

# Exploring Criminal Justice in New Brunswick\*

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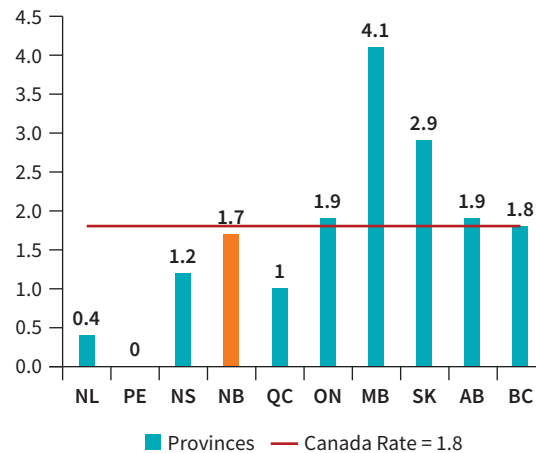
This supplement to *Exploring Criminal Justice in Canada* provides additional content about crime and the responses of the police, courts, and corrections that is specific to New Brunswick, including issues related to urban and rural crime, and managing the crime-related challenges that are distinctive to the province. In addition, examples are provided of miscarriages of justice and issues related to the changes in crime between 2014 and 2018 and the potential impact of the COVID-19 virus on the criminal justice system. Altogether, these cases, events, and information specific to New Brunswick enable readers to better understand the provincial context that can't be covered in a textbook that focuses on the entire nation.

## NEW BRUNSWICK: CRIME AT A GLANCE

Of the 10 provinces, New Brunswick falls below the national average in terms of the Crime Severity Index (CSI), which indicates the volume and seriousness of crime. In 2018 the CSI for New Brunswick was 71.8, which was slightly less than the national average (75) and about one-half as much as Saskatchewan, that had a CSI of 139.2 (Moreau, 2019). Like the rest of Canada, rates of crime reported to the police have been dropping and the rates of violent and property crime offences per 100,000 residents in New Brunswick is lower today than rates in the 1970s. Information from the General Social Survey (GSS) shows that NB residents had levels of violent victimization (including physical and sexual assaults and robbery) that were almost the same as the rate for the entire nation (Perreault, 2015). We are awaiting the results of the 2019 GSS—which should be published by 2021—to see whether that trend continues.

While *Exploring Criminal Justice* described the interprovincial differences in the CSI, the following

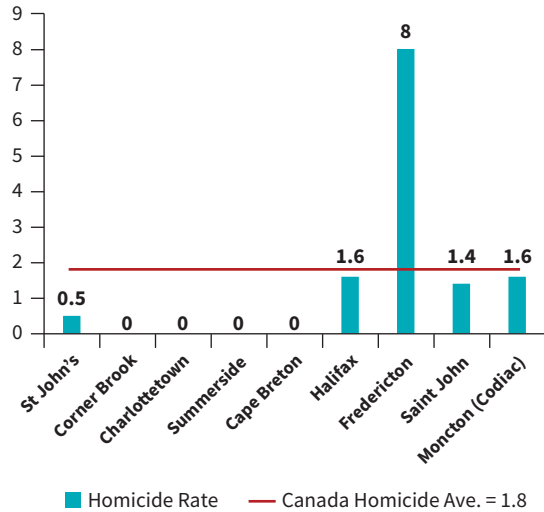
six figures show differences in the rates of homicide and violence in the provinces as well as levels of crime in the largest cities in Atlantic Canada. Figure 1 shows the homicide rate per 100,000 residents for 2018 and the New Brunswick rate of 1.7 (all numbers are rounded) is somewhat less than the national average of 1.8 per 100,000 residents.



**FIGURE 1** Provincial Homicide Rates (per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table: 35-10-0177-01

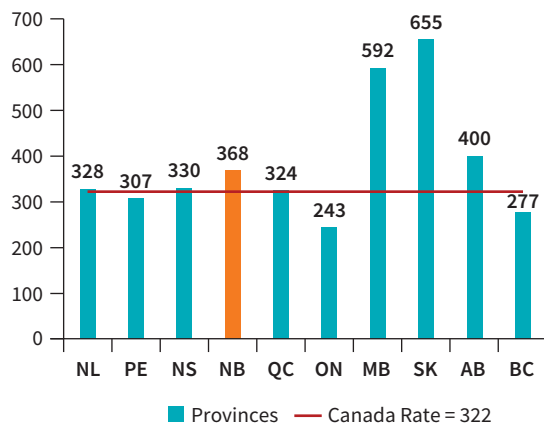
\* The ten provincial summaries follow a common template and although the examples presented in this supplement differ from the other nine, some of the content is very similar or will have identical text.



**FIGURE 2** Homicide Rates, Largest Cities in Atlantic Canada, 2018

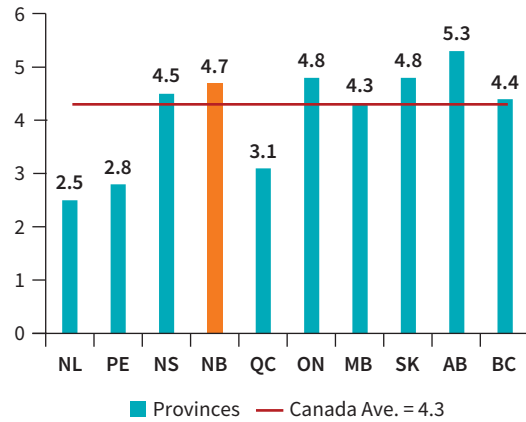
Source: Adapted from Statistics Canada (2020b) Table 35-10-0178-01

Of the largest cities Figure 2 shows there were no homicides in four cities, while the highest rate was in Fredericton. The high rate for Fredericton for 2018, however, reflects one incident where one person murdered two police officers and two civilians. This example shows that we have to be fairly careful in interpreting crime statistics for just one year, especially in less populated places where adding even one homicide offence might make places with a low population appear very dangerous.



**FIGURE 3** Victims of Police-Reported Intimate Partner Violence, 2018

Source: Adapted from Burczycka (2019)



**FIGURE 4** Total Violent Victimization, Women Survey Respondents, 2018

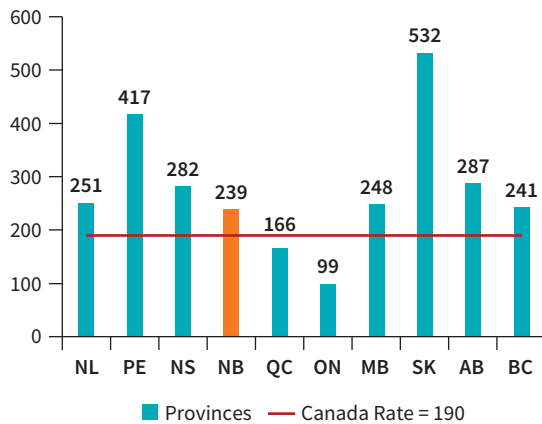
Source: Adapted from Cotter and Savage (2019)

The National Inquiry into Missing and Murdered Indigenous Women and Girls initiated in 2016 has brought renewed attention to the issue of violence towards women. According to the Chief Public Health Officer of Canada (2016) more than 200 men and women are victimized every day and a woman is killed by a family member every four days. With respect to family violence, risks of victimization increase for women, Indigenous women, people with disabilities, and those who identify as lesbian, gay, bisexual, trans, or questioning (Chief Public Health Officer of Canada, 2016, p. 6). Self-report surveys such as the GSS show that most cases of family violence are never reported to the police. Burczycka (2016, p. 3) analyzed the 2014 GSS results and reported that “4 per cent of Canadians in the provinces with a current or former spouse or common-law partner reported having been physically or sexually abused by their spouse during the preceding 5 years.” Figure 3 shows that acts of intimate partner violence (IPV) in New Brunswick, which are assaults committed by current or former spouses or intimate partners, were slightly above the national average in 2018.

Moreau (2019, p. 47) reports the rate of sexual assaults reported to the police in New Brunswick is higher than the national average (75 per 100,000 NB residents compared with 78 offences per 100,000 Canadian residents). As noted in

*Exploring Criminal Justice*, sexual offences are among the least reported crimes. Perreault (2015, p. 3) analyzed the results of the 2014 GSS and estimated as few as 5 per cent of all sexual offences are actually reported to the police (and only a fraction of those cases result in convictions). Figure 4 shows the results of a Canadian Centre for Justice Statistics survey conducted in 2018 that shows the violent victimization of women. Cotter and Savage (2019) found that 4.7 per cent of New Brunswick respondents said they had been physically or sexually victimized in the previous year, which was higher than the national average of 4.3 per cent. Although crime statistics show that New Brunswick has rates of sexual violence close to the national average we do not know the true number of these offences. We are awaiting the results of the 2019 GSS on victimization to show whether there have been any changes in the number of sex offences reported by Canadian victims.

Figure 5 shows the rates of impaired driving offences for the provinces and New Brunswick has rates of impaired driving that are over 20 per cent higher than the national average. A review of this figure shows that impaired driving offences in all four Atlantic Canada provinces are higher than the national average: What factors would explain this pattern? One possible explanation is the higher numbers of rural residents. Compared with urban areas, Perreault (2019, pp. 20-1) found



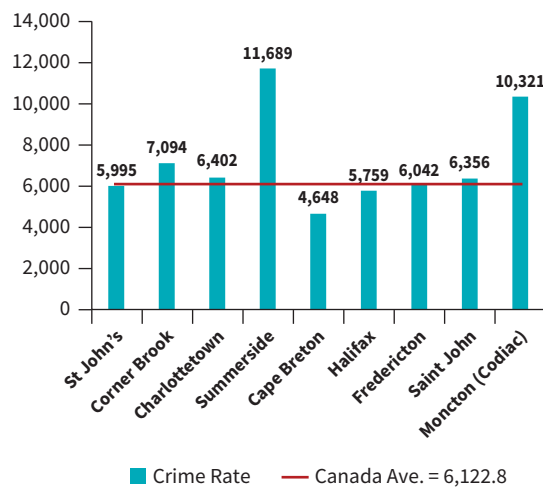
**FIGURE 5** Provincial Impaired Driving Rate (per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table: 35-10-0177-01

that rates of impaired driving in rural Canada are about two and a half times higher, impaired driving causing bodily injury offences are three times greater, and impaired driving causing death is seven times higher. There are a number of possible reasons for those results, including higher rates of vehicle ownership in rural Canada and a lack of public transportation in these places.

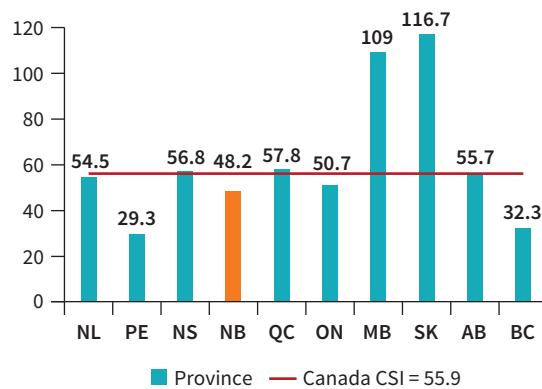
Figure 6 shows the total crime rates for the largest cities in Atlantic Canada for 2018. This figure reveals there are differences in the volume of crimes reported to the police in these places, although all but Cape Breton and Halifax were somewhat higher than the New Brunswick average of 5,904 offences per 100,000 residents. The crime rate per 100,000 residents in Moncton, for instance, is almost three-quarters higher than the New Brunswick average. One question that criminologists like to ask is why crime differs so much between these places. Is it, for example, due to the actual number of crimes, or are Moncton residents more likely to report their victimization to the police than residents of other cities?

Youth also contribute to provincial crime rates and their involvement in crime tends to be similar to adult crime rates. As a result, in places where adult crime is high, youth crimes tend to follow



**FIGURE 6** Total Crime Rate (per 100,000 residents), Largest Cities in Atlantic Canada, 2018

Source: Statistics Canada (2020b). Table 35-10-0178-01



**FIGURE 7** Youth Crime Severity Index by Province, 2018

Source: Adapted from Statistics Canada (2020c) Table 35-10-0026-01

the same pattern. Moreau (2019, p. 65) reports the overall youth CSI for the provinces and Figure 7 presents that information. The overall volume and seriousness (CSI) of youth crime in New Brunswick was less than one-half the youth CSI in Manitoba or Saskatchewan. The good news is that youth crime has been dropping throughout the entire country and this has lowered the number of youth appearing before the courts, and the number of youth placed in custody. These issues are described in the section on New Brunswick's youth justice system.

So far, we have described provincial rates of crime and provided some examples of the differences in crime rates between cities. We tend to think of rural areas as having relatively low rates of crime and violence, but as noted in Chapter 2 of *Exploring Criminal Justice*, some rural places have higher levels of property and violent crime than any city. According to Statistics Canada (2019), about 381,000 New Brunswick residents, or 51 per cent of the population, live in the countryside, which is more than twice the national average (19 per cent of Canada's population live in rural areas). Table 2.2 in *Exploring Criminal Justice* (p. 55) reports the results of research carried out by Perreault (2019) showing that both the total and violent crime rates in New Brunswick cities is higher than in rural areas. These results are inconsistent with the rest of the country, where both violent and overall crime rates in rural areas are higher.

Furthermore, Perreault (2019, p. 33) found that the CSI dropped in all four Atlantic Canada provinces between 2009 and 2017, but the drop in rural crime in New Brunswick was 3 per cent whereas the drop for the rest of rural Canada was 7 per cent. Like other crime statistics, however, those averages will mask the fact that some rural New Brunswick communities have very high levels of crime while others are peaceful.

## Critical Thinking Questions

1. Can you think of some reasons why the youth CSI (the overall volume and seriousness of crime) in Saskatchewan is more than two times higher than the youth CSI in New Brunswick?
2. What factors explain why some cities in Atlantic Canada have higher crime rates than places in neighbouring provinces?
3. What factors might contribute to New Brunswick having higher rates of intimate partner violence and violence toward women than the national average?

## A STORM IS COMING: COVID-19 AND CANADA'S CRIMINAL JUSTICE SYSTEM

Four months into the pandemic—in June 2020—the media isn't reporting significant national-level increases in the volume or seriousness of crime, but the types of crimes being committed are changing due to the number of people who are self-isolating, out-of-work, low on spending money, and suffering from stress and uncertainty. Some criminologists say that it is irresponsible to make predictions about the impact of a one-time crisis on crime as there are few prior examples and too many unknowns. We do predict, however, that the crime-related impacts of the pandemic will differ throughout the nation. Some cities and provinces may be more resistant to the ill-effects of the economic downturn while parts of the country that were already suffering—such as

Alberta or Newfoundland and Labrador—may be doubly disadvantaged.

The number of people turning to alcohol and drugs, committing suicide, and engaging in crime often increases in tough economic times. Police officials are reporting that the number of residential break and enters have decreased while commercial break-ins increased, as have domestic violence incidents and street robberies (Fitzpatrick, 2020; Howell, 2020). Hate crimes directed toward East Asians are also said to have increased since the start of the pandemic. We might not consider how some social and legal changes affect criminal activities. Wells (2020) reports that closing the borders reduced the supply of illicit drugs coming into the country and prices increased; causing some users to turn to more lethal drugs. People involved in the sex trade can no longer sell their services due to the fear of transmitting the virus. Workers in some long-term care facilities in eastern Canada allegedly abandoned their clients and some elderly people died alone in these places. Furthermore, because schools have closed, it may be harder to detect cases of child abuse because teachers can no longer report these crimes. Last, although there are fewer cars on the road people are driving faster and the number of dangerous driving offences has increased in some provinces. We will not have a full accounting of the impact of COVID-19 pandemic until the 2020 police-reported crime statistics are released in the summer of 2021.

All three parts of the justice system are adapting to the pandemic, and the following briefly describes some initial impacts on the police, courts, and corrections:

**Police:** Luscombe and McClelland (2020) found that some Canadian police services have enforced social distance bylaws more aggressively than others, and many people receiving tickets for violating these bylaws are already socially marginalized. It is proving difficult for some police services to strike a balance between ensuring public safety—including the health risks for officers and the people who get stopped, searched, and/or arrested—and resisting the

expansion of police powers. Anecdotal accounts suggest that some police services directed their officers to ignore low-level crimes given the risks of contracting the COVID-19 virus in the interactions between suspects and officers.

**Courts:** Most courts closed because of social distancing and virtual and/or video hearings became more commonly used. Bail hearings were prioritized, although judges were reluctant to detain accused persons in jail given the risks of contracting the virus. There was a growing backlog of cases that need to be heard sometime in the future and some predict that jury trials will not resume until 2021 (Powell, 2020). There is likely to be a backlog of family matters and civil cases that further tie up the courts given the number of lawsuits that will be launched due to broken contracts.

**Corrections:** The virus swept through correctional facilities and inmate deaths were reported throughout the country. In order to reduce the risks of spreading COVID-19, about one-quarter of provincial inmates in Ontario were released from custody; the other nine provinces took a similar approach (and released about a similar proportion of inmates). The federal and provincial prisoners who remain in custody say that tensions in these facilities have increased as the people living behind bars feel powerless to avoid the virus, and family visits—which reduce tensions—have been cut to avoid importing the virus into these facilities. As a result, family members have expressed fear that their loved ones might die behind bars without their support.

We know that the criminal justice system will weather the unpredictable future, but question the long-term impacts of the pandemic. By the time you read this summary, some of the issues we raised will have been resolved, but the long-term impact of the COVID-19 virus on the economy and jobs will shape the types of crimes that are occurring, and the operations of the police, courts, and corrections for years to come. As governments respond to manage a greater demand for services, their operating

budgets maybe cut because of the economic downturns. Prior research has shown that recessions often result in less funding for the police, courts, and corrections at the same time that crime increases and the people involved in the criminal justice system have a greater set of unmet needs.

## THE 2014–18 CRIME INCREASE

One of the key themes in Chapter 2 of *Exploring Criminal Justice in Canada* was that police-reported crime was, in 2018, at the lowest point in decades. Moreau (2019, p. 33) says that national crime rates dropped for 11 years between 2004 and

2014, but from 2014 to 2018 the CSI increased every year. Most of this national-level increase was due to a greater number of cases of sexual assault (level 1), drug offences (and specifically methamphetamine, ecstasy, heroin, and opioids such as fentanyl), shoplifting and fraud. But there are also substantial differences within the provinces. As noted above there was no change in the total CSI in New Brunswick between 2008 and 2018 although in 2017–18 the overall CSI increased by 4 per cent, and the violent CSI increased by 9 per cent (Moreau, 2019, p. 51). Even though the total CSI was stable for NB, there was a 17 per cent decrease during the ten-year period from 2008 to 2018 for the entire country. Table 1 shows that

**TABLE 1** Changing Crime Severity Index (CSI) in Canada, 2017–18

	<b>% Change</b>	<b>Violations Driving the Change in CSI</b>
Canada	+2	Increase in fraud, sexual assault (level 1), shoplifting and theft over \$5,000 (Decrease in B&E and robbery)
Newfoundland and Labrador	+4	Increase in weapons violations and fraud (Decrease in B&E)
Prince Edward Island	+17	Increase in B&E, sexual assault (level 1), and theft of \$5,000 or under.
Nova Scotia	-2	Decrease in homicide, child pornography, and B&E (Increase in sexual assault – level 1, and fraud)
New Brunswick	+4	Fraud (Decrease in B&E)
Quebec	-2	Decrease in B&E
Ontario	+6	Increase in fraud, B&E, homicide and sexual assault (level 1)
Manitoba	+6	Increase in robbery, fraud, shoplifting of \$5,000 and under, and B&E
Saskatchewan	-3	Decrease in administration of justice statistics and sexual violations against children (Increase in fraud and B&E)
Alberta	0	Increase in fraud (Decrease in homicide)
British Columbia	0	Increase in fraud, theft over \$5,000 and sexual assault (level 1) (Decrease in homicide)
Yukon	-7	Decrease in homicide (Increase in assault (level 2) and mischief)
Northwest Territories	+5	Increase in homicide, mischief, administration of justice violations and fraud (Decrease in cocaine related offences and sexual assault (levels 1 and 2))
Nunavut	+6	Increase in mischief, homicide, attempted murder, administration of justice violations and aggravated sexual assault (level 3) (Decrease in B&E).

Source: Adapted from Moreau (2019).

each province and territory experiences some annual change and the specific violations driving the one-year changes in provincial CSI. Most criminologists would agree that we shouldn't read too much into a one-year increase or decrease in the overall crime rate as there are often yearly fluctuations. The four-year increase for the entire nation, however, is surprising and we wonder whether this trend will continue?

## PORT SECURITY: CHALLENGES FOR NEW BRUNSWICK

About 80 per cent of the worldwide trade in goods arrives by ships that dock at 4,000 marine ports. According to the World Port Source (2020) there are 239 ports in Canada, although most shipments pass through the 18 largest ports in cities such as Halifax, Montreal, and Vancouver. The Saint John Port Authority is the busiest port in Atlantic Canada and "handles in excess of 28 million tonnes of cargo annually" and "is a leading Canadian cruise destination for more than a quarter of a century that has hosted more than 1,000 ship calls from 12 cruise lines, carrying more than 2 million guests" (Association of Canadian Port Authorities, 2020); although the impact of COVID-19 on the cruising industry will reduce the number of those ships carrying passengers for the next few years.

Ports have always been hot spots of crime given the movement of goods and people, and the possibility of smuggling, theft, and corruption. The members of ships' crews on shore leave and visitors from cruise ships have also contributed to local crime, although most of their offences tend to be minor and related to alcohol use. Today, however, one of the foremost problems is the involvement of organized crime in marine ports. The Standing Senate Committee on National Security and Defence (2007) observed that "it is no secret that Canada's ports are riddled with organized crime, and nobody seems to be doing much about it" (p. 2) and that "security forces at seaports and airports are under-staffed and ill-prepared to deal with organized crime and

terrorism" (p. 18). Public Safety Canada (2018, p.1) say that organized crime groups have two uses for ports:

- Profit-oriented crimes that generate revenue such as importation of illegal drugs, counterfeit goods (e.g., tobacco and pharmaceutical products, or clothing), illegal immigrants, and cargo theft; and
- Crimes to support their profits, including corruption of industry insiders, security, and law enforcement personnel.

It is very difficult to detect illegal goods being imported into the country because of the millions of shipping containers passing through these ports every year, and this volume "reduces the likelihood of contraband being inspected, detected, and seized" (Public Safety Canada, 2018, p. 1).

A number of law enforcement agencies investigate ordinary crimes, such as theft occurring in the ports, as well as organized crime, fraud, and white-collar offences. The RCMP is responsible for crime prevention in the Halifax, Montreal, Hamilton, and Vancouver ports through its National Port Enforcement Teams. In addition to those formal teams in those four ports, the RCMP also partners with the Canada Border Services Agency, the Coast Guard, the Ontario and Quebec provincial police, and regional and local police services in ports throughout the nation. The St John Port Authority, for example, partners with the police, Transport Canada and the Canada Border Services Agency to ensure security.

Smaller seaports, such as Dalhousie and Belledune in New Brunswick, do not share those higher levels of enforcement, and they often rely on private security such as Commissioners. As a result, these places may be vulnerable to higher levels of crime. Presidia Security Consulting (2011, p. 22) points out that "smaller ports in New Brunswick have also been used for smuggling by the Montreal mafia and the Nova Scotia and Quebec chapters of the Hells Angels." Writing about the Hell's Angels, Doucette (2016) says that "the gang has begun to re-assert itself, cementing its

presence mainly through affiliate or so-called ‘puppet clubs’ in Nova Scotia, New Brunswick and PEI” and he cites a gang expert as saying the move into Atlantic Canada “is the gang’s latest attempt to ensure they control the drug market from coast to coast.” The RCMP (2019a, p. 23) reports that:

The primary organized threat to New Brunswick and Atlantic Canada is from Outlaw Motorcycle Gangs, specifically the Hells Angels Motorcycle Club. It’s positioning in New Brunswick is thought to be strategic on behalf of the Hells Angels Motorcycle Nomads NB chapter, to exert control over the Atlantic corridor and to exploit ports, highways, and borders for criminal enterprise.

Donkin (2017) cites Professor Stephen Schneider, from St Mary’s University in Halifax, as saying that “The Maritimes are attractive to the Hells Angels because its marine ports can form a crucial link in a national drug pipeline”

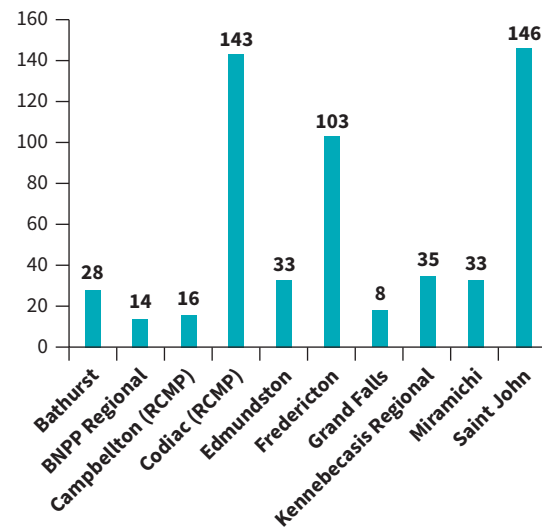
In order to reduce the influence of persons involved with organized crime in the nation’s transportation industries “all 193,000 workers with access to restricted areas at Canada’s sensitive airports and seaports are being quietly run through a police database each and every day—a new system called ‘perpetual vetting’—in a push to extinguish ‘the inside threat’ of criminal infiltration” (Humphreys, 2016). Furthermore, there are additional enhanced background screenings for employees working in restricted zones in ports (Boland, 2020). Despite those efforts, the smuggling of persons and illegal goods into the country will continue given the potential profits. This is due to inadequate funding for security at ports, a lack of police, inadequate screening of containers, and a lack of Canadian intelligence officers at foreign ports (Standing Senate Committee on National Security and Defence, 2007). Altogether, as the goods, money, and people flowing through ports increase, so does the involvement of organized crime.

## NEW BRUNSWICK’S JUSTICE SYSTEM AT A GLANCE

### The Police in New Brunswick

The previous pages described how New Brunswick’s crime rates are quite close to the national average. On 1 July 2018, 1,229 police officers were employed in the province, or 1.6 officers for every 1,000 residents, which is less than the national average of 1.85 officers (Conor, Robson, & Marcellus, 2019). Several municipalities, such as Saint John, Fredericton, and Edmundston, have their own municipal police services while the Beresford, Nigadoo, Petit-Rocher, Pointe-Verte (BNPP) police service is a regional force that serves four northern communities. The remainder of the province, including rural areas, is policed by the RCMP “J” Division. Altogether, the Mounties patrol an area of about 72,000 square kilometres, which is only slightly smaller than the size of Ireland.

With respect to the number of officers employed by different police services, the RCMP deployed the most officers on 1 July 2018, with a total of 806 officers; the remaining 423 officers worked for municipal police services. More than half of those municipal police officers worked



**FIGURE 8** Officers in the Largest New Brunswick Municipal Police Services, 2018

Source: Adapted from Statistics Canada (2020d), Table 35-10-0077-01



in Fredericton or Saint John. Figure 8 shows the number of officers employed in 10 different New Brunswick police services, including several smaller agencies, such as the BNPP—with 14 officers in 2018—or the 16 officer RCMP detachment in Cambellton. There are also a number of civilian employees of these police services, and the RCMP (2019a) employed 377 civilians in 2018.

Smaller police services throughout the nation have been disbanding and these towns or cities often contract with larger police services (such as the RCMP, or regional police services) to provide policing. In November 2012 the mayor of Perth, Ontario—a city with a 15-officer police service—remarked that “I truly think that small-town municipal police forces are an endangered species” (Mills, 2012), and that police service disbanded the following year. Table 4.3 (p. 99) in *Exploring Criminal Justice* shows that the number of police services in NB dropped from 26 in 1988 to 9 in 2012, which was a decrease of almost two-thirds. It is very expensive to maintain a small police service, and the question of who can offer the best services at the lowest cost resurfaces regularly,

especially, it seems, when policing contracts need to be renegotiated.

In addition to providing rural and small-town policing, the RCMP contracts with larger cities such as Moncton to provide municipal policing services (i.e., the Codiac region, which includes the cities of Dieppe, Moncton, and the town of Riverview). The New Brunswick RCMP (2019a, p. 21) also carries out policing in 14 of the 15 Indigenous communities and reports that officers policing Indigenous communities have participated in some distinctive programs, including establishing a moose hunting training camp for youth so they could learn traditional hunting methods. The RCMP (2019a, p. 21) have also introduced a program they call the Moose Hide Campaign, where “Indigenous and non-Indigenous men and boys who are taking a stand against violence towards women and children.”

Table 2 shows the provincial police strength and the 2018 CSI and violent CSI for the provinces and territories. Although the number of police officers for every 1,000 provincial residents is similar across the nation, crime rates and the

**TABLE 2** Police Officers and Crime Severity Index (CSI) in Canada, 2018

	Police Officers per 1,000 Residents (2018)	Total CSI (2018)	Violent CSI (2018)
Newfoundland and Labrador	1.7	65.9	70.2
Prince Edward Island	1.4	53.7	48.1
Nova Scotia	1.9	65.2	78.2
New Brunswick	1.6	71.8	76.1
Quebec	1.9	56.6	71.8
Ontario	1.8	60.0	73.4
Manitoba	1.9	125.8	169.8
Saskatchewan	1.9	139.2	138.1
Alberta	1.7	112.1	97.1
British Columbia	1.9	87.7	73.4
Yukon	3.3	170.3	208.7
Northwest Territories	4.2	324.4	421.6
Nunavut	3.5	319.9	550.5

Sources: Adapted from Conor, Robson, and Marcellus (2019); Moreau (2019).

responses they take to control crime vary. For example, New Brunswick had the second lowest number of officers per capita for the provinces, but the CSI was higher than five other provinces. That suggests that New Brunswick officers may have higher workloads than officers in other provinces. As noted in *Exploring Criminal Justice*, however, there is no clear relationship between crime and the number of police that a community employs: wealthier cities, as well as cities with their own police services, tend to have a greater number of officers per 1,000 residents.

### Police Training in New Brunswick

The pathway for most municipal police officers in New Brunswick starts with graduation from the Atlantic Police Academy at Holland College near Summerside, Prince Edward Island. That facility provides training for all prospective police officers in Atlantic Canada with the exception of the Royal Newfoundland Constabulary, which has their own training program. Their training program starts every January and each year about 75 to 80 cadets start the 34-week program. There is a fairly long list of minimum requirements for taking this program, including being 19 years of age or older and being a Grade 12 graduate, although many cadets have some post-secondary education. In addition, all applicants must pass vision and physical health tests, a criminal records check, and a full background check (including a polygraph or “lie detector” examination), and all candidates must complete physical and psychological testing (Holland College, 2020a). The total costs for the cadet program for the 2019-20 academic year are \$30,034, which includes tuition and uniforms, books, and living expenses (accommodation and meals). According to Holland College (2020b), cadets are required to pass the courses listed in Table 3.

Upon graduation from Holland College the individual is qualified to be a police officer, although graduates must still undergo an application process when they apply to work with a police service. Once hired, officers may be required to attend some additional orientation training, and all newly appointed constables serve a 12 month

**TABLE 3** Police Training: Holland College

Course	Hours of Training
Crisis intervention and de-escalation	15
Criminal law	90
Principles of traffic services	45
Social psychology: Police applied sciences	90
Criminal investigations	90
Police vehicle operations and speed measurement devices	60
Workplace communications	30
Occupational health and safety for police	24
Professional patrol tactics	45
Police control tactics	60
Judgmental scenario training	30
Police firearms proficiency and tactical training	80
Active threat response	24
Police physical abilities development	45
On-the-job training/workplace experience	300
Ethics and professionalism	9
<b>Total</b>	<b>1,037</b>

Source: Adapted from Holland College (2020b).

or longer probationary period. During this time, officers are often paired with a field training officer who provides instruction on how to apply their classroom training “to the streets”.

Once officers have successfully passed their probationary period they will participate in ongoing training, paid by their employers, for the remainder of their careers. Many officers aspire to promotions through the ranks (e.g., to corporal or sergeant) and they may take leadership courses offered by their employer, or attend post-secondary coursework. In addition, while all officers spend their first few years on patrol, many will be employed in special assignments throughout their careers, such as major crime investigation, canine unit, emergency response, or public relations, and they will require specialized training to act in these roles.

**TABLE 4** RCMP Recruit Training

Topic	Hours
Applied police sciences	432
Firearms	104
Police defensive techniques	94
Police driving	67
Operational conditioning	45
Drill and deportment	37
Other	41
<b>Total</b>	<b>820</b>

Source: Adapted from RCMP (2019b).

Most police officers in New Brunswick work for the RCMP and all these officers are trained at the “Depot” in Regina, which was established in 1885. RCMP training lasts for 26 weeks and cadets have little exposure to the community prior to their graduation. Once recruits graduate from the academy, they are required to complete a six-month Field Coaching Program, where they receive on-the-job training from experienced field training officers, who are called field coaches. Table 4 summarizes the specific training areas.

### New Brunswick’s Courts

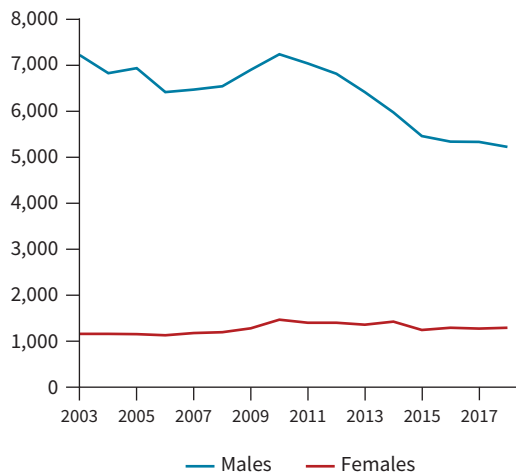
Like the other provinces, there are three levels of courts in New Brunswick, although most people who are arrested make their first appearances in one of 11 New Brunswick’s permanent provincial courts (that are staffed full-time). Provincial court judges hear most matters related to summary and indictable offences for adults and youth. New Brunswick Justice and Public Safety (2020, para. 2) reports provincial court judges “receive information (the documents which contain charges), issue search warrants, summonses, and subpoenas, warrants of arrest, and conduct bail hearings of accused persons who appear before the court in custody.” In addition to hearing cases during weekdays, there is also a remand court where the cases of persons arrested over the weekend and statutory holidays are heard (e.g., decisions to grant bail or remand individuals into custody until their next court date). According to New

Brunswick Courts (2020a) the provincial court employs a Chief Judge, an Associated Chief judge, 22 judges, and 10 supernumerary judges, who are often part-time, semi-retired judges.

“The federal government appoints judges to the Court of Queen’s Bench” and “the Court consists of one Chief Justice and 29 other full time judges” and 9 supernumerary judges (New Brunswick Courts, 2020b), and they sit in eight locations, and the Court has two components. The Trial Division hears serious criminal matters, and all cases of homicide are automatically heard in these courts. In addition to hearing criminal matters, the Queen’s Bench has a Family Division that “deals with all family matters such as marriages, divorces, adoptions, division of marital property, claims for spousal and/or child support, guardianship and custody and access” (New Brunswick Courts, 2020b). With respect to criminal matters, all jury trials (and trials by judge) are conducted in the Court of Queen’s Bench. These courts can also hear appeals related to summary offences, such as theft or impaired driving.

The Court of Appeal is the highest level of court in the province and usually sits in Fredericton (although it sometimes sits in other communities upon direction of the Chief Justice). Most appellate matters are heard by three judges, although in exceptional cases five judges can sit on a case. These appellate courts hear matters related to appeals of criminal convictions and offenders or from the Crown, which can appeal the severity of a sentence.

Figure 9 shows that the number of adult criminal cases heard by New Brunswick courts decreased 22.2 per cent between 2002–3 (8,372 cases) and 2017–18 (6,513 cases); that total does not count youth or traffic court cases. This decrease is similar to what is happening in most provinces, but one interesting finding is that the number of male cases is dropping, the number of females appearing in court is increasing over time. We are looking for reasons for this difference: Is that outcome due to women’s greater involvement in crime today, or does that finding mean that the police are more likely to arrest them today?

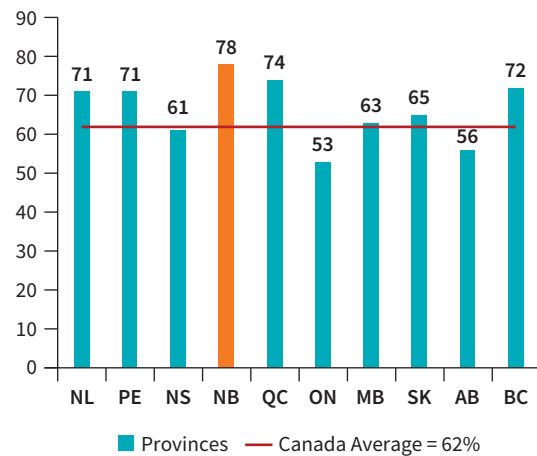


**FIGURE 9** Criminal Cases Heard in New Brunswick Courts, 2002-3 to 2017-18

Source: Adapted from Statistics Canada (2020e), Table 35-10-0027-01

Although not shown in Figure 9, we also found that the case processing time (from the person's first appearance until the case is closed) has been increasing. The median case processing time increased from 72 days in 2002-3 to 116 days in 2017-18, which was slightly less than the national average of 121 days. Those delays may have an impact on the administration of justice in the province given the decision of the Supreme Court of Canada in *R. v. Jordan* mandating that criminal cases be resolved within 18 months (provincial courts) or 30 months (in superior courts such as the Court of Queen's Bench). As a result of this decision, the prosecution of "thousands of criminal cases are at risk of being tossed out of the courts due to delays caused by underfunding and the increasing complexity of criminal cases" (Lupton, 2016). Russell (2019) reports that nearly 800 cases in the entire nation had been thrown out due to delays, and those cases included people accused of murder.

While the number of criminal cases has been decreasing, New Brunswick's prosecutors drop fewer charges than those in any other province except for Quebec. Figure 10 shows that 22 per cent of all charges in New Brunswick were withdrawn or stayed in 2018, which was the lowest in Canada. In Ontario, by contrast, only 53 per cent of cases resulted in a guilty plea. Reevely (2016) believes



**FIGURE 10** Percentage of Criminal Cases with Guilty Verdicts, by Province, 2018

Source: Adapted from Statistics Canada (2020f), Table 35-10-0031-01

that a reason for a high number of withdrawals (such as Ontario, with 47 per cent) is that police might overcharge some suspects (there is an example on p. 233 of *Exploring Criminal Justice* where a street person was charged with nine offences for a single incident) and some of those charges are later withdrawn. One negative outcome of having a large number of charges is that some suspects are kept in jail awaiting court dates and this might contribute to overcrowding. If overcharging is occurring, it shows how decisions in one part of the justice system (the police) can have an impact on the courts and corrections. The court statistics presented in Figure 10 suggest that overcharging is not a serious problem in New Brunswick.

### Court Security

Ensuring the security of the courts is an important but often overlooked aspect of the justice system. In the past, court security was carried out by police officers, but these officers were gradually replaced with sheriffs in most provinces. In New Brunswick, the officials providing court security are sheriffs hired as special constables (who have limited police powers) and they are based in eight regions throughout the province. Sheriffs provide court security for all three levels of courts (Provincial, Queen's Bench, and the Court of Appeal) and are

responsible for transporting prisoners from places of detention to courts and from courts to provincial or federal correctional centres (and ensuring their safety while in court). In 2018 the province started a three-year plan to issue firearms for some sheriffs working in courthouses (Fahmy, 2018). Some sheriffs also serve legal documents such as “summonses, subpoenas, and notices or petitions issued under various legislation for individuals and other Government Departments” (New Brunswick Justice and Public Safety, 2020). Many of the duties related to serving documents are the outcomes of civil court matters. Readers interested in becoming a sheriff might consider taking the 24-week sheriffs and public safety officer course at Holland College in Summerside, Prince Edward Island.

### Provincial Corrections

Five adult correctional facilities are operated by the New Brunswick government, and Table 5 shows their average daily count in 2018. Although these facilities hold persons remanded into custody and offenders sentenced to serve terms of incarceration of less than two years, lengthy sentences are not the norm. A review of persons sentenced to provincial corrections in New Brunswick in 2017–18 shows that the median sentence was 20 days, and that of the 2,464 people sentenced to a term of provincial corrections, 60 per cent had a sentence of

one month or less and only 149 (6 per cent) had sentences longer than six months (see Statistics Canada 2020g). New Brunswick inmates serving a sentence can earn an early release (called an earned remission) if they obey the correctional centre rules and participate in the programs. The Canadian Association of Elizabeth Fry Societies (2010, p. 71) reports that female inmates can reduce their sentences by as much as 15 days for every month they are in custody. In other words, an inmate sentenced to two months might be released after one month if she demonstrates positive behaviour.

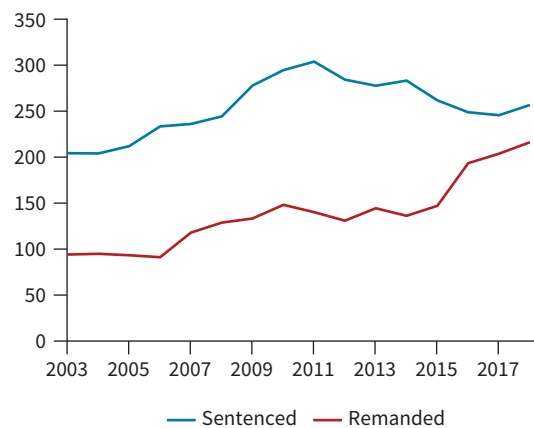
Figure 11 shows the average daily population of adults in New Brunswick provincial correctional facilities from 2002–3 to 2017–18. During that time the number of remanded and sentenced inmates increased from 298 to 472 (58 per cent). While the number of sentenced inmates remained fairly stable, the number of remanded inmates almost doubled over this time. According to Malakieh (2019, p. 17), the incarceration rate is 76 inmates for every 100,000 New Brunswick residents, which is lower than the national average of 83 inmates per 100,000 residents: Manitoba leads the provinces with 231 inmates for every 100,000 residents.

Incarcerating people is a costly undertaking and Malakieh (2019) reports that the average daily cost to house an inmate in New Brunswick was \$199, which was somewhat less than the national

**TABLE 5** New Brunswick Provincial Correctional Centres

Facility	Average Daily Count
Saint John Regional Correctional Centre (Saint John)	142
Southeast Regional Correctional Centre (Shediac)	156
Dalhousie Regional Correctional Centre (Dalhousie)	73
Madawaska Regional Correctional Centre (Saint-Hilaire)	57
New Brunswick Women’s Correctional Centre (Miramichi)	49

Source: Adapted from New Brunswick Justice and Public Safety (2019).



**FIGURE 11** Average Daily Population of New Brunswick Correctional Centres, Remand and Sentenced Inmates, 2002–3 to 2017–18

Source: Adapted from Statistics Canada (2020h) Table 35-10-0154-01

**TABLE 6** Incarceration Costs, New Brunswick, and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in New Brunswick	\$199	\$72,635
Cost to House an Inmate in a Provincial Facility (Average: All Provinces)	\$233	\$85,045
Cost to House an Inmate in a Correctional Service of Canada Prison	\$330	\$120,450

Source: Adapted from Malakieh (2019).

average of \$233. These costs, however, are much less than housing a federal inmate—which cost \$330 per day in 2017–18 (Malakieh, 2019, p. 22). Phrased another way, it costs \$72,635 for one year in a New Brunswick facility whereas it costs \$120,450 to house an individual in a federal prison. While the public generally believes that incarceration is a good investment in public safety, it costs more to house a person in a federal prison than sending them to Harvard (tuition, room, and board costs \$101,866 CDN in the 2020-1 academic year: see Harvard University, 2020).

### Federal Corrections

Federal prisoners are serving terms of imprisonment of two years and longer and about one-quarter are “lifers” who will be under correctional supervision for the rest of their lives. There are five federal facilities in the Atlantic region. All but one of the facilities—the Nova Institution for Women in New Brunswick—have all-male populations housed in minimum, medium, or maximum security settings.

Table 7 shows the rated capacity of these institutions in 2017 and their security levels. Three of these prisons are multi-level facilities, meaning that there is more than one security level, and there are several institutions on the Dorchester Penitentiary grounds that offer minimum security (Westmorland Institution) and the site is also home to a Regional Treatment Centre. The Atlantic Institution in Renous, New Brunswick, is a maximum security facility and males convicted of homicide will automatically spend his first two years in custody in that facility.

The Correctional Service of Canada (CSC) also operates three community correctional centres (CCCs) in Atlantic Canada, and these are low security community-based facilities that house ex-prisoners released on either day parole or conditional releases. Most CCC residents are working or are attending school and/or rehabilitative programs in the community during the day and return in the evenings. These facilities are located in Saint John (Parrrtown CCC), Halifax (Carlton CCC), and St John’s (Newfoundland and Labrador CCC). The CSC also contracts with non-governmental agencies, such as the St Leonard Society, to provide low security housing for offenders who have been conditionally released or paroled to one of the community-based residential facilities shown in Table 8. Like the CCCs, most people in these facilities are working, attending school, or participating in rehabilitative programs.

### Youth Corrections

Youth aged 12 to 18 years who have been remanded or sentenced to custody are placed in youth facilities operated by provincial governments. These facilities are either secure (which are often larger

**TABLE 7** Federal Penitentiaries in the Atlantic Region

Facility	Bed Capacity	Security Level
Atlantic Institution (Renous, NB)	331	Maximum
Dorchester Penitentiary (Dorchester, NB)	699	Multi-level
Nova Institution for Women (Truro, NS)	99	Multi-level
Shepody Healing Centre (Dorchester, NB)	53	Multi-level
Springhill Institution (Springhill, NS)	636	Medium

Source: Adapted from Correctional Service of Canada (2017).

**TABLE 8** Community-Based Residential Facilities, Atlantic Canada

New Brunswick	Fredericton	<ul style="list-style-type: none"> <li>Island View House</li> </ul>	
	Moncton	<ul style="list-style-type: none"> <li>Cannell House (Atlantic Human Services Inc.)</li> <li>Greenfield House (Salvation Army)</li> </ul>	
	Saint John	<ul style="list-style-type: none"> <li>Hart House (John Howard Society)</li> <li>Coverdale Housing for Women</li> </ul>	
Newfoundland and Labrador	St John's	<ul style="list-style-type: none"> <li>Emmanuel House</li> <li>Howard House (John Howard Society)</li> <li>Carew Lodge</li> </ul>	
	Stephenville	<ul style="list-style-type: none"> <li>West Bridge House (John Howard Society)</li> </ul>	
	Happy Valley-Goose Bay	<ul style="list-style-type: none"> <li>Labrador Friendship Centre</li> </ul>	
Nova Scotia	Dartmouth	<ul style="list-style-type: none"> <li>Railton House (Salvation Army)</li> </ul>	
	Halifax	<ul style="list-style-type: none"> <li>Sir Sanford Fleming House (St Leonard's Society)</li> <li>Marguerite Centre</li> <li>Nehiley House (St Leonard's Society)</li> </ul>	
	Sydney	<ul style="list-style-type: none"> <li>Howard House Association of Cape Breton</li> <li>Elizabeth Fry CRF</li> <li>Elizabeth Fry Satellite Apartment</li> </ul>	
	Truro	<ul style="list-style-type: none"> <li>Lavers House—Dismas Society</li> </ul>	
Prince Edward Island	Charlottetown	<ul style="list-style-type: none"> <li>Lacey House</li> <li>Provincial Addiction Treatment Facility—Queens Region (detox)</li> <li>Outpatient Withdrawal Management—Queens Region (rehab)</li> <li>Talbot House</li> <li>St Eleanor's House</li> </ul>	

Source: Adapted from Correctional Service of Canada (2020).

high-security facilities) or open custody, which are usually smaller community-based low-security operations. The programs offered to the residents will differ in that open custody youth are held in less restrictive conditions and they have more access to

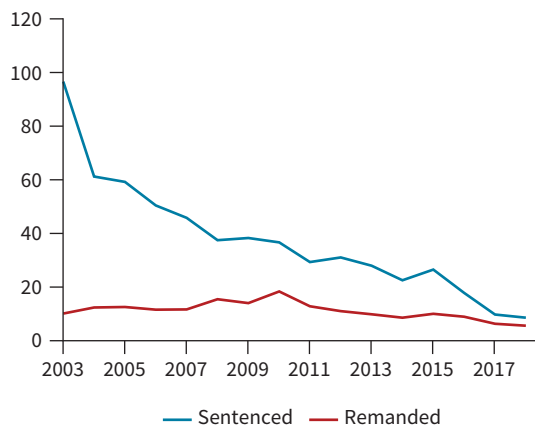
community activities, such as attending a community school or working. Youth sentenced to secure custody, by contrast, have generally pleaded guilty to more serious offences, or they have histories of escapes from custody that make them less suited

for a community-based program. As a result, most of the rehabilitative and educational programs for these youth will occur within the facility.

In New Brunswick there are two open custody options: placement in an addictions facility (designated as open custody) or in a unit attached to the New Brunswick Youth Centre, which is a secure custody institution. The Office of the Child and Youth Advocate of New Brunswick advocates on behalf of youth, and one of their priorities is to reduce the use of youth incarceration. The Office of the Child and Youth Advocate (2019, p. 36) notes that:

Policy and practice initiatives have helped to take New Brunswick from among the poorest performing provinces in pre-trial detention, open custody and secure custody, to among the best. Some young people will still commit crimes that lead them to be incarcerated, however. When this occurs, these young persons must still be afforded human rights protections.

Figure 12 shows that the average number of youth held in New Brunswick custody facilities decreased significantly between 2002–3 and 2017–18: from a daily average of 107 to 14 residents (an 87 per cent decrease). This decrease in the number of incarcerated youth is consistent with the other nine provinces. Webster, Sprott and Doob (2019)



**FIGURE 12** Average Daily Population of Youth in Custody, New Brunswick, 2002–3 to 2017–18

Source: Adapted from Statistics Canada (2020), Table 35-10-0003-01

say that the drop in youth correctional populations was the result of:

- restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s
- political willingness to reject high youth imprisonment policies
- the introduction of the *Youth Criminal Justice Act* in 2003, which made it law to reduce the use of custody

Altogether, after the introduction of the *Youth Criminal Justice Act*, the provinces took steps to hold youth accountable in the least restrictive environment and youth were supervised in the community rather than incarcerating them.

Table 9 shows the community services delivered to New Brunswick youth in 2018–19. All of the services reported below are included in the online chapter on youth justice, but are briefly described here. First, Table 9 shows that 286 youth were formally diverted from the formal youth justice system such as appearing in court. These youth are generally non-violent first-time offenders and extrajudicial measures might involve verbal or written warnings or require the youth's participation in a program intended to reduce future risks (e.g., addictions treatment). For youth appearing in court, most judges require that a pre-sentence report be written by a community youth worker (who has a job similar to a probation officer for adults) that describes the youth's strengths and weaknesses and the potential for rehabilitation given his/her involvement in crime. In 2018–19, 261 of these reports were prepared. Based on the recommendations of the community youth worker, the judge will sentence the youth, and most those sentences are community-based and the most common sentence is probation. As the table shows, a smaller number of youth who may require a greater degree of supervision or have specific unmet needs (e.g., addictions) are placed in intensive support programs or in treatment programs. Without these options, more of them would be placed in custody, which is both



**TABLE 9** Youth Community Services, 2018–19

Youth Community Services	Services
Pre-sentence reports ordered	261
Extrajudicial sanctions program	286
Placed on probation	150
Community service work program	31
Intensive support program	8
Deferred custody program	23
Portage substance abuse treatment program	23

Source: Adapted from New Brunswick Justice and Public Safety (2019).

expensive and may contribute to their future incarceration. As noted above, there is an emphasis on using the least restrictive approach with youth.

## REPORT CARD ON NEW BRUNSWICK'S CRIMINAL JUSTICE SYSTEM

Perrin and Audas (2018) developed a report that graded provinces and territories on their performance on public safety, support for victims, cost and resources, fairness and access to justice, and efficiency, and these marks for the entire nation are shown in Figure 13. Six provinces, including New Brunswick, earned a B, British Columbia and Saskatchewan earned a C+, and Manitoba earned a C grade. With respect to the territories, while Nunavut has a grade of C+, the Northwest Territories and Yukon were given a C grade. The report card for New Brunswick is shown in Table 10, and Perrin and Audas (2018, p. 19) gave New Brunswick high marks for having low rates of property crime and the high number of violent crimes that are cleared (solved), low rates of breach of probation offences, and high levels of public support for the police and the justice system. Those researchers were critical, however, that New Brunswick had very high rates of failure to appear in court, a lack of restitution made to crime victims, a high involvement of Indigenous peoples in the justice system and inadequate funding for legal aid.

**FIGURE 13** Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).

## WRONGFUL CONVICTIONS: ERIN WALSH'S 33-YEAR FIGHT TO CLEAR HIS NAME

When somebody is jailed, convicted, or punished for an offence he or she didn't commit, it shakes the public's faith in the entire justice system. Wrongful convictions date back to the start of justice systems, and since 1993, 23 Canadians were found to have been wrongfully convicted through the efforts of Innocence Canada (2020). Other individuals have been released from prison, or had their convictions overturned, before Innocence Canada was formed, or they relied on other lawyers for help. In order to reduce the possibility of wrongful convictions, the University of New Brunswick Faculty Of Law has offered a seminar on wrongful convictions since 2007. Despite taking that step four prisoners from New Brunswick have asked Innocence Canada for help (Innocence Canada, 2020).

While Canadians are familiar with the names of wrongfully convicted persons such as Donald Marshall from Nova Scotia (profiled on p. 2 of *Exploring Criminal Justice*), individuals from New Brunswick who have been wrongfully convicted are less well known, but one prominent case is

**TABLE 10** Report Card on New Brunswick's Justice Systems

Objective of Justice System	Indicators	NB Overall Grade
Public Safety	<ul style="list-style-type: none"> <li>The fundamental purpose of the justice system is to protect society by holding offenders accountable, but also by providing supports to rehabilitate offenders.</li> <li>Measured by: (a) crime and clearance rates; and (b) public perceptions about police enforcing the law, ensuring safety, and satisfaction with safety.</li> </ul>	B+
Support for Victims	<ul style="list-style-type: none"> <li>Victims have rights related to information, protection, participation, and restitution.</li> <li>Measured by: (a) proportion of offenders given restitution orders; (b) referrals to victim's services; and (c) public perceptions about police supplying information and being approachable.</li> </ul>	C+
Cost and Resources	<ul style="list-style-type: none"> <li>The justice system should be run in a cost-effective manner while meeting its core objectives.</li> <li>Measured by: (a) per capita cost of public safety; (b) per capita cost of corrections, (c) average daily inmate cost; and (d) number of police <i>per capita</i>.</li> </ul>	B+
Fairness and Access to Justice	<ul style="list-style-type: none"> <li>The justice system must guarantee the constitutional rights of accused persons and provide them with fair and impartial trials, as guaranteed by the <i>Charter</i>.</li> <li>Measured by: (a) legal aid expenditures per crime; (b) percentage of trials with a guilty outcome; (c) proportion of Aboriginal persons in custody versus their prevalence in the population; and (d) public perceptions about the police being fair.</li> </ul>	B
Efficiency	<ul style="list-style-type: none"> <li>A well-functioning criminal justice system should ensure prompt and thorough investigations and timely prosecutions and trials.</li> <li>Measured by: (a) Criminal Code incidents per police officer; (b) accused on remand per 1,000 crimes; (c) average criminal case processing time; (d) percentage of cases stayed or withdrawn; and (e) public perceptions about the police responding promptly.</li> </ul>	B

Source: Adapted from Perrin and Audas (2018, p. 9).

Erin Walsh, a man who waged a 33-year fight to clear his name. Walsh was an Ontario drug dealer who came to Saint John with a friend to sell methamphetamine in August 1975. These individuals later met up with two local men to discuss selling drugs. Another local man joined them the next day and together the five went to Tin Cup Beach. Harland-Logan (2016) describes how the three New Brunswick men tried to rob the Ontario drug dealers at gunpoint, and at one point in the incident Walsh escaped, climbed an embankment,

and asked some men working on the railroad tracks to call the police. Walsh later rejoined the group believing the threat was over, but the man with the shotgun pointed the gun at Walsh's head and told him he was about to be killed. There was a struggle for the gun and in the process Melvin "CheChe" Peters (the man who had pointed the firearm at Walsh) was shot in the chest and later died in hospital. All four men at the scene were immediately arrested and Walsh was charged with murder later that day.

On 17 October 1975, three months after the offence, Walsh was convicted of second-degree murder by a jury and he served 10 years in prison before being paroled. Walsh always maintained his innocence and he appealed his conviction, but the New Brunswick Court of Appeal upheld his conviction. The CBC (2010) reports that Walsh obtained new evidence in 2005 that cast doubt on his conviction (the two friends of Peters had been recorded by police suggesting that Walsh did not shoot Peters). The Crown prosecutor, however, did not give that information to Walsh's defence lawyers.

The federal government reviewed Walsh's case in 2006 and the federal Minister of Justice referred the case back to the New Brunswick Court of Appeal, which overturned his 1975 conviction based on the new evidence. Roach (2012, p. 1492) points out that "after hearing new evidence from a variety of witnesses and examining archival material that should have been disclosed [the Court] entered an acquittal. It stressed that the prosecutor had agreed that the fresh evidence should be admitted, that there was a miscarriage of justice, and that a new trial was not feasible." The importance of the police and prosecutor in making full disclosure of all evidence to the defence attorney was later guaranteed by the Supreme Court of Canada in the 1991 *R. v. Stincombe* decision (see p. 153 in *Exploring Criminal Justice*). The CBC (2010) reports Walsh sought \$50 million in compensation from the provincial government, the Saint John police, and the Crown prosecutor. Walsh received an undisclosed amount of compensation in October 2009 for this miscarriage of justice but he died less than a year later from cancer at 62 years of age.

The Government of Canada (2018) produced a review of the causes of wrongful convictions, and they provided some remedies. Steps that New Brunswick officials took to reduce wrongful convictions included reviewing the case in the early stages of an investigation to ensure that tunnel vision—which is an exclusive focus on the guilt of one individual and excluding all others—does not occur (Government of Canada, 2018, p. 23). Other steps the province have taken to reduce wrongful convictions

include changing policies, warning prosecutors to remain objective when reviewing cases, being critical of some types of forensic evidence, and taking care in accepting guilty pleas (Government of Canada, 2018). Altogether, it is in everybody's interest to eliminate wrongful convictions.

## Critical Thinking Questions

1. Campbell and Denov (2016) estimate that about half of one per cent of convictions in Canada are wrongful, or about 25 people in 2017–18 in New Brunswick (5,079 guilty verdicts  $\times$  .005). What are some outcomes of those miscarriages of justice? Is that number troubling to you?
2. How can we hold accountable the persons who make miscarriages of justice, such as the police and prosecutors involved in a case?
3. What leads the police, prosecution, judges, and juries to find an innocent person guilty? Do factors such as age, gender, race, and social class influence the decisions these stakeholders make?

## ASHLEY SMITH: WHY DID THE SYSTEM FAIL THIS YOUNG WOMAN?

In 2007, Ashley Smith committed suicide in a Correctional Service of Canada prison at age 19, while correctional officers watched because they had been ordered not to intervene. Ashley, who was originally from Moncton, had a troubled life. At 10 years of age she began displaying disruptive behaviour at school and her conduct was getting worse as she became more disruptive, disrespectful, and defiant. According to a report written by the New Brunswick Ombudsman & Child and Youth Advocate (2008, p. 8) (hereafter Ombudsman), Ashley first entered the youth justice system at age 13 "charged with assault and disturbance in a public place." By age 15

she had made 14 appearances in New Brunswick youth courts, and eventually she was placed in the New Brunswick Youth Centre in Saint John. For the next three years she had a number of admissions and discharges to youth custody and while incarcerated she was disruptive and engaged in self-harming behaviours. The Ombudsman (2008, p. 19) reports she had “upward of eight hundred documented incidents that took place at the NBYC over a three year span.” Many of the incidents resulted in her placement in segregation (a high-security locked cell).

The Ombudsman (2008, p. 21) reports Ashley was involved in “over one-hundred and fifty self-harm related incidents in a span of three years.” Because she had been involved in so many incidents she was placed in the Restigouche Hospital Centre for a court-ordered assessment that lasted 36 days and was then returned to the youth facility. By this point Ashley was 17 years of age, and an application was made to transfer her to a provincial correctional centre upon her eighteenth birthday. After court hearings that took place over several days, this application was approved by a judge and she was transferred to the Saint John Regional Correctional Centre (SJRCC).

Ashley Smith was admitted to the SJRCC on 5 October 2006 and within a month she had accumulated 34 incident reports, including several incidents resulting in criminal charges. Similar to her time in youth custody she had spent most of her time in segregation (Ombudsman, 2008, p. 27). On 24 October 2006 she appeared in adult court and was sentenced on the charges stemming from the incidents at the SJRCC, and since this time was added to her existing sentence, her total sentence now exceeded two years, which made it possible to place her in a federal prison. On 31 October 2006 Ashley Smith, who was only 18 years of age, was admitted to the Nova Institution in Truro. Within a year she would be dead.

According to Howard Sapers (2008, p. 5), the former Correctional Investigator of Canada, in the next 11 and a half months Ashley Smith was “involved in more than 150 security incidents, many of which revolved around her self-harming behaviours. These behaviours consisted of self-strangulation using ligatures and some incidents of head-banging and superficial

cutting of her arms.” Sapers (2008, p. 5) observes that “in the space of less than one year, Ms Smith was moved 17 times amongst and between three federal penitentiaries, two treatment facilities, two external hospitals, and one provincial correctional facility.” In less than a year she lived in federal prison facilities in Nova Scotia, Ontario, Quebec, and Saskatchewan.

On 19 October 2007 Ashley Smith committed suicide at the Grand Valley Institution in Kitchener, Ontario. The case drew national attention as policy-makers and the public questioned why a young person’s life could end so tragically, given the resources of the provincial youth, social, and health systems, as well as both the provincial and federal corrections departments. Like other high-profile cases, there were a number of inquiries, reports were written, and two inquests were held (in 2011 and 2012), and after hearing testimony for 11 months, a coroner’s jury ruled that Smith’s death was a homicide due to the staff’s failure to act (CBC, 2013). The family launched an \$11 million lawsuit, and they reached a settlement with government in 2011.

Investigations by the New Brunswick Ombudsman (2008) and Correctional Investigator (Sapers, 2008) provide us with a list of reasons as to why these systems failed Ashley Smith. The Ombudsman (2008, pp. 4–6) identified the following shortcomings, which are summarized as (a) a lack of mental health services, (b) the overuse of segregation, (c) the need to enhance legal advocacy and representation for youth, (d) a need to place more scrutiny on transfers of youth to the adult system, and if transferred (e) the need to ensure that inmates under 19 years of age are held apart from older inmates and to restrict the use of force on these youth (including prohibiting the use of Tasers on youth).

The Correctional Investigator also made a number of recommendations to improve the care for young persons in federal prisons. Sapers (2008, pp. 19–24) identified the following system failures: (a) inadequate mental health resources and (b) the lack of external reviews of placing prisoners in segregation, and called for (c) strengthening the inmate grievance system, (d) changing the structure within the Correctional Service to improve the treatment of women prisoners, and (e) ensuring

that recommendations of investigators, coroners, and medical examiners are implemented.

It is clear that Ashley Smith had a troubled life and she did not receive the help she needed. She is not the only case. Another example of a person who “fell through the cracks” of the correctional and mental health systems is Edward Snowshoe, an Indigenous man from the Northwest Territories who killed himself in a federal prison in Alberta in 2010 (see p. 258 in *Exploring Criminal Justice*). While it is too late to make any changes for Ashley Smith or Edward Snowshoe, we can learn from these tragedies and use these examples to improve the justice system. For more information, a *Fifth Estate* documentary on Ashley Smith’s life can be accessed online at <http://www.cbc.ca/fifth/episodes/2009-2010/out-of-control>

### Critical Thinking Questions

1. If you were working in a youth facility, how would you form a relationship with a resident who had been involved in 800 incidents and 150 acts of self-harm?
2. How do we hold the persons who failed Ashley Smith accountable for her death?
3. What can we learn about the long-term use of solitary confinement using the Smith and Snowshoe cases as examples?

### SUMMARY

The amount and seriousness of crime varies across the country and this summary shows that New Brunswick has rates of property and violent crime that are somewhat lower than the average for the nation. Those provincial averages, however, mask the fact that some places in the province have higher rates of crime and some people are at a greater risk of being victimized. Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will be somewhat different as well. As a result, the personnel working in New Brunswick’s adult and youth justice systems may respond to antisocial behaviour and crime in a slightly different manner from what occurs in neighbouring provinces or territories.

A report card on the operations of the New Brunswick justice system published by Perrin and Audas (2018) suggests that the province does a fairly good job in responding to crime. While the justice system will never eliminate crime, we can attempt to prevent crimes, protect those most at risk of victimization, as well as better respond to the unmet needs of people who have committed crimes. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada such an interesting undertaking.

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