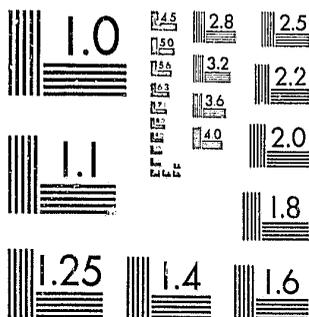


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice
Washington, D. C. 20531

Date Filmed

2-21-80



SIXTH ANNUAL REPORT

OF

THE DEPARTMENT OF JUSTICE

FOR

PRINCE EDWARD ISLAND

1978

5908A



SIXTH ANNUAL REPORT

OF

THE DEPARTMENT OF JUSTICE

FOR

PRINCE EDWARD ISLAND

1978

NCJRS
JUL 18 1979
ACQUISITIONS

TO:

THE HONOURABLE GORDON L. BENNETT
LIEUTENANT GOVERNOR
PROVINCE OF PRINCE EDWARD ISLAND

May It Please Your Honour: -

I have the honour to submit herewith the sixth annual report of the Department of Justice for this province.

I have the honour to be, Sir,

Your obedient servant,

JIM FAY
Minister of Justice

CONTENTS

Sir Louis Henry Davies Law Courts	7
Alberton Courthouse	7
Family Law Reform Act	7
Uniform Law Conference	7
Supreme Court Appointments	8
Departmental Appointments	9
Retirements	10
Obituaries	11
Legal Services Division	12
Report of the Judicial Division	12
Report of the Crown Counsel	15
Report of the Legislative Counsel	15
Report of Corrections Division	16
Buildings	16
Services	17
Staff	18
Prisoner Activities	19
General	19
Statistics	20
Report of Probation & Family Court Services	22
Probation Services	22
Temporary Absence Program	23
Christmas Temporary Absence	23
Public Relations & Community Development	23
Family Court Services	24
Summer Student Employment & Activities Program	24
Report of the Law Reform Commission	25
Report of the Public Defender	28
Location of Offices	29
Relationship with the Courts	29
Standards of Eligibility	29
Eligibility to Select Counsel	30
Type of Aid	30
Cost of Program	31
Report of the Royal Canadian Mounted Police	32
Distribution of Manpower	33
Land Transport	34
Awards & Commendations	34
Special Squads	34
Crime Prevention/Police Community Relations	35

Commercial Crime Section	36
Division Section N.C.O. & Traffic Supervision	36
Drug Section	36
Federal Investigation Section	37
Identification Section	37
Migratory Bird/Canada Shipping Act Section	37
Security Systems Section	37
R.C.M.P. Auxiliary Program	38
Staffing & Personnel Section	38
Telecommunications Section	39
Traffic Law Enforcement	39
Crime Statistics	40

SIR LOUIS HENRY DAVIES LAW COURTS

The new courthouse presently under construction on the Charlottetown waterfront has been named in honor of Sir Louis Henry Davies, the only jurist from Prince Edward Island to be appointed to the Supreme Court of Canada.

The Sir Louis Henry Davies Law Courts will house both the Supreme and Provincial Courts, facilities for the Federal Court of Canada, a law library and office space for the judiciary and court support staff. The building is scheduled for completion in March, 1979.

ALBERTON COURTHOUSE

On February 28, 1978, the Honourable Alexander B. Campbell, then Premier and Minister of Justice, officially opened the new courthouse in Alberton and unveiled a wall plaque in honour of Miss Mabel D. Fielding, an eminent teacher and lifelong resident of Alberton.

The new facility will provide the Provincial Court with more spacious accommodations and enable the Supreme Court to sit in Alberton as the occasion warrants.

FAMILY LAW REFORM ACT

The *Family Law Reform Act*, enacted by the P.E.I. Legislature in 1978, was proclaimed by Executive Council to come into effect on December 31, 1978.

One of the most significant aspects of this legislation is the greater latitude afforded to a judge in ordering property settlements that will suit the circumstances of the individual case.

The new legislation abolishes the wife's "dower right" which entitled her to an interest of one-third of the husband's real estate after his demise and will afford a fairer distribution of family property after irreconcilable separation or dissolution of a marriage.

Prior to the proclamation, the Department distributed a brochure explaining how the new law would operate on a province-wide basis. Copies of this brochure are obtainable from the Department to any interested persons.

UNIFORM LAW CONFERENCE

The Uniform Law Conference of Canada was held in St. Johns, Newfoundland during the month of August and was attended by the Deputy Minister, the Legislative Counsel and counsel for the Law Reform Commission.

Miss Diane Campbell, a barrister of Summerside, was appointed by the Law Society of Prince Edward Island to act as its representative at future conferences.

The Uniform Law Conference is divided into civil and criminal law sections. The civil law division is devoted to the modernization and reform of provincial legisla-

tion and to the promotion of uniformity of certain statutes common to all provinces. Over the past several years, the Conference has drafted approximately fifty Acts, several of which have been the basis for Prince Edward Island legislation. Among the more significant areas of provincial jurisdiction dealt with at the 1978 Conference were the status of children born outside marriage and support obligations between spouses.

The criminal law section deals primarily with amendments to the Criminal Code of Canada. In 1977 in excess of fifty recommendations for amendments were made by the Conference. At least thirty-six of these were acted upon by the Government of Canada in 1978 with most of the others remaining under consideration. During the 1978 Conference, a substantial number of amendments to the Criminal Code were recommended. These included prohibitions against release by the media before the commencement of criminal proceedings of any information respecting the issuance of a search warrant, and the consideration of limitation periods on indictable offences.

SUPREME COURT APPOINTMENTS

Mr. Justice Alexander B. Campbell

In September, 1978, the Honourable Alexander B. Campbell retired from public life. During his twelve years as Premier of Prince Edward Island he served as minister of several departments, including in his last four years of office, the Department of Justice.

Quite apart from his initiatives and influence upon Island life as Premier, during Mr. Campbell's term as Minister, the Department of Justice took on increased responsibilities and became the primary source of legal services for other government departments. A new court facility was completed in Alberton, construction commenced on a new provincial courthouse in Charlottetown and work began on a modern correctional centre in Sleepy Hollow, Queens County.

While he was Minister significant changes occurred in the laws affecting the Province and its residents. He initiated the legal proceedings which resulted in the decision of the Federal Court of Canada declaring Prince Edward Island's constitutional right to the provision of uninterrupted ferry service from the Government of Canada. In 1975 he presented to the Legislature the *Supreme Court Reorganization Act* and in 1978 the *Family Law Reform Act*.

On December 15, 1978, the Honourable Alexander B. Campbell accepted an appointment to the Supreme Court of Prince Edward Island to fill the vacant position created by the retiring Mr. Justice Walter E. Darby.

DEPARTMENTAL APPOINTMENTS**Honourable James B. Fay**

Following the resignation of Alexander B. Campbell as Minister of Justice, the Honourable Jim Fay was appointed to the portfolio on September 18, 1978.

Mr. Fay, the member for First Kings, is also the minister responsible for the P.E.I. Housing Corporation and minister responsible for Cultural Affairs.

Graham W. Stewart

In April, 1978, former Deputy Minister Wendall MacKay resigned and Graham W. Stewart was appointed to this position. Mr. Stewart had previously acted as Director of Legal Services with the Department.

Ian W. H. Bailey

Mr. Bailey, former Departmental Solicitor, succeeded Mr. Stewart as Director of Legal Services in May, 1978, and is now responsible for providing legal services to all departments and agencies of the Provincial Government.

Ralph Thompson

Mr. Thompson rejoined the Department as Departmental Solicitor in September, 1978. He had previously been employed as Crown Counsel in 1975 and was for the past three years associated with the law firm of Campbell, Mitchell & Lea.

Sidney E. Green

Sidney E. Green was appointed Chief Provincial Firearms Officer for the province in March, 1978. Mr. Green is responsible for administering the gun control program and co-ordinating the efforts of the various police forces in ensuring that all purchasers of firearms must first produce a Firearms Acquisition Certificate. In addition, Mr. Green will monitor firearm outlets who require business permits to sell firearms.

The program is one hundred percent federally funded and set up to administer the gun control program in each province.

J. Keith Fairbank

Mr. Fairbank, former director of the Prince Albert Correctional Centre in Saskatchewan, was appointed Superintendent of the new Sleepy Hollow Correctional Centre in June, 1978. He is employed under contract and is responsible for the development of policies and programs for the Centre.

Mr. Fairbank has worked as Executive Secretary of the John Howard Society of Hamilton, Ontario; program co-ordinator of the Ottawa-Carleton Detention Centre for the Ontario Ministry of Correctional Services, and as a consultant to the Solicitor-General's Department in Ottawa.

Mr. Fairbank holds a Master's Degree in Social Work from the University of British Columbia.

RETIREMENTS

Mr. Justice Walter E. Darby

On November 21, 1978, the Honourable Walter E. Darby retired as a Justice of the Supreme Court of Prince Edward Island.

Mr. Justice Darby's distinguished legal career commenced in 1927 when he graduated from Dalhousie Law School. A member of both the Nova Scotia and Prince Edward Island Bars, he carried on a successful practice of law in Summerside.

Mr. Justice Darby was appointed a King's Counsel in 1942, acted as a Stipendiary Magistrate from 1935 to 1943, and as a Crown Prosecutor for the Attorney-General's office from 1943 to 1948.

He was elected to the Legislative Assembly in 1948 and held the portfolio of Attorney General from 1949 to 1954.

During his eminent legal career, he appeared on three different occasions before the Supreme Court of Canada, represented the Province before the Privy Council in London, England, and acted as the Chairman and only Canadian member of a Commonwealth Commission into reorganization of the police force in Trinidad.

He was appointed County Court Judge for Prince County in 1954 and elevated to the Supreme Court in 1975.

Wendall MacKay

In April, 1978, Deputy Minister of Justice Wendall MacKay retired from his position after over thirteen years of service to government and many years of service to his province. He served in the Canadian Army from 1940 to 1945 and later taught at Prince of Wales College. Between 1959 and 1964, he held a variety of senior government positions including Clerk of the Legislative Assembly, Clerk of Executive Council, Chief Electoral Officer, Superintendent of Insurance, Executive Assistant to the Premier and Deputy Minister of the departments of Municipal Affairs, Provincial Secretary and Tourist Development. Between 1965 and 1968, he attended Dalhousie Law School and upon graduation served as articled clerk to Alan K. Scales, Q.C. He was appointed Deputy Minister of Justice in 1972.

During his tenure as Deputy Minister, the Department of Justice underwent a modest expansion and complete reorganization. New divisions of the department were created with responsibilities for probation, family court services and corrections. Among the major accomplishments of the department during Mr. MacKay's service

were the reorganization of the Supreme Court and the consolidation of County Court jurisdiction in the Supreme Court, the establishment of the Law Reform Commission, the abolition of the use of the Grand Jury in criminal matters, the enactment of the *Provincial Court Act*, the planning and construction of a provincial correctional centre and a provincial courthouse, the establishment of a criminal legal aid service, the revision and consolidation in 1974 of the statutes of Prince Edward Island (the first such consolidation since 1951), the unification of all family law jurisdiction in one court (until very recently a service unique in Canada), and the enactment of the *Crown Proceedings Act* providing the right for citizens to sue the government.

During his years of service, Mr. MacKay earned the respect of officials involved in the administration of justice throughout the country for his positive and constructive attitude toward law reform and his concern with the rights of the individual. He was an active member of the Uniform Law Conference and served as president of that body in 1976-1977. Upon his retirement the Conference, in recognition of his past contributions, inscribed his name upon a gavel for the use of future presidents.

OBITUARIES

Honourable C. St. Clair Trainor

Following a long and distinguished public and professional career as a lawyer, politician and jurist, former Chief Justice C. St. Clair Trainor died on June 19, 1978.

The Honourable Mr. Trainor retired as Chief Justice of the Prince Edward Island Supreme Court on December 8, 1976. He was called to the Bar of this province in 1927 and named a King's Counsel in 1938.

Judge Trainor was appointed County Court Judge for Kings County in 1942 and was subsequently appointed County Court Judge for Queens County in 1949 from which he was elevated to the Supreme Court in 1967. He succeeded the Honourable Thane A. Campbell as Chief Justice on July 9, 1970.

In July, 1978, the Provincial Legislature approved a bill to establish a Judges' Library in honour of the late Chief Justice Charles St. Clair Trainor.

Honourable Thane A. Campbell

On September 28, 1978, former Premier and Chief Justice Thane A. Campbell died at the age of 83 years.

Among his outstanding public achievements were the organization of a provincial police system (now R.C.M.P.), the establishment of a National Park in the Cavendish-Dalvay area, the enactment of the province's first public service legislation, and the development of a sound budgeting control of the Island's finances.

In 1943 he resigned as Premier to accept the appointment of Chief Justice, an office he held for twenty-seven years until his retirement in 1970.

In 1973, he was honoured by an appointment as a Companion of the Order of Canada.

LEGAL SERVICES DIVISION

The Legal Services Division consists of two solicitors, Ian W. H. Bailey, Director of Legal Services, and Ralph Thompson, Departmental Solicitor.

The Division provides legal advice and representation to all departments of government and to most crown corporations and agencies. Since the enlarging of the Division from one to two solicitors in 1976, there has been a substantial reduction in the dependence of many government departments on outside legal counsel.

In addition to providing a general legal service, the Division has been involved in the preparation of several proposed new enactments, including acts respecting the interpretation of statutes and the probate of wills.

The Governments of all provinces have the opportunity of intervening in cases before the Supreme Court of Canada involving interpretations of the Constitution. One such case, *Her Majesty the Queen v Patrick Arnold Hauser*, received representations from all provinces, except Manitoba, respecting the boundaries of federal-provincial jurisdiction over the administration of justice. As of the date of the writing of this report, the decision of the court has not been rendered.

REPORT OF THE JUDICIAL DIVISION

FUNCTION AND ORGANIZATION

Through its judicial division, the Department supplies personnel, equipment, accommodation and administrative assistance to the Supreme Court and Provincial Court Judges so that they can discharge the onerous responsibilities placed upon them.

The overall strength of the personnel in the division is thirty and distributed as follows:

	Prothonotary	Judicial Admin. Off.	Judicial Clerk 2	Judicial Clerk 3	Court Stenographer	SY 4	CL 2	Sheriff	CL 4	SY 1	Clerk & J.P. (part-time)	TOTAL
Charlottetown	1	5	2	2	6	1	-	1	1	1	-	20
Summerside	-	1	1	-	2	-	1	1	-	-	-	6
Alberton	-	-	-	-	-	-	-	-	-	-	1	1
Georgetown	-	-	-	1	-	-	-	-	-	-	-	1
Souris	-	-	-	-	-	-	-	1	-	-	1	2
	1	6	3	3	8	1	1	3	1	1	2	30

The personnel provide the courts with support services, some of which are as follows:

1. GENERAL ADMINISTRATION
 - budget and expenditure control
 - personnel transactions
 - equipment supply purchases, etc.
2. JUDICIAL ADMINISTRATION
 - taxation of costs
 - bankruptcy and discovery
 - supervision over court officers
 - justices of the peace
3. COURT RECORDS
 - registration and maintenance
4. DOCKETING AT SUPREME COURT LEVEL
5. STENOGRAPHIC, SECRETARIAL AND CLERK OF THE COURT
6. SHERIFF SERVICES
 - jury impanellment
 - process servers
 - execution of court orders
7. FINANCIAL RECORD MANAGEMENT
 - approximately 3 million annually

In order for the courts or Judges to dispense justice properly, these support services are essential and the Prothonotary or Chief Judicial Officer is answerable to the Chief Justice, Provincial Court Judges and the Minister of Justice for their effectiveness. These services have continued to improve at both court levels to cope with the ever increasing workload before the courts. Some highlights are as follows:

Small Claims Court

- Last fall, the Small Claims Section of the Supreme Court was activated resulting in a lay person being able to bring or defend an action without the assistance of a lawyer. The court's jurisdiction goes up to \$500.00 and there are three Registries in the Province, with personnel trained to assist the public in Georgetown, Charlottetown and Summerside. The following pamphlets have been prepared and are available to the public at the registries:
 1. Introduction
 2. What to do if you have claim

3. What to do if you receive an originating notice
4. Mediation services offered by the court
5. Your trial in Small Claims Court
6. What to do if judgment is awarded in your favour

Sabbatical Leave

- Section 13 of the Provincial Court Act, R.S.P.E.I. 1974, Cap. P-24 provides for the granting of sabbatical leave to any Provincial Court Judge under certain conditions. This provision is unique in Canada and His Honour W. Chester S. MacDonald was granted such leave in September 1978 to enable him to study at Dalhousie University. In his absence Judge Plamondon presided in the Provincial Court for Prince County.

Federal Court

- With the opening of a Registry for the Federal Court in June of 1978 in Charlottetown, the Federal Court of Canada now has offices in every Province and Territory of Canada. Existing staff members are gradually being trained in the Federal Court rules and procedures.

Family Court

- Support staff in the family Court Division of the Supreme Court are continuing to monitor and enforce maintenance provisions in court orders. Under the new Family Law Reform Act, the support staff's responsibilities will become more onerous.

Pending Retirement

- For the past twelve years, W.E. (Mac) MacCausland has served the general public in Prince County in his capacity as Deputy Prothonotary of the Supreme Court and Clerk of the Provincial Court in Summerside. On February 12, 1979, Mr. MacCausland will reach his sixty-fifth birthday and retirement. The Department of Justice extends its best wishes to an obedient and dedicated servant of the public.

New Courthouse

- Last year's report stated that the judiciary and its support services will be unable to function to their potential until the courthouse is completed on the waterfront in Charlottetown. It is expected that the new building will be occupied in April of 1979.

REPORT OF CROWN COUNSEL

STAFFING

Since last year's report, Ralph Thompson has joined the department as departmental solicitor. As part of his duties he has assumed responsibility for prosecution in the Kings County area. Staffing in other areas has not changed.

THE ROLE

The Crown Prosecutor's role over the past year has again expanded. The responsibilities have remained the same yet the demands for expertise advice and representation in court have increased.

In past years one might see the occasional complicated matter. More recently, the Crown has encountered complex cases as the rule rather than the exception. As this trend continues Crown Prosecutors will have to continue to be aware of the day-to-day needs and bridge the gap between them and the demand for services in more serious and involved matters.

REPORT OF THE LEGISLATIVE COUNSEL

LEGISLATION

The Legislative Assembly held two sessions in 1978 in the course of which twenty-five public Acts and five private Acts were enacted. The most significant enactment was undoubtedly the *Family Law Reform Act* which was proclaimed to come into force on 31st December 1978. A number of important bills, including those concerning land registration and employment standards, died on the order paper.

The procedures for the development of the legislative program operated in a most satisfactory manner during the year mainly because of the interest and energy of the Honourable Bruce L. Stewart, the chairman of the Cabinet Committee on Legislation.

The Legislative Counsel continued to provide assistance to special and standing committees of the Legislative Assembly.

The annual volume containing the 1978 statutes has been prepared and will be available for distribution in February.

REVISED STATUTES

The 1978 update for the looseleaf edition of the Revised Statutes is in the hands of the printer and should be available to subscribers in March. The cost of production of the update is high and a study of the relative benefits of computerized text editing is presently being undertaken.

REVISION OF REGULATIONS

The text of the Revised Regulations, which includes all regulations and amendments up to 31st December 1978, has been edited and typed and when the review by the various departments is completed, the material will be ready for printing. The Advisory Committee has recommended that the Regulations be printed in bound volumes rather than in loose-leaf form. The Revised Regulations will be supplemented by annual volumes in the same form as the annual volumes of the statutes. The fact that the text is recorded on IBM Mag Cards will facilitate any subsequent revision. In the course of preparation of the revision about twenty obsolete or inconsistent regulations have been identified for revocation. It is anticipated that the Revised Regulations of Prince Edward Island will be available to subscribers in the fall.

COURSES ON LEGISLATION

The Legislative Counsel conducted a number of courses for senior civil servants on various aspects of legislation. The emphasis of the courses was on the composition and interpretation of legislation with a view to promoting a better understanding of the statutes and regulations of the province and the role of legislation as an instrument of social engineering.

UNIFORM LAW CONFERENCE

The Legislative Counsel attended the Uniform Law Conference of Canada held in Newfoundland and participated in the preparation of reports on the tort of invasion of privacy, reciprocal enforcement of maintenance orders and judicial decisions affecting uniform Acts. It is hoped and anticipated that a greater number of the uniform statutes adopted by the Conference will be included in the legislative program of the province.

REPORT OF CORRECTIONS DIVISION

BUILDINGS

New Construction — Work continued throughout the year on the new, ultra-modern building, situated six miles northwest of Charlottetown, officially named Sleepy Hollow Correctional Centre after the district in which it is located. It was originally scheduled to open in October of this year but unforeseen construction delays now indicate a more realistic opening date as February, 1979.

When completed, the centre will provide accommodation for 70 male, 4 female and 6 overnight prisoners. It will operate with a staff of 50. Programs, which took several years to develop, will include wood harvesting, reforestation, wild life development, landscaping and gardening on the site's 200 acres of land. Inside programs will include a food preparation course, hobby crafts, woodworking and maintenance duties. Prisoners classified as minimum security will spend much of their time in the

community on vocational and academic training and community work programs. Several departments of government, outside agencies and community volunteers are involved with the Department of Justice in the prisoner program arrangements. A wide variety of recreation programs, including many contact sports and competitions with community teams, will be available for prisoners.

Current Buildings — Upon the opening of Sleepy Hollow Correctional Centre, the role of Kings and Prince County jails, located in Georgetown and Summerside respectively, will be reduced to holding overnight lock-up, short term remand and weekend prisoners only. Queens County jail in Charlottetown will close. For that reason, nothing more than normal maintenance, which amounted mainly to fresh paint and daily scrubbing, was carried out. No capital expenditures were incurred. During the year, these jails continued to house overnight lock-up, remand and sentenced prisoners for the respective counties, as well as the occasional juvenile in conflict with the law.

SERVICES

Food — There was no change in food suppliers during the year, these being the Country Kitchen in Charlottetown, Mrs. John MacDonald in Georgetown and Andy's Sea Foods and Clovies Restaurant on a month about basis in Summerside. Each supplier was given a 15% increase in the price of meals during the year in keeping with the rising cost of living. This was their first increase in almost two years. Provincial Department of Health food inspectors continued to make unannounced calls at our jails during meals hours. Food supplied by the caterers is supplemented by whole milk, fruit juices, tea and coffee supplied by the department.

Medical — For the third straight year, there were no deaths in our jails. Suicide attempts reduced significantly. Much credit for this must go to Dr. Leo H. Killorn, medical advisor to the department and Queens County jail physician, nursing services officer Helen Flynn, the appointment of Dr. Sheldon Cameron as Prince County jail physician and an alert correctional staff who, through continual training, are more able to detect and prevent such incidents. Another significant factor is no doubt the opening of an alcohol crisis centre in downtown Charlottetown by the Addiction Foundation of P.E.I. in mid-summer. As you will see from the lock-up statistics shown later in this report, opening of this unit diverted many intoxicated persons previously housed in the Queens County jail. It is within this group that suicide attempts in the jails are highest.

Other — Television, radio and the daily newspaper are available to prisoners in all three jails. All are allowed the use of telephone but on a restricted basis. Clergy of any denomination are allowed access at reasonable hours or at any time in case of emergency.

STAFF

Numbers — The regular staff complement in the county jails remained at 44 during the year with 17 in Prince, 17 in Queens and 10 in Kings. It was necessary during the period of May 29 to September 29 to replace many regulars with temporary help while they participated in a nine week training course in Charlottetown in preparation for the opening of Sleepy Hollow Correctional Centre. The superintendent of Sleepy Hollow Correctional Centre was appointed in June and became deeply involved in instruction to correctional officers in training, job interviews for future vacant positions and finalizing the plan of operation with other government departments. The deputy superintendent, food manager, program officer and two office staff were engaged late in the year to assist the superintendent in preparation for opening.

There was a 4.5% turn-over in regular staff during the year, compared to 6.8% in 1977.

Training — 1978 saw intensive training programs provided for correctional staff. A nine week course, sponsored jointly by the federal department of Employment and Immigration and the provincial Department of Justice, was carried out in Charlottetown from May 29 to July 28 for 24 candidates. Six weeks of this training took place at the Atlantic Police Academy and the remaining three at the government classrooms in Rochford Square School. Candidates included persons already employed in the correctional system, as well as newcomers considered suitable for future employment. The course curriculum, which included almost every facet of a correctional officer's duties, was developed by the staff of the Atlantic Police Academy and the Civil Service Commission's Staff Development and Training Branch in consultation with other provinces and the Regional Committee of the National Advisory Network. Use was made of the National Advisory Network's central task bank. The course concentrated throughout on corrections philosophy and human relations training. Qualified groups and instructors who participated, in addition to the Atlantic Police Academy and staff of numerous provincial government departments, were the Charlottetown Christian Council, the Civil Liberties Association, the Native Court Worker, the Canadian Corrections Service, Statistics Canada, the Addiction Foundation of P.E.I. and the St. John Ambulance Association, just to name a few.

A second identical course was held for another 24 candidates from July 31 to September 29. Of the 48 candidates who participated in the two courses, 43 received graduation certificates.

Shorter courses were held throughout the year for varying numbers of correctional officers and included, "Cardio Pulmonary Resuscitation", "Stepping up to supervisor" and "Women in Addictions".

All correctional officers hold valid first aid certificates.

PRISONER ACTIVITIES

The John Howard Society work/recreation program, which started in November 1977 for Prince and Queens County prisoners through a Canada Works grant, continued successfully into August and provided many, many hours of useful work and recreation for both prisoners and citizens. The four John Howard Society workers were joined in early June by an additional six young workers, funded by the federal Ministry of the Solicitor General under their "Summer Job Corps '78" program. This was a repeat of the program first introduced in 1977 under "Summer Job Corps '77", which was also funded by the federal Ministry of the Solicitor General, and provided young people to line up work and recreation programs for prisoners in the community and supervise them while participating. A similar program was carried out at Kings County jail by the correctional staff without support from the federal government.

Prisoner work in the community was performed for community, charitable, religious and non-profit organizations and included landscaping, grass cutting, painting, weeding and many menial tasks. They even helped to set up a circus. Recreation consisted of softball, broomball, volleyball, baseball, miniature golf, bowling, field trips, tennis, walks, barbeques and swimming.

Hours spent on community projects by prisoners were Kings County - 1165, Prince County - 2152, and Queens County - 2657.

GENERAL

The per diem cost of holding a male prisoner in a provincial jail was \$37.65 compared to \$37.93 in 1977. This slight reduction resulted from more prisoner days in 1978 without any increase in staff. The per diem cost of holding a female prisoner was \$70.37, compared to \$117.36 in 1977. The \$46.99 per diem reduction resulted from the use of female correctional officers, who attended female prisoners while carrying out their regular correctional officer duties, thereby eliminating the use of matrons in many cases. Prisoner days in jail in 1978 totalled 22,228 as compared to 20,102 in 1977.

LOOKING TO 1979

With the opening of Sleepy Hollow Correctional Centre in February, a new era will begin in P.E.I. Corrections. No longer will prisoners spend their days lying on their beds, playing cards or watching T.V. while project workers line up community activities for them. Programming at Sleepy Hollow will keep all prisoners active, both in the daytime and in the evenings, seven days a week. It is hoped that the work and recreation activities will go a long way in the rehabilitation of many.

STATISTICS

The following is a statistical table of the number of prisoner admissions to each jail during the year.

TABLE "A"

	Lock-ups	Remand	Sentenced	Total
Queens County				
Male	1062	63	370	1495
Female	34	7	6	47
Juvenile	6	-	-	6
	5 male 1 female			
TOTAL	1102	70	376	1548
Prince County				
Male	1061	80	288	1429
Female	38	-	9	47
Juvenile	7	-	-	7
male				
TOTAL	1106	80	297	1483
Kings County				
Male	362	19	166	547
Female	1	-	-	1
Juvenile	1	-	-	1
male				
TOTAL	364	19	166	549
Total of 3 Jails				
Male	2485	162	824	3471
Female	73	7	15	95
Juvenile	14	-	-	14
13 male 1 female				
TOTAL	2572	169	839	3580

Sentenced prisoner admissions to all three jails in 1978 totalled 839 compared to 880 in 1977. Remand admissions rose to 169 from 146 a year earlier.

Female prisoner admissions in 1978 totalled 95 as compared to 108 in 1977. The number of days served dropped to 180 from 256 in 1977.

The following is a statistical table on lock-up prisoners (police arrestees held prior to court appearance) as they relate to alcohol and alcohol related offences: -

TABLE "B"

Kings County Jail

Total admissions	364	
For intoxication	195	% of total = 54%
Number of individuals involved	135	
Times incarcerated	once (106)	2(18) 3(6) 4 or more (5)
For other alcohol related offences	82	% of total = 22%
For non-alcohol related offences	87	% of total = 24%
Intoxication + other alcohol related offences ...	277	+ 76% of total arrests

Prince County Jail

Total admissions	1106	
For intoxication	828	% of total = 75%
Number of individuals involved	368	
Times incarcerated	once (255)	2(37) 3(28) 4 or more (48)
For other alcohol related offences	109	% of total = 10%
For non-alcohol related offences	169	% of total = 15%
Intoxication + other alcohol related offences ...	937	= 85% of total arrests

Queens County Jail

Total admissions	1102	
For intoxication	632	% of total = 57%
Number of individuals involved	316	
Times incarcerated	once (233)	2(29) 3(21) 4 or more (33)
For other alcohol related offences	160	% of total = 15%
For non-alcohol related offences	310	% of total = 28%
Intoxication + other alcohol related offences ...	792	= 72% of total arrests

Total of 3 Jails

Total admissions	2572	
For intoxication	1655	% of total = 64%
Number of individuals involved*	793	
Times incarcerated*	once (575)	2(79) 3(51) 4 or more (88)
For other alcohol related offences	351	% of total = 14%
For non-alcohol related offences	566	% of total = 22%
Intoxication + other alcohol related offences ...	2006	= 78% of total arrests

* Number of individuals does not equal total of 3 jails because when combining the 3 jails a certain individual may have been in 2 or even the 3 jails and therefore is now counted as one instead of 2 or 3 individuals involved. The same applies for the totals in the times incarcerated.

While the total number of lock-up admissions dropped to 2,485 as compared to 2,806 in 1977, the admissions for intoxication rose by 2% of the total. There was a noted increase in this category at both Kings and Prince County Jails.

REPORT OF PROBATION AND FAMILY COURT SERVICES

GENERAL

During 1978 the number of Probation and Family Court Services personnel remained unchanged with one Family (Court) Counsellor position vacant at year's end with seven Probation Officers and two Family Counsellors on staff. In October Mrs. Irene MacInnis assumed the Supervising Family (Court) Counsellor position with Mr. Ken MacDonald assuming his former responsibilities of Probation Officer.

This Division had an active year. Probation Services were provided across the Island from offices in Montague, Charlottetown and Summerside on a full-time basis as well as from Souris and Alberton on a part-time basis.

Family Counsellors continue to operate from Charlottetown as a base with services being provided on a part-time basis from the Regional Services Centres in O'Leary, Montague and Souris as well as from the Courthouse in Summerside.

PROBATION SERVICES - WORKLOAD

The following is a statistical indication of the activities performed by Probation Officers in carrying out their primary responsibilities in the areas of Presentence Investigations/Reports, Probation Supervision, the Temporary Absence Program and Public Relations/Community Development. However it does not reflect the quality or actual nature of responsibilities carried out.

PRESENTENCE REPORTS

During the year Probation Officers conducted investigations for and submitted 133 presentence reports for use by the Courts. This compares with 206 reports in 1977 and 238 in 1976. The fact that a Judge who frequently requested Presentence Reports in the past has been on leave accounts for part of the decrease.

PROBATION SUPERVISION

On January 1, 1978, there were 196 individuals under the supervision of Probation Officers in the Province with 296 new cases added during the year. This compares with 201 new cases added during 1977. On December 31, 1978, 266 individuals remained under the supervision of Probation Officers. This reflects an increase of 70 individuals over December 31, 1977.

COMMUNITY SERVICE/WORK ORDERS

Provincial Court Judges expanded the use of Community Service/Work during the year under review. Essentially the Court requires an offender whether in lieu of or in addition to some other sanction to perform voluntarily some form of community service/work as a condition of a Probation Order. Probation Officers arrange the appropriate service/work taking into consideration any strengths or talents an offender

may have and supervises the activity as well as assessing it as to whether or not it is satisfactory. A prime factor in the community service/work concept is to place responsibility on the offender to restore, at least in part, the harm done either for the victim or the community at large.

During the year 125 individual offenders were ordered to perform community service/work. This compared with 40 such orders in 1977. These orders ranged from four (4) to five hundred and fifty seven (557) hours, the latter being an exception. Most frequently used were orders requiring 16, 24 or 32 hours service/work to be performed. On occasion restitution was coupled with these orders.

A total of forty-two (42) agencies across the Island have been recipients of community service/work. Activities performed included service/work for senior citizens, handicapped individuals as well as community and youth groups.

There is every indication that Provincial Judges will continue to utilize community service/work as part of the sentencing process. Accordingly agencies and organizations that could benefit from this form of service/work are encouraged to contact Probation Services to explore their interests.

TEMPORARY ABSENCE PROGRAM

Probation Officers arranged and supervised a total of 93 temporary absences involving 60 individuals serving sentences in provincial jails during 1978. This compared with 77 releases in 1977. Of the 93 releases: 26 were for employment purposes; 3 for purposes of education; 39 for treatment reasons (28 - alcohol, 1 - psychiatric, 10 medical) and 25 for humanitarian reasons. Three violations of conditions of release were recorded; no new offences while under temporary absence were recorded.

These releases do not include temporary releases where inmates were escorted by Correctional Staff, individuals released under the Compulsory Work/Recreation Program reported by the Corrections Division, nor those inmates released under the Christmas Temporary Absence Program outlined below.

CHRISTMAS TEMPORARY ABSENCE

Since the inception of the Christmas Temporary Absence Program in 1971, 1978 saw the largest number of sentenced inmates being released. All 44 sentenced inmates being held in the Province's three jails were provided the opportunity to spend some time (6-54 hours) with their families and/or friends. Four remand prisoners were held over Christmas. One inmate failed to live up to the terms of his release and was returned to the Institution as a result of a property damage incident.

PUBLIC RELATIONS AND COMMUNITY DEVELOPMENT

As in the past Probation Officers continue to be involved in a variety of activities and organizations which provide an opportunity to interpret the functions of Probation Services as well as fostering the growth and support of community agencies.

Probation Officers stand ready to respond to request to serve as resource people to various community and school groups, service clubs, as well as private and public agencies.

FAMILY COURT SERVICES

The Probation and Family Court Services Division is also responsible for providing support services of a counselling, investigative and supervisory nature to the Family Division, P.E.I. Supreme Court.

More specifically responsibilities of Family (Court) Counsellors include:

- (a) Performing intake procedures at the Family Court level, assessing and screening cases and providing an information and counselling service to individuals preparing for the court process;
- (b) Conducting investigations in custody, support and related matters for the preparation of reports for Family Court;
- (c) Supervising and enforcing orders made by the Family Court;
- (d) Marital counselling in crisis situations that may or may not require judicial attention.
- (e) Performing an educational public relations role in interpreting the functions of the Family Court to individuals and community organizations.

SUMMER STUDENT EMPLOYMENT AND ACTIVITIES PROGRAM

This Division was successful in obtaining approval for a summer program called "The Offender, The Offended and Community Justice" submitted to the Federal Ministry of the Solicitor General under the Summer Student Employment and Activities Program, a career oriented employment program.

Accordingly four university students with backgrounds in Sociology, Psychology, Social Work and Law were hired and spent the summer performing various tasks. Most tasks had a basic assessment element as well as an orientation toward public relations. In the main the tasks related to priorities of the Ministry of Solicitor General as well as the interest of this Division, particularly in the areas of crime prevention/public education; diversion, sentencing alternatives, community corrections as well as an attempt to measure the support for programs in these areas.

More specifically the tasks undertaken included:

- 1) A study of restitution as used by Provincial Court in Charlottetown during 1977.
- 2) Criminal justice information related to schools.

A package "Criminal Justice and You" was developed for distribution to schools, particularly to Guidance personnel. This package includes a resource persons list, a reading reference list, a listing of audio-visual materials, and a detailed booklet on "Careers in Criminal Justice". To supplement this information package two audio-visual (slide/tape) presentations were developed, one on basic criminal justice information and the other on careers in criminal justice.

- 3) An evaluation of our temporary absence program which has been in existence since 1972 was undertaken. This evaluation focused on the attitudes of inmates, correctional officers and community contacts involved.
- 4) A basic assessment of the community work/recreation program involving inmates of the province's jails was also undertaken.
- 5) A preliminary examination of the extent of domestic disputes coming to the attention of the police in the Charlottetown area was done with a view as to how Family (Court) Counsellors could be involved in the intervention, assessment, referral process.
- 6) An Information/Display Booth with the theme "Justice - Its Up To You" was held at the Charlottetown Exhibition during Country Days in Old Home Week August 3 - 12, 1978. This undertaking attracted a lot of people. A large number of specific inquiries were made with many pieces of information being distributed. Buttons, bumper stickers and a variety of brochures were developed and distributed. Of special interest to children was a coloring book "Maynard Breaks The Law" prepared by Ms. Roberta Munn, Probation Officer.
- 7) An analysis of the law as it relates to Probation was carried out with a booklet "The Law and Probation - Some Legal Points" being developed. This will serve as a reference document for a proposed workshop on *The Law, Probation and Sentencing* to be held in Prince Edward Island in 1979.

Appreciation is extended to the Ministry of Solicitor General, particularly to Mr. Dan Stote, Regional Consultant, Moncton, as well as Probation Officers and Family Counsellors of this Service.

Two aspects of this program have been highlighted and considered for inclusion in similar federal programs elsewhere - these being 1) the selection of students whereby the skills, interests and potential of the students is matched to particular tasks, and 2) in terms of supervision students are paired with full-time staff for particular tasks; this arrangement certainly added to the career and professional development of both students and staff.

REPORT OF THE LAW REFORM COMMISSION

The Prince Edward Island Law Reform Commission was established by section 2 of the *Law Reform Commission Act*, R.S.P.E.I. 1974, Cap. L-8 and is comprised of three Commissioners. For a considerable period of time the Commission, which normally meets two or three times per year, has been operating with one vacancy. At the writing of this report efforts are being made to appoint an individual with an interest in law reform and a willingness to devote some time to the Commission. The present Commissioners are; Honourable Chief Justice John P. Nicholson, Chairman, and Norman H. Carruthers, Esq.

Mr. Hugh D. MacIntosh is Counsel to the Commission. The Secretary to the Commission is Miss Cathy Murnaghan. The Commission's address is 108 Kent Street, P.O. Box 1628, Charlottetown, Prince Edward Island, C1A 7N3, Telephone 1-902-892-0971.

In 1978 the Commission's proposals to modify the *Contributory Negligence Act*, the *Survival of Actions Act* and the *Fatal Accidents Act* were enacted and proclaimed. The Commission's proposals to enact complementary changes in the *Workers Compensation Act* have not yet been presented to the Legislature.

PROJECTS: 1978

1. Rule in *Hollington v Hewthorne*

The Commission's proposals on this subject have now been rendered in legislative language and await consideration by the Commission.

2. Change of Name

No progress has been made on this project in 1978. The views of the P.E.I. Council on the Status of Women have been sought on this subject and a reply is anticipated.

3. Proof of Death

The Commission's Counsel has submitted an extensive report and recommendations on this subject to the Commission. The report covers the determination of the fact of death, common law and statutory presumptions of death and their employment, and the issues raised by the *Commorientes Act*. The recommendations consider the legislative solutions proposed by the Uniform Law Conference of Canada and the legislation actually adopted in other jurisdictions, principally Manitoba and Ontario.

4. Challenges to Jurisdiction

The Commission has completed its initial appraisal of this subject which covers the various means by which the jurisdiction of inferior courts and tribunals may be challenged by proceedings in the *Suprae* Court. The Commission's tentative conclusion was that the procedure should be equated with appellate procedure. The scope of the appeal would be limited, however, to those matters which have traditionally been considered.

The case law and statute law applicable to this subject matter were extensively reviewed by the Commission's Counsel in memoranda submitted to the Commissioners. This review made special reference to the P.E.I. situation. A summary was prepared which set out the Commission's understanding of the present position and its proposals for improvement. This summary was sent to those members of the Law Society of P.E.I. who appeared to have had recent practical experience in this specialized area. A copy was also sent to the Secretary of the Society. With the summary was a request for any comment or criticism of the Commission's appraisal or proposals. No response has been received to date.

5. Possessory Liens

This project arose out of a referral by the Deputy Minister of Justice of a request by a member of the public for changes in the *Garage Keepers' Lien Act*. The Commission's Counsel has submitted a memorandum which covers the whole subject of possessory liens at common law as altered by such statutes as the *Unclaimed Articles Act* and the *Warehousemen's Lien Act*. Reference is also made to the use of a "non-possessory" lien in such provinces as Alberta. No decisions by the Commission on the issues raised or the proposals made have yet been concluded.

6. Powers of Attorney

The Commission's Counsel has submitted a report to the Commission on the *Uniform Powers of Attorney Act*. This Act is to protect those who exercise powers which have terminated without their knowledge and to enable the exercise of a power in certain circumstances notwithstanding the grantor's mental incapacity. The Commission expects to consider this report in 1979.

7. Impact of Divorce on Wills

The Uniform Conference of Canada has recommended the enactment of a provision which would eliminate a spouse from the terms of the other spouse's will upon divorce or annulment unless provisions in favour of a spouse were confirmed after the decree. A report on this matter by the Commission's Counsel is before the Commission for its consideration.

8. Limitations of Actions

This subject should receive consideration by the Uniform Conference of Canada at its 1979 annual meeting.

9. Evidence

The federal-provincial task force reported to the Uniform Law Conference of Canada in 1978 and its deliberations continue in order to establish common ground for both federal and provincial evidence law.

NEW PROJECTS

(a) Revision of the *Probate Act*

The Law Society of P.E.I. has been advised of this project and Mr. Justice M.J. McQuaid has kindly agreed to comment on aspects of proposals which the Commission develops.

In accordance with Commission policy, the Uniform Wills Act serves as the starting point for assessing the present *Probate Act*. The Uniform Act has been largely endorsed by the *Succession Law Reform Act, 1977* R.S.O. 1977, Cap. 40 and many elements of the Uniform Act exist in other provinces.

(b) *A Personal Property Security Act*

Recommended Uniform legislation exists on this subject to replace such Acts as the *Bulk Sales Act*, *Bills of Sale Act*, *Conditional Sales Act*, etc. Legislation has been passed in Ontario and Manitoba and is being considered in other provinces.

(c) *Mechanics Lien Act*

An appraisal of this Act arises out of a referral by the Deputy Minister of Justice concerning the application of this legislation to the Crown. The Construction Association of P.E.I. has been approached for its views on the utility of the Act but no reply has yet been received.

(d) *Affidavits Act*

Aspects of this Act have been referred to the Commission for its consideration by the Department of Justice. A preliminary assessment report has been submitted to the Commission by its Counsel.

ACKNOWLEDGEMENTS

In 1978, Mrs. J. Bellemare-Dodds resigned as secretary to the Commission. A small organization such as the Commission makes special demands on its support personnel in order that its tasks may be successfully pursued. Mrs. Bellemare-Dodds was not only receptionist, typist and general secretary to the Commission but also kept its books and records, maintained a case index of P.E.I. decisions, did initial research and generally contributed the dynamism of her personality to the business of the Commission. The Commission considers itself fortunate to have had the benefit of her energy and enthusiasm and wishes her well in her new position.

The Commission has received in 1978 the same willing co-operation of many Law Reform bodies around the world. Special thanks are due to Lachlan MacTavish, Esq., Q.C., Executive Secretary to the Uniform Law Conference of Canada for his helpful response to numerous requests and for enabling the Commission to add to its collection of past proceedings of the Conference. The Commission's project on proof of death was materially aided by the commentary of Mr. Craig Perkins, Counsel to the Policy Development Division of the Ministry of the Attorney General of Ontario.

REPORT OF THE PUBLIC DEFENDER

The period April 1, 1977 to March 31, 1978 was the fifth year of the public defender program in Prince Edward Island. Under this program free legal assistance in criminal law and related matters is delivered by salaried staff lawyers to eligible persons in accordance with the terms of a cost-sharing agreement between Canada and this province. During the period of this report 636 cases were completed. This was an increase of 18 per cent from the previous year. A case includes any charge against an applicant requiring court action by a staff lawyer. Inquiries resulting in summary advice only are not included as cases. Although the number of cases rose significantly, there was only a slight increase in the number of applications indicating that more applicants faced multiple charges when they sought assistance.

In addition to the cases completed, the public defenders dealt with an equal or greater number of inquiries where informal advice only was given. Many of these inquiries related to civil matters which are presently not covered by legal aid. Experience in this regard seems to indicate many inquirers are hesitant about contacting private counsel often because they do not know who to contact or because they are apprehensive of costs involved.

STAFF

The program is staffed by two full-time lawyers and one secretary. Accounting services are provided through the provincial justice department. In July of 1977, David R. Hammond left the program and joined the Crown counsel staff. He was replaced by Barrie L. Grandy, formerly associated with the law firm of Large & Macnutt in Charlottetown.

LOCATION OF OFFICES

The central office of the program is located in privately owned office space in Charlottetown. Other court centers served from this office are Summerside, Alberton, Georgetown and Souris. In the latter three, court is held one day each week. During the past year the number of criminal cases in the Provincial Court at Summerside almost equaled the number in Charlottetown, requiring travel by a staff lawyer to that center on the average three days per week. The Summerside Office of the public defender is located in the Courthouse.

RELATIONSHIP WITH THE COURTS

The availability of free legal assistance for eligible persons appears to be considered by the criminal courts in the province as a balancing factor in the adversary process. Frequently, accused persons are urged by the court to seek the assistance of a public defender where they are charged with a serious offence or where there is reason to doubt whether they fully appreciate their legal situation.

STANDARDS OF ELIGIBILITY

General standards of eligibility are defined in the Agreement between Canada and this province. Under the Agreement the province is obliged to deliver free legal assistance in criminal matters to eligible persons who could not afford the required service from private counsel without undue financial hardship. Eligibility in each case is determined by a staff lawyer who discusses the complexity of the charge or other matter with the applicant. In borderline cases the application may be deferred until the applicant has explored the matter of cost with private counsel. This method is usually acceptable to both the applicant and the private practitioners.

ELIGIBILITY TO SELECT COUNSEL

Under the Agreement the province is obligated to provide free choice of counsel only to applicants liable on conviction to a minimum sentence of life imprisonment. This includes first or second degree murder but not offences such as manslaughter, rape or robbery. Where private counsel agrees to act, he is paid through this program in accordance with a tariff of fees established for such cases. The fees prescribed by the tariff are intended to approximate those a man of modest means paying for his defence from his own pocket would be expected to pay. Consequently, they are lower than the rates charged by most counsel in private cases. During the period of this report the cost of one homicide involving three applicants accounted for approximately 15 per cent of the total expenditures for the entire program.

In many cases public defenders were unable to act for eligible applicants due to conflicting schedules or for some reason relating to the accused or the case itself which might have prevented private counsel in similar circumstances from acting. In these cases the applicants were referred to private counsel who were paid according to the tariff. Seven per cent of all cases were handled in whole or in part in this manner. The cost of these cases including the one mentioned was approximately 30 per cent of the total cost of the program.

TYPE OF AID

The following types of cases were completed through the program the past year:

Federal Criminal and Related Cases	Number Completed
Unlawful homicide	6
Matters under the Juvenile Delinquents Act	7
Rape	1
Robbery	14
Breach and enter	167
Theft and possession of stolen property	99
Drunk and impaired driving	72
Other motor vehicle offences	37
Trafficking in narcotics	15
Possession of narcotics	4
Fraud and false pretences	55
Dangerous and prohibited weapons	9
Escape and unlawfully at large	12
Perjury	2
Cause disturbance	20
Assaults	34
Arson	7
Resisting arrest	11
Property damage	25
UIC fraud	14
Breach of probation	8
Others	17

The following is a numerical breakdown of cases completed through this program during the report year:

Individuals whose cases were completed	305
Applications approved	346
Individuals who received representation on more than one occasion	41
Individuals who received representation on more than two occasions	3
Cases completed on behalf of the above recipients	636
Cases handled in whole or in part by private counsel	48
Individuals represented by private counsel paid through the program	48
Percentage of total cases handled in whole or in part by private counsel	7%
Number of private counsel who participated	15
Cost of services rendered by private counsel	\$26,965.27
Disbursements and expert witnesses	2,329.19

Number of applications granted by region:

Charlottetown	166
Summerside	139
Alberton	5
Georgetown	31
Souris	8

Age of recipients:

16 - 19 years	33%
20 - 25 years	26%
over 25	41%
	100%

COST OF PROGRAM

Salaries and benefits	\$55, 111.57
Travel: in-province	3,161.78
out-of-province	362.07
Library	425.43
Telephone	1,728.72
Office supplies	459.74
Equipment	
Rent, light and heat	

TOTAL EXPENDITURE

	1976-77	1977-78
Total expenditure	\$80,088.40	\$90,621.22
per capita57	.75
Federal contribution	72,079.56	
per capita60	
Provincial contribution	8,008.84	
per capita07	

**REPORT OF THE ROYAL CANADIAN MOUNTED POLICE
"L" DIVISION**

ORGANIZATION

In Prince Edward Island, the Royal Canadian Mounted Police pursues its Program Objective of enforcing laws, preventing crime and maintaining peace, order and security under the terms and conditions of the Policing Contracts signed with the Province and the Municipalities we serve.

To carry out this mandate, there are Detachments located strategically around the Island which serve as bases of operation. Detachments are located at Alberton, Borden, Charlottetown, Montague, Sherwood/Parkdale, Souris and Summerside. In addition, the "L" Division Headquarters in Charlottetown houses Division management and specialized services, such as the Charlottetown Highway Patrol, Identification Section, Federal Investigation Section, Commercial Crime Section, Protective Policing, Crime Prevention/Police Community Relations, Migratory Bird and Canada Shipping Act Enforcement Section, Financial Services, a Drug Section and several other operational or administrative support units. The Detachment at Summerside also includes a Federal Investigation Section and a Highway Patrol.

The operational units were collectively responsible in 1978 for the following investigations:

Criminal Code - Offences Against Persons	234 cases
Criminal Code - Offences Against Property	1,694 cases
Other Criminal Code (such as Wilful Damage, Disturbing the Peace, etc.)	1,440 cases
Criminal Code - Traffic	1,608 cases
Federal Statutes (such as Canada Shipping Act, Migratory Birds Convention Act, Customs and Excise Acts, Bankruptcy, etc.)	189 cases
Drug Offences	186 cases
Provincial Traffic Offences	10,996 cases
Other Provincial charges (i.e. liquor offences, etc.)	3,267 cases

These figures are shown in more detail in the attached appendices, however, they do provide an overview of the major investigative areas being addressed by the Force in this Province.

Our Contract with the Province is 94 members, including five members under Provincial-Municipal Contract for policing Alberton, Borden, Tignish, O'Leary and Georgetown. Sherwood/Parkdale, Montague and Souris employ an additional eleven members under the terms of Municipal Contracts with the Force. Overall strength is 147, which includes Regular Members, Special Constable, Civilian Members and Public Servants.

The following table outlines the approved establishment for the year 1978/79.

Distribution of Manpower December 31, 1978

	Chief Superintendent	Inspector	Staff Sergeant	Sergeant	Corporal	Constable	Special Constable	Civilian Member	Clerk	Stenographer	Cleaning Servicemen	TOTAL
Division HQ	1	1	3	6	10	5		9	7	2	2	46
Charlottetown H.P.				1	2	9			1			13
Charlottetown			1	1	3	14			1	1		21
Alberton				1	2	4			1			8
Alberton H.P.						2						2
Alberton Town**						1						1
Tignish Town**						1						1
O'Leary Town**						1						1
Borden				1		4			1			6
Montague				1	1	3			1			6
Montague Town*						1						1
Montague H.P.						3						3
Georgetown Town**						1						1
Sherwood/Parkdale*				1	1	7						9
Souris				1	1	4			1			7
Souris H.P.						2						2
Souris Town*						1						1
Summerside			1		2	5			2			10
Summerside F.I.S.					1	1						2
Summerside H.P.						3						3
Lennox Island							1					1
Migratory Bird/C.S.Act					1	1						2
TOTAL	1	1	5	13	24	73	1	9	15	3	2	147

* Federal-Municipal Contract

** Provincial-Municipal Contract

LAND TRANSPORT

The following vehicles serve the Force in Prince Edward Island:

	Police Cars	Highway Cars	Van	Trucks	Boats	Motors	Snowmobiles
DIVISION HQ	12			1	2	2	1
Detachments							
Charlottetown	8	6	1				
Alberton	4	1					
Borden	3						
Montague	3	2			1	1	
Souris	3	1					
Summerside	6	2					
Sherwood/Parkdale	2						
TOTAL	42	12	1	1	3	3	1

AWARDS AND COMMENDATIONS

During April 1977 Cst. Lindsey Jacobs and his wife were visiting friends, when the lady of the house screamed for help. Her week-old baby had stopped breathing.

Cst. Jacobs responded immediately. The baby was not breathing and was blue in color. He applied mouth to mouth resuscitation and after some minutes the infant began to breath again.

A police car had been summoned for transportation to hospital. Enroute Cst. Jacobs kept the airway clear with his finger but the baby stopped breathing and he again revived the baby with mouth to mouth resuscitation.

The quick action of Cst. Jacobs was credited with saving the life of this week-old child. For his efforts Cst. Jacobs was awarded the St. John Ambulance Meritous Certificate, the Red Cross Life Saving Award, and the Saint John Police Department's Annual Honour Award.

SPECIAL SQUADS

The following units provide support services for general duty personnel and the Federal policing effort in the Province:

- Administration Section
- Crime Prevention/Police Community Relations
- Commercial Crime Section
- Division Section N.C.O. and Traffic Supervisor
- Drug Sections

Federal Investigation Sections
Financial Services Section
Identification Section
Migratory Birds/Canada Shipping Act Section
Records Management Section
Security Systems Section
Security Service
Staffing and Personnel Section
Telecommunications Section
C.I.B. Readers

In addition to the above, both "H" (Nova Scotia) and "J" (New Brunswick) Divisions provide:

A Polygraphist
Police Dog Service

CRIME PREVENTION/POLICE COMMUNITY RELATIONS

Members continued to promote good relations with the community by taking an active interest and participating in such community programs as service clubs, youth programs, sporting events as players and coaches, as well as church and community related groups.

This year Detachments made 162 visits to schools, groups and meetings to speak to 1,978 adults and 5,485 youths. Topics were numerous and various in nature including alcohol, drugs, safety, police and community responsibility and others.

Police Week was marked this year with displays at shopping malls at Charlottetown, Summerside and Montague with remaining detachments participating in open houses and school visitations. Displays at the Charlottetown and Summerside Malls were joint ventures between Municipal, Military, Atlantic Police Academy and R.C.M.P. in which the role of the police in the Community was accentuated through displays, films, and personal contact with thousands of Island citizens.

This year saw the introduction, in co-operation with the Department of Education of the program "The Mounties ... They Stand on Guard for Canada" to the Grade V students in the province. Department Officials indicate the Program has been well accepted.

Plans for 1979 include the expanding of the Operation Identification Program to include the endorsement and support of the Summerside, Kensington and St. Eleanors Police Forces. The objective of this program is to reduce or eliminate thefts and break and enter offences through the marking of personal effects for identification purposes. This program was staffed during 1978 through the employment of 13 Federal Labour Intensive Program (FLIP) students operating in four detachment areas. New ventures for 1979 include the development of a Marine Security Program and a program which will formalize our attempts to control vandalism.

S.S.E.A.P.

The Summer Student Employment Assistance Program has completed its third successful year of operation. The objective of the program is to expose university students to the practical aspect of law enforcement and the every day interfacing of the police officer and the general public, thereby creating a better understanding for the student in his chosen career.

Eight students were employed under the program during 1978. Three were employed on Highway Patrol duties and five on General Detachment duties. These people present a good image in the community and a positive interface with regular members. Continued success is anticipated this coming year through the continuation of this program.

COMMERCIAL CRIME SECTION

This Section was established in April, 1977 and at present has a total complement of four members. Responsibilities of this Section include the enforcement of Criminal Code and other statute complaints that arise as a consequence of business failures. Personnel are also responsible for the investigation of frauds perpetrated against any department or agency of government, including frauds and conspiracies in relation to the National Housing Act, Canada Student Loans Act, Bank Act, Provincial Charities, Family Farm Program, and investigations involving stolen or counterfeited securities and currency.

During 1978 losses associated with frauds and bankruptcy amounted to \$840,000 and nine charges have been laid to date. A number of these matters are still under active investigation.

DIVISION SECTION N.C.O. AND TRAFFIC SUPERVISION

This member is responsible to the C.I.B. Officer for the general supervision of detachments and highway patrols. He co-ordinates activities involving more than one detachment and provides direction on special investigations. A major responsibility is the continuous evaluation, supervision and co-ordination of the Force's traffic law enforcement program throughout the Division

DRUG SECTION

The Drug Section maintains surveillance and conducts investigations relating to Narcotic Control Act and Food and Drug Act violations, primarily possession and trafficking in illegal narcotics, controlled and restricted drugs. During 1978, the Drug Section made 64 seizures, entered prosecution for 29 possession offences, and prosecuted twelve persons for trafficking offences.

FEDERAL INVESTIGATION SECTION

This Section is responsible for assisting detachments and performing investigations of Federal Statutes including Immigration Act, Customs Act, Excise Act and offences under the Criminal Code relating to gambling, prostitution and pornography.

IDENTIFICATION SECTION

The two-man section assists all units in providing expert assistance in the following fields:

- Fingerprinting
- Photography
- Physical Comparisons
- Plan Drawings

During 1978 this section handled 379 cases and has earned a solid reputation as an important aid to investigations.

MIGRATORY BIRD/CANADA SHIPPING ACT SECTION

Primary responsibility is the enforcement of the M.B.C. Act, Canada Shipping Act and Criminal Code offences that relate to water transport.

The Section maintains one boat, snowmobile and a 4-wheel drive vehicle to respond to situations requiring this specialized equipment. Close liaison is maintained with the Department of Environment, Fish and Wildlife Division and the Canadian Wildlife Service throughout the year as part of its enforcement and education program.

SECURITY SYSTEMS SECTION

Our Auxiliary Police program is administered by this one-man unit. The member also ensures security is adequate for the protection of information and property by conducting surveys and inspections and consulting with all government agencies and departments.

SECURITY SYSTEMS SECTION

Formulation of contingency plans for possible emergencies is also the responsibility of this unit. During 1978 the Security Systems Section was made responsible for the administration of the Canadian Human Rights Act, which involves primarily the right of access of individuals to records containing personal information about themselves.

R.C.M.P. Auxiliary Program

The Auxiliary Police Program continued this year to be a worthwhile unit consisting of extremely dedicated civilian personnel who display eagerness to be useful citizens in their community by assisting the Force in the law enforcement program.

Twenty (20) Auxiliary Police Constables were recruited, equipped and trained this year bringing our present Auxiliary Police Force to the total of sixty-five (65) members. This year witnessed the training of five (5) female members. This is the first time in the history of the program on the Island that females have played an active role.

During the year the Auxiliary Police members gave 6,120 hours of their own time without any remuneration to assist the Force with duties in connection with night patrols, National Parks, Old Home Week, Canada Day Weekend, Hallowe'en Patrols and Breathalyzer Van Patrols.

STAFFING AND PERSONNEL SECTION

This Section plays a dual role within the Division administrative structure. The Section's primary responsibility is in the area of personnel. The Staffing N.C.O.'s activities include recruiting, succession planning for members, interviewing and counselling members, monitoring the Force's performance evaluation systems as well as reporting the state of morale within the Division. Training is also the responsibility of this unit.

Recruiting

Applications for engagement were up in 1978 and actual engagement showed a slight increase over 1977 as indicated:

	Application Received		Engagements	
	1978	1977	1978	1977
Regular Members	46	37	6	6
Re-applications	4	10	2	1
Special Constables	2	0	1	0
Civilian Members	0	0	0	0
Ex-Members	1	2	1	1
TOTAL.....	53	49	10	8

Training Statistics:

Course	Number Trained
Junior Constables	8
Telecommunications	1
Breathalyzer	16
Senior Investigators	3
First Aid	49
Police Leadership	7
Commercial Crime	1
Firearms Instructor	1
Senior Police Administration Course	3
Commanders Course	1
Negotiators Course	1
Accident Investigation	13
Alcohol Level Evaluation Recorder & Tester	83
Canadian Police Information Centre Terminal Operators	4
A.L.E.R.T. Calibration	17
Drug Investigational Techniques Course	1
Advance Driver Training	10
Radar Training	20
Fire Investigation	2
Arson Investigation	8
Advance Identification	1
Instructional Techniques	2

TELECOMMUNICATIONS SECTION

This Section is responsible for co-ordinating and administering all the Division Telecommunications operations and functions. The Section answers complaints and dispatches members throughout the province through the use of a ZENITH telephone system. The computerized police information system (C.P.I.C.) is available 24 hours per day through the dispatchers located at Charlottetown.

TRAFFIC LAW ENFORCEMENT

The number of people killed as a result of fatal accidents within R.C.M.P. jurisdiction soared to 46 in 1977 - the worst year on record. Efforts to curb the number of deaths, through education and increased enforcement, met with considerable success as the number of deaths during 1978 was reduced to 28. This compares to the statistics for 1976, when the lowest number of deaths since 1972 was recorded. Criminal Code Traffic charges increased by 24% to 1,608 and Provincial Traffic Act charges increased by 29% to 10,996.

Total accidents increased by 23%, from 1,605 to 1,970. Injury accidents are of particular concern as 531 people were injured (1977 - 406) and the total injury accidents climbed by 16%, from 287 to 335. An analysis of injury accidents does not indicate any clear trend, in fact, the increase may not be totally accurate, and may be attributed to the recording of minor injuries which were not recorded previously.

It is very apparent traffic law enforcement must remain a high priority and every effort must be made to improve the accident picture. It is also apparent the drinking driver is a very serious concern, especially in relation to fatal and injury accidents.

Undoubtedly the introduction of the Roadside Screening Program and the testing of drinking drivers by the roadside screening device (A.L.E.R.T.) has been very beneficial. Thirty of these instruments are located across the Island and virtually all operational members have been trained to use them, Breathalyzers and the Mobile Breathalyzer Van continue to be very beneficial to the traffic law enforcement program.

Appendices "C" and "D" indicate accident statistics for 1978 and comparative years.

Breathalyzer Operations

Number of persons tested	1,012
Number of tests performed	1,923
Average Blood Alcohol Level172
Number under 18 years tested	51
Number under 21 years tested	247 (including above)

Roadside Screening Program

Number of Demands	1,032	PASS	316
Number of Refusals	62	Warn	284
Number of Tests	967	Fail	367
Tests performed between 6 p.m. - 10 p.m.			190
Tests performed between 10 p.m. - 2 a.m.			642
Charges arising from Roadside Screening Program			373

CRIME STATISTICS

Appendices "A" and "B" outline the 1978 statistics and provides a comparison with 1977. It is very gratifying to report that total criminal offences decreased by 4% during the year - a reduction of 141 offences. Criminal Code Traffic offences are not included as they are reported in connection with Traffic Law Enforcement. Although the reduction of 141 offences may not be viewed by some as being very significant, any reduction should be considered with some satisfaction when the trend has been for increases.

There are increases in some specific categories but the one of primary concern is Theft Over \$200, which increased from 146 to 209. No specific cause or trend can be determined, however, particular attention is being directed to this problem area and it is hoped that it can be reduced. In 1977 concern was expressed about the increases in Wilful Damage, both private and public. These offences have dropped from 866 to 803.

The R.C.M.P. will continue programs to reduce criminal offences, stressing preventive policing, and hopefully with the co-operation and assistance of citizens it will be possible to further reduce criminal activities during 1979.

Assistance and co-operation received by members from the majority of citizens has been very favourable and through their efforts to provide the best possible police service, members will attempt to maintain this excellent relationship.

APPENDIX "B"

**"L" DIVISION CRIME STATISTICS
COMPARISON 1978/1977**

Criminal Code Property - 31.66%	1978	%	1977	%	34.9%
Theft Under \$200	825	48.7	888	48.0	
Break & Enter	404	23.85	451	24.4	
Frauds	138	8.15	255	13.8	
Theft - Motor Vehicle	108	6.38	86	4.7	
Theft Over \$200	209	12.54	146	7.9	
Possession Stolen Goods	10	.58	21	1.2	
	<hr/>		<hr/>		
	1,694	100.0%	1,847	100.0%	

Criminal Code Traffic - 30.05%					24.6%
Impaired Driving	921	57.27	592	45.5	
Suspended Driving	140	29.48	181	13.9	
Fail/Refuse Test	474	8.71	392	30.0	
Fail to Remain	26	1.62	96	7.3	
Dangerous Driving	41	2.55	35	2.6	
Criminal Negligence	6	.37	6	.7	
	<hr/>		<hr/>		
	1,606	100.0%	1,302	100.0%	

Criminal Code Person - 4.37%					4.4%
Common Assaults			189	79.5	
Bodily Harm	10	4.28	22	9.2	
Assault - Police	6	2.56	5	2.1	
Sexual Offences	14	5.98	10	4.2	
Robbery	3	1.28	6	2.5	
Assault - Other Peace/Public	198	84.62	3	1.3	
Wounding	1	.43	1	.4	
Homicide	2	.85	1	.4	
Attempted Homicide	0		1	.4	
	<hr/>		<hr/>		
	234	100.0%	238	100.0%	

Other Criminal Code - 26.91%

27.7%

Wilful Damage - Private	673	46.74	739	50.4
Disturb the Peace	253	17.57	200	13.7
Not Specified Offences	182	12.64	194	13.2
Wilful Damage - Public	130	9.03	127	8.7
Offensive Weapons	49	3.40	44	3.0
Arson	42	2.92	55	3.8
Trespass at Night	60	4.17	49	3.3
Bail Violation	10	.69	10	.8
Obstruct Peace Officer	15	1.04	17	1.1
Indecent Acts	10	.69	5	.4
Escape Custody	5	.35	5	.3
Counterfeit Currency	0		3	.2
Prisoner at Large	10	.69	9	.6
Gaming & Betting	0		6	.4
Public Morals	1	.07	2	.1
	<u>1,440</u>	<u>100.0%</u>	<u>1,465</u>	<u>100.0%</u>

Drugs - 3.48%

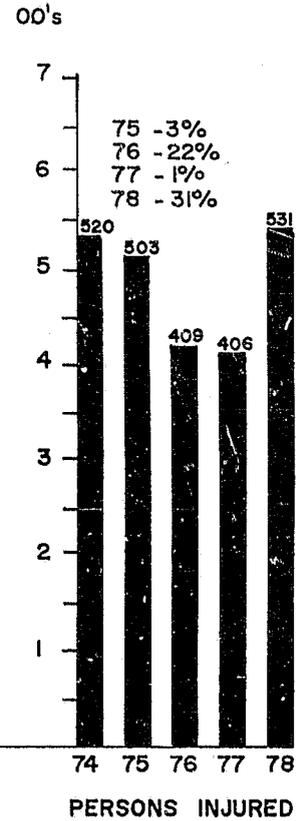
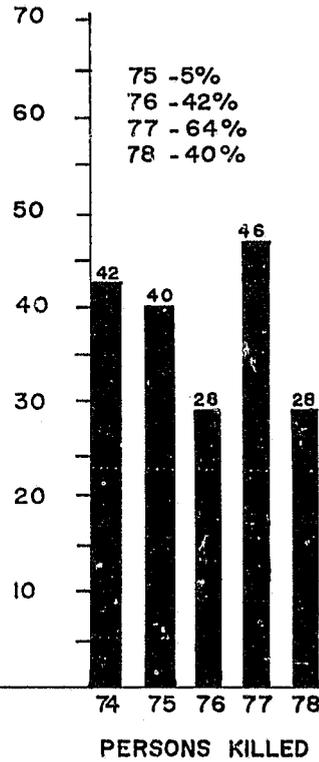
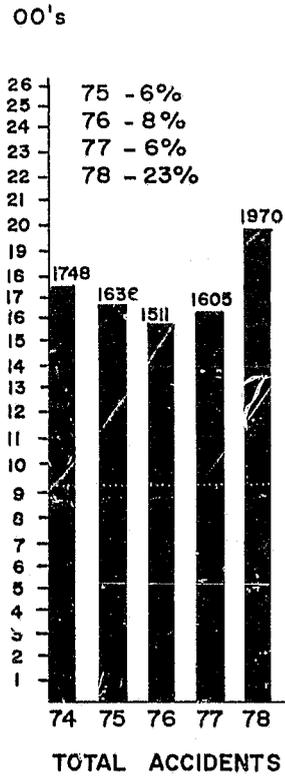
3.1%

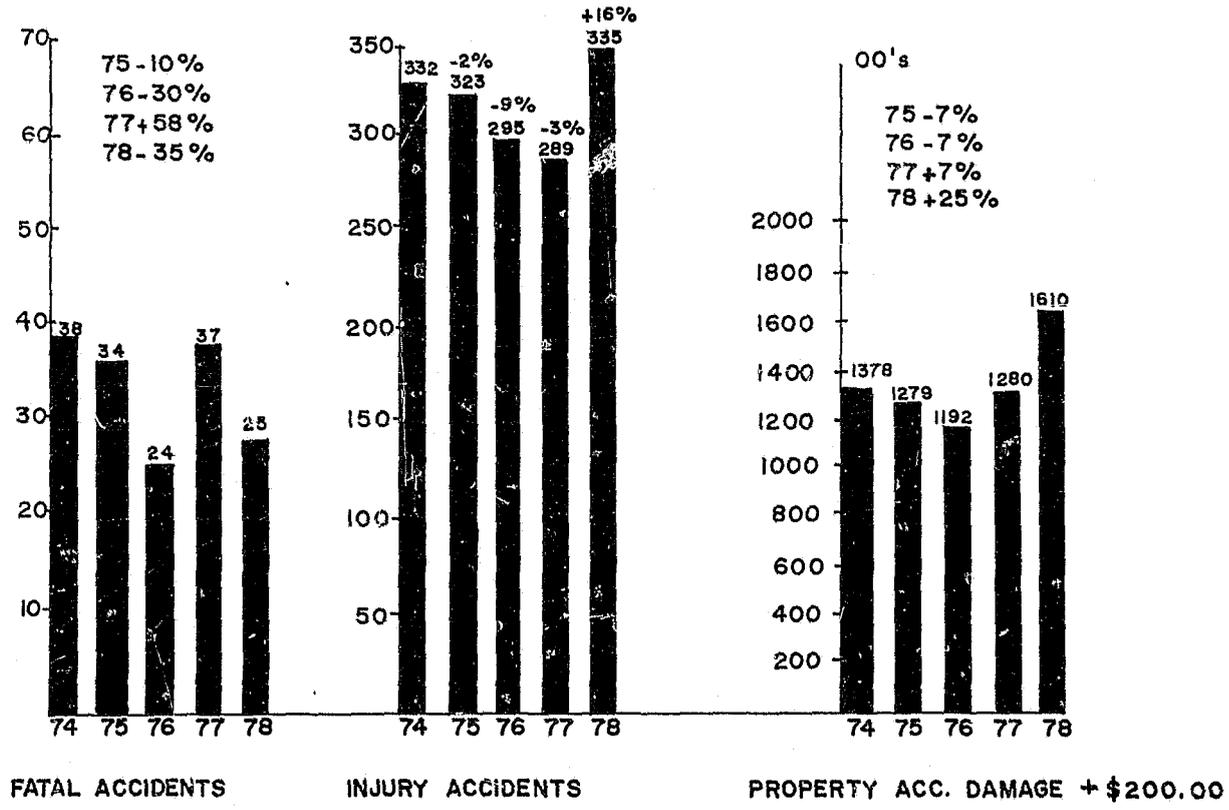
Controlled Drugs	1	.54	19	11.3
Cannibis	179	95.70	148	88.1
Drugs Other	3	1.61		
Restricted Drugs	4	2.15		
Opiates			1	.6
	<u>187</u>	<u>100.0%</u>	<u>168</u>	<u>100.0%</u>

Federal Statutes - 3.53%

5.3%

Not Specified Fed. Stats.	171	90.48	258	94.5
Excise Act	8	4.23	5	1.8
Customs Act	9	4.76	7	2.6
Canada Shipping Act			2	0.7
Juvenile Delinquents Act			1	0.4
Bankruptcy Act	1	.53		
	<u>189</u>	<u>100.0%</u>	<u>273</u>	<u>100.0%</u>





APPENDIX "D"

END