

Out of the Silos: Implementing Solutions Together

JUSTICE SUMMIT – ST. JOHN'S

SUMMARY REPORT

September 2017

Prior to the event, participants were asked to come prepared to discuss:

- What are the burning issues they would like to see addressed?
- Why are these issues occurring?
- What are the solutions to address the burning issues?

Department of Justice and Public Safety organized a Justice Summit to provide a forum for open dialogue about how the criminal justice system is currently operating in the North East Avalon region. The theme for the Summit was “Out of the Silos: Implementing Solutions Together.”

The day began with senior officials addressing participants:

- Assistant Commissioner Peter Clark, Commanding Officer, Newfoundland and Labrador, invited participants to RCMP Headquarters;
- The Honourable Andrew Parsons, Q.C., Minister of Justice and Public Safety and Attorney General, discussed the purpose of the Justice Summit;
- Bill Blair, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, gave a brief overview of Federal Criminal Justice Reform; and,
- Robin Fowler, Assistant Deputy Minister, Courts and Corporate Services, Department of Justice and Public Safety, gave participants a brief overview of the Jordan decision.

The Jordan decision, released by the Supreme Court of Canada (SCC) in July 2016, has drawn increased attention to what constitutes unreasonable delay under section 11(b) of the Canadian Charter of Rights and Freedoms. It changed the analytical framework for determining whether there has been a violation of an accused's right to trial without unreasonable delay. This decision has stimulated reflection and discussion regarding criminal justice system efficiencies throughout Canada.

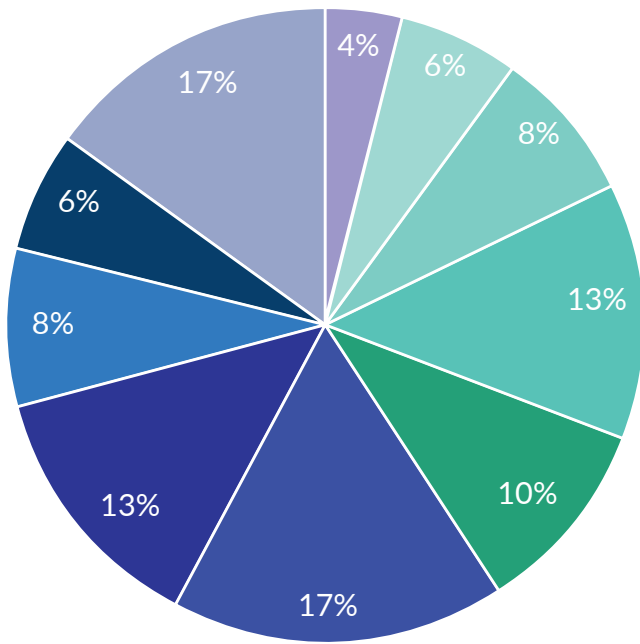
Approximately 50 invited participants attended the event. Participants included, but were not limited to, representatives from the RNC, RCMP, Judiciary of Supreme Court, Judiciary of Provincial Court, Court Administration from Provincial Court and Supreme Court, Justice Canada, Correctional Services Canada, Provincial Crown, Federal Crown, Canadian Bar Association, Law Society of NL, Public Legal Information Association of NL, Private Practicing Lawyers and select community groups.

Participants reflected on their day-to-day work and contemplated what is working well and what areas could use enhancement.

This forum provided a space where various stakeholders could participate in an open dialogue about how the justice system is working, including, but not limited to, where delay is being experienced.

Participants focused on three main questions for the day:

- What factors are contributing to delays in the criminal justice process?
- What challenges need to be addressed?
- What are the solutions to those challenges?



- 4% Office of the Sheriff
- 6% Legal Aid and Defense
- 8% Public Prosecutions
- 13% Corrections and Community Services (Adult Custody, Youth Custody, Adult Probation, Victim, Services)
- 10% Policing
- 17% Provincial and Federal Government Officials, Executive and Employees
- 13% Court Officials
- 8% Judiciary
- 6% Other
- 15% Community Organization

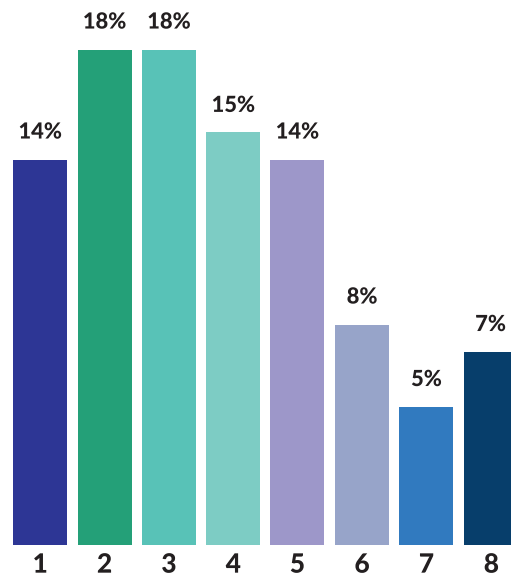
Where is undue delay happening in the criminal justice process in the Northeast Avalon with consideration of Crown, Defence and institutional processes?

Participants identified the following issues:

1. **Disclosure:** lack of resources and coordination, changing technology, expectations around evidence, complex cases, processing evidence
2. **Offenders underlying issues:** ability to navigate the system, complexity of system, impact of mental health, limited resources, social aspects (homelessness)
3. **Lack of Alternative Processes:** dispute resolution, adult diversion, aboriginal family care circles, BC model
4. **Court Related Delays:** too long to get to plea stage, lack of resources analyzing data, court scheduling, Rule 15 (pre-trial)
5. **Resources:** lack of staff, courts, legal aid, clerks, courts, forensics
6. **Accountability:** court system, clients
7. **Remand:** takes a lot of time, increase in numbers
8. **Administrative Process:** accused ability to access justice system, duplication of administration

Using polling technology, participants identified the top 3 issues that they would be discussing for the remainder of the event.

- Offenders Underlying Issues (18%)
- Lack of Alternative Processes (18%)
- Court Related Delays (15%)



Issue 1: Offenders Underlying Issues

Challenges identified by participants:

- Youth issues: mental health and addictions, Labrador youth released on bail – no longer responsibility of justice system, wrap around service needed
- Legal aid application, access and support for offenders
- Difficulty navigating the system
- Lack of proactive prevention services
- Lack of education about the system
- Complexity of issues of offenders: mental health, housing, addictions
- Access to mental health and addictions support and services
- Duplication – need to streamline the system (ex. technology)

Possible solutions identified by participants:

- Duty counsel at the courts
- System navigator/court navigator
- More resources and streamlined application process for legal aid (online application, assistance with application, intake at court location)
- One stop shop
- Mental health training for individuals working in Justice system
- Education and handouts for public
- Collaboration with community organizations/supports
- Dedicated drug court

Issue 2: Lack of Alternative Processes

Challenges identified by participants:

- Adult diversion is not happening (restorative justice)
- Youth diversion not resourced and is run by volunteers
- Resource allocation not focused on high risk offenders
- Difficult to get public on board with alternative processes – system seen as soft when use these
- Lack of resources to develop alternative process
- RCMP/RNC and Crown limited in the options available to them and use of discretion

Possible solutions identified by participants:

- Invest resources to create alternative processes such as: restorative justice/ sentencing circles/resolution conference/ bail supervision program
- Incentives to go through alternative dispute resolution processes
- Educate and awareness of the public on alternative processes
- Review best practices in other provinces/ jurisdictions
- Work with community agencies and programs to aid in service provision and reduce recidivism
- RCMP/RNC and Crown more discretion and options than just the court system
- Use technology to allow solutions to be implemented province wide (e.g., appearance by video)

Issue 3: Court Related Delays

Challenges identified by participants:

- Communication between legal aid and inmates: need more options for contact
- Scheduling
- Single file often ends up dealt with by various judges as it runs its course
- Lack of physical space for jury trials and client/lawyer meetings
- Delays in getting appropriate disclosure

Possible solutions identified by participants:

- More options for contact between legal aid and inmates
- Single judge assigned to a file and controlling the file – assigned at the beginning (judge will have more control and knowledge of the file, control of their calendar, better coordinating and tracking of the file)
- More meeting rooms at Her Majesty’s Penitentiary
- Establish specialized courts (i.e. drug court)
- Public consultation/town hall meetings on criminal justice system
- More use of technology to improve court scheduling system (ex. calendar sharing)
- Integrate legal aid office more with courts (physically located together, assist with getting the documents that are required)
- No charges or court dates until after disclosure and vetting is done
- More use of technology for video courts, disclosure portal, electronic monitoring

For more information:

Chantal Walsh Dodge
Policy and Strategic Planning
Department of Justice and Public Safety
Tel: (709)729-1109
Email: ChantalWalshDodge@gov.nl.ca



This word cloud was generated from participants comments during all discussion cycles throughout the day.