

Cutbacks to sheriffs affect N. Van home invasion trial

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A B.C. Supreme Court judge shut down a North Vancouver home invasion trial on Wednesday last week over concerns about security because there was no sheriff available to keep tabs on the courtroom.

Madam Justice Elizabeth Arnold-Bailey refused to continue the trial she is presiding over in B.C. Supreme Court June 8, after learning no sheriff was available that day due to government cutbacks. The lack of a sheriff meant the trial -- being held in B.C. Supreme Court's high-security courtroom -- was shut down for the day, and police officers who had expected to testify had to return to court the following day.

Six courtrooms in Vancouver's Main Street provincial court were also shut last week on two different days because there weren't enough sheriffs. The North Vancouver case highlights problems that lawyers and judges are juggling since funding for sheriffs was recently cut by the provincial government.

The result is a loss of about 34 full-time staff among the approximately 420 sheriffs who work in the courts. That's on top of about 100 sheriff positions that have been cut through attrition during several years of a government hiring freeze.

Since the cuts came into effect, lawyers usually only receive notice of whether they will have enough sheriffs just before trials are scheduled to start. Lawyers then have to decide which cases are serious enough that sheriffs are absolutely necessary in the courtroom and which will have to make do with "roving" sheriffs who pop in when they can. But judges can also refuse to hear cases without a sheriff -- as happened in the North Vancouver trial of Duck Yoon last Wednesday.

Arnold-Bailey described the system of asking lawyers and judges to make security decisions as "unworkable" and "completely misguided." She added that in her more than 20 years as a judge she couldn't remember a time when sheriffs weren't present in court when criminal trials were being heard.

Judges aren't the only ones who are unhappy with the situation. The Trial Lawyers Association of British Columbia called the lack of sheriffs a "dreadful situation" that will erode the entire justice system if courtrooms sit empty and trials have to be delayed. Because of the existing backlog in the courts, when a trial is shut down for the day, it can be up to a year before it can be rescheduled.

Dean Purdy, spokesman for the union representing sheriffs, said the cutbacks have created a potentially dangerous situation in the courts.

With the exception of the Main Street court and cases involving high-profile gang violence, most courtrooms do not have metal detectors or screening procedures and are open to anyone in the public. "The government is essentially playing roulette with safety," said Purdy. "One of these days it's going to cost them dearly."

Purdy said it's not unusual for sheriffs to have to act within seconds to prevent volatile situations from escalating.

Purdy said the sheriffs union sent a letter to the attorney general's office in April asking for a meeting. "We have not heard back from them at this point," he said.

Attorney General Barry Penner said he was concerned about the court closures but added the cutbacks are a result of continuing "fiscal challenges" faced by the province.

"We're doing the best we can while also trying to balance our budget," he said.