

## BRIEFING NOTE – Calgary Community Court

Date :

Audience:

Attendees:

### Background

In 2015, a multi-disciplinary group of leaders<sup>1</sup> from the justice system and social services came together to explore the opportunity and feasibility of further advancing the integration of community justice models in Calgary. Together, they formed the **Community Justice Collaborative: Calgary (CJCC)**, to research and understand:

- The revolving door of vulnerable Calgarians charged with social disorder offences whose criminal activity is related to issues of marginalization, addiction, mental health and/or homelessness.
- The efficacy of community justice models as alternatives to incarceration.
- The possibility of establishing an intervening mechanism, possibly a community court.

In April 2017, CJCC engaged the Center for Court Innovation (the Center) to guide efforts toward the planning of alternatives to incarceration and community justice programming aimed at re-engaging members of Calgary's vulnerable and/or homeless population. This work led to the development of the **Calgary Community Court (CCC)** concept paper. Key elements of the paper and proposed Calgary Community Court project are outlined in the ensuing sections.

### Key Considerations

#### ***Framing Justice Transformation***

- Community justice shifts the focus of the justice system from merely processing cases through the court system to improving outcomes for court users and the community. Community justice also seeks to connect community residents to the justice system.
  - One model of community justice is a community court, which seeks to bring the court and community closer by giving the court a problem-solving orientation, seeking to provide alternative sentencing for defendants such as drug treatment, social service connection and programming, or community service.
- Community courts seek to respond to crime through a combined strategy of holding defendants accountable (by meaningful options) and offering help to defendants with a range of social service needs (addressing the underlying issues that lead to criminal behaviour).
  - The proposed CCC looks to serve vulnerable Calgarians charged with social disorder offences and, where appropriate, as the liaison to other specialty courts in cases where further assessment of a client's risk and needs suggests a referral would be appropriate.
- CCC would support existing and proposed legislation that promote reasonable and effective alternatives to imprisonment in the sentencing process.

<sup>1</sup> Including: Judge, Provincial Court of Alberta, Deputy Chief, Calgary Police Service, Assistant Crown Prosecutor, President & CEO, Calgary Homeless Foundation Senior Operating Officer, Alberta Health Services, President, Calgary Defence Lawyers Association, Director, Justice, Solicitor General, Community Corrections Southern AB, Executive Director, Safe Communities Opportunity & Resource Centre (SORCe), Southern Regional Manager, Native Counselling Services of Alberta, Strategic Advisor, City of Calgary, Fellow, School of Public Policy, University of Calgary.

- The Department of Justice, Canada, report (2018) "What We Heard Transforming Canada's Criminal Justice System" suggests improvement include the integration of **restorative justice into the mainstream justice system**.
- Bill 9, passed in 2016 by the Government of Alberta, seeks among other things to eliminate the use of warrants and jail to enforce violations of minor provincial and municipal infractions; however, a gap for criminal offenses related to poverty and marginalization remains.

### ***Current Gap in System & Population Not Served***

- Current alternative sentencing options are not seeing or providing services to a significant portion of the vulnerable population **leaving a gap** for individuals who are cycling through the system with repeat social disorder offences.
  - The justice system serves a large percentage of individuals with social service or treatment needs and is not equipped to provide adequate services to this population.
  - When client needs are not met, a cycle of persistent low-level offending exists, which in turn, decreases the justice system's legitimacy before the public.
  - For those who do ultimately gain access to care as a result of their involvement with the courts, that care is often delayed for lack of mechanisms within the current court structure to expedite connection to services.

### ***Why Calgary? Why Now?***

- Calgary is an **epicentre of vulnerable persons** in Alberta.
  - Over 60% of Alberta's Homeless population resides in Calgary.
  - Homelessness is a highly complex issue with an array of social and economic variables that contribute to homelessness including health problems, addictions, trauma, poverty and system failures.
  - Vulnerable populations interact with multiple public systems including the Justice system.
- Calgary **leadership is transformative in scope and scale** with regard to working with vulnerable populations,
  - Through local community leadership and a collective impact approach, Calgary has built an internationally recognized, coordinated, homeless-serving system of care that is designed to better meet the needs of vulnerable Calgarians.
  - Calgary has a proven record of success in creating innovative restorative justice initiatives including the Calgary Domestic Violence Court and Calgary Drug Treatment Court.
- Calgary is an **inclusive citizenship focused community** that is actively engaged in addressing systems failures. Together we are seeking to **advance community justice models** in our city.
  - The CCC provides an opportunity for justice system stakeholders to leverage existing services.
  - The Calgary Police Service has continued to advance SORCe<sup>2</sup> and the Crossroads Centre as well as the services offered in anticipation of it being a possible hub for the proposed CCC.

<sup>2</sup> The Safe Communities Opportunity and Resource Centre (SORCe) is a multi-agency collaborative that connects people experiencing homelessness, or those at imminent risk of homelessness, to programs and services that can help to address the barriers to stable housing.

## Conclusion and / or Recommendations

Justice system transformation is critical and inevitable in order to better meet societal needs, current and future. Traditional courts have limited options in resolving the cases of the defendants before them. Alternatively, many community court Judges reference that while they previously had only “bail or jail” and “time or fine” options in a regular court, they have more options that can be tailored to the defendants appearing before them in a community court.

- CJCC has concluded that an effective way to address the target population referred to above would be to create a CCC, operating out of the current Calgary Courts Centre in downtown Calgary.
- The proposed CCC would:
  - Address the gap for defendants who require different intervention than is currently available through the mental health diversion program or drug treatment court program, or who are not eligible for other alternative sentencing options due to their criminal history.
  - Reduce recidivism and incarceration costs associated with policing.
  - Promote reasonable and effective alternatives to imprisonment in the sentencing process.
  - Improve community safety through reducing recidivism of a highly vulnerable population.
  - Engage the broader community in restorative justice.

**Actual transformation of the Justice System at the scope, scale and pace required to address demands, will require a steadfast commitment of Government to invest in actionable-change.**

## Next Steps

The immediate next step is to gain cross-ministry endorsement and financial support for implementation of the CCC community justice model:

- The CCC would build on nationally and internationally recognized best practices and would be a progressive next step for transformation of the City of Calgary’s justice system.
- CJCC is asking for 3 years of funding to implement a CCC and transform the justice system in Calgary.
- When the CJCC is successful in obtaining funding and support from government, project lead will transfer from Calgary Police Service to the Provincial Court of Alberta.

A blueprint for the CCC has been created to guide preliminary cross-ministry discussions. Please see Calgary Community Court Concept Paper for more details.

**CJCC requests that Government demonstrate its leadership and commitment to citizens, to support evolutionary change, by financially investing in the establishment and implementation of the Calgary Community Court (3 years start-up funding). This strategic investment at the outset will positively position the Court’s early adoption, successful change management in system and community, and CCCs full integration into a *new* justice system.**