

Budget leaves government lawyers ‘holding our collective breath’ Federal government plans \$77 million in cuts to justice system

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The justice system is facing a new round of restraint as the federal government seeks to save \$77 million in that area by 2014 and Ontario holds the line on spending in the coming years.

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“At this point, we’re holding our collective breath,” says Marco Mendicino, president of the Association of Justice Counsel that represents federal government lawyers. He notes that while the hope is the government can achieve the cuts through attrition, the reduction at the Department of Justice is substantial.

The worry comes as the federal and provincial governments released their austerity-focused budgets late last month. The Ontario government is increasing justice spending by \$68 million, which represents a 0.4-per-cent increase. Ottawa’s \$77 million in cuts, meanwhile, will primarily affect the Department of Justice.

The provincial budget notes the increase is due to “legal settlements under the Proceedings Against the Crown Act and additional funding for operational pressures.” Ministry of the Attorney General spokesman Brendan Crawley says the money will go primarily to Legal Aid Ontario.

With budgets being tight, the Ontario Bar Association is looking at possibilities for new efficiencies in order to keep services at current levels or improve them. As a result, it has set up a task force on justice sector effectiveness.

Task force chairman Colin Stevenson of Stevensons LLP says the OBA is looking for input from its membership on how to make sure that the efficiency measures introduced will in fact “allow the ministry to do more with less” as opposed to just being sweeping cuts.

While ideas for these measures are in their infancy, the OBA has some recommendations that it’s been talking about for the past few years. They include the expansion of the Unified Family Court, greater data analysis, and legislation targeting strategic litigation against public participation.

The OBA has also received some ideas that it’s considering but has expressed no opinion on: the potential elimination of the Divisional Court, streamlining procedures in child protection cases, and cutting staff involved in civil motions and trials.

A key issue relates to the implementation of technology in the court system. The budget notes that modernization of the courts through electronic filing and other digital enhancements will help curb costs in the future.

It's an issue for which the government has recently come under fire given the slow pace of progress. But the ministry notes it's working on a court computer system that it will start to phase in later this year.

But even with the new technology, the system will come under increasing cost pressures due to the federal government's omnibus crime bill. With the new mandatory minimum sentences for some crimes, Ontario has the task of housing extra inmates in the provincial system.

Estimates have put the cost of the changes at approximately \$1 billion because of the looming need for a new 1,000-bed prison in Ontario. According to the projections, the new facility would then cost more than \$60 million a year to operate.

The possibility of a new facility comes as the province announced the closings of three facilities in its recent budget. The Toronto West Detention Centre and jails in Chatham and Brantford, Ont., are all locking their doors for good.

Brent Ross, spokesman for the Ministry of Community Safety and Correctional Services, says the facilities are all out of date. "We are not closing jails to take beds out of the system. We are closing facilities that do not meet the needs of a modernized correctional system."

He notes some of them date back to before Confederation and that they exceed the average daily cost for housing an inmate by at least \$66. Each inmate in a modern facility costs approximately \$125 a day. The Chatham jail costs \$251 per inmate per day.

The government says the closings will save millions in costs. In the meantime, there are plans to build new facilities in Toronto and Windsor, Ont.

Despite the pressures imposed by Bill C-10, Mendicino notes the federal government hasn't shown any willingness to help the provinces with the costs.

He says the legislation will result in more trials because litigants won't have anything to lose by refusing to plead guilty. That's because they'll be facing jail time regardless of their plea.

With Bill C-10 looming, the recent report by economist Don Drummond on reforming provincial government services recommended that Ontario send all inmates serving more than six months to a federal facility in order to keep costs down.

The Ontario budget acknowledged that recommendation, which it noted would provide inmates "access to federal rehabilitation services — services important for keeping communities safe and controlling costs of correctional services.

This realignment would mitigate against one level of government having to pay for decisions made by another level of government, as will occur as a result of the federal government's criminal justice agenda."

Another major issue in the justice system relates to aging courthouses. While Drummond suggested the province should work on updating and refreshing old buildings, the infrastructure budget for the justice system has dropped.

That's despite Ontario Chief Justice Warren Winkler's repeated calls for a new courthouse in Toronto to ease the strains on the criminal system. There were plans for one, but the government scrapped them in a bid to cut costs.

Despite the concerns about the strains, Crawley says the government is confident in its ability to maintain services. "The ministry continues to monitor strategies across all divisions to ensure that we control costs, make the best use of existing resources while ensuring we make the best use of taxpayer dollars," he said.