

## **FOR IMMEDIATE RELEASE**

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### **Pivot Legal Society applauds Supreme Court of Canada decision to strike down mandatory victim fine surcharge**

Vancouver, BC – In a 7 to 2 ruling, the Supreme Court of Canada has struck down the mandatory victim fine surcharge. Pivot Legal Society applauds this decision, which will alleviate the unjust and cruel penalty previously imposed on members of marginalized communities, including in the Downtown Eastside.

In April 2018, Pivot Legal Society, along with Graham Kosakoski (Rosenberg Law), intervened in the case to argue that a mandatory victim fine surcharge amounts to cruel and unusual punishment. The Supreme Court decision directly referenced our submissions and indicated:

*"therefore [the surcharge] violates Section 12 of the charter, because its impact and effects create circumstances that are grossly disproportionate to what would otherwise be a fit sentence, outrage the standards of decency, and are both abhorrent and intolerable."*

The victim fine surcharge required every person convicted of any criminal offense to pay a post-sentencing fine of at least \$100 per offense. Payment was mandatory and uncompromising, regardless of the severity of the offense or the circumstances of the offender.

"We are thrilled with the Supreme Court's decision to strike down the mandatory victim fine surcharge. For our clients, it is a reprieve from the daily criminalization of poverty," said Caitlin Shane, drug policy lawyer with Pivot Legal Society.

Many of Pivot's clients incurred multiple surcharges for committing low-level and victimless offenses. A person with court conditions prohibiting substance use and the possession of drug paraphernalia, for instance, could have easily incurred \$200 in surcharge fines if found to be using drugs and carrying harm reduction supplies, such as clean syringes. Given the lack of privacy afforded to people who are homeless and precariously housed, it was not uncommon for surcharges to mount astronomically and disproportionately.

See video of our [submission](#)

#### **Contact**

Peter Kim, Communications & Digital Engagement Coordinator  
Pivot Legal Society  
604-229-6128 (cell)  
[peter@pivotlegal.org](mailto:peter@pivotlegal.org)

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#### **About Pivot Legal Society**

Pivot Legal Society is a leading Canadian human rights organization that uses the law to address the root causes of poverty and social exclusion in Canada. Pivot's award-winning work includes challenging laws

and policies that force people to the margins of society and keep them there. Since 2002 Pivot has won major victories for sex workers' rights, police accountability, affordable housing, and health and drug policy.