

Letter to Peter Juk

From: Cheema, Haiqa AG:EX
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: Thompson, Angella N AG:EX <Angella.Thompson@gov.bc.ca>, Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>
Sent: November 16, 2022 11:47:34 AM PST
Attachments: Draft Letter Nov 16.docx
Hi Candice,

This has been approved by Minister Rankin. Can you attach his e-signature and send it off to Peter Juk and DM Barb by **noon**.

Haiqa Cheema (She/her)

Ministerial Advisor to:

Honourable Murray Rankin, Attorney General and Minister for Housing

Rachna Singh, Parliamentary Secretary for Anti-Racism Initiatives

Cell: (778) 676 0480

Mr. Peter Juk KC
Assistant Deputy Attorney General
BC Prosecution Service
Ministry of Attorney General
Criminal Justice Branch
PO Box 9276 Stn Prov Govt
Victoria BC V8W 9J7

Dear Mr. Juk:

You have advised me as follows:

- a) The *Charter of Rights and Freedoms* guarantees that every person charged with an offence has the right not to be denied reasonable bail without just cause.
- b) Under the Federal *Criminal Code*, every person arrested for an offence is entitled to be released by the police or brought before a justice for a bail hearing as soon as possible. The justice decides whether to detain the person in custody or release the person on bail and on what conditions.
- c) Subsection 515(10) of the *Criminal Code* enumerates the only lawful grounds upon which Crown Counsel may seek the detention of an accused person:

515. (10) For the purposes of this section, the detention of an accused in custody is justified only on one or more of the following grounds:

(a) where the detention is necessary to ensure his or her attendance in court in order to be dealt with according to law;

(b) where the detention is necessary for the protection or safety of the public, including any victim of or witness to the offence, or any person under the age of 18 years, having regard to all the circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice; and

(c) if the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including

(i) the apparent strength of the prosecution's case,

(ii) the gravity of the offence,

(iii) the circumstances surrounding the commission of the offence, including whether a firearm was used, and

(iv) the fact that the accused is liable, on conviction, for a potentially lengthy term of imprisonment or, in the case of an offence that involves, or whose subject-matter is, a firearm, a minimum punishment of imprisonment for a term of three years or more.

d) Despite the constitutional right to reasonable bail, the numbers of accused persons denied bail and held in pretrial custody have dramatically increased since the enactment of the *Charter of Rights and Freedoms*. This increase disproportionately affected accused persons from disadvantaged and vulnerable communities. Pre-trial detention tends to increase an accused's risk of future criminalization. It also tends to increase the already unacceptable over-representation of Indigenous persons within the Canadian criminal justice system.

e) The Federal *Criminal Code* was amended in 2019, imposing on judges and police the requirement to:

...give primary consideration to the release of the accused at the earliest reasonable opportunity, on the least onerous conditions that are appropriate in the circumstances...

f) The Supreme Court of Canada has confirmed that pretrial release (i.e., bail) is the rule and pretrial detention is the exception and emphasized the obligation on all parties, including Crown Counsel, to act with restraint in all matters affecting bail.

g) Despite the amendments to the Criminal Code and the judgments of the Supreme Court of Canada, the principle of restraint does not preclude Crown Counsel from seeking detention of an accused person under section 515(10) when it is necessary and appropriate to do so for the protection or safety of the public or to maintain confidence in the administration of justice.

Communities in British Columbia have been dealing with an increase in repeat offending and unprovoked violent stranger attacks. The province has received recommendations from Dr. Amanda Butler and Mr. Doug LePard that build on work already underway to keep people and communities safe and connect people who have been committing repeat offences with the supports they need to break out of that cycle.

I believe that the public interest requires that I take every step possible under the law to address repeat offending and unprovoked violent stranger attacks to ensure public confidence in the justice system.

Therefore, pursuant to Section 6 of the *Crown Counsel Act*, this letter is my direction to you respecting the Criminal Justice Branch policy entitled *Bail -- Adults (BAI 1)* (the "Policy").

You must:

1. By end of November 18th, identify amendments to the Policy that could, to the full extent possible under the law, address the risk that repeat violent offenders pose to public safety in British Columbia;
2. By end of November 19th, provide me with the revised Policy; and
3. By end of November 22nd, implement the revised Policy

Sincerely,

Murray Rankin KC
Attorney General,
Minister Responsible for Housing, and
Minister of Indigenous Relations and Reconciliation

PRIVILEGED AND CONFIDENTIAL

RE: File no. 634143

From: Cheema, Haiqa AG:EX
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>, Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>
Cc: Milne, Lauren AG:EX <Lauren.Milne@gov.bc.ca>
Sent: November 16, 2022 12:16:50 PM PST
Huge thank you to you all

Haiqa

From: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Sent: November 16, 2022 12:04 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>
Cc: Milne, Lauren AG:EX <Lauren.Milne@gov.bc.ca>
Subject: FW: File no. 634143

Here is the letter that was emailed to Mr. Peter Juk, KC. Huge thanks to Lauren Milne in CCU for completing so quickly.

C.

From: AG Correspondence AG:EX <MAG.Correspondence@gov.bc.ca>
Sent: November 16, 2022 12:02 PM
To: Juk, Peter A AG:EX <Peter.Juk@gov.bc.ca>
Cc: Carmichael, Barbara AG:EX <Barbara.Carmichael@gov.bc.ca>
Subject: File no. 634143

Mr. Peter Juk, KC
Assistant Deputy Attorney General
BC Prosecution Service
Ministry of Attorney General
Criminal Justice Branch
Email: Peter.Juk@gov.bc.ca

Dear Mr. Juk:

Sending the attached letter on behalf of the Honourable Murray Rankin, Attorney General and Minister Responsible for Housing.

FW: File no. 634143

From: Hughes, Candice AG:EX <Candice.Hughes@gov.bc.ca>
To: Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>, Dowler, Thea HOUS:EX <Thea.Dowler@gov.bc.ca>, McCorkindale, Mack AG:EX <Mack.McCorkindale@gov.bc.ca>
Sent: November 16, 2022 1:37:06 PM PST
Attachments: 634143 response.pdf

Haiqa had requested this letter from AG Rankin to Peter Juk, be sent out earlier today – here is a copy for your info as well. Maya has a copy too.

Candice

From: Minister, AG AG:EX
Sent: November 16, 2022 12:04 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>
Cc: Milne, Lauren AG:EX <Lauren.Milne@gov.bc.ca>
Subject: FW: File no. 634143

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From: AG Correspondence AG:EX <MAG.Correspondence@gov.bc.ca>
Sent: November 16, 2022 12:02 PM
To: Juk, Peter A AG:EX <Peter.Juk@gov.bc.ca>
Cc: Carmichael, Barbara AG:EX <Barbara.Carmichael@gov.bc.ca>
Subject: File no. 634143

Mr. Peter Juk, KC
Assistant Deputy Attorney General
BC Prosecution Service
Ministry of Attorney General
Criminal Justice Branch
Email: Peter.Juk@gov.bc.ca

Dear Mr. Juk:

Sending the attached letter on behalf of the Honourable Murray Rankin, Attorney General and Minister Responsible for Housing.



BRITISH
COLUMBIA

VIA EMAIL

Ref. 634143

November 16, 2022

Mr. Peter Juk, KC
Assistant Deputy Attorney General
BC Prosecution Service
Ministry of Attorney General
Criminal Justice Branch
PO Box 9276 Stn Prov Govt
Victoria BC V8W 9J7
Email: Peter.Juk@gov.bc.ca

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.../2

Ministry of Attorney General
and Minister Responsible for Housing

Mailing Address:
PO Box 9044 Stn Prov Govt
Email: AG.Minister@gov.bc.ca
Victoria BC V8W 9E2
website: www.gov.bc.ca/ag

Telephone: 250-387-1866
Facsimile: 250-387-6411

- (c) if the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including
- (i) the apparent strength of the prosecution's case,
 - (ii) the gravity of the offence,
 - (iii) the circumstances surrounding the commission of the offence, including whether a firearm was used, and
 - (iv) the fact that the accused is liable, on conviction, for a potentially lengthy term of imprisonment or, in the case of an offence that involves, or whose subject-matter is, a firearm, a minimum punishment of imprisonment for a term of three years or more.
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- e) The Federal *Criminal Code* was amended in 2019, imposing on judges and police the requirement to:
- ...give primary consideration to the release of the accused at the earliest reasonable opportunity, on the least onerous conditions that are appropriate in the circumstances...*
- f) The Supreme Court of Canada has confirmed that pretrial release (i.e., bail) is the rule and pretrial detention is the exception and emphasized the obligation on all parties, including Crown Counsel, to act with restraint in all matters affecting bail.
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Communities in British Columbia have been dealing with an increase in repeat offending and unprovoked violent stranger attacks. The Province has received recommendations from Dr. Amanda Butler and Mr. Doug LePard that build on work already underway to keep people and communities safe and connect people who have been committing repeat offences with the supports they need to break out of that cycle.

.../3

Mr. Peter Juk, KC

Page 3

I believe that the public interest requires that I take every step possible under the law to address repeat offending and unprovoked violent stranger attacks to ensure public confidence in the justice system.

Therefore, pursuant to Section 6 of the *Crown Counsel Act*, this letter is my direction to you respecting the Criminal Justice Branch policy entitled *Bail -- Adults (BAI 1)* (the "Policy").

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2. By end of November 19th, provide me with the revised Policy; and
3. By end of November 22nd, implement the revised Policy

Sincerely,



Murray Rankin, KC
Attorney General and
Minister Responsible for Housing

pc: Barbara Carmichael

Sunday announcement

From: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
To: Jorgensen, Lisa <Lisa.Jorgensen@justice.gc.ca>
Sent: November 19, 2022 9:47:02 AM PST
Hi Lisa,

Here is a summary of things we are announcing.

New measures announced include:

- Launching new repeat violent offender response teams, made up of dedicated police, prosecutors and probation officers. s.13
- Expanding mental health crisis response teams into more communities so police can focus on crime and people in crisis s.13 healthcare workers and community members.
- Opening ten new Indigenous Justice Centres to provide culturally appropriate support for Indigenous Peoples involved in the justice system to address the root causes of their involvement in the system and help them break the cycle.

s.13

s.13

The new policy will take effect on November 22, 2022.

- Taking the next steps in creating a new model of addictions care at St Paul's Hospital so that people can seamlessly move from s.13 in partnership with Vancouver Coastal Health and Providence Health.

Haiqa

Re: Details on Safer Communities Action Plan

From: Cheema, Haiqa AG:EX
To: Andrews, Scott MUNI:EX <Scott.Andrews@gov.bc.ca>, Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>
Cc: McNish, James MUNI:EX <James.McNish@gov.bc.ca>
Sent: November 19, 2022 2:42:29 PM PST

The premier briefed caucus at 1:30 pm today. Did minister Cullen attend? We are still finalizing the materials or I would send it your way.

Here is a summary of things we are announcing

New measures announced include:

- Launching new repeat violent offender coordinated response teams, made up of police, and dedicated prosecutors and probation officers.
- Expanding mental health crisis response teams into more communities so police can focus on crime and people in crisis are met early on by healthcare workers and community members – s.13
- Taking the next steps in creating a new model of addictions care at St Paul's Hospital so that people can seamlessly move from crisis response in the emergency room, to detox, to treatment services, in partnership with Vancouver Coastal Health and Providence Health.
- Opening ten new Indigenous Justice Centres to provide culturally appropriate support for Indigenous Peoples involved in the justice system to address the root causes of their involvement in the system and help them break that cycle s.13
- Going after the houses, cars and luxury goods of high-level organized criminals who profit on misery by introducing "unexplained wealth order" legislation in Spring 2023.

Building public confidence in our prosecution system with new direction from the Attorney General to prosecutors to implement a clear and understandable approach to bail for repeat violent offenders within the existing federal law. The new policy will take effect on November 22, 2022.

Haiqa

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From: Andrews, Scott MUNI:EX <Scott.Andrews@gov.bc.ca>
Sent: Saturday, November 19, 2022 2:34:28 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>
Cc: McNish, James MUNI:EX <James.McNish@gov.bc.ca>
Subject: Re: Details on Safer Communities Action Plan

Oh okay, I didn't see anything about a caucus briefing. What time was it?

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From: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Sent: Saturday, November 19, 2022 2:32:29 PM
To: Andrews, Scott MUNI:EX <Scott.Andrews@gov.bc.ca>; Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>

Cc: McNish, James MUNI:EX <James.McNish@gov.bc.ca>

Subject: Re: Details on Safer Communities Action Plan

Hi Scott,

Minister Cullen should have gotten briefed today. Did he attend the caucus briefing?

If not, a package will come to him. We are in contact with the mayor of terrace to be a quote validator for us.

Haiqa

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From: Andrews, Scott MUNI:EX <Scott.Andrews@gov.bc.ca>

Sent: Saturday, November 19, 2022 2:09:20 PM

To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>

Cc: McNish, James MUNI:EX <James.McNish@gov.bc.ca>

Subject: Details on Safer Communities Action Plan

Hi Haiqa and Sian,

Minister Cullen is keen to get further details on the Safer Communities Action Plan. In particular how we can support mayors in affected areas.

Thanks!

Scott

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Fwd: 22-23 - BC Prosecution Service - BC Prosecution Service Announces Revised Bail Policy After Directive by AG

From: Grewal, Preet GCPE:EX <Preet.Grewal@gov.bc.ca>
To: Marriott, Sarah GCPE:EX <Sarah.Marriott@gov.bc.ca>
Cc: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>, Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>
Sent: November 23, 2022 10:12:15 PM PST
Attachments: 22-23 - BC Prosecution Service - BC Prosecution Service Announces Revised Bail Policy After Directive by AG.pdf

Hi-here you go.

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From: Grewal, Preet GCPE:EX <Preet.Grewal@gov.bc.ca>
Sent: Tuesday, November 22, 2022 3:52 PM
To: Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>; Moraes, Josh AG:EX <Josh.Moraes@gov.bc.ca>; Marriott, Sarah GCPE:EX <Sarah.Marriott@gov.bc.ca>
Subject: FW: 22-23 - BC Prosecution Service - BC Prosecution Service Announces Revised Bail Policy After Directive by AG

Fyi – this version went out at 2 pm today and also includes the AG’s directive.

Thanks,
Preet

From: AG CJB Media Distribution Only AG:EX <CJBMEDDO@gov.bc.ca>
Sent: November 22, 2022 1:00 PM
To: Adams, Alisia K AG:EX <Alisia.Adams@gov.bc.ca>; Dusterbeck, Sarah AG:EX <Sarah.Dusterbeck@gov.bc.ca>; Engelbrecht, Maya AG:EX <Maya.Engelbrecht@gov.bc.ca>; Juk, Peter A AG:EX <Peter.Juk@gov.bc.ca>; Kaitila, Kristyn AG:EX <Kristyn.Kaitila@gov.bc.ca>; McLaughlin, Daniel AG:EX <Daniel.McLaughlin@gov.bc.ca>; Comer, Gordon S AG:EX <Gordon.Comer@gov.bc.ca>; Grewal, Preet GCPE:EX <Preet.Grewal@gov.bc.ca>; Craven, Paul AG:EX <Paul.Craven@gov.bc.ca>
Cc: Carmichael, Barbara AG:EX <Barbara.Carmichael@gov.bc.ca>
Subject: 22-23 - BC Prosecution Service - BC Prosecution Service Announces Revised Bail Policy After Directive by AG

Attached is a media statement that is embargoed until it is publicly released today at 2:00 p.m.

This Email address is dedicated to the delivery of Media Statements, Media Advisories, and BC Prosecution Service materials to the Media. Please do not reply to this address. If you have any questions arising out of the distributed material please contact:

Daniel McLaughlin
Communications Counsel
BC Prosecution Service
250-387-5169



November 22, 2022

22-23

BC Prosecution Service announces revised bail policy after directive by AG

Victoria – On November 16, 2022, the Attorney General issued a directive to the Assistant Deputy Attorney General (ADAG) of the BC Prosecution Service (BCPS) to identify and implement amendments to its *Bail – Adults* (BAI 1) policy that could, to the full extent possible under the law, address the risk that repeat violent offenders pose to public safety in British Columbia. The directive was issued pursuant to section 6 of the *Crown Counsel Act*, which gives the Attorney General the authority to issue a directive respecting the policy on the approval or conduct of prosecutions. A copy of the directive is attached to this statement.

As directed, the BCPS is implementing a revised *Bail – Adults* (BAI 1) policy, effective immediately. The revised policy can be seen here:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/bai-1.pdf

Key changes

- A new section, entitled “Protecting public safety and maintaining confidence in the administration of justice”, confirms that protection or safety of the public is a matter of concern in relation to repeat offenders, particularly repeat violent offenders
- A mandatory direction from the ADAG to Crown Counsel that they must seek the detention of a repeat violent offender charged with an offence against the person or an offence involving a weapon, unless they are satisfied the risk to public safety can be reduced to an acceptable level by bail conditions
- Advice to Crown Counsel to consider any factors that may weigh in favour of seeking the accused’s detention, including:
 - the accused had outstanding criminal charges alleging an offence against the person or involving a weapon
 - the accused allegedly breached a condition of a recognizance or a weapons prohibition
 - the reverse onus provisions of section 515(6) of the *Criminal Code*

Headquarters
BC Prosecution Service
Ministry of Attorney General

PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7
gov.bc.ca/prosecutionservice
@bcprosecution

P: 250.387.3840 F: 250.387.0090

- Previous advice, advising Crown Counsel not to seek detention unless a fit sentence upon conviction would include incarceration, has been removed from the policy.

Media Contact: Dan McLaughlin
Communications Counsel
Daniel.McLaughlin@gov.bc.ca
250.387.5169

To learn more about BC's criminal justice system, visit the British Columbia Prosecution Service website at: gov.bc.ca/prosecutionservice or follow [@bcprosecution](https://twitter.com/bcprosecution) on Twitter.



BRITISH
COLUMBIA

VIA EMAIL

Ref. 634143

November 16, 2022

Mr. Peter Juk, KC
Assistant Deputy Attorney General
BC Prosecution Service
Ministry of Attorney General
Criminal Justice Branch
PO Box 9276 Stn Prov Govt
Victoria BC V8W 9J7
Email: Peter.Juk@gov.bc.ca

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.../2

Ministry of Attorney General
and Minister Responsible for Housing

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Victoria BC V8W 9E2
website: www.gov.bc.ca/ag

Telephone: 250-387-1866
Facsimile: 250-387-6411

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Mr. Peter Juk, KC
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pc: Barbara Carmichael