

JUSTICE SECTOR CONSTELLATION
ENOUGH FOR ALL, CALGARY'S POVERTY REDUCTION INITIATIVE
SYNOPSIS UPDATE
APRIL 3, 2017

Background

The Justice Sector Constellation (the “**Constellation**”) is one of the teams working to implement the poverty-reduction strategy of Enough for All, Calgary’s Poverty Reduction Initiative. The Constellation is comprised of organizations and agencies representing a wide variety of government departments and non-governmental agencies active in the justice sector in Alberta generally and Calgary in particular.

The original mandate of the Justice Sector Constellation was to make recommendations to the Calgary Poverty Reduction Initiative Secretariat on a poverty-reduction strategy in the context of the legal system. These recommendations are set out in the Constellation’s report dated March 19, 2013, which is entitled “Intervening at the Intersection of Poverty and the Legal System” (see at http://enoughforall.ca/wp-content/uploads/2016/05/JSC_FinalReport_2013.pdf).

Over 90 percent of the recommendations developed by the Constellation had previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector. In light of that, the members of the Constellation agreed to continue to work together on implementing the Constellation’s recommendations, despite having completed their original mandate. Since April 2013, the Constellation has been actively working on implementing a number of its recommendations.

Update

The Justice Sector Constellation has advanced a number of its projects over the past several months, some of which are described below.

By-laws Project

One of the issues identified by the Constellation is that the impact of receiving a fine for by-law and other infractions is more significant for those living in poverty. In light of this, the Constellation recommends that the policy underlying infractions that have a disproportionate impact on those with low income be reconsidered. The By-laws Project includes legal analysis and a social science analysis of quantitative and qualitative data, to provide an evidentiary and analytical basis for such a reconsideration. The Alberta Civil Liberties Research Centre conducted the legal analysis for the project. The Alberta Human Rights Commission has provided funding for the social science aspect of the project.

The legal analysis was released in February 2017 (see at <http://www.aclrc.com/s/The-Charter-Implications-of-Bylaw-2017-fk3y.pdf>). *The Charter Implications of Bylaw Enforcement on People with Low Incomes in Alberta* states that “A significant portion of Alberta’s bylaws affect vulnerable individuals in disproportionate ways, and violate the protected rights and freedoms contained within the Charter, including the right to life, liberty and security of person, the right to equality free from discrimination based on several grounds, and the freedom to express oneself.”

The report makes a number of recommendations, including training peace officers to provide vulnerable individuals with information about alternative measures in as many different circumstances as possible; and that municipal prosecutors continue to exercise their discretion to withdraw tickets in circumstances

where individuals cannot pay and, when they determine a conviction is warranted, asking for a conviction, with no time to pay, followed by time in court as the requisite prison time served.

Once the social science analysis has been completed, the Constellation will consider how to advance the recommendations from both aspects of the By-laws Project.

Justice Sector Services Coordination Research Project

The objective of the Justice Sector Services Coordination Project is to identify barriers and develop recommendations for increasing the coordination and integration of justice sector services in order to increase access to justice for marginalized individuals.

The research will be conducted by the Canadian Poverty Institute, a member of the Constellation, with funding provided by The Law Foundation of Ontario Access to Justice Fund. The Constellation will act as the Advisory Committee on the project.

The Project has four phases:

- Justice Sector System Mapping, comprised of a key document review and key informant interviews to identify system elements, followed by a series of workshops to articulate the relationship between system elements.
- Literature Review, based on the learnings from the justice sector system mapping phase, to identify best or promising practices in system integration that have proved effective in other jurisdictions.
- Recommendation Development, based on the learnings from the justice sector systems mapping phase and literature review, as well as a series of stakeholder meetings, to develop recommendations for system integration. Consultations will include justice sector service providers, service users and government officials.
- Report and Knowledge Dissemination, with key learnings and recommendations presented to system stakeholders and policy makers.

Service Provider Capacity Building Project

Service providers and intermediaries (e.g., community and faith community workers and volunteers) outside of the justice sector may not recognize that their clients have legal issues or may not know where to refer clients who have such issues. This project seeks to establish linkages with and facilitate cross-referrals between these service providers and intermediaries on the one hand, and justice sector resources and services on the other hand.

Funding was obtained to develop and pilot training to increase awareness of potential legal issues as part of client needs and increase awareness of and referral to appropriate justice sector services and resources. Training pilots were conducted in a number of venues across the province. An evaluation of the training pilots found the training was positively received, and recommended that the training be continued. Some funding has been obtained and additional funding is being sought to provide the training broadly to service providers and intermediaries outside of the justice sector, as well as some within the justice sector.