



MEMBER REQUEST FOR DECISION (RFD) SPRING 2021 MUNICIPAL LEADERS' CAUCUS

DATE:

April 14, 2021

TOPIC:

All Albertans Deserve Access to Justice

RECOMMENDATION:

The Town of Slave Lake requests that the AUMA advocate for the Minister of Justice and Solicitor General to ensure the justice system is properly resourced so that all Albertans have timely and equitable access to justice through:

1. Addressing court backlogs that create long delays for trials, with many cases simply not prosecuted due to the Jordan decision;
2. Reforming bail hearings so that people with local expertise are present to inform judicial decisions; and
3. Holding a public inquiry that determines the causes of and proposes solutions to recidivism and prolific offenders.

BACKGROUND:

The Council from the Town of Slave Lake believes that all Albertans deserve access to justice. We believe changes in procedure, such as how and who performs bail hearings, have created a system where those accused do not stay in jail when arrested and this creates a significant safety issue for members of our community. The justice system in Alberta creates opportunities for non-violent criminals to reoffend quickly, creating ongoing safety issues in our communities and causing our residents to question the effectiveness of the justice system in general.

Over time, the release of persons arrested has undergone significant changes. Many years ago, a person arrested for a crime would appear before a local Justice of the Peace for a "bail hearing" (Judicial Interim Release). The local police would be present and, of course, the accused's lawyer, in some cases. The Justice of the Peace, knowing the local concerns, hearing from the police, and knowing the accused's past criminal history, was able to make appropriate decisions on release and related conditions that protected the community.

That system eventually changed to one where the Judicial Interim Release hearings are held by teleconference. The Justice of the Peace is in a call centre, and the "Crown" is represented by a Crown Prosecutor. In most instances, there is no local connection to the community, only documentation provided by the police. Typical guidelines are followed in consideration of the release of the accused



and any conditions that may be imposed. This includes a premise that, if the person is accused of a property crime, they not normally be remanded into custody regardless of criminal history.

More recently, in 2019, changes to the Criminal Code came into effect, with the passing of Bill C-75, that place an onus on a Justice of the Peace to consider the least onerous form of release when considering the release of a prisoner, and the conditions that may be imposed.

All in all, this has created the situation where repeat offenders are regularly released into communities across Alberta. In many instances, criminals are being released before the police are even able to complete their paperwork, and go back to committing more crime, only to be arrested and released again. Some people in our communities have dubbed this the “catch and release” program.

The Town of Slave Lake is requesting that the Minister of Justice and Solicitor General explore changes to the criminal justice system that balance the rights of criminals with public safety. While we respect that, in Canada, all persons have constitutional rights and freedoms, the release of criminals who commit further crimes while awaiting trial, is having significant effect on our community.

Further, the “Jordan” decision (R. v. Jordan ruling by the Supreme Court of Canada in 2016) has now imposed timelines as to when matters must be decided by trial judges. Combined with lack of resources within the Courts and the Crown Prosecution Service, “Jordan” has led to cases that are simply dismissed or charges withdrawn due to “unreasonable” delay.

The Minister of Justice and Solicitor General needs to initiate a Ministerial Review of the criminal justice system and implement changes that need to be made to help protect Albertans from repeat criminal behaviors and ensure Albertans have timely access to justice. With the province’s current commitments to enhance policing in rural communities, an accompanying investment in the justice system is needed to effectively support enhanced enforcement.

All Albertans deserve access to justice in a timely manner