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CTLA President

June 9, 2020

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RE: CTLA Open Statement Regarding Policing and Reevaluating Our Community Priorities

On May 25, 2020, George Floyd's murder by Minneapolis Police was captured on camera and broadcast to the world to see. The Criminal Trial Lawyers Association (the "CTLA") pays its respect to the Floyd family, and all families in Canada and world-wide who have lost loved ones due to unnecessary police brutality.

As a result of Mr. Floyd's death, condemnation of police actions came swiftly from voices within the United States and across the world. Soon after, protests have followed worldwide, not just demanding justice for George Floyd, but justice for all the "George Floyds" across the world named and unnamed.

Society has decided that George Floyd's death will not be a temporary outrage, rather his death has become a call of action to reform. The CTLA joins that call to action and demands police and justice reform start today.

Although the United States has its own unique cultural and racial epistemology, what is not unique to American society is the militarization of the police, police brutality, and discrimination against indigenous and black citizens. Canada is no different in this respect. For instance, we recently became aware of injuries suffered by a respected indigenous leader, Chief Allan Adam, in Fort McMurray during what appeared to be a routine traffic stop. Albertans should not sit idly under the misconception our communities are immune from the type of conduct which sparked outrage south of the border.

In Edmonton, there have been tragic deaths of our citizens while in police custody. Year after year our justice system bears witness to circumstances of police using excessive force or acting irresponsibly when confronting citizens, especially those suffering from addiction or mental health problems. As recently as May 14, 2020 a 24 year old man fell from a fourth storey balcony during a police incident in West Edmonton. Police may not be to blame for this incident, but it reveals a continued pattern of unnecessary tragedies involving police attending to distress calls.

Unfortunately, rarely is there video of these police actions because the Edmonton Police Service (the "EPS") continues to oppose the implementation of body cameras or dash cameras in their vehicles, yet their budget continues to increase year after year. Thankfully, it is becoming more common for citizens to capture inappropriate police actions using cell phones and other mobile devices. When we observe such imagery, it is clear police power requires more rigorous and independent oversight.

The CTLA strongly encourages both municipal and Provincial government officials to work on the following to ensure responsible policing and greater access to justice:

1. Review and reform EPS policies, practices, and most importantly, their culture. This should be done by a board of a multitude of stakeholders including city officials, members of the police, lawyers, and citizens including citizens from the Indigenous and African-Canadian communities. The focus of reform should include implementing de-escalation practices, transparent and timely police discipline, community outreach, and budget cuts. Significantly, the disciplinary process for wayward acting officers should not take years as it currently does.
2. Create a task force to set up an alternative first responder system to handle non-criminal related distress calls involving mental health or addiction crisis. Tragic results such as Regis Korchinski-Paquet and Chantel Moore need to stop.
3. Edmonton City officials must confront the EPS on their ballooning budget demands. The EPS operating budget in 2018 was approximately \$337 million. By 2022 the estimated EPS budget is projected to be \$424 million. EPS spending needs restrictions and oversight immediately. Why are taxpayers funding EPS to this extent when overall crime rates are decreasing and the City struggles to fund basic necessities such as public transport? By comparison, consider that the City of Edmonton spends \$356 million on EPS while their social development budget, which includes social housing and homelessness, was \$38 million. The City of Edmonton's 2019 Expenditure budget reveals police services to be the second highest expenditure consuming 14.9% of our tax dollars. *Meanwhile, the Province is seeking to divert money from victims of crime funds to further support policing. Where does it stop? Why are we cutting social services while increasing police budgets?*
4. Modernize provincial legislation which currently restricts citizens from seeking damages in tort law when they are injured by unlawful police action. For instance, a citizen is currently unable to sue the police for assault in provincial court (commonly referred to as "small claims court"), which is typically a low cost, streamlined court process focused on facilitating mediated settlements where possible, with minimal legal expense to the parties. Unfortunately, Alberta law requires claimants to bear the much higher legal expense of using the Court of Queen's Bench process, often in circumstances where those legal expenses end up far exceeding recoverable damages in getting to trial or settlement. As a consequence, individuals are frequently forced to abandon legitimate claims against police due to financial limitations. Individual police defendants, on the other hand, have their legal fees covered entirely by the Crown. Even more troubling is that although citizens are barred from pursuing legal action against the police in provincial court, conversely, police are allowed to use the provincial court to sue citizens. This hypocritical policy needs to be amended.

It is time for our communities to reevaluate our priorities. The CTLA believes that these reforms are the first steps needed to ensure that trust can be built between citizens, especially visible minorities such as indigenous and black communities, and the police. Therefore the CTLA will be establishing a new committee to review and take action regarding these issues. We seek to be part of the solution.

Edmonton is the city that we all call home and we should feel safe entrusting the police to be our first responders and to provide our security without our lives being threatened.

Yours truly,
CRIMINAL TRIAL LAWYERS ASSOCIATION (CTLA)
PER:



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