



February 11, 2020

Mr. Jagmeet Singh, MP
Leader, New Democratic Party of Canada
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Mr. Randall Garrison, MP
Justice Critic, NDP
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Mr. Alistair MacGregor, MP
Deputy Justice Critic, NDP
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Dear Mr. Singh, Mr. Garrison and Mr. MacGregor:

We write on behalf of the Criminal Lawyers' Association – Ontario (CLA), l'Association québécoise des avocats et avocates de la défense (l'AQAAD), and l'Association des avocats de la défense de Montréal (l'AADM).

A minority government can present opportunities for advancement with the involvement of parties holding the balance of power. As a party which has historically sought to improve the criminal justice system to ensure its fairness and proper functioning, the NDP is well-situated to take the lead on criminal justice policy issues and force the Liberal government to act. We have therefore joined forces to enjoin you to ally yourselves with the measures set out below that we have asked the Honourable Minister Lametti to implement and that are necessary to achieve the goal of a just and efficient criminal justice system.

We have reviewed the mandate letter that the Prime Minister sent to Minister Lametti, and are deeply concerned that the government appears to be backing away from the goal of transformational justice reform that was promised in 2015. At his invitation, the CLA therefore communicated to Minister Lametti several omissions that we saw in the mandate of the current



government on justice issues. Because the NDP shares our common concern for improving criminal justice policy and has historically supported several measures that we raised in our letter to Minister Lametti, we write to urge you to support the following measures and exercise pressure on the Minister of Justice and Justin Trudeau's government so that these are implemented:

First, we feel it is essential that the federal government reestablish the Law Reform Commission, which for 35 years, before its elimination by the Harper government, provided non-partisan advice to the Canadian government on necessary legal reforms. Transformational justice reform can often extend past the mandate of any one government and can often become subject to unnecessary partisanship. An arm's length, non-partisan organization will provide evidence-based guidance for some the long-term reforms the justice system desperately needs.

Second, we urge you to take action on sentencing reform, including abolishing all minimum sentences and increasing the availability of conditional sentences. Conditional sentences are a cost-effective way of restricting offenders' liberty where they do not pose an actual danger to society at large. The past Conservative government's restrictions on conditional sentences has had the effect of incarcerating offenders that should not be in jail and giving probation to offenders where a conditional sentence would be a more appropriate and stricter sentence.

As you know, Indigenous People are disproportionality represented both in Canada's courts and prisons. People struggling with mental health issues, addictions and poverty are often criminalized and incarcerated because of their marginalization. Canada's sentencing laws are too often a one-size-fits-all solution that offers little benefit to offenders or communities. We implore you to reverse harsh and counterproductive mandatory minimum sentencing enacted by previous governments.

The NDP has previously taken position against mandatory minimums and restrictions on the availability of conditional sentences, and denounced the inaction of Justin Trudeau's government on this front. We encourage you to move forward on this and put pressure on the Liberal government to follow through on the promises it has previously made in respect of mandatory minimums that it has since failed to act on. We also encourage the NDP to support the bill recently presented by Senator Kim Pate that affords judges discretion as to whether to impose a minimum sentence.

Third, we encourage you to push the federal government to take leadership on Legal Aid. Like elsewhere in Canada, Ontario and Québec are facing a real crisis in respect of legal assistance programs. This has a direct impact on the issue of delay in criminal matters. Resources are lacking to assist the most impoverished. In our view, a well-funded legal aid system is an indispensable ingredient to not only a fair but also an efficient justice system. An underfunded



Legal Aid system causes more self-represented litigants, taxes the courts' resources, and increases the risk of wrongful convictions.

Across Canada, access to justice is being threatened by the gradual weakening of Legal Aid programs. Increased federal funding for provincial legal aid systems is needed. There is inconsistent federal contribution to legal aid funding between the provinces. Accused persons are increasingly deprived of adequate legal representation. The situation is worsening and threatens to harm the most vulnerable sectors of the population. We are here to tell you that after decades of federal downloading of justice costs and provincial attacks on legal aid, the situation is dire in both Ontario and Québec.

In its study, "[Access to Justice – Part 2: Legal Aid](#)" tabled in the House of Commons on October 30, 2017, the Standing Committee on Justice and Human Rights recommended that the federal government increase its contribution to provincial and territorial legal aid. We urge you to act on the principles that the NDP has always deemed important and ask that the federal government increase its support of legal aid.

The time for ambitious action on criminal justice reform is now. With the support of the NDP, there will be no better opportunity. Every day without necessary action is a wasted day where fairness suffers, costs balloon, and vulnerable populations suffer.

We would be pleased to meet with you to discuss these and other priorities, and what the criminal lawyers' associations can do to assist you in this work.

Yours truly,

John Struthers
President, Criminal Lawyers' Association

Me Michel Lebrun
Président et représentant (Mauricie), Association québécoise des avocats et des avocates de la défense

Me Lida Sara Nouraie
Présidente, Association des avocats de la défense de Montréal, Laval, Longueuil