

# **ALBERTA'S JUSTICE SYSTEM AND YOU**

This brochure will give you the facts about your justice system – the major participants and the important roles that each plays. In addition, it will help you better understand the responsibilities of the provincial departments of Alberta Justice and Alberta Solicitor General.



# WHAT IS THE JUSTICE SYSTEM?

The justice system includes many things:

- it allows the federal and provincial governments to establish laws that help provide order and structure to our society
- it determines how the police and other peace officers can enforce these laws
- it sets out how the courts and judiciary can interpret and uphold the laws after determining facts
- it works with partners and the community to determine the best ways to rehabilitate and punish wrongdoers.

Understanding how the justice system works can help you know your rights, avoid legal problems, and seek out legal remedies. Learning about the law can also help you to better understand your rights and responsibilities within your community, province and country.

# WHO ARE THE MAJOR PARTICIPANTS?

**Provincial Minister of Justice and Attorney General** is the senior law officer of the Crown in Alberta. This minister is responsible for legal proceedings under the *Criminal Code*, the *Youth Criminal Justice Act* (formerly known as the *Young Offenders Act*) and provincial laws, including property and civil law. The minister does not become involved in civil matters unless the government is a party to the action. The minister is also responsible for the administration of all three levels of court in Alberta.

**Provincial Solicitor General** is responsible for provincial policing issues and the provincial *Police Act*. This minister is also responsible for provincial correctional facilities, community corrections and release programs, as well as crime prevention, victims and young offenders programs.

**Federal Minister of Justice and Attorney General** is responsible for legal proceedings under federal laws, other than the *Criminal Code* and the *Youth Criminal Justice Act*, and for civil proceedings under federal laws in Alberta. The minister is responsible for all federal laws including the *Criminal Code*, the *Divorce Act* and the *Youth Criminal Justice Act*, and for the administration of the Supreme Court of Canada.

**Federal Solicitor General** contracts with Alberta Solicitor General to provide an RCMP provincial police service, First Nations police services, and some municipal police services. This minister is also responsible for federal correctional facilities and the National Parole Board, which has jurisdiction to grant parole for all offenders sentenced to a federal penitentiary and offenders held in Alberta provincial jails.

**Judges** represent the independent branch of government that presides over the courts. They interpret laws, develop the common law, determine the validity of laws, determine the facts, and render decisions in a fair and impartial manner. Judges are appointed by federal or provincial governments, depending on the level of court.

**Crown prosecutors** are lawyers who represent the Crown (i.e. the province) in relation to the prosecution of offences. The prosecutor is not the lawyer for the police, victims or complainants. Prosecutors have a duty to ensure that legal proof of the facts is presented to the court and to pursue just outcomes in the cases they prosecute.

**Lawyers** may represent a person in a civil matter, or act as defence counsel or prosecutor in a criminal matter. Persons who are arrested or detained have a constitutional right to speak to a lawyer. The Law Society of Alberta regulates lawyers. Lawyers have a duty to ensure that all legal issues bearing on a case are fully explored and properly settled by law even for those persons who may appear guilty.

**Police services** are responsible for protecting life and property, preventing and detecting crime, keeping the peace, and enforcing laws within their jurisdiction. They fulfill these duties through law enforcement and a variety of community services including crime prevention, education programs, assisting in locating missing persons, dealing with lost property, traffic control, victim assistance and accident investigation. In Alberta, policing is provided by municipal police services, the RCMP and First Nation police services.

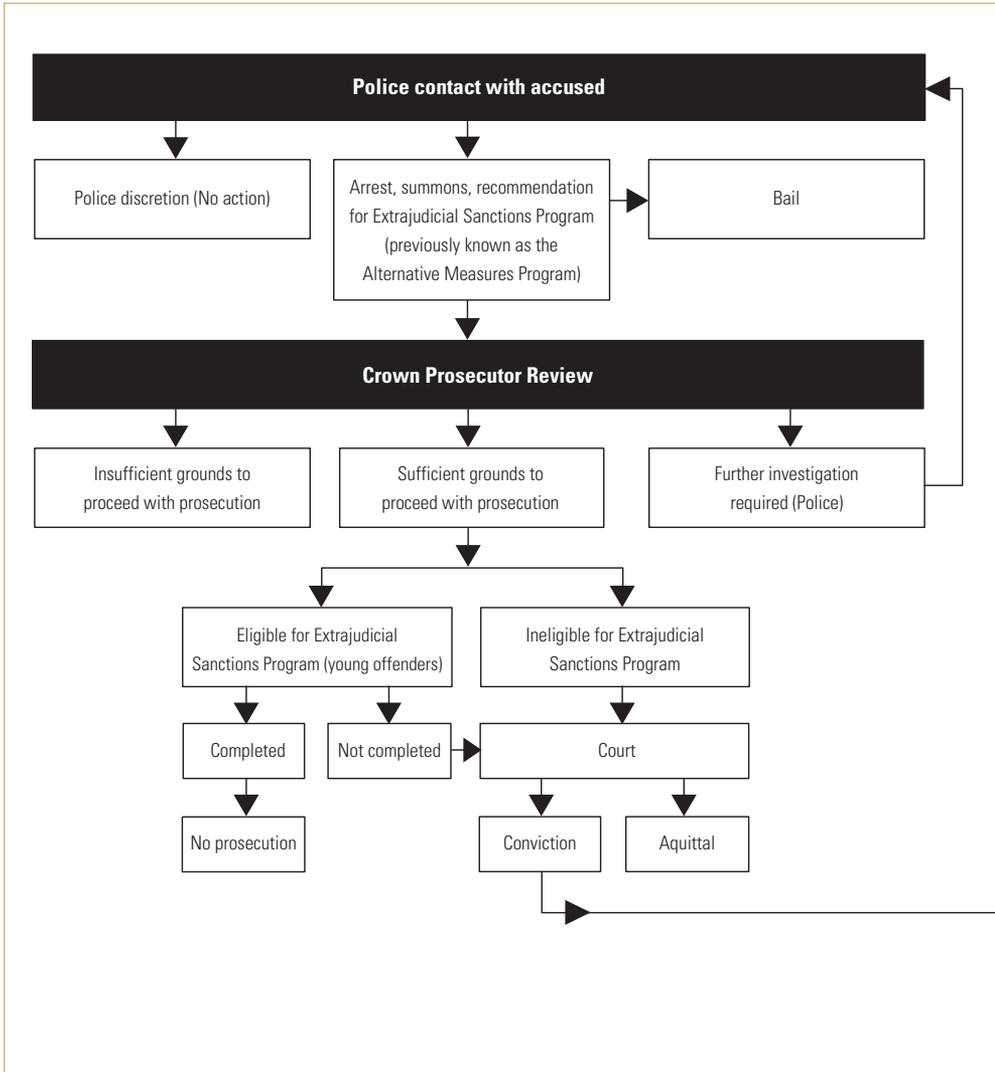
**Correctional services** are responsible for supervising offenders in prison and while on probation in the community. They also assist offenders in becoming law-abiding citizens.

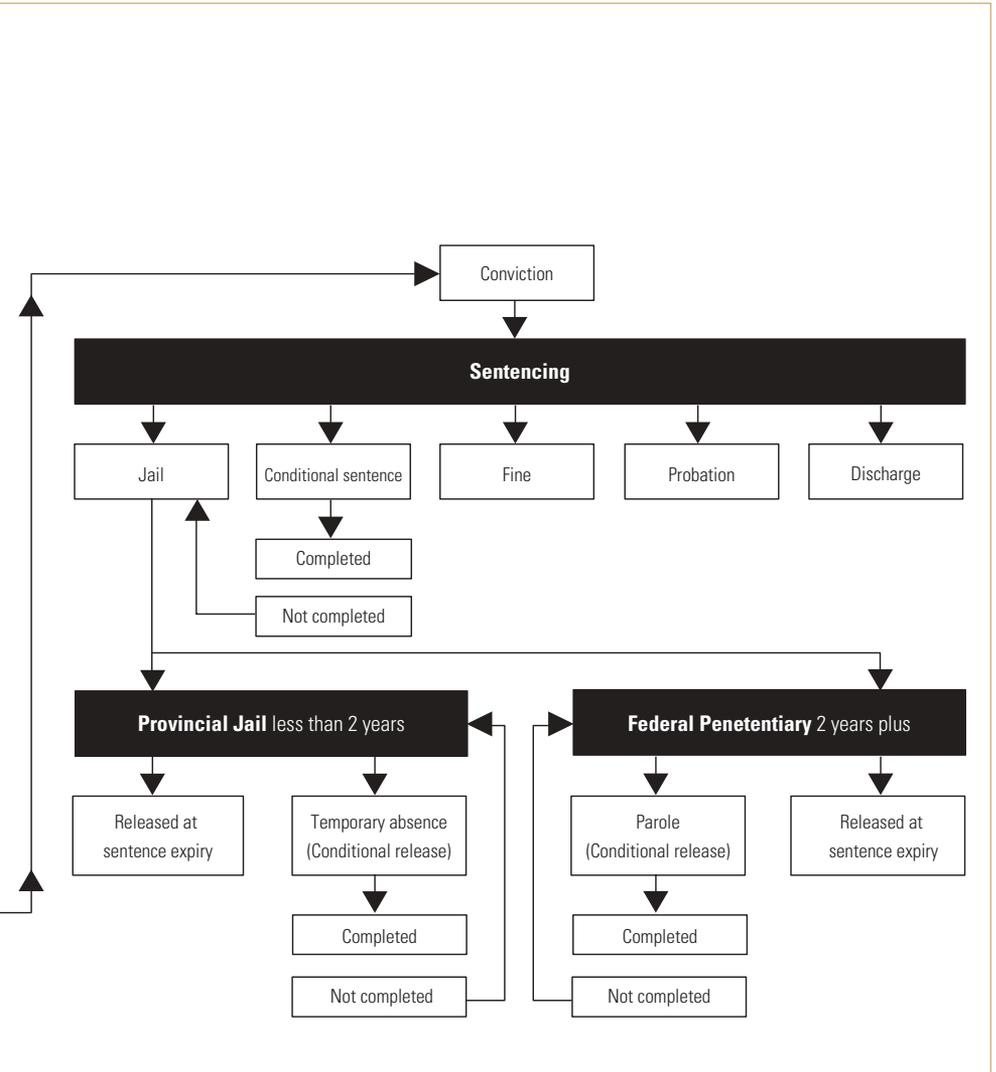
**Legal Aid Society of Alberta** provides lawyers to people who cannot afford to pay for legal services. Legal Aid makes assistance available to anyone who requests it in most criminal courts of first appearance. In other courts, a person must be financially eligible and have the type of legal problem that the Legal Aid Society is allowed to cover. In most cases, recipients are required to repay the assistance they receive.

**Non-government organizations (NGO's)** provide a variety of services and programs in the community and at various stages of the justice system.

**The Public** has an interest in and is affected by the justice system. The public includes accused persons, witnesses, family or friends of victims or the accused, parties in a civil dispute and the community at large.

# THE CRIMINAL JUSTICE SYSTEM





# WHAT ARE THE DIFFERENT LEVELS OF COURTS IN ALBERTA?

**The Court of Appeal of Alberta** is the highest court in the province and hears appeals from the Court of Queen's Bench, the Provincial Court and administrative tribunals. As well, the court provides its opinion on questions referred by the Lieutenant Governor under the *Judicature Act*. Court of Appeal sittings are held in Edmonton and Calgary and serve all of Alberta.

**The Court of Queen's Bench** is the superior trial court for the province. The Chief Justice and other Justices of the Court of Queen's Bench hear trials in civil and criminal matters, appeals from decisions of the Provincial Court, as well as probate and estate matters. The court also handles matters such as divorces, adoptions, foreclosures and bankruptcies.

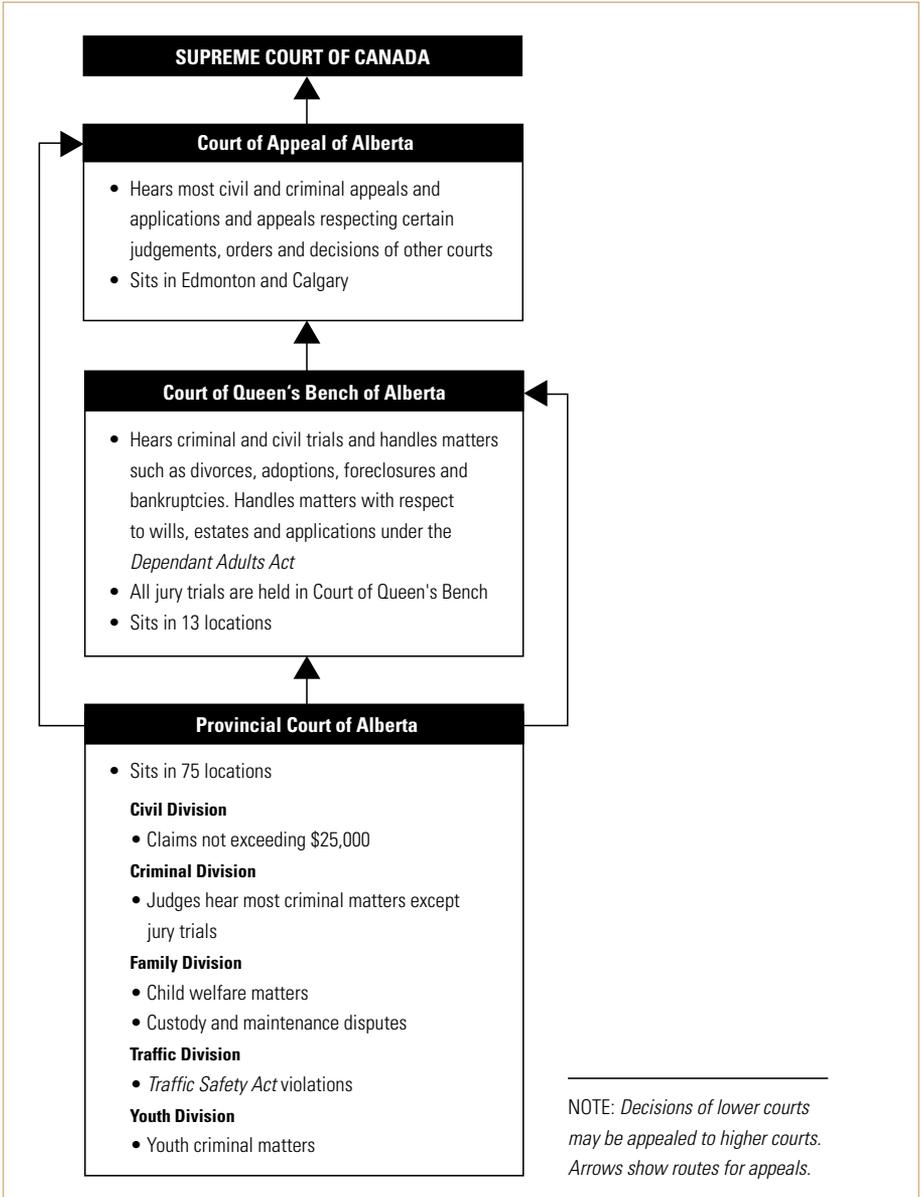
**The Provincial Court of Alberta** has five different divisions: civil, criminal, family, traffic and youth. Each court hears proceedings, applications and trials in their respective area of law.

- **Provincial Court Civil** hears all civil claims, subject to certain restrictions. The court is limited to claims of \$25,000 or less.
- **Provincial Court Criminal** handles first appearances, entry of pleas, bail hearings, preliminary inquiries and the trials and sentencing of summary convictions and certain indictable offences.
- **Provincial Court Family** hears maintenance applications regarding spousal and child maintenance proceedings and custody access claims, when divorce is not an issue. In addition, this court hears all child welfare and private guardianship applications.
- **Provincial Court Traffic** hears proceedings under the *Traffic Safety Act*.
- **Provincial Court Youth** hears all proceedings under the federal Youth *Criminal Justice Act* applying to youth 12 to 17.

**Other Courts** that administer laws in Alberta include the Federal Court of Canada, Trial and Appeals Divisions, and a number of boards and tribunals in Alberta whose decisions may be appealed to the courts.

The federal government appoints judges to the Court of Appeal, the Court of Queen's Bench and the Federal Court. The provincial government appoints Provincial Court Judges.

# THE COURT SYSTEM



# HOW DOES THE PROVINCIAL GOVERNMENT FIT INTO ALBERTA'S JUSTICE SYSTEM?

Alberta's justice system is governed by two provincial departments: Alberta Justice and Attorney General (commonly referred to as Alberta Justice) and Alberta Solicitor General.

## Alberta Justice

- **Courts** – Alberta Justice provides administrative, planning and technical support to Alberta's three courts: the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta, and the Provincial Court of Alberta.
- **Criminal Prosecutions** – Alberta Justice prosecutes all offences under the *Criminal Code*, the *Youth Criminal Justice Act* and provincial statutes in all courts of the province and appeals to the Supreme Court of Canada in those cases.
- **Legal Services to Albertans in Need** – Alberta Justice is responsible for the Public Trustee and the Maintenance Enforcement Program. The Public Trustee protects the financial interests of vulnerable Albertans by administering the estates of dependent adults, deceased people and minors. The Maintenance Enforcement Program collects and forwards child and spousal maintenance in accordance with valid court orders. It can also enforce certain types of maintenance agreements.
- **Legal Services to the Provincial Government** – Alberta Justice provides legal advice and assistance to all government ministries, and represents them, if necessary, in matters before the courts and tribunals.
- **Legislative Counsel** – Alberta Justice is responsible for drafting provincial government bills, regulations and Orders in Council.
- **Medical Examiner** – Alberta Justice investigates all unexplained natural deaths and all unnatural deaths in Alberta.

## Alberta Solicitor General

- **Aboriginal Justice Initiatives Unit** – Alberta Solicitor General is responsible for this unit which consults with stakeholders in the criminal justice system and the Aboriginal community to lead and facilitate the development of Aboriginal justice policy and initiatives.
- **Corrections** – Alberta Solicitor General administers sentences through a variety of community and custody programs for adult and young offenders. This includes pre-trial (or bail) supervision, probation and conditional sentence (served in the community) supervision. Provincial correctional facilities hold offenders remanded into custody or sentenced to less than two years.
- **Crime Prevention** – Alberta Solicitor General provides program support and grant funding to community-based crime prevention groups. Each May, the department coordinates Alberta Crime Prevention Week to raise awareness of crime prevention activities across the province.
- **Policing** – Alberta Solicitor General is responsible for provincial relationships with the three types of police services in Alberta: the RCMP Provincial Police Service, Municipal Police Services, and First Nation Police Services. It administers the provincial *Police Act* and the provincial agreement with the RCMP to serve as the provincial police service.
- **Victims of Crime** – Alberta Solicitor General provides guidance and grants to community and police-based victims of crime programs in Alberta. Funding comes exclusively from the victim surcharge paid by Albertans convicted of crimes or provincial statute offences. Alberta also provides opportunities for victim impact statements, which allow victims to express to a judge how being a victim of crime has affected them.
- **Young Offenders** – Alberta Solicitor General deals with all young offenders sentenced to open or secure custody, serving community dispositions (e.g. probation), or participating in Extrajudicial Sanctions programs (previously known as the Alternative Measures Program). It is also responsible for the Youth Justice Committee program – a program administered by volunteers who provide support to the young offenders and administer community-based resolutions for youth crimes.



For more information about the departments of Alberta Justice, Alberta Solicitor General and your provincial justice system, check out the Government of Alberta web site at [www.gov.ab.ca](http://www.gov.ab.ca)

Questions? Call Alberta Connects toll free at 310-4455 or visit [www.gov.ab.ca](http://www.gov.ab.ca) and click on "Alberta Connects."

Through booklets like this and other public legal education projects, the Government of Alberta is working with its partners to improve public awareness, understanding and education about the justice system.

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