

'One of many problem areas'

Cases thrown out: plug pulled on crammed courts

By ANGELA BLACKBURN
Special to The Champion

Estimates vary as to how many criminal charges will go by the wayside in the wake of a decision to speed up Ontario's court proceedings. Halton Regional Police Chief James Harding fears the majority will be thrown out while a senior Crown attorney hopes only a "handful" will be lost.

The apprehension follows a recent Supreme Court of Canada ruling on "unreasonable delay" in getting cases to trial.

Jim Treleavan, the regional director of Crown attorneys, confirmed last week that the average trial date set in Halton is 12 months from an initial court appearance.

Halton is "one of many problem areas," said Mr. Treleavan. He was reluctant to guess how many local cases would be dropped. "Ideally it would only be a handful but I suspect it will be more than that."

Chief Harding said that as many as 75 per cent of cases in the area could be dismissed.

The so-called "Askov Decision" led to a directive last week from Ontario Attorney General Howard Hampton telling Crown prosecutors to speed up priority cases so they won't be lost in the clearance of court backlogs — lost to defence attorney arguments based on the Askov precedent that it has taken too long to bring their clients to trial.

System 'deplorable'

The Askov Decision was rendered by a five-member Supreme Court of Canada panel which threw out a case in Peel Region involving four Toronto area men charged with extortion and weapons offences — after it took 34 months to bring them to trial.

In his 150-page judgment, Mr. Justice Peter Cory called the court system in Peel "deplorable, unreasonable and intolerable" and, based on a U.S. study's results, described it as the worst district "north of the Rio Grande" for trial delays.

Mr. Hampton's confidential directive — which was leaked to the press, according to his press secretary, Rosemary Hnatiuk — instructed Crown attorneys to "bring forward priority cases which may be in jeopardy of being thrown out of court because of the Askov ruling." Priorities will be sexual as-

saults and impaired driving charges.

Ms Hnatiuk confirmed last week that Halton, including the Milton provincial court, is an area "that definitely needs work", when it comes to backlogs and delays in getting trial dates. "I don't think it's one of the worst areas, but it's not a good area. It needs work, definitely."

Local Crown attorneys are now seeing Halton provincial court judges throw out cases that have been unreasonably delayed.

At the same time Crown attorneys are reviewing which cases should be moved forward so they won't be dismissed later. And the Crown prosecutors are seeking a guideline as to what local judges deem an "unreasonable delay."

Mr. Treleavan said that last week in Milton

provincial court Judge William Sharpe threw out an entire docket based on the unreasonable delay argument.

More than a dozen cases were dismissed because they were 12 to 14 months old, he added.

Also last week, Mr. Treleavan said, 15 cases were dismissed in Peel while a judge in Newmarket threw out a case involving alleged impaired driving because it had taken 12 months to go to trial.

Six-month period

Mr. Hampton's directive said criminal case trial dates and preliminary hearings for provincial courts should be set within six months of the laying of a charge.

Population growth, a lack of courtrooms

and staffing constraints have contributed to delays and the backlog in the Toronto area. "The Attorney General views this as a very serious matter and will be speaking with the Premier on this," said Ms Hnatiuk.

While in certain courts, such as at Toronto's Old City Hall, cases are heard within three months, that is not the norm in such outlying municipalities as Brampton or Milton.

Ms Hnatiuk said, "There are problem areas like Milton and Brampton and part of the reason why they are a problem is that they are the fastest growing areas in population and in subsequent crime figures."

Although Milton proper is stagnant in terms of population growth, the court complex in town serves a wider Halton area, including the booming southern municipalities

Halton police chief says crime victims are victimized again by justice system

By ANGELA BLACKBURN
Special to The Champion

Those who have suffered at the hands of criminals will be victimized again by the decision to slash backlogs in the court system through dismissing cases, says Halton Regional Police Chief James Harding.

Chief Harding estimates as many as 75 per cent of Halton cases could be thrown out.

"The citizens of this municipality and every municipality have every right to feel a sense of outrage at this decision," he said last week.

"What it tells people is that the bureaucratic process is far more important than the wellbeing of victims of crime."

"We're in a bad way in this nation when all we can do to solve the problem of a backlog in the courts is to deal with it in such a manner, I'm really dismayed. What do I now tell the victims of crime? What do I tell the officers who've worked diligently to bring the cases to court?"

The move to cut the courtroom logjam by paring away cases stems from a recent Supreme Court of Canada ruling which saw



Police Chief James Harding

a serious Peel Region criminal case dismissed after four men had waited 34 months for a trial.

On the heels of that, provincial Attorney

General Howard Hampton issued a confidential directive, which was quickly leaked, telling Crown Attorneys across Ontario to ignore less consequential cases in favour of making certain the more serious ones go to trial.

Chief Harding said that for many victims there will now be no opportunity for redress.

"Many crimes will go unprosecuted under the new strategy, the Chief said. He added that he will leave it up to the discretion of investigating officers as to whether charges should be laid in individual cases."

While police are frustrated with the new measures, it pales in comparison with the frustration and our concern for victims of crime," he added.

In the past Chief Harding has advocated a sweeping review of judicial procedures aimed at making the justice system more efficient.

"Although he decried what he perceives as the unfairness of the current measures, he renewed his call for change. "We need a way of determining a more competent system of providing justice."

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