

British Columbia
JUSTICE SUMMIT

NINTH JUSTICE SUMMIT

Justice and Technology II

November 24, 2017

REPORT OF PROCEEDINGS

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NINTH BC JUSTICE SUMMIT REPORT OF PROCEEDINGS

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Executive Summary

The 2017 BC Justice Summit cycle focused on the question of how technology may improve the administration of justice and public safety in British Columbia, and concluded on November 24th at the Ninth Summit. The Ninth Summit agenda placed priority on the areas of digital information management and infrastructure improvements, both of which had attracted significant interest at the Eighth Summit in June.

Sixty-five people participated at the Summit, with representation from the leadership of the justice and public safety sector, police agencies, Indigenous organizations, non-governmental organizations and service agencies, professional bodies, and technology subject matter experts. Participants were provided in advance with the text of four Draft Recommendations, developed over the previous six months by the Summit Steering Committee (the Committee). As at previous Summits, the methodology employed involved brief presentations followed by deliberation in small groups in breakout rooms, and then reporting-out in plenary guided by the Summit facilitator. Participants were provided in advance with a workbook of background materials, including summary readings and the discussion questions set by the Committee. The agenda was organized around consideration of the Draft Recommendations in two separate sessions.

Participants at the Ninth Summit recommended creation of a digital information management strategy for the sector, including the establishment of a sector-wide steering committee tasked with overseeing the development and implementation of such a strategy. Participants also recommended the development of a set of minimum provincial baseline technology access standards in courthouses, including a means for updating these standards in step with technological change.

This report has been submitted by the Summit Steering Committee to the Attorney General of British Columbia, the Minister of Public Safety and Solicitor General of British Columbia, the Chief Justice of British Columbia, the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia, and made available to the public online.

About British Columbia Justice Summits

Statutory Basis

The *Justice Reform and Transparency Act* of 2013 requires that a British Columbia Justice Summit be convened by Ministerial invitation at least annually. Summits are intended to encourage innovation and facilitate collaboration across the justice and public safety sector, by providing a forum for frank discussion between sector leaders and participants about how the system is performing and how it may be improved. The Act also established a Justice and Public Safety Council, appointed by Ministerial order, to develop a vision and an annual plan for the sector across the province. As set out in Section 9 of the Act, a Summit may:

- a) review and consider initiatives and procedures undertaken in other jurisdictions in relation to the justice system in those jurisdictions;
- b) provide input to assist the Justice and Public Safety Council of British Columbia in creating a strategic vision for the justice and public safety sector;
- c) make recommendations relating to priorities, strategies, performance measures, procedures and new initiatives related to the justice and public safety sector;
- d) assess the progress being made in justice reform in British Columbia; and
- e) engage in any other deliberations that the Justice Summit considers appropriate.

Following each Summit, the Summit *Report of Proceedings* is submitted to the Attorney General of British Columbia and the Minister of Public Safety and Solicitor General of British Columbia, and simultaneously to the Chief Justice of British Columbia, the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia.

The Summit Process

At the direction of the Ministers, the Summits are designed to address one broad theme per calendar year. The Spring Summit engages the sector's leadership in an initial discussion of a topic of common concern to sector participants, bringing additional subject-matter expertise and other leaders into the dialogue where required. Following the Spring Summit,

those ideas which have attracted greatest participant interest and support are developed in more concrete detail by subject-matter experts from relevant fields, taking the form of proposals for collaboration or innovation in the sector. The Fall Summit completes the cycle of discussions, providing an opportunity for participants to review one or more of these proposals; and, as may be appropriate, making recommendations and considering leadership responsibilities associated to implementation.

The Summit process continues to rest on the voluntary participation of those representing various independent roles, positions and responsibilities within the sector, many of whom are sworn to champion and uphold the integrity and fairness of our adversarial system of justice. Participants recognize that the constitutional, statutory or operational obligations of some attendees may require that important caveats or restrictions be attached to any particular recommendation.

Who Attends?

The justice and public safety sector itself is defined in the legislation as “[t]he justice system, including, without limitation, programs or services, funded in whole or in part by public money, that contribute to the administration of justice or public safety in British Columbia.”

Invitees, according to statute, may include:

- a) the Chief Justice of British Columbia, the Chief Justice of the Supreme Court and the Chief Judge of the Provincial Court and, through them, any other members or officers of their courts that they consider appropriate,
- b) members of the Council, and
- c) any other individuals, including, without limitation, other participants in the justice and public safety sector, the [Ministers consider] to be qualified to assist in improving the performance of the justice and public safety sector.

The Summits involve participants from across the entire sector as appropriate for each event, including leaders and experts from the criminal, civil, family and administrative justice systems, the public safety arena, and other public and private service providers, non-governmental organizations, and academic experts with whom cooperation is essential for the sector’s success. In addition, dependent on theme the Summit process will involve

invited attendees from other sectors with distinct areas of leadership responsibility and competence – for example, the health, education or social development sectors.

The 2017 Summit Cycle: “Justice and Technology”

Background: The Eighth Summit

The Eighth BC Justice Summit in June 2017 was the first of two Summits to focus on the question of how technology may improve the administration of justice and public safety in British Columbia, including questions of access, security, efficiency and readiness. Seventy-two people participated at the Summit, with representation from the leadership of the justice and public safety sector, police agencies, Indigenous organizations, non-governmental organizations and service agencies, professional bodies, and technology subject matter experts.

Participants at the Eighth Summit identified six areas of work for further attention:

1. An assertive, multilateral strategy on digital information management and transfer between system participants
2. Steps to make common-sense infrastructure improvements in the courts
3. Consider use by the sector of the province’s identity management strategy
4. Expanded use of technology to improve services to citizens engaged in the system
5. Delivery of digital literacy education for people in the sector
6. Public engagement over system access, data gathering, and data retention

The Ninth Summit

Continuing its work from the Spring, the Steering Committee sought to narrow the focus for the Ninth Summit to a limited number of actionable pieces around which recommendations might be formed. Placing priority on the areas of **digital information management** and **infrastructure improvements**, both of which had attracted significant interest at the Eighth Summit, the Ninth Summit agenda divided the discussion between these two areas.

Ninth Summit Agenda and Methodology

As at previous Summits, the methodology employed involved brief presentations followed by deliberation in small groups in breakout rooms, and then reporting-out in plenary guided by the Summit facilitator. Participants were provided in advance with a workbook of

background materials, including summary readings and the discussion questions set by the Committee. The agenda (see Appendix 1) was organized around consideration of four draft recommendations in two separate sessions, addressing:

(Session One)

- The development of an inclusive, standards-based digital information management strategy for the sector.
- Senior sponsorship (or project governance) arrangements to implement the strategy.

(Session Two)

- A coordinated response on behalf of the sector regarding future network investments at the community level.
- With respect to the courts, the development of technology access standards and the broader exploration and piloting of video technology in (e.g.) court appearances.

Organizing team

On behalf of the Ministers, the Ninth BC Justice Summit agenda and participant invitation list was developed by a cross sectoral Summit Steering Committee (the Committee) with broad representation, including federal, provincial and municipal justice organizations and agencies, police, indigenous justice organizations, independent justice professionals, NGOs, and technology subject matter experts. The Committee included observers from the British Columbia Court of Appeal, the Supreme Court of British Columbia, and the Provincial Court of British Columbia. The Committee, chaired by the Coordinator of the BC Justice Summit process, met between September and November 2017, and was supported by a multidisciplinary expert Working Group. Membership lists of the Committee and Working Group are appended to this Report.

Draft Recommendations Considered

Participants were provided in advance with the text of four Draft Recommendations, developed over the previous six months by the Steering Committee.

The Final Recommendations are detailed beginning on page 19.

Draft Recommendation 1

- 1) The Ninth BC Justice Summit recommends that by March 31, 2019, there be agreed a digital information management strategy for the BC justice and public safety sector, and having the following elements and attributes:
 - a) clearly stated objectives regarding e.g. (a) access to justice, (b) resource efficiency, (c) security, and (d) timeliness as they related to digital information management;
 - b) establishment of provincial standards concerning information management and exchange and digital identity in criminal, civil and family, and administrative process,
 - i) specific to those individual areas, e.g. to disclosure or to civil discovery; but also
 - ii) generally applicable wherever appropriate, to facilitate migration of effective approaches across the sector;
 - c) no established processes regarding specific technologies, provided standards are met;
 - d) timelines and milestones for realization of the strategy; and
 - e) associated empirical baseline and progress indicators; while
 - f) preserving the roles of justice sector actors/participants, judicial independence and privacy.

Draft Recommendation 2

- 2) The Ninth BC Justice Summit recommends that for the purposes of the actions set out in Recommendation 1, via discussions initiated by the Ministry of Attorney General, and involving all significantly implicated sector actors/participants, there be:
 - a) agreement on appropriately detailed senior sponsorship and participation in the development of the strategy and in its ongoing application, with any such senior body to be convened no later than March 2018; and
 - b) identification of ongoing, dedicated core support at a more technical level for promotion and application of the strategy; and that
 - c) any such arrangement respect the roles of justice sector actors/participants, judicial independence and privacy.

Draft Recommendation 3

- 3) The Ninth BC Justice Summit recommends the immediate establishment of a multilateral expert group tasked with provision of a coordinated sector response to Network BC regarding forthcoming provincial, federal and private investments in connectivity at the community level, with particular attention to:
 - a) Access to justice for Indigenous peoples;
 - b) Access to justice for citizens in rural and remote areas;
 - c) Enhanced timeliness of public safety responses;
 - d) Efficiency of remote communication and information transfer by police.

Draft Recommendation 4

- 4) The Ninth BC Justice Summit recommends, in recognition of the variable technology available to the judiciary, sector professionals, and citizens in courthouses, but also of recent advances in affordable communications technology, the establishment by March 31 2019, via consultation facilitated by the Ministry of Attorney General, of:

- a) a set of sustainable provincial baseline technology access standards in court proceedings, including a means for updating these standards in step with technological change; and
- b) a strategy for the study, and piloting in certain locations and/or specific processes, of the broader use of video and other communications technology in British Columbia courts to enhance access to justice, timeliness, and efficient use of resources.

Summit Proceedings

Summit Opening

The Summit was brought to order by Caroline Nevin, the Summit Moderator. Participants were welcomed to the University of British Columbia by Associate Professor Cristie Ford of the Faculty of Law, on behalf of Dean Catherine Dauvergne.

Assistant Commissioner Stephen Thatcher of RCMP “E” Division provided a welcome to participants on behalf of the public safety community. Assistant Commissioner Thatcher noted the RCMP’s support for solutions including cloud technology for evidence management and the accompanying need to look beyond single organization solutions, and expressed thanks to participants for supporting a platform to collaborate across the sector.

The Summit was then officially opened by the Honourable David Eby, QC, Attorney General of British Columbia. Minister Eby reminded participants of the significant potential for technology to impact our sector, including its capacity to enable fair and timely access to justice, and reaffirmed that the recommendations of the Summit would be taken very seriously by the government of British Columbia.

David Loukidelis, the Summit Facilitator, then set out the Summit rule of non-attribution, and guided participants through the remainder of the Summit program.

Session One – A Multilateral Strategy on Digital Information Management and Transfer

The purpose of Session One, and the subsequent discussion by participants, was to build on discussions at the Eighth Summit addressing the management of digital information and pathways to resolve identified challenges. The task for participants in the breakout session was to consider their support for Draft Recommendations One and Two, including any suggested changes.

Presentations

The first presentation, by acting BC Government Chief Information Officer Ian Bailey, addressed the integrity and accessibility of digital information in the sector. Mr. Bailey noted

that the silo-ed architecture of information held by government had been built with good intentions, but was frustrating and highly redundant from a user perspective. To resolve some of the associated issues, the justice and public safety sector could make effective use of the BC government identity program: more than simply utilizing the services card, there would be benefit in engaging the whole program and legislation to improve security and assisting with integration challenges. Rather than doing a long-term build of an all-encompassing system, we may take advantage of new, “agile” and incremental approaches, and take advantage of the flexibility afforded by distributed ledger technology to build secure networks.

The second presentation, by Kevin Conn, Andrea Kolot and Blair Neufeld of the Ministry of Attorney General, provided a look at a hypothetical future state of digital information management in criminal justice, in which participants’ timely access to relevant documents might be managed through a system of “Single Source Disclosure.” With the need for fast, secure, reliable disclosure currently unmet, and with those challenges becoming increasingly acute in light of the decision in *R v. Jordan*, the presentation set out a model in which a single repository would enable all users to access the same trusted information. Operationally, mobile device photos, videos, statements and other items could be secured via blockchain and accessed locally by each of the key actors in a criminal case, with each file being reliably considered as an original copy and redundant storage kept to a minimum. Distributed ledger technology means that an incrementally applied, network-based approach can be employed to achieve such an outcome and that local applications can be integrated effectively, rather than targeting a single sector-wide system built over multiple years.

Panel Discussion

Comments on the presentations were offered by Jim Hughes of the BC Prosecution Service, Nathan Buckham of BC Corrections, Kasandra Cronin of LaLiberté Cronin Ltd., and Allan Sucking of RCMP “E” Division IT Core Services. Several themes were drawn out in discussion.

A next generation solution is urgently required with clear governance. There is a significant amount of work happening at the agency or bilateral level in the disclosure space, involving police agencies, the Crown, and Corrections. Disclosure requirements and interoperability

challenges are becoming overwhelming, particularly for police, and standardization is urgently needed. We recognize that there are immediate requirements which must be resolved by agencies now regardless of any prospective sector-wide agreement. But notwithstanding the direct short term rationale for much of the work currently occurring at these levels, it is clear the sector's long term needs require a more systemic, standards-based approach, accompanied by appropriate governance which provides a seat at the table for non-government participants; the technology itself is a secondary consideration. Governance is of added relevance due to the question of the 'ownership' of digital information at particular stages, as well as the fact that any particular collective solution must be agreed amongst actors and agencies and cannot be imposed.

Cloud technology is increasingly viable as a storage and sharing solution. Long-standing, significant, and legitimate concerns exist about the use of cloud services to manage data storage for our sector, relating in particular to the lack of Canada-based providers exclusively subject to Canadian law (*i.e.* access to information and privacy legislation). While BC has the strictest legislation in the world regarding cloud solutions, there are now commercial on-demand cloud computing data centre providers in Canada and government is increasingly close to being able to satisfy legal and security requirements to use those services. There is strong interest from sector participants in using cloud solutions, with the caveat that important foundational pieces such as identity management, access rights, and cloud access via multiple applications must be resolved prior to any adoption. It is likely that utilizing the cloud would result in substantial efficiencies of time and money.

Blockchain (distributed ledger) technology offers promise but is not a cure-all.

Participants, particularly those with greater technical knowledge, saw blockchain technology as offering significant advantages in terms of data integrity, limiting redundancy, and security issues. Another major benefit is the potential to create not a mega-system but an underlying solution which allows diverse agency-level applications to manage and share information quickly, securely and with integrity. At the same time, blockchain does not in itself resolve privacy and access issues, such as who "owns" a document at any particular point, or who is accountable for ensuring security against breaches. The issue of digital rights management, critical to the custody of documents and the sequence of disclosure, is not inherently resolved by blockchain. Blockchain is not immune to issues associated to file

size and storage. As a solution, it will face the same standards applicable to any means of managing information in order to determine the veracity and integrity of the information produced in court. “Hash” fingerprints may guarantee that a particular document is an original/unchanged artifact, but not that the correct/original version was loaded into blockchain. Blockchain relies fundamentally on the number of “eyes” watching the blockchain, and how this might be implemented while maintaining privacy is an open problem, but one that is generally seen as solvable.

Technology needs to have user friendly interfaces and be flexible to meet the varied needs of the participants in the system. Paper files can still be more helpful in small cases, particularly in light of the unchanged legal aid tariff which mitigates against higher-tech applications in defence offices (in contrast, paper files are inappropriate in a corrections setting). We need to remember that our system is comprised of tech-friendly early adopters, and those who assimilate new technologies more gradually. Our work places a premium on issues of continuity, information ownership and responsibility, redaction, and the back-and-forth, fluid nature of disclosure and creation of work product. If the solutions we consider are not sufficiently flexible and respectful of the nature of criminal work, we should not rush to adopt them.

Digital information management is more than a police-Crown disclosure issue. This area of work is of great significance to provincial and federal correctional services, accessing documents as people come into the system, and also sharing documents about those in the system. In these settings paper is a liability for security purposes. Similarly, efficient access, storage, and viewing rights are of importance in the civil and family system, and raise the issue of the role government could or should play where litigants are primarily private actors but the system of adjudication is public.

Plenary Feedback on Draft Recommendations 1 and 2

Following the panel presentations, participants engaged in discussion in small groups convened in breakout rooms, addressing the following questions:

- a) *Are you generally supportive of Draft Recommendations One and Two in principle? Are there any significant additions, edits or caveats you feel it is important to make?*

- b) *What current specific issues or problems do you feel should have highest priority in such a strategy?*
- c) *Who needs to be at the table (e.g. organizations, roles, professions etc.) to ensure that the strategy is effectively overseen, led and implemented?*
- d) *What are the critical factors that will lead to successful implementation, or conversely contribute to a risk of failure?*

Returning to plenary, participants' comments reflected a number of themes:

1. **General support of the spirit and intent of Draft Recommendations 1 and 2.** Participants viewed these Recommendations as a logical development from and response to concerns and opportunities identified at the Eighth Summit, and expressed agreement with the urgency expressed in the text. Discussion of the Recommendations around a digital information management strategy was concerned less with whether or not they should be adopted, and more with questions of the sequencing, scope, resources and structure needed to take effective action.
2. **Effective action requires an effective governance structure.** Participants saw establishment of a governance arrangement by March 2018 as an important first step. The senior governance body should ideally be small, reflective of capacity and exposure to digital information management issues. The governance body should concern itself with a vision, objectives, approval of standards, approval of preferred solutions, timelines, and above all securing investment. The governance body will require input from at least two other larger groups, including (a) users with respect to needs and solution design, and (b) technical/operational expertise to assist with environmental mapping, standards, solutions research, development, implementation, and testing, as well as support the governance group in the process of securing investment. The governance body should report out on a regular basis.
3. **Early focus must be on problem definition, not jumping to solutions.** Following on from the high-level discussion at the Summits, the sector now requires a clear, detailed understanding of the problems faced. We have the opportunity to learn from past major leaps, such as that experienced in the development and roll-out of

PRIME. PRIME was a major accomplishment; were we to do it over again we would look at it differently due to current knowledge, new tools available, and the experience of that complex implementation. An initial environment map and inventory is required, to identify *e.g.* the issues and needs which have surfaced, how these challenges are currently being met, and which issues of interoperability exist. With these tasks completed, the development of standards will be far better informed. *Ad hoc* solutions are already arising, and so it will be necessary to complete these tasks quickly in order to realize the best economies of scale, and ensure that benefits are realized in an efficient manner.

4. **The initial scope of our work should be restricted to criminal justice.** Participants were generally agreed that the criminal system was the right beginning. There is every reason to believe that innovation in the criminal sphere can be scaled more broadly, but in the interests of simple governance and a limited set of problems to address the criminal system is the current priority. There was agreement that standards are needed, but they should be informed by users via a more agile approach (test then inform; test then inform; etc.).
5. **More realistic timelines are required.** The current sequence as set out in the Draft Recommendations is too fast to be effective. There was general agreement with the idea of having a governance group set up with clear objectives and appropriate support by March 2018. However, the suggested order of Draft Recommendations 1 and 2 should be reversed. Once the leadership group is established, subsequent specific objectives and associated timelines should be the responsibility of that body, rather than being pre-ordained.
6. **Our common needs make standards and interoperability critically important.** Fundamentally, all major parts of the sector have the common challenge of information management, with many overlapping concerns regarding security, access, sharing, data integrity, and ownership. Notwithstanding these common needs we have tended to independent solutions. However, given these common challenges, while avoiding any “mega-system” approach it is clear that standards are important as is interoperability. Those who manage different case management systems can and should come together around naming protocols and other business rules.

7. **A digital information strategy requires dedicated resourcing.** Participants were in general agreement that implementing the revised Recommendations cannot be a side-of-the-desk effort. Dedicated funds will be required, as well as allocation of knowledgeable personnel in the right roles. A governance structure is required and must be appropriately supported and resourced, but not bloated with many layers: real resources must be applied to dedicated project leadership, technical capacity and change management. The importance of this work and its implications for sector resource usage are such that, if new funds cannot be identified, active consideration should be given to transferring funds from elsewhere in the sector.

Session Two – Improving Access and Efficiency via Technological Infrastructure

The purpose of Session Two, and the subsequent discussion by participants, was to build further on discussions at the Eighth Summit which dealt with technological challenges and opportunities (both simple and complex) related to the courts, to court processes, and access to justice. The task for participants in this breakout session was to consider their support for Draft Recommendations Three and Four, including any suggested changes.

Presentations

The first presentation, by Susan Stanford of Network BC, outlined forthcoming provincial connectivity investments and their prospective alignment with justice and public safety priorities, including access to justice. The focus of Network BC is on building connectivity and bandwidth so that residents in more remote/rural communities can participate in electronic interactions, engage in the digital economy, and access services more effectively. There are substantial differences between the coverage and access enjoyed by southwestern urban residents and that enjoyed by many other regions of the province, including many of BC's indigenous communities. From a justice perspective, speed affects ability to offer digital courtrooms just as much as it does medical imagery. Significant investment of up to two billion dollars in regional connectivity improvement is planned over the next four years, and there exists an immediate opportunity to ensure that expenditure is aligned with underserved communities in terms of (for example) available bandwidth for courthouses, or videoconferencing for remote appearances.

The second presentation, by Lynda Cavanaugh, Assistant Deputy Minister of Court Services Branch, addressed the opportunities, constraints and future direction for courthouse technology and infrastructure. There are currently 89 court locations in BC, with considerable time spent by judges, court personnel and justice participants in transit for circuit courts and other court attendance. The challenges of distance suggest real efficiencies may be achieved by expanding remote access substantially. While we are not there yet, there are a significant number of innovations underway, including remote access devices in courtrooms, online divorce, self-serve scheduling for sheriffs, e-Filing, and online dispute resolution. Innovations such as these proceed within an environment that is necessarily constrained by considerations of public confidence, respect for the independence of the courts, cost-benefit analysis regarding technology, budgetary constraints, and privacy and security issues. The near future will see an accent on improving connectivity in courthouses, provincial network improvements, and strategic planning around teleconferencing.

The third presentation, by the Honourable Thomas Crabtree, Chief Judge of the Provincial Court of British Columbia, considered a principled approach to new technologies in the Courts. The presentation made clear from the outset that the technological divide between urban BC and those who live in rural, northern, remote and/or Indigenous communities is as stark in the justice system as it is elsewhere, contributing to a very real sense of isolation. Digital improvements offer the opportunity to make an impact on this situation. The Provincial Court has already engaged technology in several areas, including interim applications, in-custody video appearances, video bail hearings, and the use of videoconferencing for the “Have a Judge/Need a Judge” program to match available judges with lengthy dockets in other locations. Opportunities in the future may include pre-trial matters and some aspects of trial process, including expert witness testimony. In thinking of these opportunities, we cannot lose sight of fundamental principles of law including the right to a fair trial, the open court principle, and the need to be procedurally fair to all parties. As the EU has recommended, technology should not diminish procedural safeguards of a hearing, hinder the judge’s role in hearing evidence, or interfere with the power to

compel and determine the importance of evidence within a case.¹ In addition, we should not dismiss the symbolic role of judge and court in the community, and consider the cost of diminishing those symbols via the misapplication of technology. With these caveats in mind, justice must be in the community, which leads us to conversations about technology that will enhance the community presence of and access to justice.

Plenary Feedback on Draft Recommendations 3 and 4

Following the panel presentations, participants engaged in discussion in small groups convened in breakout rooms, addressing the following questions:

- a) *Are you generally supportive of Draft Recommendations 3 and 4 in principle? Are there any significant additions, edits or caveats you feel it is important to make?*
- b) *Is the setting of standards for technology in the courts (e.g., expectations re internet access, or capacity to exhibit electronic materials) a realistic goal? If so, what basic expectations might be established? Please give examples.*
- c) *What role can video or virtual technology play in enhancing access to justice and improving sector efficiency? What are the risks it presents? Are there certain categories of case, or kinds of appearances, which are well suited (or poorly suited) to its application?*

Returning to plenary, participants' comments reflected a number of themes:

1. **General support of the spirit and intent of Draft Recommendations 3 and 4**, though not as drafted. In particular, participants felt that Draft Recommendation 3 required less process than had been originally included, or perhaps no formal recommendation at all, and that the piloting approach to video conferencing in Draft Recommendation 4b was unnecessary given the high level of acceptance of these technologies currently.

¹ Consultative Council of European Judges, Opinion No. (2011)14: "Justice and information technologies (IT)"; Strasbourg, November 9, 2011.

2. **Early, simple, and collaborative feedback to Network BC.** Participants were in general agreement that the sector was well placed to make early investment recommendations, and ensure that justice sector needs, in addition to other needs, were accounted-for in Network BC's plan. Underserved locations, including remote, Northern and Indigenous communities, and under-resourced networks and capacity, are well known and overlap extensively within our sector and across other sectors; as such, a simple approach, rather than a comprehensive study, would be most effective and beneficial. Some participants pointed out that this opportunity did not negate the need to engage with rural, remote and/or Indigenous communities on their own terms, not simply equating questions of access with those of technological reach.
3. **We should be bolder in embracing video technology in the courts, questioning our assumptions about the need for "bricks and mortar."** Many participants were in agreement regarding the important principles of justice which must be respected, but did not feel that these were significantly threatened by video technology. The technology is not new technology and our hurdles may be a question of mindset: in theory, if using video, where that individual is located is an extension of the court. Other Commonwealth locations have employed similar approaches, including the UK, to little ill effect. There is no need to engage in any further piloting, provided the technology implemented proves sufficiently reliable, and provided we recognize that certain circumstances (such as assessing credibility or mental health issues) still warrant in-person attendance. The technology is well established to permit police to attend court via video conference, accused persons to attend bail hearings remotely, parties in Provincial Court to attend pre-trial activities remotely, and duplicate filing to be reduced. There is also the opportunity to consider further manifestations of related technology such as mobile video, or applications such as Skype and FaceTime. There may be situations in which it is appropriate for attendance from locations not controlled by the Court (law offices, homes, remote attendance, etc.).
4. **Blanket standards for courthouse technology may have unintended negative consequences.** Participants distinguished between using standards and assigning priorities. The use of rigid standards may drive allocation of resources and could tend to disassociate resources from where the real needs are. For example, a smaller

community may need physical space so that the victim and accused are not in the same place when waiting; in this circumstance a video set-up or broadband is not the priority. Participants were supportive of certain basic standards (such as Wi-Fi for counsel), however, with such standards being determined by a needs assessment.

Final Recommendations of the Ninth BC Justice Summit

Based on the feedback from participants in plenary discussion at the Summit, in its preparation of this report the Steering Committee has developed three final Recommendations, which have been reviewed by all participants in the editing stage of this document.

Further to deliberations in 2017 at the Eighth and Ninth BC Justice Summits on the issue of “Justice and Technology,” the Summit makes the following Recommendations:

Recommendation 1

The Ninth BC Justice Summit recommends that, in light of issues identified at the Eighth Summit with respect to digital information, including but not limited to security, storage, timeliness, sharing, fair access, and redundancy, a Digital Information Management Strategy be developed and implemented for the BC justice and public safety sector, having the following elements and attributes:

- a) clearly stated objectives regarding e.g. (a) access to justice, (b) resource efficiency, (c) security, and/or (d) timeliness as they related to digital information management;
- b) delineation of provincial standards concerning information management and exchange and digital identity in criminal justice process;
- c) inclusion of any other elements which the steering committee (see Recommendation 2) may deem appropriate in its deliberations;
- d) expected timelines and identified performance indicators for the strategy; and
- e) regular progress reporting to the Ministers, the Courts, and the Summit; while
- f) preserving the roles of justice sector actors/participants, judicial independence and privacy.

Recommendation 2

The Ninth BC Justice Summit recommends that, in the interest of implementing a Digital Information Management Strategy for BC's justice and public safety sector, there be established via discussions initiated by the Deputy Attorney General and Deputy Solicitor General including all significantly implicated sector actors/participants:

- a) a sector-wide steering committee responsible for the development and implementation of the strategy, to be convened initially by June 30 2018. This committee should be initially concerned with digital information management within the criminal justice system and its members should be identified accordingly. It should:
 - a. be composed of the most senior representatives of participating entities;
 - b. focus initially on the subject matter of Recommendation (1);
 - c. be empowered to set high-level objectives and timelines; and
 - d. be accompanied by recognition that any such arrangements respect the roles of justice sector actors/participants, judicial independence and privacy;
- b) subject-matter support for the steering committee, appropriate to ensure the committee is able to take well-informed decisions; and
- c) resourcing appropriate for the entities in (a) and (b) to manage, communicate and oversee implementation of the strategy.

Recommendation 3

The Ninth BC Justice Summit recommends, in recognition of the variable technology available to the judiciary, sector professionals, and the public in courthouses, but also of recent advances in affordable communications technology, the development of a set of provincial standards for technology access in court proceedings, including a means for updating these standards in step with technological change.

Summit Closing and Appreciation

Participants heard a closing address from the Honourable Robert Bauman, Chief Justice of British Columbia, who underscored the role of technology as being limited to the extent it serves the overriding objective of a fair justice system. The Chief Justice also highlighted the value of independent branches of government, and independent actors within the sector, continuing to come together via the Summit process to consider common challenges and hear others' perspectives on how progress may be made, a process which is proving productive.

Chief Justice Bauman was thanked by the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General of British Columbia, who noted the significance of the discussions held this year and the importance of the enduring support of the Summit process by government and opposition alike. Minister Farnworth stressed the enduring relevance of technology as a potentially positive and negative influence on the health and functioning of the executive branch, the judicial branch, and on an independent media. Minister Farnworth congratulated the facilitator and organizers on a successful cycle of summits in 2017.

The Moderator then declared the Summit adjourned.

Appreciation

The Committee would like to express its thanks to the participants at the Ninth British Columbia Justice Summit, whose continuing commitment and goodwill contributed greatly to the event.

The Committee would like to thank the Honourable David Eby, QC, the Honourable Mike Farnworth, the Honourable Robert Bauman, Professor Cristie Ford, and Assistant Commissioner Stephen Thatcher for their remarks of welcome and closing.

The Committee extends its appreciation to the Honourable Thomas Crabtree, Ian Bailey, Kevin Conn, Blair Neufeld, Andrea Kolot, Allan Suckling, Jim Hughes, Kasandra Cronin,

Nathan Buckham, Susan Stanford and Lynda Cavanaugh for their time and contribution as panelists.

The Steering Committee would also like to thank Dean Catherine Dauvergne and staff of the University of British Columbia, Faculty of Law, for their generosity and flexibility in once again creating an excellent setting for the Summit.

Finally, the Steering Committee would like to thank the Summit facilitator, David Loukidelis; the Summit moderator, Caroline Nevin; Michelle Burchill of the Allard School of Law; and the many individual employees of public, private and not-for-profit justice and public safety organizations, agencies and firms in British Columbia who made direct personal contributions to the success of the Ninth Justice Summit.

The 2018 BC Justice Summit Cycle

Summit themes for the Spring and Fall will be developed and communicated in due course, further to dialogue with sector participants.

Preparation of Report of Proceedings

This *Report of Proceedings* was prepared by the Summit Steering Committee for the Honourable David Eby, Attorney General; the Honorable Mike Farnworth, Minister of Public Safety and Solicitor General; the Honourable Chief Justice Robert Bauman, Chief Justice of British Columbia; the Honourable Chief Justice Christopher Hinkson, Supreme Court of British Columbia; and the Honourable Chief Judge Thomas Crabtree, Provincial Court of British Columbia.

The Report was made available in draft to all participants in the editing stages for review and comment, prior to being delivered as a finished product to the Ministers, Chief Justice and Chief Judge, and subsequent release to the public.

Summit Feedback

Comments on this *Report of Proceedings* and the Summit process are encouraged and may be emailed to the Summit Coordinator at justicereform@gov.bc.ca.

Written communication may be sent to:

Allan Castle, PhD
Coordinator, BC Justice Summit & BC Justice and Public Safety Council
c/o Ministry of Justice
Province of British Columbia
1001 Douglas Street
Victoria, BC V8W 3V3
Attention: Justice Summit

Appendix I: Summit Agenda

0800 Registration and coffee

0830 Summit Opening

- *Welcoming remarks:*
 - **Caroline Nevin** (Summit Moderator), Executive Director, Canadian Bar Association
 - Associate Professor **Cristie Ford**, Allard School of Law
 - Assistant Commissioner **Stephen Thatcher**, RCMP “E” Division
- *Summit opening:*
 - The Hon. **David Eby**, QC, Attorney General of British Columbia

0900 Introduction to the Summit’s Objectives

- *Remarks:*
 - **David Loukidelis**, QC, Summit Facilitator

0915 Session 1: A Multilateral Strategy on Digital Information Management and Transfer

- *Remarks*
 - **Ian Bailey**, Acting Chief Information Officer, Government of British Columbia
 - “Securing the Integrity and Improving the Accessibility of Digital Information in the Sector”
 - **Kevin Conn**, Director, Court Innovation, Court Services Branch; **Blair Neufeld**, Director, Digital Services, Information Systems Branch; **Andrea Kolot**, Digital Services Specialist, Information Systems Branch (all Ministry of Attorney General)
 - “Digital Information Management: Future Possibilities”
- *Respondents*
 - **Allan Suckling**, OIC IT Core Services, Information Management & Technology Branch, RCMP E-Division
 - **Jim Hughes**, Chief Legal Technology Counsel, BC Prosecution Service
 - **Kassandra Cronin**, Partner, LaLiberté Cronin & Company (TBC)
 - **Nathan Buckham**, Director, Strategic Technology & Corporate Projects, BC Corrections Branch

1030 Break

1045 Session 1 continued: Breakouts (see room assignments sheet)

Breakout discussions will be facilitated by members of the Summit steering committee.

1200 Lunch

1300 Session 1 (conclusion): Plenary report and discussion

Breakout groups report in a facilitated plenary session.

1345 Session 2: Improving Access and Efficiency via Technological Infrastructure

- *Remarks*
 - **Susan Stanford**, Executive Lead, Network BC
 - “Provincial Connectivity Investments and Alignment with Justice and Public Safety Priorities and Access to Justice”
 - **Lynda Cavanaugh**, Assistant Deputy Minister, Court Services Branch
 - “Courthouse Technology and Infrastructure: Opportunities, Constraints and Future Direction”
 - The Hon. **Thomas Crabtree**, Chief Judge, Provincial Court of British Columbia

1445 Break

1500 Session 2: Breakout sessions

Breakout discussions will be facilitated by members of the Summit steering committee.

1600 Session 2 (conclusion): Plenary report and discussion

Breakout groups report in a facilitated plenary session.

1630 Facilitator’s summary of the day’s results

- *Remarks*
 - **David Loukidelis**, QC, Summit Facilitator

1640 Closing

- *Closing remarks*
 - The Hon. **Robert Bauman**, Chief Justice of British Columbia
 - The Hon. **Mike Farnworth**, Minister of Public Safety and Solicitor General of British Columbia
- *Appreciation and adjournment*
 - **Caroline Nevin**, Moderator

Appendix II: Summit Participants

Anderson, Brian (Acting Director Business Operations, BC Prosecution Service)

Bailey, Ian (Acting Chief Information Officer, Government of British Columbia)

Bauman, Honourable Robert (Chief Justice, of British Columbia)

Bayes, Shawn (Executive Director, Elizabeth Fry Society of Greater Vancouver)

Boucher, Denis (Chief Superintendent, Mgmt. Information and Technology, RCMP “E” Division)

Boyle, Patti (Assistant Deputy Minister, Community Safety and Crime Prevention Branch, Ministry of Public Safety and Solicitor General)

Bond, Allison (Deputy Minister, Children and Family Development)

Buckham, Nathan (Director, Strategic Technology and Corporate Projects, BC Corrections Branch, Ministry of Public Safety and Solicitor General)

Cavanaugh, Lynda (Assistant Deputy Minister, Court Services Branch, Ministry of Attorney General)

Cheema, Sundeep (Acting Assistant Deputy Commissioner, Integrated Services, Correctional Service of Canada)

Clark, Andrew (Technology Consultant, Willowtree Consulting)

Crabtree, Honourable Thomas (Chief Judge, Provincial Court of British Columbia)

Cronin, Kasandra (Partner, LaLiberté Cronin & Company)

Davey, Michelle (Superintendent, Investigative Division, Vancouver Police)

Dubord, Neil (Chief Constable, Delta Police; President, BC Association of Municipal Chiefs of Police)

Eby, Honourable David, MLA (Attorney General of British Columbia)

Flegel, Pam (John Howard Society of the Lower Mainland)

Ford, Cristie (Associate Professor, Allard School of Law, University of British Columbia)

Fyfe, Richard (Deputy Attorney General, Ministry of Attorney General)

Gehl, Bob (Chief Operating Officer, PRIMECorp)

NINTH BC JUSTICE SUMMIT REPORT OF PROCEEDINGS

Gerhart, Todd (Chief Federal Prosecutor, Public Prosecution Service of Canada, BC Region)

Grüter-Andrew, Oliver (CEO, PRIMECorp; President and CEO, E-Comm 911)

Hastings, Brandon (Lawyer, Quay Law Centre)

Hinkson, Honourable Christopher (Chief Justice, Supreme Court of British Columbia)

Hughes, Jim (Chief Legal Technology Counsel, BC Prosecution Service)

Kimberley, Kate (Director, Strategic Planning and Priorities, BC Prosecution Service)

Leung, Karen (Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia)

Loukidelis, David (Facilitator) (David Loukidelis Law Corporation)

MacLennan, Alex (Executive Director, Road Safety Initiative, Road Safety BC)

MacLennan, Sherry (Director, Public Legal Information, Legal Services Society)

McLean, Kimberley (Provincial Director, Strategic Operations Division, BC Corrections Branch, Ministry of Public Safety and Solicitor General)

Mason, Heidi (Director, Legal Advice and Representation, Legal Services Society)

McBride, Heidi (Executive Director and Senior Counsel, Superior Courts Judiciary)

Merner, David (Executive Director, Dispute Resolution Office, Justice Services Branch, Ministry of Attorney General)

Mezzarobba, Marcie (Executive Director Victim Services and Crime Prevention, Community Safety and Crime Prevention Branch, Ministry of Public Safety and Solicitor General)

Morley, Jane (Lawyer and Mediator; and Coordinator, Access to Justice BC)

Morris, Mike, MLA (Opposition Critic for Public Safety and Solicitor General)

Nevin, Caroline (Executive Director, Canadian Bar Association BC Branch)

Nolette, Dave (Digital Program Director, Justice Education Society of BC)

O'Neill, Robert (A/Chief Information Officer, Justice and Public Safety Sector)

Outerbridge, Timothy (Registrar, Court of Appeal for British Columbia)

Pecknold, Clayton (Assistant Deputy Minister and Director of Police Services, Policing and Security Branch, Ministry of Public Safety and Solicitor General)

NINTH BC JUSTICE SUMMIT REPORT OF PROCEEDINGS

Poulin, Sonia (Executive Director, Justice Education Society of BC)

Robertson, Wayne (Executive Director, Law Foundation of British Columbia)

Rude, Jason (Senior Director, Support Services, Vancouver Police)

Rudolf, Sally (Legal Counsel, Court of Appeal for British Columbia)

Salter, Shannon (Chair, Civil Resolution Tribunal)

Sandstrom, Kurt (Assistant Deputy Minister, Justice Services Branch, Ministry of Attorney General)

Schmidt, Tracee (Executive Director, Strategic Projects, Information Systems Branch, Justice and Public Safety Sector)

Shackelly, Darryl (Program Director for Changing Directions in Support of Aboriginal Youth, Native Courtworker and Counselling Association of BC)

Sieben, Mark (Deputy Solicitor General, Ministry of Public Safety and Solicitor General)

Stanford, Susan (Executive Lead, Network BC)

Spraggs, Thomas (Lawyer, Spraggs and Company)

Suckling, Allan (OIC IT Core Services, Information Management & Technology Branch, RCMP “E” Division)

Thatcher, Stephen (Assistant Commissioner, Lower Mainland District Commander, RCMP “E” Division)

Thomson, Kathryn (Lawyer and Technology Consultant)

Veenstra, Bill (President, Canadian Bar Association, BC Branch)

Vonn, Micheal (Policy Director, BC Civil Liberties Association)

Webb, Mike (CTO PRIMECorp; VP of Technical Services, E-Comm 911)

Whitcombe, Adam (A/Executive Director, Law Society of British Columbia)

Wild, Joanne (Inspector, Investigative Division, Vancouver Police Department)

Wilkinson, Andrew, MLA (Opposition Critic for Justice and Attorney General)

Wishart, Honourable Susan (Associate Chief Judge, Provincial Court of British Columbia)

Zabarauckas, Carmen, (Executive Director, Tribunal Transformation Initiative, Justice Services Branch, Ministry of Attorney General)

Appendix III: Summit Organizing Team

Steering Committee (and *observers)

| | |
|----------------------|--|
| (Chair) Allan Castle | Coordinator, BC Justice Summits/BC Justice and Public Safety Council |
| Elenore Arend | Assistant Deputy Minister, BC Corrections Branch |
| Bob Gehl | Chief Operating Officer, PrimeCorp |
| Brandon Hastings | Quay Law Centre (representing Canadian Bar Association) |
| Kate Kimberley | Director, Strategic Planning, BC Prosecution Service |
| David Loukidelis | (Summit Facilitator) David Loukidelis Law Corporation |
| Alex MacLennan | Executive Director, Road Safety Initiative |
| Sherry MacLennan | Director, Public Legal Information and Applications, Legal Services Society |
| David Merner | Executive Director, Dispute Resolution Office, Justice Services Branch |
| Denis Boucher | Chief Supt., Management Information and Technology, RCMP “E” Division |
| Lynda Cavanaugh | Assistant Deputy Minister, Court Services Branch |
| Robert O’Neill | Acting Chief Information Officer, Justice and Public Safety Sector |
| Mark Sieben | Deputy Solicitor General |
| Heidi McBride* | Executive Director & Senior Counsel, Superior Courts Judiciary |
| Sally Rudolf* | Legal Counsel, Office of the Chief Justice, Court of Appeal for British Columbia |
| Karen Leung* | Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia |

Working Group

| | |
|-----------------|---|
| Chris Mah | Executive Director, Strategic Initiatives, Information Systems Branch |
| Dan Chiddell | Director, Strategic Information & Business Applications, Court Services Branch |
| Kevin Conn | Director, Court Innovation, Court Services Branch |
| Mac Campbell | Director of Business Transformation, Dispute Resolution Office |
| Michelle Clough | Project Manager, BC Prosecution Service |
| Andrea Kolot | Service Design Specialist, Digital Services, Information Systems Branch, Justice and Public Safety Sector |
| Blair Neufeld | Director, Digital Services, Information Systems Branch, Justice and Public Safety Sector |
| Tlell Raffard | Director, Digital Delivery and Project Integration, RoadSafetyBC |
| Victor Liang | Research Officer, Maintenance Enforcement & Locate Services, Justice Services Branch |

Special thanks to Annette Gibbons, Rozi Dobreci, Brandie Youell, Emma Valentinuzzi, and Jasmine Tam of Justice Services Branch, and to Michelle Burchill, Events Manager, Peter A. Allard School of Law, University of British Columbia.

Appendix IV: Justice and Public Safety Council

Under provisions of the *Justice Reform and Transparency Act*, Council members are appointed by Ministerial order and may include those in senior leadership roles in the government with responsibility for matters relating to the administration of justice in British Columbia or matters relating to public safety, or any other individual the Minister considers to be qualified to assist in improving the performance of the justice and public safety sector. The membership and current affiliations at the time of the Summit included:

| | |
|--------------------------|---|
| Richard Fyfe (Chair) | Deputy Attorney General, Ministry of Attorney General |
| Mark Sieben (Vice-Chair) | Deputy Solicitor General, Ministry of Public Safety and Solicitor General |
| Elenore Arend | Assistant Deputy Minister, BC Corrections, Ministry of Public Safety and Solicitor General |
| Allison Bond | Deputy Minister, Ministry of Children and Family Development |
| Patti Boyle | Assistant Deputy Minister, Community Safety and Crime Prevention, Ministry of Public Safety and Solicitor General |
| Lynda Cavanaugh | Assistant Deputy Minister, Court Services, Ministry of Attorney General |
| Peter Juk | Assistant Deputy Attorney General, BC Prosecution Service |
| Clayton Pecknold | Assistant Deputy Minister, Policing and Security, Ministry of Public Safety and Solicitor General |
| Kurt Sandstrom | Assistant Deputy Attorney General, Legal Services, Ministry of Attorney General |
| Taryn Walsh | Executive Lead, Strategic Public Safety Initiatives, Ministry of Public Safety and Solicitor General |