disposition before and after FEP. What we are excluding are hearings presided over by pre-trial coordinators and administrative courts. It is necessary to separate the out of custody cases from the in custody cases because they are subject to different time line expectations.

For each year we did a random sample of guilty plea cases that did not have a previous trial date set. In 2001-2002 for out of custody cases, we chose every 6th accused. If they had a trial date we selected the next person. For in custody, we followed the same procedure and selected every 7th person. For 2007-2008 for out of custody cases we could not do a random sample because only 41 accused met the criteria; for in custody cases, we selected every 5nd accused. We did this to ensure that we were comparing, like cases and not comparing early guilty pleas with contested cases set for trial that resulted in a late guilty plea. This type of analysis involved a great deal of manual labour because we had to match hearings with court rooms to distinguish substantive court hearings from administrative court hearings. Finally, for the year 2007-2008 we added a column to record time line violations (T.V.). This category did not exist before the FEP, so we have no comparable column for 2001-2002.

Table 13. Case Processing Time for D.V. Guilty Plea Cases

Case Status		2001-2002 %	Days	Hearings		2007-2008 %	Days	Hearings	T.V.
Out of Custody			N=46				N=41		
3 mos or less		26%	61	2.7		15%	51	1	0
>3 mos-6mos	56%	30%	137	4.3	54%	39%	137	1.3	31%
> 6 mos		44%	399	5.5		46%	330	1.9	58%
In Custody			N=46				N=48		
3 mos or less		65%	49	5.2		46%	59	1.7	0
>3 mos -6mos.	80%	15%	134	11	79%	33%	139	2.1	56%
> 6 mos.		24%	334	12		21%	281	1.9	88%

If we consider the first category (3 months or less), we find a much higher percentage were disposed in 2001-2002 than in 2007-2008. However, it is interesting to note that if we look at the percentage of cases disposed in 6 months or less (the first two time categories) the differences before and after the FEP are largely eliminated. Comparing the two sample years, we see a drift in the post FEP year from the 3 to 6 month category. Prosecutors have suggested that this is an outcome of file ownership which leads to more detailed and complex cases due to better knowledge and understanding of the accused's offending behavior over time. This greater knowledge requires more time to prepare the prosecution case as more information is available and/or can be requested from police, victim services and corrections.

Column three indicates that time lines are being carefully monitored. For out of custody cases in 2007-2008, 31% of the cases disposed in >3 to 6 months had time line violations noted on file, for those whose disposition took more than 6 months 58% had time line violations noted on file. The in-custody cases in 2007-2008 exhibit the same pattern. For those cases disposed in >3 to 6 months 56% had time line violations noted and for those whose disposition took longer than 6 months 88% had time line violations noted.

What is important to note is the difficulty in determining the source of the time line failure. Was it a case of waiting for police information, were the prosecutors slow to determine their position and disclose to defense, or was the defense lawyer the source of the delay? The one thing that is noted in the file is a number of delays due to the accused not having counsel. This issue was mentioned in the interviews with judges. When they realized how the number of Administrative Courts were proliferating they did an analysis, which indicated that lack of counsel was a major factor in delay.

" *….about 2008, ….our administrative courts started to grow and grow and we thought what is going on? We identified one major grouping of individuals, unrepresented individuals …so we thought let's get all of those people in one court and see how the system can assist or address this."* (Judge 1)

It was at this point that a Legal Aid Administrative Court was introduced and negotiations began with Legal Aid to facilitate a more timely assignment of counsel. Overall, the progress of cases through the courts is carefully monitored, pressure points can be detected earlier, and remedies can be put in place sooner than if there was no monitoring.

Our data supports the impressions of the key informants that time lines continue to be a challenge. Our data also supports the key informants' consensus on the fact that separating administrative matters from substantive legal matters did have a positive effect on human resource management. Column 4 in Table 13 indicates that many fewer full court hearings were required to dispose of a case. In all three time categories the Front End Project cut full court hearing time by half or more. For in-custody cases that took longer than 3 months the number of full court hearings were one tenth of the number of hearings prior to FEP.

Additional Key Informant Observations

One of the developments I became aware of during the key informant interviews was the fact that the past practice of assigning dedicated court rooms for domestic violence matters has been eroded over time. When the FEP was first introduced it applied only to the Family Violence Court. However, when it was extended to all criminal matters before Provincial Court the focus on time management for all cases began to erode specific accommodations for domestic violence, such as designated court rooms for trials and sentencing and designated D.V. Administrative Courts. Today the only remaining domestic violence designated courts are Bail Court (Rm 304) and the child specific trial court (Rm 412). It is far too early to assess the impact of these changes because they are so recent; however, some of the judges did raise questions about this situation.

"We rolled it (FEP) out in domestic violence for really valid reasons because of the nature of those types of cases and the effect on victims and families and children. ….maybe in rolling it out to everything, and it's become the standard way of doing business, we forgot why we did that specifically for domestic violence cases to begin with. ….it could have been that by widening it, by making it just the course of business, that we lost specific focus on why we wanted to do it for DV cases." (Judge 4)

Alternatively, a number of Crown attorneys expressed the view that file ownership did make scheduling matters more complex because you had three schedules to accommodate rather than two (the judge and defense), as was the case in the past. Thus, they viewed it as an asset to have as much flexibility as possible in locating available courtrooms. Finally, they indicated that with Crown ownership of files the strength of the prosecution's case made it possible to have a good hearing regardless of the room in which the hearing occurred or the other types of cases on the docket.

While no one suggested that there is a purposeful intent to erode attention to domestic violence cases, there is a concern that in the rush to have every case disposed of as quickly as possible, designated court rooms become an impediment to this goal. The question arises: Can they afford to have a trial court

designated for D.V. trials sit empty if none of the scheduled trials actually proceed? Does this way of thinking unintentionally erode the idea that D.V. cases are different, involve different dynamics and cannot be fairly or appropriately considered in a generic court room that combines drug cases, robberies, and break and enters in the same sentencing court as a domestic case? This is an important question to address because we know that the previous system, which included designated court rooms was effective, in terms of conviction rates, sentencing and, as we will see in Part 3 of this report, in victim satisfaction with the system. Answers to this question will have to await analysis of post 2012 data on domestic violence cases.

PART 3

WOMEN'S PERSPECTIVES ON THE JUSTICE SYSTEM

Introduction

In 2004 RESOLVE Manitoba spearheaded a tri provincial longitudinal study of women who had experienced violence from their intimate partner. In total we had 665 women in the three Prairie Provinces and 222 respondents in Manitoba. One component of this extensive study was to ask women about their experiences with the criminal justice system when their partner had been charged. These interviews were conducted between 2004 and 2008, however, we asked women whether they 'had ever been involved in the CJS', so it doesn't give us a before or after measure of the impact of the FEP. Despite this limitation, our findings do give us an important insight into women's experiences of the CJS. For the purposes of this report we will present the findings from Manitoba and in particular Winnipeg participants.

Table 14. Manitoba Study Participants

Location	Number	Percentage
Winnipeg	**163**	**73%**
Small Town/Rural	**45**	**20%**
Northern	**14**	**6%**
Total	**222**	

Our study participants were recruited from social service agencies designed to provide services for abused women. This recruitment strategy was designed to provide participants who had accessed community services so they could comment on the services and assess how helpful they were in the women's pursuit of a safe, violence free life for themselves and their children. As a result we do not have a representative sample of all women who have experienced violence from their intimate partners, but we do have an excellent sample of women who have accessed services, including the criminal justice system.

The demographic characteristics of the Manitoba participants closely matches the women whose partners have been involved in the Winnipeg Family Violence Court. The women ranged in age from 18 to 70 years with the average age being 35 years. Within the Manitoba sample, 61% of the women were Aboriginal, 87% had children, 35% were employed, 50% had household incomes less than $15,000 a year and 46% had less than a high school education. A very significant number of women in the Winnipeg

sample had involvement with the legal system as a result of intimate partner violence as indicated in Table 15. Although rural and Northern women make up only 26% of the sample we thought it would be helpful to compare the involvement of Winnipeg women with that of women from other parts of the province

Table 15. Involvement in the Legal System for Winnipeg and Rural and Northern Women Participants

Service	Winnipeg	Rural/Northern
Police	**81%**	**71%**
No Contact orders	**62%**	**68%**
Criminal Court	**52%**	**41%**
Family Law	**39%**	**51%**
Yes to all of the above	**30%**	**22%**

One reason perhaps for significant involvement with the criminal justice system was the fact that participants in our study experienced a very high level of violence in their relationship. Table 16 indicates a number of measures of the seriousness of the abusive behavior these women experienced. Further, this table indicates that the experiences of Manitoba women were very similar to the experiences of women in the other Prairie Provinces.

Table 16. Selected Experinces of Abuse Recorded in the Healing Journey

Experience	Manitoba	Saskatchewan	Alberta
Abused when Pregnant	**78%**	**74%**	**75%**
Partner Used Weapon	**42%**	**41%**	**43%**
Raped by Partner	**41%**	**38%**	**44%**

Winnipeg women were more likely to call the police and be involved with the criminal court than women from rural and northern areas. Winnipeg women themselves (76%) more frequently called the police than a third party caller (57%). We also asked women how the police responded. The majority of Winnipeg women (61%) indicated that the police charged their partner and 11.4% indicated that there had been a dual arrest. They also reported that police confiscated weapons (15%) and escorted them to shelter (26%). On the less positive side, 54% of Winnipeg women said that police just talked to them and 47% asked the women if they wanted charges laid. Because we cannot link these comments to a particular time, it is possible some of these responses reflect a much earlier period of time. We asked the women what they thought of the police response. In Winnipeg Non-Aboriginal women were somewhat more positive (5%) than Aboriginal women and rural/ Northern women were more positive (9%) than Winnipeg women. Some women just made factual statements without any assessment of police behaviour and others provide a mixed assessment, (i.e. they appreciated some actions on the part of police and were critical of others).

Table 17. Women's Assessment of Police Response

	Winnipeg Respondents	Winnipeg Aboriginal	Winnipeg Non-Aboriginal	Rural/Northern
Positive	**34%**	**32%**	**37%**	**43%**
Factual	**21%**	**16%**	**28%**	**26%**
Mixed	**13%**	**16%**	**9%**	**10%**
Negative	**32%**	**36%**	**26%**	**21%**

There was also less difference between Aboriginal and non-Aboriginal women's assessment of police response in the rural and Northern areas. Although not presented in the above table, a positive assessment was provided by 42% of the Aboriginal women and 44% of the non-Aboriginal women in rural and Northern communities.

Examples of positive assessments of police responses are:

"I found the police to be kind and helpful. They took my children to their grandmother's house and me to the hospital. They made me feel secure; told me to call them any time."

"The police were very helpful and showed that they were concerned with me. They were also very quick to come"

In the negative category, one women stated:

"*I got to be homeless and my partner got our home. I was expecting the police to take me and my children home and throw out my partner. That didn't happen. They said it was a family matter not a criminal matter. This happened in January and February of 2005"*

An example of a mixed and a factual response are:

"*It was good because they had a female officer come and talk to me. But I felt in a difficult situation in having to charge him before they would take me to a shelter."*

"Police came and arrested him"

For women whose partners have been charged, the next step in the justice system is Victim Services and the prosecutor. Unfortunately we did not ask any specific questions about Victim Services but we did ask how women felt they were treated by the prosecutors. It is interesting to note that Aboriginal women reported a more positive response to prosecutors than non-Aboriginal women.

Table 18. Women's Assessment of Prosecutors Response

Assessment	All Winnipeg	Winnipeg Aboriginal	Winnipeg Non-Aboriginal	Rural/Northern Women
Positive	**44%**	**52%**	**32%**	**39%**
Mixed/factual	**10%**	**6%**	**32%**	**22%**
Negative	**40%**	**42%**	**37%**	**39%**

Examples of positive comments included:

> *"The prosecutor was good. He treated me respectfully and kindly."*
>
> *"Very understanding. Made me feel comfortable, when I would break down and cry, he would ask if I 'd like to stop and take a break…didn't rush me."*

Negative comments included:

> "*He ignored me. I did not feel part of the whole exercise. I felt outside of the scene. He was just doing his job.*"

A final question we posed to women was how they felt they were treated the judge

Table 19. Women's Assessment of their Treatment by Judges

Assessment	All Winnipeg	Winnipeg Aboriginal	Winnipeg Non-Aboriginal	Rural/Northern Women
Positive	**57%**	**56%**	**58%**	**65%**
Mixed/factual	**22%**	**22%**	**21%**	**15%**
Negative	**22%**	**22%**	**21%**	**20%**

Positive comments about judges included:

"*I felt very well treated by the judge. The judge was the only one who really seemed to be concerned about my safety and my children's safety.*"

"Very supportive of me. Helpful because the judge knew more of the background. I think all judges should know background situations before making decisions."

Negative comments included:

"*The judge sentenced my ex to conditional discharge. Obviously the judge doesn't know about DV abuse and abusive men."*

"I felt I was just another case to him. Just a face. I thought the judgement handed down to my husband just reinforced what he did….that he could go on abusing me without any consequences."

Of all three levels of personnel in the criminal justice system, Winnipeg women respondents gave the highest positive assessment to judges (57%), followed by prosecutors (44%). Police received the lowest positive assessment at 34%. Rural and Northern women rated police and judges more highly than Winnipeg women and prosecutors lower than Winnipeg women. It is important to note that Winnipeg is the site of the specialist domestic violence prosecutor's unit.

Experiential and Institutional Data

When comparing women's accounts of their abuse with police and court records one finding that stands out is the differences between women's accounts of the assault and what shows up in the CJS data. I earlier indicated that the women we interviewed had experienced severe violence and I suggested that as a possible reason why so many of our participants were involved in the criminal justice system. Table 20 contrasts women's accounts of their assault incidents with the charges that are recorded in the criminal justice system.

Table 20. Women's Experience of Assault and Official Criminal Justice Statistics

Nature of Assault	Women's Reports	Winnipeg Family Violence Court	Canadian Justice Statistics
Rape	**41%**	**1%**	**2%**
Assault with A weapon	**42%**	**15%**	**12%**

Data for the Winnipeg Family Violence Court (1992-2002) Ursel & Hagyard (2008)
Canadian Centre for Justice Statistics: Statistical Profile 2004

This dramatic difference between experiential accounts and official criminal justice statistics is undoubtedly caused by many factors. However, one factor identified by victim services staff and prosecutors alike is the fact that the worst assaults are the ones hardest to talk about. Police, prosecutors and judges need to be aware of this potential sub text that may underlie a common assault case. It was suggested that with Crown ownership of files and the increased continuity of communication between prosecutors, victim services staff and victims, greater trust may be established and hopefully this would result in a fuller disclosure of the nature of the assaults a woman experiences. The fact that many of the respondents in our Healing Journey study had a positive assessment of their treatment by prosecutors and judges may lay the groundwork for greater trust and greater disclosure.

CONCLUSION

This study was launched to assess the impact of the Front End Project on the quality of justice. While efficiency was measured and continues to be monitored, the ultimate goal of the justice system is to provide fair, equitable, and safe interventions in volatile and dangerous cases of family violence. As one judge stated:

"*This system isn't just about speed and efficiency; it's about effectiveness and getting it right. You still have to ensure justice is done at the end of the day."* (Judge 4)

To operationalize 'quality of justice', in our proposal we referred to an extensive literature that has identified five components of successful specialized family violence courts. These five components are:

1. Early intervention
2. Timely case resolution
3. Vigorous prosecution of serious offenders
4. Greater sensitivity to the needs and interests of victims and their family
5. Rehabilitation of offenders

To measure the impact of the FEP on the quality of justice we assessed the realization of the above five components in our analysis of three areas of inquiry. First, we examined court processing, outcomes and sentencing of family violence cases before and after the introduction of the FEP, this was presented in Part 1 of this report. Secondly, we conducted interviews with key personnel in the justice system about their work experience before and after the FEP which was presented in Part 2. Finally, we presented the results of a concurrent study conducted by RESOLVE which asked women about their experience of the criminal justice system, presented in Part 3.

Early Intervention

Indicators of success in meeting the first component, early intervention are twofold. First, there is the presence of the rehabilitative remand option, which directs low risk offenders into treatment programs with the potential to stay charges for successful completion of the treatment program. This option is exercised regularly in 7% to 9% of all cases and the Front End Project did not disrupt this option. It is important to note that accused who were in the rehabilitative remand program had the lowest rate of recidivism of all other accused in the system, (Ursel & Hagyard, 2008). Secondly, our analysis of trials and guilty pleas indicates that the time between arrest and first appearance has been significantly shortened.

Timely Case Resolution

Timely resolution of cases was perceived by court personnel as a challenge, in light of the greater complexity of cases that came before the courts. This complexity was seen to be the result of Crown ownership of files, which led to greater knowledge of the accused and their previous offending behavior. Thus, we see that with regard to guilty pleas there has been a drift of cases from the quick disposition (three months or less) to the intermediate disposition (six months or less) category after the introduction of the Front End Project.

Evidence for success in meeting the goal of timely resolution is the broad comparison of average time to process all cases in the family violence court from first appearance to final disposition before and after the FEP. Taking the two comparison dates of 2001-2002 and 2007-2008 we find a reduction of 74 days or 24% from entry to exit of the court system for the average of all cases after the introduction of the FEP, (Table 11). Further, we find that the time to determine a stay of proceedings was reduced by 101 days or a 33% reduction after FEP.

Vigorous Prosecution of Serious Offenders

Indicators of success in meeting this criteria are threefold: First our analysis of court cases before and after the FEP; secondly, our key informant interviews that identify the growing complexity of cases due to richer evidentiary material presented in court and finally, the assessments of women whose partners have been charged for assaulting them.

Our analysis of court data indicates that there is a 3.5% increase in sentences of incarceration and a decrease in conditional discharges (Table 9). Most importantly, we see that there has been a dramatic increase in plea changes for cases originally set for trial, from 33% before to 74% after the introduction of the Front End Project. This simultaneously enhances the conviction rate and relieves the victim from the necessity of testifying and facing cross examination.

A number of our key informants commented on the impact of Crown ownership of files on the improved evidentiary material being presented in bail hearings, sentencing, and trials. These observations, in combination with increasing plea changes, speaks to the commitment of the DV Unit in prosecutions to the pursuit of vigorous prosecutions.

A final indicator of success in meeting this criteria are the observations of women whose partners have been charged. Women respondents in the concurrent Healing Journey study reported a relatively high rate of satisfaction with prosecutors assigned to their partner's case. In Winnipeg 44% gave a positive assessment of prosecutors. Among Aboriginal respondents this rose to 52%. About 10% of respondents gave simply factual or mixed assessments, in short less than half (40%) had negative assessments (Table 18).

Greater Sensitivity

Evidence of greater sensitivity to the needs of victims and their family are primarily found in the key informant interviews and the responses of women in the Healing Journey study. While much of this evidence is resulting from reports on the impact of Crown ownership of files, comments from women respondents (Healing Journey study) give very positive assessments of their experience of judges adjudicating their partner's charge.

Crowns interviewed identified the importance of their continuity with a case as a means of building trust with the complainant. This observation was reinforced by Victim Service's staff who observed that prosecutors were now working more closely with Victim Services to get a better measure of the circumstances of the victim and her children. Finally, these observations were reinforced by judges' observations about the positive case outcomes from Crown ownership of files.

As indicated above, women whose partners were charged had a fairly positive assessment of prosecutors and the majority of the positive statements expressed their appreciation of being heard and being treated with consideration and respect, (page 36). Another measure of the courts sensitivity to victims of domestic assault was obtained from women's assessment of their experience of the judges adjudicating their partners cases. Judges received the highest overall assessment, with 57% of Winnipeg women reporting a positive assessment of their treatment by the judge (Table 19). Their positive assessments revolved around being heard, being treated with respect and judges concern about the safety of the woman and her children.

Rehabilitation of Offenders

This component of success is the one most removed from the focus of the Front End Project because treatment of convicted offenders is truly at the back end of the system. The one area in which we have a measure of commitment to rehabilitation is with the utilization of rehabilitative remands by prosecutors to get low risk offenders into treatment as an alternative to proceeding through the criminal justice system. This program has continued uninterrupted by the introduction of the Front End Project.

Other evidence of commitment to rehabilitation of offenders largely lies outside the parameters of this study. However, several observations do give rise to concern. First is the reduction in supervised probation orders at sentencing, and the reduction of supervised probations orders following a jail sentence. It has been suggested earlier that this may be the result of significant reductions in programming for domestic violence offenders since 2004. However, it is clearly a matter for further study.

In conclusion, the results from our three foci of inquiry, court data , key informant interviews, and women's assessment of their experience with the CJS, all suggest that there have been no negative consequences in court processing of family violence cases as a result of the introduction of the FEP. Further, our key informant interviews indicate that the Front End Project has a very positive effect on human resource management by creating administrative hearings involving considerable paralegal management. While administrative management has not been the focus of this study, comments on this issue have revealed a substantial increase in job satisfaction for many key court personnel. It is hoped that this higher morale will translate into a higher quality of justice. Thus, on the basis of our findings I conclude that the administrative processes introduced with the Front End Project did not negatively impact on the quality of justice and in a number of circumstances, contributed to its improvement.

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APPENDIX

Key Informant Interview Guide

Preamble: The Front End Project (FEP) introduced in 2003-04 involved a change in the administration of the courts first applied to Family Violence Court matters. All of the following questions are in relation to the Projects application to the courts processing of family violence criminal matters.

1. What is your professional role in relation to the criminal justice system?

2. How long were you working with/in the courts prior to the FEP?

3. Could you identify your connection to the Front End Project, either as a practitioner affected by the process and/or as a person involved in the design and development of the Project?

4. How would you describe the operation of the courts, (processing family violence matters), prior to the FEP?

Practitioners Section

5. As a practitioner how would you describe the operation of the courts, (processing family violence matters):

    a. In the first year after the implementation of the FEP?
    b. Today?
    c. Can you identify any way the FEP may actually change a case outcome, in terms of pleas, verdicts, sentencing or testimony?

6. As a practitioner how would you describe:

    a. How you have been affected by the implementation of the FEP?
    b. How your clients have been affected by the implementation of the FEP?
    c. How your client's family has been affected by the implementation of the FEP?
    d. Have your colleagues commented on how FEP has affected their work or their clients?

Project Designers Section

7. As an individual involved in the development of the FEP would you describe:

    a. The key actors involved in bringing about the change.
    b. The process involved in implementing the change.
    c. The major goals for FEP at the time of planning and/or implementation
    d. The current operation of FEP in relation to the original goals and objectives.
    e. Have goals been changed, added or modified since its implementation?
    f. The strengths of FEP in operation.
    g. The limitations or weaknesses of FEP.
    h. How would you assess its overall impact on the administration of the courts (in processing family violence criminal matters)?

i. Are there unanticipated outcomes, for example impact on collaboration between divisions, departments or individuals not necessarily related to FEP?

8. How many individuals are involved in ensuring that the FEP goals are being achieved?

Practitioners and Program Designers

9. There are many actors involved who have to meet agreed upon time frames, police, defense lawyers, prosecutors, etc. In your opinion are there some offices/actors that are more likely to meet timelines than others? Do some offices/actors have greater difficulty meeting time lines and why do you think that is the case?

10. Are you aware of any institutional drift back to the old way of doing things? If so, what are they? If not, why do you think the project is still active and viable?

11. The FEP puts a premium on timely processing of cases. Are there cases or circumstances you can identify which would benefit in terms of a just outcome from a slowing down of procedures?

12. There is an informal diversion process for first time offenders often referred to as a delayed remand; a prosecutor can offer the accused a delay in the process to allow them to attend counseling, and if they successfully attend, participate and complete the counseling program they can have their charges stayed. How does the FEP deal with these cases?

13 . Can you suggest changes that might improve the operation of FEP?