



# VISION

'ACTION TODAY FOR A SAFER  
TOMORROW'

YOUTH SAFETY STRATEGIES  
REPORT 2000  
ON YOUTH VIOLENCE IN  
ONTARIO SCHOOLS AND  
COMMUNITIES

DIRECTIONS FROM THE FIELD

**CAVEAT**<sup>TM</sup>  
CANADIANS AGAINST VIOLENCE

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

## **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.

---

## **CAVEAT VISION: Youth Safety Strategies Report 2000**

**© Copyright 2001, CAVEAT (Canadians Against Violence).**

CAVEAT, Suite 3-164, 3350 Fairview Street, Burlington, Ontario L7N 3L5 (905) 632-1733  
CAVEAT BC, P.O. Box 26044, LMRPO, Langley, British Columbia V3A 8J2 (604) 530-5829

<http://www.caveat.org/>

**All Rights Reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means: photocopying, electronic, mechanical, recording, or otherwise, without proper acknowledgement of the source.**

# **VISION**

## **Action Today for a Safer Tomorrow**

### **Youth Safety Strategies Report 2000**

#### **Youth Violence in Ontario Schools and Communities**

*VISION: Action Today for a Safer Tomorrow* is modelled on CAVEAT's nationally-acclaimed *SafetyNet* conference, which assembled Canada's leading experts in the areas of crime prevention, victims' rights and justice reform. In partnership with the Ontario Office for Victims of Crime (OVC), CAVEAT has once again successfully brought provincial policy makers to the table.

In anticipation of *VISION*, CAVEAT hosted and participated in a series of workshops and panels in the spring and fall 2000 with over 200 attendees:

*Youth Safety Strategies 'Roundtables'*, in partnership with OVC  
*Youth Violence in our Schools*, Burlington  
*Youth Violence in our Community*, Burlington  
*Youth Violence in Schools/Community*, Toronto Police Headquarters  
*Safe School Network Conference*, Peterborough  
*Safe School Network*, Seneca College, Toronto  
*Youth Violence in Schools/Community*, Windsor

Participants included students, educators, police officers, school administrators, crown attorneys, parents, mental health professionals, probation and community workers, all of whom have a clear involvement in matters affecting youth safety. The workshops identified problems where young people are at risk and, where possible, made recommendations for solutions and suggested strategies to address youth violence in Ontario schools and communities.

Based on these recommendations the material was then synthesised and organised into a workable format. This provided the basis for a concluding conference to review and focus on specific policy, legislative, or other recommendations addressed to the appropriate institution or level of government. A summary of the issues/recommendations was sent to conference participants with an invitation for advance comment. A number of participants responded and provided detailed material for consideration. Based on this, CAVEAT, in partnership with the OVC, compiled a more focused issue-identification document for discussion at the *VISION* conference, which was held in Toronto on January 18, 2001.

The conference was innovative in that it asked the attending delegates to play an active role by participating in discussions and the drafting of recommendations. The delegates spent a day and a half in small, topic-specific working groups identifying concerns, drafting recommendations, offering exemplary models for implementation, and setting reasonable schedules for implementation.

Although there were no prepared agenda, and despite the diversity of professions, there was an amazing commonality in the concerns that were voiced. It is my belief that this document identifies core problems and solutions which must be addressed if we are to develop timely, effective safety strategies to deal with growing youth violence in Ontario schools and communities.

The question should not be whether we will implement these recommendations, but simply when.



*Priscilla de Villiers*  
President, CAVEAT

## Special Thanks To Our Contributors

The CAVEAT *VISION* Conference would not have been possible without the support of the Ontario Office for Victims of Crime.

Over 200 delegates attended the *Youth Safety Strategy Workshops*, which produced the more than 100 recommendations that formed the basis of discussion at the *VISION* Conference.

We thank our speakers, who shared their insights and expertise with fellow *VISION* delegates:

*Dr. Harvey Armstrong* Executive Director, Parents For Youth

*Chief Bruce Davis* President, Ontario Association of Chiefs of Police

*Priscilla de Villiers* President, CAVEAT, Conference co-host

*Scott Newark* Special Counsel, Ontario Office for Victims of Crime, Conference co-host

*Chief Ken Robertson* Hamilton-Wentworth Regional Police

We owe a debt of gratitude to our volunteers, who once again contributed generously to this project, particularly *Joanne Anderson*, *Bonnie Clark* and *Suzanne Smith*. Special thanks to *Johanne Cyr-Wright*, CAVEAT Programme Director, who oversaw the entire Youth Safety Strategy project, assisted by *Maggie Babcock* and *Diane Escott*. *Johanne* and *Det Sgt John Muise* of the Office for Victims of Crime were key to the organisation and success of *VISION*. The production of this *Report* would not have been possible without the critical gaze of CAVEAT volunteer *Lidija Deme*.

We pay tribute to the participants' shared sense of responsibility to our community, and we fervently hope that our common vision of a safer tomorrow for our youth will be realised.



*Priscilla de Villiers*  
President  
CAVEAT  
*VISION* Co-host



*Scott Newark*  
Special Counsel  
Ontario Office for Victims of Crime  
*VISION* Co-host

## Contents

**CAVEAT's Focus on Youth ..... 6**

*Young people have been at the centre of CAVEAT's operations since our inception, from the first Youth Challenge to the latest roundtables.*

**Young People and the Justice System..... 8**

*Federal and provincial legislative and policy recommendations to achieve a youth safety strategy in Ontario*

**Troubled Children - Dangerous Streets ..... 20**

*Recommendations to reduce the vulnerability and exploitation of children on the streets of Ontario; i.e., drugs, child prostitution, gangs, intolerance, etc.*

**Ensuring Safe Schools ..... 32**

*Recommendations to support safe learning environments including early identification, prevention and intervention strategies to prevent bullying, harassment and intimidation.*

**Supporting Ontario Families ..... 40**

*Recommendations to promote the welfare and security of young people in their upbringing: media violence issues*

**Conference Attendees ..... 54**

## CAVEAT's Focus on Youth

For nine years, CAVEAT has successfully provided innovative educational programmes and conferences to thousands of children, social workers, police, and other professionals.

We believe that prevention is the most important factor in ending violence, and that youth are the key to effecting change. Our educational work with young people is designed to empower students in the face of growing youth violence that threatens Ontario's schools and communities. The ripple effect is considerable, and our young people are a demonstration of the effectiveness of grassroots activity.

We have taken a diversified approach to the protection of our youth, from police to parents, from youth to media, from victims to legislators, as we can only be successful if all stakeholders are involved.

- Six *Youth Challenge* conferences have been held to educate students on violence prevention and establishing anti-violence programmes within their own schools.
- CAVEAT, in partnership with Operation Springboard and The City of Toronto, presented *Keeping Kids Safe*, a pilot project showcase for safe schools and communities.
- CAVEAT *Youth Councils* (Niagara and Hamilton-Wentworth) focus on violence prevention for youth. The Youth Council provides a voice for the silent majority of teens. It takes on youth projects of its own and contributes a very valuable youth perspective to CAVEAT's work.
- CAVEAT *Youth Awards* are presented annually to students, aged 10-19 years of age, across Canada who have been nominated by the public for their dedication to the prevention of violence through an individual act, or through involvement in a programme or project aimed at helping to stop violence in their community or school.
- *A Love That Kills* is an educational video which chronicles abusive relationships and is designed to be used in the classroom with the *Tools of Awareness* educational guide.
- CAVEAT's *Youth Challenge* video encourages students to organise their own event.
- *Dynamic Partnership Project* is a discussion of violence-related issues to devise effective means of dealing with violence both generally and in specific incidences of violence. A guidebook was published to summarise successes and failures of the project.
- *Nurturing Collaboration Between Families* is an innovative publication documenting three case studies of dynamic partnerships for safe schools.
- *SafetyNet Final Report 1994 & 1995*: Recommendations that resulted out from panel discussions held during our *SafetyNet* conferences.
- *Break the Silence* is a guide for students and teachers to organise their own anti-violence conferences.

*“The overall goal of the CAVEAT Conference was to create a strategy to enhance safety for young people. Improving the youth justice system to deal with young people who commit crimes is a large part of that strategy, as over 60% of the victims of violent youth crime are other young people.”*

— Report of the VISION Panel on Young People and the Justice System

# Young People and the Justice System

*Federal and provincial legislative and policy recommendations to achieve a youth safety strategy in Ontario*

## **Working Group Members**

### ***Facilitator:***

*Newark, Scott* Special Counsel, Ontario Office for Victims of Crime

### ***Assistant:***

*Sullivan, Steve* Executive Director, Canadian Resource Centre for Victims of Crime, Ottawa

### ***Rapporteur:***

*Anderson, Joanne* CAVEAT Volunteer

### ***Delegates:***

*Cadman, Chuck* Member of Parliament, Surrey BC

*Hutchison, Cathy* President, Probation Officers Association

*Leonard, Dorothy* Executive Director, CAVEAT

*Loparco, Tony* President, Ontario Crown Attorneys Association

*Mathews, Dr Fred* Director of Research, Central Toronto Youth Services

*McQuaig, Teresa* Victims of Violence

*Okuloski, Supt. Dan* Crime Prevention Ontario, Halton Regional Police

*Smallbone, Det Sgt Ron* Juvenile Task Force, Toronto Police Service

*Sotirakos, John* Director, Central East Region, Crown Operations, Newmarket

*Vanscoy, Karen* parent of a victim of a young offender

*Wambach, Joseph* parent of a victim of a young offender

## Young People and the Justice System

### *Introduction*

There are few areas of the criminal justice process in Canada which have been the subject of such widespread public discussion, and dissatisfaction as the youth justice system. The *Young Offenders Act* (YOA), fairly or unfairly, for many Canadians has become synonymous with an ineffective justice system.

Disagreement exists on what should be changed about the youth justice system, but there is agreement that change is necessary. Indeed, the federal government has chosen to repeal the YOA and replace it with a new statute (the *Youth Criminal Justice Act* [YCJA]). Whether the result is substantive reform or merely a cosmetic name change, or something worse, will no doubt continue to be discussed and analysed should the legislation be re-introduced.

The CAVEAT Youth Justice Panel chose not to focus on the merits and shortfalls of either the YOA or the YCJA, but instead to identify the principles that any youth justice system should feature.

The overall goal of the CAVEAT Conference was to create a strategy to enhance safety for young people. Improving the youth justice system to deal with young people who commit crimes is a large part of that strategy as over 60% of the victims of violent youth crime are other young people. This section includes a series of recommendations that pertain to the justice system as a whole in recognition that young people are far too frequently victims of crimes that could have been prevented were laws or policies revised.

The Panel agreed that the age of the offender is so important a factor in deciding what to do about it that an entirely separate criminal justice process for young people is necessary. A large part of the rationale for this and the more lenient approach to criminal conduct is the expectation that a greater capacity to change the anti social behaviour exists with young offenders. This conscious determination to recognise age and susceptibility to change should not necessarily be viewed as equating with avoidance of consequences for conduct. In fact, the Panel stressed the fundamental importance of ensuring that consequences follow from unacceptable conduct in a swift, sure and appropriate fashion. Greater reliance on rehabilitation efforts necessarily includes greater emphasis on following youth justice system-imposed rules to assist in that rehabilitation and greater consequences when such rules are ignored or breached.

Like the adult justice system, the youth justice system is inherently a reactive tool. It encompasses a wide range of conduct and thus “one size does not fit all.” It is entirely appropriate that a youth justice have the capacity and, the Panel believes, obligation to differentiate between the vast majority of cases which are at the lower end of seriousness and the crimes that are more serious or are crimes committed by persons that are repeat offenders.

Public concern with the YOA has never been focused on how it deals with minor crime. Instead, it is repeat and serious violent youth offenders that caused most Canadians concern. The Panel believes that retaining a clear rehabilitative and crime prevention focus, including structured diversion out of the justice system can co-exist with measures that emphasise public protection for violent and repeat offenders. In short, Canada’s youth justice system should:

- clearly reflect the values of contemporary Canadian society;
- be flexible in its capacity of responses;
- consciously avoid delay;
- emphasise clarity;
- recognise that rehabilitation includes respect and compliance with rehabilitative orders, and;
- clearly and specifically recognise the interests of victims as relevant in its decision making.

The work of the Panel reproduced in this Report, is built on the experiences, insights and suggestions of those who participated in the preceding consultations and the Panel members themselves. Trying to coalesce all of the material and ideas into one day of discussion was, to say the least, a challenge but the result is a practical

blueprint for substantial improvements to youth justice and security in Ontario. The report reflects the general consensus of the Panel members, recognising that unanimous agreement on all issues is difficult.

### ***Governing Principles for the Youth Justice System***

Declaring the principles that guide the youth justice system is an important first step in crafting such a system given the reliance placed on the broad discretionary authority for the court in a variety of areas.

#### **RECOMMENDATION 1-1**

*The federal government include the following as Statements of Principle to govern decision making in any new youth justice legislation:*

- *protection of the public is the paramount goal of the youth justice system;*
- *detering offender conduct, denouncing criminal conduct and rehabilitation are appropriate considerations in determining dispositions;*
- *rehabilitation includes respect for and compliance with orders of a court made for that purpose;*
- *the impact of a decision or disposition on victims of the offence is an appropriate consideration in making decisions or dispositions;*
- *offenders should be held accountable to the victims of their crime for any financial loss suffered by them as a result of the crime;*
- *expeditious proceedings are a benefit to the effectiveness and integrity of the youth justice process; and*
- *clarity and certainty reinforce the integrity of the youth justice system.*

### ***Age Parameters***

Obviously, one of the pre-eminent issues in relation to a separate youth justice system is the age of the person over whom it should have jurisdiction. The older the offender, the less imperative the use of a separate youth system, especially in Canada where broad sentencing ranges exist and age of the offender is relevant in the adult system.

The lower age jurisdiction of the youth justice system must be such as to ensure that criminal justice is restricted to those persons whose age is consistent with appreciation of what they've done and its consequences. Clearly, the selection of the age 12 is not without problem.

There are young people below that age (although admittedly not many) with full mental capacity who commit crimes that merit state intervention. While this might be addressed by simply lowering the age to 10 as some have suggested, the panel focused on the need for a specific kind of intervention required by the conduct of the offender.

Unlike provincial child welfare legislation which focuses on the perceived welfare of the child and re-integration of families, the youth justice system's focus is different. It includes protection of the public from the young person and the authorisation of rehabilitative measures which neither the young person nor their "family" may wish. The use of the youth criminal justice system in select and defined circumstances for children under 12 is seen as a legitimate and appropriate tool to prevent the continuing risk to society and to positively intervene in a young person's life to interrupt a downward criminal spiral as they get older. As one mental health practitioner put it, "I don't particularly care which system directed the young person to me. My focus is to undertake the treatment to try and remove the risk and that may take more time than the parameters of the sentence permit".

Finally, for such interventions, it will be difficult to predict the necessary custodial treatment period and thus some process for reviewing such sentences is advisable.

## **RECOMMENDATION 1-2**

*Revise the disposition section of the legislation to permit a reviewable cumulative sentence (custody and non custody) of more than three years but less than five years where the court is satisfied, on medical evidence, that the compulsory treatment of the young person requires more than three years to be successfully completed.*

### ***Serious and Repeat Offenders***

The criminal justice system balances the various principles of sentencing to arrive at an appropriate sentence for the individual offender convicted of a specific crime. Logically, factors such as severity of the crime, especially where violence is involved, ongoing risk to the public and the presence (or absence) of a past record of crime are central to any appropriate sentence. Serious crimes of violence and crimes committed over and over again merit greater emphasis on the principles of deterrence and denunciation in order to enhance public safety.

Almost half of the youth caseload is made up of 16 and 17 year olds. Forty percent of all young offenders have previous convictions and a full 10% of offences were committed by persistent offenders (3 or more prior offences) (*Juristat* 1997-98).

The transfer provisions of the current law have resulted in only a small percentage of offenders being transferred every year (i.e. 74 in 1995/96). Transfer hearings are rarely undertaken due to significant delay, cost and wide discretionary sentencing available in adult court even should the transfer occur.

While there is clearly value in using a specialised system emphasising hope of rehabilitation for young offenders, there is an equal value in stressing the other principles of sentencing for repeat and serious violent offenders. The Panel discussed the need for clarity and certainty. One option discussed was to mandate that offenders of a certain age (16 and 17) charged with serious violence/sex offences or repeated (third time) property offences be automatically dealt with in adult court. Although there was a general consensus on such a policy, some Panel members were concerned that such an amendment would be unconstitutional.

Assuming transfers were maintained, the Panel was supportive of the change proposed in the YCJA whereby the decision to transfer a young person is made after conviction thus eliminating much of the procedural delay. The result would likely be an extended sentence hearing which is better than the status quo.

## **RECOMMENDATION 1-3**

*Sixteen and seventeen year old offenders charged with defined and scheduled serious violent, sexual, weapons or drug offences or with third time defined and scheduled property offences, be dealt with automatically in adult court if constitutionally permissible or, if not, be presumed to be dealt with in adult court subject to a contrary ruling made on application of the offender.*

## **RECOMMENDATION 1-4**

*Criteria for determining whether offenders are to be eligible for transfer (or automatically to be transferred) be based on defined scheduled offences.*

## **RECOMMENDATION 1-5**

*Should automatic transfer not be enacted, transfer hearings should be conducted following conviction in a sentencing consideration format.*

### ***Diversion***

The Canadian justice system has always featured the use of discretion by both police and Crown prosecutors. The Panel were unanimous in their support for a formalised but simple statutory process whereby certain young people are “diverted” out of the traditional charge/trial/disposition/sentencing process and instead dealt with in an expedited, community based series of measures. Equally, to maintain the integrity of the

diversion process and the youth justice system itself, accountability and appropriate record keeping are also required.

**RECOMMENDATION 1-6**

*Measures be included in a youth justice system whereby persons charged for the first time with an offence other than those of a violent or sexual nature or involving use of a weapon can, at the insistence of the police or Crown, be diverted from the court process.*

**RECOMMENDATION 1-7**

*Diversion measures be under the supervision of community probation officers working, wherever possible, with local Youth Justice Committees mandated to complete hearings and provide dispositions within 30 days of the decision to divert.*

**RECOMMENDATION 1-8**

*Charges held in abeyance should not be withdrawn until such time as the diversion disposition has been completed and failure to comply with a disposition should result in prosecution of the offence in youth court.*

**RECOMMENDATION 1-9**

*A record of persons diverted from the court system should be maintained by community probation authorities and made available by probation authorities throughout Ontario to determine eligibility of a young person for diversion.*

***Treatment***

There was an acknowledgement by the Panel that public safety is enhanced when offenders decide not to re-offend. Efforts at getting at any emotional or psychological or mental illness issues that contribute to the offender's behaviour are clearly worthwhile. This is true following both charge and conviction. Obviously, a court is more restricted in what it can order before conviction but participation in treatment as a condition of bail would likely be sustainable and a refusal to take such treatment should be considered in deciding whether to grant bail or not.

**RECOMMENDATION 1-10**

*The bail provisions applicable to young persons charged with serious and or repeat offences (set out in a Schedule of Offences) be amended to specifically include the authority for the court to order counselling and treatment based on a medical report recommending the same.*

**RECOMMENDATION 1-11**

*Secure treatment orders be expanded as a disposition in the youth justice system.*

Panellists also expressed concerns with respect to the environment where such treatment and counselling take place and the quality of the psychological assessments produced for court purposes. It was universally agreed that the custodial (or non-custodial) conditions where such treatment occurs must not be such as to compromise the treatment itself. This means institutional settings with appropriately trained and motivated staff and realistic assessments of whether the non-institutional environment helps or hurts the ultimate care and well being of the offender.

Given the important nature of such psychological reports, great care and scrutiny is required to ensure that they are professionally sound and forensically credible. The Crown should not be hesitant to challenge the content of a report or the credentials of its author if its findings and recommendations are not sensible on their face. This may require greater use of objective, third party review of such reports and contested hearings but the nature of the evidence and consequences that flow from it require nothing less.

## *Victims of Crime*

Victims of crime have been very much an afterthought of the youth justice system in Canada. The Panel viewed the process of reforming youth justice therefore as an opportunity to introduce some much deserved recognition that the offence and the prosecution process has serious impact on crime victims.

Enhancing victim rights or participation is an issue of mixed jurisdiction with the provincial 'administration of justice' power often predominating over federal authority. Notwithstanding this, federal legislation can, and does, have direct impact on how victims of crime participate in the criminal justice process and what rights they do have once a crime is committed.

Over 60% of the victims of youth violent crime were also youths and most were "acquaintances." Virtually all of the persons charged with violent offences against people they knew were granted bail and returned to school with their victim. Groups such as CAVEAT and the Canadian Safe Schools Network and others, report that this phenomenon of forcing the victim to endure the continued close and generally unsupervised presence of their attacker is a reality which significantly contributes to unacceptable atmospheres of fear within schools. Put differently, if this was a workplace, forcing people to attend in such circumstances would be a violation of the most basic Occupational Health and Safety Codes.

Youth justice legislation prohibiting a person charged with a violent offence from attending the school where the victim or witnesses attend (except in circumstances where such attendance is necessary and then only on conditions agreed-to by the Crown) until the matter before the court is disposed of would be a significant improvement for such young victims. There is no question that such an order will be inconvenient and potentially disruptive for the offender and his or her family. If such inconvenience is to occur, the Panel agrees that the offender, not the victim, should be the one who should bear the brunt of it.

Finally, such an amendment would be a strong signal that schools are meant to be places of safety and free from fear. It would also likely serve as an incentive for school boards and individual schools to become much more actively involved in ensuring a safe school environment. At the same time, it would be clear to parents and students that violent behaviour has consequences which are personal and immediate and, which may therefore serve as a greater deterrent than a youth court probation order. Irrespective of all of this, such an amendment would be a step toward greater safety and freedom from fear for students victimised by crime.

### **RECOMMENDATION 1-12**

*Bail provisions be amended to prohibit a person charged with a sexual offence or an offence of violence or threats of violence from returning to the school where the victim or witnesses attend until the completion of the proceedings, unless the Crown consents on the basis of no other school being available.*

### **RECOMMENDATION 1-13**

*Youth justice legislation be amended to specifically include "impact on the victim and their family" as a required criterion for any decision or disposition made by the court*

### **RECOMMENDATION 1-14**

*Youth justice legislation must take victim concerns into account and include them among the principles of any youth justice legislation.*

### **RECOMMENDATION 1-15**

*Youth justice legislation ensure victims have the right to be informed and make submissions as appropriate to the circumstance or stage of the proceeding.*

### ***Group Crime or “Swarming”***

Over the past number of years, there has been a growing concern over violent crime committed by a group or gang of young people and the Panel agrees action is required. Participation in a group that counsels or threatens violence should be a mandatory aggravating factor in sentencing rather than an excuse. An amendment such as proposed would make it clear that society recognises the special circumstance of group violence and has resolved to convert it from an excuse into a liability for the offender.

#### **RECOMMENDATION 1-16**

*The Criminal Code of Canada is amended by adding the following after section 718.3:*

*718.4 (1) Where a person is convicted of an offence involving violence or the threat of violence and the court imposing sentence is satisfied that the violence or threat of violence was committed as part of a group of two or more other persons, the court shall, in addition to any other sentence imposed, sentence the person to a period of incarceration of not less than thirty days and not more than two years.*

*(2) Any sentence imposed pursuant to sub section (1) shall be served consecutively to any other sentence imposed and consecutively to any other sentence the person was serving at the time the offence was committed or when the sentence was imposed.*

### ***Publication of Names and Information Sharing***

The prohibition against publication of the names of young offenders was meant to prevent stigmatisation of young people convicted of offences. Implicit in this approach was a recognition that there was a balance between the legitimate right of the public to know of persons convicted of violent and sexual offences and the interests of young persons to not be unduly burdened by a past they were trying to leave behind. Young persons convicted of serious offences should not have that fact or their identities protected. The Panel preferred the certainty of defined offences and noted the real potential deterrent that publication of names provides.

At the same time, using information to its fullest extent was stressed by law enforcement and justice system officials as the best way to craft the right disposition and augment public safety.

#### **RECOMMENDATION 1-17**

*Youth justice legislation be amended to mandate the publication of names of young persons convicted of sexual or serious violent offences as defined by schedule.*

#### **RECOMMENDATION 1-18**

*The Province should make information sharing among all public authorities a priority insofar as dealing with young persons convicted of serious violent, sexual or weapons offences and use the Integrated Justice system to the extent possible to create an accessible single cumulative “file” for such persons.*

### ***Maintaining the Integrity of the Youth Justice System***

Recognising the frequent use of court orders as a means to achieve rehabilitation, the Panel expressed concern over the number of court orders that are violated or ignored. This phenomena of disregard and disobedience of court orders is rampant and growing worse as these 1998 *Juristat* figures attest.

- Number of YOA charges for breaching conditions increased by 37.5% since 1992-93;
- Rate of youths failing to appear increased 12% since 1992-93;
- Rate of youths breaching YOA orders increased by 30% since 1992-93;

Panellists confirmed that for a variety of reasons, breaching or ignoring court orders is infrequently prosecuted and rarely results in a sentence of any consequence. This is upheld by the statistics which show that less than half of the youths convicted of these offences were sentenced to terms of custody. The problem may not be so much one of ascertaining the breach but ensuring that it is dealt with as a priority which, while in part a provincial responsibility, is also potentially improved through legislative change. The result is disinclination

on the part of authorities to process such charges which further erodes the effectiveness of the orders themselves. It was also made clear that the breach charges that do occur in today's youth justice system are generally the last resort of authorities confronted with an uncooperative young offender. Rather than minimise these instances of defiance of court orders, the Panel believes that compliance with and enforcement of such orders must become a youth justice system priority. It is time to recognise that rehabilitation includes respect for and compliance with orders made by a court.

#### **RECOMMENDATION 1-19**

*Youth justice legislation be amended to require a mandatory minimum period of custody of seven days for a second offence of violating a court order and 30 days for a third and subsequent conviction, all to be served consecutively to any other sentence.*

#### **RECOMMENDATION 1-20**

*The Province should make enforcement of youth court orders a priority and ensure that police, crown and probation authorities act in concert in establishing such a priority including creating local special enforcement unit to ensure immediate apprehension of youths that fail to appear as required. The province should commit the necessary resources to those supervising young people.*

#### ***Protecting Children***

In addition to reviewing issues where young persons have committed crimes, the Panel discussed the need for reform in other areas to protect children from those who commit crimes against them. Obviously, this important topic merits greater consideration than that which the Panel was able to provide, but notwithstanding this fact, a number of specific improvements were viewed of such importance as to require their inclusion in this Report.

#### ***A. Long Term Offender Orders and 810.1 and 810.2 Orders***

All three of these "prevention" oriented orders are of relatively recent origin and all reflect the wisdom that dangerousness and risk to children (and others) did not disappear at warrant expiry date when dealing with certain kinds of offenders.

#### **RECOMMENDATION 1-21**

*Enact the following amendments:*

- *ensure that the Long Term Offender Order (753.1) permits condition of taking medication or treatment as required.*
- *amend section 810.1 and 810.2 to extend the term of the order to five years to avoid perpetual return to court*
- *amend section 810.1 and 810.2 to specifically include restrictions on residency such as, a 'reside where approved' clause common in probation orders to prevent convicted paedophiles from being in circumstances where children are close at hand such as living near a school, day care or park*

Under the current pardon system, Canada permits persons convicted of sexual offences against children to hide their criminal past which may facilitate their preying on other children. Ontario and others have strongly and repeatedly objected to this and the recent amendments in C-69 are simply inadequate to deal with this issue.

#### **RECOMMENDATION 1-22**

*That the Criminal Records Act be amended as follows:*

- 4.4 Notwithstanding any other provision of this Act or any other Act, no pardon shall be granted under this Act for a person convicted of a sexual offence involving children or under any offence listed in Schedule 1 of this Act.*
- 4.5 A person convicted of an offence referred to in section 4.4 may apply to the Minister for a pardon and the Minister shall consider the application if the offender meets the requirements of the Criminal Records Act.*
- 4.6 The Minister may issue a pardon where he concludes that to do so is, on balance, in the public interest.*

- 4.7 In making the decision whether to issue a pardon or not the Minister shall have regard to:
- (a) any information supplied by the victim of the offence for which the offender seeks pardon and the Minister shall ensure that all reasonable steps have been taken to ensure that the victim has been notified
  - (b) any information supplied by the original investigating police agency
  - (c) any information relative to the offender supplied by the police agency closest in location to the offender at the time of the application,
  - (d) the purpose of the pardon
  - (e) the nature of the original offence
  - (f) any risk posed by the offender and whether that risk could be affected by the issuance of the pardon.
- 4.8 Notwithstanding any other provision in this Act or any other Act, any person whose pardon is revoked is thereafter not entitled to any further pardon for that or any other offence.

This approach would exempt paedophiles from the current system but still permit a Minister who felt so inclined to take responsibility for the decision to grant a pardon. As well, it lists the obvious criteria, which should be considered before such a decision is reached which gives far greater legitimacy to the process. Finally, it ensures that violating a pardon has an appropriate consequence.

#### B. Expedited Criminal Deportation of Persons Committing Crimes Against Children

We are aware of two Private Members Bills introduced by Liberal MP Janko Peric (Cambridge) which would expedite the deportation of non-citizens convicted of the most serious offences and facilitate the transfer of foreign offenders serving sentences for the most serious crimes to complete their sentence in their country of origin. These bills would simply expedite the process and ensure that a person so convicted would not remain within Canada free to commit further offences against children while awaiting the current antiquated and duplicative process of removal.

The federal government should review these bills and explore their desirability with respect to crimes committed against children in light of the disturbing growing trends of child victimisation for commercial sexual purposes and the people smuggling trade.

#### C. Consecutive Parole Ineligibility Periods for Multiple Murder of Children

In a similar vein, the special protection of children required by society and the most serious of consequences for the murder of children could be re-enforced by creating a special parole ineligibility consequence for multiple murder. The following amendment (based on former Bill C-251) would accomplish this.

#### **RECOMMENDATION 1-23**

*Part XXIII of the Criminal Code be amended by adding the following after section 745.1:*  
*745.2 Notwithstanding any other provisions of this Act or any provision of the Corrections and Conditional Release Act, where a person had been convicted of more than one count of either first or second degree murder where the victim was a child or has been convicted of either first or second degree murder in relation to a child and has a previous conviction for either of first or second degree murder in relation to a child, the Court may direct that the parole ineligibility period referred to in sub section (1) (a), (b) or (c) be served consecutively.”*

#### D. Mandatory Minimum Sentences for Child Pimping

During any discussion involving measures to protect children, the highly vulnerable and victimised state of underage girls involved in prostitution and other sex trade businesses is a frequent theme. For juvenile prostitutes, the combination of seduction, drugs and violence are common themes in their recruitment and continuation in the sex trade. Equally, fear of their pimps is a major stumbling block in getting young girls off the street and charges laid against these most exploitative offenders. While the use of the *Criminal Code* is a limited tool, it is one nonetheless the effectiveness of which should be enhanced.

Currently, minimum sentences for persons charged with pimping children are confined to “aggravated” child pimping or where violence is used against the child prostitute. For precisely the same reason that consent is not a defence with respect to sexual acts with children, so too should sexual exploitation of children in and of itself attract a minimum mandatory sentence on conviction. The certainty of consequence following conviction may well have an impact in facilitating both the escape of young girls from these predators and the successful prosecution of these persons as well.

The Panel appreciates that outright denial of bail for persons charged with pimping children is not possible; we offer some recommendations on tightening the bail provisions with respect to these type of offenders.

**RECOMMENDATION 1-24**

*Amend section 212(2) to create a minimum mandatory period of incarceration of three years upon conviction and retain the minimum mandatory sentence for aggravated child pimping to five years.*

**RECOMMENDATION 1-25**

*The bail provisions of the Criminal Code be amended so as to include child pimping as a reverse onus bail section for which bail can only be granted by a Superior Court Justice.*



*“We all talk about partnerships today and it is true – no one is doing anything on their own anymore – and we must form partnerships, because together we are stronger”*

— *Chief Bruce Davis*, President, Ontario Association of Chiefs of Police

## **Troubled Children — Dangerous Streets**

*Recommendations to reduce the vulnerability and exploitation of children on the streets of Ontario; i.e., drugs, child prostitution, gangs, intolerance, etc.*

### **Working Group Members**

***Facilitator:***

*Robertson, Chief Ken* Hamilton-Wentworth Police Service

***Assistant:***

*Muise, Det Sgt John* Ontario Office for Victims of Crime

***Rapporteur:***

*Dias, Suzanne* Ontario Office for Victims of Crime

***Delegates:***

*Anderson, Michelle* Supervisor, Covenant House, Toronto

*Bryant, Michael* Ontario Member of Provincial Parliament, Critic for Attorney General

*Cooke, Diana* Advocacy Office, Province of Ontario

*Hurley, Dr. Pamela* Director, Child Witness Project, London Family Court Clinic

*Loconte, Angela* Toronto Public Health

*Petrie, Det Cst Richard* Juvenile Task Force, Toronto Police Service

*Powell, Carla* National Youth Services Manager, National Office MADD

*Suzanne* High School teacher and mother of a young offender

*Tracy, Det Steve* Officer in Charge, Juvenile Task Force, Toronto Police Service

## **Troubled Children — Dangerous Streets**

### *Introduction*

As can be seen from the list of participants, this round-table was attended by individuals with a wide variety of experience in dealing with issues that impact on children on our streets and in our communities. Police officers both front-line and command, victim activists, a government employee, a politician, community workers and researchers came together to draft recommendations in support of the protection of children who are indeed our most precious asset.

### *Sexual Exploitation of Children*

Throughout the day several concerns were enunciated and repeated often. Children in this country are at risk from sexual predators and criminal entrepreneurs. Canada is not a place of safety for many children. Abused in their homes and forced out onto the street, many fall prey to pimps on the street and other sex trade entrepreneurs in adult entertainment parlours, on phone sex lines, internet sites and massage parlours to name the most common. Like some third world country, word on the street suggests that Canada is now a destination for predators in search of young sexual victims. The most disadvantaged are often the ones to be exploited including First Nations' youth who end up living on the street in many urban centres both small and large. In a recent media report police reported the apprehension of an eleven-year-old working on the street in the sex trade after having been abducted in a shopping mall in the United States and brought to Canada to work. These children, seduced, addicted, beaten and emotionally abused by sexual predators are horribly at risk and despite the best efforts and intentions of social workers out on those mean streets, they return again and again to the sex trade.

If that were not enough, many of these sex trade predators and entrepreneurs have taken these children "inside" as a way of avoiding the attention paid to the street sex trade by police units like the Juvenile Task Force of the Toronto Police Service. Working in strip joints, massage parlours and other sordid locations, these entrepreneurs are less likely to attract police attention as a young child does a slow dance for a customer in an enclosed VIP room or other out of the way place.

Over the years dedicated police officers have attempted to apprehend these children who have been victimised in the sex trade. Using provincial child welfare legislation these children are apprehended as children in need of protection. The problem with this approach is two-fold. One, this legislation doesn't apply to 16 and 17 year olds and two, these children with tough exteriors are usually out the back door before staff have had an opportunity to introduce themselves. Police and social workers can tell stories of young girls who have been so abused that they flee out the back door in pyjamas and slippers to return to their pimp.

All of this is further compounded by the fact that prostitution is a *de facto* legal enterprise for the customer and the supplier. Children have been lost in this milieu and some of them will never be retrieved.

What to do? The missing piece of the puzzle is legislation that will apprehend, detain, help and support these children. Thankfully legislation has been introduced both by this government and as a Private Members Bill, that if passed would help to rectify this situation.

Modelled on similar legislation in place in Alberta and previously introduced by children's crusader Rick Bartolucci, MPP Sudbury, Attorney General James Flaherty recently introduced Bill 176, entitled the *Protecting Children from Sexual Exploitation Act, 2000*. Building on the previously mentioned Bill and legislation, this Bill, if passed would provide police and children's aid workers with the power to enter premises and apprehend children up to (and including) the age of seventeen that are being exploited in the sex trade. Furthermore the legislation allows, (with the permission of a Judge) the child to be taken to a safe and secure facility for up to 5 days and a further 30 days if necessary. During that time the child will receive a range of services, including counselling, that are ultimately designed to help the child exit the sex trade.

The other piece of legislation recently introduced also by Rick Bartolucci is Bill 146, entitled the *Municipal Amendment Act (Adult Entertainment Parlours), 2000*. This legislation, if passed, would set out provisions restricting those found guilty under the *Criminal Code* of keeping a bawdy house, living off the avails of prostitution, a range of sex crimes and organised crime offences, from possessing a licence to operate an adult entertainment parlour. The Bill would also expand the definition to include premises from which dates, escorts, or nude or partially nude dancing is arranged for a fee and in which telephone, electronic or internet sex lines are available. Massage parlours are missing from the definition but could easily be added as an amendment at Committee.

The Bill would give local municipalities the power to pass by-laws requiring those working in a defined premise to be licensed. Furthermore that person must be at least 18 years of age to work. The Bill puts the onus on the owner/operator of the premise to ensure all employees are licensed and over the age of 18 and provides for significant minimum fines upon conviction and revocation of the licence by the municipality. The Bill also requires the Municipality to notify the Liquor Licence Board of Ontario in writing of the revocation where the operation has a licence to serve under the *Liquor Licence Act*. This Bill would help deal with the sex trade predators and entrepreneurs that are taking these children “inside” and “underground” so as to avoid the attention of law enforcement agencies.

The legislative tools to deal with this serious problem are on the horizon. Bill 176, which allows for the apprehension of children as victims involved in the sex trade and Bill 146 that allows for the licensing of appropriate owners/operators and punishment when these sex trade entrepreneurs are in contravention of the Act. Accordingly we recommend the following:

#### **RECOMMENDATION 2-1**

*That the Provincial Government move forward expeditiously to enact Bill 176, Protecting Children from Sexual Exploitation Act, 2000 so as to provide the legislative tools necessary to protect children at risk in the sex trade in this Province.*

#### **RECOMMENDATION 2-2**

*That the Provincial Government either support or adopt as their own Bill 146, the Municipal Amendment Act (Adult Entertainment Parlours), 2000, and as a companion piece to Bill 176 concurrently move forward expeditiously so as to provide the legislative tools necessary to protect children at risk in the sex trade.*

As indicated earlier, Bill 146 contains a clause that requires the municipality to notify the Liquor Licence Board of Ontario when an owner/operator has their Adult Entertainment Parlour licence revoked. As a next step to hit these sex trade entrepreneurs where it hurts the most, that being the pocketbook, we recommend the following:

#### **RECOMMENDATION 2-3**

*That the Provincial Government introduce legislation to amend the Liquor Licence Act to allow for the revocation of a licence to serve liquor where a sex trade entrepreneur has had his Adult Entertainment Parlour licence revoked in relation to that property.*

A common theme expressed around the table when discussing this topic was the issue of resources available to create proper safe and secure facilities and the kinds of services available to these children both during their stay in the protective safe house and after when they return to the community, especially in light of the fact that sixteen and seventeen year olds, quite rightly we might add, will now be defined as children in need of this sort of protection. Questions included, where will these protective safe houses be? Will they be part of a corrections facility? Will other children at risk (with other needs and issues) be in the same facility as these children? Why aren't the services required by these children at risk and the facilities needed to hold them spelled out in the legislation? Accordingly we recommend the following:

#### **RECOMMENDATION 2-4**

*That the Provincial Government in conjunction with appropriate community stakeholders forthwith identify the resources, facilities and services required to respond to these children (both during time spent in a secure facility and community aftercare) and capture them in a Regulation by Lieutenant Governor in Council as set out in section 20 of Bill 176.*

Provincial child welfare legislation identifies children as being 15 years of age and under. These Bills add 16 and 17 year olds to the mix as “children at risk” when involved in the sex trade. Bill 176 allows for these children to be apprehended, confined in a safe facility and subsequently released outright, or if the child is the subject of an order made under Part III of the *Child and Family Services Act*, the child shall be released to the appropriate authorities. A concern expressed by the group related to the lack of resources and services available to 16 and 17 year old children particularly as it relates to community aftercare. Accordingly we recommend the following:

#### **RECOMMENDATION 2-5**

*That the Provincial Government in conjunction with appropriate community stakeholders forthwith identify the resources and services required to respond to this age group particularly as it relates to community aftercare and capture them in a Regulation by Lieutenant Governor in Council as set out in section 20 of Bill 176. These resources and services should be strategically and equitably located throughout the province so as to respond to all children at risk in the sex trade.*

Like drug trafficking and importing, car theft rings, people smuggling and other forms of organised crime to name but a few, sex trade predators have little concern for geographical or police agency boundaries. In fact, they are often the first criminals to take advantage of these boundaries and the roadblocks encountered by law enforcement agencies because of them.

These offences often involve predators and for that matter child victims of the sex trade that are on the move. Children that have run away from Sudbury, Halifax and many places in between end up in the sex trade on the streets of Toronto or in a strip club in small town Ontario. Young, fragile victims removed from this lifestyle are always at risk of returning and need to be managed both as children in need of protection and as future witnesses in court to bring these predators to justice. Local police agencies, including large municipal police services do not have the resources available to create specialised units that treat children in the sex trade as victims and build cases against these predators. Even those are under attack as law enforcement agencies make tough budget decisions. To be fair, individual municipal police agencies shouldn't be expected to pick up the tab for things happening beyond their geographical borders. The cost must be borne in such a way as to ensure that no child working in the sex trade in this province will be overlooked. Accordingly we recommend the following:

#### **RECOMMENDATION 2-6**

*That the Provincial Government move forward in conjunction with Bill 146 and Bill 176 to create a Provincial Child Sexual Exploitation Unit comprised of police officers from the Toronto Police Service, the Ontario Provincial Police and assorted Regional Police Services managed through C.I.S.O. and modelled on the groundbreaking work of the Toronto Police Service's, Juvenile Task Force.*

The need for a specialised police unit to deal with this problem is clear. These cases are difficult and labour intensive both in terms of rescuing child victims and bringing pimp offenders before the courts. Ontario has recognised that difficult cases such as sexual assault, child abuse and domestic violence require specialised and committed prosecutors that can take a case from that first appearance in bail court, witness and victim management and preparation through to a successful conclusion in front of a Judge and Jury. Working as partners, specialised and experienced police officers and crown attorneys can better serve the needs of these children at risk and engage in successful prosecutions. Accordingly we recommend the following:

### **RECOMMENDATION 2-7**

*That the Provincial Government move forward in conjunction with Bill 146 and Bill 176 and the Provincial Child Sexual Exploitation Unit to have all child sexual exploitation cases prosecuted either by the existing specialised child abuse prosecution unit or by a newly created specialised child sexual exploitation prosecution unit.*

Although the creation of appropriate child welfare legislation, the provision of resources for law enforcement and support for these children at risk are all arguably the purview of the Provinces, a big piece of this puzzle is appropriate criminal legislation. This is the responsibility of the Federal Government and much needs to be done in support of these children at risk. We recognise that the use of the *Criminal Code* is not a panacea; it is one nonetheless the effectiveness of which can, and should, be enhanced.

Currently, minimum sentences for persons charged with pimping children are confined to “aggravated” child pimping or where violence is used against the child prostitute. Although we of course support this minimum sentence, on its own it makes very little sense. For precisely the same reason that consent is not a defence with respect to sexual acts with children (more on this important topic later), so too should sexually exploiting children in and of itself attract a minimum mandatory sentence on conviction. The certainty of consequence following conviction (coupled with both tightened bail and deportation consequences for such offences where applicable—more on this later) may well have an impact in facilitating both the escape of young girls from these predators and the successful prosecution of these persons as well. Accordingly we recommend the following:

### **RECOMMENDATION 2-8**

*That the Federal Government introduce an amendment to section 212(2) of the Criminal Code to create a minimum period of incarceration of three years upon conviction and retain the minimum mandatory sentence for aggravated child pimping of five years.*

Street prostitution and the activities that take place inside strip clubs and other similar venues have become an acceptable part of our society. This is reflected both in the widespread openness in which these activities are engaged in and in the penalties (some would say the lack thereof) that are handed down in court for communication offences in relation to prostitution. Be that as it may, the impact of this societal (and court) acceptance of this behaviour is that children under eighteen are a significant piece of the landscape. This was of great concern to the group and was seen as simply unacceptable. To put it in the bluntest of terms there are too many johns cruising the strolls or going inside and underground to find little boys and girls to satisfy their sexual fantasies and appetites.

The legislation has also enabled johns to satisfy the need for the proverbial 14 years old going on 18 years old. It is high time to make customers accountable for their actions when it involves children. Parliament must take a stand in protecting children. As with pimping, a minimum sentence could make johns think twice and just may put a dent in the sex trade of children. Accordingly, we recommend the following:

### **RECOMMENDATION 2-9**

*That the Federal government introduce an amendment to section 212(4) of the Criminal Code to create a minimum period of incarceration of six months upon conviction for those who communicate with a person under 18 years for the purpose of obtaining sexual services and that it be an absolute liability offence with the burden of proof resting with the offender.*

As we have made clear, children on street corners involved in the sex trade is not the only sexual exploitation of children in Canada. We know they are inside and underground, including girls who have only recently arrived in Canada, working in strip clubs, phone sex and massage parlours and escort services. Coupled with provincial licensing regulatory authority, the recommendation outlined below should be given consideration to prevent sexual victimisation of children. Accordingly we recommend the following:

## **RECOMMENDATION 2-10**

*That the Federal Government introduce an amendment to create the offence of employing or permitting a child to work in a sex trade enterprise as follows:*

*(1) Any owner or manager or supervisor of a sex trade enterprise that either employs or permits a person under the age of 18 years to work or participate in a sex trade enterprise is guilty of an indictable offence and liable to imprisonment to not more than five years less one day and not less than three months imprisonment.*

*(2) For the purposes of this section, "sex trade enterprise" includes, but is not restricted to:*

- *a club where exotic or nude or semi-nude dancing is performed;*
- *an escort service;*
- *a telephone sex line service;*
- *a massage parlour.*

*(3) Evidence that a person under the age of 18 years was found to have been working or participating in a sex trade enterprise is proof of an offence under sub section (1) unless the owner or supervisor establishes that they took all reasonable steps to ascertain the age of the person employed or participating and that they honestly believed the person was 18 years of age or older.*

*(4) In determining the reasonableness of the efforts made and the honesty of the belief referred to in sub section (3) the Court shall consider any past instances where persons under the age of 18 were found to have been working or participating in a sex trade enterprise involving the accused.*

*(5) A corporation and its directors may be charged with an offence under this section. If convicted, the corporation and any of its directors is liable to a fine not exceeding one hundred thousand dollars and not less than ten thousand dollars.*

*(6) A Court that convicts a person or corporation of an offence under this section prohibits that person or corporation from operating or participating in a sex trade enterprise for*

- *a first offence, for a period of five years and*
- *a second or more offence, for life.*

*(7) Anyone who contravenes an order under sub section (6) is liable to a term of imprisonment of not more than five years less one day and not less than six months and a fine not less than ten thousand dollars.*

Many crimes that impact on the street, including drug trafficking, people smuggling and child pimping, are committed by people who are not Canadian citizens. We are aware of two Private Members Bills, introduced by Liberal MP Janko Peric (Cambridge) which would expedite the deportation of non citizens convicted of the most serious offences [*C-292 - An Act to Amend the Immigration Act*] and facilitate the transfer of foreign offenders serving sentences for the most serious crimes to complete their sentence in their country of origin [*C-316 - An Act to Amend the Transfer of Offenders Act*]. Both of these Bills have received considerable support, including from noted Immigration Counsel Frank Marrocco QC and the police community all of whom gave evidence in support of the changes during Committee hearings on the Bill in 1997.

These Bills are worthy of review to explore their desirability with respect to crimes committed against children. All of the offences contemplated in the Bills are ones for which the current *Immigration Act* permits deportation albeit, in the current process at a glacial pace. These amendments would simply expedite the process and ensure that a person so convicted would not remain within Canada free to commit further offences against children while awaiting (and this is by no means certain) the current antiquated and duplicative process of removal. We suspect this will be of increasing relevance with the disturbing growing trends of child victimisation in the sex and people smuggling trade (which often go hand in hand), which law enforcement officials have identified as thriving in Canada. Accordingly we recommend the following:

## **RECOMMENDATION 2-11**

*That the Federal Government review Bills C-292 and C-316 with a view to adapting or introducing new legislation that will contemplate the expedited criminal deportation of persons committing crimes against children.*

## *Age of Consent*

One can only wonder at how in this the new millennium the age of consent in this country is still 14 years of age. The whole point of setting an age of consent in sexual conduct is to prevent the exploitation of those whose age (and thus generally, maturity) is such as to require the protection and sanction of the *Criminal Code*. The fact that adults, either for sexual gratification or commercial gain, are currently able to legally engage in sexual relations with children who are 14 or 15 years of age is precisely the issue in which this question needs to be framed.

The aim of increasing the age of consent and maintaining dependency or trust age at two years difference is not to put the focus on sexual contact between teenagers, which although not to be encouraged, need not be criminalised. We are overwhelmingly confident that Canadians will support an increase in the age of consent for sexual activity and indeed, many will be shocked to learn that a nation that prides itself on valuing its children permits sexual contact between 14 year old girls and boys and adults. Indeed there is significant support for this kind of amendment across a broad spectrum of stakeholders. Accordingly we recommend the following:

### **RECOMMENDATION 2-12**

*That the Federal Government move expeditiously to amend the Criminal Code to increase the age of consent from 14 years to 16 years of age with the age of trust or dependency also increased from 16 to 18 years of age.*

## *Substance Abuse*

### 1. Raves

That it proved to be difficult to find solutions to this very real problem is surely the classic understatement. Discussion around this topic was passionate. Despite different notions of how to respond, we believe it is important to set out some of the opinions shared by a majority of the group about Raves and the dangers associated with them.

It was not the intention of anyone around the table to deny young people the right to dance, hang out with their friends or have fun. The reality though is that in this Province several deaths have occurred recently as a result of ecstasy use at Rave events. Both organised crime, through the manufacture and distribution of ecstasy and drug dealers through the street level distribution and trafficking of this drug are capitalising on the exploitation of children. Generally speaking parents and the community are profoundly unaware of the danger attached to these events, “sanctioned” or otherwise. Many parents assume that drug use including ecstasy is minimal and that their children are safe.

Furthermore they assume that if the event is happening in a “known” location, be it public or private and that paid duty police officers, emergency medical services and other security are present, that this is a safe environment. Those that are familiar with these events know that nothing could be further from the truth. Smuggling of ecstasy (and other controlled substances) into a large building before or during a Rave is easy. Events don’t end at 1:00AM. They go on all night.

All of this has been further complicated by so called “Dance Committees” that promote ‘sanctioned’ dance events. Ecstasy is a dangerous drug that is killing our children. Raves are a destructive force in society today. Accordingly we recommend the following:

### **RECOMMENDATION 2-13**

*That the Federation of Canadian Municipalities make the issue of all night raves a priority topic with a view to providing local municipalities with the tools they need to fight this growing drug problem through education, enhanced policy and, if necessary, legislation.*

A significant number of “legitimate” operations that possess liquor licences are contracting out their premises to Rave promoters for all night events. The provincial liquor licence laws as they are presently constituted allow for this. Regrettably, it is when Raves are held at these “legitimate” private venues that parents assume their children are safe. These establishments need to be better defined and distinguished in the legislation so they can’t hold Raves. Accordingly we recommend the following:

#### **RECOMMENDATION 2-14**

*That the Provincial Government review the Liquor Licence Act for the purpose of creating a classification that prohibits the attendance of a child under the age of 19 years from attending in (or remaining on) a premise after 11:00PM where an all night Rave is being held (or is likely to be held).*

#### 2. Date Rape Drugs

Date rape drugs like Rohypnol have without a doubt become part of the bar and club scene, used by sexual predators to commit sexual assaults against women. Women are often reluctant to report these crimes, as they are unsure of what exactly has happened and feel that they won’t be believed by police. As more of these sexual predators catch on to these drugs they will be safe in the knowledge that the likelihood of being caught is negligible. Women confronted with these circumstances the morning after have what is for them, few viable options. They need to be provided with an option to report what often is very confusing and frightening, in such a way that they will not feel intimidated or humiliated. In doing so the authorities can properly obtain corroborative evidence that may assist in building a case against the offender. Accordingly we recommend the following:

#### **RECOMMENDATION 2-15**

*That the Provincial Government as a matter of policy make available sexual assault kits in hospital emergency rooms throughout the Province that include the apparatus suitable to test for date rape drugs at no cost to the victim and that emergency staff be trained in how to administer the tests.*

#### **RECOMMENDATION 2-16**

*That the Provincial Government in conjunction with local Public Health organisations embark on an education campaign to identify this public safety concern to women so they can take the proactive measures necessary to reduce these risks.*

#### 3. Graduated Licensing

The current provincial legislation provides for two classes of “learner” licence, G1 and G2 before you can obtain your regular G licence. Both of these classes of licence have a number of restrictions including the provision that you must not drive if you have been drinking alcohol. Your blood alcohol level must be zero. This standard makes good sense on a couple of fronts. One, we don’t want young (and old for that matter) drivers who are learning how to drive on our very busy streets and highways under the influence of any alcohol whatsoever. Two, these rules set a standard from the get go that alcohol and driving don’t mix, even in moderation. The problem now is that police are now stopping young drivers with G1 and G2 licences who have been drinking. This is an issue that must be dealt with in no uncertain terms. Accordingly we recommend the following:

#### **RECOMMENDATION 2-17**

*That the Provincial Government amend the Highway Traffic Act to allow for an automatic revocation for a period of one year of either a G1 or G2 licence where a driver has a blood alcohol level over zero and furthermore in the case of a G2 licence holder that person will revert to a G1 licence after the one year revocation period. In the case of a second offence by a G1 or G2 licence holder the revocation be for a period of five years with a return to G1 status at the end of the period in the case of a G2 licence holder.*

#### 4. Treatment and Support

More often than not the child on the street, the child in trouble with the law and the runaway all share a common problem (often among many). They have serious substance abuse problems and mental health concerns. The group was unanimous in its concern about the lack of community-based treatment and support for these children. The overall lack of beds, the waiting list and the cross-addicted nature of these children compounded by their mental health issues have left children without an appropriate safety net. Accordingly we recommend the following:

##### **RECOMMENDATION 2-18**

*That the Provincial Government conduct a review (or if one is currently being done that the process be expedited) with a view to providing strategically located community based and age appropriate treatment centres for children with addiction and mental health issues.*

#### ***Administration of Justice***

Although many of the previous recommendations put the spotlight on legislation both provincial and federal, much can be done for victims of crime in how justice is administered. Although the accompanying recommendations will be framed in the context of children as victims, it must also be recognised that these suggestions could (and have been) be directed to the administration of justice as it relates to all victims of crime.

##### 1. Sentencing

Although much has been done provincially to ensure Crown Attorneys avoid the use or support of conditional or intermittent sentencing in their day-to-day work, the reality is that decision making of this kind is for the most part beyond their control. Plea-bargains are a fact of life for courts in this jurisdiction and across this country. Defence lawyers hold the ace card and as is their purview they play the card on a daily basis in search of the best deal for their clients. Conditional sentencing has now become part of this milieu and is now being used on a regular basis. Judges routinely impose conditional sentences on offenders for violent crimes and crimes perpetrated on children. Currently, parole eligibility is determined using the same criteria for offenders who have committed crimes against adults as those who have committed offences against children. This does not make sense. There are a number of things that can be done both provincially and federally to respond to this situation. Accordingly we recommend the following:

##### **RECOMMENDATION 2-19**

*That the Provincial Government track sentencing, in particular as it relates to sentencing where children are victims, including conditional and intermittent sentencing and make recommendations to the Federal Government in terms of specific sentencing legislation to ensure that Provincial policies regarding the prosecution of offences involving children are fully implemented.*

Furthermore we recommend the following:

##### **RECOMMENDATION 2-20**

*That the Federal Government amend the Criminal Code to ensure that conditional and intermittent sentencing are not imposed for offences where children are victimised.*

Furthermore we recommend the following:

##### **RECOMMENDATION 2-21**

*That the Federal Government amend section 743.6 to delay parole eligibility for offences committed against children.*

## 2. Crown Accountability

In 1996 the Provincial Government passed a bill now known as the *Victims' Bill of Rights*. This legislation sets out principles by which victim-serving professionals in the criminal justice system will guide themselves in their dealings with victims of crime. Included in that group of victim-serving professionals are Crown Attorneys. Nowhere is this more important than in dealing with cases that involve child victims. More often than not where there are shortcomings it is in the availability of resources (and their appropriate use), training and a lack of clearly stated policy. The group raised many concerns including, are all child witnesses being properly prepared, are crowns being assigned at the start of all cases involving child victims and witnesses, are resources like courtroom screens being used effectively, are junior Crown Attorneys handling complex cases involving child victims and witnesses to name but a few. These concerns have been articulated by people on the front lines of the criminal justice system over and over again. Furthermore a recommendation (#26) was made in the Office for Victims of Crime report entitled *A Voice for Victims* released in June of 2000 related to this issue. Accordingly we recommend the following:

### **RECOMMENDATION 2-22**

*That the Provincial Government direct the Office for Victims of Crime to conduct a review of Crown Accountability in relation to the Victims Bill of Rights (particularly as it relates to child victims, witnesses and their families) that will include all facets of Crown Attorney operations including but not limited to policy, resources and training.*

## 3. Victim Support

### *a) Victim/Witness Assistance Programme (V/WAP)*

The Victim/Witness Assistance Programme received a ringing endorsement from the members of this working group. The complaints tabled were not about the work these people do. It was about their ability to respond to a wider range of crime victims, in particular children. The fact that several jurisdictions don't even have a V/WAP and that the ones that are in existence just don't have the resources to respond to other victims in need were the shortcomings identified. Accordingly we recommend the following:

### **RECOMMENDATION 2-23**

*That the Provincial Government expand the current Victim Witness Assistance Programme to cover as appropriate, all crime victims, including children and to provide specialists trained to deal with children, in all jurisdictions in the Province through appropriate victim service model(s).*

### *b) Child Advocacy Centres*

Child Advocacy Centres can best be described as a multi-disciplinary approach to the treatment of child victims. Set in a comfortable and welcoming setting the purpose of these centres among other things is to enhance the response to children where sexual abuse/assault is alleged, to reduce trauma for children and their families, to support existing protocols, to ensure a smooth transition for the child and her family from report/disclosure, investigation, assessment, court preparation, prosecution and ongoing treatment and finally to enhance community understanding about the importance of child centred responses to those at risk. The benefits of these centres are well known with over 400 in place across the United States. To date, only a handful have been developed in this country. Accordingly we recommend the following:

### **RECOMMENDATION 2-24**

*That the Provincial Government provide fiscal support in the form of a one-time grant for the development of community-based Child Advocacy Centres strategically situated throughout the Province.*



*“Today, my wife and I are known as Mike and Brenda Neuts, the parents of the young boy who died at school in Chatham, Ontario. We are busy; we participate in these kinds of discussions everywhere, and will continue to do so to provide a happy, healthy environment for children, and advocate a national, broad-ranging, protective, nurturing, and loving children’s agenda.”*

— *The family of Miles Neuts*

On February 6th 1998, during the lunch hour, Miles Neuts was found hanging on a coat hook in the washroom of his school, and never came home again.

## **Ensuring Safe Schools**

*Recommendations to support safe learning environments including early identification, prevention and intervention strategies to prevent bullying, harassment and intimidation.*

### **Working Group Members**

***Facilitator:***

*Roche, Glenn* Teacher, Hillfield-Strathallan College

***Assistant:***

*McKay, Cst Andy* Bick College, Toronto Police Service

***Rapporteur:***

*Lycyretzoz, Janice* Ontario Office for Victims of Crime

***Delegates:***

*Auty, Stuart* President, Canadian Safe School Network

*Birch, Beth* Principal, Waterloo county School Board

*Brennan, Des* Supervisor, Social Work Services, Hamilton-Wentworth Catholic District School Board

*Dunsford, Cst Michele* Peel Regional Police/Safe Schools Committee

*Filer, Corinne* Hamilton Public Health

*Flameling, Cst Stewart* Halton Regional Police Service

*Marini, Zopito* Associate Professor, Department of Child & Youth Studies, Brock University

*Mayea, Rob Sgt* Regional Youth Services Co-ordinator, Hamilton-Wentworth Police Service

*Neuts, Mike* Kentbridge parent of a young victim

## Ensuring Safe Schools

### *Introduction*

The objective of this specific panel of the conference was to develop recommendations to promote a safe school environment and diminish trouble in the classroom by identifying and clarifying the issues, and to identify the responsibility for their implementation.

At the conclusion of the conference, the common solution to all of the issues was that partnerships between the stakeholders in the community must be nurtured to promote a better relationship between the students and the school community. There must be a united approach between all levels of government and the appropriate stakeholders.

### *Identified Issues*

- setting limits
- early intervention/victimisation
- drugs/poor self esteem
- fear of the police
- police issues
- parents and lack of recreational activities

### *Setting Limits*

Concerns about youth, crime and disrespectful attitudes have been common throughout history. Unfortunately, law makers have chosen to punish our youth only for the more serious cases of unacceptable behaviour such as violence, 'hard' drugs, sexual assaults, weapons and gang violence. The failure to act on the less serious breaches of the law should not be seen to minimise the concerns of society and the effect of youth violence and crime nor to endorse unacceptable behaviour.

What we, as a community, have failed to do is outline what the limits are and re-enforce them. The youth of today are not ignorant of the law nor are they unaware of what appropriate behaviour is. Our youth need direction and they need to be advised of what the limits are.

The panel agreed that, although the appropriate standards are presently in place<sup>1</sup>, there is a breakdown in the effective communication of these standards. Some of the reasons for schools and other stakeholders not setting limits were discussed by the Panel and outlined below:

- School and school boards' agenda not taking into account issues such as drugs, violence, alcohol and unwillingness for some schools to admit there is a problem
- Fear of some educators of being challenged by students and their parents
- Lack of administrative support
- Lack of power to enforce a particular programme — students are not mandated to participate in some of the programmes
- Students are 'lawyer savvy'; they believe they know their rights
- Inadequate teachers that clearly should not be teaching, but it is extremely difficult to terminate them
- Lack of adequate communication between the educators and the students
- Inadequate training and knowledge of the law by those that should be setting the limits i.e.: parents, teachers and police officers.

There was a strong consensus from the Panel that youth enter into unacceptable behaviour without knowing what the consequences are. Society must set the standards at an early age and the best avenue for this is the

---

1 *Safe Schools Act*, R.S.O. 2000,c.12. To promote a safe school environment, a new Provincial *Code of Conduct* outlines what the consequences will be for students who commit serious infractions on school property.

home and schools. Although the new Provincial *Code of Conduct*<sup>2</sup> is in place, there needs to be an agreement between the youth and the school that explains the *Code of Conduct* and any consequences of non-compliance. A clear understanding of these consequences must be re-enforced in the home. Accordingly, the following recommendations are submitted for the issue of setting limits.

### **RECOMMENDATION 3-1**

*Mandate that a 'letter of acknowledgement' or contract be signed by all students and their parents at the beginning of each school year for students in grade six and up. This letter or contract should state the purpose of the Provincial Code of Conduct<sup>3</sup> and the consequences for any breach of the Code<sup>4</sup>. The signing of the agreement should promote better relations between students, parents and the schools.*

### **RECOMMENDATION 3-2**

*For students below the grade 6 level and who may not understand the implication of signing such a document, ensure that the letter of acknowledgement or contract is signed by the parent(s) so that they are aware of the purpose of the Code of Conduct.*

### **RECOMMENDATION 3-3**

*Promote parent support groups to teach proper parenting skills so there is an early understanding of what the limits are:*

- *Empower the parties that deal with the youth. Use public education and advertising to advise parents, teachers, health professionals, police officers and other professionals that they need to take a pro-active role in our most valued investment — our youth*
- *Lobby the police community to focus on; enforcing, deterring and preventing youth involvement in crime, specifically as it relates to school premises*
- *Promote informational sessions for teachers, parents and the police regarding the law and how it affects discipline*

### ***Early Intervention***

There is a lack of early intervention with our troubled youth. It is not uncommon for both parents to be working long hours away from the home leaving the child isolated. Once a child enters the school stream the isolation grows. As a result, a youth may have no one to seek direction from and may be victimised in a variety of ways or turn to the streets for relationships.

### **RECOMMENDATION 3-4**

*Lobby the government to dedicate more funding for early intervention in social services.*

### **RECOMMENDATION 3-5**

*Resurrect the importance of the Ontario Student Records (OSR)<sup>5</sup> and mandate educators to report student behaviours, psychological profiles, etc.*

### **RECOMMENDATION 3-6**

*Encourage mentoring programmes*

---

2 Ibid

3 *Safe Schools Act*, supra, Part XIII s.301(2). The following are the purposes of the code of conduct: 1) To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity. 2) To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community. 3) to maintain an environment where conflict and difference can be addressed in a manner characterised by respect and civility. 4) to encourage the use of non-violent means to resolve conflict. 5) To promote the safety of people in the schools. 6) To discourage the use of alcohol and illegal drugs.

4 Penalties range from suspension to expulsion.

5 The OSR contains information such as transcripts, report cards, photographs, and where applicable, a Violent Incident Form containing: a description of the incident; a reference to the call to the police, if applicable; a reference to the school/board disciplinary response to the incident, if applicable, and/or; a copy of the school board's letter(s) to the student and/or parent(s) guardian regarding the suspension or expulsion for the violent incident

## ***Victimisation***

Violence committed by and upon youth continues to be an issue of great concern. Once children become victims, they stay victims. Research shows that children who witness violence in the home are more likely to become involved in behaviours requiring police intervention and in violent relationships themselves, thus perpetuating the cycle.<sup>6</sup> What must be stressed is that we cannot lose sight of this group of children that become victims.

### **RECOMMENDATION 3-7**

*Increase enforcement activities and prevention initiatives that focus on decreasing youth victimisation*

### **RECOMMENDATION 3-8**

*Increase public awareness and enforcement initiatives relating to the sexual exploitation of children and other forms of child abuse*

### **RECOMMENDATION 3-9**

*Empower youth victims with support, education and resources;*

### **RECOMMENDATION 3-10**

*Focus on preventing youth involvement in crimes*

### **RECOMMENDATION 3-11**

*Improve police response and understanding to victims and child witnesses of domestic violence.*

## ***Drugs and Alcohol***

The Panel agreed that drugs and alcohol are a major concern and there is an undeniable need to address ongoing problems related to drugs and alcohol amongst our youth. Educators, police, drug addicts, counsellors, alcoholics have all spoken on the ill effects of drug and alcohol abuse with little effect on our youth. What is apparent is the increased tolerance of this issue. Children in their formative years have been parented by people who grew up in the 60's when drugs were the "in thing". Subsequently, we have a great deal of parental permissiveness on issues relating to drugs and alcohol. Further, it appears that parents have absolved themselves of the responsibility surrounding their children and drugs — "let the police handle everything" is a common solution. Couple this lackadaisical attitude of the parents with the youths' perception that soft drugs and alcohol are acceptable and you have a recipe for disaster. When children do not have any alternatives to turn to such as recreational activities, hobbies, and sports, they turn to other escapes such as drugs or alcohol.

Drugs and alcohol in schools are not conducive to a safe school environment. By condoning this activity this promotes substance abuse. It is incumbent on school administrators as well as the school boards, parents and students to develop and promote fighting drugs and alcohol in schools. there must be a clear message that any person trafficking drugs to children will be punished more severely.

There have been some very successful programmes in place at schools that have the students teach other students about the dangers of drugs, alcohol and other vices. Students have told their stories to a forum of younger students on the promise of anonymity from the faculty and the press.<sup>7</sup> It is a sobering approach to a pressing issue which appears to be getting through to our children. Unfortunately, that is not enough. There needs to be more public education directed through advertising and media to re-affirm that drugs and alcohol have an intolerable impact on our children. Our children need to be aware of the consequences of drug and alcohol abuse and have access to that information.

---

6 Assistance to Victims. Toronto Police 2001 Service Priorities, 2000/12/14

7 Louise Brown, education Reporter. *Toronto Star*, January 08, 2001 [When teens talk, young peers listen](#). p.B1,2

**RECOMMENDATION 3-12**

*Promote drug education by school peers and mentors and not the traditional paternalistic approach*

**RECOMMENDATION 3-13**

*Drug awareness education must be given to children at an earlier age with an emphasis on the health risks and the risk of early mortality*

**RECOMMENDATION 3-14**

*Parents should be educated in drug and alcohol awareness and in early identification of drug use*

**RECOMMENDATION 3-15**

*Lobby the federal government and request a minimum period of incarceration for people convicted of trafficking drugs to children*

**RECOMMENDATION 3-16**

*Include consequences for drug use and drug trafficking in the letters of acknowledgement to students and parents (see “Setting Limits” earlier in this Panel’s report)*

***Parents***

The relationship between troubled children and their parents is tenuous at best. The Panel agreed that a great number of parents lack the skills to raise children properly. Combine this with the realisation that parents are working longer hours and away from home and the result is a poor relationship between parents and children. This generally leads to children trying to get attention from other sources outside of the family unit. Instead of getting involved in sports or other recreational activities, the troubled children are getting involved in anti-social behaviour, and possibly criminal activity.

**RECOMMENDATION 3-17**

*Promote parent support groups*

**RECOMMENDATION 3-18**

*Offer financial incentives for taking parenting classes — possibly higher baby bonus cheques*

**RECOMMENDATION 3-19**

*Involve the Nursing Association in teaching parenting*

**RECOMMENDATION 3-20**

*Teach parenting skills in school*

***Poor Self Esteem***

Poor self-esteem was identified by the Panel as one of the core problems with troubled children. Some of the problems were identified as: the high percentage of children suffering from mental health illnesses; victimisation; no time with positive peer group; no time with parents, and; cultural diversity and lack of understanding — cultural ignorance.

**RECOMMENDATION 3-21**

*Schools should promote mentor programmes and peer groups*

**RECOMMENDATION 3-22**

*More cultural diversity awareness programmes should be offered in the school system, starting as early as Junior Kindergarten*

### ***Fear of Police / Police Issues***

Simply put, children fear the police. This is usually the case until there is some positive interaction with a certain officer or officers. Until that time, the police are perceived as the “punishers”. A factor that promotes this perception is the reactive nature of police intervention, only being called after something has happened. Children who fear police generally will not report victimisation, thereby perpetuating the cycle of victimisation. This negative image needs to be changed.

Other police issues that were explored by the panel including: school administrators condoning activities to avoid police intervention; kids relating better to undercover or plainclothes officers than uniformed officers; lack of rapport between school boards and the police; lack of police training for school and youth problems. Proper police relations are essential for the police and the public to get to know each other. Increased partnerships between the police and the community can strengthen the ability of the community to create a social and physical environment that has fewer opportunities for bad relations, criminal and anti-social activities to occur.

#### **RECOMMENDATION 3-23**

*Increase the visibility of officers in schools and neighbourhoods*

#### **RECOMMENDATION 3-24**

*Increase police training on youth crime and youth victimisation<sup>8</sup>*

#### **RECOMMENDATION 3-25**

*Promote better relations between school administrators and the police*

#### **RECOMMENDATION 3-26**

*Encourage sporting/recreational events with police and youth*

#### **RECOMMENDATION 3-27**

*Promote plainclothes school liaison officers*

#### **RECOMMENDATION 3-28**

*Increase enforcement activities and prevention initiatives that focus on decreasing victimisation of youth*

#### **RECOMMENDATION 3-29**

*Establish more crime stopper programmes in more schools*

#### **RECOMMENDATION 3-30**

*Foster better relations between the police and the youth*

#### **RECOMMENDATION 3-31**

*Focus on ensuring a safe school environment as outlined in the Police / School Protocol<sup>9</sup>*

### ***Lack of Recreational Activities***

Our youth need positive activities that will promote acceptable behaviour, and learning environments that are safe, nurturing, positive, and respectful. The lack of recreational activities available to students diminishes this possibility. A lack of dedicated funding for recreational activities, impoverished families, and a lack of teachers

---

8 The Toronto Police Service Training & Education Unit is currently structuring a youth crime conference that will enhance training for police officers, Crown Attorneys, Judges and school administrators in the area of youth crime and victimisation.

9 This protocol between the Toronto Police Service, the Toronto District School Board and the Toronto Catholic District School Board is designed to encourage, enable and maintain a positive relationship between police officers, school administrators, staff students, parents, members of the school community, and establishes guidelines for these various relationships.

and/or volunteers reduce the likelihood that all children have the positive rewards of being involved in recreational activities.

The community should be promoting more recreational facilities and activities; however what is occurring is that the recreational activities are being restricted or removed. Three good examples of this are:

- Schools not having playgrounds because they have been removed for perceived environmental concerns;
- School policies prohibiting running in the playground;
- The recent teacher labour dispute which cancelled all recreational activities in a number of schools.

**RECOMMENDATION 3-32**

*More government funding for recreational facilities and activities*

**RECOMMENDATION 3-33**

*Offer incentives for teachers to get involved in student recreational activities*

**RECOMMENDATION 3-34**

*Remove the 7th class of school to promote more time for students and teachers to partake in extra-curricular activities.*

***Conclusion***

It is vital that we as a society work to address the safety and future of our children and youth for they are our most valued investment. There is not one entity or stakeholder that is responsible for the implementation of all of the recommendations. Rather, this report supports a united approach from all of the stakeholders. The children themselves, school administrator, staff, parents, police, members of the community and all levels of government must take ownership in this to promote a safer environment for our children and give more support for our troubled children.

*“I’m sending you this letter because I am very agitated about violence on TV. I think that TV violence influences little children, because my little brother was trying to puncture the wall with a knife because he saw this being done on TV. TV violence is one thing that something should be done about. I am bewildered why more is not being done to get rid of TV violence.”*

— *Jasmine*, Dartmouth NS.

Fourteen grade four students at Caldwell Road Elementary School wrote to government to express their concerns about violence on television. They sent copies of their letters to CAVEAT.

## **Supporting Ontario Families**

*Recommendations to assist families in promoting the welfare and security of children.*

### **Working Group Members**

***Facilitator:***

*de Villiers, Priscilla* President, CAVEAT

***Assistant:***

*Cyr-Wright, Johanne* Programme Director, CAVEAT

***Rapporteur:***

*Ferreira, Fatima* Ontario Office for Victims of Crime

***Delegates:***

*Armstrong, Dr. Harvey* Executive Director, Parents For Youth, Toronto

*Berman, Dr. Ruth* Executive Director, Ontario Psychological Association

*Clarke, Bonnie* CAVEAT Windsor

*Daya, Nazlyn* Ontario Office for Victims of Crime

*Fragomeni, Dr Franco* Psychologist, Mental Health Clinic

*Goldschmidt, Det Sgt Frank* Child Pornography Section (Project P), Toronto OPP

*Kabani, Zemeen* York Regional Health

*McGarry, Cst Jamie* Eagle Plan, Peel Regional Police Service

*Nethery, Mary* Assistant Crown Attorney, Toronto

*Smith, Valerie* Community Activist, Media Violence

*Stephenson, Jim* Brampton parent of a young victim

## Supporting Ontario Families

### *Introduction*

This roundtable was attended by participants from many diverse sectors, including parents, crime victims, educators, public health nurses, clinical psychologists, victim advocates, and criminal justice workers. There was frank discussion, at times passionate, on the effects of media violence on families and society, child pornography and sexual abuse and gaps in mental health services for youth and families. The group's discussions mushroomed from the personal and work experiences of participants to general observations on the state of the family in Ontario.

### *A Complementary Approach to Supporting Ontario Families*

By far the most compelling need that has been identified is that there must be a collective responsibility with a complementary approach. At present issues related to children and youth fall under many ministries which typically results in separation and off-loading.

#### **RECOMMENDATION 4-1**

*It is strongly recommended that a Premier's Council on Child and Youth Safety be established that would initiate this complementary approach. The Council will establish the priorities which must be placed on securing a safe environment in which our children can be nurtured and encouraged, so that they can become healthy and productive.*

- *All ministries involved with children and youth must work together to deliver a seamless service.*
- *Public reporting must reflect this cross-sectoral integration to allow transparency in the delivery of services to children and youth.*
- *Services in schools must be reinforced in a broader range, e.g. speech pathology, psychology, social work.*
- *Services in the community must be integrated, as mental health needs for youth are at a crisis point.*

### *Parenting*

Parents are in crisis. In this, the "sandwich generation", lifestyles are such that there is a lack of support for families in the community. There is a generation of increasingly vulnerable children deprived of the structure which is so necessary to their development. Parents have lost their way. They have over the years become disempowered as they no longer know what their rights are. We must give parents both a clear authority and a clear responsibility to act responsibly.

The Age of Consent is a major impediment to parental responsibility as there is no consistency across legislation, e.g. between the *Health Act*, the age of sexual consent, and a child's eligibility for welfare. This also has an impact on when and if parents may be informed on matters relating to their children, and consequently on their ability to parent in an effective way.

#### **RECOMMENDATION 4-2**

*All levels of government, federal and provincial, co-operate to make the general age of consent 16, and amend the Criminal Code and all other legislation accordingly.*

Parental education is key to responsible parenting, and thus key to prevention. The focal point of this education programme is the school. Young children can begin to learn parenting skills, while their parents are kept abreast of new skills to protect their children from the pressures and threats of modern life. This parental education is most easily accomplished when children are young and parental involvement in the school is at its highest.

Few parents are equipped to understand or to take steps to protect their children from the growing encroachment of the internet and the media saturation which shapes our children's attitudes and behaviour. Instant communication exposes children to many ideas and influences which often are unsuitable for their age

and contrary to family and community values. Parents are helpless in the face of rapidly evolving technology as their children are targeted as a ready market.

#### **RECOMMENDATION 4-3**

*Education for parents must begin in their own childhood. The training for the next generation of parents must start now, in the schools, at an early age.*

#### **RECOMMENDATION 4-4**

*We call on the Ontario Ministry of Health to integrate pre-natal parenting courses into the pre-natal care programme of every parent.*

#### ***Supporting Immigrant Families***

Over 100 languages are spoken in Toronto alone. Across the province, there is a high demand for interpretation and translation services. Ethnospecific agencies report that public institutions such as schools and hospitals have reduced their capacity to provide interpreters. There is a need for more trained cultural interpreters, sign language, and access assistance throughout community services. There is a need for culturally-appropriate counselling programmes for families who need help with long-term adjustment issues such as changing gender and parenting roles, the “generation gap”, cultural adjustment and other family dynamics. Services for youth in particular are seen as pressing issues.

#### **RECOMMENDATION 4-5**

*The Ministry of Community and Social Services must create and fund province-wide interpretation and linguistic translation services staffed with trained interpreters and a cultural interpreter training programme.*

#### **RECOMMENDATION 4-6**

*The Ministry of Community and Social Services must increase funding for new culturally appropriate education programmes for service providers at all levels*

#### ***Media Violence***

*The level of violence to which [children] are exposed through the media has reached such horrific proportions that health professionals, parents, legislators and educators agree that something has to be done.*

— American Academy of Pædiatrics, 1997

The murder of students at Columbine High School in Colorado in April 1999 prompted high-level government hearings into the violence proliferating in the entertainment industry and its impact on youth. In Canada, the Attorney General of British Columbia convinced Canadian justice ministers to form a Federal/Territorial/Provincial Working Group on Media Violence in September 2000. It’s tempting to believe positive change might result from these efforts — tempting, but unrealistic, since politicians on both sides of the border have engaged in similar, unsuccessful initiatives for literally decades.

For example, over the past ten years, the Canadian government and federal broadcast regulator have examined the problem extensively. The Canadian Radio-television and Telecommunications Commission (CRTC) has held hearings and commissioned research into television violence. The federal government identified media violence as a major issue requiring national action in 1991. Health Canada was tasked with leading the initiative and reportedly developed a *Media Violence Action Plan* with the goal of addressing media violence and its effects on children.

In 1993, a national conference on television violence was hosted by the C.M. Hincks Institute for Children’s Mental Health in conjunction with the CRTC. The same year, the House of Commons Standing Committee on Communications and Culture held public hearings on television violence and produced *Television Violence: Fraying Our Social Fabric*, a report containing 27 recommendations for action, and which stated: “What is needed is for government, the federal regulator, and broadcasters to act.”

In 1994, the federal Standing Committee on Justice and Legal Affairs, after studying the problem of violent crime cards and board games, recommended that the obscenity provisions of the *Criminal Code* and *Customs Tariff* be amended to prohibit materials that have as a dominant characteristic, “the undue exploitation of horror, cruelty or violence”.

American politicians have engaged in similar bouts of studies and recommendations since 1952, but none of them has resulted in any reduction in the level of media violence. Quite the contrary; explicit and brutal violence has escalated steadily and infected all aspects of popular culture.

While the Canadian media like to point the finger of blame at the United States, a 1999 study by Laval University indicated that violence on Canadian television had increased 50% between 1995 and 1998<sup>10</sup>, this in spite of assurances given in 1996 by the Canadian Association of Broadcasters and Canada’s cable television industry that action would be taken to protect children.

### ***Research on the effects of media violence***

In a 1999 position paper *Children and the Media*, the Canadian Pædiatric Society stated that “The influence of the media on the psychosocial development of children is profound.” In the United States, UNESCO, the American Medical Association, American Psychiatric Association, American Academy of Pædiatrics, American Academy of Child & Adolescent Psychiatry, American Psychological Association, National Institute of Mental Health, American Academy of Mental Health, and the U.S. Surgeon General, have all made definitive statements over the years about the relationship between childhood exposure to visual violent images and later manifestation of real-world aggression and violent criminal acts. For example:

- 2000: *Joint Statement on the Impact of Entertainment Violence on Children* made by the American Academy of Pædiatrics, American Psychological Association, American Academy of Child & Adolescent Psychiatry and the American Medical Association at a Congressional Public Health Summit on entertainment violence. It states that “the conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviour, particularly in children. Its effects are measurable and long-lasting.”
- 1993: American Psychological Association’s Commission on Violence and Youth states there is “absolutely no doubt that higher levels of viewing violence on television are correlated with increased acceptance of aggressive attitudes and increased aggressive behaviour. Three major national studies... reviewed hundreds of studies to arrive at the irrefutable conclusion that viewing violence increases violence.”
- 1984: U.S. attorney general’s Task Force on Family Violence states that evidence is overwhelming that TV violence contributes to real life violence.
- 1982: National Institute of Mental Health (U.S.) issues an extensive report stating that there is a clear consensus on the strong link between TV violence and aggressive behaviour. The American Medical Association reaffirms “... its vigorous opposition to television violence and its support for efforts designed to increase the awareness of physicians and patients that television violence is a risk factor threatening the health of young people.”

Many people are unaware of the research identifying potential harmful effects of violent entertainment, especially on children and youth. Public education is a key component to any strategy for combating media violence.

---

<sup>10</sup> *La violence - la télévision canadienne 1993-98: Analyse des Emissions de fiction diffusées par les six réseaux généralistes*, Jacques de Guise & Guy Paquette

**RECOMMENDATION 4-7**

*Health Canada should undertake and co-ordinate appropriate medical health research into media violence with particular reference to the resilience on the part of some children in contrast to the vulnerability of others. A report should be issued within one year from its completion.*

**RECOMMENDATION 4-8**

*Health Canada should create a national education strategy to inform people, particularly parents, about the harmful effects of violent media on children and youth.*

American medical and mental health associations have issued very strong statements identifying media violence as a public health issue. It would be helpful if Canadian authorities provided similar information.

**RECOMMENDATION 4-9**

*Health Canada should encourage Canadian medical and mental health associations to analyse current research and issue their own assessment.*

***Ratings systems***

The current classification system of the Ontario Film Review Board does not prohibit children from attending some movies that are clearly unsuitable for them. Adult Accompaniment 14 means that toddlers can attend films flagged by the OFRB with Brutal Violence warnings, provided the children are with an adult.

**RECOMMENDATION 4-10**

*Ontario Film Review Board should review its ratings system and add a classification that would prohibit young children from attending violent films.*

While the classification system is legislated in Ontario under the *Theatres Act*, and movie theatres face penalties for non-compliance, i.e., letting children under 18 into Restricted movies, it was felt that not all theatres observe the law.

**RECOMMENDATION 4-11**

*The Ontario Ministry of Consumer and Business Services, which enforces The Theatres Act, should increase inspections at theatres to ensure theatre owners are operating in compliance with the legislation.*

Products deemed harmful to children routinely carry warning labels, i.e., toxic cleaning products. While warning labels don't prevent all accidents, they do act as an educational tool. Parents don't usually leave Draino where the five-year-old can play with it because it's marked as a poisonous product.

**RECOMMENDATION 4-12**

*Provincial ministries responsible for film classification should include a warning label on violent entertainment products deemed harmful to children, e.g., home videos, video games, CDs.*

Music lyrics have become increasingly violent and sexually explicit, containing material the recording industry acknowledges as being clearly inappropriate for children. Currently, parents lack the tools to monitor these products because they are not subject to an age-based classification system.

**RECOMMENDATION 4-13**

*Provincial governments should institute a legislated, age-based classification system for the recording industry similar to the one imposed on movies/videos and proposed for video games, including authority to prohibit excessively violent products.*

Video and virtual reality games employ powerful and potentially behaviour-modifying technology but enjoy almost complete freedom from government regulation. Both the governments of British Columbia and

Ontario have indicated their plan to introduce age-based classification systems, but these have not become a reality yet.

#### **RECOMMENDATION 4-14**

*Provincial governments should institute a legislated, age-based classification system for video and virtual reality games similar to the existing system for movies and home videos, including the authority to prohibit excessively violent and sexually deviant games.*

The *Criminal Code* does not include a prohibition against products which feature graphic violence without explicit sex. Section 163 makes it an offence to make, distribute or sell obscene publications defined as material which has as a dominant characteristic “the undue exploitation of sex, or of sex, and any one or more of the following subjects, namely, crime, horror, cruelty and violence”. This section of the *Criminal Code*, written in the 1950s, has not been revised to keep pace with either technology or the increasing brutality offered as entertainment.

#### **RECOMMENDATION 4-15**

*Attorney General of Canada should amend Section 163 of the Criminal Code to include the undue exploitation of violence without a sexual context, as recommended in Television Violence: Fraying Our Social Fabric (1963), Report of the Standing Committee on Communications and Culture, and as recommended again by the Standing Committee on Justice and Legal Affairs in a report tabled in the House of Commons 1994.*

Inasmuch as politically-dominated working groups and action plans have been distinguished primarily by their lack of success, a working group with a more proactive approach would be a beneficial adjunct to the Federal-Provincial-Territorial Working Group on Media Violence formed by the justice ministers.

#### **RECOMMENDATION 4-16**

*Formation of a multi-disciplinary working group on media violence comprised primarily of non-governmental representatives with the goal of designing a national action plan to address the harmful impact of media violence on children and youth. In Ontario, this could be undertaken in co-operation with the Office for Victims of Crime.*

### **Canadian taxpayer subsidisation of violent film and television**

Through direct funding and also through a system of provincial and federal tax credits, Canadians fund the production of film and television programmes, some of which are brutally violent. The dollar figures involved are staggering, while public input is non-existent.

#### Direct funding

Some of the funding provided by the taxpayer includes a federal government allocation of \$100 million to the Canadian Television Fund, a programme which has been in place since 1996, and \$137 million to Telefilm Canada<sup>11</sup>. Through Telefilm, Canadians contributed directly to the production of violent films like *Crash*, *Cube* and the S & M documentary, *Tops & Bottoms: Sex, Power & Sadoomasochism*. Norstar Filmed Entertainment applied to Telefilm Canada for funds to produce *Invisible Darkness*, a movie based on the crimes of Paul Bernardo and Karla Homolka. While Telefilm refused the request, a spokesperson said the decision had nothing to do with censorship — the script just wasn't up to par compared to other projects. In other words, if the script had been better, the taxpayer could have been forced to fund this movie.

#### Tax credits

Like personal income tax filings, tax credit applications made by film and television companies are confidential, so the public cannot even access information relating to individual productions. And, once again, the figures are considerable. For instance, in 1998-99, total production costs of projects certified by the

---

11 Fiscal year ended March 31, 2000

federal government's Canadian Audio-Visual Certification Office amounted to \$1.29 billion, meaning that \$118 million in tax credits could have been doled out by the government. Some of these productions also receive provincial tax credits that match or exceed the federal programme<sup>12</sup>.

Lions Gate Films, the company which made a movie out of the ultra-violent book *American Psycho* — a favourite of Paul Bernardo — applied for and very probably received federal tax credits. In addition, the company has benefited from the receipt of millions of dollars from Telefilm Canada over the years.

Ottawa also hands out about \$60 million a year in tax credits to American producers who come to Canada to take advantage of the low dollar and tax incentives. As a result, we underwrite brutally violent movies like *Urban Legend*, *Urban Legend 2: Final Cut*, *Bride of Chucky*, *The Corruptor*, *Reindeer Games*, *Jason X: Friday the 13th Part Ten*, and violent television programmes *Millennium*, *La Femme Nikita*, *Robocop: The Series*.

Taxpayers are funding the production of violent films and television programmes, both through provincial and federal tax credits and direct funding.

#### **RECOMMENDATION 4-17**

*Federal and provincial agencies granting funding and tax credits should develop criteria that would exclude productions that glorify or promote gratuitous violence.*

#### **RECOMMENDATION 4-18**

*Federal Minister of Finance should amend legislation governing the system of tax credits to permit clear accountability and allow taxpayers to find out what television and film productions have received tax credits.*

A 1% tax on violent entertainment products was proposed in *Working Toward a Seamless Community and Justice Response to Domestic Violence*, a report provided to the Ontario Attorney General by the Joint Committee on Domestic Violence, 1999. Funds could be used for education or research. Many products such as movies, home videos, and video games are already classified and carry labels that could be used to identify violent taxable items.

#### **RECOMMENDATION 4-19**

*Revenue Canada or the appropriate provincial ministry should institute a tax on violent entertainment products including, but not restricted to, theatrical-release movies, home videos, computer video games, video arcade games and CDs, with proceeds earmarked for education and research.*

#### **Internet**

The World Wide Web has made the world a smaller place, but it has also made it more dangerous for our children. While we should encourage our children to take advantages of the benefits of the net, we must also ensure that they are aware of the dangers and that we take the necessary steps to protect them.

Chat rooms have opened up our homes to virtual strangers who can pretend to be anyone, any age and either sex. They can talk to children in complete secrecy. They can prey on a child as their parents sit in the next room. They can entice a child to meet in person, where the risk of sexual abuse becomes imminent. Pædophiles who used to be isolated can now find victims without leaving the security of their own homes, at little expense and little risk of being caught. The dissemination of child pornography has reached unimaginable heights.

The promotion of hate literature is yet another example of the dark side of the Internet that threatens society. Like those who prey on children, those who promote hatred and violence have also found a safe and secure home on the Internet.

---

12 [Trouble in Hollywood North](#), *Globe and Mail*, May 13, 2000

The Internet is not governed by anyone and it does not respect any global boundaries, making it difficult to police. Experienced users can operate with virtual anonymity, although law enforcement in some parts of the world are struggling to catch up. Those countries have recognised this new form of child sexual exploitation and promotion of racial hatred and have begun to dedicate the necessary resources and attention to this growing problem.

Unfortunately, Canada has been slow to react with the proper resources and tools for law enforcement where other countries have recognised it as an emerging priority for law enforcement. There is an acknowledgement, both inside and outside Canada, that we need a co-ordinated law enforcement to deal with this problem.

#### **RECOMMENDATION 4-20**

*We call upon the Commons Justice Committee to hold a series of hearings, including a national roundtable, on combating the sexual exploitation of children via the internet, including experts from local and federal law enforcement/policing agencies (including representatives from the FBI and OJJDP), internet service providers, Crown Attorneys, victim advocates, Canada Customs, Interpol, provinces, etc. The hearings should examine the following issues:*

- *the significant amount of child sexual exploitation and promotion of hatred that is occurring on the Internet;*
- *how to better educate the public and media about the possible risks children face;*
- *training issues for law enforcement officers;*
- *the role of the federal government to work in conjunction with provincial and local police services;*
- *the need for legislative reform;*
- *the role and responsibility of Internet Service Providers;*
- *sentencing practices for child pornography offenders;*
- *the impact of the Supreme Court decision in R. v. Sharpe;*

Internet Service Providers (ISP): As ISPs continue to profit from the Internet explosion, most have done little to take any responsibility for the crimes that take place on the Internet. To be fair, some ISPs have taken steps to address their responsibility, such as AOL. To date, Canada has been satisfied to trust ISPs to report any crimes they may learn of. We have allowed ISPs to use the size and complexities of the Internet to justify their inaction. But it is our children who are being victimised and as Canadians we look to those whom we hold accountable to protect them.

#### **RECOMMENDATION 4-21**

*The federal government must take steps to hold ISPs accountable:*

- *create a legal obligation of ISPs to inform law enforcement if they become aware of any illegal material as defined by the Criminal Code on their server (just as we require doctors and social workers to report suspected cases of child abuse);*
- *examine the practicality of licensing ISPs by the Canadian Radio and Television Commission (CRTC). A licence for an ISP may be cancelled if the licensee is convicted of a specified sex offence involving a child or an offence under this act;*
- *create the offence of an ISPs knowingly permitting the use of its service for placement of child pornography or any other illegal material as defined by the Criminal Code;*
- *require service providers to block access to identified portions of the Internet that carry child pornography;*
- *enact legislation requiring preservation of evidence, upon written request to ISPs, until the formal process can be completed;*
- *ISPs should distribute educational material about the dangers of the Internet to clients and such material should accompany the sale of all computers;*
- *ISPs and customers should pay a surcharge to offset the costs of law enforcement on the Internet;*

## ***Criminal Code***

As technology progresses, our criminal justice system must adapt to respond to the new dangers that arise. In order to ensure that law enforcement agencies and courts have the tools to deal with the cyber-criminal, our *Criminal Code* requires reform.

### **RECOMMENDATION 4-22**

*We call on the Federal Government to:*

- *create an offence of “conspiracy to possess” child pornography;*
- *create a new offence of luring/child solicitation/trolling via computer;*
- *amend s.163 to deal with transmission by electronic mail or posting material on the Internet or any other electronic net;*
- *codify decision in R. v. Pecciarich which stated “the uploading of files onto bulletin boards, which the public can access through an application process, is clear evidence of distribution.”*
- *allow a court that convicts someone of child pornography offences to order that anything used in relation to the offence be forfeited. This would cover computer equipment if the offender used the net;*
- *amend s.161 (lifetime ban on sex offenders) to include offences related to child pornography;*
- *allow a court to ban someone from the Internet as a condition of probation or bail;*
- *raise the age of consent;*
- *review section 7(4.2) (Bill C-27) to remove the requirement that the country where the offence took place request Canada’s intervention for the prosecution of Canadian citizens who produce child pornography abroad with the intention of selling it in Canada;*
- *provide for necessary powers under search warrants to facilitate electronic searches;*

## ***Law enforcement***

Canada currently lacks the co-ordinated response we see in the US and other countries. The RCMP Report on *Plans and Priorities for 1999/2000 - 2001/2002* recognised the need to “formulate policy options for a co-ordinated national law enforcement strategy designed to combat the sexual victimisation of children, without compromising existing efforts of individual jurisdictions.” The response has been largely piecemeal and dependent on the resources of local police forces. The Ontario Provincial Police Child Pornography Unit is considered Canada’s leading law enforcement agency dealing with child pornography. The Organised Crime Agency of BC (OCABC), Ottawa, Peel, Calgary, Winnipeg and Montreal Police Services all have officers who specialise in this type of law enforcement.

### **RECOMMENDATION 4-23**

*We call on the Federal Government to:*

- *establish task forces involving federal, provincial and municipal law enforcement agencies (including Customs), Crown Attorneys with expertise and experience in prosecuting such cases and civilians with computer expertise to assist with reviewing and removing computer material to provide focal point for intelligence, investigations and computer forensic support;*
- *establish co-ordination of undercover investigations as they relate to the internet;*
- *develop a central repository to record all police officers in Canada who have been cleared to actively work on the Internet;*
- *increase efforts to identify and locate the children whose images are found in child pornography; create a national photo image database to help identify victims;*
- *create a national tip line similar to that of the US;*
- *provide federal funding and training of police for law enforcement efforts on the Internet;*

## ***Education***

Law reform and enforcement are only pieces of the solution. Corporations should play a leadership role in using this technology for the benefit of society; International issues education is another essential element.

This not only involves education of children who are most often at risk, but also of their parents who may not be comfortable or experienced with the Internet.

#### **RECOMMENDATION 4-24**

*We call on the federal and provincial governments to:*

- *ensure that judges and crowns are provided with the necessary education as regards the internet and that law schools address this developing area of law in core curricula;*
- *provide funding for specific research to address these needs;*
- *require manufacturers and ISPs to contribute to research and educational efforts;*
- *promote awareness and education regarding the dangers related to the Internet aimed at teachers;*
- *mandate computer companies and stores to include education packages with the sale of every new computer/equipment/software*

#### ***International Issues***

One of the most difficult challenges facing law enforcement is the international aspect of this issue. The Internet does not respect any global boundaries. Conversations, trading, luring can take place in minutes despite a distance of thousands of miles. Canada has not been one of the world leaders on this issue, yet has the potential to lead this fight.

#### **RECOMMENDATION 4-25**

*Canada should play a leading role in the international discussion related to internet dangers. Agreements should be pursued on the international stage to address international law enforcement difficulties and problems of ISPs which are facilitating child abuse and pornography.*

#### ***Mental health***

The panel emphasised that the need to help families with conduct-disordered children was urgent, as these aggressive children are at increased risk of being abused by their parents/guardians, (and indeed of reciprocal abuse!) as well as for school dropout, alcoholism, drug abuse, juvenile delinquency, adult crime, antisocial personality, marital disruption, interpersonal problems and poor physical health.

In the absence of treatment, the long term outlook for conduct-problem children was considered poor. The panellists felt that mental health services, including parent training, individual and family in-home counselling and support and residential treatment care were not accessible or simply unavailable in a number of communities throughout the province.

The rationale for parent training came from the clinical experience and research noted by several panellists indicating that parents of conduct disordered children appear to have underlying deficits in certain fundamental parenting skills. Observations were made of parents' increased use of violence and criticism in discipline, more permissiveness, failure to monitor their children's behaviours, increased likelihood of reinforcing inappropriate behaviours and ignoring pro-social behaviours. Panellists suggested that when many families feel powerless, in the face of oppositional/defiant children and institutions, they tend to resort to maladaptive ways of expressing power and control over their lives, which can often lead to destructive behaviours.

While there were many questions left to be answered concerning the process of intervention for the children and parent training, there was consensus on the need for government to make relevant mental health services, including residential care and parent training courses, accessible especially to parents/guardians who have multi-problem children.

Young offender services, phase 1 or 2, either open or secure custody were considered of limited benefit from a rehabilitation perspective, especially for the chronic and 'hard to serve' youth because the criminal justice

sanctions are by their nature after-the-fact, and restricted by the period of the sentence (average sentence about 4 months) and there are scarce resources for intensive community supervision and follow up services.

Developing respite services for caregivers of the hard to serve child/youth was suggested as a way for caregivers to get a much needed stress break.

### ***Background on the erosion of accessible mental health services in Ontario.***

In 1984, the Ministry of Community and Social Services (MCSS) introduced the *Child and Family Services Act*, thereby consolidating existing legislation directly dealing with children in programmes overseen by the MCSS (i.e. the *Children's Mental Health Services Act; the Residential Services Act*). The authors of the Act relied heavily on narrow legalistic approaches and did not seriously consider the opinions of professionals working with families. The Act set up numerous new legal procedures and it intruded the law and lawyers between families and the helping professionals especially on matters of mental health care, placement and treatment. In fact, as any Children's Aid Society will confirm, the focus of the omnibus Act is more on protection from than the promotion of treatment services. There is no mention of the right of families and children to have access to the treatment they need.

Concurrently, in the 1980s, several Ministry of Health-commissioned task forces and working groups were appointed to study and develop options for government to plan and co-ordinate the delivery of mental health services for the population of Ontario and to take us into the next millennium. (see esp. Heseltine, 1983; Evans, 1987; Graham, 1988) The experts drafted a series of comprehensive, long range recommendations for a community-focused mental health system and identified that priority services should be delivered to people with the most serious mental illness or disorders.

Government incorporated the initiatives into mental health policy, and accepted the specific recommendation of the target population as being the most severely ill. All government ministries supervising programmes providing various mental health services were affected. Government-funded and government-supported social service agencies, inpatient and outpatient mental health clinics and other treatment centres throughout the province were to begin a process of mandate review to meet the ministry's expectations. This was to include collaboration with colleagues within the community with a view to making changes in the way people with mental health problems were to be served.

As agencies reorganised, downsized or closed, a number of barriers in dealing with services emerged. Extensive waiting lists, accessibility, age restrictions and criteria restriction were created by increased demand for service, resulting in exclusions to service and further gaps in service. Increasing numbers of people with psychological, social or behavioural needs were turned away by the very institutions which were created to take care of them. Those agencies that are available only provide short term, crisis intervention.

In 1993, the Ontario Ministry of Health document *Putting People First* set out a ten-year mental health reform strategy which, among a numerous policies, principals and goals, continued the de-institutionalisation efforts and reinforced the commitment to shift funding and human resources from institution-centred treatment and accommodation to community-based care and interventions. Increased community demands for services however overwhelmed most programmes, as funding did not keep pace with need.

In 1998, the Ministry of Health completed a consultative review of progress to date (*2000 and Beyond: Strengthening Ontario's Mental Health System*), and drafted the next steps in the implementation strategy. *Making It Happen* is the document of mandated next steps (MoH, 1999), describing the roles and responsibilities of the Ministry, regional offices and agencies in delivering hospital and community-based mental health services based on 'best practices', (see *Review of Best Practices for Mental Health Reform*, 1997) and the operational framework for the delivery of mental health services and supports. The Implementation Plan has continued to define the priority population as those people with serious mental illness (see esp. pp 38 MoH 1999). There continue to be too many people seeking help with problems who are turned away. The

child welfare and children's mental health services in Ontario are both overburdened, and improved co-ordination of services to children and families is needed. The Ministry intends to review progress in 2002.

In August 2000, after three years of research and development, the Canadian Institute of Child Health (<http://www.cich.ca/>) released a Profile on the health and well being of Canada's children. The review includes assessments of children's living environments, physical and mental health status and needs as well as aboriginal issues. The mental health review drew special concern and the researchers offered a number of recommendations to government to address gaps in services to families. (see *The Health of Canada's Children: A CICH Profile*, 2000 for details)

In September 2000, a comprehensive report entitled *A National Action Agenda on Children's Mental Health* was released by the Surgeon General of the United States.

While funding for Mental Health services has increased over the years, total mental health spending has declined as a proportion of government spending. If the goal of developing a comprehensive and seamless community-based mental health care system for all citizens who need help is to be realised, dedicated funding must be made available to programmes demonstrating established best practices.

#### **RECOMMENDATION 4-26**

*Ontario's Mental Health Care system must provide a comprehensive range of clinical services to include any family experiencing emotional, behavioural and/or psychological distress as close to their homes as is possible.*

A major challenge for Government is how to encourage research programmes in the field to generate an evidence base to support or refute current practices and to evaluate different models of clinical care.

#### **RECOMMENDATION 4-27**

*Federal and Provincial research grants should be co-ordinated by a joint standing committee dedicated to evaluating proposals from experts in Canada who conduct studies on the causes, cures and management of mental illnesses.*

The lack of appropriate services for young people is painfully obvious to them, their parents/caregivers, social service agencies, schools and physicians. The understanding that school connectedness has a direct influence on emotional well being and health suggests powerful opportunities for programmes and interventions that promote a sense of attachment and belonging within the school environment.

Collaboration with community providers from a wide range of sectors is central to achieving better mental health outcomes. Any action in which the major purpose is to reform and consolidate must cross ministerial boundaries.

#### **RECOMMENDATION 4-28**

*All ministries involved in families and children should be mandated to provide an integrated service to address the mental health needs of hard-to-serve children, counselling for their families, and special needs in schools.*

People want to enjoy years of good health and avoid illness and disease. To work to achieve this goal, families must have access to and be encouraged to make use of current education and information on lifestyle choices, prevention and management of problems so they can make informed decisions. People must also be encouraged to actively respond to health promoting messages in areas such as diet, smoking, alcohol consumption, physical activity, prenatal care, responsible parenting and child care.

#### **RECOMMENDATION 4-29**

*We recommend that the Ministry of Health consolidate and distribute information packages on family wellness through a public health network blitz throughout the province.*

Disturbed adults are referred to hospitals with qualified staff. Disturbed children are referred to group homes where staff are generally unqualified in mental health. There is a lengthy wait for services in the community. Youth mental health needs, in particular, are at a crisis point.

#### **RECOMMENDATION 4-30**

*There is an urgent need for the Ministry of Health to increase the number of qualified mental health workers for children and youth. The Ministry of Health must address the issue of accessibility to qualified, regulated providers regardless of their discipline.*

Current OHIP coverage does not include treatment by regulated mental health professionals such as psychologists, which in turn adversely affects children's access to treatment.

#### **RECOMMENDATION 4-31**

*The Ministry of Health must revisit the funding criteria for regulated mental health professionals.*

#### ***General ideas from the group***

- Strengthen the family in its role to instil moral principles and provide guidance and support to children.
- Support core social institutions (schools, religious organisations, youth service agencies, community organisations) in their role to develop capable, mature, and responsible youth.
- Recognise that delinquency prevention is the most cost effective approach in combating youth crime.
- Intervene immediately and effectively when delinquent behaviour first occurs. Ensure that appropriate sanctions are delivered in a timely fashion.
- Identify and control the small group of serious, violent, and chronic offenders through a range of graduated sanctions, including placement in secure facilities.

#### ***References***

Health Systems Research Unit, Clarke Institute of Psychiatry. (1997) *Review of Best Practices in Mental Health Reform*

Heseltine, G.F. (1983) *Towards a Blueprint for Change: A Mental Health Policy and Program Perspective*. Ontario Ministry of Health

*Putting People First: The Reform of Mental Health Services in Ontario* (1993) Ontario Ministry of Health

Newman, Dan (1998) *2000 and Beyond: Strengthening Ontario's Mental Health System*. Ontario Ministry of Health

Graham, Robert (1988) *Building Community Support for People: A Plan for Mental Health in Ontario*

*Making It Happen: Implementation Plan for Mental Health Reform, & Operational Framework for the Delivery of Mental Health Services and Supports* (1999) Ontario Ministry of Health

*“The conference was a time for some of the most influential people in the area of children’s services to re-familiarise themselves with some of those basic but priceless principles that would be at the very heart of all of our work. One of those principles included the right for children to be safe and the need for adults to take responsibility for all children.”*

— Ray Pidzamecky MSW, RSW  
Co-director Parent Watch / School Social Worker, Halton District School Board

# VISION Conference

## *Attendees*

*Abraham, Michelle* Supervisor, Covenant House, Toronto  
*Anderson, Joanne* Court Reporter/Scribe  
*Armstrong, Dr. Harvey* Executive Director, Parents for Youth Toronto  
*Auty, Stuart* President, Canadian Safe School Network  
*Berman, Dr. Ruth* Executive Director, Ontario Psychological Association  
*Birch, Beth* Principal Waterloo County School Board  
*Bradeur, Jacques* President, Coalition of Responsible Television  
*Brennan, Des* Supervisor, Social Work Services, Hamilton-Wentworth C.D.S.B  
*Bryant, Michael* Ontario Member of Provincial Parliament, Critic for Attorney General  
*Cadman, Chuck* Member of Parliament, Surrey BC  
*Clarke, Bonnie* CAVEAT Windsor  
*Cooke, Diana* Advocacy Office, Province of Ontario  
*Cyr-Wright, Johanne* Programme Director, CAVEAT  
*Daya, Nazlyn* Ontario Office for Victims of Crime  
*Davis, Chief Bruce* President, Ontario Association of Chiefs of Police, South Simcoe Police Service  
*de Villiers, Priscilla* President, CAVEAT  
*Dias, Suzanne* Ontario Office for Victims of Crime  
*Dunsford, Cst Michele* Peel Regional Police/Safe Schools Committee  
*Ferreira, Fatima* Ontario Office for Victims of Crime  
*Filer, Corinne* Hamilton Public Health  
*Flameling, Cst Stewart* Halton Regional Police Service  
*Fragomeni, Dr. Franco* Psychologist, Mental Health Clinic  
*Goldschmidt, Det Sgt Frank* Child Pornography Section (Project P) Toronto OPP  
*Hurley, Dr Pamela* Director of Child Witness Project, London Family Court Clinic  
*Hutchison, Cathy* President, Probation Officers Association  
*Jones, Sandra* Director of Development, CAVEAT  
*Kabani, Zemeen* York Regional Health  
*Keller, Sandy* Halton Regional Health  
*Leonard, Dorothy* Executive Director, CAVEAT  
*Locante, Angela* Toronto Public Health  
*Loparco, Tony* President, Ontario Crown Attorneys Association  
*Lycouretzoz, Janice* Ontario Office for Victims of Crime  
*Mahaffy, Debbie* Ontario Office for Victims of Crime  
*Marini, Dr. Zopito* Dept of Child & Youth Studies, Brock University  
*Mathews, Dr. Fred* Director of Research, Central Toronto Youth Services  
*Mayea, Sgt Rob* Regional Youth Services Co-ordinator, Hamilton-Wentworth Regional Police  
*McGarry, Cst Jamie* Eagle Plan, Peel Regional Police Service  
*McKay, Cst Andy* Bick College / Toronto Police Service  
*McQuaig, Teresa* Victims of Violence  
*Muise, Det Sgt John* Ontario Office for Victims of Crime  
*Nethery, Mary* Assistant Crown Attorney, Toronto  
*Neuts, Mike* Kentbridge parent of a young victim  
*Newark, Scott* Special Counsel, Ontario Office For Victims of Crime  
*Okuloski, Supt Dan* Crime Prevention Ontario, Halton Regional Police  
*Paul-Miles, Josie* York Regional Health  
*Petri, Det Cst Richard* Juvenile Task Force, Toronto Police Service  
*Pidzamecki, Ray* Social Worker, Lifecycle Counselling/Parent Watch, Oakville  
*Powell, Carla* Manager, National Youth Services, National Office MADD Canada  
*Robertson, Chief Ken* Hamilton-Wentworth Regional Police Service  
*Roche, Glenn* Teacher, Hillfield-Strathallan College  
*Smallbone, Det Sgt Ron* Juvenile Task Force, Toronto Police Service  
*Smith, Valerie* Community Activist, Media Violence  
*Smith, Suzanne* CAVEAT Volunteer  
*Sotirakos, John* Director, Central East Region, Crown Operations, Newmarket  
*Stephenson, Jim* Brampton parent of a young victim  
*Sullivan, Steve* Director, Canadian Resource Centre for Victims of Crime, Ottawa  
*Suzanne* High school teacher and mother of a young offender  
*Tracy, Det Steve* Juvenile Task Force, Toronto Police Service  
*Vanscoy, Karen* parent of a victim of a young offender  
*Wambach, Joseph* parent of a victim of a young offender

## Youth Safety Strategies Roundtable

April 26-September 26, 2000

### *Delegates*

*Aharonian, Jacques* School Social Worker, Greater Essex County District School Board  
*Anderson, Michelle* Community Support Services Supervisor, Covenant House, Toronto  
*Ansell, Leanne* Crimestoppers, Halton Regional Police Service, Oakville  
*Auty, Stuart* President, Canadian Safe School Network, Mississauga  
*B.J.* Student Rep, Hamilton-Wentworth School Board  
*Bayne, Dr. Ronald* Professor Emeritus, McMaster University  
*Bested, Randy* Toronto Police Service  
*Biggley, Mary Lynn* Community Development, Greater Essex County District School Board  
*Black, Jim* Student Rep, Queen Elizabeth Park School, Oakville  
*Bradley, Christine* Niagara Regional Public Health, Child Youth Programme  
*Brennan, Phil* Principal, Windsor-Essex Catholic School Board  
*Brklacich, Lori* Probation Co-ordinator, Central Toronto Youth Services  
*Bromberg, Keren* Student Rep, Queen Elizabeth Park School, Oakville  
*Carbonaro, Toni* Student Rep, Kids Alliance, Windsor  
*Carter, Sally* Student Rep, Queen Elizabeth Park School, Oakville  
*Cattaneo, Vivian* Resident Co-ordinator, Shelter School Based Programmes, Windsor  
*Chapman, Lori* Child Find, Oakville  
*Charlebois, Cézanne* Probation Officer, Windsor  
*Choucair, Abraham* Student Rep, Kids Alliance, Windsor  
*Clarke, Bonnie* CAVEAT Representative, Windsor  
*Colgate, Mhari* Student Rep, Hillfield-Strathallan College, Hamilton  
*Cordero de Bolaños, Frances* Halton Multicultural Council, Oakville  
*Cornish, James* Haldimand Crown Attorney  
*Crosswell, Jennifer* Student Rep, Kids Alliance, Windsor  
*Cruickshank, Rick* Toronto Police Service  
*Cullum, Michael* Toronto Police Service  
*De Angelis, Michael* Principal, Applewood Heights Secondary School, Peel District School Board  
*Doherty, Tony* Eagle Plan, Peel Regional Police Service  
*Doyle, Det. Cst. Kelly* Ontario Provincial Police  
*Drouillard, Lou* St. Leonard's House, Windsor  
*Dulmage, Beth* Manager, Comprehensive School Health Programme, Windsor  
*Edwards, Eleanor* Supervisor, Evergreen Drop-In Centre, Yonge Street Mission, Toronto  
*Erben, Donna* Chair, Hess St. School, Hamilton  
*Fantetti, A/Sgt. Dan* LaSalle Police Service  
*Farrant, Leigh* Student Rep, Robert Land Academy, Wellandport  
*Fiorini, Lydia* Executive Director, Sexual Assault Crisis Centre, Windsor  
*Flameling, Cst. Stewart* Halton Regional Police Service  
*Francis, Eddie* Councillor, City of Windsor  
*Furry, Diane* Principal, Tapleypoint Elementary Public School  
*Futerman, Joy* L.O.V.E. (Leave Out Violence), Toronto  
*Garven, Andrew* CAVEAT, Burlington  
*Gatt, Tina* Co-ordinator, Council for Prevention of Child Abuse, Windsor  
*Gilbert, Shelley* Co-ordinator, Kids Alliance/Blue Ribbon Committee, Windsor  
*Gilbert, Sue* Corporate Security, Sheridan Campus Security, Oakville  
*Gold, Cst. Gary* Halton Regional Police Service  
*Graham, Scott* President, Kids 4 Kids, Burlington  
*Greaves, Clayton* Drop-In Co-ordinator, Evergreen, Yonge Street Mission, Toronto  
*Greenwood, Holly* Supervisor, Healthy Lifestyles, Peel Public Health  
*Half, Natalie* Probation & Parole Officer, Mississauga  
*Hastings, Suzanne* Deputy Superintendent, Toronto Youth Assessment Centre C.S.C.  
*Haydar, Donna* Student Rep, Queen Elizabeth Park School, Oakville  
*Ingrassia, David* School Liaison Officer, Hamilton-Wentworth Police Service  
*Inverarity, Christine* Principal, Glenwood School, Windsor  
*Jain, Vani* Student Rep, Queen Elizabeth Park School, Oakville  
*Jessop, Det. Sgt. Neal* Windsor Police Service  
*Kelly, Patti* Director, Victim Assistance Unit, Windsor Police Service  
*Kennedy, Judy* Principal, Northview Heights Secondary School, Toronto  
*Komar, Vickie* School Social Worker, Greater Essex County District School Board  
*Kosinsky, Val* Niagara Regional Public Health Nurse, St. Catharines

*Lauricella, Maria* Probation & Parole Officer, Toronto  
*Le Clerc, Serge* Director, Counselling Services, Robert Land Academy, Wellandport  
*Lowe, Kirsten* Programme Co-ordinator, Children's Assessment & Treatment Centre, Burlington  
*Macdonald, Rick* Co-Chair, Windsor-Essex Catholic Elementary School Council Committee  
*Manarin, Brian* Assistant Crown Attorney, Windsor and Essex County  
*Marcovitch Dr. Howard* Central Co-ordinator, Support Services, Toronto District School Board  
*Marini, Dr. Zopito* Professor, Brock University, St. Catharines  
*Marshall, Ryan* Student Rep, Robert Land Academy, Wellandport  
*Mathews, Dr. Fred* Director of Research, Central Toronto Youth Services  
*Mayea, Sgt. Rob* Regional Youth Services Co-ordinator, Hamilton-Wentworth Regional Police  
*McQuiggan, Joanne* Executive Director, Lion's Quest Canada, Waterloo  
*McVeigh, Greg* Correctional Officer, Toronto Youth Assessment Centre  
*Moreas, Susan* Halton Youth Justice Programme, Halton Regional Police Service  
*Mueller, Daina* Project Manager, Social & Public Health Services Division, Hamilton  
*Muise, Joe* Student Rep, Kids Alliance, Windsor  
*Neuts, Mike and Brenda* Windsor parents of a young victim  
*Orchard, Dr. Janet* Director, Adolescent Service, Regional Children's Centre, Windsor  
*Ouellette, Jerry* Co-ordinator, Community VIP Programme, Windsor Police Service  
*Ouellette-Klein, Theresa* Assistant Co-ordinator, Victim/Witness Assistance Programme, Windsor  
*Palumbo, Michael* Student Rep, Kids Alliance, Windsor  
*Perri, Claudio* Co-ordinator, Anger Management & Parent Support Groups, Teen Health Centre,  
*Peters, Angela* CAVEAT Representative, Windsor  
*Pidzamecki, Ray* Lifecycle Counselling/Parent Watch, Halton  
*Quinlan, Larry* Family Services Supervisor, Windsor-Essex Children's Aid Society  
*Reid, Donna* Group Work Co-ordinator, Central Toronto Youth Services  
*Reynar, Jason* President, CAVEAT Youth Council, Burlington  
*Ricker, Dawn* Executive Director, Victim Services of Windsor-Essex County  
*Robertson, Chief Ken* Hamilton-Wentworth Police Service  
*Roche, Glenn* Teacher, Hillfield-Strathallan College, Hamilton  
*Ross, Cst Laureen* Niagara Regional Police/Youth  
*Satira, Deborah* Manager of Detention Services, Turning Point Youth Services Inc. Yorklea ,Toronto  
*Scheiding, Sandra* Ancaster Parent  
*See, Joyce* Community Health Services, Halton Regional Health Department, Oakville  
*Shelton, Paul* Career Development Centre, YMCA Burlington  
*Simms, Marsha* Halton Adolescent & Support Services, Burlington  
*Slaney, Leanne* Halton Adolescent & Support Services, Burlington  
*Slater, Elizabeth* Corrections Worker, Windsor Community & Rehabilitation Centre  
*Smith, Tracy* Halton Youth Justice Programme, Halton Regional Police Service  
*Smith, Jessie* CAVEAT Youth Advisor, Hamilton  
*Smith, Valerie* Community Activist--Media Violence, Toronto  
*Sova, Deborah* Youth Programme Section, Community Policing, Toronto Police Service  
*Stanowski, Margaret* Executive Director, Operation Springboard, Toronto  
*Swinson, Irene* Toronto Public Health Nurse, North York  
*Taman, Pat* Executive Director, Well-Come Centre for Human Development Potential, Windsor  
*Tenhouse, Anna* Crown Attorney, Youth Division, Toronto  
*Thor, Jan* Vice-Principal, Weston Collegiate, Toronto District School Board  
*Tigani, Tony* Holy Name of Mary, Hamilton-Wentworth Catholic Elementary School Board  
*Tooley, Leonard* Student Rep, Queen Elizabeth Park School, Oakville  
*Turnbull, Donna* Youth Probation Officer, Oakville  
*Turner, Det. Doug* Youth Crime Co-ordinator, Peel Regional Police Service  
*Van Allen, Det. Sgt. Jim* OPP Behavioural Sciences, Orillia  
*Weddell, Jen* Student Rep, Queen Elizabeth Park School, Oakville  
*Willes, Jenni* Student Rep, Hillfield-Strathallan College, Hamilton  
*Wine, Ian* Director of Programming & Clinical Services, John Howard Society, Brampton