

We dedicate these recommendations in honour of all those, both living and dead, who are victims of senseless and preventable acts of violence.

What is SafetyNet?

SafetyNet is a conference in two parts conducted over two consecutive years. The SafetyNet 1995 delegates did not re-invent SafetyNet 1994 anew in the 1995 Final Report, but started by endorsing the previous 146 recommendations and then expanding and building on them. Together, the '94 and '95 Final Reports develop a solid information base outlining the appropriate roles for and balance of responsibilities between the federal and provincial bodies that govern the Criminal Justice System.

Hosted by CAVEAT, SafetyNet is a series of forums, plenaries, and working groups which assemble Canada's leading experts in the areas of crime prevention, victims' rights and justice reform in order to draft concrete recommendations for change. The recommendations, which are compiled and sent to the Federal, Provincial and Territorial governments, serve as a testament of the will of the public, and rob the government of all valid excuses for failing to act.

The SafetyNet Conference differs from other conferences by being multi-disciplinary. Rather than gathering practitioners from only one arm of the government or one discipline, SafetyNet insists on co-operation across disciplines by inviting people from a wide range of professions and backgrounds: victim advocacy groups, politicians, judges, chiefs of police, educators, psychiatrists, crown attorneys and lawyers, to name a few. Members of the various disciplines are afforded the opportunity to become familiar with each other's roles in the justice system; to pinpoint gaps between jurisdictions; to network across disciplines thus increasing the likelihood of co-operation and communication and reducing the likelihood of overlap; and to be involved in improving the Justice System.

The Conference is innovative in that it asks the attending delegates to play an active role – by participating in discussions and drafting recommendations. The delegates spend a day and a half in small, topic-specific working groups identifying concerns, drafting recommendations, offering exemplary models to be implemented, setting reasonable schedules for implementation, and identifying the governments and ministries which need to respond to their recommendations. The working groups attempt to strike a balance between victims who have lived the mistakes of the Justice System and can identify its problems, and Government employees and officials who work in the system on a day to day basis and can act as informational resources for the victims and each other.

The recommendations produced by each working group are compiled in the Final Report which is presented to the Federal, Provincial and Territorial governments to inform them of the concerns of the Canadian public, and to guide them in reforming the Justice System. CAVEAT's role is to ensure that the governments across

Canada heed this collective call for change.

The SafetyNet Final Report sets itself apart from other studies by demanding that the recommendations be seriously addressed and put into action in a timely fashion through the publication of a Report Card. Governments across Canada are asked to identify their actions taken in response to the SafetyNet Recommendations, and their efforts are assessed by an independent subcommittee who award the grades of the Report Card. The grades give the governments' their relative standings, and are subsequently made public.

Edited and Compiled by Laura Cheney

Note to the Reader

The statements and recommendations presented in this document are the result of independent discussion in each working group. While CAVEAT supports the resolutions presented here, they are the product of lengthy deliberation and debate, in which CAVEAT was but one of many voices.

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“Our goal then and our goal now is public safety. It’s not only preserving life. It’s preserving quality of life. It’s demanding safety and peace of mind for us and our children in our homes, on the streets, in the schools, wherever we are.”

Priscilla de Villiers, Founder and President of CAVEAT, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

Schedule of Events

Sunday, November 19, 1995 — Tuesday, November 21, 1995

Sunday Public Forum — From Olson to Bernardo: Who’s Watching Our Children?

Priscilla de Villiers, President of CAVEAT, acting as Moderator
Chedoke-CAVEAT Players present “Anti-violence Tableau”

Speakers:

- Scott Newark, Executive Director of the Canadian Police Association, “The Year in Review”
- Doug Walsh, Assistant Attorney General from Seattle, “The Washington State Sexual Predator Law and ‘Three Strikes You’re In’ Legislation”
- The Honourable Penny Priddy, B.C.’s Minister of Women’s Equality, “Victims in the Justice System”

Sunday Night Opening Dinner

Speakers:

- The Honourable Charles Harnick, Attorney General of Ontario
- Dr. Peter Jaffe, Psychiatrist, London Family Court Clinic, “Violence in the Media”
- Pat Freeman-Marshall, Co-Chair, Canadian Panel on Violence Against Women, “Conference Overview”

Monday Morning Plenaries

Youth Plenary with Moderator Chief Julian Fantino, London Police Service, Ontario
Adult Plenary with Moderator Priscilla de Villiers, President, CAVEAT

Delegates Break into Working Groups

Monday Night Dinner

Speaker: The Honourable Bob Runciman, Solicitor General of Ontario

Tuesday Afternoon Press Conference

- Chief Julian Fantino, London Police Service
- Ms. Priscilla de Villiers, President, CAVEAT
- Dr. Marie Bountrogianni, Chief Psychologist, Hamilton Board of Education
- Mr. Scott Kenney, CAVEAT & Sociology Department, McMaster University
- Ms. Dorothy Leonard, Executive Director, CAVEAT
- Detective Ted Davis, Police/Parole Liaison Officer, Hamilton-Wentworth Regional Police
- Mr. Steve Sullivan, Executive Director, Canadian Resource Centre for Victims of Crime
- Mr. Rob McNamara, Victims of Violence
- Mr. Jeff Howe, CAVEAT, Perth, Ontario
- Ms. Marion Standret, Director, CAVEAT

“Many of you are here because you are the survivors of violent crimes. This conference is a tribute to your courage. There is another group of people in this room, however, who are here not as the survivors of crime, but as people who can see clearly enough into our society that they too feel inside themselves the need to solve the problems we face.”

“This conference is not for the dead: for their benefit or vengeance. Nina de Villiers’ eyes are closed. Ours have been opened. If at any time during the course of this conference you begin to wonder why we are here, and why CAVEAT exists, remember that we, all of us here, have had our eyes opened. Our job now is to see that others’ eyes are opened, that they stay open, and that no one again be allowed commit the terrible crime of forever closing someone’s eyes.”

Christopher Forrest, speaking at the Opening Ceremonies of the SafetyNet 1994 Conference.

Message from the Host

It has been our custom since the inception of CAVEAT to canvas a diverse range of opinions and studies about the Criminal Justice System in Canada, which includes victimization as well as many diverse disciplines: medical, social, financial, philanthropic, and educational, to name a few. From the beginning, we have benefited from the generosity of internationally renowned authorities, experienced practitioners, victims, bureaucrats and politicians. We discovered that by familiarizing ourselves with practices and problems, we were beginning to formulate a multi-faceted picture of crime prevention, and law enforcement.

We also found that very few of the players in the system had a true understanding of the functions of other, equally essential components of the Criminal Justice System. Chasms have developed between the isolated, monolithic departments of justice. This is exacerbated by the legislative function of the Federal government being largely independent and separate from the administrative mandate of the Provincial governments. The

resulting breakdown in communications continues to contribute to far too many senseless, preventable deaths and violent assaults.

SafetyNet 1994 brought leading justice reform advocates from across the country to the table, together with victims and victim groups who brought their own unique perspectives, which sadly have seldom been sought. The 1994 Final Report was presented to the Honourable Allan Rock, Minister of Justice, and the Honourable Herb Gray, Solicitor General of Canada as well as to the Provincial and Territorial Ministers of Justice. A Report Card on the Governments' performances was released in November, 1995. It must be stressed that much of the SafetyNet 1994 recommendations remain to be addressed and will continue to be monitored together with the recommendations in this report.

The recommendations in this report were endorsed by SafetyNet 1995 which brought multidisciplinary practitioners together with victims of the Criminal Justice System and members of the community who have mobilized their own communities in unique ways. Present, too, were CAVEAT youth, who already have enviable records in taking the initiative by promoting awareness on crime prevention and public safety. Victims and practitioners gave an object lesson to government institutions in their deliberations by addressing core concerns in the current administration of justice, within the confines of the current fiscal realities.

Unfortunately, unlike SafetyNet 1994, few of the delegates had access to travel assistance. CAVEAT assisted as many victims and delegates as possible, but we were unable to have as wide a national representation. It is our intention, this coming year, to hold round table discussions in the different provinces so that we continue to build an authoritative information base.

Remarkably, although there were no prepared agendas, there was an amazing commonality in the concerns that were voiced. It is my belief that this document identifies core problems in the administration of justice in Canada. The recommendations reflect realistic solutions which must be priorities in justice administration. The question, once again, is not, "Will you implement these recommendations?" It is, "When will you implement these recommendations?"

Priscilla de Villiers

Methodology

This multi-faceted gathering together of people exposes the different protagonists to diverse opinions. Although the perspectives are particular to their area of expertise, in many cases the core concern is commonly held. The strict methodology channels the discussion through each stage until the recommendations are distilled.

- Delegates were invited to attend the conference and were placed on panels according to their area of expertise and professional interests.
- There were open, round-table discussions conducted over two days of the three day conference.
- A facilitator was appointed for each working group to steer the conversation and maintain the strict time schedule. The time constraints served to focus the discussion regardless of the disparate backgrounds of the delegates.
- Flip charts were available to help the delegates organize their ideas visually.

- A rapporteur worked with the delegates and facilitator to capture the recommendations on disc.
- Working groups were given the following instructions to be followed within strict time limits.
 1. Brainstorm to identify six areas of concern within their topic;
 2. Prioritize those areas of concern;
 3. Draft recommendations to address the areas of concern;
 4. Provide exemplary models and time frame for implementation;
 5. List governments and ministries expected to respond.
- The methodology ensured clear, concise recommendations and statements of principle.
- After the conclusion of the conference, the working group reports were sent by mail or fax to the delegates for comments and changes to ensure adequate reflection of the group's discussion.
- The Final Report, SafetyNet 1995, will be announced at a Press Conference in Ottawa when Parliament resumes.
- The Justice Ministers in each province will be presented with a copy together with provincial Press Conferences drawing attention to recommendations addressed to the provinces.
- A Report Card will be issued on the outcome of these recommendations within eighteen months from the date of publication, February 14, 1996.

Special Thanks to Wendy Cukier, Professor of Administration and Information Management, at Ryerson Polytechnic University, for developing and implementing the methodology for SafetyNet '95.

SafetyNet 1995: Working Group Mandates

Vulnerabilities of Youth in Society Today

This working group provides an overview of the special vulnerabilities of children and youth in society today. Calling for government to ensure that children and youth are safe and not entering the cycle of violence, victimization and exploitation, the group recommends increased commitment in the areas of prevention, intervention, follow-up, legislation and resource allocation.

Early Intervention and Support Systems for Youth in the Community

Early intervention and support systems for youth are recognized as successful and cost effective means of preventing crime and encouraging the development of productive members of society. Since the behaviours which lead to youth crime are known, we must address them instead of allowing youth to slide down the slippery slope to dysfunctional behaviour or crime.

Youth in the Justice System

This working group sought ways to adapt the Youth Justice System to appropriately handle young offenders ranging from one time minor offenders to violent, repeat offenders with escalating offenses. While acknowledging alternative measures and rehabilitation for some non-violent youth, the group held that youths must be accountable and the public's protection must be paramount.

Courts - Examining the Process

Reforming the court system to alleviate the frustration that victims and their families experience was a central

focus for this working group with repeated calls for increased recognition of the victims' rights. Recommendations sought overhauls to plea bargaining and preliminary hearings.

Corrections/Parole - Examining the Process

Increased co-operation and information sharing between Federal and Provincial Corrections and Parole were emphasized. Further, it was recommended that victims be fully apprised of the status of offenders, and any discretionary powers to restrict information flow to victims be removed.

Supervision in the Community - Examining the Process

Better mechanisms for early release were recommended which ensure the protection of the public and safe re-integration of the offender into the community. Mandatory victim notification was stressed.

High Risk Offender Draft Legislation

The working group members addressed concerns surrounding High Risk Offenders and drafted legislative changes needed to ensure the proper investigation, prosecution and management of those offenders.

Mental Health and the High Risk Offender

Neither CSC nor the Mental Health System has been able to adequately address the dangerous behaviour of forensic patients. Additionally, legislation favours the mentally disordered offender's rights over that of the public, thus endangering society. The balance of rights must be adjusted.

Accountability in the Justice System

In light of the public erosion of confidence in the Criminal Justice System, the system must assume responsibility, taking the onus off victims to pinpoint its errors, and conduct a comprehensive, multi-disciplinary, review of itself.

Mobilizing the Community

This committee explored ways to educate the public on issues of crime prevention and public safety, and shared imaginative programs for community mobilization to prevent and thwart violent crime.

“By the time the average boy or girl graduates from elementary school, they will have seen something like 8,000 murders [on visual media]. On average, they will have seen 100,000 different acts of violence. By the time they graduate from high school, they will have seen 16,000 televised shootings and overall, 300,000 acts of violence.”

Dr. Peter Jaffe, London Family Court Clinic, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who's Watching Our Kids?

Vulnerabilities of Youth in Society Today

Working Group Members

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Chief Julian Fantino London Police Service & CAVEAT Director, Ontario

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Preamble

CHILDREN IN CANADA ARE NOT SAFE!

Currently, child safety is not a national priority. How we value and protect our children and youth is directly related to the future quality of life in Canadian society.

Violence, victimization and exploitation of children and youth are preventable and we all, individually and collectively, have a vital role to play in protecting children and youth.

Government, at all its levels, must take leadership in ensuring that appropriate legislation, directives and mechanisms are put in place to give the welfare of children and youth priority and consideration in all deliberations and decisions.

Furthermore, children and youth who have been victimized must be treated with sensitivity in order to preserve their dignity and rights as individuals and to prevent any re-victimization as they progress through the system.

Society must also recognize the critical importance of prevention as a means of ensuring that children and youth are safe and not entering the cycle of violence, victimization and exploitation themselves.

Through prevention, intervention, legislation, accountability measures and resource allocation, children and youth can be guaranteed enhanced security of person, dignity and respect.

PROBLEM DEFINITION

We believe that recognition of the special vulnerability of children and youth in Canadian society today needs to be focused in five main areas:

1. PREVENTION

The prevention of violence against children and youth is one of society's most cost-effective and health-promoting measures. Children's exposure to violence is pervasive and the effects are not only devastating but also long lasting. The tolerance of violence against children and youth is demonstrated by the fact that there is minimal recognition of the problem and there are few resources allocated to preventing victimization and exploitation of children and youth.

Large-scale prevention programs grounded in the realities of how violence occurs are critically needed for children and youth in every community across Canada. Agencies, institutions and governments with responsibility for child safety need clear guidelines in place to define their accountability to children's safety.

Prevention should focus on and attempt to address the following areas of concern that have been identified by this committee. One area of concern is the massive and continual exposure of children and youth to violence and to violent and sexually explicit material which perpetuates dysfunctional relationships. This exposure and de-sensitization limits the potential of children and youth to develop into fully contributing members of society and often even leads to their becoming offenders. Awareness and education regarding the effects of massive exposure to violence should be increased.

A second area of concern is accountability. Since children and youth have been identified as a vulnerable group needing protection, it is necessary to make provisions for the accountability of persons involved in the care and protection of our children.

2. INTERVENTION

Considerable criticism has been directed at the Canadian Justice System regarding its treatment of victims. It is essential to underscore the fact that offenses involving children present society with a unique challenge, one which requires an understanding of the special needs of children and youth.

- There is often a relationship of dependency between the victim(s) and the perpetrator; that is, the victim is often emotionally, physically and financially dependent on the perpetrator.
- The motivation for this type of crime is often different from other crimes.
- Child abuse cases are some of the most difficult to investigate and they are frequently traumatic for both the victim and the professional.
- More than in any other crime, the testimony of the victim is vital. It is almost always the primary source of evidence for conviction and without it, it is almost impossible to prosecute the case successfully.
- Clearly, there is a need for inter-agency co-operation. The problem of child abuse does not recognize jurisdictional or professional boundaries and, therefore, neither can the solution. Police, social workers, child protection workers, crown attorneys, medical professionals and all agencies must work together and should be legally permitted to share information to ensure a consistent and professional approach in child abuse investigations. Inter-agency or inter-disciplinary approaches require a thorough understanding of the obstacles of a case and the formation of a clear strategy to assist professionals. In order for this to occur, appropriate legislation permitting inter-agency communication is required. The inter-disciplinary process can be further promoted by building trust between agencies, encouraging better communication and allowing for the sharing

of information, ideas and new methods.

•Effective police intervention in child abuse cases cannot occur in isolation from other community and criminal justice responses. Otherwise, in spite of their best intentions, the professionals may not be successful in assisting the victim and their families. The response to help a victim must therefore follow a protocol that co-ordinates social service agencies and stems from clear policy and appropriate training.

3. FOLLOW-UP

It is imperative to ensure that appropriate, effective, adequate and timely programs are available for children in need of support. There are recognized inadequacies in the response to child victims and their families. A co-ordinated and immediate response should incorporate sensitivity to the unique needs of child victims who require specialized support throughout the court process and beyond.

Children who witness domestic violence and who lack positive parental role models are at particular risk and need legislative protection, as well as therapy, if we are to stop the cycle of violence and abuse.

4. LEGISLATION

The special vulnerability of children and youth renders them easy prey to violence, exploitation and abuse. This committee remains concerned about the inadequacies of legislation, at all levels of government, to protect children.

SafetyNet 1994 drafted comprehensive recommendations that address specific areas of flawed or non-existent legislation. Please see the following headings of SafetyNet 1994 which previously recommended legislative change to protect children and youth – Community Standards, Crime Prevention, High-Risk Offenders, Victims' Rights and Young Offenders. These recommended changes are necessary to provide our young people with a safe and healthy environment.

Events since SafetyNet 1994 cause us to be even more concerned about the commitment of Canadian society to provide optimum protection for children and youth. The safety, security and quality of life of our most valued resource must be ensured by demanding more attention, co-ordination and concern in all sectors of the system and with all youth, victims or offenders.

5. RESOURCE ALLOCATION

As a society, we must recognize that we have a primary responsibility to protect our children who, by virtue of their vulnerability, are at risk of becoming both victims and potential victimizers. Primary support initiatives are necessary, both to address circumstances and issues that threaten the safety and healthy development of children, and to maximize the prevention of crime. Society should focus strategically on programs that protect and support children at risk.

The family, community and schools can work together as partners to reinforce and support the healthy development of children. Parenting, crisis support, healthy family development, training and education are some key areas to target. Prevention, intervention and follow up are necessary components of collective efforts to assist and support children.

The issues and circumstances which place children at risk are well known, and the findings of the 1994

SafetyNet Conference are today more valid and compelling than ever. There is ample evidence that shows that adequate resource allocation can counter the vulnerability and potential victimization of children. It is crucial that the necessary resources are directed at programs and services that assist children.

Crime and victimization involving children is a reality that simply cannot be trivialized or ignored for the sake of short-term economic savings. If primary support initiatives do not receive adequate funding, the money will simply have to be spent at a later date when the circumstances have become more grave.

In other words, pay now or pay later!

Recommendations

Recommendation #1 — Accountability

Organizations and individuals must be held legally accountable for hiring a convicted sex offender or for failing to do a criminal record check that would reveal a sex conviction. If that individual re-offends, there must be some way to hold that organization accountable. This ensures that the families whose children are sexually assaulted will have representation and will not be left to fend for themselves. Facing a hostile court system and obtaining counselling for sexual abuse is already more than most families can cope with when their child has been violated.

A. IT IS RECOMMENDED THAT, if a convicted sex offender is hired knowingly or a record check is not done and the person re-offends against a child, the organization be held liable.

B. IT IS RECOMMENDED THAT Provincial governments legislate a process whereby persons in positions of trust and responsibility for young people be subject to comprehensive screening and criminal record checks.

C. IT IS RECOMMENDED THAT criminal records of convicted sex offenders not be removed from CPIC (Canadian Police Information Centre) with a granting of a pardon.

D. IT IS RECOMMENDED THAT all name changes of convicted sex offenders be listed on CPIC so as to maintain a current record.

Recommendation #2 — Intervention

A. IT IS RECOMMENDED THAT a national policy toward child abuse be adopted that recognizes both the importance of children and the worth of a multi-disciplinary approach. A component of this policy would be the establishment of national standards for the investigation and prosecution of maltreatment cases.

Many communities are unaware of valuable research studies, program strategies and available funding initiatives. The problem has been one of lack of access and retrieval of information.

Effective information sharing can only be accomplished when this material becomes readily available and accessible in a systematic manner.

B. IT IS RECOMMENDED THAT a national training and advisory board be created to guide and advise policy making in the area of intervention in child abuse cases. This board would seek to establish an effective national infrastructure for monitoring, evaluating, updating, advising and providing technical assistance to the community. This is the same concept as the National Crime Prevention Council.

C. IT IS RECOMMENDED THAT Federal and Provincial legislation allow for the necessary exchange of information between agencies to ensure an effective and appropriate response in cases involving child abuse.

D. IT IS RECOMMENDED THAT senior management within agencies tasked with intervening in child abuse cases commit to ensuring that their staff have appropriate training, expertise, and the necessary resources to carry out their mandate.

Recommendation #3 — Comprehensive Victims' Support Programs

A. IT IS RECOMMENDED THAT, through both post-secondary training as well as on the job training, professionals working with children and youth receive thorough education regarding issues related to victimization, exploitation and violence against children and youth.

B. IT IS RECOMMENDED THAT existing programs be evaluated to assess the effectiveness, relevancy and degree of accountability of the services provided.

RECOGNIZING THAT child victims or witnesses entering the court system are particularly vulnerable in an adult setting,

C. IT IS RECOMMENDED THAT court preparation and support be available to all child witnesses and their families to ensure optimum consideration for their comfort. Child friendly courtrooms and child witness preparation programs are advocated.

D. IT IS RECOMMENDED THAT the onus be on the Justice System to ensure child witnesses and their families are given the opportunity to fully understand their right to submit a Victim Impact Statement to be considered by the court.

E. IT IS RECOMMENDED THAT all children and youth in need of counselling and treatment have timely access to these services.

F. IT IS RECOMMENDED THAT all provinces adopt legislation to expand the definition of children in need of protection so that it includes children living in situations of domestic violence.

Recommendation #4 — Reducing Exposure to Pervasive Violence

A. IT IS RECOMMENDED THAT the Government develop and implement primary, pro-active education processes to educate and develop effective parenting.

(i)The Ministries of Education, in consultation with all other involved ministries, must set guidelines and standards for anti-violence and effective parenting programs that reach all students in the school system with age-appropriate programming.

(ii)Ministries of Health, in consultation with other ministries, must establish effective parenting

programs universally available to all expectant mothers and their partners.

B. IT IS RECOMMENDED THAT those responsible for the administration of justice who are entrusted with the responsibility of influencing public awareness be informed and educated about the issues and concerns that have an impact on safety, security, peace and harmony in the community.

C. IT IS RECOMMENDED THAT comprehensive education be available to ensure that emotional, physical and sexual abuse are recognized as precipitating factors in the development and establishment of addictive and compulsive behaviour.

D. IT IS RECOMMENDED THAT those interpreters of community standards within the Canadian Criminal Justice System re-evaluate and reflect on the need to protect vulnerable groups from victimization, exploitation and violence as was intended in the spirit of the legislation.

E. IT IS RECOMMENDED THAT Government set up mechanisms by which community standards can be identified. For example, it should establish a national 1-800 line.

F. IT IS RECOMMENDED THAT the Government of Canada enact laws, regulations and policies to restrict and ultimately eliminate the manufacture, production and distribution of materials which degrade, de-humanize or glorify violence.

G. IT IS RECOMMENDED THAT Government consider the rating of toys and entertainment items for their level of violence in a method similar to movie ratings.

H. IT IS RECOMMENDED THAT organizations like the CRTC make the protection of children and youth a priority in regards to the elimination of commercialization and glorification of sex and violence.

I. IT IS RECOMMENDED THAT a provincial Parent Help Line be established similar to Kids Help Phone.

“What we want to do is reclaim our communities, not make ourselves better defenders of ourselves, but make our communities safer. We won’t do that unless we actually break the cycle of violence.”

Honourable Penny Priddy, Minister of Women’s Equality, British Columbia, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

“We can provide services for children today or we can pretend they don’t exist because they don’t have real bruises. They are witnessing things. They are learning things. They are not bruised so you can see. There is no blood. There are no scars you can show a pediatrician or show the court. But there are bruises in their hearts and they are warped in their minds in terms of what relationships are all about. If we don’t help them today, they will be back tomorrow as young offenders. They will be back as adult offenders.”

Dr. Peter Jaffe, London Family Court Clinic, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who's Watching Our Kids?
Early Intervention and Support Systems
for Youth in the Community

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Ms. Joan Westcott Federation of Women Teachers' Associations of Ontario

Recommendations

Recommendation #5 — Parenting/Family

Parenting is a critical element of healthy child development and ultimately results in crime prevention. To support this, we recommend that the Government agencies and Ministries ensure the following:

- A. IT IS RECOMMENDED THAT information on successful parent education models be disseminated to community and social service agencies.
- B. IT IS RECOMMENDED THAT successful parent education models with equal access to all families with 'at risk' youth be implemented.
- C. IT IS RECOMMENDED THAT access to support services for parents be increased, including:
 - (i) Therapeutic subsidy for 'at risk' families
 - (ii) Day care

- (iii) Counselling
- (iv) Parent education

D. IT IS RECOMMENDED THAT the government recognize and support the role of parenting through amendments to the income tax act, for example through:

- (i) Family tax credits
- (ii) Refundable tax credits
- (iii) Income splitting

E. IT IS RECOMMENDED THAT work place policies be developed to support families, for example:

- (i) On site day care
- (ii) Flexible hours
- (iii) Job sharing

MODELS

Successful local models that recognize the importance of parenting as a critical element of healthy child development are the Cope Parenting Course (Chedoke) and the McMaster System-Linked Research Department's Intervention Study by Dr. Gina Brown.

PERFORMANCE MEASURES

The degree to which the Ministries have consulted or complied with these recommendations can be measured by ascertaining whether Governmental agencies and/or the Ministries are demonstrating awareness of the models mentioned above. In the long term, there should be comprehensive dissemination of information on parenting to the public. Families must be made aware of the models available, and in the long term, programs of parent-education should be established and running in both the public and private sector. Day care subsidy should be reinstated for families according to need, and counselling should be available for families. Income tax acts should be amended as per recommendations.

Recommendation #6 — Public Attitude and Commitment

A national public commitment to primary and secondary prevention for children at risk is necessary. Commitment is demonstrated through community action, public endorsement, partnership development and private and public financial support.

IT IS RECOMMENDED THAT a National Secretariat and Provincial Directorate be appointed to raise public awareness and disseminate information concerning the value and cost efficiency of primary prevention strategies and programs.

MODELS

The Campaign Against Wife Assault was a successful campaign that was able to galvanize public attitude and commitment to call for a stop to domestic abuse. Similarly, there have been successful programs that have set out to prevent the sexual exploitation of children in British Columbia. A third exemplary model is the Ontario Prevention Clearinghouse, located in Toronto.

PERFORMANCE MEASURES

In the short term, a measure of the government's commitment and efforts to change public attitudes can be evaluated by whether mechanisms to disseminate information have been created. Adequate resources must be made available to carry out a public education campaign and to disseminate information. In the long term, there should be budget re-allocations with a focus on services and programs recommended in this session, and through the creation of a secretariat or directorate to manage and co-ordinate these initiatives. Further, a change in the public climate that favours a focus on and support of children, youth families and the related services should become evident.

Recommendation #7 — Role of Key Players/Service Delivery

Better integration of services for children, youth and families is required.

- A. IT IS RECOMMENDED THAT the ministries responsible for education, health and social services, spearheaded by the ministry of education, develop a partnership that will make the schools the access point of support services for children, youth and families.
- B. IT IS RECOMMENDED THAT a Family Case Management Process be developed to advocate for the best needs of the child or youth and to support the health and independence of the family. In this way, the child could be assessed holistically rather than fragmenting the child's problems and addressing them out of context. This would provide continuity of service, co-ordination and communication between service providers. Overlap would be prevented and money would be saved.
- C. IT IS RECOMMENDED THAT the protection of 'at risk' youth be increased through the establishment of Crisis Residential Centres to allow for comprehensive assessments to ascertain the needs of children, youth and their families and to identify potential services and placement options.
- D. IT IS RECOMMENDED THAT the provinces revisit and consider changing legislation regarding the rights and responsibilities of an adolescent to refuse treatment where such changes are needed.

MODELS

- The Engrossed Second Substitute Senate Bill 5439 passed April 23, 1995, and dubbed the Becca Bill after a young runaway, was introduced to help parents re-establish control over their own children and to help non-offender, at risk youth who repeatedly run away, are substance abusers, have mental health needs, or endanger themselves or others. "Secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents to protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible."

- Association of Agencies for Treatment and Development (AATD) is a local program in Hamilton, Ontario which looks at youth's problems that can potentially be handled at school, in the home, or at the hospital level. The association makes recommendations to the family about which level would best suit the needs of the child or youth to help them address their problems.

•Hess Street Schools Program in Hamilton is one of many beneficial after school programs. What sets this program apart is its emphasis on social development rather than cognitive development. The environment is nurturing, and the games encourage cooperation and other important life skills.

•‘Touching’, a film put out by the Tri-Board of Education in Hamilton, is suitable for elementary school age children. The movie, along with its accompanying Teacher’s Kit, alerts children and youth to the dangers of abuse, educates them on proper and improper touching, and introduces them to ‘The Bill of Body Rights’.

•Parent volunteer programs get parents involved with the community and the schools, and allow them to take active responsibility for the education and development of their children.

•Social Worker Placement in compensatory schools as presently exists in the Hamilton Board of Education.

- The Community Action Group for Children (CAPC)
- The TCO2 program in British Columbia
- Violence Prevention Secretariat (Ministry of Ontario) Social Worker Model
- Peer Mediation Programs
- Social Skills training

PERFORMANCE MEASURES

By year end, the Ministry of Education should take the initiative to develop partnerships in co-ordination with the Ministries of Health and Social Services, and should provide guidelines to school boards which promote access to support systems for youth and their families. By year end, pilot projects which demonstrate co-ordinated case management should be in operation across the provinces.

Recommendation #8 — Communication Technology

The media has an important and growing influence within our society. The media need to be encouraged to promote the positive development of families, youth, and children rather than negative imagery.

A. IT IS RECOMMENDED THAT the CRTC set stricter guidelines on the content of television programming. These guidelines can serve as a model for other media.

B. IT IS RECOMMENDED THAT every computer sold in Canada be legally bound to include software enabling the restriction of offensive material over the Internet.

C. IT IS RECOMMENDED THAT media literacy programs be made available to the public in order to enable users to be informed and critical consumers.

MODELS

In the same way that the government can force citizens to comply with car safety regulations on the highway with mandatory air bags, bumpers, and 24-hour headlights, this committee calls on the government to use its authority to protect consumers and users of the Information Highway and other communication technologies.

PERFORMANCE MEASURES

The CRTC should develop proposal statements in the short term, and in the long term, those statements should be developed into policy and practice. The CRTC’s protocol should become a model for other emerging media to adopt in order to ensure the protection of vulnerable children and keep them free from harm. Legislation should be drafted regarding the Internet with a demonstrated effort to pass this legislation and implement the requisite changes. Both public and private sectors must take the initiative to form media literacy programs, for example, through publications in schools and agencies.

“I have witnessed and experienced trauma involving the victims, the survivors, the families, the friends of those poor folk who are law-abiding, decent citizens. Through no fault of their own, they have somehow been let down by the system. I never could find comfort in my role as a professional police officer, in that I have felt so inadequate, regardless of the convictions and regardless of the successes. I always felt that there was much more that needed to be done.”

Chief Julian Fantino, London Police Service, speaking at SafetyNet 1995.

Youth in the Justice System

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Preamble

The problem of youth crime in Canada is a multi-faceted one. There are different types of youths who come into conflict with the law ranging from one-time, minor offenders (that represent the majority of youths who fall under the Youth Justice System) to more serious offenders (that represent such a danger to society that they must be separated from the public for a long term). There is no one solution for all youths. Therefore, any

system of justice must be able to adapt to the differing cases it faces. Not to do so is to fail an overwhelming number of young people.

The committee preferred a multi-faceted approach to the issue, and emphasized different measures for different youths. We do this with the understanding that the Young Offenders Act (YOA) is a reactive tool that can only have an effect on a youth when he or she enters the system. The YOA can serve as an important means of diverting youths away from future crime, but it is much more challenging to do so when the youth stands before the court. The committee believes that a two-tiered approach is necessary for violent and non-violent young offenders. For youths who do not pose a risk to society, rehabilitation should be emphasized. Yet, for those who do represent a risk to society, the protection of the public must be paramount. This may require long-term incarceration where rehabilitative methods will be applied.

The committee also recognizes that Canada is currently facing difficult economic times, and that resources are scarce. In that vein, our recommendations do not require more resources, but instead call for a re-allocation of existing resources. Individual programs devoted to Young Offenders are presently working across Canada, and a strategy of researching these programs and taking the best components from each will be most effective in improving the system.

The committee attempted to stay loyal to the principles of the YOA, but did identify some contradictions in stated intentions and actual practice. When such inconsistencies were identified, the committee attempted to rely on the Declaration of Principles. One of the committee's own guiding principles was ensuring the correct balance between making youths responsible for their actions while at the same time encouraging their rehabilitation.

The committee would like to acknowledge the work of the Youth and the YOA Committee that was part of last year's SafetyNet 1994 Conference. We have adopted the positions taken and recommendations made last year, and have built on those principles with this year's recommendations. In particular, we would like to expand on Recommendation #5.

Recommendation #5 from the Youth and YOA Committee of SafetyNet 1994 currently reads:

“Serious Personal Injury Offenses to Adult Court

WHEREAS crimes of violence to the person are abhorrent to society and must not be tolerated, and
WHEREAS mitigating factors, including youthfulness, can be taken into account by a sentencing court,
THAT all Serious Personal Injury Offenses be tried in Adult Court, and
THAT the Sentencing Court be empowered by legislative amendment to direct service of all or part of that sentence in a youth institution.”

SafetyNet 1995 would like to expand it to include transfers for all Young Offenders who commit an offence involving Serious Personal Injury so that it reads:

“Serious Personal Injury Offenses to Adult Court

WHEREAS crimes of violence to the person are abhorrent to society and must not be tolerated, and
WHEREAS mitigating factors, including youthfulness, can be taken into account by a sentencing court,
THAT all Young Offenders who commit an offense involving Serious Personal Injury be transferred to Adult Court, and
THAT the Sentencing Court be empowered by legislative amendment to direct service of all or part of that sentence in a youth institution.”

Recommendations

Recommendation #9 — Alternative Measures

The committee recognizes the value of and need for imaginative Alternative Measures Programs. Programs set up to divert non-violent young offenders from the traditional sanctions of the justice system play an important role in the rehabilitation of young people and encourage the youth to reject further criminal activity. Many of the youths who enter the Justice System are offenders whose crimes are less serious. Their criminal careers are often limited to one offence. It is these types of youths who can and should be encouraged to be law abiding citizens.

A. IT IS RECOMMENDED THAT Section 69 of the YOA, which allows for the creation of programs for young offenders, be used to enable the provision of Front End Diversion Programs for youth. Diversion programs that include both victims and the community are more effective at dissuading the young person from engaging in future criminal behaviour. These programs can include, but should not be limited to, the following strategies: family conferencing, offender/victim reconciliation, peer mediation, etc. A working example of such a program is the Youth Conference Committee of the Ridge Meadows Youth & Justice Advocacy Association in Maple Ridge, British Columbia.

B. IT IS RECOMMENDED THAT accountability be a part of any program to enhance its credibility and integrity.

C. IT IS RECOMMENDED THAT the provinces ensure that the necessary resources are made available.

Recommendation #10 — Parental Responsibility

The committee agrees that the inclusion of the parents can be a crucial component of successfully modifying the behaviour of a young offender. While the Declaration of Principles identifies parents as being a necessary part of successful intervention, the YOA itself often impedes the ability of the parent to have any real impact. For example, a parent may encourage his/her child to take responsibility for their actions, while the lawyer representing the child may be more concerned with the youth's legal rights. Alternatively, the parenting skills that many of these adults have may be severely limited, despite good intentions.

A. IT IS RECOMMENDED THAT judges be given the discretion to order that the parent(s) take a course or program to assist them in their parental duties. This initiative should not be limited to cases where youths have been convicted of offenses, but should be available to all parents on a volunteer basis at the front end of the system.

In addition, the parents' responsibility and accountability must be recognised in relation to bail orders. Parents who undertake the supervision of their child under bail orders are not being held accountable to such promises. Section 7.2 of the YOA has a mechanism which allows parents to be held liable in the cases where they abdicate their responsibilities under the bail order. While the mechanism is in place, it is rarely used.

B. IT IS RECOMMENDED THAT the use of the provision in Section 7.2 of the YOA, which provides a mechanism for parents to be held liable for abdicating responsibilities under the bail order, be mandatory when such a breach of bail is committed.

RECOGNIZING THAT time problems exist with this section,

C. IT IS RECOMMENDED THAT Section 7.2 be made a hybrid offence.

Recommendation #11 — Taking Statements

A police officer must abide by the orders set out in Section 56 of the YOA in order to take a statement from a suspect. The procedure is onerous and unnecessarily complicated.

A. IT IS RECOMMENDED THAT the protocol for taking statements from young people be the same as that for adults except for the added protection of providing youths the option to request the presence of an adult (chosen by the youth) during the taking of such a statement. This committee holds that the adult system provides the necessary safeguards to protect the young person's rights.

B. IT IS RECOMMENDED THAT in those cases where a youth is transferred to adult court, the provisions of Section 56 not apply.

Recommendation #12 — Age

A. IT IS RECOMMENDED THAT the maximum age to be tried in Youth Court be lowered from seventeen to fifteen with the condition that the judge may have the discretion to sentence a sixteen or seventeen-year-old to either an adult or youth facility. Young people are more sophisticated now and are aware of the consequences of their actions. Lowering the age will also increase the perception among youths that their actions will result in serious consequences.

B. IT IS RECOMMENDED THAT the government implement a two-tiered system of housing for youth aged sixteen, seventeen and any youth transferred to adult court. Dangerous youths should be separate from non-violent youths.

Recommendation #13 — Community Notification

The committee recognizes the importance of not only the availability of information, but the sharing of information as well. Bill C-37, which contains amendments to the YOA, makes definite improvements to the procedure of sharing information between those people and agencies that need it. However, this needs to be further improved.

IT IS RECOMMENDED THAT the provisions of Bill C-37 be expanded to allow for community notification where a threat to public safety exists.

Recommendation #14 — Review of Dispositions

While it is often stated that youths sentenced under the YOA do not have access to the benefit of parole, there is a provision that allows a youth to ask the court to review his/her disposition. It is at this stage that a youth can be transferred to a lower level of custody.

A. IT IS RECOMMENDED THAT this section be amended to ensure that victims are afforded the right to

have input at this stage of the process.

There is concern that youths who continue to pose a danger, to either society or halfway house staff, are not being channelled back to secure custody. There is no mechanism in place to send a youth back once they are in less secure custody, even if it is required.

IN THE EVENT THAT a young offender has a review of their disposition and is placed in a lower level of custody which is inappropriate,

B. IT IS RECOMMENDED THAT a mechanism be created to allow for the return of a youth to their original, higher level of custody.

Recommendation #15 — Sentencing

The committee recognizes the problem of repeat young offenders. The system is failing those young people who continue through the revolving door of the justice system.

A. IT IS RECOMMENDED THAT a change in the philosophy of sentencing for these types of young offenders be made to incorporate 'rehabilitative placement.' This approach recognizes the inherent value of a system which can identify those youths who could best benefit from early intervention initiatives. This approach is probably best suited to those young people who are currently going into closed custody facilities for non-violent offenses. Such programs would be far less expensive than closed custody facilities as well as more effective. Resources currently put into the closed custody system could be used to fund these programs.

B. IT IS RECOMMENDED THAT this philosophy of sentencing incorporate the following principles:

- discipline
- non urban setting
- social/life skills
- conflict resolution
- work ethic
- education
- alcohol/drug treatment
- nutrition/fitness
- anger management
- adventure

C. IT IS RECOMMENDED THAT these innovative programs include not only adequate resources, but sentences of sufficient length to allow people in the program to fully benefit. In addition, follow up programs and support systems need to be in place to ensure youths are cared for after release into society. All will be lost if youths simply return to the environment that played a part in their original choice to turn to crime.

Recommendation #16 — Public Defenders

IT IS RECOMMENDED THAT the current Legal Aid System in Canada be replaced with a Public Defender System at the Youth Justice Level. The current system opens itself up to frivolous and expensive motions which may not hold the child's best interest at heart. We believe that the Public Defender System will be more efficient, more economical and more consistent. In addition, young people will only have the benefit of the Public Defender System if his/her parent(s) are unable to pay the legal bills.

Recommendation #17 — Crown-Victim Services

IT IS RECOMMENDED THAT every province in Canada create Crown-Victim Service Programs to ensure

respect of and adherence to the rights of all victims, not only the victims of Young Offenders.

“A few years ago, when [CAVEAT] was born under such tragic circumstances, the victims of crime were seldom seen, seldom heard by the justice system. There was no legal basis for the idea that they should have as much weight as criminals in the judicial process, and that their rights should be equally protected. Today, as my colleague the Attorney General told you yesterday, those rights are on the verge of being formally recognized. In fact, with any luck, this week. I’m very happy to acknowledge your contribution to that important achievement and to the betterment of our society that will result from it.”

Honourable Bob Runciman, Solicitor General of Ontario, speaking at SafetyNet 1995.

Courts - Examining the Process

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Mr. Jeff Manishen Defense Lawyer, Ontario

Preamble

We believe in the importance of a principal role for victims in the adult court process. Practical solutions are necessary. However, the group agrees that there is a need for finding a fair medium between legality and

justice, and between the natural desensitization of judicial representatives (and society) and humanizing the judicial process.

We must acknowledge the fiscal constraints of these economic times. However, government budget cutting decisions should reflect deep consideration of the safety of the citizens of Canada.

We reaffirm our support for the recommendations made in the Victim Rights Committee of last year's SafetyNet Conference, which have yet to be put into action across the country.

Recommendations

Recommendation #18 — Victim Input

- A. IT IS RECOMMENDED THAT the rights and services available to victims, presently in effect nationally and provincially, be brought together in a pamphlet. This pamphlet should be made widely available to victims at every social service centre and in every community. The rights of victims are limited by prohibitive costs. If costs exceed reasonable amounts, then there should be some subsidies readily available, perhaps through the victim assistance fund, victim fine surcharge, and/or criminal injuries compensation. Federal and Provincial response requested in one year.
- B. IT IS RECOMMENDED THAT formal recognition and enhanced use of privately and publicly funded intervenor status for victims be an option available to victims on all issues of special importance to the victim, for example in the procedures regarding defense access to a victim's psychiatric records. Federal and Provincial response requested in one year.
- C. IT IS RECOMMENDED THAT, in the spirit of enhanced intervenor status, victims be involved in bail decisions. There should be no bail in first degree murder cases. Federal response requested in two years.
- D. IT IS RECOMMENDED THAT greater victim access to law libraries be pursued, perhaps through private subsidies. Provincial response requested in one year.
- E. IT IS RECOMMENDED THAT there be access by the victim to court transcripts provided at a modest cost. Provincial response requested in one year.
- F. IT IS RECOMMENDED THAT government prioritize support services for victims consistently across the country. Investing in the overall health and well-being of the victim early on, will save money directed toward social services in the future. Provincial response requested in six months.
- G. IT IS RECOMMENDED THAT the Criminal Code of Canada be amended to remove the discretion of the judge so that the victim will have the right to present a Victim Impact Statement. Federal response requested in one year.
- H. IT IS RECOMMENDED THAT the victim be given the option of presenting an oral impact statement in addition to a written impact statement, including in sentencing hearings for first degree murder. Federal and Provincial response requested in one year.

I. IT IS RECOMMENDED THAT every province develop a program to support the consistent use of Victim Impact Statements in sentencing hearings for both adults and children. Provincial response requested in one year.

J. IT IS RECOMMENDED THAT the victim have some input as to the relevance of evidence when there is disagreement. There should be a 'voir dire', meaning a hearing should be conducted by the judge with the jury absent to determine if evidence is admissible. Federal response requested in 18 months.

Recommendation #19 — Role of Police and Crown

Police, crown and judges must be more accountable to the victim.

A. IT IS RECOMMENDED THAT victims across the country have recourse to consultation with their crown attorney in the case of serious offenses. Provincial response requested in one year.

B. IT IS RECOMMENDED THAT community representation on review committees be standard in the process in order to effectively review the status of crown attorneys and police. Federal and Provincial response requested in two years.

C. IT IS RECOMMENDED THAT citizens be allowed on the judicial council to evaluate the performance of judges. Federal and Provincial response requested in two years.

D. IT IS RECOMMENDED THAT a stated mission be established for the crown. The role of the crown could include the protection of the most vulnerable members of society, especially children. Provincial response requested in six months.

E. IT IS RECOMMENDED THAT a criterion of recruitment and promotion of police and justice officials should be knowledge and sensitivity to the needs and rights of victims. For example, there should be a mandatory course on victims. Federal and Provincial response requested in one year.

Recommendation #20 — Education of Officials

Many officials (Police, Probation officers, Parole officers, Corrections officers, judges, lawyers, and crowns) do not show sensitivity to victims' concerns.

IT IS RECOMMENDED THAT training of the Justice System Officials include:

(i)sensitivity to victims' needs, for example, CAVEAT's sensitivity program for Correctional Services of Canada

(ii)skills training, such as victim notification and interviewing skills

(iii)better education concerning the present stalking law to increase its use

(iv)greater awareness of the rights of the victim in the Justice System

(v)participation of victims and their advocates in the training programs

All of the above: Federal and Provincial response requested in two years.

Recommendation #21 — Administering Justice

At present, plea bargaining is a process which causes great distress to victims, and to the public.

A. IT IS RECOMMENDED THAT:

(i) guidelines on the appropriate uses of plea bargaining, including a mechanism for accountability be developed

(ii) training in the appropriate uses of plea bargaining, from the victim's perspective

(iii) plea bargaining be reviewed by senior crowns in cases of serious personal crime

(iv) the victim's right to consultation be recognized in consideration of a plea bargain

(v) the right of the victim to consult a lawyer on the bargaining, with the lawyer's assessment, be given serious consideration.

All of the above: Federal response requested in two years.

There is a need for uniformity in sentencing. Currently, it is inconsistent across Canada, which has led to a public loss of faith in the system.

B. IT IS RECOMMENDED THAT there be strict Federal Sentencing Guidelines. Minimum and maximum standards are necessary across the board for each specific offense. Within the narrowed range between the minimum and maximum sentence, we recommend a point system based upon specific criteria which will determine how high in the range the sentence will be. Aggravating factors should include premeditation, drug and alcohol abuse, and absence of remorse, as is presently the practice in areas of the United States. Federal response requested in two years.

C. IT IS RECOMMENDED THAT in the application of Common Law, the courts be more sensitive to the changing needs of society, including protection of citizens, and should be prepared to vary application of legal principles to reflect these changes. Federal and Provincial response requested in two years.

D. IT IS RECOMMENDED THAT concurrent sentencing be abolished. Federal response requested in two years.

Recommendation #22 — Delays

It should be recognized that victims, as well as the accused, must have the right to a speedy trial.

A. IT IS RECOMMENDED THAT the harmful effect of delays and adjournment on the victims be recognized. This consideration would be cost effective, as well as beneficial to the victim. Federal and Provincial response requested in two years.

B. IT IS RECOMMENDED THAT trials involving serious personal crime such as murder, aggravated assault, sexual assault, or stalking, be given priority in trial scheduling. Provincial response requested in six

months.

C. IT IS RECOMMENDED THAT crown attorneys be obliged to consult victims, and to consider the victims when scheduling significant court proceedings such as, but not limited to, trials, preliminary hearings, and sentencing hearings. Provincial response requested in six months.

D. IT IS RECOMMENDED THAT there be an equal number of peremptory challenges for both the defense and the crown in jury selections. Federal response requested in two years.

E. IT IS RECOMMENDED THAT the questionable and time-costly practice of ‘judge shopping’ be limited. Provincial response requested in two years.

Recommendation #23 — Preliminary Hearing

The preliminary hearing is frequently an unnecessary process. It is often emotionally damaging to the victim and their families, and a financial burden on the administration of justice. At times, it can be no more than a subjective test of the witness’s ‘strength of character’. As a whole, it is an unnecessary delay.

A. IT IS RECOMMENDED THAT the preliminary hearing be abolished, except in those cases where the defense can convince a judge that it is necessary. Federal response requested in three years.

B. IT IS RECOMMENDED THAT as an interim measure, the utilization of preferred indictment be increased as in the Bernardo trial. Federal response requested in three years.

C. IT IS RECOMMENDED THAT research be undertaken to determine appropriate circumstances for and possible alternatives to preliminary hearings. Federal response requested in three years.

“Now [Claude Forget’s most recent] crimes were committed while he was technically serving an earlier sentence. So, in April of 1994 he got sentenced to twenty years. Can anybody guess, under current laws, when he is eligible for parole? He is actually eligible for parole tomorrow, [the twentieth of November, 1995].”

Scott Newark, Executive Director, Canadian Police Association, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

Corrections/Parole - Examining the Process

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Preamble

In preparing this submission, the committee would like to acknowledge the resource input given by the members of such government agencies as the Correctional Service of Canada, the National Parole Board and the Ontario Parole Board.

After having discussed the present practices of Corrections and Parole, this committee strongly believes that a better investment of resources in the early intervention stages will provide the public with positive long term impacts on both public safety and cost.

In keeping with this, we believe that the protection of the public should be the paramount interest and concern of the Correctional Services at both the Federal and Provincial levels.

Further, the following recommendations reflect this committee's position that 'accountability' is an integral component of parole, and that 'accountability' involves the concept of 'truth in sentencing' whereby the Schedule 1 Offender is made to serve the full length of their sentence that is issued to them without room for early release of any kind.

While we agree that parole is a necessary step for the re-integration of the offender into society, we are concerned about the lack of clarity on the issue of dates of eligibility for parole application. This confusion results in victims and the public feeling deceived.

Accordingly, the delegates' recommendations are as follows:

Recommendations

Recommendation #24 — Information Sharing

A. IT IS RECOMMENDED THAT proactive information retrieval units be established across Canada between the courts, the police and Correctional Services (Federal and Provincial Governments: Ministers of Justice, Attorneys General, Solicitors General, and Health Ministers). The committee believes that the greatest barrier to the implementation of this system is not its technological feasibility, but rather the lack of political will to do so.

B. IT IS RECOMMENDED THAT in the interim, Federal and Provincial Correctional Services establish more effective information sharing agreements involving correctional records as a precursor to effective decision-making, including release decisions.

C. IT IS RECOMMENDED THAT Correctional Services be working toward one single adult registry equipped with a ‘flagging’ system whereby CPIC and other such records of known offenders, their whereabouts and their potential risk to the community can be collected and subsequently accessed.

MODEL

A working group is being formed, as a result of a decision of the NJC (National Joint Council of Chiefs of Police and Corrections Officials), which will be asked to study the feasibility of creating a ‘Single Adult Criminal Justice File’ to be used by the Police, the Courts, Corrections officials and releasing authorities (Parole Boards, for example). The objective of this initiative would be to ensure that all important information is collected and is consistently available to all those involved in risk assessment, protection of the public, and interventions with offenders.

TIME FRAME

Two years for the full establishment of the system

RESPONSE

Ministers of Justice, Attorneys General, Solicitors General

Recommendation #25 — Documentation

IT IS RECOMMENDED THAT an agreement be drawn for certain relevant documents to be obtained prior to a decision being rendered on any form of early release. Some of those documents are:

- Coroner’s Report
- FPS - police fingerprinting document
- CPIC (Canadian Police Information Centre) verification
- Victim Impact Statement
- Young Offender Record
- Judge’s reason(s) for sentencing
- Ontario’s LSI (Level of Supervision Inventory) or any other accepted predictive assessment tool
- Police Report
- Past and Present Clinical Reports
- Pre-sentencing Report
- Correctional Services of Canada Institutional Report

- Confirmation of victim notification
- Victim attendance
- Classification Report
- Guilty plea
- Details of potential plea bargain

And any documents subjectively deemed relevant or necessary in the rendering of a proper decision.

TIME FRAME

One year

RESPONSE

Solicitor General (Federal and Provincial)

Recommendation #26 — 1-800 Number

IT IS RECOMMENDED THAT a national and provincial 1-800 number be established for victims for the purpose of retrieving information on offenders.

MODEL

Ontario's and New Brunswick's 1-800 numbers which have already been established

TIME FRAME

In the time frame of one year, this 1-800 number should be established across the country. Before a year has passed, the information should be gathered and a written agreement should be expected from all provincial and Federal Solicitor Generals.

RESPONSE

Provincial and Federal Solicitor Generals

Recommendation #27 — Victim Assistance

A. IT IS RECOMMENDED THAT an agreement be established between the Federal Department of Justice and the Solicitor General to ensure that victim/witness assistance be expanded to inform victims of their roles in the system and of their rights of access to offender information.

B. IT IS FURTHER RECOMMENDED THAT the Provincial Attorneys General and the Federal Minister of Justice continue to establish victim assistance programs such as victim compensation programs.

MODEL

The Windsor and London regions have exemplary Victim/Witness Assistance Programs. In Windsor, large volunteer staff allows the Victim/Witness Assistance Program to provide court accompaniment to victims throughout the trial, and to keep up on internal management of the office so that communications with victims can be conducted in a timely manner. The Victim/Witness Assistance Program is able to maintain adequate numbers of volunteers by being registered with the local Volunteer Bureau.

TIME FRAME

One year

RESPONSE

Provincial Attorneys General and Federal Minister of Justice.

Recommendation #28 — Victim Inclusion In the Court Process

- A. IT IS RECOMMENDED THAT Victim Impact Statement submissions be non-discretionary and entered as an exhibit in all court proceedings and judicial reviews, such as Section 745 of the Canadian Criminal Code.
- B. IT IS RECOMMENDED THAT Victim Impact Statements be entered in the Agreed Statement of Facts at all court levels, including plea bargaining.
- C. IT IS RECOMMENDED THAT the offender only have access to Victim Impact Statements at the discretion of the victim or secondarily, the family; and that all personal locators be removed prior to being shared with the offender.
- D. IT IS RECOMMENDED THAT victims be notified of the offender's status, especially all forms of Conditional Release, by both Provincial and Federal Authorities/Jurisdictions until the offender's warrant expiry. (Federal Corrections and Conditional Release Act, 1992, Section 26 and 142 -- See Recommendation #29 below) This is consistent with evolving practice in Ontario.
- E. IT IS RECOMMENDED THAT Police be responsible for, and ensure that, victims complete and submit Victim Impact Statements if they wish. These Victim Impact Statements should be obtained as soon as possible both prior to and after sentencing.

TIME FRAME

One year

RESPONSE

Solicitors General, Attorneys General at both the Federal and Provincial levels.

Recommendation #29 — Removal of Discretionary Powers

At present, informing the victim, or victim's family, of the offender's age, location of incarceration, time of temporary release, dates of statutory release hearings, and destination upon release is at the discretion of the Commissioner of Correctional Services Canada or the discretion of the Chairperson of the National Parole Board.

- A. IT IS RECOMMENDED THAT informing the victim, or victim's family, be mandatory and the wording of the Federal Corrections and Conditional Release Act (CCRA) be changed to reflect this. The CCRA must be amended to remove the discretionary powers of the Commissioner of the Correctional Service of Canada (as per Section 142(b)), and the discretionary powers of the Chairperson of the National Parole Board (as per Section 29).
- B. IT IS FURTHER RECOMMENDED THAT Provincial Corrections Acts be established (or amended in the case of Ontario's Ministry of Correctional Services Act) to reflect the same.

TIME FRAME

One year

RESPONSE

Solicitors General, Attorneys General & Justice Ministers (Provincial and Federal).

Recommendation #30 — Schedule 1 Offenders

‘Schedule 1’ refers to the National Parole Board’s list of serious offenses excluding first and second degree murder, but including offenses causing serious harm or sex offenses, for example manslaughter, sex assault, use of firearm during an offense or kidnapping. At present, over 50% of those in Federal Penitentiaries are Schedule 1 Offenders.

IT IS RECOMMENDED THAT Schedule 1 Offenders serve their full sentence before release, and be subject to supervision afterwards. (Please refer to the recommendations of the High Risk Offender Draft Legislation working group.)

TIME FRAME

Two years

RESPONSE

- Sentencing: Federal Justice Minister
- Schedule 1: Solicitor General

Recommendation #31 — Offender Programs

IT IS RECOMMENDED THAT offender programs be permitted at hearings only where there is substantiation of program completion and a rating of the offender’s performance.

TIME FRAME

One year

RESPONSE

NPB, Ontario Parole Board, B.C. Parole Board, Quebec Parole Board.

Recommendation #32 — Inmate Reports

A. IT IS RECOMMENDED THAT Correctional Agencies and Parole Boards ensure that individual inmate program evaluations, psychiatric assessments, case management reports, and other critical information be of a consistently high quality.

B. IT IS FURTHER RECOMMENDED THAT if there is any question concerning the quality and accuracy of such reports, their admissibility in consideration of a decision can be challenged.

TIME FRAME

One year

RESPONSE

Parole Boards both Federal and Provincial, CSC, Solicitor General

Recommendation #33 — Parole Board Members

- A. IT IS RECOMMENDED THAT the qualifications of Parole Board Members be raised and that such qualifications be maintained upon an ongoing basis.
- B. IT IS FURTHER RECOMMENDED THAT the selection process of Parole Board Members be conducted by an impartial body.

MODEL

- The British Parole system where all members are required to have sufficient and relevant background experience in criminal justice.
- The newly implemented system for the selection of Canadian Federal judges.

TIME FRAME

One year

RESPONSE

Prime Minister

“Sex offenders possess characteristics that make them more likely to continue to engage in sexually assaultive behaviour unless incapacitated or monitored. Sex offenders don’t do well under the white glare of public scrutiny.”

Doug Walsh, Assistant Attorney General from Washington State, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

Supervision in the Community -
Examining the Process

Working Group Members

Facilitator:

Mr. Ian B. Russell (Inspector, Metropolitan Toronto Police, retired) Ontario Board of Parole, Community Member

Delegates:

Ms. Catherine Duddeck Representative for MPP Gary Carr, Parliamentary Assistant to Solicitor General, Ont.
Ms. Doris Greenwood Ontario
Mr. Mike Keogh Ontario

A/Sgt. Lesley Rice Provincial Abuse Issues Co-ordinator, Ontario Provincial Police
Mr. Ara Run Ontario
Inspector Barry Turnbull Peel Regional Police Service, Ontario

Resources:

Detective William (Ted) Davis Police/Parole Liaison Officer, Hamilton-Wentworth Regional Police, Ontario
Ms. Joan Doyle Probation and Parole Officer, Oakville, Ontario
Mr. Derek Orr Correctional Service of Canada, Hamilton, Ontario

Preamble

The SafetyNet 1995 'Supervision in the Community Panel' recognizes the value of supervision of offenders within any community. Better mechanisms are required for the protection of the public and the safe integration of an offender in the society.

Recommendations

Recommendation #34 — Long Term Supervision for High Risk Offenders

- A. IT IS RECOMMENDED THAT the definition of High Risk Offenders be clarified.
- B. IT IS RECOMMENDED THAT the narrow window of opportunity for determining that an offender is a 'High Risk Offender' be expanded so that this determination may take place at any time during the offender's sentence.
- C. IT IS RECOMMENDED THAT legislation be enacted to provide for long term supervision of High Risk Offenders past warrant expiry date.

TIME FRAME

One to two years

RESPONSE

Federal Government

Recommendation #35 — Information Sharing

- A. IT IS RECOMMENDED THAT, consistent with Recommendation 107 of the 1994 Final Report, Section 167 of the CCRA and Section 731.1 of the Criminal Code be amended to mandate the presence of both the sentencing transcripts and the offender's Criminal Record (including any history of commission of offenses while on previous conditional release of bail, in any name or form) as a precondition for any hearing under the CCRA which may grant any form of Conditional Release to an offender.
- B. IT IS FURTHER RECOMMENDED THAT Section 731.1 be amended to require such information sharing with Provincial Correctional officials to expedite the formation of a single Criminal Adult File

including psychological and sociological evaluations to be shared by all involved agencies.

TIME FRAME

Within two years

RESPONSE

Federal and Provincial Governments

Recommendation #36 — Strengthening the Process

A. IT IS RECOMMENDED THAT Section 450 of the Criminal Code be amended to authorize the arrest by a Peace Officer of a parolee found in violation of a condition of release. Upon detention, a Parole Officer must be notified immediately to make the decision on suspension of parole. This recommendation is consistent with Recommendation 99 of the SafetyNet 1994 Final Report.

B. IT IS RECOMMENDED THAT provinces reassess the value of halfway houses, the adequacy of provincial community supervision, and the adequacy of support and programming in order to ensure community safety.

TIME FRAME

Immediately

RESPONSE

Federal and Provincial Governments

Recommendation #37 — Co-ordinated Release

IT IS RECOMMENDED THAT the provincial and federal authorities develop a more co-ordinated and co-operative approach leading to the release and supervision of offenders, for instance a common service approach for Police, Corrections, and community liaisons nationwide.

TIME FRAME

Immediately

RESPONSE

Federal and Provincial Government

Recommendation #38 — Freedom of Information for Victims

IT IS RECOMMENDED THAT the CCRA be amended to guarantee the right of victims of crime to receive information as to the application of an offender to any form of conditional release, the right to make a written submission prior to such a hearing, and the right to be informed of the result of any such decision, including any return to custody of the offender as a result of the commission of another offence or a violation of a term of release. This recommendation is consistent with Recommendation #101 of the SafetyNet 1994 Final Report, and further supported by SafetyNet 1995 Recommendations #28 D, and #29 A & B.

TIME FRAME

Immediately

RESPONSE

Federal and Provincial Governments

Recommendation #39 — Education

IT IS RECOMMENDED THAT the Solicitors General and Attorneys General make a more concerted effort to inform the Canadian public of the basic processes and simple points of the Criminal Justice System. They should enable the public to raise questions and get answers.

TIME FRAME

On-going

RESPONSE

Federal and Provincial Government

“I do this work because people have stolen from me, as an individual, the strength of my community. We have lost those people. We’ve lost the special gifts and skills and talents that they would have brought us; the holidays they would have celebrated; the hugs we would have had; the tears we would have shared.”

Honourable Penny Priddy, Minister of Women’s Equality, British Columbia, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

High Risk Offender Draft Legislation

Working Group Members

Facilitator:

Deputy Chief Ken Robertson Hamilton-Wentworth Regional Police, Ontario

Delegates:

Mr. Victor Abraham Treasurer, CAVEAT Youth Council & Westdale Secondary School, Ontario

Mr. Darcy McCann Ontario

Mr. Scott Newark Executive Director, Canadian Police Association, Ottawa, Ontario

Ms. Gwena Ozem Vice-President, Alberta Crown Attorneys' Association, Edmonton, Alberta

Ms. Janice Russell Ministry of the Solicitor General, Canada, Ottawa, Ontario

Mr. Doug Walsh Assistant Attorney General, Seattle, Washington

Ms. Stephanie Whitehead Victims for Justice, Windsor, Ontario

Resources:

Ms. Lynn Cuddington Correctional Service of Canada, Ottawa, Ontario

Mr. Ian Scott Ministry of the Attorney General, Ontario

Mr. Peter White Correctional Service of Canada, Toronto, Ontario

Recommendations

Recommendation #40 — DNA Samples

WHEREAS the experienced criminal often knows how to avoid detection or identification through masking, alteration of appearance, alteration of modus operandi, or alteration of type of victim:

AND WHEREAS the identification of criminals may be greatly aided by obtaining and seizing of DNA samples for comparison purposes,

IT IS RECOMMENDED THAT the Identification of Criminals Act be amended:

Section 2 (b) and add Section 2(c) to provide for the obtaining and seizing of DNA samples from a person charged with the offenses as set out in Identification of Criminals Act.

FUNDING

Substantial funding will be required to implement this initiative.

TIME FRAME

December, 1996

RESPONSE

Federal Minister of Justice

Federal Solicitor General

Recommendation #41 — Judges Specializing in Criminal Law

WHEREAS public safety is greatly enhanced by having a judge who is knowledgeable and experienced in criminal justice matters:

IT IS RECOMMENDED THAT a specialized Criminal Branch be established in both Provincial and Superior Courts, staffed by judges with a substantial background in criminal law.

TIME FRAME

December, 1997

RESPONSE

Federal & Provincial Ministers of Justice

Recommendation #42 — Training for Managing High Risk Offenders

WHEREAS the investigation, prosecution and management of High Risk Offenders requires specialized skills and knowledge:

IT IS RECOMMENDED THAT specialized training be implemented for police investigators, crown prosecutors, judges, correctional services staff and parole board members.

FUNDING

This initiative will require an appropriate amount of funding.

TIME FRAME

December 31, 1996

RESPONSE

Federal and Provincial Solicitors General and Attorneys General

Recommendation #43 — Information Sharing

WHEREAS it is critical that all background information of High Risk Offenders be known to ensure that public safety is enhanced and that dangerous offenders are identified:

IT IS RECOMMENDED THAT inter-agency information gathering and sharing be enhanced.

FUNDING

Sufficient funding should be provided.

TIME FRAME

December, 1996

RESPONSE

Federal and Provincial Governments

Recommendation #44 — Long Term Offenders

WHEREAS current sentencing and sentence administration provisions are inadequate to deal with High Risk Offenders that pose a long term risk to public safety:

A. IT IS RECOMMENDED THAT part xxiii of the Criminal Code be amended so as to create a reviewable discretionary Long Term Offender Status which allows for the imposition of a supervisory period, up to life, following completion of a determinate sentence for any person convicted of a listed sexual or violent offence.

B. IT IS RECOMMENDED THAT Section 145 of the Criminal Code be amended so as to create the indictable offence of violation of the above described supervision order.

C. IT IS RECOMMENDED THAT supervision, as contemplated by the imposition of a Long Term Offender Status, be recognized as the highest priority of Correctional Service of Canada in its community supervision. It requires funding commensurate with its priority.

D. IT IS RECOMMENDED THAT the Corrections and Conditional Release Act and the Criminal Code of Canada be amended so as to require CSC to refer the file of any person detained under the CCRA to the local Attorney General's Department at the time of the detention order, for the purpose of consideration of bringing an application for a Post-sentence Intervention Order.

E. IT IS RECOMMENDED THAT, in determining whether a Post-sentence Intervention Order should be made, the court consider all relevant information including all information considered at the Detention Hearing and any other matters relevant to public safety.

F. IT IS RECOMMENDED THAT the Criminal Code be amended so as to allow the imposition of a Post-sentence Intervention Order featuring the following tiered restrictions:

- (i) indeterminate incarceration
- (ii) Secure Residential Placement Order
- (iii) Intensive Community Supervision Order
- (iv) community supervision
- (v) Section 810.1 Order

G. IT IS RECOMMENDED THAT Section 145 of the Criminal Code be amended to create the indictable offence of breach of a Post-sentence Intervention Order and so that any supervision order continue in effect following the expiration of sentence for such breach.

TIME FRAME

December 31, 1996

RESPONSE

Solicitor General of Canada and Federal Minister of Justice

Recommendation #45 — Definition & Assessment of High Risk Offenders

WHEREAS future victimization can be reduced and community crime prevention enhanced by a system of early and consistent identification of high risk potential:

A. IT IS RECOMMENDED THAT a Federal and Provincial Working Group be tasked with creating a

common definition for High Risk Offender, including but not limited to, dangerous offenders and long term offenders.

B. IT IS FURTHER RECOMMENDED THAT this working group be tasked with determining a universal standard for risk assessment, including the identification and use of actuarial risk prediction instruments.

TIME FRAME

December 31, 1996

RESPONSE

Solicitor General of Canada with Provincial representation

Recommendation #46 — Pre-sentence Risk Assessment

WHEREAS actuarial risk assessment tools can enhance our ability to predict future criminal behaviour:

IT IS RECOMMENDED THAT legislation be established to ensure that a Pre-sentence Risk Assessment be carried out for all persons convicted of a violent offence. This would include Young Offenders. For purposes of public safety a finding of 'high risk' shall be entered on the offender's record where supported by risk assessment, for instance CPIC.

TIME FRAME

December 31, 1997

RESPONSE

Federal Department of Justice
Recommendation #47 — Records

WHEREAS the preservation and sharing of criminal information is essential to long term management of High Risk Offenders,

A. IT IS RECOMMENDED THAT The Federal and Provincial Governments endeavour to create both consistent schedules of retention as well as sharing of information for all criminal records.

B. IT IS RECOMMENDED THAT the Federal Department of Justice amend the YOA to allow for the indefinite retention of records for offenders convicted of indictable offenses.

C. IT IS RECOMMENDED THAT the Federal and Provincial Governments consider the creation of a single Criminal Offender File which would follow all High Risk Offenders through all Canadian jurisdictions.

TIME FRAME

This a longer term initiative.

RESPONSE

Federal and Provincial governments

Recommendation #48 — Canadian Criminal Code Amendments

WHEREAS the current process pursuant to Part xxiv of the Criminal Code requires amendment to facilitate the use and consequence of Dangerous Offender Proceedings in appropriate circumstances,

A. IT IS RECOMMENDED THAT a review of the penalty sections of the Criminal Code be undertaken to ensure appropriate eligibility for inclusion as a serious personal injury offence as defined in Section 752 (ie: stalking/sexual exploitation).

B. IT IS RECOMMENDED THAT Section 753 of the Criminal Code be amended to require an indefinite sentence be imposed upon the court making a Dangerous Offender Finding.

C. IT IS RECOMMENDED THAT Section 761 of the Criminal Code be amended to change first parole eligibility following the imposition of an indefinite sentence to seven years with further review of that status every five years thereafter.

D. IT IS RECOMMENDED THAT Section 753 of the Criminal Code be amended to substitute 'finding of guilt' for 'conviction' as it appears in that section.

TIME FRAME

1996-1997

RESPONSE

Federal Minister of Justice

“A lot of what this conference is about is whether or not we simply have to be so stupid as to open the doors up to people who we know are dangerous and who we know are going to re-offend and let them walk away to find another victim.”

Scott Newark, Executive Director of the Canadian Police Association, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who's Watching Our Kids?

Mental Health and the High Risk Offender

Working Group Members

Facilitator:

Mr. Glenn Roche Law Teacher, Lord Elgin High School, Burlington, Ontario

Delegates:

Mr. Scott Brandon Department of Sociology McMaster University, Hamilton, Ontario

Ms. Irene E. Caufield-Cook Co-ordinator of Victim Services, Sudbury Regional Police Service, Ontario
Dr. G.N. Conacher Psychiatrist, Kingston Psychiatric Hospital, Ontario
Mr. Timothy Danson Attorney, Danson, Reicht and Freedman, Ontario
Mr. Jeff Howe CAVEAT, Perth, Ontario
Ms. Margaret Hunter British Columbia
Ms. Brenda Mitchell Vice-President, Stinson Community Association, Hamilton, Ontario
Mr. Jim Murray CAVEAT, Brockville, Ontario
Ms. Ruth Schofield Program Manager, Community Mental Health Promotion, Ham.-Went. Health Dept., Ontario
Mrs. Judy Winnig British Columbia

Resources:

Ms. Simonne Ferguson National Parole Board, Kingston, Ontario
Ms. Catherine Kane Counsel, Criminal Policy Section, Department of Justice, Ottawa, Ontario
Mr. Louis Théorêt Correctional Service of Canada, Ottawa, Ontario
Dr. Jim Young Chief Coroner of Ontario

Recommendations

Recommendation #49 — High Risk Offenders

There is presently no control of those individuals identified as ‘high risk’. People, regardless of their age and including children, are identified and labelled as high risk, but nothing is done after this.

A. IT IS RECOMMENDED THAT a task force be created to focus on the issue of control regarding High Risk Offenders. Issues that should be addressed are treatment outcomes, a registry and a tracking system. The task force should include health experts, both researchers and clinicians, as well as other experts, to ensure that the recommendations are feasible and grounded in ‘evidence-based’ practice rather than political whim.

B. IT IS RECOMMENDED THAT funding be made available for ensuring inter-disciplinary, team approaches in identifying High Risk Offenders.

C. IT IS RECOMMENDED THAT a system or method be established to identify those children who represent ‘Child Dangerous Offenders’ before the diagnosis is too late for successful intervention.

D. IT IS RECOMMENDED THAT, where information is gathered for the purpose of a Dangerous Offender Application, the information should be provided to the court at the time of sentencing, regardless of whether the Dangerous Offender Application is dropped as a consequence of plea bargaining.

MODELS

- Correctional Investigator’s Office
- Hamilton Citizen Group is a High Risk Offender working group with the purpose of following and tracking HROs in Hamilton. It is a local initiative comprised of concerned community members who attend court and address appropriate notification, that is, notification to specific people at risk in the community such as local families with young children who might be at risk. The working group tries to find the right balance between the HRO’s rights and the community’s rights to live free from violations of their safety and security.

TIME FRAME

- By next year - Task Force in place
- All others implemented within year

Recommendation #50 — Managing Forensic Patients

The present Mental Health System and its legislation is inadequate to assume responsibility for psychopaths. Their inappropriate placement within Mental Health treatment facilities destroys the therapeutic milieu for other patients within the institution. Further, the routine release of psychopaths poses significant threat to victims, neighbourhoods and the general public.

A. IT IS RECOMMENDED THAT the courts have the authority to access all relevant records such as the Young Offender Record. This committee further requests justification and explanation as to why record accessibility is not already in place.

B. IT IS RECOMMENDED THAT an amendment be made to the Provincial Mental Health Acts and other legislation as needed (such as Freedom of Information {FOI}) in order to make it possible to detain 'untreatable' persons. This would entail first categorizing these individuals as untreatable and then detaining them. A more in-depth explanation follows.

(i)IT IS RECOMMENDED THAT the Ministry of Health amend the sections of the Mental Health Act in order to simplify the process and allow involuntary treatment, either in a secure environment or in the community. This would apply for certain patients in well-defined circumstances and with appropriate safeguards.

(ii)IT IS RECOMMENDED THAT immediate access to an independent body be provided under the Mental Health Act to decide disputed issues of treatment and medication for forensic patients. The onus would be on the treatment team to establish the proper balance between the best interest of the public and the patient, with the patient being allowed legal or third party representation. The process should have a designated endpoint to prevent endless appeals that prevent the institution from treating the patient.

(iii)IT IS RECOMMENDED THAT legislated Community Treatment Orders be created and instituted. This would allow for the release of certain forensic patients who would not be considered a threat to society so long as they were taking medication that was able to modify and control their dangerous behaviour. Thus, a condition of their release would be that the patients would be bound to be treated with a medication at designated intervals. Long-acting medications would be of particular importance in these circumstances. Funding must be made available for this medication.

TIME FRAME

One year

RESPONSE

Provincial Legislation

Recommendation #51 — Information Sharing

There are too many separate and non-communicating agencies which results in the fact that High Risk Offenders fall between the cracks of the Justice System (or even leap into the chasms).

IT IS RECOMMENDED THAT, in keeping with SafetyNet 1994's Recommendation #8, the necessity of sharing information in regard to High Risk Offenders be recognized to ensure the protection of victims, neighbourhoods and the general public.

Recommendation #52 — Accountability

Furthermore, there is not adequate accountability in the system. For instance, the Ministry of Health is unwilling to accept responsibility for the treatment of 'Treatable Offenders'.

A. IT IS RECOMMENDED THAT in order to ensure that there is accountability on the part of the different institutions entrusted with the handling of forensic patients, there be a Memo of Agreement made between Mental Health, Parole & Correctional Services Canada for releases and transfers of offenders who require further psychiatric treatment.

B. IT IS RECOMMENDED THAT the Coroner present an Annual Report concerning the implementation of legislation in relation to these recommendations. This would be similar to the report the Auditor General gives to the public and media.

TIME FRAME

One year

Recommendation #53 — Protection of the Public

Protection of the public from the High Risk Offender must be paramount. Offenders' rights and freedoms must not supersede the safety, rights and freedoms of victims, neighbourhoods and the general public.

A. IT IS RECOMMENDED THAT a national DNA data bank be established which is compulsory for violent offenders on arrest.

B. IT IS RECOMMENDED THAT Electronic Monitoring Programs be implemented in order to ascertain whether forensic patients have violated parole.

C. IT IS RECOMMENDED THAT a Criminal Code Review Board be established which includes lay people. In this manner, the general public would be allowed input whereas presently only lawyers are granted this authority.

D. IT IS RECOMMENDED THAT victims and community members be able to participate in National Parole Board hearings. Further, they should be given the right of appeal.

E. IT IS RECOMMENDED THAT legislation be passed to permit the incarceration of sexual predators and to further permit monitoring of other predators beyond warrant expiry.

F. IT IS RECOMMENDED THAT there be a review of the present situation which allows offenders unrestricted access to Legal Aid.

G. IT IS RECOMMENDED THAT there be a change to the parole process for dangerous offenders. The first time in front of parole board should be after 10 years of imprisonment. Long-term mental health patients should be reviewed less frequently. Presently, a review is required once every three months.

TIME FRAME

One year

Recommendation #54 — Accessibility

The committee recognizes inaccessibility on two fronts -- first there is inadequate accessibility by the potential offender to the Mental Health System prior to an offense, and secondly there is inadequate accessibility by the practitioners of the Justice System and the Mental Health System to the records of these patients. Once individuals are classified, there is not sufficient exchange of information across agencies. This situation must be remedied.

A. IT IS RECOMMENDED THAT the Mental Health System be made more accessible to potential offenders at an early stage, ideally before the involvement of the Criminal Justice System.

B. IT IS RECOMMENDED THAT there be more training for all workers involved in the Mental Health System to increase workers' ability to recognize High Risk Offenders and in order to ensure full and proper utilization of records and material that provide valuable information regarding dangerous offenders. Once the information is available, prevention can begin.

C. IT IS RECOMMENDED THAT a system be implemented to collect all information on forensic patients.

D. IT IS RECOMMENDED THAT it be recognized that the Mental Health System will require more funds to identify and provide treatment for this population.

TIME FRAME

Immediately. The committee requests a report on why all of the above has not already been implemented.

“From the death of one, what we may learn may help to lengthen the lives of many.”
– motto of the Ontario Coroner

“Every act of violence that I have ever known about has been in some way preventable. I know for many of you, you share the sense that this is one of the greatest tragedies of all, and it's the preventability and the tolerance of violence that is the starting point of our work.”

Pat Freeman-Marshall, Co-Chair on the Canadian Panel on Violence Against Women, speaking at SafetyNet 1995.

Accountability in the Justice System

Working Group Members

Facilitator:

Ms. Priscilla de Villiers President, CAVEAT, Burlington, Ontario

Delegates:

Ms. Betty Brohman Foreman of the Yeo Inquest Jury, Hamilton, Ontario

Mr. Dave Franklin National Co-ordinator, Anti-Violence / Victims Units, RCMP, Ottawa, Ontario

Mr. Derek Lee Liberal Member of Parliament for Scarborough/Rouge River, Ontario

Mr. Russell MacLellan Liberal MP for Cape Breton/The Sydneys & Parliamentary Secretary for Justice, N.S.

Mr. Ron Martelle Mayor, City of Cornwall, Ontario

Mr. Rob McNamara Victims of Violence, Ottawa, Ontario

Mr. Alex Thum Foreman of the Kerr Inquest Jury, Ontario

Mr. David Tilson Assistant to the Attorney General of Ontario

Resources:

Dr. Jim Cairns Deputy Chief Coroner, Ontario

Ms. Anne-Marie Kowalchuk Community Liaison Officer, National Parole Board, Moncton, N.B.

Ms. Adriana Newbury Senior Project Manager, Correctional Service of Canada, Ottawa, Ontario

Mr. Bill Wolski Legal Counsel to the Chief Coroner, Ontario

Recommendations

Recommendation #55 — Duty of Care

RECOGNIZING THAT the breach in the confidence of the Canadian public in the Canadian Justice System (CJS) is a consequence of its failure to address its continuing responsibility to public safety,

AND THAT, at present the onus is on the victim to hold the system publicly accountable:

IT IS RECOMMENDED THAT all levels of government accept that they have a primary ‘duty of care’ to protect the safety of all law abiding citizens.

Recommendation #56 — Access to Resources

RECOGNIZING THAT the impediment to equal access to the CJS is a lack of resources:

IT IS RECOMMENDED THAT the Canadian Justice System must be equally accessible in all aspects. All Canadians must have equal access to resources.

Recommendation #57 — Review Team

RECOGNIZING THAT the present crisis in public confidence in the CJS has been created and is exacerbated by a fragmented examination of the system, which is usually triggered by a tragic occurrence:

IT IS RECOMMENDED THAT an external, independent, multi-disciplinary Review Team be appointed and invested with the authority to address systemic issues in a pro-active manner within a specific time frame and

with a specific mandate. This team will report to the appropriate parliamentary committee.

Recommendation #58 — Appointment of Judges

RECOGNIZING THAT the role of the Supreme Court is to reflect current community standards:

IT IS RECOMMENDED THAT there be a prior selection and re-appointment process which will be open and subject to public scrutiny, prior to an appointment of judges, through a review by an all-party parliamentary committee with the appropriate powers of recommendation.

Recommendation #59 — Timing of Response

RECOGNIZING THAT at present the CJS has many mechanisms in place for reporting, analyzing and reviewing failures, yet these failures are too often not satisfactorily actioned:

IT IS RECOMMENDED THAT there be an automatic requirement that an all-party committee be formed to ensure that recommendations are addressed in a timely and appropriate manner.

Recommendation #60 — National Information Centre

RECOGNIZING THAT the responsibility for public safety is multi-jurisdictional and multi-disciplinary,

AND THAT there exists a breakdown in communication and the flow of essential information between agencies at all levels:

IT IS RECOMMENDED THAT a National Information Centre be created which is dedicated to the multi-disciplinary, inter-agency sharing of information critical to achieve and maintain public safety.

Margaret Meade said, “Never doubt that a small group of concerned citizens can change the world because, indeed, nobody else ever has.”

Thanks to the Honourable Penny Priddy, Minister of Women’s Equality, British Columbia, speaking at the SafetyNet 1995 opening forum: From Olson to Bernardo: Who’s Watching Our Kids?

Mobilizing the Community

Working Group Members

Facilitator:

Ms. Beth Phinney Liberal Member of Parliament for Hamilton Mountain, Ontario

Assistant Facilitator:

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Delegates:

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Mrs. Edith Brown THEMIS, St. Catharines, Ontario

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Mrs. Marilyn Cameron Director, Peace and Justice for Canadians, Surrey, British Columbia

Detective Sgt. Jim Craig Sexual Assault/Child Abuse/Youth Crime Co-ordinator, Peel Regional Police, Ontario

Ms. Melissa Crawford Media Contact, CAVEAT Youth Council and Ancaster Secondary School, Ontario

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Ms. Moira McGrath Operations & Development, Dufferin Mall, Toronto, Ontario

Ms. Peggy Peterson Ontario

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Ms. Marion Standret CAVEAT Director, Burlington, Ontario

Ms. Trish Vanderkooy Vice-President, CAVEAT Youth Council, Burlington, Ontario

Mr. Bob Wercholz Chairman, French/Mahaffy Legal Assistance Fund, Burlington, Ontario

Recommendations

Recommendation #61 — Parenting

IT IS RECOMMENDED THAT a multi-disciplinary task force be put together, funded by the most directly affected ministries, to develop the core competencies of parenting in Canada. We believe these core competencies will turn out to be natural principles that will transcend cultural and ethnic boundaries.

- (i) Parenting skills should be taught in school as part of the curriculum.
- (ii) Parenting skills should be taught to every expectant mother and partner.
- (iii) A Parent Help Line should be made available.

TIME FRAME

One to three years

RESPONSE

Ministries of Health, Education, and Social Services

Recommendation #62 — Awareness of Community Resources

IT IS RECOMMENDED THAT each community in Canada be responsible for promoting awareness of resources within their community, and means of accessing information. This may be achieved through Crisis/Service Cards, or a Community Resource Survey.

MODEL

In British Columbia, this is already in effect through a program that provides all students with a pocket size Resource Directory at school.

TIME FRAME

One to three years maximum

RESPONSE

- Local community councils
- Local police
- Municipalities

Recommendation #63 — Community Action

IT IS RECOMMENDED THAT public safety education be strengthened by direct action. This will be attained by open communication and networking through community groups, schools, and government.

MODELS

•CAVEAT takes direct action within the community by working with other community groups. Priscilla de Villiers of CAVEAT speaks on behalf of victims about the direction that legislative change must take, makes submissions to the government formally requesting those changes, and does speaking engagements to educate the public; Dawna Speers provides Sensitivity Training Programs for CSC, Parole, and other groups who communicate with victims on a regular basis; and Jessie Smith and Donna Mitchell reach out to the youth through the Dynamic Partnerships programs with schools. These are just some of CAVEAT's initiatives to educate the public about community safety and form partnerships with other concerned community groups and individuals.

•The Dufferin Mall, or Marathon Realty Co. Ltd., is a private business forming partnerships with the public sector and concerned citizens to ensure a safe society by supporting programs for youth and adolescents. The Dufferin Mall sponsors and hosts beneficial, productive, esteem-building programs for youth. Conversely, most other malls bar youth's activities. In their own words, "Dufferin Mall's underlying philosophy is that the better the quality of life of the neighbourhood the better the business environment, a reciprocal relationship placing the onus on business to assume its full share of responsibility for ameliorating social problems - business giving back to the community that supports it." (Page 2, The Dufferin Papers, 6 March, 1995)

•The media can contribute by giving ample airtime or print space to public safety initiatives and stories in order to raise the public's awareness of the issues. Cable 14 of Hamilton, for instance, should be commended for covering the Safetynet 1995 Conference and getting the word out to the public about the constructive work being done at the conference.

•Community Policing Initiatives should also be encouraged as a form of community action. The community should become involved in police work and take ownership of their own safety through reporting of crime, prevention programs, and volunteering in the police department and in Victim Services. In Waterloo, when the community got involved by helping the police create a facility for interviewing abused children, the result was so extraordinary that a national prize has recognized their work. These partnerships must continue to be

forged.

•Forums are a way for communities, groups or individuals raise the society's awareness of public safety issues. Forums allow the public to hear experts in the field, to gain understanding of various roles and professions in the Justice System, and gives the public a chance to raise their questions and concerns. This type of dialogue should result in constructive solutions to existing problems.

TIME FRAME

One to three years

RESPONSE

- All levels of government
- Community services
- School boards

Recommendation #64 — Crime Reporting

IT IS RECOMMENDED THAT every person be provided with the tools for reporting crimes in their community. This is the moral responsibility of every individual in Canada.

MODELS

•Crime Stoppers is an international organization founded in the Albuquerque, New Mexico whose mandate is to provide concerned citizens with the tools to report serious crime in anonymity. The program is privately funded, non-profit and relies on cooperation between police, media and the community. The first Crime Stoppers in Ontario was founded in Hamilton. Presently there are 70-80 Crime Stoppers across Canada.

•Kids Help Phone is a national, toll-free, 24 hour support and counselling hot-line for children and youth. This professionally staffed service is known by more than 70% of Canada's children and receives upwards of 1,300 calls daily. Kids Help Phone helps youth who are afraid of the future, have gender identity issues, are subjected to peer pressure, have poor body images, are depressed, have drug or alcohol addictions or are facing issues of abuse at home, at school or on the street.

•Realty Watch Crime Prevention Network is self-described as, "an eyes and ears crime prevention fan-out program developed by members of the Fraser Valley Real Estate Board (FVREB) as a resource for local police. With Realtor participation, this timely fan-out system will help police locate missing persons and suspicious vehicles. In emergency situations, police can contact FVREB staff, who will place a message on the FVREB computer system and contact real estate offices in the affected areas."

•The media can take part in crime reporting by publishing photos to help locate missing or fleeing offenders. Further, the media has the wherewithal to report crime in such a way that it is discouraged instead of glorified.

•Block Parents can assist on a local level by providing children and young people with a safe space.

- Child Abuse protocol
- Post Office, transit programs

TIME FRAME

One to three years

RESPONSE

- Communities, including Business community
- All Governments - Federal, Provincial and Territorial

Recommendation 65 — Giving the Public a Voice

IT IS RECOMMENDED THAT more avenues be provided to ensure the silent majority is given a fair and equal voice. Potential avenues are petitions, letter writing campaigns, fund raisers, 1-900 Numbers and CRTC standards.

MODELS

•CAVEAT (Canadians Against Violence Everywhere Advocating its Termination), CRY (Crime Responsibility & Youth, British Columbia), and PJC (Peace and Justice for all Canadians, British Columbia) are three Victim's Rights Advocacy Groups that can galvanize the voices of the public into campaigns directed at the government in hopes of changing law, policy and procedure in the Criminal Justice System.

•Crime Stoppers (see above) gives the public a voice by giving them an avenue to report crime to the police in a confidential manner. In this way, they can take the initiative in policing their own communities and demanding that their neighbourhoods be safe.

•Gillian Roediger's Petition was an opportunity for Ontario's citizens to voice their disapproval of the plea bargain with Homolka.

- Media Watch
- YTV PROGRAMS

TIME FRAME

One to three years

RESPONSE

- CBC & CRTC Broadcasting groups
- All levels of government

Recommendation #66 — Citizen Responsibility

IT IS RECOMMENDED THAT communities increase public awareness of responsibility to prevent violence and in doing so support those who have been affected by crime.

MODELS

•CAVEAT's Break the Silence Handbook is an organizational blueprint for day-long youth conferences to raise awareness about violence and its ill effects, teach students skills to prevent violence, foster friendships between youth and give recognition to those who have made concerted efforts to end violence in their communities.

•CAVEAT's Youth Challenge is a series of programs that challenge youth to gain social/life skills, and to form partnerships throughout their communities in order to help stop the violence. Youth learn the skills of peer mediation and conflict resolution and then bring these same skills to younger students. They also practice and spread these skills through elective experiences in the community.

- British Columbia has an anonymous tip-line to gather information on gang activities.

- December 6th Vigils, in remembrance of the Montreal Massacre that took the lives of fourteen young women in the Engineering program at McGill, are crucial for spreading the message that this type of horrific violence will not be accepted by Canadian society.

- Night walks or other programs for the safe chaperoning of students walking alone on campus.

- Petitions

- Community Policing Initiatives
- SafetyNet Conference
- Churches, Synagogues, or other philanthropic, community-minded organizations

TIME FRAME

One to five years, on-going

RESPONSE

- Community
- Municipalities
- All levels of government
- Police

Recommendation #67 — Awards and Recognition

IT IS RECOMMENDED THAT awards and strong recognition be given to individuals, groups and corporations that take private initiatives with accountability criteria to better protect our children.

MODELS

- CAVEAT Youth Awards
- Crime Stoppers International Awards
- YTV Youth Awards
- Governor General Awards
- Child Witness Protection Program

TIME FRAME

One to three years

RESPONSE

- Government leaders, Solicitor-General, Mayors, etc.
- Board of Education
- Private Industry/Community Groups

Conference Attendees

Mr. Victor Abraham Treasurer, CAVEAT Youth Council & Westdale Secondary School, Ontario

Mr. Drury Allen Manager of Strategic Planning, Correctional Service of Canada, Ottawa, Ontario

Mr. Bill Allison Senior Member, Ontario Board of Parole

Mr. Orion Armstrong Editor, The Children's Safety Comes First Magazine, Ontario

Mr. Tom Barth Ontario

Ms. Donna Benson-Millar Founder & Co-Chair, Coalition Against Violence in Muskoka, Ontario
Ms. Donna Blake Policy Analyst, National Crime Prevention Council Secretariat, Ottawa, Ontario
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Mr. Scott Brandon Department of Sociology McMaster University, Hamilton, Ontario
Mr. David Brittain (Observer to SafetyNet 1995 Conference) Auditor General's Office, Ottawa, Ontario
Ms. Betty Brohman Foreman of the Yeo Inquest Jury, Hamilton, Ontario
Mr. Burton Brown Ontario
Mrs. Edith Brown THEMIS, St. Catharines, Ontario
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Mrs. Dona Cadman Chairperson and Co-Founder, CRY, Surrey, British Columbia
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Mrs. Marilyn Cameron Director, Peace and Justice for Canadians, Surrey, British Columbia
Chief Peter Campbell Halton Regional Police Service, Ontario
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Ms. Fran Coleman Municipal Government, Ontario
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Ms. Margaret Crosby Ontario
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Ms. Catherine Duddeck Representative for MPP Gary Carr, Parliamentary Assistant to Solicitor General, Ont.
Mr. Merv Duggan CAVEAT BC, Langley, British Columbia
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Supt. Bruce Elwood Investigative Services Division, Hamilton-Wentworth Regional Police, Ontario
Chief Julian Fantino London Police Service & CAVEAT Director, Ontario
Ms. Simonne Ferguson National Parole Board, Kingston, Ontario
Ms. Terry Ferguson Co-Chair, CAVEAT Alberta, Edmonton, Alberta
Ms. Ann Fletcher Nova Scotia
Mr. Dave Franklin National Co-ordinator, Anti-Violence / Victims Units, RCMP, Ottawa, Ontario
Ms. Pat Freeman-Marshall Co-Chair on Canadian Panel on Violence Against Women, Ontario
Ms. Donna French Ontario
Dr. Mark Genuis Executive Director, National Foundation for Family Research and Education, Edmonton, Alberta
Mr. Duncan Gillespie Executive Director, John Howard Society of Hamilton, Ontario
Ms. Valerie Goodbrand Regional Co-ordinator of Victim Services, Ministry of the Solicitor General, Ontario
Ms. Michelle Goulbourne Department of Sociology, McMaster University, Dundas, Ontario
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Mr. Jeff Manishen Defense Lawyer, Ontario

Ms. Karen Markham Counsel, Family, Children & Youth Section, Department of Justice, Ontario

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Dr. Fred Mathews Director of Research, Central Toronto Youth Services, Ontario

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Ms. Beth Phinney Member of Parliament for Hamilton Mountain, Ontario

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Ms. Janice Russell Ministry of the Solicitor General, Canada, Ottawa, Ontario
Ms. Ruth Schofield Program Manager, Community Mental Health Promotion, Ham.-Went. Health Dept., Ontario
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Ms. Stephanie Whitehead Victims for Justice, Windsor, Ontario
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Ms. Wendy Cukier Professor, Ryerson Polytechnic University, Toronto, Ontario
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Mr. Louis Théorêt Correctional Service of Canada, Ottawa, Ontario
Mr. Peter White Correctional Service of Canada, Toronto, Ontario

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Detective Sergeant Lance Naismith Metropolitan Toronto Police Service, Ontario
Inspector Sue O'Sullivan Ottawa-Carleton Regional Police Service, Ontario
Mr. Gordon Reekie Edmonton Police Service, Alberta
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Deputy Chief Ken Robertson Hamilton-Wentworth Regional Police, Ontario
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Mr. Russell MacLellan Liberal MP for Cape Breton/The Sydneys & Parliamentary Secretary for Justice, N.S.
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Ms. Beth Phinney Member of Parliament for Hamilton Mountain, Ontario

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Dr. Marie Bountrogianni Chief Psychologist, Hamilton Board of Education, Ontario
Ms. Luana Cox Guidance Counsellor, Hamilton Board of Education, Ontario
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Mr. Glenn Roche Law Teacher, Lord Elgin High School, Burlington, Ontario
Ms. Leslie Walbergan-Hegan Social Worker and Researcher, Hamilton School Board, Ontario
Ms. Joan Westcott Federation of Women Teachers' Associations of Ontario

Special Interest

Ms. Pat Freeman-Marshall Co-Chair on Canadian Panel on Violence Against Women, Ontario
Dr. Mark Genuis Executive Director, National Foundation for Family Research and Education, Edmonton, Alberta
Ms. Audrey Krushel President, Group Against Pornography, Winnipeg, Manitoba
Ms. Monica Rainey Child Advocate, Citizens Against Child Exploitation, Calgary, Alberta
Ms. Susan McCrae-Vander Voet Executive Director, METRAC, Toronto, Ontario

Student

Mr. Victor Abraham Treasurer, CAVEAT Youth Council & Westdale Secondary School, Ontario
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Mr. Scott Smith Secretary, CAVEAT Youth Council, Ontario
Ms. Trish Vanderkooy Vice-President, CAVEAT Youth Council, Burlington, Ontario

Victim/Group

Mr. Tom Barth Ontario
Ms. Donna Benson-Millar Founder & Co-Chair, Coalition Against Violence in Muskoka, Ontario
Mr. Burton Brown Ontario
Mrs. Edith Brown THEMIS, St. Catharines, Ontario
Mr. Chuck Cadman President and Co-Founder, CRY, Surrey, British Columbia
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