



National Justice Network Update



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SNAPSHOTS

VETERAN ABUSER GETS EIGHT MONTHS

Elder abuse is a major problem that has often goes undetected. For four elderly veterans who suffer from Alzheimer's or dementia and who reside in the Perley and Rideau Veterans' Health Centres, a measure of justice was taken on their behalf in an Ottawa courtroom in November.

Allan Foubert, 45, admitted to assaulting the four residents, as well as three co-workers, between 2006 and 2007. He requested house arrest, which was denied by Judge Colin McKinnon, who felt that a strong message needed to be sent to caregivers who abuse their patients.

In sentencing Foubert to eight months in jail, Judge McKinnon stated: "Caregivers must know that if they abuse their position of trust and authority over vulnerable individuals, the court shall deal with them harshly. The only way to ensure that this bond of trust remains intact is for the courts to determine that caregivers who breach that trust will be sent to jail."

SUSPECT CHARGED IN COURNOYER MURDER

Claude Larouche has been charged with the murder of Natasha Cournoyer, the 37-year-old Laval woman who was abducted outside of her workplace on October 1.

Police believe Cournoyer, whose body was discovered in thick



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BAIL BILL RECEIVES UNANIMOUS SUPPORT IN HOUSE OF COMMONS

California residents Kate and David Bagby have a vested interest in changes to Canada's *Criminal Code*.

In 2003, the Bagbys' daughter-in-law, Shirley Turner, resided in Conception Bay, Newfoundland, with her 13-month-old son Zachary. Shirley was on bail and fighting extradition to the United States for the murder of her husband—Zachary's father, and the Bagbys' only son—Andrew.

It was during her appeal of extradition that Shirley Turner drowned her young son before taking her own life. The Bagbys believe that, had the Canadian criminal justice system refused to free Ms. Turner during her appeal, their grandson would be alive today.

Avalon MP Scott Andrews has championed a bill that would prevent this tragedy from occurring in the future. Andrews' Bill C-464 received unanimous support at second reading in the House of Commons on Friday, December 4, 2009. The Bill would see an amendment to the *Criminal Code* that would keep those charged with serious crimes in custody if their release poses a threat to their children.

Since the death of Zachary, the Bagbys have fought hard for Canadian bail reform. Speaking to CBC, David Bagby said: "This is a gigantic step forward in our lobbying efforts ... this is a key step in our goal since Zachary's murder; change in bail law to reduce the chance of a recurrence of this horror. We have suffered a tremendous personal loss that has changed our lives forever and it is now our goal to prevent this from happening to another family."

The bill will move to the Justice Committee for examination in the New Year.

CHILD PROTECTION IN CANADA NEEDS TO BE ON PAR WITH AMERICAN MODEL

In the United States, legislation already exists that compels Internet Service Providers (ISPs) to notify authorities if they are aware of child pornography sites or if they believe a child pornography offence has been committed using their service.

The Conservative government in Canada now plans to follow suit—they have introduced a bill that will require

brush near the shore of the St. Lawrence River, was the victim of a "random murder." Authorities claim the victim had no links to her assailant and note that her employment at Corrections Canada was not related to the attack.

Larouche, 48, has a history of violence: his most recent incarceration, which ended in November, 2008, was for the kidnapping and assault of a seven-year-old girl, for which he pled guilty.

FACEBOOK DETECTIVE

A British woman who was the victim of a violent assault at a bar resorted to her own means of discovering the identity of her assailant after the police were unable to do so.

20-year-old Jennifer Wilson, who was smashed in the face with a pint-glass while dancing at a nightclub, became frustrated when police were unable to identify her attacker, who fled the scene.

Reviews of security footage turned up no evidence; however, Wilson found one of her attacker's friends on Facebook. After scouring through photos posted on the friend's profile, Wilson was able to identify her attacker, and was even able to provide police with home and work addresses of the assailant.

Ashleigh Holliman, 22, eventually admitted to the unprovoked attack, and was sentenced to serve 120 hours of community service.

NEW GROUP TO FIND MISSING PERSONS; POLICE ALSO INCREASE EFFORTS

In the summer of 2009, the federal



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police notification by ISPs in the near future.

Canada is said to be “the world's second-largest home to online child pornography and the second-largest online seller of child pornography material, such as images, videos or memberships,” according to a CTV report.

Federal Ombudsman for Victims of Crime Steve Sullivan recently asked the federal government to take a similar approach to the US and create a much broader network of Child Advocacy Centres across the country.

The centres, which became popular in the US during the 1980s, bring together a multitude of professionals to help sexually abused children under one roof. Generally, the Child Advocacy Centres offer police, doctors, lawyers and social workers, who work together to make the investigation much easier on the child.

While there are currently more than 900 such centres in the US, there are only three in Canada—in Edmonton, Montreal and Niagara. Centres in Toronto, Victoria and Winnipeg are to be erected in the near future.

Included in the Department of Justice *Victims of Crime Research Digest* for 2009 is an article entitled “*Facilitating Testimony for Child Victims and Witnesses*,” written by Melissa Northcott of the Department’s Research and Statistics Division. Ms. Northcott’s article, which is available at www.justice.gc.ca/eng/pi/rs/rdr-rr.html, outlines studies that were undertaken by: Boost Child Abuse Prevention and Intervention in Toronto and Zebra Child Protection centre in Edmonton.

Child abuse, in its many forms, is a major global epidemic, and the CRCVC applauds any efforts that are made by the government to crack down on this serious crime and to help victims of child abuse.

NEW LEGISLATION TO END DISCOUNT SENTENCING FOR MULTIPLE MURDERERS

Currently, Canadian law allows offenders who are convicted of multiple counts of first- or second-degree murder to serve their parole ineligibility periods concurrently. On October 28, 2009, Justice Minister Rob Nicholson introduced legislation that would allow judges to impose consecutive parole ineligibility periods on multiple murderers.

In a Department of Justice press release, Minister Nicholson stated: “We cannot bring back those who have been so callously murdered, nor repair the hearts of

government approved the formation of a non-profit organization with a mission to help find missing persons—adults and children. L’Association des Enfants et Adultes Disparus Corporation is the brainchild of Jean Bédard, who has been searching for missing persons since 2007.

Mr. Bédard’s efforts led him to create four websites: enfantsdisparus.ca, adultesdisparus.com, childrenrescue.ca and missingadult.info, which have drawn the attention of local, provincial and RCMP police, as well as the FBI. Bédard believes his is the only organization that searches for both children and adults who are missing.

Meanwhile, the Niagara Regional Police recently linked to an OPP Missing Persons database, a website launched three years ago to draw tips from the public on unsolved cases of missing persons and unidentified bodies.

The website has already garnered more than 1,000 tips from the public which have resulted in the resolution of 11 missing persons cases and 45 unidentified remains cases.

TORONTO SCHOOLS SAFER WITH POLICE PRESENCE

In 2008, the city of Toronto saw the implementation of the School Resource Officer Program, which saw the presence of police officers in 50 schools by September of this year. While the data is relatively early, statistics show a 21.3% decrease in offences and a 15.5% decrease in the number of victims of offences compared to last year.





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those who have lost loved ones to murder. But we can ensure that those who commit the most serious crime of all, taking a life, will pay a more appropriate price. Once this bill becomes law, multiple murderers will no longer get volume discounts. The value of each life taken will be acknowledged, and Canadians will be better protected from the criminals who commit such heinous acts."

The CRCVC has long supported this legislation, and hopes it will offer a greater measure of justice for the family members and loved ones of homicide victims.

HOMICIDE SURVIVORS' GROUP SEEKS TO CHANGE EMPLOYER DISCLOSURE LAWS IN ONTARIO

Less than two years ago, in March of 2008, 27-year-old Brenda Healey was tragically murdered by her co-worker, Stephen Daniel, before he took his own life. It is because of this tragedy that a support group for homicide survivors, founded by Brenda's parents, is seeking an amendment to *Bill 168* that governs the *Occupational Health and Safety Act*.

Supporters of the proposed amendment want to see mandatory disclosure by employers to their employees if any employee has a history of violence.

After Brenda's death, the Healeys discovered that Daniel had spent time in prison for attacking a woman with a knife in 1999. Had they known of Daniels' violent past, the Healeys believe their daughter may still be alive today. Daniel lured Healey, a driver for disabled people, to a home in Sutton, where she was told she could pick up her paycheque. He then assaulted her before drowning her in the bathtub.

In the aftermath of their loss, the Healeys have created a support group for the families of murder victims. "Homicide is a loss like no other and as a result, we felt the need to be in a place where we could be understood," says Teresa Healey, Brenda's sister. "Losing a loved one to homicide is a lifelong sentence filled with countless emotions no one should endure alone."

While based in York Region, their group has grown to two dozen members since it started a couple of months ago. Healey says their door is open to anyone who wants to feel less isolated after a horrible loss brought on by murder. Anyone interested in joining the group can call Victim Services of York Region to get in touch.

The CRCVC fully supports the proposed amendment to

While these numbers are encouraging, students report that police presence does not make them feel any safer in school. Students do, however, report improved relationships with police; the number who claimed their relationship with police was good or excellent has climbed from 57% in October 2008 to 67% in May 2009.

ONTARIO OFFICE FOR VICTIMS OF CRIME RELEASES HANDBOOK

The Office for Victims of Crime (OVC) has announced the launch of their handbook "*Have You Been a Victim of Crime? What's Next ... Information and Resources for Victims of Crime in Ontario.*" The OVC, which works closely with the Ontario Victim Services Secretariat (OVSS), provides information regarding victims' issues to the Attorney General of Ontario.

OVC hopes the handbook will be a valuable resource for victims, their family members and victim service providers. The handbook is available in English and French in the **Resources** section of the OVC website at www.ovc.gov.on.ca. To obtain information on how to order printed copies, contact OVC at 416-326-0715 or toll-free at 1-877-435-7661.

VICTIMS TO BE REPRESENTED IN REVIEW OF US CRIMINAL JUSTICE SYSTEM

US Senator Webb has introduced legislation *S.714 — National Criminal Justice Commission Act of 2009: A bill to establish the National Criminal Justice Commission*, that would review the United States' criminal justice system and make





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Bill 168. We believe the safety of society should be prioritized over the privacy of violent offenders.

DEBATE OVER YCJA CONTINUES

A recent academic study undertaken by Queen's University law professor Nick Bala, University of Waterloo sociologist Peter Carrington, and Oxford University professor and leading Canadian criminologist Julian Roberts supports the effectiveness of *Youth Criminal Justice Act*, which was enacted by the Liberal government in 2003.

While the Conservative government has denounced the YCJA—Prime Minister Harper called the *Act* an “unmitigated failure”—the report, entitled *Evaluating the Youth Criminal Justice Act after Five Years: A Qualified Success*, claims that the *Act* has caused notable reductions in youth incarceration rates, the use of courts and custody for young offenders and spending on court and custody for young offenders. Statistics Canada reports that youth incarceration rates, which were among the world's highest, have dropped approximately 36% since 2003. Yet, Statistics Canada also states, in their 2006 *Youth Crime in Canada* report, that violent crime committed by youths rose 12% over the previous decade.

While the recent academic report, which was published in the April 2009 edition of the *Canadian Journal of Criminology and Criminal Justice*, claims that less young offenders are going through the court system and facing incarceration since the YCJA was enacted, the reality is that most young offenders (approximately 60% in 2006 according to StatCan) are being dealt with “through alternate means such as warnings, cautions, community programs and extrajudicial programs.”

While the CRCVC supports the diversion of non-violent young offenders out of the criminal justice system, we remain concerned about the increase in serious, violent crime being committed by youths in Canada and the inadequate response of the YCJA in cases where serious bodily harm or death result.

recommendations for its improvement.

The International Organization for Victim Assistance has been involved in the development of the legislation. In a letter sent to US Senators, the organization states:

“For the past five months, a group of national victim advocates has worked closely with Senator Webb's staff to ensure that S. 714 includes language specific to crime victims, survivors and those who serve them. We are pleased to report that not only has Sen. Webb been very open and solicitous of our input, but that every key recommendation we made has been included in the new version of S. 714, including:

- Statistics recognizing the scope of crime and number of victims annually in the U.S.
- A specific requirement that the Commission specifically examine advances in victims' rights and services, including participation, protection and restitution.
- The Commission shall identify and promote practices proven effective in preventing crime and assisting victims.
- An examination of the impact of crime on victims, including both the long and short term economic and psychological costs imposed on victims and their families.”

MAN FOUND GUILTY IN SHOOTING DEATH OF RCMP CONSTABLE CHRIS WORDEN

The tragic shooting death of RCMP Constable Chris Worden in Hay River, Northwest Territories on October 6, 2007, has resulted in a guilty sentence for 25-year-old Emrah Bulatci. Worden, who was 30, was responding to a call when he was shot four times.



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Bulatci, who claims he did not intend to kill Worden, attempted to plead guilty to a lesser charge of manslaughter last month. The Crown prosecution rejected the plea, claiming Bulatci did intend to kill the officer.

Worden, who left behind a wife and young daughter, apparently spoke to Bulatci outside of a residence before a foot chase into the woods ensued, according to testimony. According to Bulatci, he fired twice at the officer's legs in an attempt to slow his pursuit, while the two fatal gunshots were fired when the pair wrestled for Bulatci's gun on the ground.

Bulatci, who was called an "unsavoury character" by his own attorney, was witnessed earlier in the evening selling drugs and showing off his gun at a party. Police only found Bulatci one week following the shooting—he had fled to Edmonton.

The CRCVC would like to offer its condolences to the Worden family, and to point to this incident as another in a long line of cases which draw into question the recent enactment Bill C-391, which softens Canadian gun control laws.

MPS PLAN TO GET TOUGHER ON ONLINE PREDATORS WHO SUGGEST SUICIDE

In March of 2008, Carleton University student 18-year-old Nadia Kajouji took her own life by throwing herself into the Rideau River. Police believe the tragedy is partially due to the counsel of a 47-year-old male nurse from Minnesota who, posing as a 28-year-old woman, encouraged Kajouji to commit suicide in an internet chat room.

No charges have been laid by either Canadian or US authorities in the case; however, Kitchener-Conestoga MP Harold Albrecht put forward a motion, on which the House of Commons voted unanimously in favour of, that would see stiff penalties for those who counsel suicide online. Albrecht wants to see Section 241 of the *Criminal Code*, which penalizes those who aid and abet a person in an attempt to commit suicide, also cover technologies such as the internet.

Following the unanimous support of the motion, Mohamed Kajouji, Nadia's father said: "All those people over there, all the MPs, they're doing something for Nadia and other kids. And it makes me very happy. It makes me very proud."

