
Mental Illness In The Criminal Justice System

Growing up as a First Nations woman in Canada, the flaws in the way officers administer and enforce the law have been obvious in my life since I was a young child. Witnessing the broken justice system at the Provincial Court of Vancouver was not shocking or unpredicted. Although I was impressed by the defense lawyers, there were blatant examples of the deeply rooted issues surrounding corrupt mentalities/behaviours of police officers and time-consuming court procedures. The criminal trial I attended was the fifth day of trial for the charges of possession for the purpose of trafficking. The accused were, Manpreet Dhaliwal and Prabjit Sahota. The time spent in trial, there was very little shared about the evidence against the accused and their charges.

There was attention brought to one of the witnesses who provided evidence. Crown counsel Dave Hartley presented to Judge St. Pierre the need for an adjournment application as a result of the witness being incapable to stand trial. The witness was a police officer from the Abbotsford Police Department. Evidence was presented to the judge that an overwhelming amount of stress, outside their role as a witness, was causing mental health problems that made them, "Unable to stand trial for at least 2 months." (Hartley, 2019). Hartley stressed the importance of acknowledging mental illness, especially in officers as his argument. He really emphasized that he himself witnessed this officer was distraught and unwell, and needed to take that time to heal before swearing under oath again. "The incidence of reported post-traumatic stress disorder (PTSD) has increased in policing, which is a clear departure from the old culture where police officers were expected to 'suck it up' and not buckle from the weight of witnessed trauma compounded over time and through exposure to significantly abnormal events." O'Regan, K., & Reid, S. (2017). Thinking about criminal justice in Canada (2nd ed.). Toronto, Canada: Emond.

In the defences argument to crowns request for adjournment application, Vicky Williams stated that there was an unnecessary amount of delays if this were to be granted. Some of those would include the effect on the accused, the witnesses and the upcoming deadline would be passed by an unknown amount of time. Which if schedules were uninterrupted, the end of the trial would be on December 18th, 2019 and may possibly stay within that timeline. Williams also acknowledged that the unnamed officer had actually been suspended, and is still, currently suspended by the police department as a result of their actions in multiple cases and criminal trials.

I think she had a really strong argument that the stress leave was not a result of life at home/outside of work, but was rooted in the fear and anxiety of being cross examined and the fact that their own actions had put them in this position. She believed that steps could've been taken to prevent this by the Abbotsford Police and the witness, but that didn't happen until the last second. It almost seemed that she was insinuating that this was a last-ditch effort to save themselves with the excuse of mental illness in the criminal justice system. In summary, the day I spent in court consisted of a mountain of evidence piling up against the reliability of the police officer who was the witness. Williams presented multiple issues, including, "Enough grounds to believe the officer had been

lying under oath, the 'reasons' the officer had used to obtain search warrants and that this was not the only time these had occurred by the officer." (Williams, 2019). Regardless of the possible misconduct, Judge St. Pierre decided to grant the adjournment because of the slew of conditions this officer was under.

Due to the circumstances of this trial, I went quite into detail on what I saw and heard. This really was an eye opener as to how careful each argument put forward must be defined and explained precisely. Court was set to begin at 9:30, but one of the accused was a half an hour late. As a result, the first portion of the trial went from 10:00 to 10:15 and then abruptly took a break until around 11. This happened throughout the day, where it seemed that over a span of 8 hours, there was maybe an hour of constructive information I could work with for the project. It was very concerning, three times in the day court went for at the most twenty minutes, and then stopping for over an hour. What types of communication and planning can be happening outside of the courtroom that can improve this process? It was a theme that counsel and the defense even talked about themselves, that time was of the essence and it was really strange to see how much time simple discussions took.

Watching the defense powerfully convince the Crown that the accused had their rights infringed gave me the slightest sliver of hope? Maybe if that. 100's of times, I have witnessed police officers assert their power and make unsound judgements, so it was nice to see that one will possibly be held accountable for their actions. However, without knowing the depth of the

people on trial, and the backbone of their charges, it makes me question why an officer wouldn't just do things accordingly to ensure the safety of the public. And, are we possibly letting people off on a serious charge simply for the fact that this officer was maybe lazy or just arrogant? This done the right way could have led to less drug dealers and less drugs on the street, if the evidence was collected appropriately. "Some people might remark that an accused who was acquitted following the exclusion of evidence 'got off on a technicality'. As frustrating as cases like this can be, it is important to remember that this 'technicality' is a Charter right." O'Regan, K., & Reid, S. (2017). Thinking about criminal justice in Canada (2nd ed.). Toronto, Canada: Emond.

All said and done, I am extremely grateful to live in a country where as a First Nations woman I can voice my opinion about an officer committing unlawful actions, the confusion of how long these processes take to hold people accountable for their offences, and piece together my thoughts of our justice system through college education. There is such a strong sense of pride, and yet still disappoint lingers with the overwhelming connections of it all. However, it is a good time to be a Canadian as our laws and systems have come so far from the past.

References

1. Hartley, D. (2019, October). Court visit notes.
2. O'Regan, K., & Reid, S. (2017). Thinking about criminal justice in Canada (2nd ed., pp. 94). Toronto, Canada: Emond.
3. O'Regan, K., & Reid, S. (2017). Thinking about criminal justice in Canada (2nd ed., pp. 222). Toronto, Canada: Emond.
4. Williams, V. (2019, November). Court visit notes.

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