

Justice Sector Constellation

Synopsis Update

April 16, 2018



Background

The Justice Sector Constellation (the “**Constellation**”) seeks to intervene at the intersection of poverty and the legal system so that everyone facing a legal issue can access the justice sector resources and services he or she needs. The Constellation has been working to this end since April 2013, after issuing its report *Intervening at the Intersection of Poverty and the Legal System* (see at http://enoughforall.ca/wp-content/uploads/2016/05/JSC_FinalReport_2013.pdf).

Update

Since the last Synopsis Update, the Constellation has advanced its work on a number of fronts, 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 Charter Implications of Bylaw Enforcement on People with Low Incomes in Alberta* was released in February 2017 (see at <http://www.aclrc.com/s/The-Charter-Implications-of-Bylaw-2017-fk3y.pdf>).

The social science aspect of the project was conducted by Carolyn Greene of Athabasca University and Katelyn Lucas and Nicole Williams of Elizabeth Fry Society of Calgary, with funding from the Alberta Human Rights Commission. The goal was to better understand the potential social and economic impacts of bylaw fines on citizens in Calgary. To that end, surveys were undertaken of 417 people at the courthouse and at various community agencies.

The survey results are summarized in the research report, *Everything Comes at a Price: An Exploration of the impact of Bylaw Enforcement Practices in the City of Calgary* (see at http://enoughforall.ca/wp-content/uploads/2018/03/Calgary_Bylaw_Report_Final-2018.pdf), and substantiate the Constellation’s hypothesis, as indicated by these findings:

- 70% of respondents had household income below the LICO rate.
- 58% were unable to pay their fines, which included 76% of community respondents and 51% of court respondents; 20% reported being unable to pay rent as a result of a fine.
- Regarding the most recent fine received, few respondents indicated they had money to make full payment, and some went to go to court to have the matter resolved. Only 15% were in court to pay the fine in full, and 25% were in court to try to have the fine reduced.

The most common fines were regarding transit (41%, of which 66% were for non-payment of transit fees); pets (11%), and public intoxication and public loitering (each 6%). Those with unstable housing were more likely to report receiving social disorder by-law tickets.

The consequences of receiving fines were manifold:

- 75% experienced stress from fines, including 72% of those able to pay their fines.
- 35% had a warrant issued for their arrest and 18% spent time in a correctional facility as a result of receiving fines (48% and 24%, respectively, of those unable to pay their fines); 30% were detained for one or more days.
- 27% missed work, 22% were late for work, and 15% lost their job as a result of receiving fines.

Of note from a policy perspective, only 38% indicated that fines would deter them from committing similar acts in the future, being 70% of court respondents and 34% of community respondents.

The report recommends

- research to evaluate the success of the low-income transit pass initiative;
- the City of Calgary to adopt guiding principles in bylaws to guide enforcement, and possibly amend or repeal by-laws; and
- training for enforcement officers to encourage early compliance with by-laws and to deal with potentially violent or unsafe situations.

The Constellation is currently investigating 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 is being 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 is acting as the Advisory Committee on the project.

A systems mapping exercise was recently completed with the assistance of various stakeholder groups, including those with lived experience of poverty and service providers and stakeholders within and outside of the justice sector. The input from that exercise, stakeholder interviews and focus groups, and a literature and key document review will be summarized in a report to be released in the second quarter of 2018.

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.

To that end, the Enough for All Catalyst Fund sponsored 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. Presentations were made to over 100 people representing some 36 different organizations. In addition, the training was presented to over 60 social workers at the recent Alberta College of Social Workers conference. The feedback from the presentations has been uniformly positive. The Constellation is considering how to advance the next stage of this project.