Court File No. 37310

IN THE SUPREME COURT OF CANADA
(On appeal from the Court of Appeal for Newfoundland and Labrador)

B E T W E E N

JAMES CODY

Appellant

– and –

HER MAJESTY THE QUEEN

Respondent

– and –

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[*Rules of the Supreme Court of Canada,* Rules 37 and 42]

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PART I: OVERVIEW AND STATEMENT OF FACTS

1. In *R. v. Jordan*, the Court acknowledged that *Morin* made Canada's persistent delay problem worse. It said doctrinal and practical difficulties inherent in the s. 11(b) analysis had created a "culture of complacency" that tolerated delay.[1] The majority replaced the flexible *Morin* guidelines with strict presumptive ceilings. Its long-term goal was not to achieve 18-month and 30-month trials, but to encourage the justice system to take the delay problem seriously.

2. The Court now faces pressure from the Respondent and Interveners to 'clarify' *Jordan* in a way that softens the ceilings and removes the pressure on the government to take delay-reducing steps. The *Jordan* clarifiers want to expand the categories of deductible delay and constrict other parts of the ruling intended to promote the speedy trial.

3. The Criminal Lawyers' Association of Ontario urges the Court to resist the pressure. It submits that the problem is not with *Jordan*, the presumptive ceilings, or the transitional exception – the problem, to the extent there is one, is that "not all of the players in the criminal justice system have bought into the notion that change is required."[2] Softening the ceilings sends a message that long-term cultural change is very long-term. It contradicts the Court's acknowledgement that *Jordan* itself was a compromise and a conservative first step toward a culture of delay intolerance.

4. The Court may, however, take the opportunity to clarify aspects of *Jordan* that have created practical confusion in the courts below. The CLA identifies these aspects and proposes solutions that are consistent with this Court's focus on changing courtroom culture, not individual outcomes.

5. The CLA takes no position on the facts.

PART II: THE CLA'S POSITION ON THE QUESTIONS IN ISSUE

6. As this is an appeal as of right, the Court has not granted leave to appeal on a particular question. The broad question on appeal is: 'How should the courts apply the s. 11(b) *Jordan* framework?' The CLA submits as follows:

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[1] *R. v. Jordan*, 2016 SCC 27 at para. 4

[2] B. A. MacFarlane, Q.C., *Brief for a Presentation to the Standing Senate Committee on Legal and Constitutional Affairs*, March 9, 2017, p. 2, online: <https://sencanada.ca/content/sen/committee/421/LCJC/Briefs/MacFarlane,B_e.pdf>

(a) The 'problem' underlying government calls for flexibility does not exist.

(b) The Court may wish to reinforce the goal of culture change. In particular:

(i) The transitional exceptional circumstance should facilitate measured change, not preserve the *status quo*.

(ii) The Court should reject proposals for 'over-deduction' that reinstate a *Morin* micro-counting approach.

(iii) Below-ceiling stays are an exceptional but legitimate part of culture change.

PART III: STATEMENT OF ARGUMENT

A. The 'problem' underlying government calls for flexibility does not exist

7. The Court should resist the pressure to inject additional flexibility and discretion into the *Jordan* delay analysis. Government resistance to change is based on the myth that *Jordan* – like *Askov* – disrupted the justice system, bringing the administration of justice into disrepute. This theory is widely reported, but untrue. In the absence of widespread *Askov*-style fallout, revising the test would be useless and counterproductive.

1. The popular narrative: Strict enforcement of the speedy trial right creates a free ride for the guilty and deprives victims of trials.

8. For the past several months, media and government have promoted a narrative that *Jordan* created chaos by imposing unrealistic deadlines on courts and lawyers. The fear is that there has been and will be an increase in the number of charges stayed. The underlying assumption is that any increase in stayed charges would be unfair to the public and the government.

9. The story – that the Court's strict rights enforcement causes injustice – is familiar. It echoes the theme in the popular media in 1991, after the Court released its decision in *R. v. Askov*. As it did then, the Court faces intense pressure to soften its stance on delay. Government officials have publically complained about the impact of *Jordan*[3] just as they did about *Askov*.[4] Opinion leaders

[3] For example: K. Harris, "'Dire situation': Senators seek guidance for top court ruling on trial deadlines," online: <http://www.cbc.ca/news/politics/senate-legal-jordan-trial-delays-1.3877101>

[4] For example: "Hampton calls for review of ruling in *Askov* case: Says situation urgent in light of judge's comments," *The Globe and Mail*, July 18, 1991; "Hampton says facts wrong in *Askov* ruling: Estimate on number of cases that might be affected was low, Ontario protests," *The Globe and Mail*, July 18, 1991; "Basis seen for review of court-delay ruling," *The Toronto Star*, July 18, 1991

have described *Jordan* in dramatic terms as a ruling that 'rocked' and 'shook' the justice system "to its foundations" and caused "all hell [to break] loose"[5] They used similar language in 1991, describing *Askov* as a "dreadful mistake" that caused "chaos."[6] They explain the unfairness of the Court's new rules through unappealing dichotomies – thanks to *Jordan/Askov,* defendants can either have a fair trial or a fast one. Victims get to see a delayed trial, or no trial at all.[7]

10. In both cases, government returned to this Court within a year, arguing that strict enforcement of s. 11(b) was generating extreme results, helping criminals escape justice and bringing the administration of justice into disrepute. In *Morin*, the government pointed to the number of charges stayed and blamed the *Askov* Court for creating "amnesty for criminals."[8] In *Cody*, government interveners referenced highly-publicized stays in two murder cases.[9] The subtext is that the Court is manipulating victims' rights with disastrous consequences.

2. The evidence shows there is no problem

11. The reality is that *Jordan*'s effect is not widespread, unexpected, or bad for the administration of justice. The early evidence is that *Jordan* is working the way it was supposed to – as a vehicle for measured change. It started a conversation about delay without drastic results.

12. First, the numbers do not support a finding that *Jordan* caused a sudden increase in successful stay applications. The change is modest. Of the 69 applications brought in the six months before *Jordan*, 38% were granted. Of the 101 applications brought in the six months after its

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[5] For example: S. Fine, *The Globe and Mail*, March 12, 2017, "Courts shaken by search for solutions to delays," online at: http://www.theglobeandmail.com/news/national/courts-shaken-by-search-for-solutions-todelays/article34275019/; J. Gallant, *The Toronto Star*, March 19, 2017, "How an 'invented' Supreme Court ruling has rocked the Canadian justice system," online: <https://www.thestar.com/news/gta/2017/03/19/how-an-invented-supreme-court-ruling-has-rocked-the-canadian-justice-system.html>

[6] For example: "What the court said, maybe," *The Globe and Mail*, July 18, 1991; T. Tyler, "Supreme Court judge starts new row," *The Toronto Star*, July 21, 1991

[7] Post-*Jordan:* "Take your pick: speed or fairness in the courts?", *The Globe and Mail*, April 5, 2017, online: <http://www.theglobeandmail.com/opinion/editorials/take-your-pick-speed-or-fairness-in-the-courts/article34609931/>; Post *Askov*: Victims need greater rights, report says: Justice system favours accused, should be revamped, Attorney-General advised, *The Globe and Mail*, June 26, 1991

[8] *R. v. Morin*, [1992] 1 S.C.R. 771 at para. 7

[9] Factum of the Intervener Attorney General of Ontario at paras. 12-13; Affidavit in Support of Motion for Intervention, Attorney General of Alberta, Applicant at para. 4

release, 50% were granted (just 51 cases).[10] This is a sharp contrast to the nearly 50,000 Ontario charges dropped in the year between *Askov's* release and the hearing of *Morin*.[11]

13. Second, the assumption that the Court did not anticipate or want to stay more charges is wrong. The modest increase in successful stay applications – about 12%[12] – is consistent with this Court's prediction that disciplined enforcement of s. 11(b) would cause "discomfort in the short term but [bring] achievement in the long term."[13] Under the *Charter*, meaningful rights' enforcement means some meritorious criminal cases do not proceed.

14. Finally, the idea that strict enforcement of s. 11(b) brings the administration of justice into disrepute is based on the false assumption that the Court and the defendant are the only players that control outcomes. In fact, many delay problems are caused by government resource allocation and management issues.[14] As one prominent lawyer pointed out post-*Askov*, part of the chaos caused by *en masse* stays of proceedings was due to the fact that "the Attorney-General of Ontario transferred not a single case, erected not a single temporary structure, utilized not a single government building" – all imaginative solutions offered by the *Askov* Court.[15] Defendants only have to choose between a fair trial and a fast one if the branches of government that control justice spending do not devote resources to delay reduction. The Court's job is to hold the government to a constitutional standard; the executive and legislative branches decide how to comply. This is a standard part of any *Charter*-based dialogue between the judiciary and other branches of government.[16] If *Jordan*

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[10] S. Coughlin, "Making Trial Within a Reasonable Time a Right Once More", (2017) 81 S.C.L.R. [forthcoming in 2017] at p. 13; J. Patrick, "Six Months of *Jordan*: A Statistical Overview," (2017) 35:2 C.R. (6th) [forthcoming in 2017] at p. 2. See also T. Charles, "Fears of widespread trial dismissals not borne out, says law professor," *The Toronto Star,* April 10, 2017, online: <https://www.thestar.com/news/canada/2017/04/10/fears-of-widespread-trial-dismissals-not-borne-out-says-law-professor.html>

[11] *Morin* at para. 7

[12] Patrick at p. 2

[13] *Jordan* at para. 134

[14] Report of the Standing Senate Committee on Legal and Constitutional Affairs, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*, August 2016, (The Honourable B. Runciman, The Honourable G. Baker, P.C.) at pp. 8-9, 14-15, online: <https://sencanada.ca/content/sen/committee/421/LCJC/Reports/CourtDelaysStudyInterimReport_e.pdf>

[15] C. Ruby, "If New Brunswick can do it, why can't Ontario?", *The Globe and Mail*, August 2, 1991.

[16] *Bell ExpressVu Limited Partnership v. Rex*, 2002 SCC 42 at para. 65; *Vriend v. Alberta*, [1998] 1 S.C.R. 493 at paras. 136-142

jeopardizes too many criminal prosecutions, *and the government responds with delay-reduction measures*, the repute of the administration of justice is enhanced, not degraded.

15. The dialogue about delay has just started. Prosecutors in serious cases have begun taking proactive steps in an effort to control delay.[17] Provincial Attorneys General have committed to funding increases[18] and offered ideas for delay-reduction policies and programs.[19]

3. The response: Stay the course

16. The CLA submits that when this appeal is placed in its proper context, it is clear that the Court should exercise caution in revisiting the *Jordan* analysis. It is worth noting that **the *Jordan* ceilings are already a compromise**. In many jurisdictions, they create longer tolerable trial delay than previously existed. The Court chose them not because it wanted all trials completed in 18 or 30 months, but because it wanted to motivate justice system participants to achieve meaningful solutions. The ceilings are the mechanism for change, not the end goal. Further change will likely be needed. The Court made it clear there is "little reason to be satisfied" with the current ceilings, which reflect "the realities we currently face," and noted that it may revisit them.[20] Changing course now would undermine that message and the goal of achieving even speedier trials in the future.

B. The Court should clarify *Jordan* in a way that promotes its goal of cultural change.

17. In *Morin* the Court acknowledged that, "[e]mbarking as we did on uncharted waters it is not surprising that the course we steered has required, and may require in the future, some alteration in its direction to accord with experience."[21] It is in keeping with the Court's practice in s. 11(b) cases to adjust the tiller after course-setting, as trial courts show how the rules are working. If the Court does

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[17] "Fear of delay prompts bid to remove lawyer from first-degree-murder trial", *The Globe and Mail,* April 3, 2017, online: <http://www.theglobeandmail.com/news/national/fears-of-delay-prompts-bid-to-remove-lawyer-from-first-degree-murder-trial/article34573253/>

[18] L. Stone, *The Globe and Mail,* March 9, 2017, "Alberta to invest $14.5-million to ease court delays," online: <http://www.theglobeandmail.com/news/politics/alberta-to-invest-145-million-to-ease-court-delays/article34262631/>; J. Gallant, *The Toronto Star,* December 1, 2016, "Ontario to tackle court delays by hiring more judges, prosecutors," online: <https://www.thestar.com/news/queenspark/2016/12/01/ontario-to-tackle-court-delays-by-hiring-more-judges-prosecutors.html>

[19] The Honourable Y. Naqvi, Attorney General for Ontario, "Letter to Minister of Justice and Attorney General of Canada Jody Wilson-Raybould," February 21, 2017, online: <https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/2017-03-06-unified-family-court_letter.php>

[20] *Jordan* at paras. 52-54, 56-57

[21] *Morin* at para. 22

make adjustments in this case, it should do so in a way that fortifies the presumptive ceilings and distances itself from *Morin*'s overly-flexible micro-counting approach. It should ensure that any clarification it offers provides the right incentives and rewards all players for promptness.

1. The transitional exceptions are meant to promote measured change, not preserve the *status quo*.

18. The Court should reinforce *Jordan's* message that the purpose of the "transitional exceptional circumstance"[22] is to achieve change, not preserve the pre-*Jordan status quo.* The transitional rules were intended to avoid unfairness caused by "reasonable reliance" on the *Morin* framework. They were not created to control outcomes or place transitional cases in an analytical time warp, to be assessed with reference to pre-*Jordan* case law. They also do not justify *unreasonable* reliance on the *Morin* framework. If this Court had intended to pause the application of *Jordan* until ongoing cases were out of the system, it would have said so. Instead, it said the new framework should be applied retroactively, contextually and flexibly.[23]

19. In light of the above, the CLA submits that it is not sufficient for judges in transitional cases to simply apply the old *Morin* framework and determine outcomes on this basis. The result in a transitional case will not always be the same post-*Jordan* as it would have been pre-*Jordan*. Trial judges must decide transitional cases in a way that is consistent with *Jordan*, applying its presumptive ceilings and guided by its statements of principle.

20. The CLA proposes the following approach to evaluating Crown reliance on a pre-*Jordan* state of affairs in transitional cases:

(a) What steps did the Crown take and why? This may require evidence from the trial Crown about how it chose between available options and evidence about the jurisdiction's institutional delay and scheduling practices.

(b) Were the Crown choices reasonable under *Morin* as modified by *Jordan*? Trial judges assessing this factor should adopt the analysis from *R. v. Williamson*.[24] They should not attribute too much weight to seriousness or the absence of prejudice; it would be inconsistent with the spirit of *Jordan* to excuse delay where the prosecutor

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[22] *Jordan* at para 96
[23] *Jordan* at para. 94
[24] *R. v. Williamson,* 2016 SCC 28 at paras. 26-38, recently summarized by the Ontario court of Appeal in *R. v. Manasseri,* 2016 ONCA 703 at para. 321

acted complacently on the assumption no court would grant a stay. Where the Crown had ways to speed up the trial, it should have used them under the old law.[25]

(c) Have the Crown and the system adequately responded to changes in the law? This requires trial judges to consider (i) whether the Crown could have (and did) change course after *Jordan* and (ii) whether the jurisdiction could have (and did) mitigate its "significant institutional delay problems."[26] The Crown must prove the delay problem and justify any individual or institutional failure to respond. As time passes, this factor should become more persuasive in the transitional analysis.

21. The Court should reinforce that the burden remains on the Crown to prove *in evidence* all aspects of the transitional exceptional circumstance. Reasonable reliance on a pre-*Jordan* state of affairs must be proven, not assumed. The Crown is in the best position to explain why it took certain steps or why its jurisdiction has a persistent delay problem. The evidentiary burden is often put on the party best capable of introducing the evidence.[27] In s. 11(b) cases, this is the Crown.

22. If the answer to all three questions is yes, then the Crown has justified the delay. Because *Jordan*'s ceilings, shifting burden and guiding principles are part of the transitional analysis, the result will be stays in some cases that might have proceeded under *Morin.* This trend should increase over time. Such a gradual shift would be proof that the transitional plan is working.

2. The Court should reject proposals for 'over-deduction' that reinstate a *Morin* micro-counting approach.

23. The *Jordan* Court said *Morin* was a failure because it was unpredictable, endlessly flexible, and complex.[28] It should resist demands for flexibility in the case on appeal that would recreate the *Morin* problem. This issue is directly before the Court because it was a point of legal disagreement in the court below. The dissenting judge cautioned against reviewing each part of the case "in isolation" in favour of reviewing the case as a whole.[29] The majority adopted a 'deduction-heavy' approach.

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[25] *Williamson* at paras. 34-38; *R. v. Vassell,* 2016 SCC 26
[26] *Jordan* at paras. 96-97. This last factor is only relevant in "moderately complex cases."
[27] *R. v. Bartle,* [1994] 3 S.C.R. 173 at 210; *Peart v. Peel Regional Police,* [2006] O.J. No. 4457 (C.A.) at paras. 149-151; *R. v. Khan,* [2005] O.J. 3486 (S.C.J.) at para. 126
[28] *Jordan* at para. 32
[29] *R. v. Cody*, 2016 NLCA 57 at para. 124

24. The Court could take this opportunity to clarify the limited nature of 'deductions' under the *Jordan* analysis and reassure trial courts that they do not have to engage in *Morin*-style micro-counting. Trial courts have struggled practically with concept of post-*Jordan* delay calculation. Many cases still include detailed day-by-day time calculations and charts of the type typically seen under *Morin*. Some judges fear that "any hoped for simplicity flowing from the presumptive ceiling may be illusory."[30] Clear rules about what gets deducted and when will promote clarity and simplicity at the trial level. In particular, the Court could clarify that:

(a) 'Complexity' and 'transitional exceptions' do not justify the deduction of specific periods. They are factors that can make a longer delay reasonable.[31] The majority in the court below and the Respondent are mistaken to assume otherwise.[32]

(b) 'Discrete events' are by definition uncommon. They are "unforeseeable or unavoidable."[33] They do not include routine disputes relating to undertakings or disclosure[34] or other predictable disruptions for which the parties should be prepared.

(c) 'Defence delay' – waiver *and otherwise* – must be clear and unequivocal. A high bar is justified because defence delay is the only type that is deducted at the outset of the analysis – it determines who bears the evidentiary and legal burden.[35] Its character as defence delay must therefore be obvious. The reality is that most delay periods are ambiguous, with multiple related causes. In scheduling disputes, for example, this Court has said defence counsel need not hold themselves in a perpetual state of availability.[36] The Court can discourage micro-counting by reminding trial judges that only the most obvious waivers and/or frivolous conduct count as defence delay.

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[30] *R. v. Han*, 2016 ONCJ 648 at paras. 5-6; *R. v. MacConnell*, 2017 ONCJ 104 at para. 11
[31] *Jordan* at para. 105
[32] *Cody* at paras. 9, 38, 54; Factum of the Respondent at paras. 64, 76
[33] *Jordan* at para. 73
[34] Contrary to the majority's findings in *Cody* at paras. 33 and 44 and the Respondent's submission at para. 81
[35] *Jordan* at para. 68
[36] *R. v. Godin*, 2009 SCC 26 at para. 23. For the post-*Jordan* debate on this issue, see *R. v. Ashraf*, 2016 ONCJ 584 at paras. 61-72; *Han* at paras. 26-37; *R. v. Gasana*, 2016 ONCJ 724 at para. 20; *R. v. J.M.*, 2017 ONCJ 4 at paras. 64-67; *R. v. Ye*, 2017 ONCJ 149 at FN 2

3. Below-ceiling stays are an exceptional but legitimate part of culture change.

25. The Court should clarify when the defence can obtain a stay for delay below the 18- and 30-month ceilings. The CLA submits that he same test should apply to below-ceiling stays and above-ceiling justifications: both should be "exceptional" and justified only in "clear cases." The Court should acknowledge, as it did with above-ceiling justifications, that exceptional circumstances warranting a below-ceiling stay will not necessarily be "rare or entirely uncommon."[37]

26. This definition of 'exceptional circumstances' creates the necessary flexibility to prevent unfairness in cases that are exceptional but not unusual. There are identifiable categories of cases for which the presumptive ceilings are inappropriate. For example:

(a) Youth and in-custody matters: Under *Morin,* these trials were categorically 'fast-tracked' because *any* delay caused significant prejudice and even a short delay could be unreasonable.[38] There were special courts and early trial dates for in-custody defendants.[39] For youth, the importance of speedy justice was codified in the YCJA and the institutional delay "guideline" was set at five to six months.[40] The *Jordan* culture change should not leave behind youth and those too poor to get bail.

(b) Superior Court trials without preliminary inquiries: Prosecutors, encouraged by the Ontario Court of Appeal, are likely respond to *Jordan'*s ceilings by preferring more direct indictments.[41] This discretionary decision is often shielded by privilege from s. 11(b) scrutiny.[42] Preferred promptly, a direct indictment eliminates the procedural step and time requirements of a preliminary inquiry. The rationale for the 30-month ceiling thus does not apply. It should be open to the defence to argue that the 18-month ceiling applies or require prosecutors to justify delay in preferring the indictment. Otherwise, it is simply a tool the prosecution can use to buy 'free time'

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[37] *Jordan* at paras. 48, 69
[38] *Morin* at para. 36, 53; *R. v. M.(G.C.),*[1991] O.J. No. 885 (C.A.) at paras. 23-24, 45-46; *R. v. R.(T.),* [2005] O.J. No. 2150 (C.A) at paras. 28-32 and *R. v. B.(L.),* 2014 ONCA 748 at para. 14.
[39] *R. v. Abrahams,* [1988] O.J. No. 3006 (Prov. Ct.); *R. v. Yelle,* 2006 ABCA 160 at para. 33.
[40] *Youth Criminal Justice Act*, section 3(1)(b); *R. v. M.(G.C.), supra* at para. 45. Paciocco J. (as he then was) recently suggested a separate presumptive ceiling for youth: *J.M.* at paras. 113-145
[41] *Manasseri* at FN1, *R. v. Bulhosen,* 2016 ONSC 7284, *R. v. Nyznik,* 2017 ONSC 69, *R. v. Cabrera,* 2016 ABQB 707
[42] See, e.g., *Nyznyk* at para. 8

when cases are unjustifiably delayed in provincial court. Use of the direct indictment should come with the benefit of a faster trial.

27. Acknowledging below-ceiling stays as exceptional but not rare will incentivize prosecutors and defence to work together to achieve the *fastest possible* trial. If these stays are too inaccessible, the speedy trial right will again be diminished. The Crown will be motivated to get to trial *just below* the presumptive ceilings but no faster, while the defence will have no incentive to make reasonable concessions that could reduce delay from 28 to 24 months. This is exactly the type of cultural norm the Court should discourage.

28. The Court did away with the prejudice assessment to reduce uncertainty in the s. 11(b) analysis. In doing so, it eliminated a mechanism that had been used to set lower limits on delay for defendants like youth, in-custody defendants and those with harsh bail conditions). The Court may want to clarify the means by which it intends to protect these defendants, who would have been entitled to a stay under *Morin*. It would be inconsistent with the spirit of *Jordan* to deny relief to defendants until the 18- or 30-month mark when, under *Morin*, they might have been entitled to earlier relief. As one judge put it: "it would be ironic...if the Supreme Court's concern about complacency in our justice system would permit transitional cases that otherwise would have been stayed under the old framework to continue on with the Court's approval under the new system."[43]

PART IV: SUBMISSIONS ON COSTS

29. The CLA does not seek costs and asks that none be awarded against it.

PART V: NATURE OF THE ORDER REQUESTED

30. The CLA requests leave to present oral argument at the hearing of these appeals.

All of which is respectfully submitted this 12th day of April, 2017.

Frank Addario and Megan Savard
Counsel for the Intervener Criminal Lawyers' Association of Ontario

[43] *R. v. Reynolds*, 2016 ONCJ 606 at para. 49; *R. v. Desouza*, 2016 ONCJ 588 at para. 17

PART VI: TABLE OF AUTHORITIES

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R. v. MacConnell, 2017 ONCJ 104	24
R. v. Manasseri, 2016 ONCA 703	20(b), 26(b)
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Clayton Ruby, "If New Brunswick can do it, why can't Ontario?", *The Globe and Mail*, August 2, 1991	14
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Tracey Tyler, "Supreme Court judge starts new row," *The Toronto Star,* July 21, 1991	9
Victims need greater rights, report says: Justice system favours accused, should be revamped, Attorney-General advised, *The Globe and Mail*, June 26, 1991	9

PART VII: TABLE OF STATUTES

***Canadian Charter of Rights and Freedoms*, section 11(b)** **(Fr.)**

11. Any person charged with an offence has the right […] **(b)** to be tried within a reasonable time;	**11.** Tout inculpé a le droit : […] **(b)** d'être jugé dans un délai raisonnable;

***Youth Criminal Justice Act*, (S.C. 2002, c.1)** **(Fr.)**

3 (1) The following principles apply in this Act: […] **(b)** the criminal justice system for young persons must be separate from that of adults, must be based on the principle of diminished moral blameworthiness or culpability and must emphasize the following: […] **(v)** the promptness and speed with which persons responsible for enforcing this Act must act, given young persons' perception of time;	**3 (1)** Les principes suivants s'appliquent à la présente loi : […] **b)** le système de justice pénale pour les adolescents doit être distinct de celui pour les adultes, être fondé sur le principe de culpabilité morale moins élevée et mettre l'accent sur : […] **(v)** la diligence et la célérité avec lesquelles doivent intervenir les personnes chargées de l'application de la présente loi, compte tenu du sens qu'a le temps dans la vie des adolescents;