



Editorial: Tough on crime agenda taxes justice system

Calgary Herald Editorial Board, February 3, 2015

The federal government claims getting tough on crime is one of its top priorities. If it wants to be taken seriously, in Alberta at least, it needs to back up its bluster with some badly needed action to ensure the wheels of justice in this province continue to turn smoothly.

Legal reforms introduced by the federal Conservatives have increased the workload on the court system.

As a result of mandatory minimum jail terms and the removal of conditional sentences, defendants are less likely to plead guilty, opting instead for time-consuming court proceedings.

It is dismaying to learn that not enough federal prosecutors are being hired to deal with the growing burden in Alberta's courts.

→ "The workload is going up because of the complexity of files and the number of people doing the work is going down," according to Len MacKay, president of the Association of Justice Counsel.

The association makes a good case for why the federal government should loosen the purse strings to fill vacant positions for these prosecutors in Alberta.

MacKay charges that the government's push to cut costs and streamline the public service is at odds with the legislation it has introduced to crack down on crime.

Not only is there a shortage of crown prosecutors, the federal government has also kept the lid on the number of Court of Queen's Bench justices in Alberta. Our population has soared and criminal charges tried in that court have jumped 35 per cent since 1996, but only two new positions have been funded.

As a result, trials are being booked more than a year ahead, raising the disturbing possibility that serious cases are at risk of being thrown out because of undue delays.

That's unacceptable from a government that so enthusiastically embraced the mandatory minimum sentences that have contributed to the growing burden faced by the court system.

If the Harper Conservatives don't want to pony up to pay for the consequences of their legislative changes, perhaps it's time to consider amendments to make administration of these laws fairer and more effective.

These mandatory sentencing requirements leave little discretion and flexibility in the system.

It's no wonder many accused are reluctant to plead guilty and opt for a trial instead.

A law that allows judges to see only black and white, with no shades of grey, increases the burden on our courts and drives the price of justice steadily higher.

It's past time for the Harper government to rethink some of its tough-on-crime provisions that do little to make Canada safer and cost us all more.