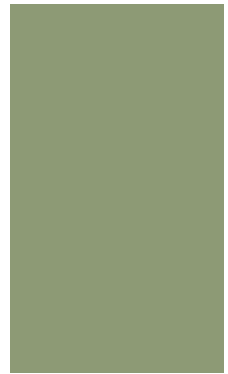
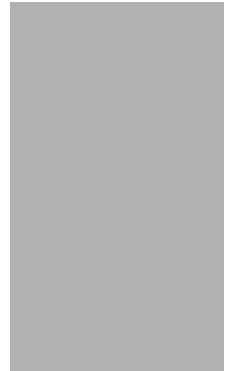

Justice, Policing & Human Rights

Ensuring Safe Streets and an Effective Justice System for Albertans



Wildrose Caucus

Get it Right!

Justice

Many Albertans have lost confidence in Canada's justice system – and with good reason. Child killers, gang members and sexual predators are consistently being released without serving their full sentences and, in many cases, while still considered dangerous to the public. The system is seemingly obsessed with protecting the rights of the perpetrators rather than the victims of their crimes. Meanwhile, the rights of law-abiding citizens to be protected and fairly compensated are often undermined.

Compounding the problem further is a justice system that is increasingly difficult and expensive for the average Albertan to access and navigate. Single parents are finding it more difficult and costly to enforce maintenance orders against 'dead-beat' parents, while responsible parents following the rules often find that their rights of access to their children are not respected.



There has been a mountain of study and research conducted on improving our justice system (most notably the 2007 Safe Communities Task Force chaired by Wildrose MLA Heather Forsyth), however, the government seems more intent on appearing to be doing something than taking the decisive action needed to make our communities more safe and secure.



Get it Right

Albertans deserve better. A Wildrose government will restore the principle of justice to our justice system by implementing the following reforms:

- **Protect the rights of victims by advocating for federal legislation that would see convicted criminals financially compensate the victims of their crimes without need of a costly civil trial.**
- **Work aggressively with the federal government to end conditional sentences (house arrest) for serious violent offenses. Bail requirements for repeat and dangerous offenders must be tightened and the lack of mandatory minimum sentences for violent criminals leading to sometimes shamefully short sentences must be addressed.**
- **Task a panel of legal experts to make recommendations on ways to expedite prosecutions against gang members and criminal organizations, while increasing protection for Crown witnesses involved in such cases.**
- **Implement several critical 2007 Safe Communities Task Force recommendations including:**
 - The public reporting by the government of key justice system indicators including the sentencing records of judges in criminal cases, criminal plea-bargains, and bail orders and violations.
 - Increased monitoring of violent offenders and stricter enforcement of conditions of release.



- **Strike a taskforce to study and make recommendations that will make timely access to Alberta’s justice system more affordable for regular Albertans. This review should include an examination of how to better streamline the rules of court, make self-representation easier and safer, elevate the role of legal agents, incent lawyers to do more pro bono work and build a more effective legal aid program.**
- **Make it easier under FOIP for parents, guardians and those they authorize to access information concerning students-at-risk.**
- **Introduce family law reforms that will ensure improved compliance with both maintenance and visitation orders.**
- **Review the Minor Injury Regulation, which caps compensation to which victims of motor vehicle accidents are entitled, to ensure (i) timely and proper medical treatment, (ii) payment of full and fair compensation to innocent Albertans for losses and injuries caused by motor vehicle accidents, (iii) elimination of fraudulent claims, and (iv) access to affordable private auto insurance for Albertans.**
- **Review the compensation that a spouse or dependent is entitled to under the *Fatal Accidents Act*, so that compensation payable by a wrongdoer is increased, and amend the Act to make a wrongdoer subject to punitive damages.**



Policing

Alberta is a wonderful place to live, work and raise a family. However, there continues to be a growing number of individuals preying on the innocent and taking advantage of others. Our province is facing significant challenges as it tries to deal with organized crime, gangs, child exploitation, identity theft, and white collar crime. Too often, the rights of the accused and convicted criminals seem to supersede the rights of victims.



Better integration and cooperation between our police forces is essential if we're going to reduce crime. Gangs, child predators, fraudsters and organized criminals do not adhere to clearly defined operational borders. They conduct their activities via sophisticated and integrated operations across multiple jurisdictions. It is imperative that our policing agencies upgrade and integrate current law enforcement techniques and equipment if we hope to successfully tackle these threats.



But efforts to combat violence, abuse, drugs and gangs need to begin much earlier. Instead of young people only learning about crime, guns, gangs, and drugs through glorified representations in music and on television, a more concerted effort must be made in our schools and after-school programs to ensure our youth understand how dangerous these issues are and how to avoid or escape them.

Our provincial corrections system also needs to be improved. Albertans expect inmates to serve their full sentences and to be rehabilitated as much as possible so they don't re-offend when released. One of the best ways to prepare inmates for their return to society is to teach them some employable skills, instill a work ethic, and help treat their alcohol and drug addictions.



Get it Right

Albertans deserve better. A Wildrose Government will protect Albertans by implementing the following reforms:

- **Target child abuse, child exploitation and child pornography by significantly increasing funding for our province's Integrated Child Exploitation (ICE) teams.**
- **Immediately proclaim into law Bill 202, the *Mandatory Reporting of Child Pornography Act* (introduced in 2010 by MLA Heather Forsyth), and organize a 'Child Protection Taskforce' to look at best practices from around the world in tackling these horrible crimes.**
- **Legislate a *Victims' Bill of Rights* to ensure victims are given the resources, protections and compensation necessary to cope with the damage inflicted on them by criminals.**
- **Create a fully integrated and compatible database and communications system for the sharing of investigative intelligence by police agencies and the coordinating of enforcement operations between first responders.**
- **Work with Ottawa to ensure the RCMP leadership in Alberta is accountable first and foremost to Albertans through their Solicitor General, rather than to bureaucrats and politicians in Ottawa.**
- **Undertake a comprehensive review of how we fund policing to ensure all municipalities, large and small, are provided with the resources they need to protect their citizens.**
- **Establish 'Treatment Jails' and strengthen sentencing guidelines so individuals who are mentally ill or who suffer from addictions can serve their sentences in an environment that will treat their addictions and illnesses, and connect them with social agencies that will assist in reducing recidivism.**

- **Review the ratio of probation and correction officers to offenders to ensure both the safety of corrections workers and offenders.**
- **Introduce work programs for provincial offenders.**
- **Expand the use of electronic monitoring of dangerous offenders (GPS tracking).**
- **Support early awareness programs that educate children on the dangers of crime, gangs, drugs, and alcohol.**
- **Support targeted policing initiatives such as strategic task force teams comprised of police, social workers, probation officers and mental health workers.**
- **Ensure that when a property has been used for criminal activities that may result in long-term property damage (i.e. grow-ops or meth labs), such issues are identified on the property's land title so potential buyers have access to that information.**
- **Decrease youth crime by reducing unnecessary FOIP barriers so information can be more easily shared between social services, schools, health professionals, and the police where appropriate.**



Protecting Human Rights

Albertans overwhelmingly support the principles of equality, freedom of speech, freedom of religion and all other rights protected under Alberta and Canadian human rights legislation. It is critical that we protect the human rights of all members of society, whatever their ethnicity, religion or background, and regardless of whether they have the financial means to defend those rights in our oftentimes expensive and complicated justice system.

However, the current Alberta Human Rights Commission has failed to fairly deal with human rights complaints. In fact, the Commission and their tribunals have become something akin to 'kangaroo courts', where rights are pitted against each other and interpreted by individuals who are often unqualified to make judgments on the most foundational of protected rights in society. In addition, the hallmarks of justice, such as the rules of evidence, standards of proof, and protections against frivolous and vexatious lawsuits, are not afforded in these Commissions or their related tribunals, bringing the administration of justice into disrepute.



In fact, over the past 20 years many of the worst abuses of human rights in our province have been attacks against freedom of speech that, ironically, have been perpetrated by the very Commission tasked with protecting our human rights.

We need to safeguard and bolster the ability of all Albertans to protect and defend their human rights, but this can't be done without protecting our common law values of the presumption of innocence until proven guilty after a fair and impartial hearing and the right of an innocent person to recover court costs when falsely accused. We need to guarantee that the inalienable Rights of freedom of speech, freedom of the press, and freedom of religion are not unjustly overridden by those with pre-conceived agendas and an almost fanatical devotion to political correctness.



When an individual is accused of violating human rights, he or she ought to be judged by someone with a full appreciation for all rights protected by the Charter of Rights and Freedoms, and the hearing must be conducted in an impartial setting which permits a full and fair hearing of the evidence.



Get it Right

A Wildrose Government will strengthen and protect human rights for all Albertans by implementing the following reforms:

- **Strengthen Alberta’s human rights legislation to unequivocally protect the freedom of speech of all Albertans. This will include the repeal of section 3 in Alberta’s current human rights legislation. The Legislation will maintain the criminal code standard of banning speech that advocates for acts of violence or genocide against any individual or identifiable group.**
- **Replace the Human Rights Commission with a new Human Rights Division of the Provincial Court of Alberta, which will adjudicate all human rights complaints.**
- **Implement the following human rights complaint process:**
 1. An individual, who complains of a violation of his or her human rights, will be referred to the new Human Rights Division of the Provincial Court of Alberta.
 2. To ensure all individuals have access to justice, regardless of language, the Court will provide an interpreter, if needed.
 3. If the individual wishes to have legal assistance in making his or her complaint, the Clerk of the Provincial Court will supply to the individual a referral roster of ‘Human Rights Advocates’ who will provide an initial consultation paid for by the Government to help the complainant assess whether or not there are legitimate grounds to file a human rights complaint. Each Human Rights Advocate will be a designated member of the Law Society of Alberta in good standing, and will have experience in constitutional and human rights law. Alternatively, a complainant may retain a lawyer that is not a designated Human Rights Advocate or may decide to represent him or herself personally.

4. If a Human Rights Advocate believes there are legitimate grounds for a human rights complaint, and the complainant wishes to proceed, the Advocate will represent the complainant throughout the remainder of the process. Legal services provided by the Advocate will be paid for by the Government. If, in the opinion of the Advocate, there are not legitimate grounds for a human rights complaint, the complainant may still represent him or herself or hire their own lawyer to proceed with their complaint.
5. In order to protect the parties' procedural and substantive rights, and ensure expeditious and cost-effective justice, the new Human Rights Division of the Provincial Court of Alberta will use streamlined and simplified rules of procedure, which will include standardized forms for a complaint, defense, and other court documents, mandatory alternative dispute resolution, and case flow management.
6. The *Provincial Court Act* will be amended to empower the Court to impose stringent penalties and remedies for human rights violations.
7. If the Court finds an individual complainant's human rights have been infringed, the complainant (or the Government if an Advocate is representing the complainant) may be awarded court costs to be paid by the defendant. If the complaint is dismissed, the defendant may recover his or her court costs to be paid by the complainant (or the Government if a complainant is represented by an Advocate). An Advocate may lose his or her designation should he or she repeatedly represent complainants with frivolous and vexatious complaints.



****The above human right complaint process will be funded in a cost-neutral manner by re-directing funding from the current Human Rights Commissions (\$5.2 M) to the provision of legal services by Human Rights Advocates as well as the Provincial Court of Alberta for the additional cost of the administration of justice. This includes the appointment of any additional judges that may be needed to ensure the Courts are not overburdened by an increased case load. Until the new Human Rights Division is created by amendment to the Provincial Court Act and a streamlined and simplified court process is fully developed by regulation, the existing Human Rights complaint process and Commission will continue.***

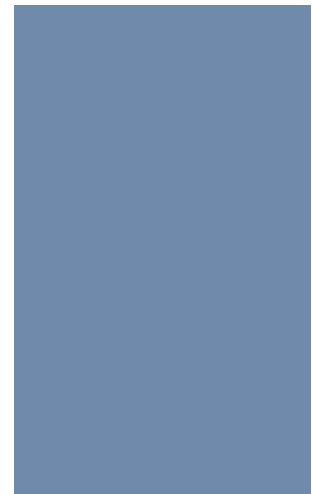


Comparison of Existing Human Rights Commission System and Proposed Wildrose Court-Based System

Issue	Existing Commission System	Wildrose Court-based System
Access	<ul style="list-style-type: none"> • No charge to complainant to bring complaints forward • Interpreters provided 	<ul style="list-style-type: none"> • No charge to complainant to bring complaints forward • Interpreters provided
Initial review	<ul style="list-style-type: none"> • Bureaucrat at Commission reviews complaint and decides if there are grounds to proceed (no charge to complainant) 	<ul style="list-style-type: none"> • Human Rights Advocate (lawyer) reviews complaint and decides if there are grounds to proceed (no charge to complainant)
Complaint Process	<ul style="list-style-type: none"> • Commission sends complaint as is, to defendant for response 	<ul style="list-style-type: none"> • If Advocate determines there are grounds to proceed, will proceed with the complaint (no charge to complainant)
Defendant's Rights	<ul style="list-style-type: none"> • After defendant responds to complaint, bureaucrats at Commission can dismiss or launch a full investigation 	<ul style="list-style-type: none"> • Defendant has right to make a full and fair defense in front of a judge.
Evidence	<ul style="list-style-type: none"> • After bureaucrats conduct investigation they provide report declaring dismissal or guilt. 	<ul style="list-style-type: none"> • With streamlined and simplified rules of procedure, the evidence is presented transparently and efficiently
Verdict	<ul style="list-style-type: none"> • If defendant refuses to settle, the Commissioner appoints a panel hearing. This panel does not operate according to standard evidentiary rules, and they are limited in what punishments they can give out. 	<ul style="list-style-type: none"> • A provincial Court judge will render a verdict. Legislation will be amended so that the court can impose stringent penalties upon guilty violators.
Court Costs	<ul style="list-style-type: none"> • Defendants found innocent bear the full cost of their defense. 	<ul style="list-style-type: none"> • Defendants found innocent will have their court costs paid for.

For all of the Wildrose Caucus' policies, go to:

[Wildrose Caucus Policies](#)



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