



*Via Online Submission*

October 16, 2017

Select Standing Committee on Finance and Government Services  
Parliamentary Committees Office  
Room 224, Parliament Buildings  
Victoria, BC, V8V 1X4

**Submission to the Standing Committee on Finance and Government Services  
Budget 2018 Consultations**

---

As organizations who are deeply committed to strengthening our justice system, to the advancement of human rights, and to ensuring that the principles of equality, freedom and human dignity are respected, we write to urge the Select Standing Committee on Finance and Government Services (the Finance Committee) to make investing in meaningful justice reform a budget priority for 2018. Investing in justice reform is not only critical to advancing justice, equality, human rights and fairness for all British Columbians; it also makes good fiscal sense.

In August 2017, in the interest of advocating for the improvements to the justice system in British Columbia, a number of civil society organizations came together, including West Coast LEAF, BC Civil Liberties Association, Pivot Legal Society, and Community Legal Assistance Society (“the Coalition”), to outline a number of justice reform priorities for BC. Since then the Coalition has grown to include Prisoners’ Legal Services, a project of the West Coast Prison Justice Society, and BC Public Interest Advocacy Centre.

We have joined together to set out a number of priorities for reform and improvement of the justice system in British Columbia. Many aspects of the justice system have been severely under-resourced, remain inaccessible to many British Columbians, and are designed in a way that results in unfairness and the violation of people’s rights. While the past years have seen a number of notable reforms, much more needs to be done to advance justice and fairness in British Columbia.

Execution of the priorities identified below falls primarily to the Attorney General and the Solicitor General. A commitment to justice and fairness, however, must animate the whole of government, therefore we call for the government to put forward a budget that dedicates adequate and stable funding to ensure that these priorities are implemented. We believe that the well-being and human rights of British Columbians – including those most marginalized by our society – depends on a strong justice system that works in an integrated and collaborative fashion with the other pillars of our public system.

The Coalition shares expertise in the way the justice system operates to both support and undermine human rights and dignity, and how it could be improved to better support all of those impacted by it, including our most marginalized citizens. Although we do not share the same mandate, and therefore do not each necessarily have specialized knowledge or a position on every individual recommendation listed below, we share a commitment to improving the justice system and furthering respect for human rights. Together, we envision a justice system in BC based on the fundamental principles of equality, freedom and respect for human dignity.

**To this end, we ask that the following justice reform recommendations be considered budget priorities for 2018:**

1. Ensure meaningful access to justice by strengthening legal aid and legal services, and specifically dedicate funding for:
  - family, criminal, mental health, poverty, prisoner and refugee legal aid (the latter in collaboration with federal counterparts), through a mixed model of legal service delivery, including tariff services, legal aid clinics, and funding for in-house counsel located in front line service delivery organizations.
  - community-based victim services and regional coordination committees for women's safety.
2. Ensure that provincial policing respects the rule of law and the human dignity and rights of all people, and take systemic action to eliminate racial discrimination against First Nations and other racialized minorities by police, both in the RCMP and municipal police services, by specifically dedicating funding for:
  - the expansion of the powers of the following organizations:
    - the Office of the Police Complaint Commissioner to initiate its own systemic investigations and/or hearings, including investigations of police misconduct; and
    - the Independent Investigations Office to expand its mandate to include jurisdiction over allegations of sexual offences committed by police officers.

- training:
    - for police to reduce police-involved deaths among people experiencing a mental health crisis. The training should be evidence-based training delivered by external mental health professionals; and
    - for police, Crown and the judiciary concerning criminal justice responses to sexual assault, having regard to the unique nature of sexual assault, and the myths and stereotypes about sexual assault, in order to repair complainants' relationship with the criminal justice system and encourage reporting of sexual assault. The training should be evidence-based training delivered by external experts working directly with survivors of sexual violence.
3. Ensure the family law system respects and promotes the rights, safety and wellbeing of women and children by specifically dedicating funding:
- for family law mediation so public services are available where appropriate (taking into account where a history of family violence may undermine a woman's rights and safety in the context of mediation).
  - to increase the number of family justice counselors available to prepare section 211 reports as per the *Family Law Act* in order to reduce the lengthy wait times.
  - for training to ensure all assessors of s.211 reports have comprehensive and community-informed training on the dynamics of family violence.
4. Reform the provincial correctional system to ensure the just and humane treatment of those who are incarcerated, promoting rehabilitation and reintegration of prisoners into society. In particular, there is an urgent need to end the over-incarceration of Indigenous people. To this end, specific funding should be dedicated to:
- appoint an Independent Advisor on Corrections Reform to the Minister of Public Safety and Solicitor General of BC, with a mandate to provide advice and make recommendations on the use of solitary confinement, on the use of city cells to hold inmates in remand, and on developing a phased implementation plan for corrections reform generally.
  - expand the powers of the Investigation and Standards Office as a truly independent body, and expand its powers to:
    - identify opportunities for corrections reform beyond the term of the Independent Advisor and advise government on implementation of those reforms;

- provide independent oversight and publicly report annually on the use of segregation, separate confinement, Enhanced Supervision Program and observation placements, including the number of prisoners held under these regimes, the number of continuous days in each of these regimes for a prisoner in the year, whether prisoners have mental health needs, and data about gender, race, Indigenous status and instances of self-harm and deaths in these regimes;
    - require correctional centres to collect data and report on the number of hours prisoners in these regimes receive out of cell and engaging in therapeutic services each week; and
    - independently adjudicate disciplinary hearings to be determined on a standard of proof of “Beyond A Reasonable Doubt”.
  - fund initiatives to eliminate the over-representation of Indigenous people in prison, including curbing the rising over-incarceration of Indigenous women, for example by:
    - providing stable funding for alternatives to incarceration; and
    - increasing funding to ensure timely production of Gladue reports.
  - fund and implement needle distribution programs, heroin-assisted treatment, and injectable hydromorphone therapy in provincial correctional centres.
  - fund the Forensic Psychiatric Hospital to ensure high needs prisoners are treated there, rather than in prison, including prisoners who are certified.
  - fund correctional centres to provide sufficient therapeutic living units to meet the mental health needs of all prisoners.
  - fund correctional centres to modify existing units to allow for the creation of smaller units to deal with incompatibles without resort to separate confinement, and without building additional capacity.
5. Ensure the realization and fulfilment of the human rights of all British Columbians by enforcing the *Human Rights Code* and educating the public about their rights and obligations to respect the human rights of all. To this end, specific funding should be dedicated:
- for legal supports for those filing and pursuing human rights complaints across the province, including in remote areas and Indigenous communities, as well as for systemic advocacy, including important judicial reviews and appeals.
  - for the Human Rights Tribunal to ensure it is adequately resourced.

- to create a Human Rights Commission to ensure that there is a public body dedicated to fulfilling a vital educational, investigatory and systemic advocacy role in fostering human rights awareness and preventing discrimination in employment, accommodation, services and other areas.
6. Ensure the just treatment of people with mental illnesses and addiction. To this end, specific funding should be dedicated to:
- expand funding for drug-user led groups and organizations.
  - ensure that patients detained under any provincial legislation are provided with independent legal advice rather than rights information from medical staff without legal training.
7. In collaboration with the many other Ministries responsible, address poverty and economic inequality through the design and implementation of a comprehensive poverty reduction strategy. To this end, specific funding should be dedicated to:
- increase resources for the Residential Tenancy Branch; and
  - increase funding for advocacy programs and access points to ensure that everyone in BC who is eligible for income assistance, disability assistance, and other provincial income supports can access those programs in a timely manner no matter where they live or what barriers they face.

## **Conclusion**

The above recommendations make economic sense and will improve the security, rights, and dignity of all British Columbians. The provincial government must do more, as a matter of urgent priority, to respect, protect and fulfill justice, equality, human rights and fairness for all British Columbians.

We call on the Finance Committee to urge government to make investing in the justice system, particularly the above listed recommendations, a focus of the 2018 BC Budget. Thank you for considering our submission.

Yours truly,

### **The undersigned organizations:**

BC Civil Liberties Association  
BC Public Interest Advocacy Centre  
Community Legal Assistance Society  
Pivot Legal Society  
Prisoners' Legal Services  
West Coast LEAF