

## REFORMING CRIMINAL JUSTICE FOR ONTARIANS

November 28, 2008

The Attorney General's three-point plan to speed up major criminal cases is the second in a series of initiatives to reform justice for Ontarians. Other initiatives aimed at reforming the criminal justice system announced over the past six months include:

### ACCELERATING THE PACE OF JUSTICE

**Justice on Target** – First announced in June 2008, under this strategy Ontario is setting targets to reduce court delays and appearances by 30 per cent over the next four years. This strategy addresses the vast majority of cases in the criminal justice system that are not large or complex, further strengthening our ability to address the most serious and large cases. The first-ever results-based approach to criminal justice system reform, Justice on Target will accelerate the pace of justice and hold offenders accountable by:

- Focusing more justice system resources on the most serious and violent cases, particularly those involving repeat, violent offenders
- Minimizing the risk of charges being stayed due to delay
- Reducing the time spent by police officers in court and increasing their time on the streets, keeping our communities safe.

The Ontario Courts of Justice in Newmarket, North York and London have been chosen to begin this effort. Multi-disciplinary teams are moving into each of these courthouses to quickly identify, test and implement new ideas that will achieve faster justice. The teams will directly engage local Judges, Justices of the Peace, Crown Attorneys, Defence Counsel, police, corrections and court staff, Legal Aid Ontario and other local justice sector participants. Progress in each courthouse will be measured and reported online at <http://www.ontario.ca/justiceontarget>.

### FIGHTING REPEAT VIOLENT CRIME

**A United Front to Combat Crime** - The McGuinty government, its justice partners and police leaders are a united front to combat violence, including violence perpetrated by repeat offenders. Most recently, on November 25, 2008, Attorney General Chris Bentley met with Minister of Community Safety and Correctional Services Rick Bartolucci, OPP Commissioner Julian Fantino, Toronto Police Chief Bill Blair and Ontario Association of Chiefs of Police President Chief Ian Davidson to find new and better ways to work together to strengthen public protection from repeat violent crime.

**Exit Point Taskforce** – Following the meeting with police leaders, Attorney General Bentley announced the creation of the Exit Point Taskforce to step up the fight against repeat violent crime. The taskforce is focusing on the main “exit points” of the justice system – bail, sentencing, and post-sentence. Made up of specialized senior crown prosecutors who will provide instant advice to crown prosecutors across Ontario, the taskforce will ensure that all additional support necessary is provided in order to keep the violent off our streets.

## SPEEDING UP LARGE AND COMPLEX CASES

In February 2008, Attorney General Chris Bentley asked former Chief Justice Patrick LeSage and University of Toronto Professor Michael Code to review what further steps Ontario can take, along with its justice sector partners, to move large and complex criminal cases through the justice system faster and more effectively. In response to the Report, Ontario is taking immediate action in three key areas:

**Major Case Advisory Crowns** - In four Ontario municipalities with high volumes of large, complex criminal cases, a senior and experienced crown prosecutor will be dedicated to a major crimes unit on a full-time basis to provide expert legal support to police in the pre-charge stages of major cases. Major Case Crowns will be assigned to the Toronto Police Service, Peel Regional Police Service, Ottawa Police Service, and Windsor Police Service.

They will provide legal advice and support to police, on request, in order to assist major case investigations in the following areas:

- Investigative procedures, including search warrants, wiretaps, undercover agents, and tape-recorded statements;
- Complex evidentiary issues;
- Advice on the theory, focus and size of the case;
- Preparation of the Crown disclosure brief and Defense disclosure; and
- Preparation for bail hearings.

This model of pre-charge collaboration between police and prosecution builds on the successful approach used in the provincial Guns and Gangs Task Force, where police officers and crown prosecutors have been collaborating in the pre-charge stage of major “guns and gangs” cases.

**Legislative Changes** - In an open letter to Honourable Rob Nicholson, federal Minister of Justice, Attorney General Bentley has proposed changes to the *Criminal Code* and federal *Evidence Act*, each aimed at promoting speedier and more effective pre-trial procedures and trials for major cases. Bentley recommends the following changes:

- Increasing the powers of pre-trial judges. The federal government should consider amendments to the *Criminal Code* to provide that a judge, other than the judge who eventually hears the evidence at trial, has the authority to rule on pre-trial motions.
- Making Pre-Trial Rulings Binding in Subsequent Trials. The federal government should consider changing the *Criminal Code* to make it clear that any rulings at a first trial that ends in severance or in a mistrial remain binding at a subsequent trial, absent a material change in circumstances.
- Avoiding lengthy procedural delays in major terrorism prosecutions. The federal government should amend the *Canada Evidence Act* to give the Superior Court of Justice jurisdiction to rule on claims of national security privilege, and to remove the ability to appeal such rulings before the trial has ended.

### Mandatory Peer Review

The government has established formalized, mandatory peer review for Crown prosecutors in the early stages of large, complex prosecutions. Using this approach, a group of senior, experienced prosecutors will provide early expert advice, support and guidance on the major decisions that are so critical to the fast and effective prosecution of large, complex cases.