

# CRIMINAL LAW TALKING POINTS - FOLA 2023

## KEY ISSUES

- Invest in IT in jails and institution
- Improve “Access Defence”: Too often prisoners are not put on the line. Allow for video meetings. Provide tablets/ipads for clients in cells to facilitate counsel contact.
- Jails are not sufficiently resourced to facilitate virtual court appearances for inmates and to facilitate virtual and telephone meetings between inmates and their counsel. This drives up costs for a number of different public services (court staff, legal aid, Crown, police, probation). Also, leads to greater incarceration rates needlessly. Extra cost in bail stage.
- Conduct “spatial audits” to locate space for possible video rooms.
- Explore alternatives to JVN – this is incompatible with Court Services platforms such as Zoom.
- Increase funding available for bail supervisor programs and continue to offer ankle monitors.
- Continue to encourage Crown Attorneys to resolve cases and consider alternative measures including non-custodial, creative discharges and diversions.
- Enact s. 320.23 program for DUIs and increase use of drug treatment and mental health court to allow up front work to encourage better resolutions.
- Regarding Legal Aid: Expand eligibility for certificates: Funding for the new crowns and judges won't help much if accused are all self-represented and eat up these resources, causing inefficiencies.
- Resolve outstanding fines and provide transparency as to where the money from Victim Fine Surcharges go (ie: are they used to make improvements such as those suggested above?).

## BAIL REFORM

- As discussed during the Bail Reform hearings, explore the creation of a Bail Compliance Unit within the Office of the Solicitor General
- It is important that we strive for a system which respects the presumption of innocence and the right to reasonable bail, which supports individuals in the community as much as possible.
- More resources are needed. Invest in Legal Aid & hire more Crown Attorneys & Court Staff
- The legislative framework for bail is grounded in the ‘ladder principle’ which requires a justice to consider the least onerous forms of release that is appropriate in the circumstance.
- It costs \$297/day per incarcerated person and there are already more people in remand awaiting trial than are in jail in provinces and territories throughout the provinces.
- Important to ensure speedy trials

## KEY POINT TO LEAVE ON

As members of FOLA and our Law Association, we want to work with you to help with any policy initiatives impacting justice.