

Worries grow over mandatory minimum sentences for drug offences

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Canada's public prosecutors are bracing for an onslaught of new trials as mandatory minimum sentences for drug offences come into effect – adding pressure to a system they say is already overburdened.

The tougher sentences, which came into force last week, are meant to address “serious, organized drug crime” and range from a minimum jail term of six months for growing six or more marijuana plants to at least three years behind bars for running a potentially dangerous methamphetamine lab in a residential neighbourhood.

The government says the stiffer sentences will help clamp down on gangs and organized crime. But prosecutors say they could cause serious delays as those who might have previously pleaded guilty in exchange for a lesser sentence opt for a full trial instead.

“If you take away the ability of a prosecutor to plea bargain some of these cases out and try to triage some of them through the court system, that alone will increase the amount of trials that we have,” said Rick Woodburn, president of the Canadian Association of Crown Counsel. “It ties our hands, effectively.”

The effects of the mandatory minimum sentences could be particularly problematic, Mr. Woodburn said, because the country's court system is already being strained by a spike in larger and more complicated criminal cases.

The number of “complex” and “mega” files handled by federal prosecutors increased by more than 47 per cent over the past four years, according to a performance report published last week by the Public Prosecution Service of Canada (PPSC).

“It's almost a double whammy,” said Lisa Blais, president of the Association of Justice Counsel, the union that represents prosecutors. “You have more complex cases combined with also more volume of cases and I think that's a very dangerous recipe for the right to a speedy trial.”

The report notes that the PPSC has set aside \$6.5-million to deal with the projected impact of the new minimum drug sentences during the first year they are in effect. The department did not respond to requests for comment Monday, which was a holiday for federal public servants.

Ms. Blais said she has “grave concerns” that the money won't be adequate to keep the country's courts running on schedule, adding that the public prosecution service already made significant cuts to comply with federal budget requirements.

“I'm not confident that it will be enough. The \$6-million, I don't even think will assist us to get us to the levels we needed to be [at] before the minimum mandatory sentences came into play,” she said. “We were already doing more with less.”

A spokeswoman for Justice Minister Rob Nicholson said the tougher sentences are needed because previous penalties weren't doing enough to deter criminals. The mandatory sentences don't apply to all drug convictions, and many are targeted at offences that involve weapons or violence and pose a risk to children and youth.

"The production and trafficking of illicit drugs is one of the single most significant sources of money for gangs and organized crime in Canada," she wrote in an e-mailed statement. "Criminal organizations that rely on the drug trade do not respect the current penalties – they simply see them as the cost of doing business."

The new mandatory minimum drug sentences are expected to put significant financial pressures on the provinces and territories, who also will have to pay for court administration services and cover the expense of keeping more offenders behind bars for longer stretches of time.

"We're dealing with delays all across the country already. It's our belief that this is going to add to that," Mr. Woodburn said. "We've taken an overburdened criminal justice system and we've added to it, without adding the infrastructure and resources that we need to make sure it's going to work properly."