

Acquisitions

FIFTH ANNUAL REPORT

of

The Department of Justice

for



PRINCE EDWARD ISLAND

1977

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JUN 19 1978

ACQUISITIONS

FIFTH ANNUAL REPORT

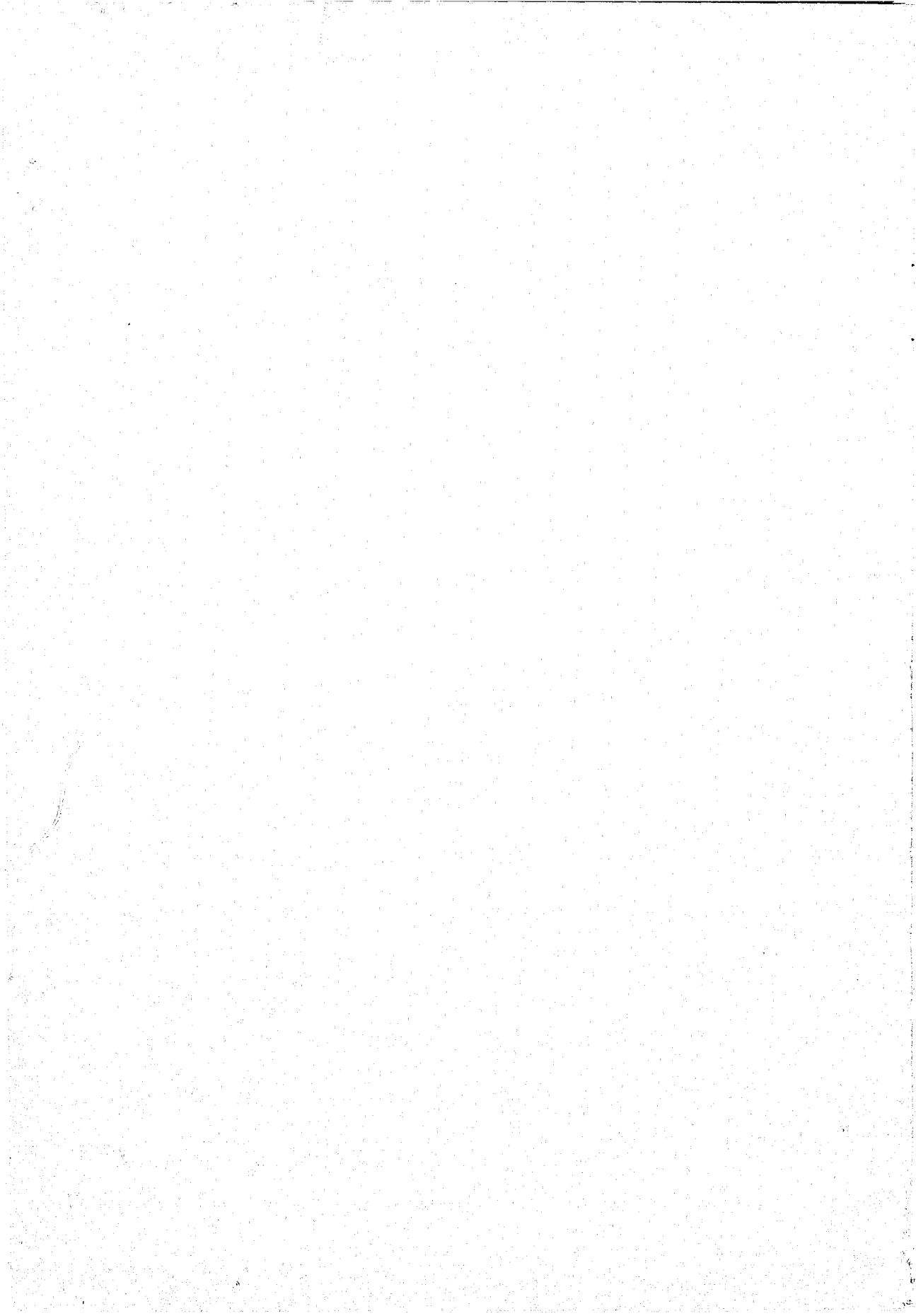
of

The Department of Justice

for

PRINCE EDWARD ISLAND

1977



To:

THE HONOURABLE GORDON L. BENNETT
LIEUTENANT GOVERNOR
PROVINCE OF PRINCE EDWARD ISLAND

May It Please Your Honour:—

I have the honour to submit herewith the fifth annual report of the Department of Justice for this province.

I have the honour to be, Sir,

Your obedient servant,

ALEXANDER B. CAMPBELL
Premier and Minister of Justice.

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1977 was a year of planning and change with the appointment of a new Chief Justice, reform of the Supreme Court Rules, expansion and construction of court and correctional facilities.

SUPREME COURT APPOINTMENTS

Chief Justice John P. Nicholson

On February 4, 1977, John Paton Nicholson, became the fifteenth Chief Justice of Prince Edward Island.

For twenty-two years following his graduation from Dalhousie Law School in 1947 and his call to the Bar the following year, John P. Nicholson was a leading figure in the professional, civic and public life of this province.

He was appointed a Queen's Counsel in 1966 and a Judge of the Supreme Court in 1970.

Mr. Justice Kenneth R. MacDonald

Following graduation from Dalhousie Law School, Mr. Justice MacDonald was called to the Bar in May of 1962 and carried on a successful practice of law with the law firm of Foster, MacDonald and Carruthers in Charlottetown.

He served as Secretary-Treasurer of the Prince Edward Island Law Society for many years and was skip of teams winning the Men's and Mixed Curling Championships on three separate occasions.

He was appointed to the Supreme Court on March 31, 1977.

PROVINCIAL COURT APPOINTMENTS

Provincial Court Judge Bertrand R. Plamondon

Following the resignation of Gerard E. Mitchell in June of 1977, Bertrand R. Plamondon was appointed Provincial Court Judge.

Judge Plamondon joined the Department of Justice as Crown Counsel in June, 1972, and was appointed Director of Prosecution in 1975.

DEPARTMENTAL APPOINTMENTS

Richard B. Hubley

With the elevation of Bertrand R. Plamondon to the Provincial Court Bench, Mr. Hubley was appointed Director of Prosecutions in June, 1977.

Mr. Hubley was appointed as a Crown Prosecutor in March, 1976, following seven years experience in a similar capacity with the Attorney General's Department of Nova Scotia.

David R. Hammond

Mr. Hammond was appointed Crown Counsel in August, 1977, after being employed under a contract of service as Assistant Public Defender since his admission to the Bar of this province in February, 1976.

Barrie L. Grandy

Mr. Grandy graduated in law from Dalhousie University in 1975 and was called to the Bar of this province in November of 1976.

He is employed under a contract of service as Assistant Public Defender filling the vacancy created by David Hammond.

Francis C. White

Following the resignation of Major Reid as Sheriff of Kings County in June, 1977, after five years of service in that capacity, Mr. Francis White of Rollo Bay was appointed Sheriff for that county.

NATIONAL AND REGIONAL CONFERENCES

The Department participated in a number of national and regional conferences dealing with many years of justice including:

- Meeting of Deputy Ministers of Justice and Deputy Attorneys General in February.
- National Task Force on the Administration of Justice in May.
- Federal-Provincial Conference of Attorneys General and Ministers responsible for Corrections in June.
- Canadian Law Information Council in June in Charlottetown.
- Atlantic Attorneys General in July in Cavendish, P.E.I.
- Provincial Attorneys General in October in Charlottetown.
- Annual Uniform Law Conference of Canada in August at St. Andrews, New Brunswick, under the Chairmanship of Wendall MacKay, President.

COMMISSION OF INQUIRY

By Order of His Honour the Lieutenant Governor in Council dated January 6, 1977, the Honourable Melvin J. McQuaid was appointed a Commissioner to make full inquiry into the operation of the Police Department of the City of Charlottetown and to report his findings and any recommendations.

After engaging Joseph A. Ghiz as counsel, public hearings took place during the month of March at which fifty witnesses gave evidence under oath. In May, Mr. Justice McQuaid tendered his report which contained recommendations in the areas of procedure, union management, salary and community relations.

NATIVE COURTWORKER PROGRAMME

The Native Courtworker Programme which was implemented during 1976 as an experimental pilot project has during the year been developed into an ongoing programme of a permanent nature with the Native Justice Council of P.E.I. continuing to function as the carrier agency. The continuation of the programme is based on the clear evidence that both the Native people and those responsible for the administration of justice strongly endorse the project.

BORDEN FERRY CASE

On December 5, 1977, the Federal Court of Appeal of the Federal Court of Canada held in its decision in *Her Majesty the Queen in the right of Canada vs Her Majesty the Queen in the right of the Province of Prince Edward Island*, that there exists a constitutional obligation upon the part of the Government of Canada to maintain a continuous transportation link between the Province of Prince Edward Island and the mainland. The court further established the right of the province to damages for the 1973 interruption in the Borden-Cape Tormentine ferry service due to the C.N.R. strike. The Government of Canada has announced its intention not to appeal this decision to the Supreme Court of Canada.

LEGAL SERVICES DIVISION

The Legal Services Division consists of two solicitors, Graham W. Stewart, Director of Legal Services, and Ian W. H. Bailey, Departmental Solicitor. In 1977 the Division was joined by Andrew Walker, Research Assistant.

The Legal Services Division provides legal services to all departments of Government and to most crown corporations and agencies. Since the enlarging of the Division from one to two solicitors in 1976, there has been a substantial reduction in the dependence of many government departments upon outside legal counsel.

In addition to providing a general legal service, the Legal Services Division has undertaken several specific projects. In 1977 the Division assisted, with representatives of the other Maritime Provinces, in the preparation of uniform land titles legislation. This was a major task. It involved many meetings lasting long hours with solicitors representing the other governments and significant time spent in consultation with the provincial bar associations. Draft legislation has now been prepared for introduction at the spring sessions of the three Maritime Legislatures.

The Division has also been involved in the preparation of several other proposed new enactments, including acts respecting security guards, the new correctional centre and revised child welfare legislation.

The governments of all provinces have the opportunity of intervening in cases before the Supreme Court of Canada involving interpretations of the constitution. One highlight of 1977 was the decision in the

case of *Gerard McNeil vs. The Attorney-General of Nova Scotia* in which the Court upheld the position argued by Prince Edward Island and several other provinces in favor of provincial jurisdictions over the censorship and control of films.

REPORT OF JUDICIAL DIVISION

Function and Organization

Through its judicial division, the Department supplies personnel, equipment, accommodation and administrative assistance to the Supreme Court and Provincial Court Judges so that they can discharge the onerous responsibilities placed upon them. The overall strength of personnel in the division is twenty-nine and distributed as follows:

	Prothonotary	Judicial Adm. Officer	Judicial Clerk 2	Judicial Clerk 3	Court Stenographer	SY 4	CL 2	Sheriff	CL 4	Clerk & J.P. (part-time)	TOTAL
Charlottetown	1	4	2	3	6	1		1	1		19
Summerside		1	1		2		1	1			6
Alberton										1	1
Georgetown				1							1
Souris								1		1	2
	<u>1</u>	<u>5</u>	<u>3</u>	<u>4</u>	<u>8</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>29</u>

The personnel provide the courts with support services some of which are as follows:-

1. GENERAL ADMINISTRATION
 - budget and expenditure control
 - personnel transactions
 - equipment supply purchases, etc.
2. JUDICIAL ADMINISTRATION
 - taxation of costs
 - bankruptcy and discovery
 - supervision over court officers
 - justices of the peace

3. COURT RECORDS

- registration and maintenance

4. DOCKETING AT SUPREME COURT LEVEL**5. STENOGRAPHIC AND SECRETARIAL AND CLERK OF COURT****6. SHERIFF SERVICES**

- jury impanellment
- process servers
- execution of court orders

7. FINANCIAL RECORD MANAGEMENT

- approximately two million annually.

In order for the courts or Judges to dispense justice properly, these support services are essential and the Prothonotary or Chief Judicial Officer is answerable to the Chief Justice, Provincial Court Judges and the Minister of Justice for their effectiveness. These services have generally improved in 1977 over past years, and a few such improvements merit your attention:

ADDITIONAL STAFF:

- Three new court stenographer positions granted and filled in February as a result of the Nemetz Report.

NEW RULES OF COURT:

- Implimented in January and designed to modernize and streamline Supreme Court procedures. After using the rules for one year, the general consensus is that they are working and accepted by everyone especially those dealing with appeal procedures, docketing of trials and appeals, pre-trial conferences and briefs. The old English rules, although steeped in tradition and case law, were difficult to read and understand especially from the point of view of the younger members of the Bar who now form a majority.

RECORDING OF EVIDENCE:

- Sanctioned by the new rules and accepted by the Bench, Bar and staff. Use of such equipment has enabled the roles of court stenographer and clerk to be combined thereby saving the Government many thousands of dollars per annum.

NEW FACILITIES:

- Destruction of the old courthouse in 1976 scattered Judges and staff to five different locations, but these conditions will soon end as a new courthouse is under construction. In Alberton, the Provincial Court is looking forward to moving into the recently renovated Mabel D. Fielding School, which has been converted to accommodate the court and Motor Vehicle branch. Plans have been drafted for needed renovations to the courthouse in Georgetown.

CLASSIFICATION STUDY:

- The Civil Service Commission conducted a review of every position (except Prothonotary and Sheriffs) and from that study positions were re-written, re-aligned and pay adjustments made.

FINANCIAL RECORD MANAGEMENT:

- For many years the auditor's reports have been critical of the manner in which records were maintained. At the Provincial level, there are five centers namely, Souris, Georgetown, Charlottetown, Summerside and Alberton. Charlottetown is now complying with the Auditor's recommendations and early in 1978, Dorothy Kitson will travel to the other court centers to impliment the recommended bookkeeping procedure. At the Supreme Court level, the Department has assigned William Leonard, experienced in accounting, to the court to review, study and analyze the financial records, their origin and maintenance with a view of making any necessary changes or improvements. The court holds over one million dollars in trust, and has taken positive action to improve its control over such funds and the many committees and guardianships which in turn are accountable to it.

SUPREME COURT REPORTS:

- The 1971 judgments of the Court have been published and in 1977 great strides were made in this area. We now have ready for the Queen's Printer judgments for 1972 to 1976 inclusive, and their publication will be of great benefit to the Bench, Bar, and as a result to the public in general.

FAMILY COURT:

- A committee is working on new rules for this division of the court and its support staff is now responsible for ensuring that maintenance provisions in court orders are kept up to date. Heretofore, stranded mothers and children had to hire an attorney to collect overdue support and maintenance.

JUSTICES OF THE PEACE:

- Over the last few years the Criminal Code of Canada has given Justices of the Peace increasing responsibilities such as conducting bail hearings. Moreover, it became apparent that over the years Govern-

ment made many appointments; so, in January, 1977, all appointments were revoked and ten new appointments were made to qualified civil servants in the Judicial Division. As the need arises, additional appointments will be made to qualified personnel or citizens. At present, the Department is preparing a procedural manual for the Justices of the Peace to follow.

Despite an increasing workload, very little backlog existed in the criminal and civil areas of the courts when compared to other provinces. On the other hand, the judiciary and its support services will be unable to function to their potential until the courthouse is completed on the waterfront in Charlottetown.

REPORT OF CROWN COUNSEL

Introduction

The Crown Prosecutor's office is responsible for the prosecution of all activities contravening the Criminal Code of Canada. The office also prosecutes the majority of acts defined as offences by the Prince Edward Island Legislature. Where appeals are lodged in the Supreme Court of Prince Edward Island from prosecutions for Criminal Code offences or provincial offences, the office is responsible for all facets of the appeal.

Staff

To carry out these responsibilities, there are three full time prosecutors distributed on a geographical basis. One attorney is responsible for Prince County while the other two look after the prosecutions in Kings and Queens Counties. In the past year, Bertrand R. Plamondon, former Director of Prosecutions, was appointed to the Provincial Court Bench, and Richard B. Hubley was appointed Director to oversee and run the day-to-day operation of the Division. David R. Hammond assumed the prosecutorial duties in Prince County while Darrell E. Coombs continued to act in the Queens County area.

The Year

The demands made on the prosecutorial staff in 1977 were at an unprecedented high level due primarily to a higher incidence in crime in the following areas:—

- against the person in the form of murder, manslaughter, robbery and assault;
- against property such as break and enter and mischief;
- alcohol-related driving offences;
- paper crime in the form of frauds and false pretences.

Due to the increase in criminal activity and consequential trials both court levels including jury trials and resulting appeals therefrom under the new rules of court, it was necessary to hire practising attorneys on a case to case or day to day basis.

REPORT OF THE LEGISLATIVE COUNSEL

Preparation of Legislation

The office of the Legislative Counsel prepared the forty-six public Acts that were enacted in the course of the spring session of the Legislature and redrafted nine of the eleven private Acts. Regrettably, the established procedures for the development of the legislative program did not operate satisfactorily but appropriate modifications have now been made. Some important bills, including those concerning family law reform, employment standards and access to public documents, were referred to a Special Committee of the Legislature for consideration.

The Committee afforded interested persons an opportunity to present briefs and the Legislative Counsel attended meetings and provided assistance to the Committee in its consideration of the bills.

The annual volume containing the 1977 statutes, the tables and the index is presently in the hands of the Queen's Printer and should be available for distribution early in 1978.

Revised Statutes

There has been some delay in the preparation of the update of the looseleaf edition of the Revised Statutes for the years 1975 and 1976. It is not anticipated that there will be a similar delay in the production of the 1977 update and the textual material has already been submitted to Alphatext Limited for the production of page proofs.

Information Retrieval System

After consultation with authorities in the federal government, it was decided to postpone the introduction of a statute retrieval system for the province until such time as the experience of other provinces may be thoroughly assessed. The Legislative Counsel remains convinced of the value to his office and to lawyers generally of a law information retrieval system.

Revision of Regulations

On November 15, 1977, the Regulations Revision Act was proclaimed and the Legislative Counsel was appointed to classify, consolidate and revise the regulations of the province with the assistance of an advisory board consisting of the Clerk of the Executive Council, the Deputy Provincial Secretary and the Departmental Solicitor. The task of revision of the regulations is proving to be a formidable one.

The office consolidation, which runs to 3000 pages and abounds with inconsistent and obsolete provisions, has been updated to include the regulations and amendments made in 1977.

Approximately one-fifth of the text has been edited and is being typed and submitted to the appropriate departments for approval. The text will be recorded on a data base in the office in order that it may be readily updated and edited.

The question whether a looseleaf edition of the revised regulations should be produced is presently under consideration. The experience of the looseleaf edition of the statutes, which required a reprint of a thousand pages to accommodate the 1975-76 update, would tend to indicate that the expense of a looseleaf edition could not be justified.

Private Acts

The office has prepared a compilation of the existing private Acts which should be available in printed form early in 1978.

Uniform Law Conference

The Legislative Counsel, together with Mr. Horace Carver, representing the Law Society of Prince Edward Island, attended the Uniform Law Conference of Canada held at St. Andrews-by-the-Sea in August and presented a report on judicial decisions affecting Uniform Acts.

REPORT OF CORRECTIONS DIVISION

Buildings

New Construction: The study group, formed in November, 1976 to update the 1974 report on a new Correctional Centre for P.E.I., submitted its report and proposed design to the Minister in February. After extensive review by Cabinet and several minor changes in the design, the package was adopted by government and tenders were called in July and let in August, at a total construction cost of \$2,859,300.00.

The general contractors, Williams, Murphy and MacLeod of P.E.I. began construction in September, with a completion date set for September, 1978. The target date for occupancy is October 1, 1978.

When the new centre becomes fully operational, it is intended that the present jails in Georgetown and Summerside will serve only to accommodate police lock-ups and very short-term remand prisoners. It is hoped that the present Queens County Jail in Charlottetown will be demolished.

The new centre, of ultra-modern design and without bars, is located in Sleepy Hollow, six miles northwest of Charlottetown on 200 acres of land. It will accommodate 70 male and 4 female prisoners. There are no facilities for juveniles. One unique feature about the building is that it will be heated by wood, in keeping with the government's policy on energy conservation. Oil will be available for back-up only.

The programs for the institution, which took several years to develop, will centre around wood harvesting, reforestation, wild life development and landscaping on the outside, cooking and hobbies on the inside. Academic and vocational training for prisoners will be carried out in the community.

Current Buildings: Nothing more than the normal maintenance required to meet safety and health standards was carried out during the year

at the three existing jails. This maintenance amounted primarily to fresh paint when required. Renovations of any kind were avoided, due to the construction start in September of the new correctional centre. The three jails continued to accommodate sentenced and remand prisoners, and also served as holding facilities for certain juveniles in conflict with the law and adult persons under police arrest.

SERVICES

Church: No regular services are held due to a lack of prisoner interest. The jail doors are open to the clergy and religious groups of any denomination at all reasonable hours and at any hour in case of emergency. Many take advantage of this to consult with prisoners on an individual or small group basis.

Food: There was no change in our food suppliers during the year, these being the Country Kitchen in Queens County, Mrs. John MacDonald in Kings County and Clovies Restaurant and Andy's Sea Foods on an alternating basis in Prince County. Provincial Department of Health food inspectors continue to make unscheduled calls at our jails during meal hours. There were no complaints of any consequence about the food service during the year. Food supplied by the caterers continues to be supplemented by whole milk, fruit juices, tea and coffee supplied by the Department.

Library: The provincial bookmobile continued to call at Kings and Prince County jails on a bi-weekly basis. Neither of these jails are equipped with a library. A daily newspaper is supplied to prisoners in all three jails. Sufficient radio and television sets are available in each jail to provide prisoners with entertainment and keep them abreast of current events.

Medical: For the second straight year, there were no deaths in our jails. Several suicide attempts, mostly by prisoners suffering alcohol withdrawal, were thwarted by an alert correctional staff. Dr. Leo H. Killorn continues to provide excellent supervision, guidance and service as the department's medical director and physician for Queens County jail. Nursing Services Officer Mrs. Helen Flynn spent many days during the year teaching correctional officers at all three jails the art of cardio-pulmonary resuscitation. This training was no doubt instrumental in saving a number of lives.

STAFF

Dress: All staff continue to wear the uniform introduced in 1975.

Numbers: The staff complement of all three jails remains at 44, the same as last year. This number includes 17 in Prince County, 17 in Queens County and 10 in Kings County. The turn-over in correctional staff was 6.8% as compared to 4.5% in 1976, 6.9% in 1975 and 26.8% in 1974. All turn-overs resulted from voluntary resignations.

Training and Conferences: The Director continues to represent the province on several federal/provincial task forces and committees and attended a number of information sharing meetings and seminars during the year on modern correctional practices. Membership in the most active of these committees, the National Advisory Network on Correctional Human Resource Planning, Training and Development, continues to be extremely rewarding. For a cost to the Department of \$520.49, the Director attended three informational meetings across Canada, the Nursing Services Officer attended a two week course in Toronto on "Skills in Responding to Deviant Behaviour" and a member of the Civil Service Commission Staff Development and Training Branch attended a one week course in Toronto in June on "Training the Correctional Officer Trainer" and an informational meeting on correctional practices in Toronto in November. Further benefits derived from membership in the Network will be commented on under "prisoner activities".

Two Superintendents and a number of Correctional Officers II (supervisors) attended various workshops and seminars provided by the Civil Service Commission Staff Development and Training Branch and other community groups and organizations. These courses included "Stepping up to Supervisor", "Client Interaction", "Mental Health - Home, School, Community" and "Job Instruction".

The above are in addition to the life saving skills being taught continually to Correctional Officers by our Nursing Services Officer.

PRISONER ACTIVITIES

Due to the success of the compulsory work-recreation program for prisoners that was started in 1976, plans were made early in the year for expansion. The Director, through the National Advisory Network (see comments on this organization under Training and Conferences), applied to the federal Ministry of the Solicitor General for assistance through a program called "Summer Job Corps '77", which was set up to introduce unemployed young people to the criminal justice system during the summer.

While designed more for police forces than the correctional field, the federal Ministry approved the application to provide a leader and five workers for the summer, to the extent of \$9,500.00 (P.E.I. was the only province to apply for this benefit in the area of corrections).

Under the leadership of Jane Farquharson a psychology major from Bunbury, three young people were employed in Queens County and two in Prince Country from June 20 to September 2. Miss Farquharson, as leader, alternated between the two points, giving guidance and instruction where required. Miss Farquharson, as leader, had been hired two weeks earlier than the five workers and remained on the job one week later, as she was responsible for the hiring of the young people and all financial transactions such as their pay, travel expenses, etc.

"Summer Job Corps '77" young people were dispersed in relation to the prisoner population of each jail. No one was sent to Kings County, as the small number of prisoners permitted the correctional officers to carry out the program most adequately on their own.

When the "Summer Job Corps '77" program ended in September, prisoner programs began to lag at Queens and Prince County jails, due to insufficient staff to arrange and carry them out. This, however, was soon rectified when the John Howard Society of P.E.I., in conjunction with some of the young people who had been employed during the summer, obtained a \$26,000 "Canada Works" grant to carry on. Effective November 1, they assigned two unemployed young people to Queens County Jail and two to Prince, under the leadership of Harry Gallant, one of the summer workers. This grant will allow the program to continue until the summer of 1978.

The 1977 work-recreation program has been an even greater success than 1976. The prisoners were constantly out of the jails. They performed numerous tasks for charitable, religious, non-profit and community organizations, as well as senior citizens. Included in these tasks, were the caring for lawns, flower beds, sports fields, cemeteries, parks, boulevards, beaches and hedges. They painted 2 group homes for the handicapped, a boat house for the Red Cross, a Salvation Army staff home, a parish hall, the entire interior of the Georgetown court house and all three jails.

Community recreation for the prisoners away from the jails included walks, softball, broomball, floor hockey, swimming, barbecues, clam bakes, gym, bowling, skating and the making of a T.V. Film on "The Impaired Driver".

Hours spent on community projects by prisoners were — Kings Country 2,759; Prince County 1,581 and Queens County 2,001.

Many letters are on file praising and thanking the prisoners for the job they have done. The John Howard Society of P.E.I., the federal Ministry of the Solicitor General and the young people employed on "Summer Job Corps '77", as well as the staff of our jails, deserve much credit for their efforts in relieving prisoner boredom and frustrations. It is only hoped that those persons in the community who still display mistrust and doubt about the ability of prisoners to perform, will have a change of heart, as they are capable of doing much more than what was available for them in 1977.

GENERAL

The per diem cost of holding a male prisoner in a provincial jail is \$37.93, while the per diem cost of holding a female is \$117.36. Prisoner days in jail in 1977 totalled 20,102, as compared to 20,553 in 1976.

LOOKING TO 1978

The year 1978 should be a milestone in Prince Edward Island corrections. With the opening of the central correctional centre in the fall, much needs to be done in the way of staff selection and training to meet the estab-

lished philosophy and goals. New programs must be introduced and carried out. Only through cooperation and hard work on the part of many government departments and employees and the Public Service Association, will this be accomplished.

STATISTICS

The following is a statistical table of the number of prisoner admissions to each jail during the year:

TABLE "A"

Queens County	Lock-ups	Remand	Sentenced	Total
Male	1459	65	370	1894
Female	59	2	4	65
Juvenile	21	5 female 16 male	—	21
TOTAL	1539	67	374	1980
Prince County				
Male	866	62	352	1280
Female	28	4	6	38
Juvenile	—	—	—	—
TOTAL	894	66	358	1318
Kings County				
Male	368	13	147	528
Female	4	—	1	5
Juvenile	1	1 male	—	1
TOTAL	373	13	148	534
Total of 3 Jails				
Male	2693	140	869	3702
Female	91	6	11	108
Juvenile	22	5 female 17 male	—	22
TOTAL	2806	146	880	3832

Sentenced prisoner admissions to all three jails in 1977 totalled 880 compared to 869 in 1976. Remand admissions dropped to 146 from 268 a year earlier.

Female prisoner admissions in 1977 totalled 108 as compared to 139 in 1976 but the number of days served rose to 256 as compared to 228.

The following is a statistical table on lock-up prisoners (police arrestees held prior to court appearance) as they relate to alcohol and alcohol related offences:

TABLE "B"

Total Admissions	373	
For Intoxication	165	% of total = 44%
Number of Individuals Involved	107	
Times Incarcerated	once(86) 2(13) 3(2) 4 or more (6)	
For other alcohol related offences	124	% of total = 33%
For non alcohol related offences	84	% of total = 23%
Intoxication plus other alcohol related offences	289	= 77% of total arrests

Prince County Jail

Total Admissions	894	
For Intoxication	685	% of total = 76%
Number of Individuals Involved	316	
Times Incarcerated	once(216) 2(46) 3(20) 4 or more (34)	
For other alcohol related offences	87	% of total = 10%
For non alcohol related offences	122	% of total = 14%
Intoxication plus other alcohol related offences	772	= 86% of total arrests

Queens County Jail

Total Admissions	1539	
For Intoxication	951	% of total = 62%
Number of Individuals Involved	458	
Times Incarcerated	once(311) 2(64) 3(26) 4 or more (57)	
For other alcohol related offences	127	% of total = 8%
For non alcohol related offences	461	% of total = 30%
Intoxication plus other alcohol related offences	1078	= 70% of total arrests

Total of Three Jails

Total Admissions	2806	
For Intoxication	1801	% of total = 64%
Number of Individuals Involved	846	
Times Incarcerated	once(584) 2(110) 3(55) 4 or more (97)	
For other alcohol related offences	338	% of total = 12%
For non alcohol related offences	667	% of total = 24%
Intoxication plus other alcohol related offences	2139	= 76% of total arrests

While the total number of lock-up admissions dropped to 2806 as compared to 2985 in 1976, the admissions for intoxication rose by 1%. There was a decrease in this category at both Kings and Queens County jails but a whopping 17% increase at Prince.

REPORT OF PROBATION AND FAMILY COURT SERVICES

General

During 1977 staff of Probation and Family Court Services remained unchanged with one Probation Officer position vacant at year's end. Early in 1978 Mr. Ken MacDonald who has been functioning on a temporary basis as a Family (Court) Counsellor will resume his former duties of Probation Officer.

This Division had an active year and continued to refine and expand its services to its various client groups across the province.

With changes in the Supreme Court, Family Counsellors moved from the Provincial Court Building to the MacKay building at 193 Grafton Street, Charlottetown, where they share office accommodations with Probation Officers.

In addition Family Counsellors provided services from the Regional Service Centres in O'Leary, Montague and Souris on a regular basis as well as from the Courthouse in Summerside.

Probation Services — Workload

The following is an indication of the activities performed by Probation Officers in carrying out their primary functions in the areas of presentence reports, probation supervision, the temporary absence program, and public relations - community development.

Presentence Reports

During the year Probation Services conducted investigations for and submitted 206 presentence reports for use by the Courts. This compares with 238 reports in 1976 and 163 in 1975.

Probation Supervision

On January 1, 1977, there were 256 individuals under the supervision of Probation Officers in the Province with 201 new cases added during the year. On December 31, 1977, 196 individuals remained under the supervision of Probation Services.

Community Service/Work Orders

In selected situations Provincial Court Judges have incorporated an element of community service/work into the sentencing process. Essentially the Court requires an offender, whether in lieu of or in addition to some other sanction, to perform voluntarily some kind of community service/work. This obligation is usually as a condition of a probation order under the supervision of a Probation Officer who coordinates the activity and evaluates the outcome as to whether or not it is satisfactory. The 40 community service/work orders made in 1977 required from 4 to 200 hours of service/work with 38 of these ranging between 8-40 hours. Activities performed included service/work for senior citizens, handicapped individuals and youth groups.

Since it appears Provincial Judges will continue to utilize community service/work as part of the sentencing process, agencies and organizations that could benefit from this form of service/work are encouraged to contact Probation Services to discuss their interests.

Temporary Absence Program

Probation Services arranged and supervised a total of 77 temporary absences involving 67 inmates serving sentences in Provincial Institutions during 1977. This compared with 73 releases in 1976.

Of the 77 releases 20 were for employment purposes; 2 for purposes of education; 37 for treatment (medical, alcohol and/or psychiatric, and 18 for humanitarian reasons). Of these, two violations were recorded; one inmate did not abide by the terms of his release and the other left a treatment facility without lawful permission.

Seventy-six of the releases were without escort. This figure does not include individuals released under the compulsory work/recreation program reported by the Corrections Division nor those released under the Christmas Temporary Absence Program outlined below.

Christmas Temporary Absence

Since the inception of the Christmas Temporary Absence Program in 1971, 1977 saw the largest number of sentenced inmates being released. All 37 sentenced inmates being held in the Province's three jails were provided the opportunity to spend some time (from 8-60 hours) with their families and their friends. No other inmates were being held at Christmas. One inmate failed to live up to the terms of his release failing to return to the institution as required and had to be returned. This was the first such incident in the seven years the program has been in existence.

Public Relations and Community Development

As in years past, Probation Officers were involved in a variety of activities and organizations which provided an opportunity to interpret the functions of Probation Services as well as fostering the growth of community resources.

Among many other activities, Probation Officers have been directly involved in Boys and Girls Clubs, Big Brothers, Prince Edward Island Criminology and Corrections Association, Atlantic Provinces Criminology and Corrections Association, Canadian Association for the Prevention of Crime, Driver Rehabilitation Courses and School Career Days. Probation Officers stand ready to respond to requests to serve as resource people to various groups, service clubs, as well as private and public agencies.

Family Court Services

The Probation and Family Court Services Division is also responsible for providing support services of a counselling, investigatory and supervisory nature to the Family Court.

Since commencing employment in 1976, the three Family Counsellors have had to perform with the uncertainty of being transferred from the department. In late 1977 this matter was resolved with the Department of Justice retaining responsibility for providing support services to the Family Court. Accordingly future planning and operations of this aspect of the Division can be made more definite.

During 1977 Family Counsellors operated from and maintained regular office hours in O'Leary, Summerside, Charlottetown, Montague and Souris. This presence in O'Leary, Montague, and Souris provided an opportunity to assess the potential demands in these areas and to plan accordingly.

Given the confirmed departmental status of Family Counsellors, their functions and responsibilities can be refined, modified and/or expanded. These functions include:

- a) Performing intake procedures at the Family Court level, assessing and screening cases and providing an information and counselling service to individuals preparing for the Court process;
- b) Conducting community investigations for the preparation of reports for the Family Court;
- c) Supervising and enforcing orders made by Family Court;
- d) Marital counselling in crisis situations that may or may not require judicial attention;
- e) Performing an educational public relations role in interpreting the functions of the Family Court to individuals and community organizations.

Looking to 1978

There are a number of areas that this Division would like to give priority to in 1978:

- 1) **Victims of Crime** — while Probation Services are generally aware of and sensitive to the needs of victims of delinquent and criminal acts, it is considered important to make meaningful contact with victims, particularly while investigating for presentence reports and following up on the supervision of offenders where the Court orders an offender to make payment of restitution as a condition of a Probation Order.
- 2) **Restitution** — in recent years Provincial Courts appear to have made frequent and effective use of restitution in the sentencing process, particularly in situations involving damage to property-type of offences. Many of these individuals are placed on probation. It is desirable to review the extent of restitution, how much is being ordered, how much is being made, to whom, what are the feelings of the victim and/or offenders in these situations.
- 3) To work closely with the Corrections Division in developing programs for the new Correctional Centre.

- 4) To develop the community service order into a meaningful sentencing alternative.
- 5) With office space being made available in the Fielding Building in Alberton, it is desirable to extend Probation Services on a regular basis to the West Prince area.
- 6) To continue to solidify the functions of Family Counsellors in providing support services to the Family Court and to maintain these services in the various centres across the province.

REPORT OF THE LAW REFORM COMMISSION

The Prince Edward Island Law Reform Commission was established by section 2 of the Law Reform Commission Act, R.S. P.E.I. 1974, cap. L-8 and is comprised of three Commissioners. There is one vacancy at the date of the preparation of this report. The Commissioners are: Honourable Chief Justice John P. Nicholson, Chairman, and Norman H. Carruthers, Esq.

Mr. Hugh D. MacIntosh is Counsel to the Commission. The Secretary of the Commission is Ms. Josette Bellemare-Dodds. The Commission's mailing address is 108 Kent Street, P.O. Box 1628, Charlottetown, Prince Edward Island C1A 7N3.

Introduction

To date the Commission's work has concentrated on the improvement of technical aspects of the law. Internal memoranda outlining problems and approaches based on research of the Commission's Counsel have been discussed by the Commission's members. Upon their recommendation a draft memo with a short synopsis is prepared for circulation to members of the Law Society followed by a meeting open to the members of that Society at which written or oral submissions may be made. This approach was adopted to channel time and resources to areas of dispute. To date, there has been no indication that this method is any more or any less successful than the more common practice of preparing reports on individual subject matters, but it has enabled more of the Commission's available resources to be employed in research and the drafting of legislation.

The Commission has also emphasized the work and proposals of the Uniform Law Conference of Canada in the interest of both uniformity and economy of effort. The Commission has benefited from the friendly co-operation of the Law Reform Commissions of other jurisdictions.

PROJECTS

1. **Contributory Negligence Act, Survival of Actions Act and Fatal Accidents Act.**

Three draft bills were prepared on these subject matters with a scope confined to matters well accepted elsewhere or to rectify major deficiencies noted in P.E.I. legislation. An outline of the proposals was presented to the

annual meeting of the Law Society in June, 1977 by the Commission's Counsel. With the kind co-operation of the Secretary of the Law Society and the Chairman of its Legislative Committee full texts of the bills were circulated with notice of a meeting for December 17, 1977. Those persons in attendance at the meeting on December 17, 1977 favoured the changes and no adverse written submissions have been received. The greater part of the bills deal with procedural matters which may more usefully appear instead in the Rules of Court. The following are the synopses of each of the individual bills:

a) **Survival of Actions Act.** The current legislation appears to be a direct copy of the original English text but without the 1954 amendment. *Riggs v. Dingwell Estate* (1973), 5 Nfld. & P.E.I. R. 96 (Bell, J.) and *Smith v. Blanchard Estate* (1977), 11 Nfld. & P.E.I. R. 532 (Darby, J.) demonstrated the flaws in ss.4 and 5 of the Current Act. The *Blanchard* case also emphasizes the need for a statutory means of suing an unadministered estate. Substantive provisions of the bill follow the Uniform Act on the subject but the limitation period was deleted in favour of one which seemed better integrated with the administration of estates and without the additional one year extension granted in the uniform Act. On certain conditions the Official Trustee may be sued even without a prior court order where an estate representative has not been appointed and provisions for the rectification of proceedings when a dead person is inadvertently sued are provided. The Act also applies generally and is not restricted to tort. However, the problem of joint liability discussed in *Robert Porter & Sons Ltd. v. Armstrong* (1926), S.C.R. 328 was not specifically dealt with.

b) **Fatal Accidents Act.** The thrust of this bill was directed to making the class of dependants more generous and to make the dependants' right of action under the Act more independent of the peculiarities attaching to the deceased's own cause of action. To this end, the approach of the Uniform Act was followed although somewhat different language was used. However, sufficient support was not forthcoming for adopting the New South Wales concept of removing the deceased's contributory negligence as a defence to the dependants' action. To clarify the *Littley v. Brooks* (1932), S.C.R. 462 ratio, contributory negligence has been made a defence. The bill also initiates a statutory resolution as to some of the contingencies of life which should or should not be taken into consideration in determining what was the reasonable expectation of pecuniary benefit. However, no resolution of the provisions in the Insurance Act, ss. 242, 243, and 244 dealing with medical and accident benefits and their relation to the Fatal Accidents Act has been made. For ease of reference, the procedural aspect contained in the Survival of Actions Act bill is repeated in this bill and the limitation period is extended to two years in common with that of other jurisdictions.

c) **Contributory Negligence Act.** This bill is primarily a housekeeping bill with the major additions being to provide statutory guidance for the resolution of contribution problems among joint and several tortfeasors.

2. Workers' Compensation Act

The Commission has recommended to the Minister of Justice a provision removing the need for a worker to elect in a situation where both compensation and the Common Law action are available. The provision would exclude that proportion of the fault attributable to wrongdoers covered by the Act in determining the percentage of fault of those persons subject to the Common Law action. It would also insure that the worker received full redress for his injury as computed by the combination of the Common Law damages and the compensation available to a maximum of the Common Law damages or the compensation available whichever was greater. The Board's position would be more closely equated with that of an insurer under the Insurance Act as to the control of the Common Law action and as to the point in time at which it could recover some portion of the compensation paid to the worker.

3. Rule in *Hollington v Hewthorn*

The work of the Uniform Law Conference of Canada and the legislation in B.C. and Alberta were considered by the Commission and approval in principle of the concept of allowing proof of conviction to stand as proof of the facts on which the conviction was founded was given. That approval would extend to issues of paternity and adultery. Draft legislation incorporating the Commission's proposal is in progress.

4. Change of Name

A request has been received to remodel the present Act with its emphasis on changing names by deed poll. Preliminary work has been done in this area.

5. Presumption of Death

This is another Uniform Law Conference of Canada suggested reform. Work has been done to determine what provisions are already in the statute books respecting this subject matter and how the uniform bill might affect the current P.E.I. statute law. *Hickey v The Great West Life Insurance Co.* (1933), 7 M.P.R. 104 (P.E.I. *Arsenault, J.*) appears to be the only reported decision in P.E.I. on this subject matter and would apparently indicate that it has not often arisen.

6. Limitations of Action

A list of limitations, bars to action and required notice periods has been compiled in anticipation of completion of the Uniform Law Conference of Canada work in this field.

7. Evidence

A similar compilation of evidence provisions appearing in the statute book has been compiled to complement the work of the Law Reform Commission of Canada on the evidence code and the current debate respecting reform to the Evidence Act.

8. Challenges to Jurisdiction

The Commission has undertaken as a project an assessment of the various methods and procedures by which the jurisdiction of inferior courts and tribunals may be challenged, including the prerogative remedies, injunctions, declarations and appeals. To date this has involved an assessment of case law in P.E.I. dealing with these various remedies and the statutes and Rules of Court affecting them. It is intended that upon completion of this preliminary work the Commission assess the proposals of and the implementation of judicial review legislation in Ontario, B.C. and other jurisdictions. This project is expected to consume a considerable amount of the Commission's time in 1978.

9. Family Law

Bill 45 was reviewed by the Commission and Mr. MacIntosh attended several public meetings at which the principles raised in the bill were discussed. However, as the bill was already a project of the legislature, the Commission took no public stand on the bill one way or the other.

10 Department of Justice Proposals

The Department has requested that the Commission consider two matters:

- a) The operation of the Garage Keeper's Lien Act;
- b) The operation of the Garnishee and Mechanics Lien Acts in relation to the Crown.

ACKNOWLEDGEMENTS

Starting a new enterprise is never an easy project. The Commission would like to record its thanks to two past members, Alan K. Scales, Esq. Q.C. and Melville J. Campbell, Esq., Q.C. for their help in initiating the work of the Commission and the contributions they have made to its program. While no longer members of the Commission the Commission expresses the hope that they will continue their contributions to and interest in the work of the Commission.

REPORT OF THE PUBLIC DEFENDER

INTRODUCTION

The period April 1, 1976 to March 31, 1977 marked the fourth year of operation of this office. As with previous years, the service provided by this office continued to be that outlined in the Agreement between the Government of Canada and the Government of this Province providing for assistance in matters relating to criminal law. The legal assistance provided continued to be delivered through a staff lawyer system, with approximately 94 per cent of all cases being handled by staff lawyers and the remainder by private counsel. The total number of cases completed in this manner was 526. This was an increase of 68 cases or approximately 15 per cent over the number of cases handled the previous year.

In addition to the number of completed cases, there were as in previous year many other inquiries concerning legal problems which were both within and outside the terms of reference of this office. These inquiries are not statistically recorded unless they relate to a specific legal problem requiring a court attendance by a staff lawyer on behalf of the applicant. In any instance where the inquirer requested it he was placed in direct contact with a staff lawyer for advice and direction. For example, in the area of drinking driving offences, the majority of inquiries did not result in court action by a staff lawyer because due to the technical nature of the proof in such charges, their outcome and disposition is relatively predictable. Most inquirers are aware of the range of dispositions and merely wish to confirm whether they may have a defence.

Numerous other inquiries related to civil matters. In respect of those inquiries staff lawyers frequently found themselves functioning as a lawyer referral service. Most inquirers are now aware that this program does not deliver civil legal aid; yet, they are hesitant about contacting a lawyer in private counsel for many familiar reasons such as fear of resulting costs, or uncertainty as to whether a lawyer could solve their particular problem.

STAFF

In May of 1976, the initial Director of this program, Mr. Paul Mullin, resigned and went to private practice. The success and acceptance of the public defender program in this province during its initial three years are a tribute to Mr. Mullin's personality and ability as a barrister and administrator. Following Mr. Mullin's resignation in May, his position was assumed by the present Director, who with assistance from time to time from members of the private Bar continued to deliver the services of the program until a second staff lawyer, Mr. David Hammond, was appointed in September, 1976. Mr. Hammond was admitted to the Bar of this province in February, 1976, and was at the time of his appointment associated with the firm of Campbell and McEwen in Summerside.

LOCATION OF OFFICES

Prior to Mr. Hammond's appointment, both staff lawyers were residents of Charlottetown and served the province from the Charlottetown office. Mr. Hammond, being a resident of Summerside, serves that area daily from the office located in the Courthouse at Summerside but, in addition, practices before other courts in the province as well. While the number of requests for assistance in the Summerside area is about three-quarters of the number received in the Charlottetown office, experience to date indicates the support staff of one office can adequately cope with the clerical and administrative aspects of this program. Hence, rather than duplicating the Charlottetown setup at Summerside, the decision was made, on a trial basis, to continue to centre the administrative aspects of the program in the Charlottetown office to avoid the necessity of additional clerical staff and office equipment when the demand was really not sufficient to justify it. Another factor in this approach is that it facilitates communication between staff lawyers and uniformity of approach throughout the province. In addition, it provides stimulus to staff lawyers through enabling them to practice before all of the courts in the province.

With the increased attendance of a staff lawyer in the Summerside office there arose criticism from some members of private practice in the Summerside area that the close proximity of the Public Defender's Office to those of the Provincial Court Judge and the Crown Attorney would tend to lessen public confidence and the independence of the public defenders from compromise and pressure inherent in that physical proximity. Whether or not this criticism is sound in theory, to date it has only been offered from the aforesaid source. While the criticism is well taken, it is suggested that recipients of legal assistance are more influenced by the reputation of the individual staff lawyer and the confidence he inspires than with his physical surroundings. To relocate the Summerside office would entail sacrificing a great deal of convenience in being located so close to the courtroom facilities, Prince County Jail, and Prince County Law Library. In addition, relocation would entail the added overhead costs of additional rent and clerical services currently provided by the existing staff of the Prince County Courthouse. This criticism will be kept in mind and the situation re-assessed as any of the foregoing factors change.

ATTITUDE OF THE JUDICIARY TO THE PROGRAM

In our last Annual Report it was suggested, perhaps somewhat presumptuously, that the program has enjoyed acceptance by the judiciary of the province from the offset. Happily, no response was received in the past year of operation to indicate that that suggestion was an overstatement. While the suggestion has been made by judges elsewhere that legal aid is tending to clutter up the courts with frivolous actions and needless and costly delays, there is no indication that opinion is shared by the judiciary of this province. As reported last year, members of all benches of this province are vigilant in ensuring accused persons appearing before them are aware of their legal rights and obligations and, where necessary, will advise defendants of the

availability of legal assistance under this program. On several occasions persons appearing at criminal assizes without counsel have been strongly urged to accept the assistance of a staff lawyer from this program to ensure the appearance of a fair trial.

STANDARDS OF ELIGIBILITY

The free legal assistance provided by this program is made available to all persons determined by a public defender to be within the contemplation of Section 4(1) of the Federal-Provincial Agreement, which states:

The provincial agency shall determine the financial circumstances under which an applicant for legal aid may be approved as a recipient thereof, but in so doing it shall apply flexible rules which take into account whether the applicant can retain counsel at his own expense without him or his dependents (if any) suffering undue financial hardship such as incurring heavy indebtedness or being required to dispose of modest necessary assets.

Eligibility is determined by an applicant making personal application to a staff lawyer, who as well as considering the income and means of the applicant, considers the complexity of the charge against him, and estimates the approximate cost to the applicant of representation by private counsel on the matter in question and then relates that estimate to the means of the applicant.

In all cases those administering this program remain cognizant of the policy enunciated by the Governments of Canada and of this province that a person is entitled to a defence when by reason of a criminal charge his means of earning a livelihood or liberty are at stake. While staff lawyers view their role as one complementing and, not competing with, the services available through counsel in private practice, they remain cognizant of their contractual responsibility to deliver the free legal assistance to all intended in the Federal-Provincial Agreement to receive it.

Without restricting the generality of the test set out in Section 4(1) of the Agreement, a sliding scale of financial eligibility is used. As a reference point the figure of \$70.00 per week take-home pay is used. An applicant with minimum financial obligations seeking assistance on a matter of minimum complexity would not qualify for the free assistance of a staff lawyer if his weekly take-home pay exceeded that amount. Consideration is extended as the financial obligations of the applicant or complexity of the matter increase.

The basic income on the sliding scale of eligibility is revised upward from time to time as unemployment insurance benefits, the minimum wage, and the cost of living increase. During the past three years the scale has been increased about \$5.00 per year. Although the figure of \$70.00 per week is perhaps the lowest applied by any of the various programs in Canada, its application in this province seems compatible with the criteria of qualification set out in Section 4(1) of the Agreement. For instance, statistics indicate that during the past year, 33 per cent of all individuals served by this program were single individuals between the ages of sixteen and nineteen years of age in-

clusive. By maintaining the basic income on the scale of eligibility at \$70.00 per week, individuals charged with matters of minimum complexity and drawing unemployment insurance benefits of \$75.00 or more per week while residing with their parents are precluded from automatic qualification under the program. To become involved in representing such individuals when the difficulty in which they are in usually arises from their squandering a large portion of their unemployment insurance benefits on consumption of alcoholic beverages would be to unduly tax the credibility of our legal aid program.

Other factors dictating the current figure of \$70.00 per week include recognition that the minimum wage in this province is much lower than that prevailing in other provinces. Also, there is a relatively large proportion of young counsel, especially in Charlottetown, who appear willing to represent individuals on minor matters to gain litigation experience.

ELIGIBILITY TO CHOOSE PRIVATE COUNSEL

Section 5(2) of the initial Agreement obligated the province to provide an applicant who qualified for assistance in respect of a charge for which the maximum penalty was either life imprisonment or capital punishment with eligibility to retain and instruct any member of the Bar of this province who was prepared to act for him as a recipient of legal aid. Charges involving this possible punishment included murder, manslaughter, rape, robbery, break and entry of a dwelling house, trafficking or possession for the purpose of trafficking in a narcotic and criminal negligence causing death. This clause remained in the initial Agreement during its three years of operation.

In the supplementary Agreement which came into effect during the past year, and in this province in December, this clause was amended at the request of some of the larger provinces to make provision of free choice of counsel mandatory only in those cases where the minimum sentence was life imprisonment. While this amendment represents a major change in our program of legal aid, it could not be denied that the application of the previous section was not entirely logical. For example, an individual charged with break and entry into a house received a free choice of counsel while his friend who at the same time broke into the garage attached to the house would not, even though both were charged under the same section of the Criminal Code. Also, and perhaps a major consideration bringing about the amendment, was eligibility for free choice of counsel on charges of trafficking in a narcotic or possession for that purpose. While a person convicted under that section is liable to a penalty of up to life imprisonment, in actual practice in this province, the maximum sentence imposed for this offence has rarely exceeded one year. On the other hand, greater sentences for other non-choice offences are frequent.

Before this section came into effect in this province on January 1, 1977, twenty-two applicants received assistance in respect to twenty-six charges for which they were eligible for free choice of counsel. Eleven of these individuals chose representation by private counsel, however, of that 11, 5 were applicants who elected to continue with Mr. Paul Mullin, who had commenced their defences while on the staff of this program.

In addition to those instances where mandatory choice of counsel is given, private counsel are retained for persons eligible for assistance under this program where a staff lawyer cannot act because of competing obligations, or because of professional conflict. During the past year for instance, in addition to those applicants who received private counsel in respect of life offences, twenty-five other individuals were represented by private counsel in various stages of their litigation. In total during the past year, approximately 6 per cent of all cases completed through this program were handled by counsel in private practice paid by this office.

TYPE OF CASE

The following is a breakdown of the number and type of cases completed through this program during the past year. These figures reflect only those cases where assistance in the form of court action was granted the applicant either by private counsel or a staff lawyer. These figures do not reflect the number of instances where inquiries or applications were resolved by advice or other action not requiring a court attendance:

a) unlawful homicide	1
b) robbery	6
c) arson	5
d) abduction	1
e) wounding with intent	1
f) break and entry	135
g) theft and possession of stolen goods	100
h) forgery	10
i) false pretences	2
j) assaults and obstructions	33
k) disorderly conduct	10
l) damage to property	22
m) drinking and driving	52
n) other motor vehicle offences	36
o) dangerous and prohibitive weapons	16
p) narcotics	32
q) other offences	64
TOTAL	526

The following is a numerical breakdown of cases completed through this program during the report year:

Individuals whose cases were completed	291
Applications approved	335
Individuals who received representation on more than one occasion	44
Individuals who received representation on more than two occasions	4
Cases completed on behalf of the above recipients	526

Individuals represented by private counsel paid through the program	36
percentage of total cases handled in whole or in part by private counsel	6%
Individual private counsel providing the above representation	13
Cost of services rendered by private counsel	\$11,220.78
In addition, payments were made to 3 private counsel in respect of 3 cases in progress not included above	9,072.50
Total fees to private counsel	20,293.28
Fees to experts and investigators	532.80

SERVICE PROVIDED BY REGION—

Applications granted at:

Charlottetown	163
Summerside	110
Alberton	21
Georgetown	37
Souris	4
TOTAL	335

Age of recipients:

16 - 19 years	33%
20 - 25 years	28%
over 25	39%
	100%

Representation by private counsel on life offences:

	Recipients	Completed Cases	Cost*
Robbery	3	3	\$5,242.10
Narcotics	8	8	2,854.82
			<u>\$8,097.02</u>

* Note that in respect of the above cases, the figures do not necessarily indicate the total cost of completed cases, in that services in respect of five of the 11 cases were carried out by a staff lawyer who later assumed the cases as private counsel.

COST OF PROGRAM

Salaries and benefits	\$50,300.18
Travel: in-province	2,395.37
out-of-province	826.63
Library	443.43
Telephone	1,473.79
Office supplies	466.97
Equipment	553.47
Rent, light and heat	4,016.00

TOTAL EXPENDITURE

	1975-76	1976-77
	\$68,040.00	\$80,088.40
per capita57	.66
Federal contribution	56,066.00	72,079.56
per capita47	.60
Provincial contribution	12,000.00	8,008.84
per capita10	.07

REPORT OF THE ROYAL CANADIAN MOUNTED POLICE "L" DIVISION

Organization

Our Contract with the Province remains at 90 members, including four members under Provincial-Municipal Contracts for policing Alberton, Tignish, O'Leary and Georgetown. Sherwood/Parkdale, Montague and Souris employ an additional ten members under the terms of Municipal Contracts with the Force. Overall strength is 145, which includes Regular Members, Special Constable, Civilian Members and Public Servants.

Distribution of manpower December 31, 1977.

	Chief Superintendent	Inspector	Staff Sergeant	Sergeant	Corporal	Constable	Special Constable	Civilian Member	Clerk	Stenographer	Cleaning Servicemen	TOTAL
Division HQ	1	1	4	7	8	7	9	8	2	2		37
Charlottetown H.P.				1	2	9		1				13
Charlottetown			1	1	3	13		2				20
Alberton			1		2	4		1				8
Alberton H.P.						2						2
Alberton Town**						1						1
Tignish Town**						1						1
O'Leary Town**						1						1
Borden					1	3		1				5
Montague				1	1	3		1				6
Montague Town*						1						1
Montague H.P.						3						3
Georgetown Town**						1						1
Sherwood/Parkdale				1	1	6						8
Souris				1	1	4		1				7
Souris H.P.						2						2
Souris Town*						1						1
Summerside			1		2	5		2				10
Summerside F.I.S.					1	1						2
Summerside H.P.						3						3
Lennox Island							1					1
M.B.C.A./C.S.A.					1	1						2
TOTAL	1	1	7	12	23	70	1	9	17	2	2	145

* Federal-Municipal Contract

** Provincial-Municipal Contract

LAND TRANSPORT

	Police Cars	Highway Cars	Van	Trucks	Boats	Motors	Snow- mobile
Division HQ	13			1	2	2	1
Detachments							
Charlottetown	8	6	1				
Alberton	4	1					
Borden	2						
Montague	3	2			1	1	
Souris	3	1					
Summerside	6	2					
Sherwood/Parkdale	3						
TOTAL	42	12	1	1	3	3	1

SPECIAL SQUADS

The following units provide support for general policing personnel:

Drug Section
 Migratory Birds/Canada Shipping Act Section
 Identification Section
 Security Systems Section
 Crime Prevention/Police Community Relations
 Planning Section
 Staffing & Personnel Section
 Telecommunications Section
 Division Traffic Supervisor
 Security Service
 Financial Services Section
 Administration Section
 Records Management Section
 Commercial Crime Section
 Federal Investigation Section

A Commercial Crime Section was formed this year and a number of fraudulent activities are being investigated. Previously this service was provided by personnel stationed at Fredericton, N.B., and the arrangement did not provide the desired service.

Additionally "H" and "J" Divisions supply the following support services:

Polygraphist
 Police Service Dog Section

RECRUITING

There was a reduction in recruiting across Canada due to the limited establishment increase for the entire Force. The number of recruits engaged in P.E.I. dropped proportionately.

	Applications Received	Engagements
Regular Members	37	6
Re-Applications	10	1
Special Constables	0	0
Civilian Members	0	0
Ex-Members	<u>2</u>	<u>1</u>
TOTALS	49	8

TRAINING

An active training program is essential to develop personnel and keep them abreast of current trends and techniques in law enforcement. A total of 1,040 man-days were spent on training which might appear excessive without critical examination. There was a backlog of required training and most courses were attended during periods of the year when operational requirements are at the lower level. Training is not authorized unless there is an identified need.

In addition to the usual courses, such as breathalyzer, radar, accident investigation and structured development courses, members were trained in commercial fraud investigations, drug investigational techniques, expert marksmanship, hostage negotiating and forensic pathology and homicide.

R.C.M.P AUXILIARY POLICE

Seventeen Auxiliary Police Constables were recruited, equipped and trained, which brought the total complement to 75 members. During the year they performed traffic control duties during the Boy Scout Jamboree, and assisted members to perform normal police duties in connection with night patrols, the National Parks, Old Home Week, July 1st weekend, Hallowe'en and Breathalyzer Van checks. In addition, the Auxiliaries participated voluntarily in the E.M.O. "Skyliner I" Aircrash exercise. The annual budget for 1977 was slightly over \$16,000 used to pay for Kit and Clothing, travelling expenses during in-service training and reimbursement for call-out situations.

The Auxiliary Police Force remains an extremely worthwhile unit comprised of dedicated personnel who display an eagerness to be useful citizens in their community.

POLICE COMMUNITY RELATIONS

Members made 179 appearances before 2416 adults and 8310 youth attending presentations on a variety of topics, including drugs, alcohol, traffic, police and community responsibilities at all levels of school, service clubs and

other community organizations. Radio, television and cablevision were utilized in Charlottetown and Summerside. During Police Week in May, displays were set up in malls and other public areas with the theme "Crime Prevention — The Police and Community Working Together". A crime prevention booth was set up in Kensington during their celebrations in August. Sponsored by Seaman's Beverages, it was manned by Auxiliary and Supernumerary Special Constables from the area.

Six P.E.I. residents were engaged as Supernumerary Special Constables under the Summer Student Employment Assistance Program (S.S.E.A.P.). Following orientation training, they were posted to Cavendish, Summerside and Charlottetown to assist regular police patrols. This program, which was in its second year, proved to be very valuable and it will be continued. As well as providing valuable assistance during our peak work period, the students gain a valuable picture of the role of police within the community.

Summer Job Corps - 1977, a new works program for youth, provided 14 jobs for Crime Prevention Programs. Eight were employed on OPERATION IDENTIFICATION for summer homes in Queens and Prince Counties. Nearly 500 cottages had contents engraved for identification and were mapped as to location and owners. Six were employed in Montague Detachment area as Community Service Workers, mainly engaged in organizing youth activities in Cardigan, Georgetown, Murray River and Montague.

A program designed to have members reside in smaller communities and work from neighbouring detachments has been expanded to include the Village of Morell, adding to the established locations of O'Leary and Tignish. The program has been well received by the communities and requests to expand it have been received. There will be no expansion until there has been further opportunity to test and assess it. While the program is popular with many citizens and very effective to improve police/community relations, additional expense is involved and the overall effectiveness of detachments must be considered.

The highlight of the year was the Boy Scout Jamboree. This Division donated special plaques made by Herb Leavitt of Alberton to representatives of each Province, Territory and visiting Country. Our members who were posted at the temporary detachments are still receiving communications from the Scouts and Leaders. The Force was well represented at the Jamboree, with nearly 100 members attending as private citizens.

Personnel continue to be actively involved in community life, as 59 members occupy executive and membership positions in 39 different organizations. In addition, our members continue to work with youth in various athletic activities as coaches and officials, and many are also involved as team members.

The Force continues to stress the need for the police to be involved in community relations. It is very evident the members stationed within the province are very active within the various communities.

CRIME & TRAFFIC STATISTICS — 1977

Appendix "A" outlines number, type and disposition of 1977 cases. Appendices "B" (1977) and "C" provide comparable statistics for the two years.

During 1977 total offences increased by 292, from 5001 to 5293. Most of the increase relates to the increase of 169 fraud offences which can be attributed primarily to the opening of a Commercial Crime Section. There were also increases in the following categories: Thefts Under \$200 — 134; Thefts Over \$200 — 47; and Wilful Damage — 72. Programs are being implemented to attempt to reduce these categories. Some of the increases were reduced by decreases in the number of Break, Entry and Theft, Theft of Motor Vehicle and Criminal Code Driving Offences.

Our ultimate goal must be to reduce all offences by our preventive policing program. However, it is not considered there is a need to be alarmed by the increases.

TRAFFIC LAW ENFORCEMENT

Our most serious problem during 1977 was the increase of fatal accidents from 24(1976) to 38(1977), and the number of people killed which rose from 28(1976) to 46(1977). Actually the statistics are made more alarming because in 1976 there was a drastic reduction of 30% in the number of fatal accidents when compared to 1975, and a 42% reduction in the number of people killed.

Our level of enforcement was down in 1977 and this clearly indicates a high level of quality enforcement must be maintained. Appropriate action has brought enforcement back to a satisfactory level. The involvement of the drinking driver in the fatal accident picture of P.E.I. has been well publicized and further steps announced by the Premier will hopefully improve the situation. The "Roadside Screening Program" is considered by members to be a very positive step to assist with the problems and it should be fully implemented by approximately April, 1978.

There are 22 members employed on full-time traffic law enforcement, located at five Highway Patrol Units throughout the province. During the past summer they were aided by three of the university students who were employed as Supernumerary Special Constables. Primarily their duties involved assistance to the Mobile Breathalyzer Van operator.

Appendices D, E and F indicate accident and traffic law enforcement statistics for 1977 and comparative years.

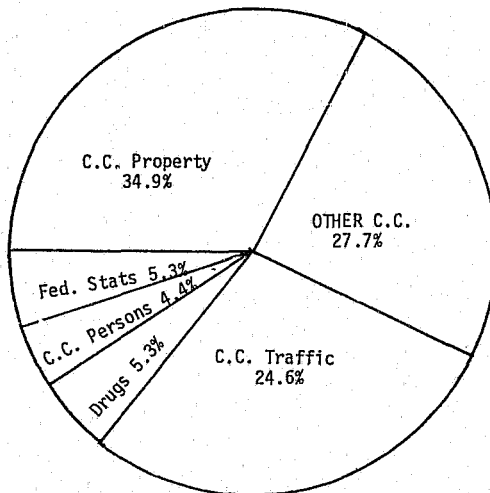
APPENDIX "A"

	Reported or Known	Unfounded	Actual Number	By Charge	Otherwise	(Adults)		(Juveniles)		Juveniles Informal
						Male	Female	Male	Female	
OFFENCES - CRIME										
Homicide	2	1	1	1		1				
Attempted Homicide	1		1	1		1				
Sexual Offences	18	8	10		6					
Assaults	290	67	223	61	150	62	4			1
Robbery	10	4	5	3		7	2			
Break and Enter	533	82	451	130	53	150		59	3	39
Theft-Motor Vehicle	140	54	86	25	21	28		11		6
Theft OVER \$200	178	32	146	21	16	21	3			4
Theft UNDER \$200	1027	144	888	136	168	113	25	21	6	68
Have Stolen Goods	25	4	21	16	1	13	4	1		
Frauds	282	27	255	104	103	34	5	2		
Gaming & Betting	6		6	4	1	5				
Offensive Weapons	62	18	44	15	21	16				13
Other Criminal Code	1692	273	1416	220	491	251	6	21	1	181
Federal Statutes-Drugs	227	60	167	102	44	98	5			1
Federal Statutes-Other	292	18	274	241	17	157	4	1		4
Provincial Statutes	3085	75	3016	2645	226	2589	48			18
Municipal By-Laws			7		5					

OFFENCES-TRAFFIC

						(Persons Charged) (Includes Juveniles)	
Crim. Neg Death	3		3	3		3	
Crim. Neg. Operating Motor Vehicle	3		3	2		2	
Fail to Remain (C.C.)	110	14	96	33	20	32	2
Fail to Remain (Prov.)	81	18	63	14	4	12	2
Dangerous Driving (C.C.)	36	1	35	31		31	
Dangerous Driving (Prov.)	46	2	44	42	1	42	
Fail to Provide Breath Sample	392		392	392		387	5
Drive While Impaired	817	229	592	560	4	541	22
Drive While Suspended (C.C.) ..	195	14	181	179		178	1
Drive While Suspended (Prov.) ..	9		9	9		9	
Prov. Statutes (Traffic)	8494	164	8330	8252	44	8252	
Municipal By-Laws	19	1	18	11	6	11	

APPENDIX "B"
"L" DIVISION CRIME STATISTICS -- 1977

C.C. PROPERTY - 34.9%

Theft Under \$200	888	48.0
Break & Enter	451	24.4
Frauds	255	13.8
Theft - Motor Vehicle	86	4.7
Theft Over \$200	146	7.9
Possession Stolen Goods	21	1.2
	<u>1847</u>	<u>100.0%</u>

C.C. TRAFFIC - 24.6%

Impaired Driving	592	45.5
Suspended Driving	181	13.9
Fail/Refuse Test	392	30.0
Fail to Remain	96	7.3
Dangerous Driving	35	2.6
Criminal Negligence	6	0.7
	<u>1302</u>	<u>100.0%</u>

OTHER C.C. - 27.7%

Wilful Damage-Private	739	50.4
Disturb the Peace	200	13.7
Not Specified Offences	194	13.2
Wilful Damage-Public	127	8.7
Offensive Weapons	44	3.0
Arson	55	3.8
Trespass at Night	49	3.3
Bail Violations	10	0.8
Obstruct Peace Officer	17	1.1
Indecent Acts	5	0.4
Escape Custody	5	0.3
Counterfeiting Currency	3	0.2
Prisoner at Large	9	0.6
Gaming & Betting	6	0.4
Public Morals	2	0.1
	<u>1465</u>	<u>100.0%</u>

C.C. PERSON - 4.4%

Common Assaults	189	79.5
Bodily Harm	22	9.2
Assault-Police	5	2.1
Sexual Offences	10	4.2
Robbery	6	2.5
Assault-Other Peace/Public	3	1.3
Wounding	1	0.4
Homicide	1	0.4
Attempted Homicide	1	0.4
	<u>238</u>	<u>100.0%</u>

DRUGS - 3.1%

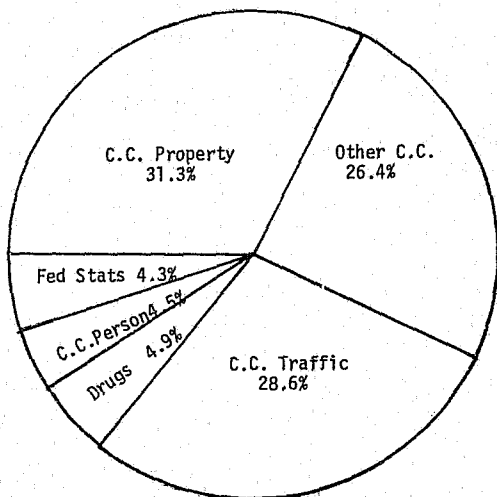
Cannabis	148	88.1%
Opiates	1	0.6
Controlled	19	11.3
	<u>168</u>	<u>100.0%</u>

FEDERAL STATUTES - 5.3%

Not Specified Fed.Stats.	258	94.5
Excise Act	5	1.8
Customs Act	7	2.6
Canada Shipping Act	2	0.7
Ju. Del. Act	1	0.4
	<u>273</u>	<u>100.0%</u>

TOTAL 5293 - 100%

APPENDIX "C"
 "L" DIVISION CRIME STATISTICS — 1976



C.C. PROPERTY - 31.3%

Theft Under \$200	754	48.2%
Break & Enter	499	32.0
Theft-Motor Vehicle	105	6.7
Theft Over \$200	99	6.3
Frauds	86	5.5
Poss. Stolen Goods	21	1.3
SOLVED - 38%	1564	100.0%

C.C. TRAFFIC - 28.6%

Impaired Driving	644	45.1%
Fail/Refuse Test	374	26.1
Suspended Driving	251	17.6
Fail to Remain	121	8.5
Dangerous Driving	35	2.4
Criminal Negligence	4	.3
SOLVED - 91%	1429	100.0%

OTHER C.C. - 26.4%

Wilful Damage-Private	667	50.5%
Disturb the Peace	238	18.0
Not Specified Offences	134	10.2
Wilful Damage-Public	106	8.0
Offensive Weapons	51	3.9
Arson	41	3.2
Trespass at Night	38	2.9
Obstruct Peace Officer	16	1.2
Bail Violations	8	.6
Indecent Acts	7	.5
Public Morals	4	.3
Escape Custody	4	.3
Kidnapping	3	.2
Prisoner at Large	2	.1
Gaming & Betting	2	.1
SOLVED - 52%	1321	100.0%

C.C. PERSON - 4.5%

Common Assaults	147	64.5%
Bodily Harm	41	18.0
Sexual Offences	15	6.6
Assault-Other Peace/Public Officer	9	3.9
Assault-Police	8	3.5
Robbery	4	1.8
Homicide	3	1.3
Wounding	1	.4
SOLVED - 86%	228	100.0%

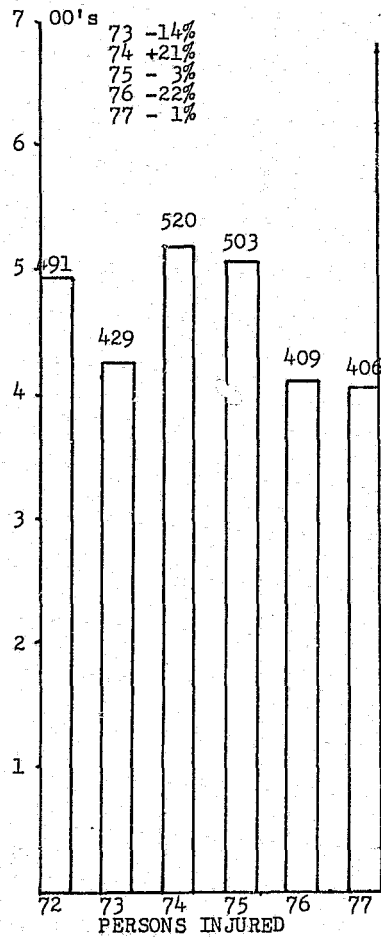
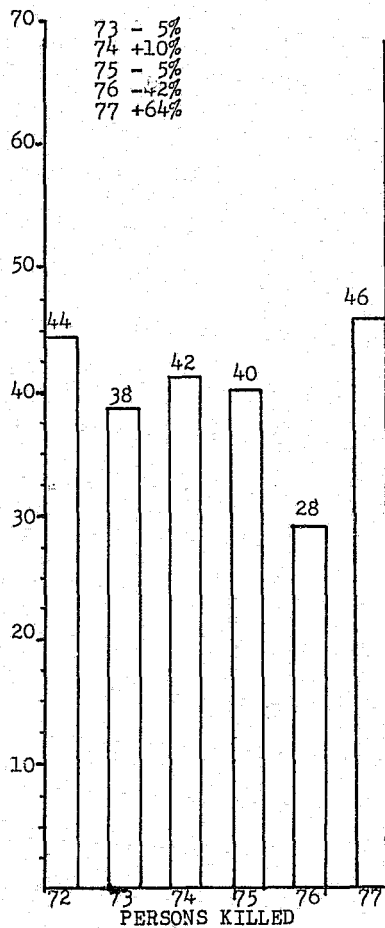
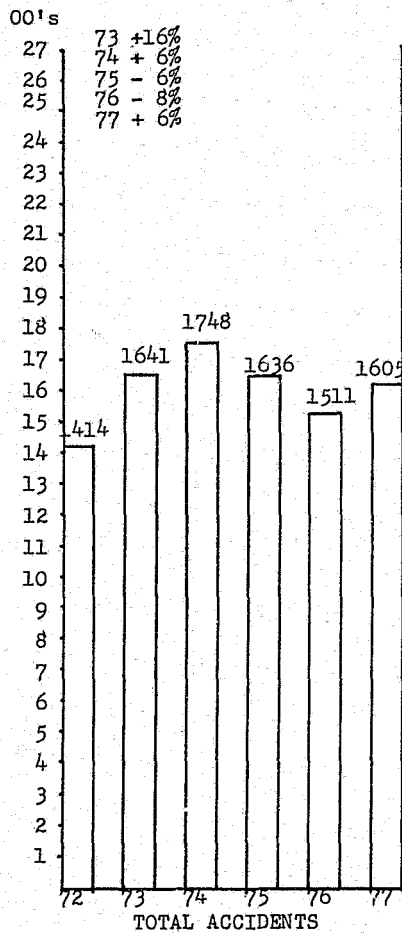
DRUGS - 4.9%

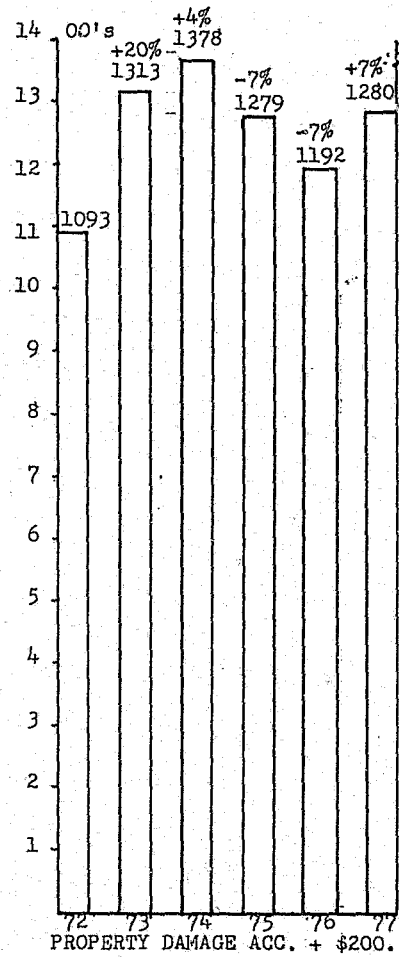
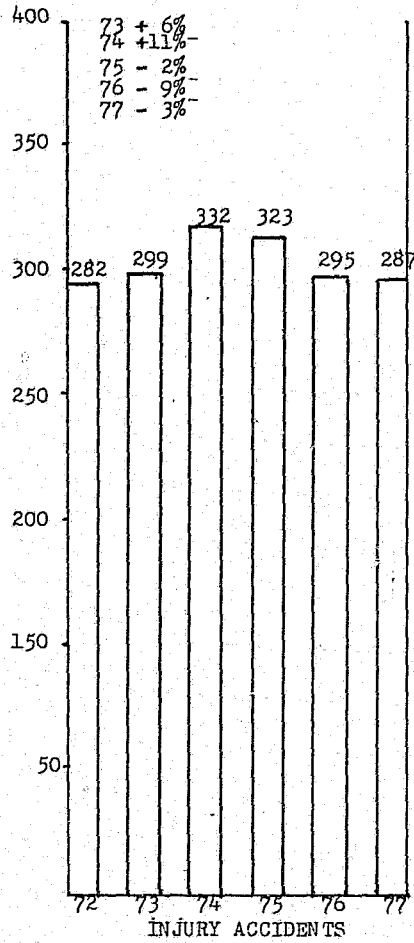
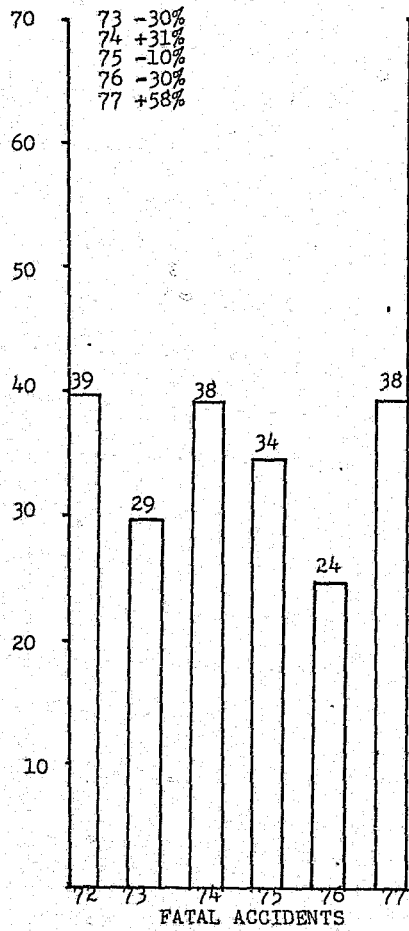
Cannabis	223	95.1%
Restricted	6	2.4
Controlled	5	2.1
Opiates	1	.4
SOLVED - 65%	245	100.0%

FEDERAL STATUTES - 4.3%

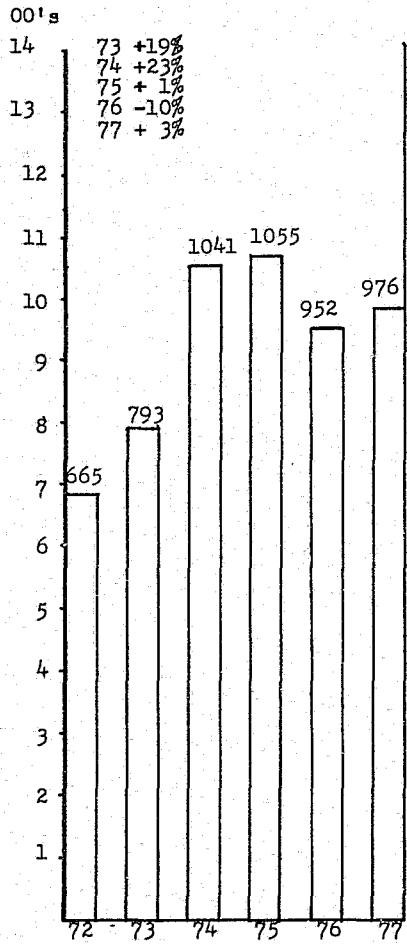
Not Specified Fed.Stats.	209	98.0%
Customs Act	3	1.0
Excise Act	2	1.0
SOLVED 94%	214	100.0%

TOTAL 100.0% 5001

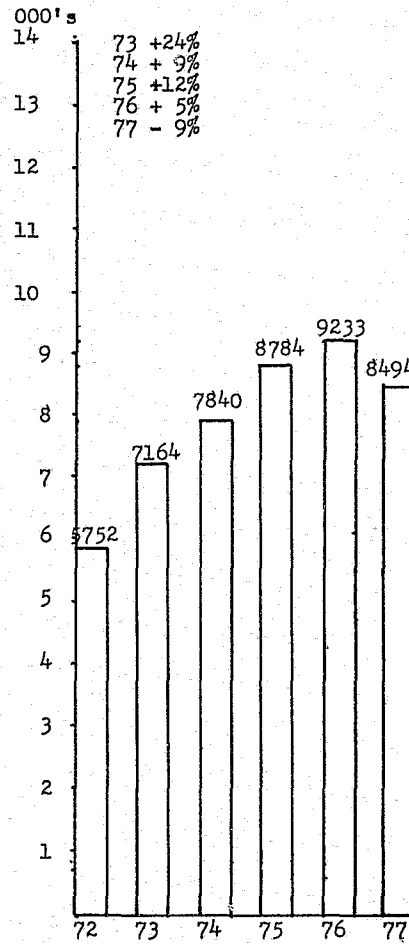
APPENDIX "D"
"I" DIVISION CRIME STATISTICS — 1976



APPENDIX "E"
"I" DIVISION CRIME STATISTICS - 1976



DRINKING DRIVING CHARGES



PROVINCIAL TRAFFIC ACT CHARGES

APPENDIX 'F'
"I" DIVISION CRIME STATISTICS - 1976



END