



VIA EMAIL

May 14, 2021

Coralee Oakes, MLA  
Cariboo North  
401 - 410 Kinchant Street  
Quesnel BC V2J 7J5  
Email: [Coralee.Oakes.MLA@leg.bc.ca](mailto:Coralee.Oakes.MLA@leg.bc.ca)

Dear Coralee Oakes:

Your letter of March 17, 2021, addressed to Premier John Horgan, regarding repeat offenders and public safety, has been referred to me.

In your letter, you express concerns about the release of repeat criminal offenders pre-trial in the Cariboo North region. Regarding this matter, it may assist you to know that under our system of law, accused persons, even those facing serious charges, have the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal. This principle is fundamental to the right, guaranteed under s. 11(e) of the *Canadian Charter of Rights and Freedoms*, not to be denied bail (conditional release) without just cause. For most offences, an accused person can only be detained in custody pending trial if the Crown can satisfy the Court that detention is necessary to secure the accused's attendance in court, ensure the protection or safety of the public, or maintain confidence in the administration of justice, pursuant to s. 515(10) of the *Criminal Code*. In exercising their discretion with respect to bail matters, Crown Counsel are guided by the BCPS's policy BAI-1 Bail – Adults (<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/bai-1.pdf>).

Justices can release an accused on conditions which are intended to protect the public and impose terms that allow for close monitoring of the accused through bail supervisors, police or a private person known as a surety. The form of bail used in a particular case will depend on the nature of the offence the accused is alleged to have committed, the background of the accused, and the risk the accused would present if released.

When being monitored in the community, the higher the level of risk that an offender poses to public safety, the more intensive monitoring and supervision they receive. Probation officers are vigilant in monitoring compliance and work closely with the police to ensure that individuals comply with court-ordered conditions. Probation officers contact victims named in court-ordered protective conditions to ensure that they are aware of the conditions as well as to discuss safety planning and how to report non-compliance. If an individual does not comply with their court-ordered conditions, violations can be reported to Crown Counsel, who in turn can initiate charges or seek to revoke an individual's bail.

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Regarding your additional concerns about short jail sentences, sentencing is one of the most complex and controversial aspects of the criminal justice system. It is an individualized process and unless the *Criminal Code* mandates a minimum punishment, judges have considerable latitude in deciding what sentence should be imposed. Nevertheless, within this system, judges are bound to follow the following principles of sentencing as mandated in the *Criminal Code*:

- A sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- An offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
- All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Indigenous offenders.

Judges factor in the penalty provisions of the *Criminal Code*, or other legislation that may be applicable, the personal circumstances of the offender, and the aggravating or mitigating factors in each case. The judiciary are also guided by the decisions made by appellate courts for similar offences. It is a multi-faceted analysis, with no two cases exactly alike.

More information about sentencing and the principles of sentencing is available at:  
[https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/information-sheets/infosheet\\_sentencing.pdf](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/information-sheets/infosheet_sentencing.pdf)

Sentencing and bail provisions under the *Criminal Code* are the responsibility of the federal Department of Justice and may only be amended by the federal government. If you are of the view that the *Criminal Code* provisions related to these matters require amendment, you may wish to share your views with the Honourable David Lametti, Minister of Justice and Attorney General of Canada. Minister Lametti is responsible for proposing such amendments to Parliament and may be reached at:

The Honourable David Lametti, PC, QC, MP  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa ON K1A 0A6  
Email: [MCU@Justice.gc.ca](mailto:MCU@Justice.gc.ca)

In your letter, you also raise concerns about incarceration and the rehabilitation of repeat offenders. Regarding these issues, we know that an integrated approach is necessary to address the factors that contribute to prolific problematic behaviour. It may assist you to know that BC Corrections works

closely with justice, health, social services, and other community partners to support timely and coordinated access to mental health, substance misuse, housing, employment, and culturally specific supports and services. BC Corrections evaluates outcomes to strengthen its evidence-based programs and interventions for individuals serving a sentence in custody or in the community, to decrease rates of reoffending, and to increase public safety.

Regarding issues of public safety in the North Cariboo region, you may wish to contact the Officer-in-Charge of the Quesnel RCMP Detachment:

Staff Sergeant Darren Dodge  
Quesnel RCMP  
584 Carson Avenue  
Quesnel BC V2J 2B5  
Telephone: 250 992-9211

If you feel your concerns have not been addressed after speaking with Quesnel RCMP, you then have the option of contacting RCMP "E" Division North District, to which Quesnel RCMP detachment directly reports:

RCMP "E" Division North District  
4020 5<sup>th</sup> Avenue  
Prince George BC V2M 7E7  
Telephone: 250 561-3100

Thank you for writing. I trust this information will be of assistance to you.

Yours truly,

A handwritten signature in black ink, appearing to be 'DE', with a stylized flourish at the end.

David Eby, QC  
Attorney General and  
Minister Responsible for Housing

pc: The Honourable John Horgan  
The Honourable Mike Farnworth





LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

Cariboo Regional District  
File No. .... 400-20

Coralee Oakes, MLA  
Cariboo North

March 17, 2021

Reference # 250103

The Honourable John Horgan  
Premier of British Columbia  
Box 9041

Stn Prov Govt

Victoria, BC V8W 9E1

VIA Email: [Premier@gov.bc.ca](mailto:Premier@gov.bc.ca) Hard copy to Follow.

MAR 25 2021  
Referred To ..... CAO

Dear: Premier Horgan

**Re: Prolific Offender Sentencing**

Citizens in communities of Cariboo North have had significant crimes committed against them, seniors have had home invasions, businesses have had employees pepper sprayed and stabbed, residents have had multiple robberies of their homes. Only to watch the ones committing the crimes be released again and again through the courts.

Cariboo North communities continue to suffer through the crimes of prolific offenders. The Country and Province need to have rules and processes to incarcerate and rehabilitate these individuals.

The pre-trial releases and short jail times do nothing to deter these individuals from committing crime after crime. Our citizens deserve to know that when these prolific offenders are committing crime after crime that they as citizens will be protected.

I look forward to seeing meaningful change to protect the interests of law-abiding victims of prolific offenders.

Regards,

Coralee Oakes, MLA Cariboo North

CC: The Honourable David Eby, Attorney General  
The Honourable Mike Farnworth, Minister of Public Safety and Solicitor General  
MP Todd Doherty Cariboo – Prince George  
City of Quesnel  
City of Williams Lake  
Cariboo Regional District  
Official Opposition Leader MLA Shirley Bond  
Critic for Attorney General – MLA Mike de Jong  
Critic for Public Safety and Solicitor General – MLA Mike Morris

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**Cariboo North Constituency Office**

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