



# National Justice Network Update



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Welcome to the **JUNE** issue of the *National Justice Network e-Update*, a publication of the Canadian Resource Centre for Victims of Crime. PLEASE SHARE THIS **FREE** NEWSLETTER WITH YOUR COLLEAGUES OR HAVE THEM SIGN UP TO RECEIVE IT DIRECTLY AT: <http://crcvc.ca/en/newsletter/>.

## Canadian Resource Centre for Victims of Crime

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Department of Justice  
Canada

Ministère de la Justice  
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### LINKS OF INTEREST:

[Policy Centre for Victim Issues](#)

[Federal Ombudsman for Victims of Crime](#)

[National Office for Victims](#)

[Victim Services, Correctional Service Canada](#)

[Information for Victims, National Parole Board](#)

## AIR INDIA REPORT RELEASED

On June 23, 1985 Air India flight 182, exploded mid-air over the coast of Ireland. In what is now referred to as Canada's worst act of terrorism, 329 passengers and crew aboard the flight lost their lives. Most were Canadian citizens, many were children. In 2006, the Federal government launched the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, headed by Justice John Major. The Final report of that inquiry was released on June 17, 2010.

The report was harshly critical of both intelligence agencies and police services, for their failure to prevent the bombing, and the mistakes made in the investigations that followed. To that end, it addressed many concerns frequently voiced by victims of the tragedy. In his observations, Justice Major also specifically addressed the difficulties faced by the victims, and noted that the

## SNAPSHOTS

### STATCAN REPORTS INCREASE IN HATE CRIMES

The latest issue of Juristat reports that hate crimes reported to police increased by as much as one third in 2008. The 1035 crimes reported to police represent crimes motivated by race, ethnicity, religion and sexual orientation. Almost half of these crimes, 42%, were violent in nature. Among Canada's ten largest cities, the highest rates of hate crimes occurred in Vancouver and Hamilton, and the lowest in Montreal.

### BILL 168 TAKES EFFECT IN ONTARIO

On June 15, 2010, Bill 168 came in to force in Ontario. The Bill amends the *Occupational Health and Safety Act* to require that all employers develop and communicate violence prevention policies and programs, assess the risk of violence in the workplace and take precautions to protect workers, and mandates that they allow workers to remove themselves from situations where they believe that they are at risk of becoming the victim of workplace violence. The legislation also defines workplace violence and workplace harassment. More information can be found on the [Ontario Government website](#).

### CRCVC PRESENTS THREE BRIEFS TO SENATE

Staff from the CRCVC has recently presented to the Standing Senate Committee on Legal and Constitutional Affairs on three bills being studied by the committee. The briefs that we presented in



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Government should both create an independent body to oversee compensation to the families, and formally acknowledge to the families the role that the failures had in the tragedy.

The CRCVC is disappointed that the recommendations failed to address the lack of service that was provided to the victims, and the fact that the government, particularly the departments of Foreign Affairs and Public Safety, have failed to initiate policies and procedures that would ensure a level of support for victims if there was another terrorist attack involving Canadians. The CRCVC was not alone in asking for these concerns to be addressed during the Inquiry.

Both Prime Minister Stephen Harper and Public Safety Minister Vic Toews have publically stated that the government is committed to implementing the recommendations, including those regarding compensation and an apology to the families. Mr. Harper offered a formal apology to the victims at the 25<sup>th</sup> memorial service in Toronto on June 23<sup>rd</sup>.

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## NEW OMBUDSMAN FOR VICTIMS OF CRIME NAMED

Congratulations to Ottawa Police Deputy Chief Sue O'Sullivan who was recently named Canada's second Federal Ombudsman for Victims of Crime. Her appointment, which takes effect on August 16, 2010, fills a vacancy in this position. In making the announcement, Justice Minister Rob Nicholson said, "Our Government continues to take action to ensure victims have a strong voice in the criminal justice system. Today I am proud to announce Canada's new Federal Ombudsman, Sue O'Sullivan - a well known leader in the police community. I have confidence that Sue will be that strong voice for victims and help ensure their needs are addressed."

Ms. O'Sullivan began her career in policing in 1981. She applied for the appointment in the spring, and has said that she is looking forward to her new role. "I'm very passionate about the issues around victims of crime and all of the challenges," Ms. O'Sullivan said following the announcement. "We do need to work together to ensure that we take away as many obstacles as we can in supporting victims through the criminal justice system."

The CRCVC looks forward to working with Ms. O'Sullivan to ensure that victims continue to have a strong impartial body to investigate complaints regarding federal matters.

favour of Bill S-2, *An Act to amend the Criminal Code (Protecting Victims of Sex Offenders Act)*, Bill S-6 An Act to amend the Criminal Code and another Act (repeal of the "faint hope clause"), and Bill C-23A, amending the *Criminal Records Act* (pardons) can all be found under "what's new" on [www.crcvc.ca](http://www.crcvc.ca).

## ARRESTS MADE IN VICTORIA TEEN'S MURDER

Two youths were recently arrested in the murder of Victoria, BC teenager Kimberly Proctor, three months after her charred body was found under a bridge on the Galloping Goose trail near Victoria. The two, who are aged 16 and 18, were charged with first-degree murder, forcible confinement, sexual assault, and committing an indignity to human remains. Police have acknowledged that the accused knew Ms. Proctor, but have not provided many other details about the case. The victim's family did release a statement about Kimberly following the arrests, and has asked that the media respect their privacy.

## NEW BOARD MEMBERS

In June, the CRCVC welcomed two new members to our Board of Directors - Lois Isnana of Saskatchewan and Art Lepp of Manitoba. They have both experienced the horror of losing a loved one to homicide and will bring much expertise to the Board. Their [biographies](#) can be found on our website.





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## **MPS PASS NEW PARDON LEGISLATION**

Just before adjourning for their summer recess, federal MPs passed Bill C-23A, which amends the *Criminal Records Act* to extend the ineligibility periods for certain applications for a pardon, and requires that the National Parole Board consider addition factors prior to granting a pardon. The bill was originally drafted following the discovery that sexual predator Graham James had received a pardon, and attracted much political and public support when media began reporting that Karla Homolka would soon be eligible to apply for a pardon.

If passed by the Senate, where the bill is currently being studied, the pardon process will no longer be seen as an “automatic grant” process, as it currently appears to be, with 98% of applicants being successful. The changes, however, do not mean that individuals who can demonstrate that the granting of a pardon would provide a measurable benefit to the applicant; would sustain his or her rehabilitation in society as a law-abiding citizen and would not bring the administration of justice into disrepute, could not receive a pardon, it provides a mechanism to deny pardons to those for whom a pardon is not appropriate.

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## **RESULTS OF VICTIM SERVICES SURVEY**

The Victim Services Survey, funded by the Federal Department of Justice’s Policy Centre for Victim Issues, seeks to provide a profile of victim services in Canada, and a “snapshot” of clients served by agencies across the country. The data is collected over a twelve month period, and is acquired from responses to a questionnaire.

Of those agencies surveyed, the largest group were police-based (40%), followed by community based (23%), sexual assault centres (17%), court-based (8%), and system-based (6%). The participating agencies represented over 3200 paid employees, and 8700 volunteers.

The results show that victims’ needs are diverse, and as such, many agencies develop specialized programs to meet those needs. The types of services most often provided were: general information (95%), emotional support (93%), liaison with other agencies (91%), information on the criminal justice system (91%), public awareness and prevention (90%), and immediate safety planning (87%).

The snapshot portion of the results sought to illustrate the services provided on any given day, in this case, the day represented was May 28, 2010. Over 60% of victims served on that day were victims of a violent crime, many being victims of sexual assault. Most of these victims were women, and many had been harmed by a partner or ex-partner.

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## **ACCUSED ACQUITTED IN SECOND TRIAL FOR MATTHEW MARTINS’ MURDER**

Despite the testimony of several witnesses who claimed that they had heard Katherine Quinn tell her then boyfriend, Robert Forslund to kill Matthew Martins on July 2, 2005, Quinn was recently acquitted of second-degree murder charges. It was Quinn’s second trial in the case. She was originally convicted, but granted a new trial on appeal.

The court’s decision has left Matthew’s family devastated, feeling as though both they and the justice system have let Matthew down. The Crown has not yet stated whether they will appeal the decision.



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Following Matthew's murder, his mother and father formed Families Against Crime and Trauma (F.A.C.T.), a group that advocates for those who have been harmed by crime. His mother Sandra has also written a book about her son and the crime that took his life, entitled "The Last Six Minutes".

## **MURDERER WHO KILLED WHILE ON PAROLE DENIED ANOTHER CHANCE AT PAROLE**

Dennis Fichtenberg was only twenty-five years old when Paul Butler stabbed him six times and took his life in Prince George, BC. He then stole Dennis' truck and fled, to be caught near Winnipeg a few days later. Butler was on parole for armed robbery and shooting at police when he killed Dennis. He was also acting as an informant for the RCMP.

His family came to Ontario in late June to attend a hearing where the Parole Board considered granting unescorted passes for Butler, fearful that the Board would once again allow release to this offender. Their fears were not realized, and he was returned to Beaver Creek Institution, where he is serving his sentence for second-degree murder. He will be eligible to reapply in two years time.

Prior to the hearing, his mother Marjean voiced her concerns, stating, "To me, any unescorted escapades out into the community for this person is not a good idea. He killed my son while he was out on parole. How many chances is he going to get?"

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## **CRCVC PLEASSED BY PROPOSED REFORMS TO CCRA**

The Government introduced legislation in late June, Bill C-39, that acts on recommendations contained in "A Roadmap to Strengthening Public Safety", a new vision for federal corrections. The proposed legislation includes the following key reforms:

- eliminating the practice of granting early parole;
- enshrining victims participation in conditional release board hearings, and keeping victims better informed about the behaviour and handling of offenders;
- increasing offender accountability;
- authorizing police to arrest of an offender breaking their release conditions without the need for a warrant; and
- emphasizing the importance of taking into consideration the seriousness of an offence in National Parole Board decision-making.

The CRCVC is particularly pleased by the proposed changes enshrining the rights of victims and providing them with more information about the offender who harmed them.

### *Better Support for Victims of Crime*

Although the Corrections and Conditional Release Act (CCRA) clearly recognizes the interests of victims of crime and the role they play in the correctional and conditional release process, victims and victims' advocates have voiced dissatisfaction with the current provisions and have called for enhancements. Therefore, a victim's right to attend and make statements at National Parole Board hearings will be enshrined in law.

Additionally, the CCRA will be amended to expand the information that may be disclosed to victims by CSC and the NPB. This includes:

- providing information on the reason(s) for offender transfers with, whenever possible, advance notice of transfers to minimum security institutions;
- disclosing information on offender program participation and any convictions for serious disciplinary offences;



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- sharing the reasons for a temporary absence from a correctional facility; and
- providing guardians/caregivers of dependents of victims who are deceased, ill or otherwise incapacitated with the same information that victims themselves can receive.

Additionally, when offenders withdraw their participation 14 days or less before a parole hearing date, the Board may still proceed with a review and decision. This ensures that victims will no longer travel long distances to attend a parole hearing which is then cancelled at the last minute. Victims will also be able to request information on the reasons for a waiver of a parole hearing.

Finally, in addition to the proposed reforms to maximize the knowledge available to victims of crime, a National Advisory Committee on Victims Issues co-chaired by the Departments of Justice and Public Safety has been created. This committee gives victims the opportunity to provide input into policies and procedures that impact victims and victims' services.

