



# The Intersection of Poverty and the Law

Presentation to Alberta Crown Prosecutor Conference, 2021-10-06



Derek Cook, Director, Canadian Poverty Institute  
Janice Pasay, Co-Chair, Justice Sector Constellation

# Presentation overview

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- ▶ **Context, causes and impacts of poverty**
  - ▶ Derek Cook, Director, Canadian Poverty Institute
- ▶ **The intersection of poverty and the law, and opportunities for prosecutors to learn more about it**
  - ▶ Janice Pasay, Co-Chair, Justice Sector Constellation

# Context of poverty

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## ▶ **Definition**

The condition of a person who is deprived of the resources, means, choices and power necessary to acquire and maintain a basic level of living standards and to facilitate integration and participation in society.”

- Government of Canada

# Context of poverty (continued)

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## ▶ Poverty Line

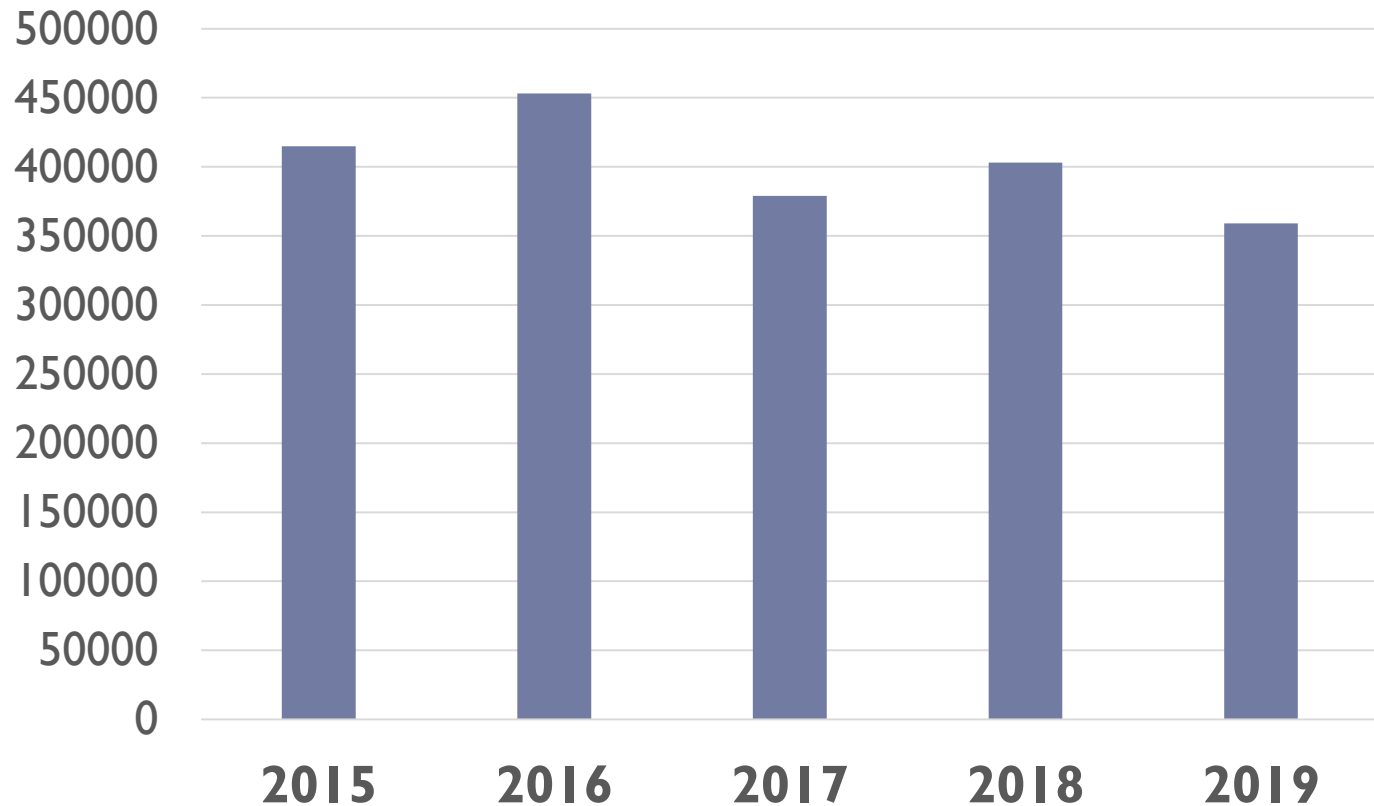
For a family of four (2 adults, 2 children), the poverty line in Calgary in 2019 was:

➤ **\$49,262**

# Context of poverty (continued)

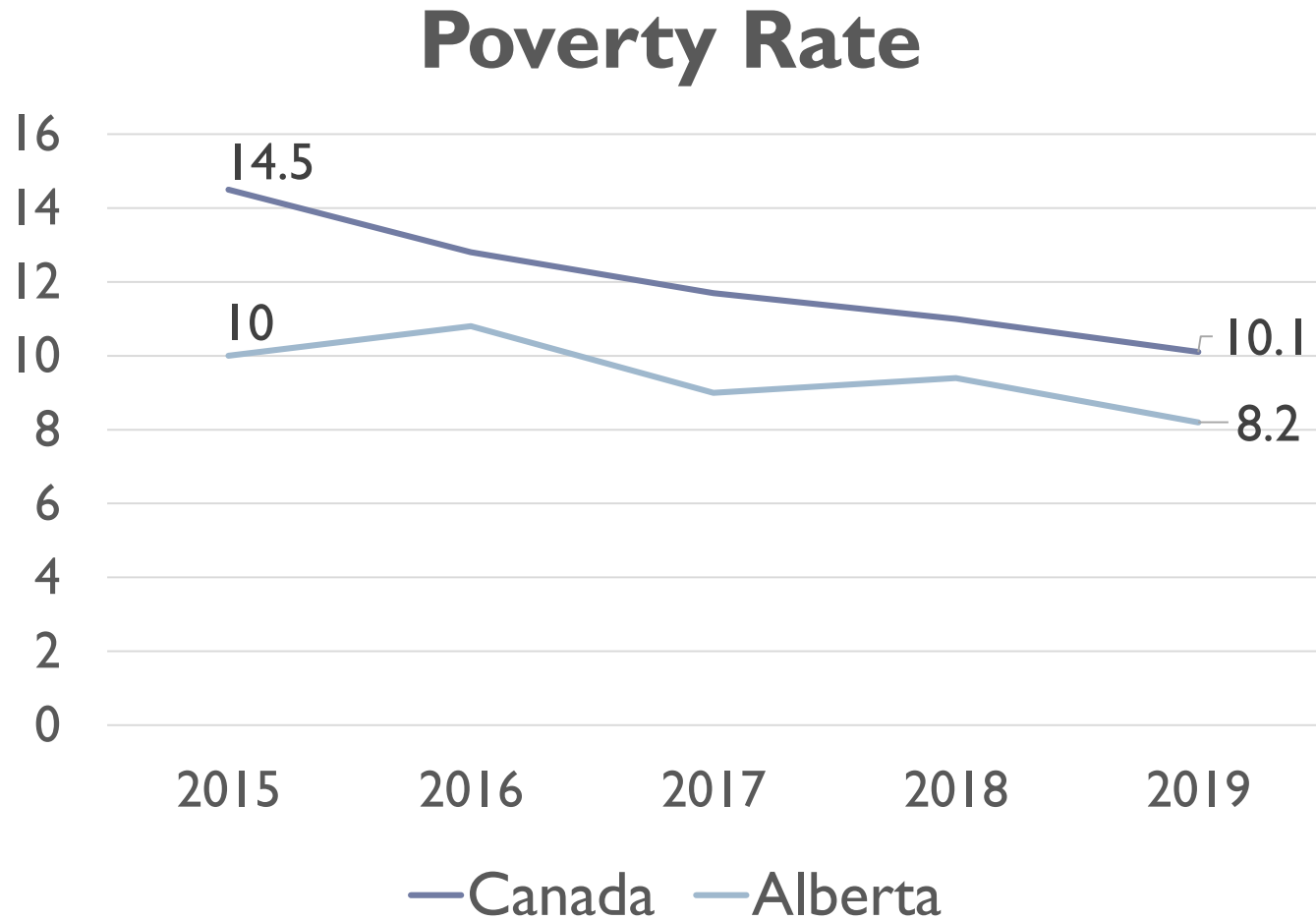
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## Number of People in Poverty, Alberta

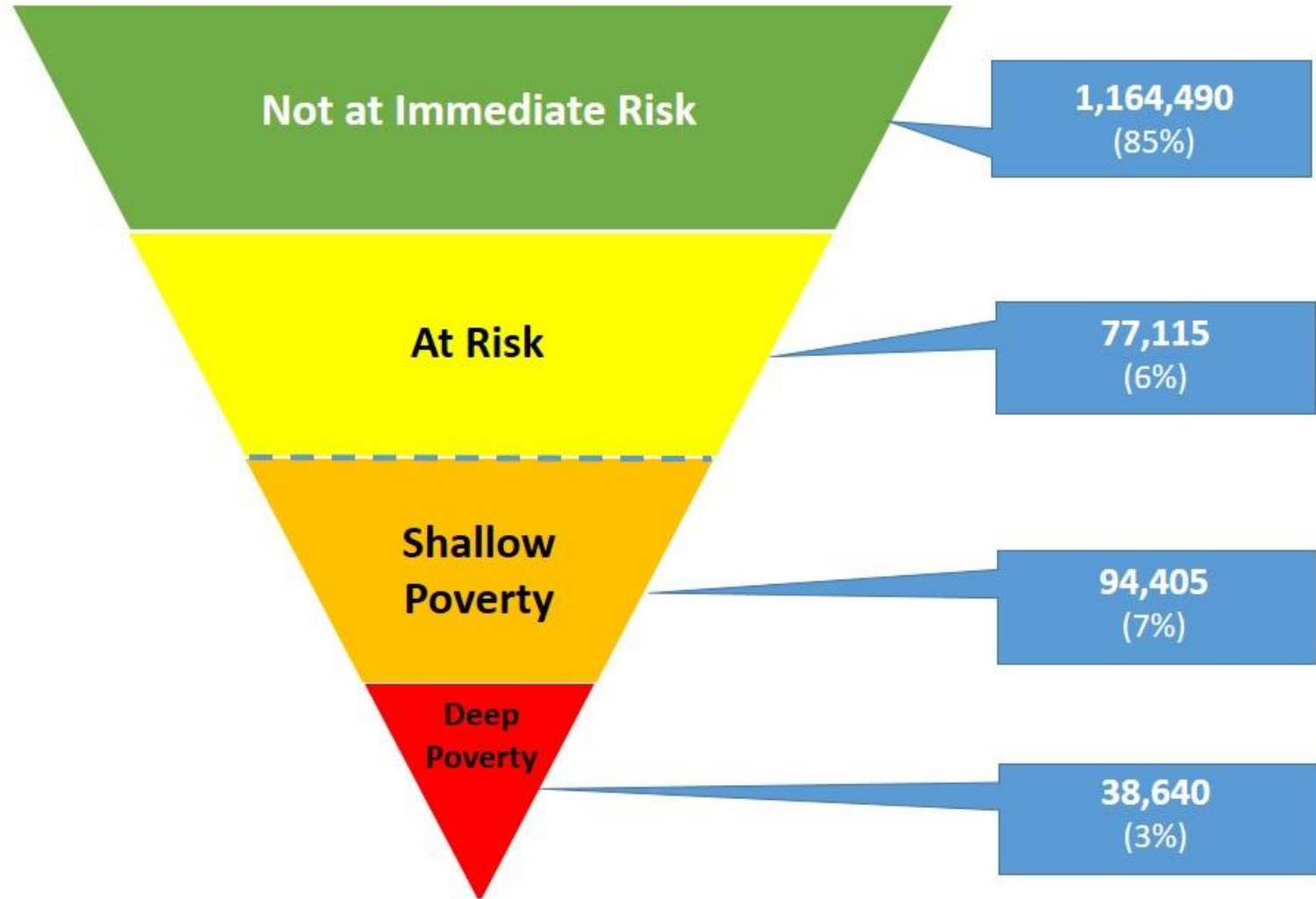


# Context of poverty (continued)

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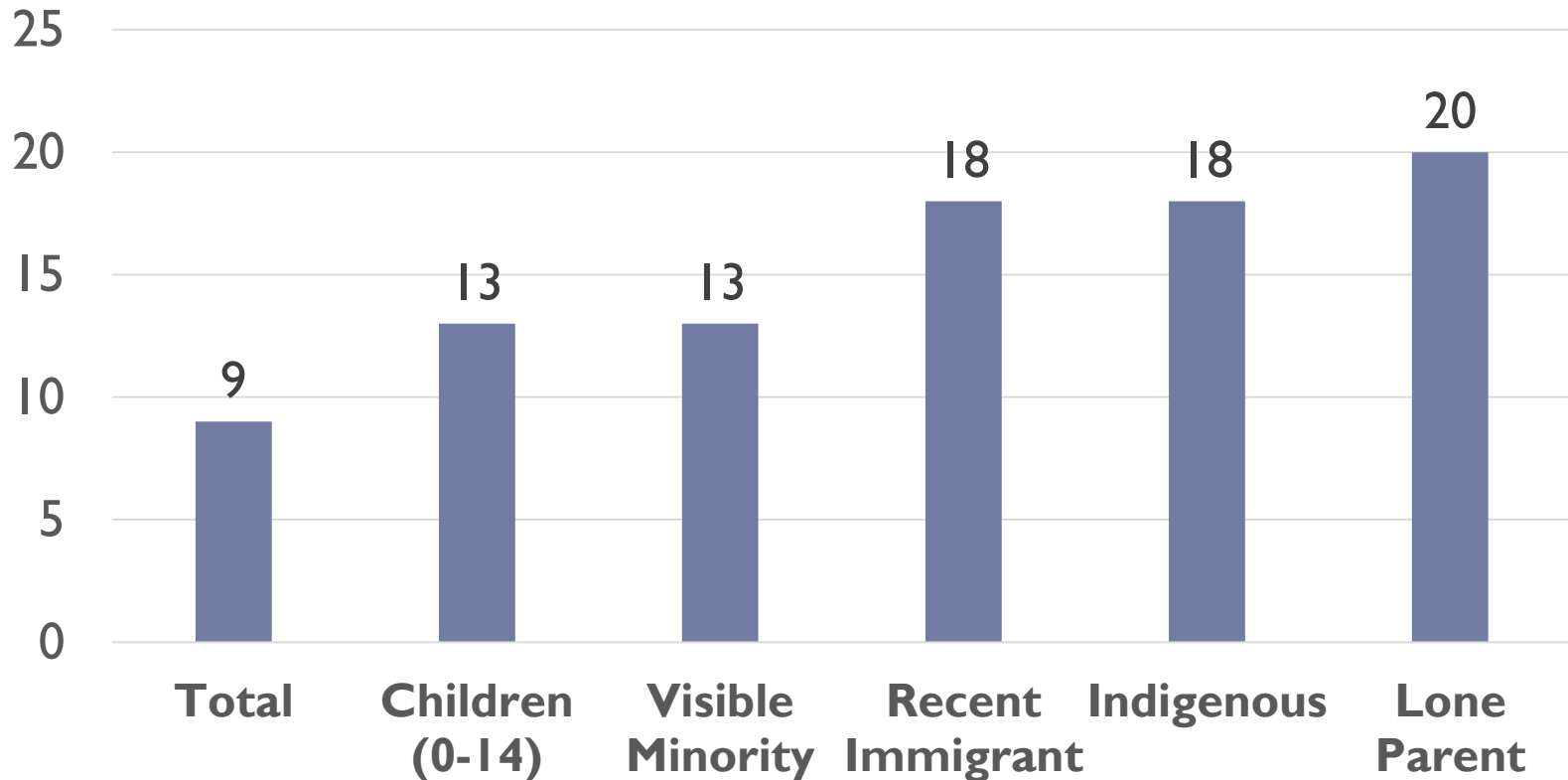
# Context of poverty (continued)



# Context of poverty (continued)

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## Poverty Rate by Selected Social Group, Calgary, 2016





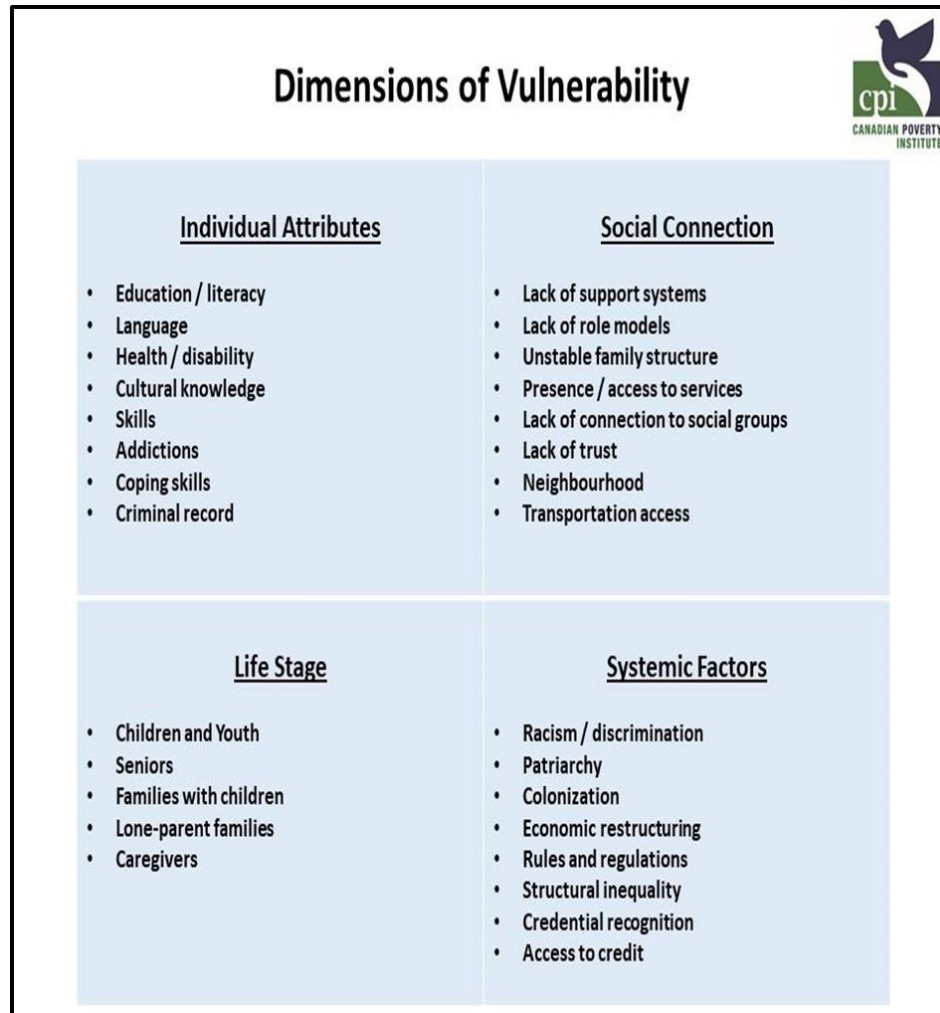
# Causes of poverty

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## The Roots of Poverty: A Few Myths

- ▶ People just need to get a job.
- ▶ People should just make better choices.
- ▶ Poverty is a lifestyle people fall into.
- ▶ People in poverty are uneducated.
- ▶ People living in poverty already get enough support.
- ▶ Poverty doesn't affect me.
- ▶ Poverty will always be with us ... there's nothing we can do.

# Causes of poverty (continued)



# Causes of poverty (continued)

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## **Personal Factors**

- Education
- Skills
- Language
- Health / disability
- Addictions
- Criminal record

# Causes of poverty (continued)

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## **Life Stage**

- Children / Youth
- Seniors
- Families with Children
- Caregivers

# Causes of poverty (continued)

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## **Social Connections**

- Isolation
- Neighbourhood
- Sense of Safety
- Living alone
- Lone-parent families
- Mobility
- Recent immigrants

# Causes of poverty (continued)

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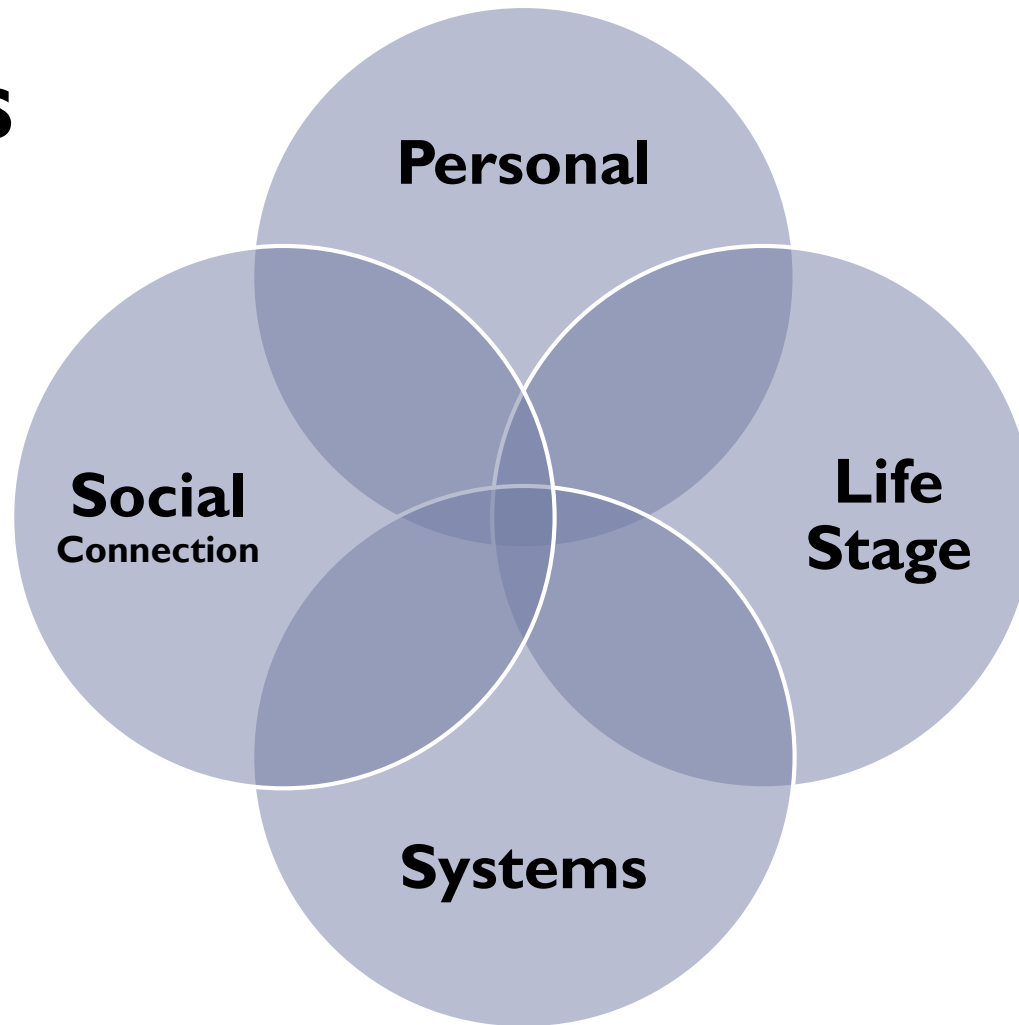
## **Systems**

- Racism
- Discrimination
- Colonization
- Patriarchy
- Economic structure
- Inequality
- Rules and regulations

# Causes of poverty (continued)

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## Stresses



# Causes of poverty (continued)

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## **Shocks**

- Family breakdown
- Job loss
- Illness / disability
- Death
- Major unexpected expense
  - Major repairs
  - Legal issues (including fines)



# Impacts of poverty

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- ▶ **Poverty has far-reaching implications**
  - ▶ Food security
  - ▶ Health impacts
  - ▶ Housing impacts
  - ▶ Relationship impacts
  - ▶ Social / political impacts

# Impacts of poverty (continued)

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## **Economic Cost of Poverty**

- Poverty costs Canada as a whole, between \$72 billion and \$84 billion annually.
- In Alberta, the annual cost of poverty was estimated to be between \$7.1B and \$9.5B in 2012.

# Impacts of poverty (continued)

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## **Psychological Impacts**

- Anxiety
- Withdrawal / isolation
- Reduced cognitive capacity
- Impaired decision-making
- Loss of trust
- Disrupted attachment

# Impacts of poverty

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## **Social Impacts of Poverty**

- Stigma
- Reduced social cohesion
  - Us / them polarization
  - Reduced empathy
  - Fear
- Reduced collective resilience

# Intersection of Poverty and the Law

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- ▶ **The Intersection of Poverty and the Law**
  - ▶ Poverty can lead to legal issues
  - ▶ Legal issues can lead to poverty
- ▶ **Related implications:**
  - ▶ Mental and physical health correlations with having and addressing legal issues
  - ▶ Sociological implications of legal system involvement
  - ▶ Systemic challenges that arise when poverty and the law intersect

# Intersection of Poverty and the Law (cont'd)

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- ▶ **The Intersection of Poverty and the Law (continued)**
  - ▶ **By-law Infractions**
    - ▶ 70% of respondents had household income below the LICO rate
    - ▶ 58% were unable to pay their fines
    - ▶ 20% reported being unable to pay rent as a result of a fine
    - ▶ 15% lost their job as a result of receiving fines
  - ▶ **Indigenous Peoples and Incarceration**
    - ▶ 28%/27% of admissions to provincial/territorial / federal correctional services in 2016/2017, but only 4% of Canadian adult population
    - ▶ 46% of admissions to correctional services in 2016/2017, but only 8% of Canadian youth population

# Intersection of Poverty and the Law (cont'd)

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- ▶ The Intersection of Poverty and the Law (continued)
  - ▶ Criminal Record
    - ▶ Far-reaching implications to having a criminal record
    - ▶ Record suspension not available for everyone, the process can be complicated, and the applicable fee is over \$600
  - ▶ Legal Aid
    - ▶ Not everyone is eligible
    - ▶ Only a limited number of legal matters are covered
    - ▶ Legal aid is generally not free

# Intersection of Poverty and the Law (cont'd)

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- ▶ The Intersection of Poverty and the Law (continued)
  - ▶ Access to Legal Services
    - ▶ Study found 40% of hearings in provincial court on family matters and 32% in Court of Queen's Bench included self-represented litigants; most common reason was inability to afford legal counsel
    - ▶ Canadians reported spending approximately \$6,100 on average to deal with their legal problems, which is almost 80% of what Canadian households spent on food on average in 2012



# Justice Sector Constellation

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- ▶ Justice Sector Constellation
  - ▶ 2012: Formed as part of CPRI
  - ▶ 2013: Issued report with recommendations and began implementation
  - ▶ Mission: Intervening at the intersection of poverty and the legal system
  - ▶ Audacious Goal: Legal issues do not contribute to poverty; poverty does not contribute to legal issues

# Constellation accomplishments

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## ▶ Accomplishments

- ▶ By-laws legal and social science research
- ▶ Child-minding at courthouse online resource
- ▶ Courthouse navigation aids
- ▶ Family law client journey maps
- ▶ Intermediaries Training
- ▶ Justice sector database integration and directory
- ▶ Justice sector service coordination research
- ▶ Post-release issues client journey maps
- ▶ Poverty and the Law Module
- ▶ Poverty Law Course for Lawyers
- ▶ Crown Prosecutors Conference sessions

# Opportunities for Prosecutors

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- ▶ Poverty and the Law: Expanding Perspectives Module
  - ▶ Learning Activities with Knowledge Check
  - ▶ Reflective Journal and Certificate of Completion available
  - ▶ Instructor's Resource
  - ▶ Epilogue: How you can intervene at the intersection of poverty and the law
    - ▶ Take a holistic approach in your work
    - ▶ Volunteer
    - ▶ Continue to learn
    - ▶ Act

# Opportunities for Prosecutors (cont'd)

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- ▶ Taken by over 250 professionals or students in a variety of disciplines, including education, health care, law, psychology and social work
- ▶ Used in six post-secondary institutions in Calgary
- ▶ Content included in CPLED Alberta, Manitoba, Nova Scotia and Saskatchewan
- ▶ Distributed to members by law societies in Alberta and elsewhere in Canada
- ▶ Accepted for law society CPD credit in Ontario (2 hours Professionalism Content) and BC

# Opportunities for Prosecutors (cont'd)

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## ▶ Conference sessions:

- ▶ Drug Treatment Court and the lived experience of poverty and the law
- ▶ A closer look at the lives of accused, offenders, victims, and witnesses
- ▶ Adult probation and the Innovation Offender Management System; a new and innovative way to provide supervision for pre-trial accused and low-risk offenders
- ▶ Youth probation
- ▶ Case Development Groups and Offender Management
- ▶ The unique dynamics of violence and abuse and its impact on families
- ▶ Resources and services in Northern and Southern Alberta relevant to criminal justice matters



*"Never doubt that a small group of committed people can change the world. Indeed, it is the only thing that ever has." (Margaret Mead)*