

B.C.'s chief judges 'gravely concerned' by trial delays; Budget cuts result in criminal cases being shut down

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B.C.'s chief judges are "gravely concerned" about recent trial delays caused by a shortage of sheriffs and other court staff, a chief judge said Thursday. "It concerns everybody in the system," B.C. Supreme Court Chief Justice Robert Bauman said.

"We believe sheriffs are absolutely necessary in criminal matters, not just for the obvious reasons but the less obvious ones.

"Who knows how many times their presence prevents something from happening that otherwise would happen?"

Bauman, who heads the top trial court in the province, met earlier this week with Attorney-General Barry Penner, B.C. Chief Justice Lance Finch and Provincial Court Chief Judge Thomas Crabtree to discuss concerns about trials being delayed by the budget cuts to the court system. The chief judges requested the meeting.

"We indicated our grave concern with the cuts and their eventual impact on the system," Bauman said. About four criminal cases in B.C. Supreme Court have been shut down by judges recently because no sheriff was available to provide security in the courtroom, he said.

There also have been a number of cases that have been delayed for 30 minutes to more than an hour while sheriff supervisors scramble to put sheriffs into courtrooms that require security, he added. The system has been juggling sheriffs in an attempt to avoid trial delays. "The juggling can only go on so long before it becomes a crisis," Bauman said. The chief judges also discussed with the attorney-general how the budget cuts have not only affected sheriff staffing levels, but also the staffing of court clerks, who handle and file exhibits in court, and court registry staff.

"These are the people who actually do the work that sees completion of a matter -the [court] order has been processed, the divorces go through, the adoption is completed and the bail terms are included so everyone knows what the condition of someone's release are," Bauman said. "This is critical, front-line work that these people do that is critical to our system," he said.

The chief justice said he realizes the economic challenges facing the provincial government and the rest of society.

"But we also provide an essential service from the point of view of maintaining and advancing the rule of law," Bauman said.

"Believe me, if last night wasn't a good example of what can happen with anarchy, I don't know what is," he said, referring to the Stanley Cup riot in downtown Vancouver. "It was unbelievable."

Bauman added: "It's imperative that our courthouses be open and available to serve citizens who want access ... We must, as a democracy, fund them." He pointed out that "justice delayed is justice denied." Systemic delays can lead to accused criminals applying for a judicial stay of charges if they can convince a judge that their constitutional right to a speedy trial has been violated.

A day earlier, NDP leader Adrian Dix called on the B.C. Liberal government to restore funding to the sheriffs services, which effectively eliminated 34 full-time positions because of budget cuts on June 3.