

# Exploring Criminal Justice in Newfoundland and Labrador\*

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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 Newfoundland and Labrador, including issues related to urban and rural crime, as well as the crime-related challenges that are distinctive to the province. In addition, there are examples of miscarriages of justice and issues related to the changes in crime between 2014 and 2018, and the potential impacts of the COVID-19 pandemic on the criminal justice system. Altogether, these cases, events, and information specific to Newfoundland and Labrador enable readers to better understand the provincial context that can't be covered in a textbook that focuses on the entire nation.

## THE DISTINCTIVE CASE OF NEWFOUNDLAND AND LABRADOR

Newfoundland and Labrador is geographically distinctive in that it encompasses 405,720 square kilometres including the island of Newfoundland. The population, though largely concentrated in St John's, Mount Pearl, and Corner Brook, is spread across the rest of the province. The thinly dispersed population can pose challenges to police and social service agencies that struggle to meet the needs of remote and isolated communities. Indeed, many communities in Labrador are accessible only by air and by coastal boat services operated by the provincial government that are only available between June and November. Additionally, these communities may be further isolated due to the lack of cellular towers and Internet accessibility. Labrador is home to Nunatsiavut, which is the first Inuit region in the provinces of Canada to achieve self-governance. As the result of the Labrador

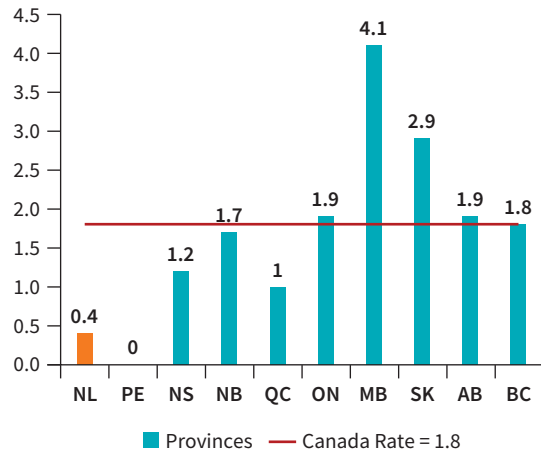
Inuit Land Claims Agreement, passed in 2005, the Nunatsiavut Government is a regional government and has authority over central policy areas including health, culture, education, and justice. Communities included in the self-governed region include Nain, Hopedale, Postville, Makkovik, and Rigolet (covering the most northern areas of Labrador). Although Nunatsiavut is self-governed and the rule of law is set out in the Nunatsiavut Constitution, the region is policed by the Royal Canadian Mounted Police (RCMP). Finally, despite a lack of a finalized Land Claims Agreement, The Innu Nation is responsible for the representation of the Labrador Innu who reside mostly in Natuashish and Sheshatshiu. The Innu Nation is currently undergoing a Land Claims and self-governance negotiation with the government of Canada, however the RCMP is exclusively responsible for policing. For these reasons, as well as others related to political and historical arrangements, Newfoundland and Labrador has a distinctive context for exploring criminal justice.

\*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.

## NEWFOUNDLAND AND LABRADOR: CRIME AT A GLANCE

Of the 10 provinces, Newfoundland and Labrador (NL) usually falls below the national average in terms of the Crime Severity Index (CSI, which is an indicator of the volume and seriousness of crime). In 2018 the CSI for NL was 65.9, which was somewhat less than the national average (75) and about one-half as high as the Saskatchewan CSI (139.2) (Moreau, 2019). Like the rest of Canada, the rate of violent and property crime offences per 100,000 residents reported to the police in Newfoundland and Labrador is lower today than rates in the 1970s. Information from the General Social Survey (GSS) shows that NL residents reported levels of violent victimization (including physical and sexual assaults and robbery) that were lower than the national rate (55 acts per 1,000 population for NL and 76 for the entire nation) (Perreault, 2015). We are awaiting the results of the 2019 GSS on victimization to see if this positive finding has continued and those results should be published by the Canadian Centre for Justice Statistics by 2021.

While *Exploring Criminal Justice* described the interprovincial differences in the CSI, the following figures show differences in the rates of homicide 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 rate of 0.40 was the second lowest in the nation and about one-quarter of the national average of 1.8 per 100,000 residents. Of the largest cities in Atlantic Canada, Figure 2 shows that there were no homicides at all in Corner Brook and four other cities, and the rate for St John's was 0.5 per 100,000 residents, or about one-third the national average. There was, however, a very high murder rate in Fredericton in 2018, and the reason for that high rate is one incident in August 2018 when a gunman shot killed four people, including two police officers. This one act shows that we have to be careful in interpreting one-year results, especially in less populated towns and cities, because adding even one homicide offence

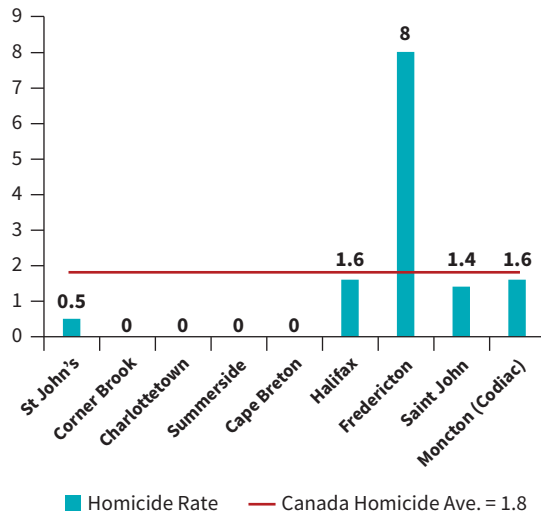


**FIGURE 1** Provincial Homicide Rates (per 100,000 residents), 2018

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

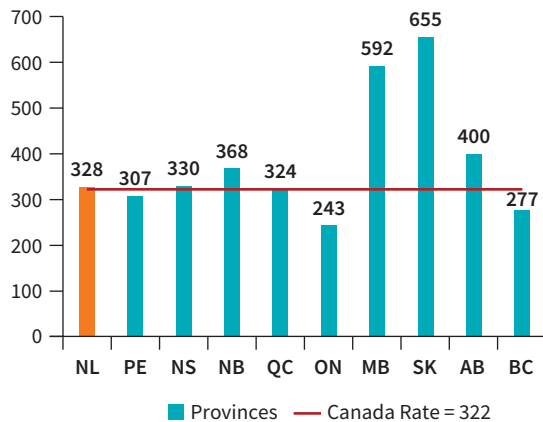
might make places with a low population appear very dangerous.

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



**FIGURE 2** Homicide Rates, Largest Cities in Atlantic Canada (per 100,000 residents), 2018

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



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

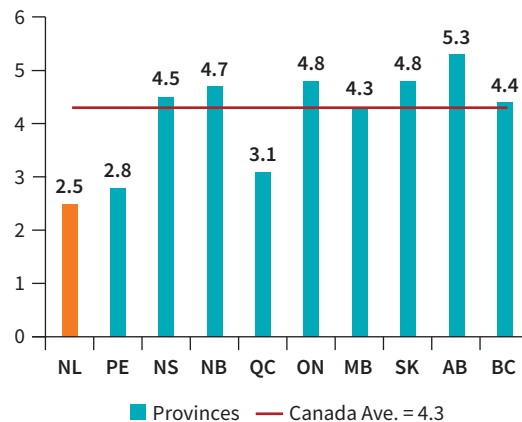
Source: Adapted from Burczykca (2019)

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. Burczykca (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 rates of intimate partner violence (IPV) in NL, which are assaults committed by current or former spouses or intimate partners, are slightly above the national average in 2018.

Moreau (2019, p. 47) reports the rate of sexual assaults reported to the police in Newfoundland and Labrador (67 offences per 100,000 NL residents) is less than the national average (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 collected

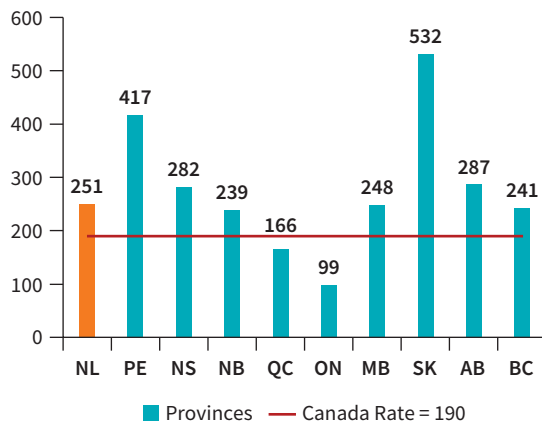
information about the violent victimization of women, and 2.5 per cent of NL respondents said they had been physically or sexually victimized in the previous year, which was much less than the national average of 4.3 per cent (Cotter & Savage, 2019). Although crime statistics show that Newfoundland and Labrador has rates of violence toward women lower than the national average, we do not know the true number of these offences because few of these crimes are actually reported to the police.

In order to increase women’s safety the province formed a Minister’s Committee on Violence Against Women and Girls (hereafter the Committee). The Committee (2019, pp. 3-5) found that that agencies providing services to women had good working relationships and respondents from these agencies felt that their existing programs were working well, and there was increasing public awareness of the seriousness of violence toward women. Workers in these agencies also reported that the government had taken some positive legislative steps to support survivors, including the introduction of the Domestic Violence Leave; changes in the Residential Tenancies Act, improving workplace safety through the Occupational Health and Safety legislation, and making amendments to the Family Violence Protection Act (Committee, 2019, p. 4). In order to respond to these crimes both the RCMP and Royal



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

Source: Adapted from Cotter and Savage (2019)



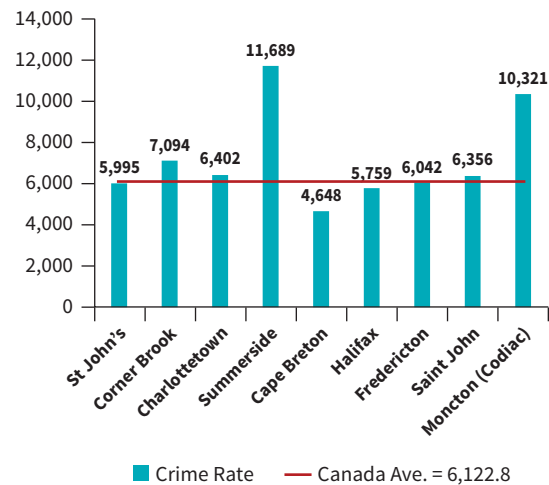
**FIGURE 5** Provincial Impaired Driving Rate (per 100,000 residents), 2018

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

Newfoundland Constabulary (RNC) have established Intimate Partner Violence units to investigate incidents, engage in public education, and partner with other agencies to reduce IPV (Justice and Safety, 2019, p. 7).

Figure 5 shows the rates of impaired driving offences for the provinces, and despite having a low CSI, Newfoundland and Labrador has rates of impaired driving that are over 20 per cent higher than the national average. A review of this figure reveals 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. When compared with urban areas, Perreault (2019, pp. 20-1) found that rates of impaired driving are about two and a half times higher in rural Canada; impaired driving causing bodily injury offences are three times higher, 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.

The information presented in Figure 6 shows the total crime rates for the largest cities in Atlantic Canada for 2018. This figure shows there is some variation in the amount of crime occurring

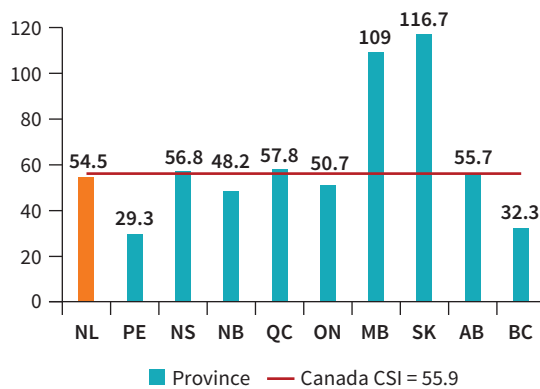


**FIGURE 6** Total Crime Rate (per 100,000 residents), Largest Cities in Atlantic Canada, 2018

Source: Adapted from Statistics Canada (2020b). Table 35-10178-01

in these places, although all were relatively close to the Newfoundland and Labrador average of 6,076 offences per 100,000 residents, which was slightly less than the national average of 6,122.8 offences per 100,000 residents in St John's and Corner Brook are much lower than the rates in Summerside or Moncton. 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 residents of Moncton or Summerside more likely to report their victimization to the police than residents of other cities?

Youth contribute to 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 the same pattern. Moreau (2019, p. 65) reports the overall youth CSI for the provinces and Figure 7 presents that information. The overall Youth CSI in Newfoundland and Labrador of 54.5 is less than one-half of either Manitoba or Saskatchewan: What factors might be responsible for that difference? Youth crime throughout the nation has been dropping and this has lowered the number of youth appearing before the courts and the number of youth placed in custody has dropped dramatically in the past two decades. The issue



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

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

of responding to youth crime is addressed in the section on Newfoundland and Labrador's justice system.

So far, we have described provincial rates of crime and provided some examples of the differences in crime rates in cities. We tend to think of rural areas as having relatively low rates of crime and violence, but as described 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 218,000 Newfoundland residents (42 per cent of the population) live in rural or remote areas, 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) that show the overall crime rate in rural NL is higher than in the cities, but the violent crime is slightly higher in the cities than the rural areas. Perreault (2019, p. 33) also found that the crime severity index dropped in all four Atlantic Canada provinces between 2009 and 2017, but the drop in rural crime in Newfoundland and Labrador was only 2 per cent, whereas the drop for the rest of the nation was 7 per cent. Like other crime statistics, however, those averages will mask the fact that some rural 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 CSI in Newfoundland and Labrador?
2. What factors explain why some cities in Atlantic Canada have higher crime rates than other places in the same region?
3. What factors would contribute to Newfoundland and Labrador having the lowest rates of self-reported violent victimization toward women in the nation shown in Figure 4?

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

Three months into the pandemic—in mid-May 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 (Hager, 2020).

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 are no longer reporting these crimes. Last, although there are fewer cars on the road people are driving faster and the number of dangerous driving offences have 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 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 at the lowest point in decades. Moreau (2019, p. 33) says that there were 11 years of decline between 2004 and 2014, but from 2014 to 2018 the CSI increased every year for the entire nation. Most of the 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. For example the

total CSI in Newfoundland and Labrador dropped 7 per cent between 2008 and 2018, and there was no change in the violent CSI between 2017 and 2018 (Moreau, 2019, p. 51). Even though there was a 7 per cent decrease in the province, the national decrease was 17 per cent during 2008 to 2018. Table 1 shows that 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 be too alarmed by 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 noteworthy and we wonder whether this trend will continue?

**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).

## PORT SECURITY: CHALLENGES FOR NEWFOUNDLAND AND LABRADOR

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 Port of St John's, founded in the 1500s, is the largest in the province, and in addition to shipping, the port serves the fish-handling, offshore energy production, and the cruise ship industries (Port of St John's, 2020). While the number of cruise ships docking in St John's had been increasing until 2020, the impact of COVID-19 on that industry will reduce the number of those ships in the port 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, 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, 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 protecting the Halifax, Montreal, Hamilton, and Vancouver ports through its National Port Enforcement Teams. In addition to the teams in those four ports, the RCMP also partners with the Canada Border Services Agency, the Coast Guard, the Royal Newfoundland Constabulary (RNC), and local police services in ports in Newfoundland and Labrador. Barry (2013) reports "organized crime has a long history in St John's" although most of these groups are small and operate locally. In order to respond to crimes happening in ports and surrounding areas the RNC (2020) deploys a marine unit which is based in the Northeast Avalon region.

Smaller seaports, such as Bay Bulls Harbor do not share those higher levels of enforcement, and often rely on private security such as Commissioners. As a result, these places might be more vulnerable to organized crime, and outlaw motorcycle gangs pose a risk to these organizations. Writing about the Hell's Angels, Doucette (2016) cites a gang expert as saying their move into Atlantic Canada "is the gang's latest attempt to ensure they control the drug market from coast to coast." Professor Stephen Schneider, from St. Mary's University in Halifax, points out that "The Maritimes are attractive to the Hells Angels because its marine ports can form a crucial link in a national drug pipeline" (as cited in Donkin, 2017).

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). There are also 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.

## NEWFOUNDLAND AND LABRADOR’S JUSTICE SYSTEM AT A GLANCE

### The Police in Newfoundland and Labrador

Newfoundland has a somewhat distinctive arrangement for policing as all officers are employed by either the Royal Newfoundland Constabulary (RNC) or the Royal Canadian Mounted Police (RCMP), and both organizations carry out both municipal and provincial policing. The RNC which is the provincial policing agency, deploys most of their officers in the densely populated communities, including the capital city of St John’s and surrounding municipalities (e.g., Mount Pearl and Paradise), as well as Corner Brook. In terms of actual numbers, in 2018 the RNC deployed 339 officers in Northeast Avalon, 43 officers in Corner Brook, 22 in Labrador West, and they also deploy 120 civilian personnel throughout the province (RNC, 2019, p. 12). Conor, Robson, and Marcellus (2019) report that the RCMP posted 513 officers throughout the province. According to Justice and Public Safety (2019, p. 6) the RCMP provides frontline policing in their headquarters and 42 detachments to:

- approximately 82 per cent of the landmass of the province,
- 17,543 km of coastline, and;
- almost 300,000 Newfoundlanders and Labradoreans living in 437 communities (including 7 Indigenous communities: Hopedale, Makkovik, Nain, Natuashish, Postville, Rigolet, and Sheshatshiu).

The previous pages described how Newfoundland and Labrador’s crime rates are somewhat less than the national average. On 1 July 2018, there were 900 police officers employed in the province, or 1.71 officers for every 1,000 residents, which is somewhat less than the national average of 1.85 officers (Conor et al., 2019, p. 24). 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 responses do vary. For example, while Newfoundland and Labrador had an overall and violent CSI less than the national average, the province deployed the third lowest number of officers per capita for the ten provinces. As noted in *Exploring Criminal Justice* (pp. 100-1), 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 deploy more officers per 1,000 residents.

### Police Training in Newfoundland

Between 2005 and 2018, new RNC officers were trained through a program in partnership with Memorial University of Newfoundland. In 2018, however, the RNC announced it was going to provide all of their new recruit training in a six-month session that starts every January at their training centre in St John’s. After their classroom instruction, the new officers start their year-long probation in July. Prior to this change the RNC had a number of requirements, including height and weight and potential officers had to have completed certain university courses prior to submitting their applications for employment. These requirements were dropped and the new cadets

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

	<b>Police Officers per 1,000 Residents (2018)</b>	<b>Total CSI (2018)</b>	<b>Violent CSI (2018)</b>
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).

are now required to pay a \$3,200 training fee, although they are paid to attend the academy.

The RNC (2020) describes a nine-stage application and selection process that involves physical and psychological testing, interviews, a polygraph examination, and background checks before an individual starts their training. After cadets have successfully completed their six-month training program they are required to pass a post-training fitness test. Once hired as a police officer they are placed on probation for a year. During this time, these new officers are paired with field training officers who provide instruction on how to apply their classroom training “to the streets.” Moreover, once they have successfully passed their probationary period, all officers will participate in ongoing training, paid by their employers, for the remainder of their careers.

As noted above, most police officers in Newfoundland and Labrador work for the RCMP, and all of them are trained at the RCMP academy in Regina, established in 1885 and known as the “Depot.” RCMP training lasts 26 weeks and the cadets do not have much exposure to the “streets” prior to their graduation. Once a recruit graduates from

**TABLE 3** RCMP Recruit Training

<b>Topic</b>	<b>Hours</b>
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 (2019).

the academy they are required to complete a six-month Field Coaching Program involving on-the-job training from an experienced field training officer, called a field coach. Table 3 summarizes the specific training areas.

### Courts in Newfoundland and Labrador

Most people who are arrested make their first appearances in one of 10 full-time court centres throughout the province. An additional 15 circuit

courts serve rural and remote areas and hear cases on a scheduled basis (e.g., once a month). According to the Law Courts of Newfoundland and Labrador (2020, n.p.), provincial courts have five main roles:

Adult criminal court hears matters involving all summary conviction offences under federal and provincial statutes, those involving indictable offences, except where excluded under the Criminal Code of Canada (i.e. murder), and preliminary inquiries related to all indictable offences. Youth Court deals with all criminal cases involving youth. Traffic Court hears all matters related to the Highway Traffic Act and is responsible for processing summary offence tickets. Family Court has jurisdiction over custody, support maintenance, child welfare, paternity, and adoption. Small Claims Court hears most civil claims up to \$25,000.00.

Judges in the provincial courts hear most criminal matters; even on weekends. Because an arrestee must appear in court within 24 hours, the courts operate on weekends, which is called the weekend and statutory holiday (WASH) court. According to the Provincial Courts of Newfoundland and Labrador (2018, p. 19), in 2017–18 these courts handled 1,118 weekend arrests, 560 within the St John's area and 522 outside St John's. These WASH cases are always heard in St John's, although the judge may be located in another community and the appearance is made using remote technology, such as a video link.

Judges in the Supreme Court of Newfoundland and Labrador hear cases related to serious criminal matters, and all jury trials or trials by judge alone are heard in these courts. These Supreme Courts are located in Corner Brook, Gander, Grand Bank, Grand Falls-Windsor, Happy Valley-Goose Bay, and St John's. In addition to hearing criminal matters the Supreme Court judges hear civil cases such as lawsuits, family cases including divorces and claims for child support, estates (e.g., the administration of a deceased person's will), and matters related to

guardianship, such as a minor who requires assistance in financial or personal issues.

The Court of Appeal is the highest level of court in Newfoundland and only sits in St John's. Most 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 the Crown or offenders can appeal the leniency or severity of a sentence on both adult and youth matters. The Court of Appeal also hears civil cases. A review of the cases on the court's website shows that they made about 75 decisions per year between 2017 and 2019.

### Specialized Courts

In *Exploring Criminal Justice*, the issue of specialized courts was introduced and the people who work within these courts develop expertise in dealing with difficult-to-manage cases, such as those involving persons with mental illness or offenders who may benefit from a specialized intervention such as people convicted of domestic violence offences. Newfoundland and Labrador have three specialized courts: the Family Violence Intervention Court (FVIC), the Mental Health Court, and a Drug Treatment Court that was introduced as a pilot project. All three courts are in St. John's, although a pilot FVIC was introduced in Stephenville. According to the Provincial Court of Newfoundland and Labrador (2020), the goals of these courts are as follows:

- Family Violence Intervention Court (FVIC): Operates like a regular court, but is intended to better serve victims and hold offenders more accountable. Offenders participate in the FVIC in a voluntary manner although they are required to participate in a treatment program.
- Mental Health Court: Provides increased levels of support and services to persons with mental illnesses in order to overcome their health related issues (including addictions) and other challenges they are confronting including homelessness, unemployment, and a lack of support.

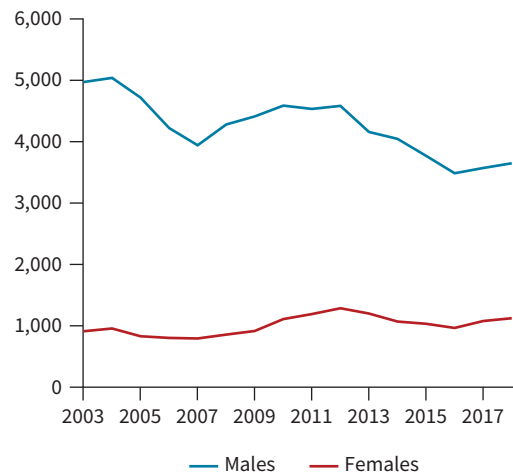
- **Drug Treatment Court:** Requires regular contact with the court and offenders must participate in treatment and drug testing that follows a plan that was developed for their recovery. As these individuals receive more intensive services for their mental-health related issues, these approaches are intended to increase their success.

Although they do not generally involve a lot of participants, these specialized courts are popular as they respond to difficult-to-manage populations that often have high needs and recidivism rates can be decreased if these people get the help they need.

### Court Caseloads

Figure 8 shows that the number of adult criminal cases heard by Newfoundland courts has decreased somewhat between 2002–3 (5,892 cases) and 2017–18 (4,778 cases). This decrease is similar to what is happening in most provinces, but one interesting finding is that while the number of male cases has had a significant decrease, the number of females appearing in court is increasing. We are looking for reasons for this difference: Is that outcome due to their greater involvement in crime in recent years, or does that finding mean that the police are more likely to arrest women today?

The median case processing time (the time it takes a case to pass through the court system, from a person's first appearance to the case is resolved) has increased from 88 days in 2002–3 to 182 days in 2017–18, which is greater than the median of 121 days for the entire nation. Those delays may have a significant impact on the administration of justice given the *R. v. Jordan* decision of the Supreme Court requiring that criminal cases be resolved within 18 months (provincial courts) or 30 months in the superior courts, such as Newfoundland and Labrador's Supreme Court. 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.



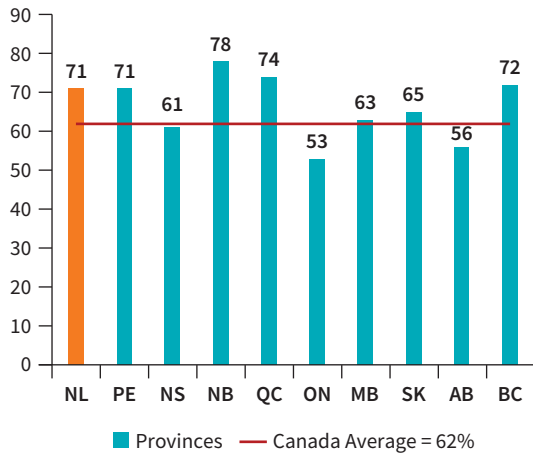
**FIGURE 8** Criminal Cases Heard in Newfoundland Courts, 2002–3 to 2017–18

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

Newfoundland's prosecutors drop fewer cases than prosecutors in most other provinces. Figure 9 shows that 71 per cent of all charges result in a guilty plea, whereas in Ontario, almost one-half the cases are dropped or result in a not guilty finding. Reevely (2016) believes that one reason for a high number of withdrawals 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 then some of those charges are later withdrawn. One negative outcome of laying a large number of charges is that some suspects are kept in a correctional centre awaiting their 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 other components: the courts and corrections. The court statistics presented in Figure 9 suggest that overcharging is a not a serious problem in Newfoundland and Labrador.

### Court Security

Court security is an important but often overlooked aspect of the justice system, and this problem was illustrated after a man making a court appearance in St John's attempted to escape by crawling into the ceiling (Mullaley, 2010). In the past, court security was carried out by sworn



**FIGURE 9** Percentage of Criminal Cases with Guilty Verdicts, by Province, 2018

Source: Statistics Canada (2020e) Table: 35-10-0031-01

police officers, but these officers were gradually replaced with sheriffs in most provinces, and in 2020 there were about 100 deputy sheriffs in Newfoundland and Labrador (Bradbury, 2020). These positions are needed because individuals making court appearances can be disruptive, and members of the public have also created disturbances, including attempting to harm defendants. Sheriffs in Newfoundland and Labrador are hired as peace officers who have limited police powers and they provide security in the Provincial, Supreme, and the Court of Appeal. Des-Roches (2013, p. 2) notes that these officials “have

done a commendable job of removing weapons, drugs, drug paraphernalia and alcohol from persons entering the court and have denied entry to individuals who had potential to cause problems and were considered security risks.” In addition to their role in managing prisoners and ensuring safety in the courtrooms, they are also responsible for transporting people who were arrested, remanded to custody, or sentenced prisoners from courts to places of detention such as the St John’s Lockup: sheriffs escorted or transported almost 40,000 people in 2017-18 (Justice and Public Safety, 2019, p. 10).

### Provincial Corrections

There are five adult correctional facilities and two police lockups (St John’s and Corner Brook) in the province and they are as shown in Table 4. Although correctional facilities hold persons remanded into custody and offenders serving less than two years of incarceration, lengthy sentences are not the norm. A review of persons sentenced to provincial incarceration in NL shows that the median sentence was 59 days whereas the average for the seven other provinces for which data were available was 55 days. Of the 938 inmates sentenced to a term in a provincial institution in 2017–18, 281 of them (30 per cent) had a sentence of one month or less and only 12 per cent (116 offenders) were serving sentences longer than six

**TABLE 4** Adult Correctional Centres in Newfoundland, 2020

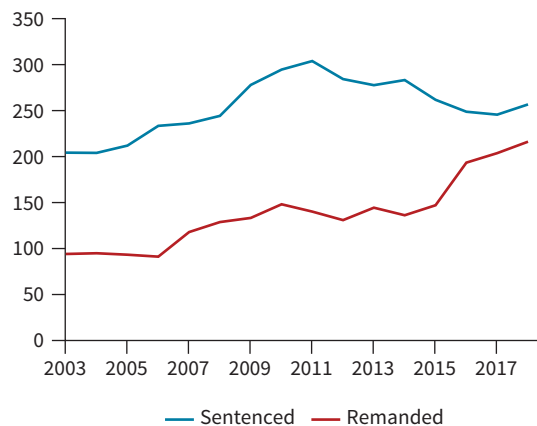
Facility	Description
Her Majesty’s Penitentiary (St John’s)	Medium and maximum security male sentenced and long-term remands
Her Majesty’s Lockup (St John’s)	Short-term remands to custody for males and females
West Coast Correctional Institution (Stephenville)	Minimum and medium security male inmates
Newfoundland and Labrador Correctional Centre for Women (Clarenville)	All sentenced and women remanded to custody are sent to this facility and it houses some federal prisoners
Bishop’s Falls Correctional Centre (Bishop’s Falls)	Minimum security male inmates
Corner Brook Lockup (Corner Brook)	Short-term remands to custody for males and females
Labrador Correctional Centre (Happy Valley-Goose Bay)	Minimum and medium security male inmates

Source: Adapted from Justice and Public Safety (2020).

months (see Statistics Canada, 2020f). Sentenced inmates can earn a temporary release of up to 60 days to participate in employment or rehabilitation efforts (e.g., addictions treatment), or for humanitarian or medical reasons, including mental health treatment.

Figure 10 shows that the average daily number of adults incarcerated in the NL facilities from 2002–3 to 2017–18 increased from 283 to 342 (43 per cent). That total includes remanded and sentenced inmates, and while the number of sentenced inmates decreased slightly, the number of remanded inmates more than tripled during this era. According to Malakieh (2019, p. 17), the incarceration rate is 78 inmates for every 100,000 NL residents, which is slightly lower than the national average of 83 inmates per 100,000 residents, and almost one-third of the highest use of incarceration: Manitoba leads the provinces with 231 inmates for every 100,000 residents. Readers interested in a historical review of corrections in Newfoundland and Labrador are encouraged to review *Decades of darkness: Moving towards the light*, which is available at [http://www.justice.gov.nl.ca/just/publications/ac\\_report.pdf](http://www.justice.gov.nl.ca/just/publications/ac_report.pdf)

Incarcerating people is a costly undertaking and Malakieh (2019) reports that the average daily cost to house an inmate in Newfoundland and Labrador was \$267, which was greater than the



**FIGURE 10** Newfoundland, Remand and Sentenced Inmates, 2002–3 to 2017–18

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

**TABLE 5** Incarceration Costs, Newfoundland and Labrador, and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in Newfoundland and Labrador	\$267	\$97,455
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).

national 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 \$97,455 to hold an inmate for one year in a facility in Newfoundland and Labrador 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 University (tuition, room, and board costs \$101,866 CDN in the 2020-1 academic year: see Harvard, 2020).

### Federal Offenders in the Correctional Service of Canada Facilities

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 6 shows the rated capacity of these institutions in 2017 and their security levels. Three of these prisons are multi-level facility, meaning that there is more than one security level, and there are, for example, several buildings on the Dorchester Penitentiary grounds that offer minimum security (Westmorland Institution)

**TABLE 6** 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).

and the site is also home to a Regional Treatment Centre. The Atlantic Institution in Renous, New Brunswick, is a maximum security facility and any male offender convicted of homicide will automatically spend his first two years in that facility.

The Correctional Service of Canada (CSC) also operates three community correctional centres (CCCs) in Atlantic Canada, and they are low security community-based facilities that house offenders 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 7. Like the CCCs, most residents of these facilities are working, attending school, or participating in rehabilitative programs.

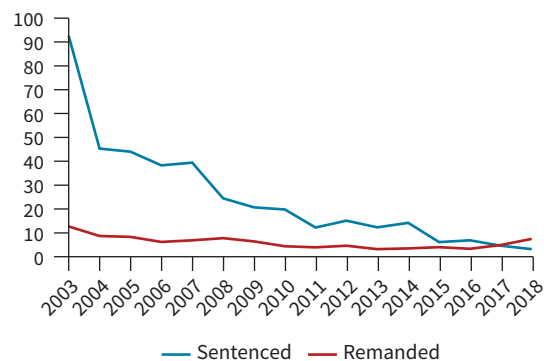
### Youth Corrections

Youth aged 12 to 18 years who have been remanded or sentenced to custody are placed in facilities operated by the provincial government. These facilities are either secure (which are often larger high-security facilities) or open custody, usually smaller community-based low-security operations that can include foster or group homes. According to Justice and Safety (2019, p. 16):

The Newfoundland and Labrador Youth Centre (NLYC) is the only secure custody

facility for youth in the province. Treatment services are delivered by an interdisciplinary team, using individual, family, and group counselling. The St John's Youth Detention Centre is an overnight holding facility for youth located on Parade Street. A section of this building also contains the community-based Pre-Trial Services Program which provides bail supervision and youth diversion programs.

Figure 11 shows that the average number of youth held in custody decreased significantly between 2002–3 and 2017–18: from a daily average of 105 residents to 11 (a 93.1 per cent decrease). The average number of youth on a community-based sentence such as probation also decreased. The decreased involvement of incarcerated youth is consistent with the other nine



**FIGURE 11** Average Number of Youth in Custody, Newfoundland, 2002–3 to 2017–18

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

**TABLE 7** 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).

provinces. Webster, Sprott and Doob (2019) say that the drop in youth correctional populations was the result of:

- (a) restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s
- (b) political willingness to reject high youth imprisonment policies

(c) 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.





**FIGURE 12** Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).

## REPORT CARD ON NEWFOUNDLAND AND LABRADOR'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 their marks for the entire nation are shown in Figure 12. Six provinces, including Newfoundland and Labrador, 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 Newfoundland and Labrador is shown in Table 8. Perrin and Audas (2018, p. 21) say that the indicators for Newfoundland and Labrador fall into the average range for all the provinces, but they gave high marks as fewer people failed to appear in court than in other provinces, and public expressed the highest levels of support for the police in the country. Those researchers were critical, however, that NL had high violent crime rates, low clearance rates

for violent crimes (fewer crimes were solved), and the costs of operating the justice system were higher than average.

## WRONGFUL CONVICTIONS

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 thousands of years 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). It is noteworthy that 90 other prisoners have asked for help from Innocence Canada; 2 of them are from Newfoundland (Innocence Canada, 2020).

While many of us are familiar with the case of Donald Marshall Jr from Nova Scotia (profiled on p. 2 of *Exploring Criminal Justice*) a number of Newfoundlanders and Labradoreans have also been wrongfully convicted. In 2003 an inquiry was launched by Antonio Lamer (a retired Supreme Court of Canada justice) about the wrongful convictions of three Newfoundlanders: Greg Parsons, Randy Druken, and Ronald Dalton (CBC, 2006). Lamer found that the reasons for wrongful convictions were similar to those occurring in the rest of Canada and in the US, including shortcomings with police investigations, inaccurate expert testimony, or a failure of prosecutors to make full disclosure of evidence to defence attorneys. Snook, Eastwood, Stinson, Tedeschini, and House (2010) report that heavy-handed police interviewing strategies can lead to false confessions and wrongful convictions.

Gregory Parsons's conviction for the murder of his mother in 1991 was the result of the "tunnel vision" of police who were so convinced they had the guilty person they failed to fully consider other suspects. Harland-Logan (2016) reports that Parsons grew up in a difficult family situation as his mother suffered from alcoholism and mental health problems, although he was quite

**TABLE 8** Report Card on Newfoundland and Labrador's Justice System

Objective of Justice System	Indicators	NL 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>	B+
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>	C+
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>	C+

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

enterprising and started a rug-cleaning business. In January 1991 Gregory Parsons found his mother dead in her home: she had been stabbed and slashed 52 times (Cooke, 2020). The police, acting on misleading statements his mother previously had made about Gregory, arrested him about a week after the murder. Harland-Logan writes that no physical evidence pointed to Parsons's involvement in the crime.

Parsons went to trial in September 1993 and was found guilty of second-degree murder in February 1994 based primarily on hearsay evidence: statements from his mother, who was suffering

from mental health problems that other people had overheard and reported to police. Parsons appealed his conviction, and one month after his conviction he was granted bail pending the appeal, which was heard in 1996. In December 1996, the Newfoundland Court of Appeal overturned his conviction and ordered a new trial. DNA testing revealed that Parsons was not the killer and in November 1998 he was acquitted of the charge of murder (Lamer, 2006).

In 2001, a friend of the family was arrested for murdering Parsons' mother and he pleaded guilty to second-degree murder in 2002. Parsons sued

the province for the ordeal he experienced. Although Parsons served only a few weeks in prison before being released pending his appeal, the conviction had a significant impact on his life, as he was continually monitored by the police during his time on bail (Harland-Logan, 2016) and he had to live with the stigma of having a criminal conviction for killing his mother. Parsons later expressed his frustration when telling a reporter about his experience, saying that “he was only 21 years old when he was prosecuted and that he was terrified by the whole process,” and that “Everything I said in my defence when I spoke to the police . . . was used against me and turned around” (CBC, 2004). Parsons received an initial \$650,000 in compensation in 2002 and this was supplemented by another \$650,000 in 2005 (Newfoundland and Labrador, 2005). Like many of the other high-profile cases that are reported in the textbook, the media still reports stories about the murder. In April 2020 the man who killed Parsons’s mother, Brian Doyle, was granted day parole after having served 18 years in a federal prison. Cooke (2020) notes that Doyle, who had lived in minimum security facilities since 2015, must live in a community-based residential facility in British Columbia and cannot return to Newfoundland and Labrador while on day parole.

The Lamer Commission, which looked into the wrongful convictions of Ronald Dalton, Gregory Parsons, and Randy Druken, produced a report that identified problems in the justice system of Newfoundland and Labrador and it is available at <http://www.justice.gov.nl.ca/just/publications/lamerreport.pdf>. Since the report was published the province took a number of steps to reduce the number of wrongful convictions. Those steps were highlighted in a report published by the Office of the Director of Public Prosecutions (2007). Steps that officials in Newfoundland and Labrador took to reduce wrongful convictions included restricting the use of information from jailhouse informants—who are incarcerated persons who provide information to the police about their cellmates—which was an approach criticized by the Lamer Commission.

Since that time the Government of Canada (2018) produced a review of the causes of wrongful convictions, and they provided some additional suggestions to reduce these miscarriages of justice. For example, approaches to interviewing suspects to avoid tunnel vision—which is an exclusive focus on the guilt of one individual and excluding all others—does not occur, and the phased interview approach was adopted by the RCMP and RNC. 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 17 Newfoundlanders and Labradoreans were wrongfully convicted in 2017–18 (3,412 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?

### SUMMARY

The amount and seriousness of crime vary across the country and this supplement shows that Newfoundland and Labrador has rates close to the national average for property and violent crime, although in 2018 the province had the second lowest homicide rate in the nation. Those provincial averages, however, mask the fact that

some places within the province have very high rates of crime and some people are at high risk of being victimized. Although the province has a low homicide rate there was an increase in weapons violations and fraud in 2017–18, while break and enter offences dropped. Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will be different as well. As a result, the personnel working in Newfoundland and Labrador'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 justice system developed by Perrin and Audas (2018) suggests that the province does a fairly good job in responding to crime. This may be one reason why surveys show that Newfoundlanders and Labradorians have a greater amount of confidence in the police than the rest of Canadians and about the same overall confidence in the courts and justice system as the rest of the nation (Cotter, 2015). While the justice system will never eliminate crime, we can attempt to prevent crimes and protect those most at risk of victimization. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada an interesting undertaking!

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