

JUSTICE INSTITUTE
OF
BRITISH COLUMBIA

FIVE YEAR PLAN
(PRELIMINARY REPORT)

THIS IS A WORKING DOCUMENT DESIGNED
TO REVIEW THE HISTORICAL AND CHRONOLOGICAL
DEVELOPMENT OF THE INSTITUTE AS A PRELUDE
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PREAMBLE

The development of events leading to the Justice Institute of British Columbia's current status has shown gradual progress toward cultivating a distinct personality. But the movement in pursuit of identity has not been entirely self-governing and the shifts in political climate that have helped shape the Institute should be considered when attempting to fix its preferred future.

The Justice Institute's history reveals a course of open counsel and cooperation, although some dynamics arising from its formative years remain in need of resolution. In this regard the Institute is like any other institution where the forces that led to its inception continue to exert their influence in molding its character. By reviewing the history and by isolating the shifts in its direction, it is hoped that a step toward lasting concord between all contributing partners can be taken.

EXECUTIVE SUMMARY

INTRODUCTION

During the preparation of this document, the authors were aware of some of the difficulties confronted by the participants in the course of the Institute's development. As research for the paper proceeded, it became increasingly evident that an historical perspective is required in order to understand the present situation; to address the strategies involved in solving differences; to achieve a common appreciation of the Institute's mandate; and to develop an effective internal management structure

As a result, the authors have chosen to organize their report in a way which attempts to clarify the history; to show the present results of the Institute's early planning initiatives; to identify issues requiring current attention; and to propose mechanisms for their resolution.

Structurally, the report is divided into four sections describing (1) the history, (2) the present situation, (3) the issues needing resolution, and (4) the long-range requirements. As indicated in the Table of Contents, the four general categories are further refined into detailed subsections

The following is a summary of the major issues which are discussed within the body of the report.

THE HISTORY

- (1) In 1974, the Attorney-General's Ministry established the original objectives of the Justice Institute to reflect the "reform spirit" of the time. It was the intention of the "reform spirit" to unify the fragmented service delivery systems within the administration of justice. Moreover, it was believed that a Justice Institute could provide the basic influence and the fundamental source of direction necessary to implement the desired changes.
- (2) An alteration in planning perspective occurred in 1975 resulting from the requirement to view the Justice Institute as a "cost-effective" method of training rather than as a primary resource for organizational change.

- (3) As a strategy to resolve the on-going facility acquisition problem, the Attorney-General considered the possibility of affiliation with the Ministry of Education.
- (4) In order to negotiate with the Ministry of Education from a unified front, the Attorney-General's Ministry first had to clarify the internal relationship with its own training services.
- (5) By Fall 1976, unity between the training branches became problematical and interest in negotiating an agreement with the Ministry of Education declined. As a consequence, the Institute's proposed sphere of influence retreated to within the Attorney-General's operational divisions. Paradoxically, it was also at this time that renewed attention was given to the Institute's ill-defined public education capacity
- (6) The continuing failure to secure a suitable site produced an appeal for political support during 1977. As a strategy to gain favour for the Attorney-General's position, it once again was proposed that a relationship with the Ministry of Education should be established to help coordinate curriculum development.
- (7) Before a political response was forthcoming, the Attorney-General's Justice Institute was captured by the Colleges and Provincial Institutes Act.

THE PRESENT SITUATION

- (1) The introduction by the Ministry of Education of an Act pertaining to the operation of institutes placed considerable strain on the Ministry of the Attorney-General. Because the Justice Institute was a product of the Attorney-General's planning initiatives, at issue now is the nature and the extent of influence that the Ministry can expect to exercise over the Institute's affairs.
- (2) While the governing authority of the Justice Institute is clear in law, the elements of control and responsibility which dictate the relationship between the Attorney-General and the Institute remain unclear. It is in this dynamic that the tensions and uncertainties which currently exist

find their cause.

ISSUES FOR AGREEMENT

- (1) The fundamental objective of the Justice Institute and the Attorney-General's Ministry is not dissimilar. Both seek the best possible quality of justice services for the Province of British Columbia.
- (2) Nonetheless, there is a distinction between the specific operational responsibilities each institution must fulfill when pursuing the common objective.
- (3) There is a need to identify where operational objectives are shared between the two institutions.
- (4) There is a need to recognize that the current relationship between the Justice Institute and the Attorney-General's Ministry must change if the operational objectives held by either institution are to be effectively realized.
- (5) Current tensions will be perpetuated if an attempt to reach agreement proceeds without (1) producing a conceptual accord concerning the nature of shared operational objectives; and (2) without structurally changing the nature of the relationship between the two institutions.
- (6) Any structural change must be seen to be to the benefit of both the Justice Institute and the Ministry of Attorney-General.

THE LONG-RANGE PLAN

- (1) Given the history and the present situation, it is important that any agreement be entered into with a style that will clarify misunderstandings; create the best possible atmosphere for policy and programme development; define the nature of the structural adjustments required; and allow all parties to "own" the result. It is suggested that the style required should be highly participatory and should seek the involvement of all major operating groups affected by the agreement. Moreover, it might be unadvised to enter into a paper agreement apart from a clear process established to implement its terms.

- (2) The obligation between the Justice Institute and the Ministry of Education which requires the development of a five year Educational Plan would appear to offer a unique opportunity to commence a process which can result in
- (a) a definite and lasting agreement between the Justice Institute and the Attorney-General's Ministry;
 - (b) clarification of funding issues;
 - (c) clarification of structural requirements (manpower planning, programme development, reporting relationships et al); and,
 - (d) a long-term Educational Plan that can receive the joint endorsement of the Justice Institute, the Ministry of Education and the Attorney-General's Ministry.

PART I: THE HISTORY

A. THE BIRTH OF THE IDEA

The initial concept of a learning centre dedicated to justice-related issues gained prominence within the Attorney-General's Ministry as early as 1974. In one sense the motives behind the first planning discussions were wholly practical and were given impetus by the need to find accommodation for the B.C. Police College following proclamation of the Police Act.

Under the Act's authority the British Columbia Police Commission was established and given stewardship over the Province's newly acquired responsibility to provide training services for police constables and recruits attached to municipal law enforcement agencies. In searching out a site to house the Police College attention fell upon the old Dawson School in downtown Vancouver. The size of the facility led to speculation that it could accommodate other training and education programmes and the preliminary investigation of a Justice Education Centre began.

Lending force to the concept, a belief was current within the Attorney-General's Ministry that all training and education programmes associated with the criminal justice system would benefit from the coordination and integration of their delivery. It was further believed that a Justice Education Centre would not only provide a reasonable means of reducing duplication between the in-house training services maintained by the Ministry's branches, but also would give the Attorney-General a measure of influence over justice training programmes offered by other educational institutions.

While practical interests presented the planners with a firm base to work from, their discussions were coloured by two assumptions then enjoying currency. The first of these, expressed in the language of the day, concerned the "cross-systems implications" stemming from any change within the criminal justice administration. Attempts were being made to reduce fragmentation and to remove the traditional barriers that were seen to isolate Police, Legal Services, Courts and Corrections from each other. Accordingly, centralized training seemed an ideal strategy to erode entrenched attitudes and to engineer greater cooperation across the Ministry.

A second assumption affecting the early planning stage pertained to the nature of planning itself. Because it is generally held that day-to-day "priority shock" within any organization's operational divisions disturbs a deliberate and objective planning enterprise, the Justice Education Centre was considered an appropriate place to locate the Attorney-General's manpower planning and development capacity. By doing so, the manpower planners could maintain some insulation from daily operational demands and keep in good standing with conventional planning practices.

Moreover it seemed reasonable to place a manpower planning unit under the same roof as the training groups so long as the Justice Education Centre was expected to be an adjunct of the Attorney-General's Ministry, over which the Ministry could exercise uninhibited control. The manpower planners could liaise directly with the training staff and would be in an excellent position to recommend policy regarding common training and personnel development objectives to their executive.

It is significant that the first discussions saw utility in the Justice Education Centre idea only in so far as it was an immediate creature of the Attorney-General's Ministry; that its area of interest rested specifically in the criminal justice system; and that it sat well in the general atmosphere of change favoured at the time. Far from being affected by legislated constraints set down by the Ministry of Education, it was seen as a vehicle to influence other educational establishments in a manner rewarding to the Attorney-General.

B. THE TRANSITION

When it became known that the Dawson School was unavailable, a hiatus occurred in the planning. Given the B.C. Police Commission's opinion that further delay in establishing the Police College would be detrimental to the quality of municipal law enforcement, the College commenced operations in temporary facilities during March 1975, after entering into a two year lease arrangement with the Department of National Defense at the Seaforth Armouries.

While the decision to proceed independently dampened the prospect of consolidating training resources, the College's ability to provide an effective service remained uncertain. Operating from a fragmented campus, police training activities were scattered between the Vancouver location, the Boundary Bay Airport in Delta and the Coast Marksman Range in Burnaby. Combined with the limitation set forth in the lease, the College's inadequate facilities forced the planners once again to begin the search for a permanent site and the Justice Education Centre idea was given new vitality.

During the same period, other training branches of the Ministry continued to experience considerable strain on their resources. Corrections Staff Development Branch depended upon a mixed assortment of facilities in Burnaby, Marpole and Chilliwack. Similarly, Courts Services operated pre-employment vocational training courses for Court Reporters at the B.C. Institute of Technology and Sheriff's training programmes at the Willingdon School. Throughout 1975, all the training groups felt a need to acquire new instructional aids including simulation space, media labs, physical education areas, residential accommodations and food services

Led once more by the planning foresight within the B.C. Police Commission, the Attorney-General's Ministry resumed its enquiry into a shared facility and by April 1976 a report¹ was tabled with the Ministry's Executive Committee outlining the dimensions a Justice Education Centre should encompass. The document expressed some fundamental changes to preceding versions and reflected a new wind blowing through the bureaucracy; as a catchword, "reform" had been replaced by "financial restraint" and "cost-effectiveness". Although the principle

users continued to be identified as Police, Legal Services, Courts and Corrections and while the "cross-systems" theme was maintained, the primary argument in favour of a joint facility had altered. The guiding rationale now became the Justice Education Centre's assumed capacity to provide the most cost-effective use of resources.

Unlike earlier attempts to define the proposed institution the revised planning strategy emphasized the Ministry's manpower development needs and the Centre's ability to serve as a broker in coordinating justice education programmes throughout the Province. By using the Centre in this manner, programming in the universities and colleges could be influenced to parallel the career training requirements of the justice system. What once was implied, now was stated explicitly.

Equally important, the Centre's projected function no longer was restricted to amalgamating the Attorney-General's training branches. Where originally the service area had been the criminal justice system, the new discussion paper addressed the training needs of the justice system in its entirety. The concept had become much broader and set out to capture public education in a general sense by identifying community-based organizations and municipal libraries among its potential clients.

Translated into organizational terms, the shift in clientele cannot be over emphasized. At one stroke, the Justice Education Centre moved beyond its principle users within the Ministry to a universal population while failing to suggest either a definition of the larger community it intended to serve or commenting on the administrative mechanisms necessary to manage two different sets of clients. As an added complication, the proposed movement toward public education crossed into the legislated domain of other agencies such as the Legal Services Commission - an invasion which remains unclarified to this day.

Two further departures from the first planning discussions became apparent by the Spring of 1976.² The first concerned a stated desire for the Justice Education Centre to assume coordinating responsibility over the Ministry's research activities; a duty compatible with the belief that the Centre would

remain under the Ministry's authority. The second issue was more complex and expressed caution about the nature of affiliation between the Centre and the Ministry of Education.

It is interesting that the question of affiliation arose out of the continuing problem confronting the planners whenever the issue of securing a suitable location was approached. Short of a major facilities building programme, unlikely in a time of restraint, the magnitude of the physical requirements for justice training made it difficult to select a single educational institution capable of housing such an undertaking.

As an alternative, thought was given to developing a "multi-site campus" and to entering into affiliations with other educational institutions already active in the field. But to do so called up the problem of control once again. If the Attorney-General's Ministry was to exercise authority over justice training, an agreement would have to be reached which would grant the Attorney-General powers over course content, the employment and supervision of academic staff, programme scheduling, student selection and any certificates granted as a consequence of successful course completion. In addition, it was argued that the Ministry's training groups should be represented on the management Boards of any educational establishment where they might be situated, while also continuing to operate within their own branch of management structures.³

Although the "multi-site campus" was soon to be dismissed as too unwieldy, the attempt to discover a management formula that would satisfy the Attorney-General's wish to control programming shed light upon the lack of homogeneity within the Ministry's training service itself. Prerequisite to establishing a structure that could relate to a cross-section of post-secondary institutions, the planners first had to determine how the trainers representing Police, Legal Services, Courts and Corrections could relate to each other.

The question of their inter-relationship was confused by the independence each group traditionally exercised and by the diversity of their reporting procedures. Police training, for example, fell within the legislated jurisdiction of the B.C. Police Commission while Corrections training operated solely within its

branch of the Ministry and Courts training largely discharged its duties through separate agreements with B.C.I.T. and Vancouver City College.

The organization necessary to produce a unified front when negotiating with other participants in the post-secondary field also revealed a degree of territoriality between the training groups which the eclectic approach to training originally had been designed to irradicate. Some feared that amalgamation and integration "might jeopardize the unique features and identity of individual programmes"⁴, forgetting that the first arguments in favour of an integrated training facility set out to accomplish precisely that end. While statements of this kind were allowed partially to submerge in the planning activity which followed, one criticism surfaced that remains unresolved:⁵ a Justice Education Centre contains the potential to isolate training from the operational branches of the Attorney-General's Ministry unless the relationship between ministerial policy, manpower planning and training programs is bound by a clear and well-publicized agreement.

C. A CHANGE IN NAME AND A CHANGE IN MANDATE

Notwithstanding the debate internal to the Ministry, progress continued. Moved by the need to enter into discussions with the Ministry of Education regarding the "multi-site campus", the Attorney-General's Policy Executive, in April 1976, designated the Director of the Police College as their negotiator. By June, two important changes happened as the planning pace quickened.

The first change concerns the appearance of a new name. After a brief period where the Justice Education Centre was referred to as the Justice Training Centre, the title Justice Institute was chosen to reflect the organization's desired personality. While the alteration in title seems unimportant, it should not pass unnoticed for several reasons.

As opposed to a college, which is recognized to have regional responsibility for providing comprehensive program services, an institute has service responsibility in areas of specialization. An institute serves a defined category of knowledge rather than a set geographic area. In this respect the title "institute" becomes significant in relation to the second change which occurred in June 1976; the addition of a new dimension to the Centre's proposed mandate. On top of its other functions, the Justice Institute was expected

".... to provide central resources for the exploration of conflicting ideologies, fragmented planning, role ambiguity and the planning for future delivery of justice services within the Province."⁶

Once the bureaucratic language in which the statement was written has been translated, it appears that the new area of specialization the institute intended to serve reached far beyond the principle users identified originally and beyond the community organizations suggested previously. Again, the lack of definition attached to the expanded community-of-interest compounded the future organizational problems previously discussed.

As a final comment, the change from Justice Education Centre to Justice Training Centre to Justice Institute raises another issue. Without wishing to stray

too far into the clutches of learning theory, the important difference between the words "training" and "education" should be acknowledged. When the terms are used ambivalently, the organizational structure necessary to incorporate the two activities at an applied level also may suffer from ambivalence.

"Training" can be equated with instruction that is intended to bring the recipient to some desired standard of efficiency; it is task-oriented, factual and finite. "Education", on the other hand, is value-laden and open-ended. The prefix of the word "education" evolves from the Latin "ex" or "out of" while the prefix of "instruction" contains the idea "in" or "into". Where learning is concerned, it is easy to see that "in" and "out" are distinct processes and may require separate methods of presentation within an institutional context.

D. THE TIME OF RETREAT

Following the Attorney-General's appointment of a Director to oversee the Institute's planning activities, events proceeded rapidly into the Fall of 1976. As in the past, the search for an appropriate site acted as a catalyst, particularly after it was learned that the Worker's Compensation Board facilities in Vancouver might be available.

Recommendations made by the planners were endorsed by the Ministry's Policy Executive in September and were carried forward to the Attorney-General.⁷ They included a formal rejection of the "multi-site campus" based on a consolidation of earlier arguments favouring a single facility. Given that the resources available to the Ministry were limited by the new spirit of constraint, it was argued that issues of productivity and organizational effectiveness acquired critical importance. To improve effectiveness, the planners suggested that specialized training programmes offered the key to better productivity. Capping the argument, the "multi-site campus" was discarded in the belief that the training process could be cost-effective only if it was not fragmented. Therefore, a systematic and logical progression of training programmes from initial employment through to executive management was required.

The recommendations also refined the Justice Institute's anticipated role. They called for an acceptance of the Institute's central function within the Ministry by claiming responsibility for the identification, development, coordination, integration and delivery of all training and education programmes. Additionally, the recommendations sought authority for the Institute to provide leadership in articulating the Ministry's manpower planning and development policies, organizational planning, and research, wherever the delivery of Provincial justice service was involved.

Notably absent from the policy paper was any mention of the Institute's role as broker for justice education programming within the post-secondary field. By turning away from the "multi-site campus" idea, the planners' attention had shifted strictly to the Institute's position within the Ministry and affiliation with other educational centres ceased to be a dominant concern

The only indicator suggesting that consideration was still alive for a clientele beyond the Attorney-General's operational branches was contained in a re-statement of the objective quoted earlier: the Institute would

".... provide a forum through which conflicting ideologies, fragmented planning and role ambiguities could be inter-faced, explored, evaluated, and, hopefully, resolved."⁸

While the language in which the proposition was expressed had changed slightly, it still failed to define the community-of-interest under reference and continued to raise the spectre of future organizational problems.

Throughout the remainder of the year and into 1977, site acquisition eluded the planners and was quickly becoming the Institute's albatross. The Police College lease had expired on January 31, although a one year extension had been negotiated. Adding fuel to the search, Sheriffs and Court Services training had been told to vacate the Willingdon School by September in order to make room for the Lower Mainland Regional Juvenile Detention Centre.

E. THE FINAL ACT

As the urgency increased, so did the frustration with the seemingly unaccountable delay in bargaining for the Worker's Compensation Board buildings. In order to break the apparent stalemate, an appeal for political support was made.⁹ A change in strategy emphasized the pressing need to find accommodation for the Police College and the issue of consolidating the Attorney-General's in-service training and research programmes became a related but secondary priority.

Although arguments favouring a Justice Institute that continued to concentrate on the Attorney-General's internal training needs remained largely unchanged, one new and important element was added to the mix. For the first time it was pointed out that a Justice Institute could provide training benefits to those Ministries other than the Attorney-General's that had a law enforcement responsibility. Pressing the point home, it was proposed that a committee representing the Ministry of Education and the Attorney-General should be convened to coordinate curriculum development and to insure that the best utilization of resources could be achieved. Accordingly the Justice Institute's sphere of influence once more expanded to include a broader clientele and involvement with the Ministry of Education was renewed.

Keeping company with the efforts to find political support, the Attorney-General put a proposal before Treasury Board requesting funds to purchase the Worker's Compensation Board facility. Before a response was received, the single most important event in the Institute's evolution jarred the planning process. The situation as it became clear in August 1977 is best described in a memorandum sent the Deputy Attorney-General by the Director of the Police College:

"The intention of this Ministry to establish internally a Justice Training Centre is now inconsistent with the proposed legislation contained in Bill 82 - Colleges and Provincial Institutes Act. The proposed Bill clearly captures the developing Justice Training Centre as a Provincial Institute within the interpretation of the legislation and effectively removes it from the direct control of the Ministry of Attorney-General."¹⁰

There can be little doubt that the Director's assessment was correct. Bill 82 placed the long-standing issue of control in a new light by granting the Minister of Education power to participate in all decisions regarding post-secondary education and training which affected institutions funded by the Government. In part the Minister of Education's authority would be exercised through two newly created corporations known as the Occupational Training Training Council and the Academic Council. Furthermore, the Bill contained provisions to establish a nine member Board charged with administrative and managerial responsibility at each Provincial Institute. Each Board was required by the legislation to constitute a Program Advisory Committee comprising professional, employee and student representation. Similarly, the Occupational Training Council was obliged to create Occupational Advisory Committees to assist in its deliberations.

With the sudden proliferation of Councils, Boards and Advisory Committees all holding power to influence the Justice Institute's development, the Attorney-General's Ministry was forced to retrench.

Not surprisingly, earlier recommendations detailing the Institute's central role within the Ministry had to be reconsidered. Given that ministerial responsibility is a political fundamental in parliamentary systems, it would have been improper for the Attorney-General to allow policy decisions affecting organizational development, research and manpower planning to be made external to his ministry. On the other hand, consolidating training resources in an Institute receiving financial support from another ministry had to seem attractive; particularly when an answer to the facility question could no longer be postponed.

Moving decisively, the Attorney-General's Policy Executive agreed to launch a joint proposal with the Ministry of Education to pursue the establishment of a Justice Institute in accordance with the Colleges and Provincial Institutes Act. By October 1977 both ministries had appointed representatives to prepare a position paper on the subject.

The policy bugbears associated with organizational development, research and manpower planning figured strongly in the terms of reference set out in the Attorney-General's negotiating stance.¹¹ Equally important, the Attorney-

General did not want participation in the Institute to isolate training programmes from the operational requirements of service delivery; it was argued that the complete transfer of personnel was unadvised because it would restrict the trainers' connection to manpower planning and personnel development activities.

In order to preserve the continuity of planning, training and manpower development within the Ministry, the Attorney-General required a contract with the Ministry of Education that would:

- 1) exclude the complete transfer of personnel to the Justice Institute;
- 2) agree to share the core resources, space and services of the Institute;
- 3) offer full participation in the coordinating of justice training throughout the Province;
- 4) undertake to cooperate fully in achieving the objectives and the effective management of the Institute; and
- 5) establish a formula to reimburse the Institute for services rendered.

As negotiations commenced in October, site acquisition was left the responsibility of the Attorney-General's Ministry. By the time the two ministerial representatives tabled their recommendations,¹² the Justice Institute concept was declared to have been developed in response to the fragmented and isolated delivery of justice training programmes throughout the Province. As a secondary consideration, the Institute was deemed capable of centralizing and coordinating the Attorney-General's training programmes, but it was emphasized that the enterprise would take place within the broader context of post-secondary education.

The recommendations also reached agreement on specific issues including:

- 1) that recommendations to the Lieutenant-Governor in Council under the Colleges and Provincial Institutes Act for the appointment of the Board would be mutually agreed upon by the Minister of Education and the Attorney-General;
- 2) that the initial funding of the Justice Institute for facilities, staff and resources, where not otherwise already existing, would be generated from consolidated revenues under Section 84 of the Act;
- 3) that the fiscal budget to maintain the core staff and support services of the Institute as required by the Act would be allocated to the Justice Institute by the Ministry of Education;
- 4) that the mandate of the Institute would include responsibility for fire service training and that the specific objectives for this aspect of the

Institute would be developed in consultation with the Provincial Fire Marshall;

- 5) that police training would continue to be identified as the British Columbia Police Academy to provide for continuity and recognition of training standards and certification of the police service; and
- 6) that the Attorney-General's Ministry would pursue the site acquisition and would transfer title to the Board of the Institute at the time of its incorporation.¹³

Following acceptance of the proposals outlined in the negotiators' position paper, organizational details were put in place and the selection of the Institute's Board commenced. After the long delays in securing a permanent residence, and with uncanny fortune, the Jericho School became available once agreement with the Ministry of Education had been concluded.

On April 27, 1978, an Order-in-Council was passed making the Justice Institute a reality at last and giving it authority to perform the following functions:

- 1) provide courses of instruction which are consistent with the identified needs specifically for, but not limited to, Police, Corrections, Courts and Sheriffs;
- 2) identify the educational and specific training needs for all components of the British Columbia Justice System, including Fire Services;
- 3) develop a cooperative system of coordination between its own programmes and those of the other institutes, colleges, universities, public schools and community-based organizations; and
- 4) provide a provincial forum for discussion and examination of justice and socially related issues.

PART II: THE JUSTICE INSTITUTE OF BRITISH COLUMBIA TODAY

A. REFLECTIONS OF HISTORY

The inaugural meeting of the Institute's Board took place in May 1978 and shortly thereafter the Director of the Police Academy won the competition for the Principal's position. By July the Police Academy had taken up residence at Jericho. When Corrections Staff Development and the new Fire Services Academy followed suit during the Fall, the Justice Institute finally became operational.

In keeping with the guiding legislation, the Institute's management and policy direction devolved upon its nine member Board. The day-to-day administrative responsibility was given to the Principal who was assisted by the Director of Educational Services, the Director of Finance and Administration, and the directors of the three main training divisions.

As the Institute's managers set out to locate staff, upgrade facilities, develop policies and establish budgets, the need became obvious to resolve some specific issues inherited from the Institute's earlier history. For example, while the Board's mandate was clearly defined by legislation, it was equally clear that the training staff answered to more than one master: Corrections Staff Development remained accountable to the Commissioner of Corrections; the Police Academy to the B.C. Police Commission; and the Fire Services Academy to the Fire Services Commissioner.

Conversely, staff from Finance and Administration and Educational Services were direct employees of the Justice Institute and were accountable to the Board through the Principal. Once again attention was called to the long-standing question of control as differences in reporting procedures appeared.

To appreciate the issue it is necessary to recall the original planning discussions. The principle users were consistently identified as the core branches of the Attorney-General's Ministry and there can be little doubt that the Institute derives its capacity to exist from their participation. Once the enterprise had fallen within the Ministry of Education's purview, the Attorney-General had hoped to maintain influence over the training activities by three devices:

- 1) by playing a consultative role in the selection of the Institute's Board;
- 2) by continuing the direct employment of training staff within the Ministry's operational branches; and
- 3) by adopting a contract model to finance the cost of instructional support.

With the Ministry's authority over the Institute strictly limited by provisos in the Colleges and Provincial Institute's Act, the Attorney-General's co-selection of Board members represents a symbol of good intentions rather than an actual instrument of control. On the other hand, the staff reporting relationships and the funding formula impact directly on the Institute's operational activities.

With regard to the reporting relationships, the Attorney-General's participation in the Institute has tended to complicate the Ministry's training services by adding new and diverse levels to the trainers' lines of accountability. Like the horseman who rides off in all directions at once, each training component continues to respond to a unique set of expectations and historically-based needs while simultaneously trying to cooperate within the larger context of the Institute's affairs.

By complicating rather than simplifying the reporting relationships, three problems emerge:

- 1) The role delegated to the Institute's Principal contravenes a basic tenet of good business practice. While he is fully accountable to the Board for the Justice Institute's management, he is not fully responsible for the majority of the Institute's training activities.
- 2) So long as their affiliation with the Institute is based on the financial contract model, and so long as their first allegiance in that relationship is with the Attorney-General's operational branches, it remains unclear how the core users ought to participate in achieving the Institute's broader objectives.
- 3) The relationship between training programmes and the development of the Attorney-General's manpower planning policies has not yet been clarified.

Peculiarities in the reporting procedures parallel peculiarities in the funding formula. At present, the Attorney-General's Ministry finances the total cost of instructional support - including instructors' salaries, travel expenses,

clerical services and stationary. On its part, the Ministry of Education provides capital and operating funds for facilities, library and media resources, and all Institute-wide administrative services.

At first appearance the formula seems reasonable and straight forward but some anomalies are present. For example:

- 1) Through its corporate identify the Justice Institute owns the institution's physical assets which include a fleet of vehicles, but capital expenditures on patrol cars used for instructional purposes are funded by the Attorney-General.
- 2) The salaries paid to the instructional faculty of Courts and Corrections training are processed directly from Victoria. On the other hand, the salaries paid to Courts and Corrections clerical staff are processed by the Justice Institute.

Using hindsight, it seems that the funding formula evolved in response to two different circumstances:

- 1) The Attorney-General's training components moved to the Justice Institute at mid-point during the 1978-79 fiscal year. In order to avoid an accounting nightmare, expediency prevailed. Agreements that served a temporary purpose now appear to have become entrenched.
- 2) More important, it appears that the Attorney-General's Ministry believed that budgetary control, based on the contract model, equates with control over the direction of training programmes.

With due respect to the Ministry's planners, it should be pointed out that it is the contract itself, not the contract's financial ingredients, that offers the Attorney-General opportunity to influence the services provided by the Institute. Seen in this way, the funding formula is inconsistent with the training agreements developed by other ministries. Nurses training, for example, is controlled by the medical profession and financed directly by the Ministry of Education rather than the Ministry of Health. By renegotiating the contract, it is suggested that substantial savings would accrue to the Attorney-General without altering the Ministry's influence in determining the nature of the services rendered by the Institute.

Nevertheless, in times of close cooperation and readily available funds, the present financial relationship is workable and satisfactory. Should resources become scarce, however, the current division of financial responsibility could

breed severe problems. The following factors are at issue:

- 1) The present division of responsibility is not comprehensively defined. It is not certain in all cases exactly where instructional support costs end and Institute-wide services begin.
- 2) Duplications in the accounting system would not appear to be cost efficient.
- 3) When accounting services are provided by the Institute for budgets established within the Attorney-General's Ministry, and when the Institute receives payment in arrears for expenditures made on the Ministry's behalf, what authority would be held accountable if a substantial overrun occurred? Moreover, in such a situation, should Institute staff intervene in the management process of the training components, withhold funds and demand that the budget parameters be respected?

B. THE ADMINISTRATIVE REACTION

As the difficulties attendant upon staff reporting relationships grew more pronounced, the Institute's Principal produced a report in November 1978 which outlined three organizational alternatives. Excerpted from the report, the three models proposed are as follows:

Model 1, would "layer in" the existing staff development Branches of the Ministry to the Institute. Lines of accountability would remain directly with the Ministry as is the present case and the Justice Institute would establish an organization to provide space and some coordination of common resources (library, food, residences, etc.).

Model 2, would involve the complete transfer of all training and staff development resources within the Ministry of Attorney-General to the Justice Institute. This would involve all personnel, equipment and resources.

Model 3, would require the transfer of all resources in the Ministry to the Institute with the exception of the Director of Staff Development, Corrections and the Director of Staff Development, Courts. These positions, plus directly related support staff, would remain within the respective Branches of the Ministry and constitute the interface through which the Institute would develop and deliver the training programmes for the two Branches. In addition, incumbents in these positions would perform all the other staff development functions that are not and should not be the responsibility of the Justice Institute (e.g. administer training relief funds, educational leave requests and coordinate regional staff development personnel, etc.).¹⁴

The reorganization proposals elicited vigorous reaction and the Institute's Board quickly carried a motion endorsing Model 3. But during the Board's review of the recommendations, notice was taken of the fact that the training directors for Courts and Corrections exercised non-instructional responsibilities when performing their staff development duties. After the propriety of the directors' dual roles was questioned by a Board member, renewed attention was drawn to the independence exercised by the Attorney-General's training units within the Institute's operational mandate. Controversy ensued.

The Ministry's response to the Principal's proposals was delivered by the Attorney-General's Executive Committee in March 1979. Excerpts from the Deputy Minister's letter on the subject best describe the Committee's position:

".... we would very much like to step back from decision making as to staff allocation and begin from a firm planning basis. Staff, like facilities and financial resources, are secondary to a firm and agreed-to understanding as to what the goals and objectives are of the Justice Institute and the training programmes that are carried out therein and reflect an allocation of resources based on agreed-to work plans and curriculum development.

We thus believe that in considering the question of reporting relationships of staff, we begin an orderly process to agree to goals and objectives, to develop more plans, to establish staffing criteria and levels and to do so in an orderly and timely way."¹⁵

In a subsequent letter from the Deputy Minister to the Chairman of the Institute's Board addressing the same issue, the desired content of a joint work plan was put forward:

"....I would expect that the detail would include matters such as courses, course content, instructors, financing of courses and instructors, the sharing of resources from both the Ministry and the Institute, the use of Ministry and Institute facilities, seconding and/or rotating of teaching staff between the Ministry and the Institute for the above purposes.

It was agreed that we would put aside concerns revolving around models related to bureaucratic structures and concentrate on issues relating to use of resources and facilities to accomplish training objectives for the Ministry."¹⁶

The exchange finally set the stage upon which a lasting understanding could be constructed between the Justice Institute and the Ministry of Attorney-General.

PART III: AN AGREEMENT FOR THE FUTURE

A. THE NEED FOR CONCEPTUAL AGREEMENT

Bound by its history and caught in the tensions of daily administration, there can be little doubt that the Justice Institute requires a formal agreement defining its relationship to the Attorney-General's Ministry. Before a durable accord can be reached, however, two fundamental interests must be clarified:

- 1) it should be jointly recognized that where the exchange of knowledge is at issue, excellence can only be achieved in terms of identifiable objectives; and
- 2) it should be jointly accepted that curriculum content forms the essence of any educational institution.

Because both parties are committed to raising the quality of justice and public safety services in British Columbia, cooperative agreement on the conceptual nature of training objectives and curriculum will provide the key to harmony. Once accomplished, the administrative formulas necessary to accommodate the training regimens should be a straight-forward and practical matter.

Objectives

Four stages of activity are required to resolve issues related to objectives:

- 1) The Attorney-General's Ministry should make a clear declaration of its training objectives and make known its manpower planning and personnel development procedures and policy.
- 2) While any given principle may be widely accepted, its interpretation may vary significantly. Therefore, a consensus should be established concerning the interpretation of the Institute's functions, as they are expressed in the Order-in-Council.
- 3) A joint statement should be developed to amalgamate the Attorney-General's training objectives with the consensus interpretation of the Institute's functions.

Where the Attorney-General's objectives are patently at odds with those of the Institute, the activities required to meet the Ministry's goals should be removed from further involvement with the Institute.

- 4) As an addendum to the joint statement, the manner in which the Attorney-General's training components participate in promoting the Institute's province-wide mandate should be described.

Curriculum

Three stages of activity are required to resolve issues related to curriculum:

- 1) The Institute and the Attorney-General's Ministry should develop a method of cooperatively performing training needs analysis studies.
- 2) A mechanism should be created to communicate the Ministry's manpower planning and personnel development policies to the Institute.
- 3) Collaborative procedures should be established between the Institute and the Attorney-General's Ministry for conducting programme evaluations.

B. THE NEED FOR STRUCTURAL AGREEMENT

Once a common set of objectives are defined and procedures for curriculum development are set in place, the overriding concern of both the Institute and the Ministry should be to see that the conceptual agreements are translated into practice. Before entering into the exercise, it should be anticipated that fair and reasonable compromise will be required in order to resolve past tensions. By accepting the structural changes necessary to insure that the common objectives are fulfilled, the benefits to both parties should exceed any concessions that might be made.

Four stages of activity are required to resolve issues related to structural change:

- 1) The Reporting Relationships should be reviewed. Where changes are needed to correct outstanding problems, the design of any new structure should be tailored in a manner best suited to accomplishing the common objectives.
- 2) The Funding Formula should be redesigned. Any alteration to the funding formula should reflect the revised reporting relationships and should support the efficient, responsible and cost-effective management of the Institute's affairs.
- 3) A Formal Agreement should be developed. The agreement should authenticate any changes to the reporting relationships and the funding formula; it should specify the exact nature of contract services offered to the Ministry by the Justice Institute; and it should be expressed in a clear and well-publicized statement of accord.
- 4) A Coordinating Committee should be established. Based on the accord described in the formal agreement, the function of the Committee should be to review and to coordinate the relationship between the Institute and the Ministry.

C. IMPLEMENTATION OF THE AGREEMENTS

The distinction between policy creation and policy implementation raises a well-known organizational dilemma. By using a participatory model to develop a common set of objectives and structural guidelines, it is suggested that the process used to define the terms of agreement should help guarantee that they will be successfully put into practice. In this sense, participation in developing an agreement should be encouraged from line staff, senior managers and Board members alike. Moreover, it might be unadvised to enter into a paper agreement at this time apart from a clear process established to implement its terms.

PART IV: THE MINISTRY OF EDUCATION

Throughout the foregoing analysis, the Ministry of Education has been seen as a third party to the central drama between the Justice Institute and the Attorney-General's Ministry. However, the Ministry of Education's role in determining the Institute's future is of vital importance. Because the Education Minister is responsible for allocating programme, facilities and administrative funds to the Institute, acceptance from the Ministry of Education will be required concerning any new directions taken by the Institute resulting from a revised agreement with the Attorney-General.

It is timely, therefore, that the Minister of Education has asked every institution operating under the Colleges and Provincial Institutes Act to prepare a comprehensive five-year Educational Plan before the end of 1980. It seems clear that the development of a five-year plan coincides neatly with a review of the relationship between the Institute and the Attorney-General and the opportunity is available to conduct both exercises at the same time.

Should the decision be made to proceed with a joint exercise, an assessment of the Institute's history suggests that a number of issues remain outstanding apart from the relationship with the Attorney-General's Ministry. They include the following:

- 1) How should the Justice Institute relate to the education system's goals?
- 2) What is the relationship in justice service's training between technical need and educational need? Between instruction and education?
- 3) To what extent is research a desirable function of the Justice Institute?
- 4) What is an appropriate definition of the "justice and public safety" community?
- 5) How can the Justice Institute provide province-wide services from a central campus?
- 6) How can the overlapping mandates of the Institute and the Legal Services Society regarding library services and public education initiatives be clarified?
- 7) How can the Institute's facility development plans match programme needs?
- 8) What are the support service requirements needed to satisfy a growing training population?

While the foregoing questions are pertinent to the Ministry of Education's

request for a five year Educational Plan, they also may be seen with regard to the Institute's internal management. It seems clear that the Board's response to the task of developing a five year plan has the potential for clarifying a number of structural issues still outstanding. Therefore, the Board might wish to consider such a clarification as a primary objective in relation to the task.

FOOTNOTES

- 1) April 30, 1976. Memorandum from G. Kilcup, Director, B.C. Police College to D. Vickers, Deputy Attorney-General.
- 2) Ibid
- 3) Ibid
- 4) Ibid
- 5) Ibid
- 6) June 21, 1976. Letter from G. Kilcup, Director, B.C. Police College and Director, Justice Education Centre (appointed May 26, 1976) to B. Parfitt, Executive Assistant to the Deputy Attorney-General.
- 7) September 16, 1976. Memorandum from M. Krasnick, Director, Policy Planning to The Honourable Garde B. Gardom, Attorney-General.
- 8) September 8, 1976. Memorandum: Justice Institute Proposal, from G. Kilcup Director, B.C. Police College to D. Vickers, Deputy Attorney-General.
- 9) May 19, 1977. Ministry of Attorney-General's submission to Cabinet.
- 10) August 9, 1977. Memorandum from G. Kilcup, Director, B.C. Police College to R. Vogel, Deputy Attorney-General.
- 11) September 30, 1977. Memorandum from G. Kilcup, Director, B.C. Police College to R. Vogel, Deputy Attorney-General.
and
October 12, 1977. Letter from R. Vogel, Deputy Attorney-General to G. Kilcup, Director, B.C. Police College.
- 12) November, 1977. Paper: British Columbia Justice Institute, prepared by Dr. Bruce Fraser, Executive Director, Program Services, Ministry of Education and G. Kilcup, Director, B.C. Police College, Ministry of the Attorney-General.
- 13) Ibid
- 14) November 28, 1978. Paper: Organization - Justice Institute of B.C., prepared by G. Kilcup, Principal, Justice Institute of B.C.
- 15) March 9, 1979. Letter from R. Vogel, Deputy Attorney-General to G. Kilcup, Principal, Justice Institute of B.C.
- 16) March 23, 1979. Letter from R. Vogel, Deputy Attorney-General to R. Stewart, Deputy Chief Constable, Vancouver City Police