

Cancelled trials 'a concern,' but money is tight, A-G says; Cutbacks to sheriff's service called short-sighted by judge who was to preside at home invasion trial, one of five delayed Wednesday

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Attorney-General Barry Penner said today he is concerned about trials being cancelled this week because of a lack of sheriffs, but added that there is no more money in the budget during this tight economy.

"Obviously it's a concern when things like that happen," he said Thursday in an interview. "It's a difficult, difficult challenge."

But the attorney-general added: "There's only so much money to go around. . We are doing our best we can in a difficult economy."

Penner was responding to the fact that five trials –four in Vancouver Provincial Court and a home invasion trial in B.C. Supreme Court in Vancouver –were cancelled Wednesday due to a shortage of sheriffs to provide courtroom security.

He said departments within his ministry are trying to find ways to streamline operations to save money. For example, he pointed out, the average criminal court case takes seven court appearances before it gets to trial, but a pilot project in Victoria is aiming to reduce that number. Similarly, Penner said he recently sent a letter to inform chief judges that the sheriff service has implemented "roving sheriffs" who may not always be in a courtroom but are "seconds away."

"There may be varying levels of comfort with that," Penner said.

He noted that the government decided to not cut any money from legal aid funding, which has added pressure elsewhere in the system.

The increasing number of "mega trials" –lengthy trials involving multiple accused, prosecutors and defence counsel, as well as disclosure of up to one million documents in complex cases -is also a taxing problem that takes away resources from the daily functioning of the courts, Penner said.

He also made a pitch to keep the Harmonized Sales Tax (HST), which goes to a referendum this month, saying getting rid of the HST will only worsen this year's almost \$1-billion budget shortfall.

"I'm hoping there are brighter days ahead," Penner said.

The trial judge at the cancelled home invasion trial, B.C. Supreme Court Justice Elizabeth Arnold-Bailey, reportedly called the cutbacks to the sheriff's service "shortsighted, misguided and wrong in principle."

Dean Purdy, chair of the corrections and sheriff services with the B.C. Government Employees Union, said having a sheriff in a courtroom is important for the safety of the public, the lawyers and the judges hearing cases.

"They are a branch of the law enforcement community," he said, pointing out that the top salary for a B.C. sheriff is \$55,000 a year, compared to \$70,000 in Alberta.

About five years ago, Purdy said, there were 520 sheriffs in B.C., but that number was reduced by 100 because of a hiring freeze in recent years.

The number was further reduced by recent budget cutbacks, which reduced the hours of 34 full-time auxiliary sheriffs by 90 per cent and reduced the hours of 24 part-time sheriffs to 75 per cent. The cuts have caused court cases to be cancelled across the province and resulted in less security at courthouses, he said.

"We're wondering what it's going to take until the government acts," Purdy said, adding some search gates -metal detectors staffed by sheriffs to search for weapons and contraband -are not being staffed because of a sheriff shortage.

He pointed out that the search gate at the murder trial of serial killer Robert Pickton in New Westminster resulted in about 2,000 items being confiscated, including drugs, knives and other weapons.

"Who knows what's getting into our courts," he added.

Azool Jaffer-Jeraj, president of the Trial Lawyers Association of B.C., said trial delays caused by the sheriff shortage are serious and reflect another cut to the justice system by the government.

"It's one more challenge that the courts are facing," Jaffer-Jeraj said. "The challenge is, every time you put a matter off, it could take months to get going again."

Even before the sheriff shortage, criminal trials in Provincial Court, which handles 90 per cent of the cases in B.C., were routinely taking 12 months to get to trial.

And if a trial is delayed more than a year, an accused criminal can apply to have the charges stayed on the grounds that their constitutional rights to a speedy trial have been breached.

Last year, 72 cases were stayed by a Provincial Court judge because of trial delays, including 54 adult criminal cases.

In the first five months of 2011, 50 charges have been stayed, including 39 adult cases.

"The attorney-general and the B.C. government need to realize the importance of a wellfunctioning justice system," Jaffer-Jeraj said.

Sheriffs are armed peace officers who transport prisoners in custody to court, run cellblocks in courthouses, monitor closedcircuit security cameras to maintain the safety of the public, lawyers and judges, obtain court-ordered DNA samples, serve court summons for civil trials, and manage the selection and conduct of jurors in trials, including sequestering of juries during verdict deliberations to make sure there is no outside influence exerted on jurors.

Sheriffs also escort prisoners on planes to other provinces where they are wanted, sometimes referred to as the Con Air program.