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Barrhead interim RCMP Detachment commander foresees issues with new pre-charge system

Cpl. Filipe Vicente concerned city prosecutors will not know the nuances of rural policing



Barry Kerton

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councillors during their May 14 meeting that he had reservations about a new pre-charge protocol brought in by the Alberta Justice and Solicitor General department this spring. | Barry Kerton/BL



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BARRHEAD - Barrhead RCMP Detachment interim detachment commander Cpl. Filipe Vicente has some reservations about a new pre-charge protocol instituted by 'K' Division.

Vicente told Town of Barrhead councillors during the detachment's quarterly report at the May 14 council meeting Alberta RCMP Headquarters started rolling out the program this spring through the Alberta Justice and Solicitor General department, most notably Crown Prosecution Services, to select groups of 10.

The Barrhead RCMP detachment was enrolled in the program on April 29.

"In the past, a member would go to a call, determine what was done wrong, what the [complainant] wanted, and decide what charges, if any, were appropriate," he said.

Vicente said that in scenarios where officers respond to a call and hold the accused for a bail hearing, they can still decide which charges are laid.

However, more often than not, he explained, for most files, especially for lesser offences, where officers arrest and release the suspect on an appearance notice, an undertaking or conditions, the detachment must submit a package, which includes

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the charges the RCMP wish to lay.

"They then tell us what to do," Vicente said, admitting there have been some "growing pains" for officers as they transition to the new system.

Regardless of the growing pains and time to get accustomed to the system, Vicente foresees problems for rural detachments and communities.

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"The people making those decisions are in the city sitting in an office and, for the most part, don't know where Barrhead is or what the local issues are," he said. "Sometimes we charge an individual with what might seem to be a minor offence because of our knowledge of what they are doing and the impact they are having in the community."

Vicente reiterated that those decisions are now being made "in the city" by senior crown prosecutors.

"We've already submitted a few files [under the new system], and some have come back saying they are not going forward with charges," he said.

Vicente realizes the province implemented the system to help alleviate court backlogs, but he is not sure if the province understands the impact it could have on rural communities.

"I feel that [the pre-charge system] is like the Crown doing the defence's job," he said. "Things should be hashed out in a trial; that is what they are there for, but now, under this new system, it is getting done long before it gets there," he said.

Vicente added that while it does change how police operate, adding a few extra steps as officers have to do a lot more work upfront, much of it remains unchanged.

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"We are still arresting people, giving them a court date, but it could be that the Crown doesn't recommend charges," he said.

Mayor Dave McKenzie asked if the province's municipal police forces were moving towards the same system.

"I believe so," he said. "This comes from the [Alberta Justice and Solicitor General department], so it would make sense that everyone follows the same lines".

Coun. Don Smith added that the system could add to what he called "a-catch-and-release system".

"[The Crown in the city] could say we don't have the time for this particular situation and throw it out," he said.

Vicente agreed, noting what is relatively minor in larger urban centres and judged not in the public interest to prosecute "could be what is causing us all the issues out here."

He added that the pre-charge system is only in effect in situations where police release suspects, where the crime is not deemed serious enough to hold them.

"If there is a bad case of assault or domestic violence, we will be holding them for a hearing and following all the old protocols," Vicente said. "It is for something like shoplifting, where they are arrested, given a court date and put them on conditions not to return to that business. Now we have to submit that to the Crown, and they could say, sorry, it is not in the public interest."

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Coun. Ty Assaf echoed Vicente's concerns, asking him if there was a place for municipalities to lobby the province against the change.

Vicente said he wasn't sure, but the province is pushing it "to make sure everyone is on the same page" as part of an initiative to reduce court time.

"[There are situations] where we are constantly dealing with this person, but it wouldn't be a reoccurring issue if they remained in jail," he said. "[In the past], we used to have local justices of the peace that you would bring [the accused] before for bail hearings. 'And the justice of the peace would say, didn't I see you last week? Didn't I tell you that was your last chance?' That made a difference in their decision on whether to grant bail. Now, we've gone to a system where everything is centralized, and that disconnect impacts smaller communities."

Coun. Dausen Kluin asked if there were any other examples of jurisdictions where it had positively impacted smaller communities.

Vicente replied that B.C. was the only province with a similar system, and he did not know how effective it had been.

Barry Kerton, TownandCountryToday.com

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Barry Kerton is the managing editor of the Barrhead Leader, joining the paper in 2014. He covers news, municipal politics and sports.
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