

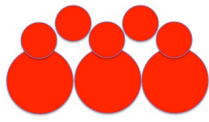
# **Written Submission for the Pre-Budget Consultations in Advance of the Upcoming Federal Budget (2021)**

**Submitted by:**

**Mark Farrant: CEO**

**Tina Daenzer: COO/CFO**

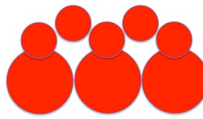
**Patrick Baillie: Chair, Board of Directors**



# Recommendation

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**Recommendation:** That the government provide \$20 million in funding over 10 years to the Canadian Juries Commission to support juror mental health.



# Cover Letter

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Hon. Wayne Easter  
Chair, Standing Committee on Finance  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6  
Canada

Aug 5, 2020

Hon. Wayne Easter:

The Canadian Juries Commission remains extremely grateful for the support of the Standing Committee on Finance and its unanimous recommendation in Report Number 1 to “provide \$20 million in funding over 10 years to the Canadian Juries Commission to support juror mental health”.

With the delay in tabling the Federal 2021 Budget due to COVID-19, the Canadian Juries Commission wishes to resubmit its brief as part of pre-budget submissions for consideration.

With great thanks,

Mark Farrant  
CEO, Founder  
The Canadian Juries Commission

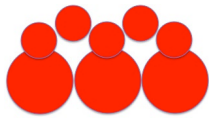
Tina Daenzer  
COO/CFO  
The Canadian Juries Commission

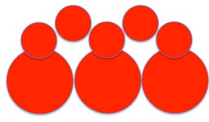
Patrick Baillie  
Chair, Board of Directors  
The Canadian Juries Commission

CC: David Gagnon, Clerk of the Committee

# Submission

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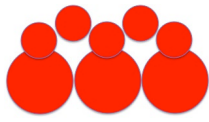




# Background

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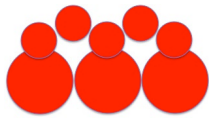
- Jury Duty is the **last legally mandatory** civic duty in Canada
- The right to **Trial by Jury** is enshrined in the Canadian Charter of Rights and Human Freedoms
- Jury Duty is defined in the Federal Canadian Criminal Code
- Jury Duty is a **Federal mandate**
- Jury Duty is an **expressed responsibility of Canadian citizenship**
- Jury Duty is administered by the Provinces and Territories
- Prospective Jurors receive a mailed summons
- Responding to the summons is **mandatory**
- For selected Jurors, appearance in Court is **mandatory**
- Avoiding a summons or failing to appear in Court is illegal, and can result in severe fines or imprisonment



# Background

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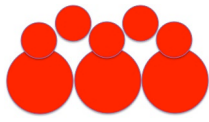
- Jury Duty has not kept pace with modern society and demands, the evolving workplace, or the cost of living in Canada
- Jury Duty is not a vocation, and has no training or preparation by design to ensure impartiality
- Jurors are Judges of the Facts, and an integral part of the Justice System, delivering the Government's mandate to stem firearm related crimes, homicide, money laundering, gang-related activities, human trafficking, and online child sexual exploitation by delivering a court verdict
- Jurors deliver the Government's commitment to fulfill the mission of the Inquiry into Missing and Murdered Indigenous Women and Girls, and actions to reduce violence against, and victimization of, Indigenous women, girls, and LGBTQ2S persons by delivering a court verdict in related cases
- Jurors have no independent organization representing their interests



# Background

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- Diversity and Indigenous Representation on juries is low, reflecting concerns of systemic racism in the justice system
- The 11 recommendations of the House of Commons Standing Committee on Justice and Human Rights to improve jury duty and juror mental health has received little uniform policy adoption
- Jurors are exposed to the same graphic physical evidence and traumatic testimony as First Responders, Public Safety Officers, Legal Counsel, Justices, but are not provided the same access to evidence-based mental health supports as part of their service
- Institutional workplace support for jury duty is low; employees have cited harassment and retaliation in the workplace from their participation in jury service over workplace obligations
- Employers are not obligated to continue salaries and benefits to employees while on jury duty; jury pay is not sufficient to qualify as income substitution



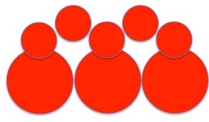
# Concerns for Jury Duty Post COVID-19

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Changing economic and social conditions as a result of COVID-19 present significant challenges to Canadians' ability to respond to a jury summons due to:

1. Unemployment (Industries yet to recover or see stability)
2. Job Insecurity (Lack of Workplace Support and fear of retaliation)
3. Tenuous employment (reduced hours)
4. Family and Child Care obligations
5. Debt and Insolvency
6. Health and Safety Proximity Concerns (elevated amongst Seniors)
7. Ill Mental Health (Depression, Anxiety, Stress)
8. Systemic Racism within the justice system reflected in low diversity on juries



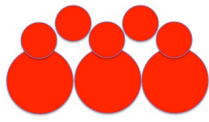


# Foundational concerns for jury duty

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Foundational concerns raised for jury duty continue to be a barrier to participation, and a chief concern for jurors:

1. Lack of sufficient post-trial psychological support for jurors
2. Lack of in-trial support for jurors
3. Lack of information for jurors
4. Low daily allowance
5. Lack of diversity on juries due to empanelling biases in data sources
6. Barriers to Indigenous Community to participate on juries
7. Inconsistent and low compensation for related costs (Child and Elder Care)
8. No debriefing sessions to Jurors post-trial
9. Jury Secrecy Rule a barrier to psychological support
10. Low institutional workplace support for jury duty



# Concerns for Jury Duty Post COVID-19

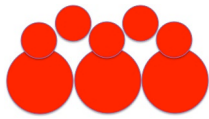
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Additional factors contributing to the crisis in the courts:

1. Substantial backlog of delayed criminal and civil trials requiring empanelling juries
2. Jury Duty pay remains low and insufficient to compensate
3. Workplaces will be less supportive of jury duty post-pandemic
4. New cases from crimes committed during COVID isolation contribute to the backlog of trials
5. Coroner's Inquests from Long-term Care Centres will require jurors
6. National inconsistencies in child care and family care availability
7. Not all Provinces and Territories are equipped to provide sufficient PPE to equip court operations (including Juror PPE)
8. Recent #BlackLivesMatters and Intersectionality Action highlight the need to improve representation on juries – inconsistent across Canada
9. Recent #IndigenousLivesMatter Action and 1<sup>st</sup> Anniversary of MMIWG report highlight systemic indigenous barriers to justice and representation on juries

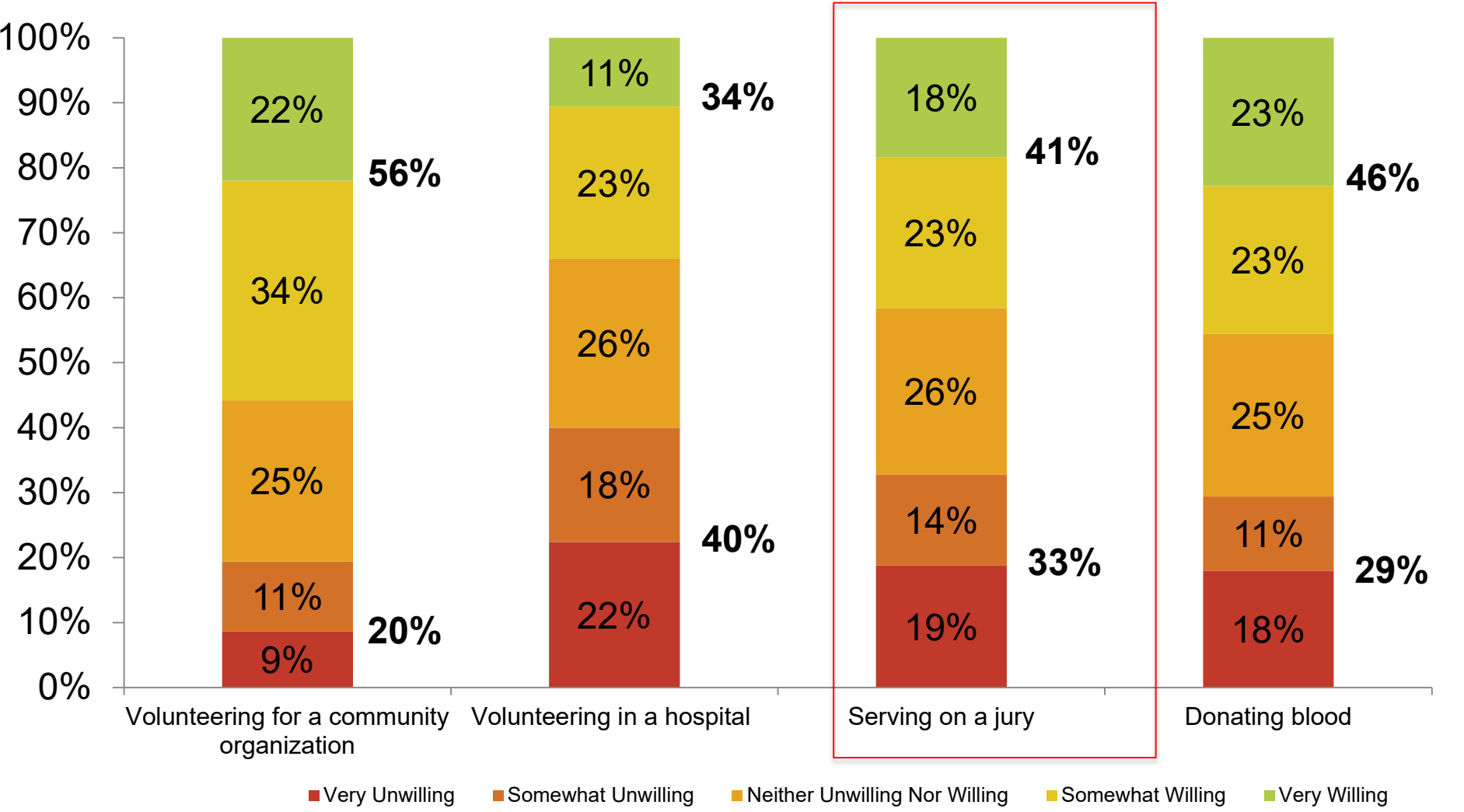
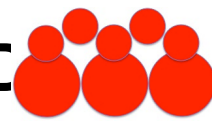
# Canadian Juries Commission: COVID-19 and juries

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COVID-19 and the post pandemic recession will  
**COMPOUND** and **DEEPEN** the existing issues  
related to jury duty

# Canadians willingness to serve on a Jury post-COVID-19 is low, behind only Volunteering at a Hospital

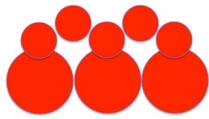


Source:  
Canadian Juries Commission, National Opinion Omnibus, Methodify

On a scale of 1- 5, with 1 being Very Unwilling and 5 being Very Willing, please describe your willingness to participate in the following activities when the COVID-19 emergency lifts?

# Canadian Juries Commission: Recommendation

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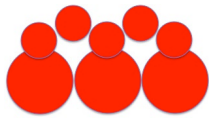
Honourable Members of the Committee, we request that honouring the Government's investment in its Justice and Public Safety Mandate demands an equal and directed investment in improving and supporting jury duty through the Canadian Juries Commission.

Our 10 Year Plan and \$20 Million investment will renew public confidence in jury duty, provide vital supports to Canadians allowing them to perform their service, and return to their lives and families feeling proud they've served their community, and the justice system.

# Canadian Juries Commission:

## Our mandate

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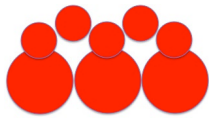


- A National Not-For-Profit representing and supporting Canadians serving Jury Duty and on Coroners Inquests
- Promoting Jury Duty to Canadians
- Working with Employers, the Legal Community, Indigenous Community, Government and Healthcare partners to improve Jury Duty for all Citizens.

# Canadian Juries Commission:

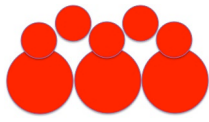
## Our mandate

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The Canadian Juries Commission's mandate will be delivered via unique programs and services through (but not exclusive to):

1. Establishing a National Office representing and supporting Canadian jurors, supporting Provincial and Territorial Ministries of the Attorney General, supporting Court Operators, and Justice and Public Safety
1. Providing specific programming and services to address COVID-19 issues
2. Providing Canadian Jurors with access to evidence-based mental health treatment, peer-support, and social support services
3. Building resources and toolkits to support Canadian jurors, court operations and jury processes
4. Promoting jury duty in Canadian Workplaces, amongst Professional Associations and Unions, Educators, and Post Secondary Institutions
5. Effectively researching barriers and drivers to jury duty participation; research post-trial experiences of jurors
6. Establishing specific programs and catalysts to improve Diversity and Indigenous participation and representation on juries to combat systemic racism in the justice system



# The Canadian Juries Commission is modeled after the Mental Health Commission of Canada to be a catalyst for policy and programs for Jury Duty just as the MHCC is for Mental Health

## PARTNERSHIP

- Working with Federal and Provincial/Territorial Agencies
- Convening and aligning the Justice and Public Safety Sector
- Partnership with Canadian Judicial Council and National Judicial Institute
- Working with Indigenous and Diversity Organizations
- Stimulating cross-sector action
- Raising the profile of jury duty in Canada
- Leader in jury duty promotion and policy development

## ADVANCEMENT

- Solutions to affect change
- Programs that meet a critical need at local level
- Developing and disseminating tools
- Provide partners with tools and supports
- Provide 1-1 supports for individuals
- Continuous collaboration with Provinces and Territories

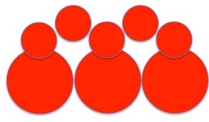
## KNOWLEDGE TRANSFER

- Identify drivers and barriers to jury duty participation
- Develop and implement indicators
- Aggregate and disseminate information
- Facilitate knowledge exchange and best practices

## RESOURCES

- Operate as a high-performing organization
- Disciplined prioritization
- Exercise financial accountability and stewardship





# Our Scoping Matrix

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Representing  
and  
Supporting  
the Juror

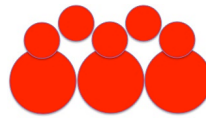
Promotion  
and Improving  
Jury Duty

Knowledge  
Exchange  
and  
Transfer

Indigenous  
and Diversity  
Reforms

# Our Board and Advisors are Subject Matter Experts and Leaders in the Community

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## Board of Directors

### **Chair:**

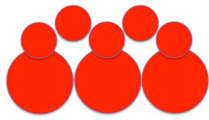
- Dr. Patrick Baillie (Alberta Health Service; Calgary Police Service)

### **Directors:**

- Dr. Katy Kamkar (CAMH, University of Toronto)
- Todd McCarthy (Partner, Flaherty McCarthy LLP)
- Tina Daenzer (COO/CFO)
- Patrick Fleming (Former Juror, Jennifer Pan Trial)
- Fardous Hosseiny (VP, The Royal Hospital, Ottawa)
- Andre Bear (Member, Indigenous Bar Association)
- Michele Young-Crook (CEO, NATOA)
  
- Mark Farrant (CEO)

# Our Board and Advisors are Subject Matter Experts and Leaders in the community

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## Advisors

- William Trudell (Canadian Council of Criminal Defense Lawyers)
- Michele Sparling (HR Consultant)
- Dr. Vanessa MacDonnell (University of Ottawa Law School)
- Dr. Peter Collins (Forensic Psychiatrist OPP, CAMH, U of T)
- Helgi Maki (Principle, Trauma Informed Law)

Thank You