



BACKGROUND: ALBERTA CROWN PROSECUTION SERVICE RESOURCES AND ISSUES

The Alberta Crown Prosecution Service (“ACPS”)

The Alberta Crown Prosecution Service is a division of the Ministry of Justice and Solicitor General. It is responsible for the prosecution of offences under the *Criminal Code*, the *Youth Criminal Justice Act* and provincial statutes before the courts in Alberta, as well as appeals from the decisions of those courts.

Crown Prosecutors employed by ACPS as trial prosecutors work out of the Edmonton Crown Prosecutors' Office, the Calgary Crown Prosecutors' Office, Regional Prosecutions Offices in 13 communities across the Province and a Specialized Prosecutions Branch with offices in Calgary and Edmonton. As of January 31, 2017, there were 262 Crown Prosecutors employed in these offices. There were an additional 35 Crown Prosecutor positions in these offices which were previously approved, but are being held vacant due to hiring restraint policies of the Government of Alberta.

The ACAA Proposal: Adequately Resource the ACPS

The ACAA is calling for the immediate hiring of prosecutors for all 35 trial prosecutor positions which are currently vacant. In addition, the ACPS is calling on the government to allocate funding for an additional 50 full-time prosecutors. Additional support staff (such as legal assistants and disclosure clerks) would also be required to support these prosecutors.

The ACAA estimates the funding of these additional 50 full-time prosecutors would require a budget increase for the ACPS of approximately \$10 to 12 million, which is similar in scale to the \$9.4 million increase given to the Legal Aid Alberta in the middle of the 2016-2017 fiscal year.

The Issues:

Decreasing Numbers of Prosecutors

The ACPS' prosecutor staffing level has remained relatively unchanged from levels first established in 2006. Moreover, due to hiring restraint policies imposed by the Provincial Government, 35 trial prosecutor positions were vacant as of January 31, 2017.

An Increasing Population

Since 2006, Alberta's population has grown from 3.29 million to the current population of 4.25 million. As shown below, this has corresponded with a rise in criminal prosecutions.

Increasing Criminal Prosecutions

Province-wide, the number of criminal prosecutions in the Provincial Court has been increasing in recent fiscal years:

FY 2012-2013	89,124 cases commenced
FY 2013-2014	90,035 cases commenced (1.0% over prior FY)
FY 2014-2015	94,248 cases commenced (4.7% increase over prior FY)
FY 2015-2016	102,067 cases commenced (8.3% increase over prior FY) ¹

As a result the number of criminal charges to be prosecuted has also risen (many cases involve more than one criminal charge). These are the numbers of criminal charges commenced in the Provincial Court for the last four fiscal years:

FY 2012-2013	204,361 charges commenced
FY 2013-2014	213,254 charges commenced (4.3% increase over prior FY)
FY 2014-2015	230,274 charges commenced (8.0% increase over prior FY)
FY 2015-2016	252,352 charges commenced (9.6% increase over prior FY)

The number of criminal charges being prosecuted in the Court of Queen's Bench has also been on an upward trend for several years.

Increasing Severity of Crimes

More than just increasing in number, there has been a dramatic increase in severity of the crimes that are being prosecuted over the past two years:

- In 2015, the severity of all crime in Alberta increased by 17.8% according to the Crime Severity Index (a StatsCan measure). This increase was the highest in Canada and was almost three times the national average increase. The severity of violent crimes, specifically, increased by 11.7% according to the Crime Severity Index. This increase was more than double the national average increase for violent crime.
- In 2015, the homicide rate in Alberta was almost twice the national average; our rates of sexual assault, assault and robbery were well above national average, as were our general and violent crime rates.

R v Jordan

In *R v Jordan*, the Supreme Court of Canada found that, except in exceptional circumstances, criminal trials must take place within 18 months in provincial courts and 30 months in superior courts. Cases not prosecuted within these time frames risk a court-imposed stay of proceedings. This case has placed new pressures on the ACPS, as it was not uncommon prior to *Jordan* for cases to take longer than this time to reach trial and there are many ongoing cases which have been before the courts for times exceeding these thresholds. To be clear, the decision in *Jordan* did not create this resource problem in the ACPS, but it has made it much more apparent to the public.

The Impact

The impact of these pressures on Alberta's criminal justices system has been substantial. In the first two months of 2017, approximately 200 criminal cases were stayed by Crown prosecutors due to lack of prosecutorial resources to handle these cases.

¹ "Case", in these figures, refers to a prosecution of a single accused on one or more charges contained in the same charging document.

The Alberta Crown Attorneys' Association (“ACAA”)

The Alberta Crown Attorneys' Association, founded in 1971, is incorporated under the *Societies Act*. Its members are Crown Prosecutors employed by the Province of Alberta. More than 70% of Crown Prosecutors employed by Alberta are currently members of the ACAA.