

an invitation

Alberta Summit on Justice

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An opportunity for input

As citizens of our province and members of our communities, we are all participants in the justice process. On January 30, 1998, I announced plans to hold a Summit on Justice. Its mission is "To build consensus on actions for improving public confidence and community participation in the justice system." The summit is scheduled for January 1999.

The summit will conclude a series of public and sector consultations across Alberta. The public consultations will be headed by an all-party MLA committee and will be held in May, June and September 1998. These consultations will give everyone the opportunity to tell the government of Alberta how well the justice system is performing, and what needs to be done to make it even better than it is today.

A final report detailing the summit's outcome will be presented to government in March 1999. The approved recommendations will be incorporated into the government's business planning process.

I invite you to participate in the consultations. Your voice is important.



Jon Havelock, Q.C.

Minister of Justice and Attorney General

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How to get involved

The public consultations are open to all Albertans. You can participate in any of the following ways:

- Register for a consultation by phoning 427-8530 (for toll-free assistance call 310-0000). By registering in advance, you will be guaranteed an opportunity to present your ideas to the MLA panel.
- Observe or present your ideas without registering simply by showing up at one of the consultations. Depending on the number of participants, you may not have an opportunity to speak, but you will be able to submit your ideas in writing to the panel.
- Talk to your local MLA.
- Submit your ideas in writing (see attached questionnaire). Send your submission to:

Mr. Richard Magnus, Chair

**All-Party MLA Public
Consultation Committee**

2nd Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta T5K 2E8

Fax: 427-9630 (toll-free 310-0000)

E-mail: justicesummit@gov.ab.ca

All submissions must be received by September 30, 1998.

Don't miss this opportunity for input.

For more information about the summit and the consultation, contact your MLA or:

Alberta Justice Communications

Tel: 427-8530 (toll-free 310-0000)

Fax: 427-9630 (toll-free 310-0000)

Internet: www.gov.ab.ca/justicesummit

E-mail: justicesummit@gov.ab.ca

Who will be listening

Members of the all-party MLA public consultation committee are:

Mr. Richard Magnus,
MLA Calgary-North Hill (Chair)

Mr. Dave Coutts,
MLA Livingstone-Macleod

Mr. LeRoy Johnson,
MLA Wetaskiwin-Camrose

Ms. Sue Olsen,
MLA Edmonton-Norwood

Ms. Mary O'Neill,
MLA St. Albert

Mr. Raj Pannu,
MLA Edmonton-Strathcona

Ms. Janis Tarchuk,
MLA Banff-Cochrane

Questions to consider

This discussion guide provides a brief overview of how the justice system is structured. As you read the guide, please consider the following questions.

What are the issues facing the justice system?

What needs to be done to deal with those issues?

The following topics will be discussed at the Summit on Justice with a view toward making a good justice system better:

Public confidence in the justice system

Recent public opinion polls indicate public dissatisfaction with some aspects of the justice system, and satisfaction with other aspects. Are there changes that need to be made to increase the level of public confidence in the justice system? What are the strengths of the current system and what can be done to ensure these strengths are protected?

Victims - their rights and their involvement in the system

The Victims of Crime Act outlines principles for the treatment of victims and their rights to information. It also provides a financial benefits program for people who have suffered injury as a result of a crime and a grants program for victims' services. Can victim involvement in the justice system be improved? If so, how?

Youth and the justice system

The Young Offenders Act (Canada) was proclaimed in 1984. The Act applies to youths aged 12 to 17, and significantly changed the way society deals with young people. It provides the authority and principles that govern how young offender custody and community based programs and

services are delivered. Do you have any comments regarding youth and the justice system?

Policing

An adequate and effective level of policing is required to provide for the safety and security of all Albertans. Are there any policing issues of concern to you or your community?

First Nation, Metis and Inuit justice

The Constitution Act of 1982 defines Aboriginal people as including Indian, Metis and Inuit people. Indian people identify themselves as First Nation people. First Nation, Metis and Inuit justice issues have been the focus of many reports and commissions. How can the justice system work better for First Nation, Metis and Inuit peoples?

Barriers to accessing justice

Is the justice system accessible to Albertans? If not, what is it that is preventing Albertans from accessing the system?

Alternatives to existing justice system processes

Are there options to existing justice system processes which can and should be considered? What are the options and when should they be used?

Other questions you may wish to consider are:

What values do you think the justice system is based on?

What values do you think the justice system should represent?

How can we help you understand the justice system?

How can the justice system work better at the community level?

an overview

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The justice system

The justice system has many participants. They include the police, community agencies, legal aid, the courts, lawyers, judges, probation officers, victims' advocacy groups - to name only a few. All of them play an important role.

Because the justice system is complex, it can also be confusing. This section describes the major participants in the justice system, and shows how the adult, youth, criminal and civil court systems are structured.

A question section is attached. You may detach this section and send it with your comments and recommendations to the all-party MLA public consultation committee.

Background

The Constitution establishes the various powers of government and divides them between the federal and provincial governments. The Constitution also establishes limits on the powers of government and establishes Canadians' fundamental rights and freedoms.

Canadian Constitution		
Federal Parliament & Government <ul style="list-style-type: none">• enacts and administers criminal law• enacts divorce law• appoints superior court judges• responsible for Indians and lands reserved for Indians	The Judiciary <ul style="list-style-type: none">• interprets and upholds the laws• determines facts• renders decisions	Provincial Legislature & Government <ul style="list-style-type: none">• administers criminal justice within the province• responsible for property and civil law• appoints provincial court judges• unique relationship with Metis people

The major participants: who are they?

Provincial Minister of Justice & Attorney General In Alberta, the provincial Minister of Justice is the senior law officer of the Crown. This Minister is responsible for legal proceedings under the Criminal Code, the Young Offenders Act and provincial laws. The Minister does not become involved in civil matters unless the government is a party to the action.

Federal Minister of Justice & Attorney General In Alberta, the federal Minister of Justice is responsible for criminal proceedings under federal laws, other than the Criminal Code, and for civil proceedings under federal laws.

Federal Solicitor General Alberta contracts with the federal Solicitor General to provide an RCMP Provincial Police Service and some Municipal police services. Alberta, along with Solicitor General Canada, provides for the establishment and funding of First Nations police services through tripartite policing agreements. The federal Solicitor General is also responsible for offenders who receive prison sentences of two years or more. The federal National Parole Board has jurisdiction to grant parole for all offenders sentenced to a federal penitentiary and offenders held in Alberta provincial jails.

Judges There are three branches of government - the legislative branch, the executive branch and the judiciary. The judiciary is an independent branch of government which presides over the courts.

Judges interpret legislation, develop the common law, determine the validity of laws, determine the facts and render decisions in a fair and impartial manner, thereby ensuring the rule of law - the cornerstone of a free and democratic society.

Police There are three types of police services in Alberta - the RCMP Provincial Police Service; Municipal Police Services; and First Nation Police Services. Police services are responsible for protecting life and property; preventing and detecting crime; keeping the peace; and enforcing laws within their jurisdiction. They fulfill these duties through law enforcement and a variety of community services including: crime prevention, educational programs, assisting in locating missing persons, dealing with lost property, traffic control, victim assistance and accident investigation. Bylaws are the responsibility of local government.

Lawyers A lawyer may represent a person in a civil matter or act as defence counsel or prosecutor in a criminal matter. Persons who are arrested or detained have a constitutional right to speak to a lawyer. Lawyers are regulated by the Law Society of Alberta. Lawyers have a duty to ensure that all legal issues bearing on a case are fully explored and properly adjudicated even for those persons who may appear guilty.

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Legal Aid The Legal Aid Society of Alberta provides lawyers to persons who cannot afford to pay for them from their own resources. Legal Aid makes assistance available free of charge to all persons who request it in most criminal courts of first appearance. For other legal aid, a person must be financially eligible and have the type of legal problem that the Legal Aid Society is allowed to cover. Persons who receive legal aid are required to repay unless it would cause severe hardship. In addition, persons may be able to obtain other forms of assistance or information from other organizations such as Student Legal Services or Native Courtworkers.

Crown Prosecutors The Crown prosecutor is a lawyer authorized to represent the Crown (i.e. the state) in relation to the prosecution of offences. The prosecutor is not the lawyer for the police, victims or complainants. Prosecutors have a duty to ensure that all available legal proof of the facts is presented to the court and that justice is done.

Correctional Services Correctional services are operated by both the federal and provincial governments. Offenders who are sentenced to jail for less than two years or who receive community sentences such as fines or probation are under provincial jurisdiction. Offenders who receive prison sentences of two years or more are the responsibility of the federal government.

First Nation People First Nation people in Alberta are members of Treaties 6, 7 and 8. Their historical and constitutional relationship with the government of Canada is unique.

Metis People Metis people in Alberta are persons of Aboriginal ancestry who identify with Metis history and culture.

Non-Government Organizations

Non-government organizations provide a variety of services and activities in the community and at various stages of the justice system. They are governed by volunteer boards of directors and make extensive use of volunteers to deliver programs. Some may also engage in public education activities or speak out on social policy issues that relate to developing safe communities.

Victims Victims are persons who have suffered a loss or injury as a result of the wrongful act of another person.

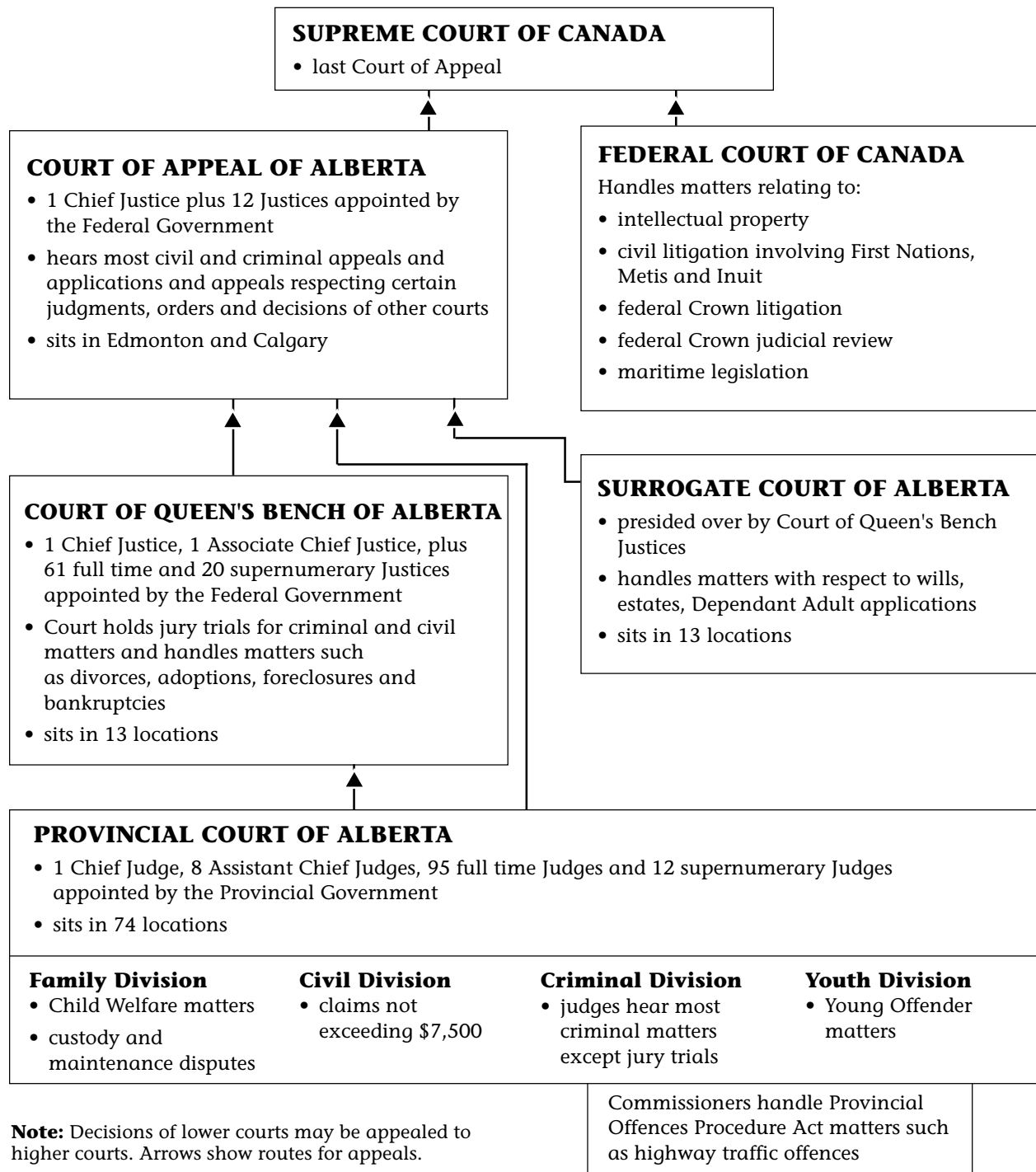
The Public All members of the public have an interest in and are affected by the justice system. The public includes accused persons, witnesses, family or friends of victims or the accused, parties in a civil dispute and the community at large.

the court system

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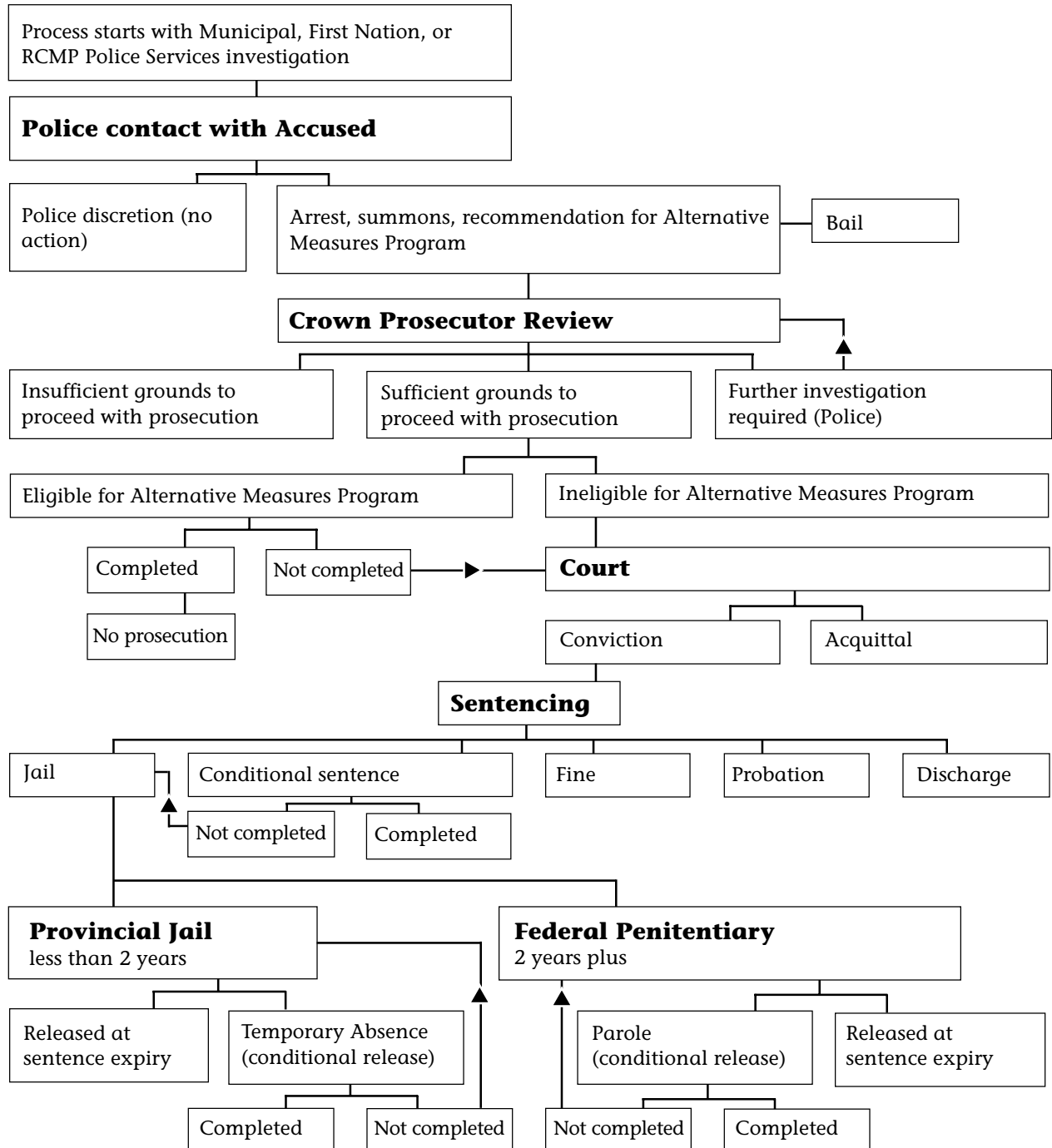
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The Province of Alberta administers four courts: The Court of Appeal of Alberta; the Court of Queen's Bench of Alberta; the Surrogate Court of Alberta; and the Provincial Court of Alberta. There are also other courts that administer laws in Alberta including the Federal Court of Canada, Trial and Appeal Divisions. There are also a number of boards or tribunals in Alberta, decisions of which may be appealed to the courts.



The Criminal Justice Process - Adults

This chart flows from top to bottom unless indicated otherwise by arrows.

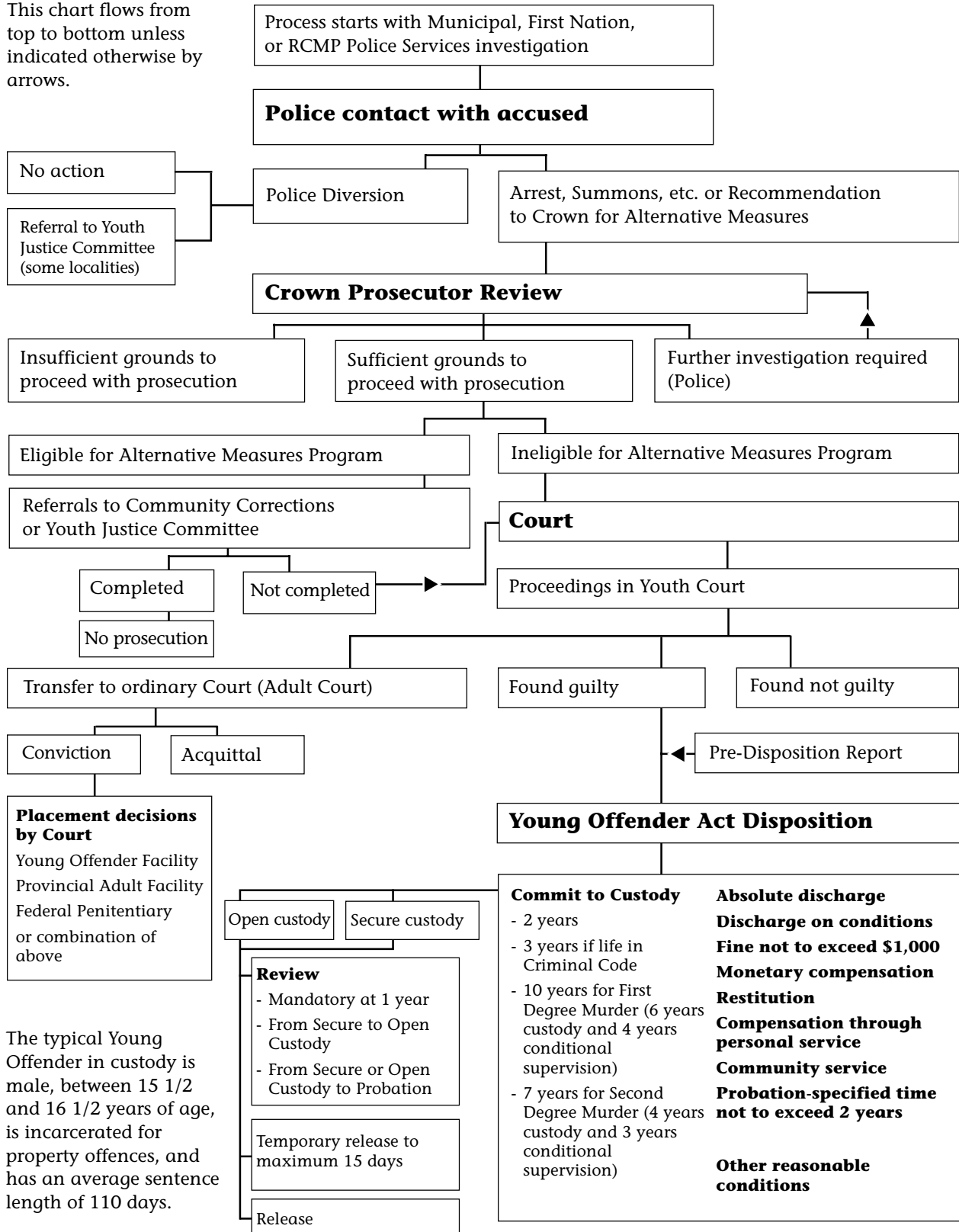


The typical adult offender serving a provincial sentence in Alberta is male, aged 32 years, convicted of a property crime, impaired driving, fraud or crimes against the administration of justice and is serving an 80-day sentence.

The typical federal offender (on a national basis) is male, 36 years of age, convicted of robbery and serving a 43-month sentence.

The Criminal Justice Process - Youth

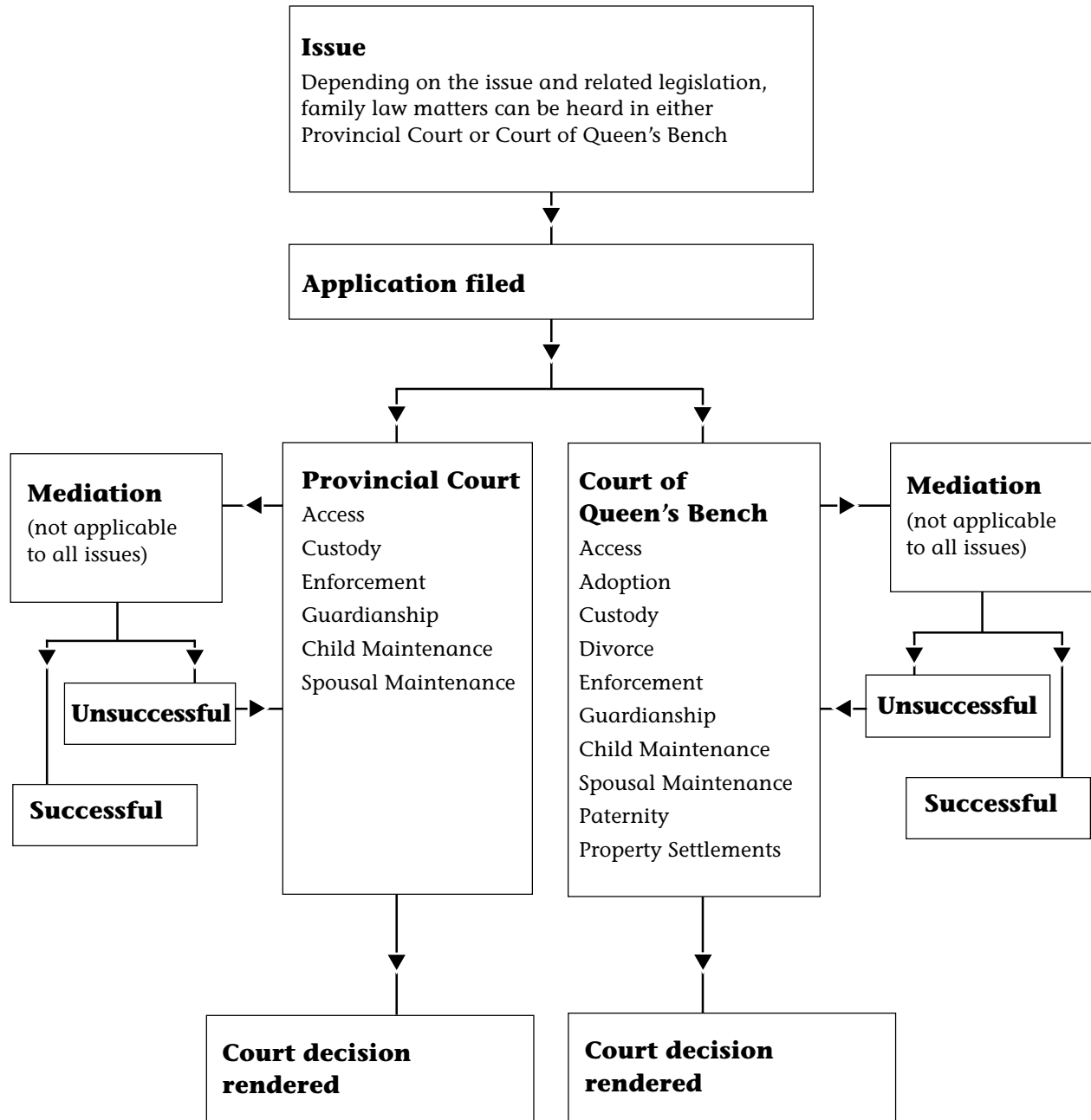
This chart flows from top to bottom unless indicated otherwise by arrows.



The typical Young Offender in custody is male, between 15 1/2 and 16 1/2 years of age, is incarcerated for property offences, and has an average sentence length of 110 days.

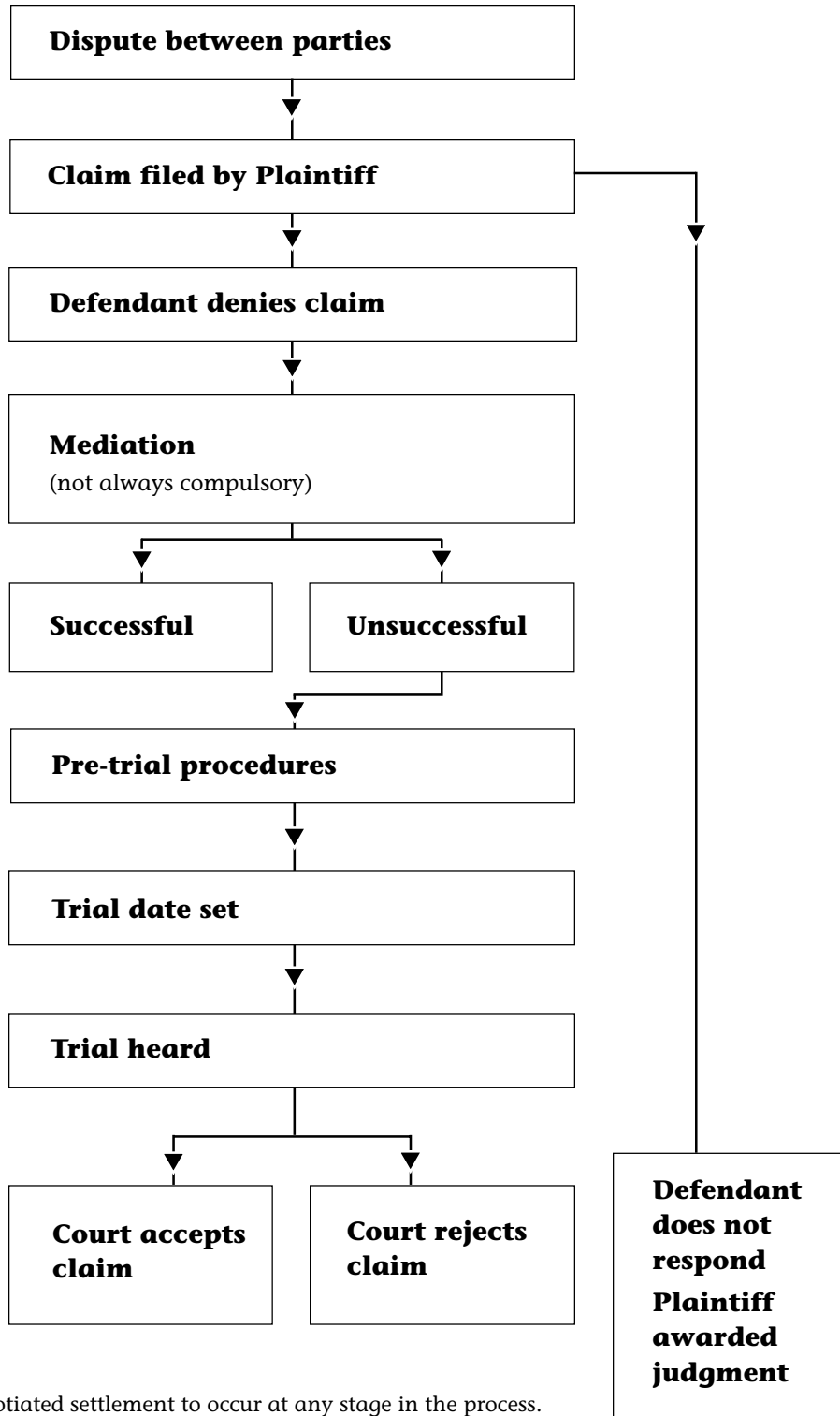
The Civil Justice Process - Family Law

This chart flows from top to bottom unless indicated otherwise by arrows.



The Civil Justice Process - Civil Claims

This chart flows from top to bottom unless indicated otherwise by arrows.



Note: It is possible for a negotiated settlement to occur at any stage in the process.

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For more information

More detailed information about the justice system is available in the expanded Public Information and Discussion Guide on the Internet at www.gov.ab.ca/justicesummit. A copy of the expanded guide may also be obtained from your local MLA or at any Alberta Justice office, court building or RCMP detachment.

There are many other sources of information on the justice system. Examples include the Law Society of Alberta, the Legal Aid Society of Alberta, the Canadian Bar Association, the Canadian Centre for Justice Statistics, First Nation and Metis organizations and other non-government organizations involved in the justice system.

have your say

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We want to hear from you

Please send your comments to the MLA all-party public consultation committee:

Mail: Alberta Summit on Justice
2nd floor, Bowker Building
9833-109 Street
Edmonton AB T5K 2E8

Fax: 427-9630
(for toll-free assistance call 310-0000)

E-mail: justicesummit@gov.ab.ca

Questions to consider

What are the key issues facing Alberta's justice system?

What needs to be done to deal with those issues?

Topics to be discussed at the Summit

Public confidence in the justice system. Are there changes that need to be made to increase the level of public confidence in the justice system? What are the strengths of the current system and what can be done to ensure these strengths are protected?

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Victims – their rights and their involvement in the system. The Victims of Crime Act outlines principles for the treatment of victims and their rights to information. It also provides a financial benefits program for people who have suffered injury as a result of a crime, and a grants program for victims' services. Can victim involvement in the justice system be improved? If so, how?

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Policing. An adequate and effective level of policing is required to provide for the safety and security of all Albertans. Are there any policing issues of concern to you or your community?

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First Nation, Metis and Inuit justice. The Constitution Act of 1982 defines Aboriginal people as including Indian, Metis and Inuit people. Indian people identify themselves as First Nation people. First Nation, Metis and Inuit justice issues have been the focus of many reports and commissions. How can the justice system work better for First Nation, Metis and Inuit peoples?

Barriers to accessing justice. Is the justice system accessible to Albertans? If not, what are the barriers that prevent Albertans from accessing the system?

Alternatives to existing justice processes. Are there options to existing justice system processes which can and should be considered? What are the options and when should they be used?

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Other questions you may wish to consider.

What values do you think the justice system is based on?

What values do you think the justice system should be based on?

How can we make Alberta's justice system better understood by most Albertans?

How can Alberta's justice system work better at the community level?

Are there any other justice issues you wish to comment on?

Thank you for your ideas and recommendations.

an opportunity
for input

Public Consultation Guide

Alberta Summit on Justice



Alberta Summit on Justice

Schedule of events

January 1998 **Summit Announced**

May - September **Consultations**

<i>Date</i>	<i>City</i>	<i>Location</i>	<i>Time</i>
May 20	Stand Off	Gladstone Hall, Blood Reserve	9 - 11 am
May 20	Lethbridge	Turcotte Hall, Univ. of Lethbridge	2 - 5 pm, 7 - 9 pm
May 21	Medicine Hat	Heritage Room, Callaghan Inn	1 - 5 pm, 7 - 9 pm
May 26	Lloydminster	Canadian Room, Wayside Inn	5 - 9 pm
May 27	St. Paul	Elks Lodge	1 - 5 pm
May 28	Red Deer	Palermo Room, Capri Hotel and Convention Centre	1 - 5 pm, 7 - 9 pm
June 8	Fort McMurray	Oak Room, Sawridge Hotel	1 - 5 pm
June 9	Slave Lake	Small Pipe Room, Sawridge Hotel	10 am - 12 noon 1 - 3 pm
June 9	High Prairie	Riel Room, High Prairie Inn	7 - 9 pm
June 22	Grande Prairie	Cedar II, Grande Prairie Inn	1 - 5 pm, 7 - 9 pm
June 23	Peace River	Conference Room, Catholic Conference Centre	1 - 5 pm
June 24	High Level	High Level Sports Complex	9 am - 12 noon
Sept. 14	Hobbema	Jim Omeasoo Cultural Centre	10 am - 12 noon
Sept. 14	Wetaskiwin	Memorial Arts Centre	2 - 5 pm
Sept. 15, 16	Edmonton	Courtyard B, Edmonton Inn	9 am - 12 noon 1 - 5 pm, 7 - 9 pm
Sept. 21	Calgary	Columbian Room, Holiday Inn Downtown	9 - 12 noon 1 - 5 pm, 7 - 9 pm
Sept. 22	Siksika First Nation	Community Centre, Siksika Reserve	9 - 11 am
Sept. 22	Calgary	Columbian Room, Holiday Inn Downtown	2 - 5 pm, 7 - 9 pm

October–December **Pre-summit Planning**

January 1999 **Summit, Calgary**

March 1999 **Recommendations to government**

April 1999 **Approved recommendations put into government Business Plans**

To register, call: 427-8530 (for toll-free assistance call 310-0000).

Contact:

Alberta Justice Communications

Tel: 427-8530 (toll-free 310-0000)

Fax: 427-9630 (toll-free 310-0000)

Internet: www.gov.ab.ca/justicesummit

E-mail: justicesummit@gov.ab.ca