



National Justice Network Update



NOVEMBER 2009

Volume 16, Issue 11

Welcome to the **NOVEMBER** 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

Visit: <http://www.crcvc.ca>

Email: crcvc@crcvc.ca

Phone: 1.877.232.2610



Department of Justice
Canada

Ministère de la Justice
Canada

The National Justice Network e-Update would not be possible without funding received from the Department of Justice Canada - Victims Fund.

LINKS OF INTEREST:

[Policy Centre for Victim Issues](#)

[Federal Ombudsman for Victims of Crime](#)

[National Office for Victims](#)

MURDER VICTIM'S FAMILY LEFT WITH QUESTIONS, NOT JUSTICE

The March 9, 2006 murder of 14-year old Brayton Bullock, whose then 16-year old cousin Nicolas Bullock brutally stabbed him 13 times, serves as a reminder of the gross imbalance that exists in the criminal justice system.

Now nearly 20, Nicolas has been tried and convicted as an adult and sentenced to life in prison. Yet the young man has not been required to answer for his crime — he did not testify during his trial, has never offered any answers for his crime and, furthermore, has shown no remorse for his actions. Canadian law does not require a person to testify at their own trial and does not afford the Crown the right to question the accused.

The loving family of Brayton Bullock wonder where their rights are — do they not deserve an explanation from the young man who so callously took the life of their loved one? Colin Bullock, Brayton's father, explains that the only rights the criminal justice system is concerned with are those of the offender. The Bullocks were forced to keep silent about the identity of the victim, their son, in

SNAPSHOTS

GRAMMY AWARD WINNER RIHANNA SPEAKS OUT AGAINST PARTNER ASSAULT ON 2/20

In an eloquent interview with Diane Sawyer, mega star Rihanna recently broke her silence about the violent attacks she endured at the hands of her long-time boyfriend, singer Chris Brown. She discussed her struggle to deal with what happened to her in such a public manner. Rihanna also spoke openly about returning to Brown, briefly, before deciding to end the relationship — she told Sawyer she could not live with being an example to young girls that it is acceptable to go back to a violent partner.

ARREST IN 1993 KELOWNA MURDER CASE

After 16 years, Kelowna RCMP have finally made an arrest in the murder of Jennifer Shaun Cusworth. Ms. Cusworth, who was 19 years old at the time of her death, was found laying in a ditch on Swamp Road in Kelowna on October 17, 1993.

Kelowna RCMP arrested 43-year-old Neil George Snelson on October 23, 2009. He was charged with first-degree murder in her death, which was the result of several blows to the head with a blunt object.

The CRCVC hopes this development will bring some peace to Jennifer's parents, Jean and Terry Cusworth.



CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME

Ensuring the equitable treatment of crime victims in Canada



National Justice Network Update



order to protect Nicolas' identity, the young man who shows "psychopathic" tendencies, according to psychiatrists. While in custody, Nicolas was given the opportunity to attend school, take art classes, participate in athletics, have pizza nights — all the opportunities that youth come to expect growing up, opportunities that were taken away from Brayton.

Perhaps the most egregious injustice that exists in this case is the opportunity for Nicolas Bullock to apply for parole when he is 26 — just over six years from now — because he was a young offender when he was arrested for his crime. Youths tried as adults are eligible to apply for parole after ten years.

Says Colin Bullock: "It's not a punishment. It's a reward."

DEPARTMENT OF JUSTICE ADDRESSES WHITE COLLAR CRIME

In late October, Justice Minister Rob Nicholson proposed legislation that calls for tougher sentences for fraud, and strengthens restitution provisions for victims of financial fraud and investment schemes. The legislation also added new aggravating factors to be considered when sentencing in cases of fraud over \$1 million, factors that include the financial and psychological impact of the fraud on the victim, given the victim's particular circumstances, including their age, health and financial situation.

In a statement released by Federal Ombudsman for Victims of Crime Steve Sullivan, he states: "I am pleased to see the federal government moving forward on important victims' issues like financial crime and restitution. I am, however, concerned that the restitution piece of this new legislation applies only to victims of fraud. We need to ensure that we are supporting all victims who may have been devastated financially as a result of a crime."

Beginning in 2008, the Department of Justice began publishing its annual *Victims of Crime Research Digest*, aimed at making the Department's substantive research on victims' issues more widely accessible to Canadians. Included in the 2009 edition of the digest is "Understanding Restitution," written by Dr. Susan McDonald of the department's Research and Statistics Division. Unlike compensation, which is paid to victims of crime by the state, restitution is payment made by the offender to the victim to compensate for various pecuniary losses suffered as a result of the crime. Readers are provided with background information

YWCA ROSE BUTTON CAMPAIGN

December 6, 2009 marks the 20th anniversary of the shocking massacre at Montreal's l'École Polytechnique in which 14 young women were shot to death. In response to the tragedy, the YWCA launched its annual Rose Button campaign designed to help end violence against women and girls. Through the Rose Button campaign, the YWCA continues "to work for safe, fulfilling lives for women and girls and to reduce and prevent violence."

This year's campaign will also see the production of postcards to the Prime Minister, posters, brochures, bookmarks, and of course, buttons. The postcards to the Prime Minister request "national leadership on violence against women, stronger gun control laws and an investment in housing for women and children who leave their homes due to violence."

In order to become part of the Rose Campaign, please email national@ywcaCanada.ca or visit www.rosecampaign.ca.

NATIONAL DAY OF SERVICE BILL

On Tuesday, October 27, the Honourable Senator Pamela Wallin moved, at Second Reading, Bill S-240, *An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.*

In her speech before the Senate, Senator Wallin showed her support of the designation of September 11th of each year as a national day of service.





National Justice Network Update



regarding restitution, its legal function, statistical data and insight into this vastly understudied issue.

The CRCVC strongly agrees with the Federal Ombudsman that all victims who are financially devastated by crime should be able to seek restitution from the offender.

TWO-FOR-ONE SENTENCING CREDITS ELIMINATED WITH PASSAGE OF BILL C-25

A political stand-off between Canada's elected MPs and unelected Senate over a bill that would eliminate two-for-one sentencing for offenders in remand has been avoided. Members of Parliament from all parties came together to put forward the bill, only to meet resistance from the Liberal-dominated Senate Committee on Legal and Constitutional Affairs. On Thursday, October 22, however, Bill C-25 became law, despite the protest of several Senators.

The Bill prevents offenders from receiving two days credit for every day served while they are held in custody to await trial. Critics of the "two-for-one" rule believe that a great number of offenders abused the rule by prolonging their trials to cut prison time. The intent of the credit was to compensate offenders for the severe conditions of pre-trial detention facilities.

Among the concerns over Bill C-25 for the Senate committee were the loss of discretionary power to sentencing judges, a disproportionate effect on marginalized offenders who do not have the means to make bail and the overall costs that can be attributed to such measures. Despite their concerns, however, pressure from MPs who strongly support the bill likely swayed the Senate to soften its stance.

Minister of Public Safety Peter Van Loan, in an interview with Canadian Press, said: "We're certainly going to make our decisions on the *Criminal Code* based on 'how do we keep the community safe?' We're not going to make it based on if it's going to save a couple of bucks here and there."

"The cost of obviously allowing murderers or rapists out on the street early, to re-offend, is something that is far too great to have that happen (than) trying to save a few bucks here and there. The real story here is: do you think criminals should actually be spending time in jail for the offences they commit, or do you think they should be let out early on whatever excuse you can come up with?"

"I was approached by the Canadian Coalition Against Terror and the Canadian 9/11 families who asked us, as Senators, to find a way not only to remember their loss but also to remind us all of the many kindnesses of strangers and the many hands that reached out to someone in need during and since that horrific day. I support this bill because I believe we must remember what happened on 9/11 and remember those from 90 countries who lost their lives, including the 24 Canadians who perished. We should also mark this day because it changed all of us forever and we must turn the mourning into memory and the anger into action," said Ms. Wallin.

COMPASSION FATIGUE

Compassion fatigue is a serious difficulty that those who provide care to others for a living are at risk of developing. It is characterized by the onset of desensitization and detachment — and is often seen in those whose daily occupation has them dealing with human suffering.

The effects of compassion fatigue, which may include isolation, limited contact with co-workers and/or clients, often sick or missing work, burn out, even quitting, can affect the worker, and how they interact with their clients, families, and the community. Kingston counsellor Françoise Mathieu suggests that compassion fatigue "needs to be recognized as an occupational health and safety hazard."

While compassion fatigue may have a negative impact upon those it affects, Mathieu points out that it is a result of caring. Says





National Justice Network Update



While monetary costs for this new bill are estimated to be high, the CRCVC agrees that public safety far outweighs any monetary costs that can be attributed to the bill's passage.

BILL C-268 ADDRESSES HUMAN TRAFFICKING OF MINORS

On October 23, 2009, the Honourable Senator Yonah Martin moved, at Second Reading, Bill C-268, *An Act to Amend the Criminal Code* (minimum sentence for offences involving trafficking of persons under the age of eighteen years), and delivered a moving speech regarding the bill before the Senate. In her speech, Martin commended Kildonian-St. Paul MP Joy Smith for "her concerted and ongoing efforts to combat human trafficking of minors in Canada and for galvanizing an army of organizations and countless Canadians across the nation in support of this bill."

"If passed into law," Martin says, "(Bill C-268) will ensure that anyone who traffics children will be in jail for a longer time, as well they should be... a step that must be taken to protect the most vulnerable victims — our children."

The bill proposes to make the trafficking of a person under the age of 18 a separate offence. If passed, this would mean a mandatory minimum sentence of six years for an aggravated offence (maximum penalty is life), and a mandatory minimum of five years where the maximum penalty is 14 years.

The bill comes at a time when the trafficking of minors around the globe has become an epidemic. The Senator claims that the global estimated revenues from this crime "amount to as much as US \$10 billion per year and are within the top three money-makers for organized crime."

Martin goes on to cite an UNICEF estimate that has approximately 1.2 million children as victims of trafficking, globally, each year.

GOVERNMENT LOOKS TO ELIMINATE ACCELERATED PAROLE

On October 26, 2009, Minister of Public Safety Peter Van Loan proposed to end the current system of Accelerated Parole Review, whereby non-violent offenders obtain parole after serving one-sixth of their sentence and full parole after serving one-third. The current system also renders the National Parole Board virtually powerless to prevent such early release, even in cases with a high likelihood of re-offence.

Mathieu: "The irony is that the best and most caring employees are the most at risk."

For more information on compassion fatigue, visit www.compassionfatigue.ca.

ICTY FOCUSES ON VICTIMS IN 2009

International Criminal Tribunal for the former Yugoslavia (ICTY) President Patrick Robinson has made war crime victims the focus of this year's address to the UN General Assembly. Robinson stated the Tribunal's belief that the international community has failed to adequately address the needs and rights of war crime victims.

"Respecting their right to compensation, I must agree with the statement that the international community has forgotten about them. Currently, there is no effective mechanism by which victims can seek compensation for their injuries, despite the fact that their right to such compensation is firmly rooted in international law... I call upon the Assembly to support the establishment of a claims commission, which would deal with compensation requests as a method matching the work of the Tribunal," Robinson said in his address (source: Balkan Investigative Reporting Network).

CANADIAN HOMICIDE STATS FOR 2008 RELEASED

Statistics Canada's *Juristat*, which compiles statistical data regarding various issues related to the criminal justice system, recently released, *Homicide in Canada, 2008*.

Among the highlights covered in the report:





National Justice Network Update



In a Public Safety press release, Minister Van Loan said: "Our Government believes the justice and corrections systems should not put the rights of criminals ahead of the rights of victims and law-abiding Canadians. That is why we have taken a new approach to corrections by making protection of society the primary focus of the Canadian prison system. Today we are taking the next step."

JUSTICE MINISTER SEEKS TO REMOVE FAINT HOPE

Justice Minister Rob Nicholson is behind a campaign that is near-and-dear to the families and loved ones of homicide victims. The Minister is pushing hard for MPs to rescind the faint hope clause, section 745.6 of the *Criminal Code*, which allows convicted murderers to apply for a chance at early release from prison.

Currently, section 745.6 allows offenders convicted of first- or second-degree murder to apply for early parole eligibility once they have served 15 years in prison, despite the fact that first-degree murder carries a mandatory life sentence with no parole eligibility for 25 years. Data from Public Safety Canada shows that since 1987, of the 141 offenders who have had their parole eligibility date moved closer, 135 have reached their revised eligibility date. Of these offenders, 125 have been released on parole, and 95 are currently being actively supervised in the community.

At the forefront of Minister Nicholson's complaints with the clause is the negative impact that its process has on the loved ones of homicide victims. Nicholson told Sun Media: "The families are put through the ringer again. They suffer again and again, even if the person is going to be unsuccessful in their faint hope application. And (what) they tell me, unanimously, is that it victimizes them again and again. My heart goes out to those individuals."

While proponents for the clause, such as NDP MP Joe Comartin, suggest reworking the process to allow the applicant to make their case without involving the victims' families, it is in the interests of these families to ensure that justice has been met for their loved ones.

The CRCVC is among many who oppose the faint hope clause, believing the application process should not exist, period. Once an offender has been convicted of a crime, he or she should be made to serve the sentence they were given upon conviction, and that should apply to parole eligibility dates.

- Police reported 611 homicides in Canada during 2008, 17 more than 2007, a 2% increase in the homicide rate.
- The increase was primarily due to increases in homicides in Alberta and British Columbia, many of which were gang-related. Gang-related homicides accounted for almost one in four homicides in 2008.
- Victims were equally likely to be shot or stabbed, with each method accounting for about one-third of all homicides.
- Females accounted for 24% of victims, the lowest proportion since data collection began.
- Manitoba reported the highest provincial homicide rate followed by Alberta, Saskatchewan and BC. New Brunswick, Newfoundland and Labrador and Quebec reported the lowest rates."

In order to read the publication in its entirety, please click on the following link: [Homicide in Canada](#)

To view a list of similar publications, please click on the following link: [Juristat](#)





National Justice Network Update



STATISTICS CANADA RELEASES VICTIM SERVICES REPORT

In October 2009, *Juristat* produced a profile of victim services in Canada, based on the findings of the third cycle of the Victim Services Survey. The survey, which was funded by the Policy Centre for Victim Issues, collected data from agencies that provide services to victims. The data was collected over a twelve month period.

Among the highlights covered in the report:

- From April 1, 2007 to March 31, 2008, 686 victim service providers helped almost 406,000 victims.
- Nearly 9,900 victims were served by a victim services agency on the Survey snapshot day, May 28, 2008. The majority of victims who received assistance from a victim services agency had experienced a violent crime.
- The services provided most often included: general information (95%), emotional support (93%), liaising with other agencies on behalf of clients (91%), information on the criminal justice system (91%), and public awareness and prevention (90%).
- There were over 3,200 paid employees providing services to victims through these agencies during the twelve month period of the survey.

To read the full report, please click on the following link: [Victim Services in Canada, 2007/2008](#)

AUDITOR GENERAL HARSHLY CRITICAL OF EMERGENCY PREPAREDNESS

In a report released on November 4th, 2009, Canada's Auditor General criticized Public Safety Canada for failing to have a planned response for a mass emergency, like a flood, terrorist attack, or global pandemic. The quarterly report, which also highlighted waste and failure to adhere to spending rules in several departments, singled out Public Safety.

Ms. Fraser pointed out that there was a plan developed following the September 11th terrorist attacks, but that the plan was never formally endorsed by government. She contends that this failure puts human security and critical infrastructure at risk. "Until it is adopted, it will be difficult for Public Safety Canada to fulfill its assigned role," Fraser said. "Until it is clearly established how Public Safety Canada will work with other departments, it will be difficult for it to truly coordinate the federal response to emergency situations."

Public Safety Minister Peter Van Loan has indicated that the interim plan has been followed in a coordinated response to several emergencies in the recent past, and pledges to see the plan formalized through endorsement by cabinet.

The CRCVC believes that in the post-September 11th era, Canada must develop a national system of response to a terrorist incident in the event an attack occurs on Canadian soil or abroad. The response must include comprehensive assistance for victims and survivors to facilitate the normalization of their lives. We believe that legislation is necessary to guarantee all aspects of aftercare for victims, eye witnesses, and first responders, regardless of their nationality.



CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME
Ensuring the equitable treatment of crime victims in Canada