



**OTTAWA POLICE SERVICE  
SERVICE DE POLICE D'OTTAWA**

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P.O. Box 9634, Station T  
Ottawa, Ontario K1G 6H5  
Tel.: 613-236-1222  
Fax: 613-236-9360

C.P. 9634, Succursale T  
Ottawa (Ontario) K1G 6H5  
Tél.: 613-236-1222  
Télééc.: 613-236-9360

ottawapolice.ca  
@OttawaPolice

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Honourable Senators and members of the Standing Senate Committee on Legal and Constitutional Affairs,

Thank you for the opportunity to comment on the subject of delays in criminal proceedings. My name is Craig Fairbairn and I am a sworn Constable with the Ottawa Police Service. I have been with the Ottawa Police for 8 years, 2 years in civilian positions and the past 6 years as a sworn officer. My experience includes working in patrol, Criminal Intelligence, Major Case Management and the Drug Unit.

Currently, I am the Drug Treatment Court Liaison Officer working in the Central Neighbourhood Unit. As the Drug Treatment Court Liaison Officer, I work with the Federal and Provincial Crown attorneys, Probation Officers, as well as the Rideauwood Addictions and Family Services Centre.

I wish to address the benefits of Drug Treatment Court (DTC) Programs and at the same time encourage expanding this model across Canada. The DTC Program addresses the root causes of criminality through treatment, resulting in a low rate of recidivism among participants, while alleviating delays within court proceedings and saving the economy millions of dollars. DTC has had a profound positive effect on individual participants and communities.

Drug abuse, mental illness, alcohol addiction, socio-economic issues, along with matters pertaining to other determinants of health, all factor into the problem this committee is addressing. These aggravating factors contribute to criminality, which further cause systemic delays in criminal proceedings. Drug-related crime accounts for a large part of the economic and social costs of illicit drug use, and that it also contributes to a large share of all crime.

Our Criminal Justice System can be considered a four stage process; (1) root causes of criminality (2) criminal acts (3) police investigations, and (4) the overall judicial process. DTC provides the support, tools and therapy a participant needs to overcome their drug addiction by closing the gap between the root causes and the judicial process. We are essentially streamlining the transition between stages, working towards eliminating the criminal act and the judicial process that follows.

For an applicant to be considered for admission into DTC, four basic criteria must be satisfied:

- The applicant must be addicted to hard drugs such as cocaine, opiates or methamphetamines;
- Must be committing crime fundamentally to satisfy their drug addiction;
- Generally, the offences must be non-violent - each case is evaluated on its own merit; and
- Not subject to a conditional sentence.

Upon meeting the criteria, applicants must plead guilty to their charges, including when applicable, to agreed upon charges from outside jurisdictions. The applicant is required to take responsibility for their actions and accept the consequences which may be imposed upon them through strict DTC undertaking conditions (see Tab 1). Once accepted, the participant begins the DTC program, thus reducing the burden on the Judicial Process.

DTC program highlights include:

- Minimum 9 months participation in DTC;
- Must attend court weekly to update the assigned DTC judge on progress;
- Attend the Rideauwood Treatment Centre daily; and
- Undergo weekly supervised urinalysis.

With this overview of the DTC program and process in mind, I would like to highlight the merits of the program in more detail.

*The April 2015 Drug Treatment Court Funding Program Evaluation Report, conducted by Justice Canada, concluded the average DTC impact was a reduction in applicant recidivism not only while in the program but for years to follow. The study found that after 4 years, 61% of DTC graduates did not commit additional criminal acts, compared with 40% from a comparison group (comprised of individuals who met DTC criteria but where no DTC existed in their jurisdiction or individuals who meet DTC criteria but refused to participate) (Justice Canada, April 2015, Pg. 66-67). By treating the addiction, we are able to reduce future criminal charges likely to cause further delays in court proceedings.*

A multitude of issues relating to court delays can be attributed to root causes of criminality; however, administrative issues also contribute to these delays. No longer is it only the “mega trials” tying up court proceedings but all trials are becoming so convoluted, that they take days instead of hours. The statistics from the Ontario Court of Justice confirm the delays Ottawa Police experience daily in court proceedings.

In 2015, there were 950 Federal Statute cases received in the City of Ottawa with 914 disposed. 874 of those cases were disposed at, or before trial by way of a guilty plea or by other means, while 40 cases went to trial. Although these cases only went to trial 4.4% of the time, they averaged 160 days with 9 court appearances before disposition

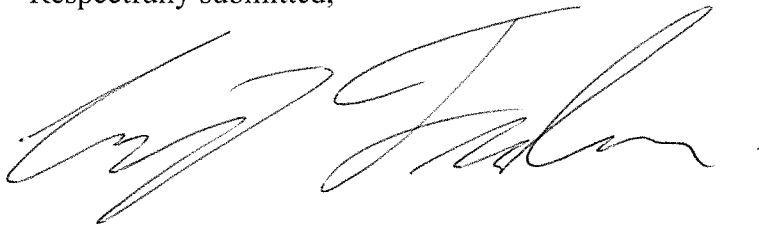
(see Tab 2). These systemic delays in court proceedings amass to substantial financial costs which can be partially alleviated through DTC programs.

DTC results are clearly having a positive effect on alleviating these delays with the additional benefit of substantial cost savings. *The Drug Treatment Court Funding Program Evaluation Report* found the cost savings varied from 20%-88% per participant when compared to an incarcerated individual (*Justice Canada, April 2015, Pg. 83*). For example, the cost of processing one accused in a regular court system is approximately \$50,000 a year, while one year in a DTC Program costs just under \$30,000 (*Justice Canada, March 2009, Pg 56*). Since 2011, based on these figures, Ottawa DTC has had 61 graduates which have saved the economy approximately \$1.2 million over this time period.

Governments should focus their resources on treatment programs to stop the “revolving door” of addiction and crime creating log jams in the judicial system. There are federally funded DTC programs operating successfully across Canada. However, yearly funding for DTC’s has been static at \$3.6 million dollars for many years, despite additional DTC programs starting up. DTC savings well exceed the \$3.6 million in yearly funding, while maintaining a positive effect on communities and reducing the acute delays experienced in court proceedings.

This success can be used as a template to expand and create programs to combat other issues, including mental health and alcohol abuse.

Respectfully submitted,



Cst Craig Fairbairn (cadre 90047)  
Ottawa Police Service

#### **References**

- 1- Department of Justice Canada (2015). Drug Treatment Court Funding Program Evaluation Report – Final report. *Evaluation Division Corporate Service Branch, pp. 66-67, 83*. Retrieved April 12<sup>th</sup>, 2016, from <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2015/dtcfp-pfttt/dtcfp-pfttt.pdf>
- 2- Department of Justice Canada (2009). Drug Treatment Court Funding Program Evaluation Report – Final report. *Evaluation Division Corporate Service Branch, pp. 56*. Retrieved April 12<sup>th</sup>, 2016, from <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/09/dtcfp-pfttt/dtcfp.pdf>