



National Justice Network Update



OCTOBER 2018

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Greetings!

Welcome to the **OCTOBER** 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 & FRIENDS OR HAVE THEM SIGN UP TO RECEIVE IT DIRECTLY AT: <http://crcvc.ca/en/newsletter/>.

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Phone: 1.877.232.2610

NEW LAUNCH OF NATIONAL SUICIDE PREVENTION STRATEGY AIMED FOR FIRST NATIONS

There has been overwhelming evidence demonstrating the high rates of suicide in First Nations and Inuit communities. In fact, among Inuit individuals, the rate is over [6 to 11 times higher](#) than the Canadian average. Unfortunately, these numbers keep rising, especially among youth. These alarming statistics illustrate a serious problem for this specific group of individuals, where a solution has become a necessity.

After a 13-year-old Aboriginal girl took her life last month, the issue of youth suicides among First Nations communities was brought up by the NDP party. In 2017, there were 38 reported suicides of First Nations, translating to the highest number on record in many years.

In response, the NDP started a campaign for a national suicide prevention strategy for Aboriginal people. This initiative would include guidelines for Canada that would ensure that frontline workers are trained to deal with this issue. In November, the NDP will bring forth the strategy to the House of Commons hoping to get the federal government on board. The initiative aims to also address other systemic issues that this community is facing such as funding for access to healthcare, education and childcare.

QUICK LINKS

NEW

Text Support

This month the CRCVC launched its new text support! This has been set in place to support victims of crime who wish to access information as well as emotional support. You will receive texts from our trained staff members who are able and willing to help. Our number is 1-(613)-208-0747

You didn't get a reply right away? That's okay! We can send a text back during our hours of operation (see below). Our live chat is also still available. Hoping to connect with you soon!

Hours of Operation:

- Monday 8:00pm – 1:00am EST
- Tuesday 8:00pm – 12:00am EST
- Thursday 5:00pm–1:00am EST

NEW

Canadian Parents of Murdered Children and Survivors of Homicide Victims Inc. (CPOMC) Launches a new Website: www.canadianpomc.ca

The organization was established in 2009 to serve parents of murdered children and survivors of homicide victims. The organization promotes public awareness and education of the service and resources available to



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A similar program that was implemented in Quebec cut the province's suicide rates by a third. We are hopeful that this new strategy will have similar effects. [Learn more.](#)

WHO IS CINDY GLADUE? WILL INDIGENOUS WOMEN HAVE THEIR VOICES HEARD AND BELIEVED?

Cindy Gladue, a Cree mother of three, was 36 years old at the time of her death. She was found in June of 2011, in an Edmonton motel room in a bathtub, naked and bleeding profusely from her pelvic region. The cause of death was an 11-centimeter gash inside her vaginal wall. Bradley Barton, an Ontario long-distance truck driver charged in connection with her death, was acquitted in 2015 both on charges of first degree murder as well as manslaughter. Unfortunately, her story of injustice is familiar for Indigenous women and girls in Canada – their rights as victims are poorly represented before the courts while the accused, even if they have admitted causing injury, may be acquitted. In the Gladue Case, the Crown appealed the verdict, and in 2017, the [Court of Appeal](#) granted an appeal, set aside the acquittal and ordered a new trial.

According to the summary of the case published by the [Supreme Court of Canada](#) the accused, Barton, had hired Gladue for two nights of sexual activities. The morning after their second night together, Barton found Gladue dead in the bathtub. Barton claimed that the pair engaged in "[consensual rough sex](#)" claiming that was the cause of her injuries that led to her death. The crown argued that Gladue did not "consent to the conduct that caused the injury and Mr. Barton was guilty of manslaughter because he caused death in the course of a sexual assault." Gladue was [four times over](#) the legal driving impairment level the crown argued that Gladue could not legally consent due to her level of intoxication.

So, what went wrong? It's argued that the Judge, Robert Graesser, gave the jurors "[misleading, confusing and grossly deficient](#)," instructions on how to come to a guilty verdict. As well, throughout the trial Cindy Gladue was continuously [referred to as](#) "the prostitute" and "the native girl". Some have argued that these stereotypes of Indigenous women may

survivors of homicide victims. The new website has two main components: "The Impact of Murder on the Family Unit" and "Rebuilding Shattered Lives". Of course, there are no easy solutions when dealing with the aftermath of murder. This website is in place to help with any form of clarification and guide visitors of the webpage through the impacts of various, key events and experiences following the murder of a loved one. The website also provides suggestions as to how best to deal with various situations and assist victim serving organizations help survivors of homicide victims deal with their loss and re-integrate into society in a meaningful, productive manner. For more information about CPOMC website please contact Gary Lindfield, Executive Director, CPOMC at: canadianpomc@gmail.com

Dellen Millard is found guilty of first-degree murder of his father, whose death was originally deemed a suicide by the police. [Learn more.](#)

Ottawa's 40th anniversary of [Take Back the Night](#) calls for the end of sexual violence.

'Boys will be boys' has shown to be an unscientific excuse for assault and is shut down in the [Kavanaugh debate](#).

[New South Wales](#); A new law has been enacted which allows the trial judge to inform the jury that it is



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have swayed the jurors toward a not guilty verdict. According to the [National Post](#), Cindy Gladue was referred to as a native women 26 times throughout the hearing. Something else that has shocked friends, family and people of the community was the invasive disregard for the deceased's remains, with the judge allowing Gladue's preserved vagina to be displayed as evidence in the trial. The introduction of this dehumanizing evidence by the Crown, and the permission to introduce the evidence by the judge has a lot of people scratching their heads as to how this could be allowed? The [National Post](#) explains "Gladue's vagina was preserved and presented to the jury during the trial as an exhibit, which was criticized by advocacy groups who submitted a brief during the appeal arguing that Gladue was consistently dehumanized and stereotyped throughout the trial." This has impacted many Canadians and a [petition](#) with 4,500 signatures requesting a new trial be ordered. Local activists and people from Gladue's community protested on Parliament Hill on October 11, 2018 on behalf of her injustice.

To the relief of Cindy Gladue's family, the Court of Appeal agreed that mistakes were made during the trial. As [APTN National News](#) reported, the Appeals Court concluded "We have determined that the errors of law in the trial and the jury charge were several in number... The time has come to push the reset button for jury charges in this country for cases involving an alleged sexual assault."

Not only was Gladue's reputation tarnished throughout the trial, but her sexual history was mentioned repeatedly. The "[rape shield](#)" - that protects the introduction of victims' sexual history - was completely disregarded. An October 12, 2018 Toronto Star article quotes Andromache Karakatsanis arguing to the Appeals Court "The fact that someone is a prostitute, and may have engaged in sexual activity in a commercially based transaction on a previous occasion, how is that possibly relevant to the issues this jury had to decide?" she asked. Adding to that, [Justice Michael Moldaver](#) stated "It would be a mistake of law to say [Gladue] consented the night before, therefore I can assume she's going to consent tonight. That is classic error of law. That is rape mythology."

common for victims of sexual assault to forget certain details of the trauma they experienced.

UPCOMING EVENTS

Ottawa Monthly Drop-in Support Group for "Loss to Violence"

The drop-in support group will return at the end of November for family members of homicide victims. This group addresses a gap in the community and offers a place for peers to support each other in healing. Please "like" the CRCVC on our [Facebook page](#) in order to keep updated about the time/location of the gathering, as it is subject to change. We welcome all family and loved ones to join us!

When: to be determined

Time: 7:15-9:15 pm

Where: Rideau Sports Centre, Community Room, 1 Donald Street, Ottawa

CHANGING MINDS CONFERENCE 2018

About: Conference bringing together individuals living with OCD, supporters and mental health professionals in an interactive environment.

When: November 3, 2018

Where: Ottawa Conference and Event Centre, 200 Coventry Road, Ottawa, ON, K1K 4S3

Time: 9:00 am-5:00 pm

Fee: \$75/students, \$125/adult and \$175/professionals

[Register here.](#)

ATTACHMENT AND



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In conclusion, all of this could have the country's top court order a new trial under [updated definitions](#) of consent involving sexual activities. The Appeals Court ruling is in turn being challenged by the defence and appealed at the Supreme Court of Canada. A final decision has been placed on hold and is not expected for several months.

HOW CAN A CONVICTED CHILD-MURDERER BE ALLOWED A TRANSFER TO A HEALING LODGE, WITHOUT THE FAMILIES KNOWLEDGE?

The recent controversy over the transfer of a convicted killer to an aboriginal healing facility highlights the consequences of failure to communicate and consult with victims' families. In the highly publicized murder case, Victoria Elizabeth Marie "Tori" Stafford, an 8-year-old girl from Woodstock, Ontario was abducted outside her school on April 8, 2009 by Terri-Lynne McClintic and brought to Michael Rafferty's car. The pair drove their victim two hours away to a wooded area. Evidence showed Tori was raped and brutally murdered by blunt force injuries to her head. Her body was not found until July 19 2009. Both Michael Rafferty and Terri-Lynne McClintic were sentenced to life in prison with no chance of parole for 25 years.

The victim's family was monitoring the status of the murderers when Rodney Stafford, Tori's father, called Correctional Service Canada (CSC) to ask about McClintic's application for day passes. It was only then that he learned that McClintic had been transferred nine months earlier from prison to the Okima Ohci Healing Lodge for Aboriginal Women on Nekaneet First Nation, in southern Saskatchewan. He told the media later that no one had contacted Tori's family to inform them of the plans for the transfer.

The [healing lodge](#) is nestled in a heavily forested region in southern Saskatchewan with lots of security cameras but with no fences. Security guards monitor the grounds and conduct regular strip searches. However, what differentiates a healing lodge from a prison, is that there is more access to ceremonies and Indigenous traditional teachings that focus on rehabilitation. Women are encouraged to address the

TRAUMA TREATMENT CENTRE FOR HEALING

About: A workshop that explores neurobiological understanding on the impact of trauma.

When: November 3-5, 2018

Where: St-Catharines Golf and Country Club, Ontario

Time: 9:00 am-4:00 pm

[Register here.](#)

BC CRIME PREVENTION ASSOCIATION 2018 TRAINING DAY: RESPONDING TO THE WORST PREPARING FOR THE FUTURE

About: Incorporates numerous guest speakers that will discuss how to prepare for critical incidents.

When: November 7th, 2018

Where: Delta Hotels Burnaby Conference Centre, 4331 Dominion Avenue, Burnaby BC

Time: 9:00 am- 5:30pm

Cost: \$125/BCCPA Member and \$150/ Non-BCCPA Member

NEVER FORGET VICTIMS

About: Guest speaker David Crane, founding prosecutor of the Special Court for Sierra Leone will discuss his experience in prosecuting the first head of state for war crimes, Charles Taylor.

When: November 12, 2018

Where: CIGI Auditorium, 67 Erb Street West Waterloo, Ontario, N2L 6C2

Time: 7pm-9pm

Cost: Free, [Register here.](#)

SNAPSHOTS

GUN CONTROL HAS



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underlying issues that brought them to the prison in the first place. The healing lodge residents have access to a fully-functioning kitchen, lounge area, laundry etc. Traditional high-level security prisons don't have these privileges. Supporters of the lodge explain that many inmates have lower levels of recidivism and are more keen to participate to rehabilitate themselves. However, [critics](#) explain that someone like McClintic, who committed and admitted to such a heinous crime, and who also reportedly severely beat another inmate while in prison near Kitchener, has not shown any interest in rehabilitation.

For victims' rights advocates the case raises concerns with regard to the failure of CSC to inform and listen to the views of victims and their families. The family had no chance to participate in the process leading to the transfer until long after it happened. The official advice of [Justice Canada](#) to victims and their families is that under the Canadian Victims' Bill of Rights "You have the right to convey your views about decisions to be made by criminal justice professionals that affect your rights under the CVBR". Critics such as [François Boivin](#) have observed that the Bill ultimately has no enforceable rights for victims.

Failure of information and consultation is also a concern for native elders. The [Nekaneet First Nations](#) in Saskatchewan released a statement saying it was surprised by the decision to move McClintic to the lodge. Elders used to have a say in who was allowed to join a healing lodge but because of funding cuts six years ago, the right for input was curtailed. "We have no say on inmate selection ... if our elders were still apart of the process, maybe McClintic wouldn't be at the healing lodge," the statement said.

The next steps in this difficult situation now lie with the Minister of Public Safety, Ralph Goodale, who has put in a request to the commissioner of the Correctional Service of Canada "to undertake a complete review of the facts of this case, to ensure that the law and all of the long standing policies of the Correctional Service of Canada have been properly applied". Ultimately, the Minister doesn't have control over any prisoner's security status or control over where a particular inmate is placed. However a review

BECOME A WOMEN'S ISSUE

There has been a greater urgency towards eliminating guns in Canada. Research has demonstrated that women are significantly more at risk to be victims of [gun violence](#). In fact, the likelihood of femicide increases by 500% when an intimate partner has access to a firearm. Firearms have become a means to threaten, control and kill women especially in abusive relationships.

In response to the increasing rates of women being victimized by firearms, the federal government has made a recent announcement to make a review on gun control. In Toronto specifically, the City's Council proposed a ban on handguns and ammunition sales after a summer of tragic gun violence.

We are hopeful that this action will be the initial step in abolishing firearms and lead to the implementation of a progressive legislation that will protect women. Recent polls have illustrated that the public is in fact supportive of stronger gun control legislation.

CANADIAN MILITARY REOPENS 23 UNFOUNDED SEXUAL ASSAULT CASES

The Canadian military has initiated a sexual assault review program which will process all [unfounded sexual assault cases](#) moving forward.



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of the transfer is underway as well as a re-examination of the policies that led to McClintic's transfer to the healing lodge. That review is said to be coming within the first week of November 2018.

REVIEW RAISES QUESTIONS ABOUT FUTURE DIRECTIONS FOR THE NATIONAL OFFICE OF VICTIMS

Canada's department of Public Safety recently conducted an internal review of the National Office of Victims (NOV) to ascertain whether they've been able to fulfil the demands of their mandate efficiently and effectively and whether the existing mandate will be relevant to changing perceptions on the needs of victims. The review, which looked at the period from 2012-13 to 2016-17, [recommended](#) that the department "clarify the NOV's mandate and priorities in line with Public Safety Canada's role in victims' services, and ensure appropriate resources and governance to support the scope of its activities."

The NOV was created in 2005 within the department of Public Safety (PS) with a focus on being "a single point of contact for public enquiries and complaints for victims of federal offenders". The office was also meant to help the department use a "victims' lens" when developing communication material, policy and legislation with government partners. The mandate was expanded in 2015 to align with the new [Canadian Victim Bill of Rights](#) (CVBR). In its service to the public role, the office is intended to specifically assist victims of federal offenders; meaning victims of offenders with a 2 year plus a day sentencing.

During the review 16 interviews were conducted with program staff, management, representatives from partner agencies in the portfolio such as Justice Canada, stakeholders as well as subject matter experts (SME) which included victim advocates and academics in Victimology. The [review did not survey](#) or interview victims or survivors of crime due to ethical and privacy concerns. Therefore the victim's perspective was limited to insight provided through [stakeholders and SME interviews](#). The general

After reviewing 179 historical cases, 23 files were reopened. Additional interviews will be conducted by investigators in order to gather more evidence while the cases are being reviewed.

Commanding officer of the Canadian Forces National Investigation Service, Kevin Cadman states the review was "beneficial in many ways", since it ensured that best practices are followed. Defence Minister Harjit Sajjan explains that there is a zero-tolerance policy in regards to inappropriate sexual behaviour and any allegations of sexual misconduct within military have become a top priority.

The first step towards justice for victims of sexual assault within the military is by approaching these cases from the perspective of believing survivors to ensure an inclusive and fair culture in the military where victims' voices are heard.

POLICE COMMISSIONER RECOMMENDS NEW APPROACH WHEN CONDUCTING INVESTIGATIONS OF CHIEFS OF POLICE

After numerous allegations of sexual misconduct were made against former Victoria chief of police Frank Elsner, the internal discipline process in response to such cases has been reviewed.

Commissioner Stan Lowe has



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[consensus of concern arising from the interviews](#) by the reviewers was that there is a general lack of awareness over the program's mandate and their priorities. Another concern was whether the NOV's provisions directly benefit victims of crime and the general public, or if it adds to an already complex field of services.

Currently, there are several federal agencies which may have direct contact with victims, such as Correctional Service of Canada (CSC), Parole Board of Canada (PBC), and the Office of the Federal Ombudsman for Victims of Crime (OFOVC). The question raised by the review is whether or not NOV should continue to be considered a direct point of contact or if the NOV's primary role should be in providing "[policy support and coordination](#)". Currently, the point of contact with victims remains [consistently low](#) in comparison with other federal partners. [Interviewees](#) explained that they do not generally make referrals to the NOV's office; it's unclear whether this is because of a lack of resources or because of the lack of clarity on what exactly NOV does for victims. Besides the NOV toll-free line, victims are not encouraged to visit the office for support, rather to seek it elsewhere either with local victim-support agencies or other government agencies.

While working with a "victims' lens" is considered to have a positive impact on the policies and legislation regarding victims, the awareness of NOV's role is not well known to the general public. This may stem from a recurring complaint expressed by victims of crime; is the lack of information they receive as a whole from the criminal justice system. How does this get fixed? Perhaps awareness can begin before the crime itself occurs. Since [interviewees indicated](#) that while awareness of the CVBR has increased, work continues to be done to ensure victims are informed of their rights. If the general public is well-informed of what rights a victim has as well as what is likely to be involved for victims after a crime is committed, perhaps there would be less confusion.

made a recommendation to alter the Police Act in order for retired judges to be in charge of investigating misconduct allegations in the police force rather than mayors. He explains that judges offer greater expertise and understanding of the complexities of the police discipline system.

We are optimistic that this new approach will allow all members of the police force to be held accountable for misconduct regardless of their position within the ranks. [Learn more.](#)

SPOTLIGHT ON RESEARCH

National Justice Survey 2017: Issues in Canada's Criminal Justice System

[This 2017 survey](#) focuses on views and perceptions of the criminal justice system (CJS), in order to inform the ongoing criminal justice system review being undertaken by the Minister of Justice.

The Office for Victims of Crime (OVC) and the United States' Department of Justice, describe the occupation of victim assistance as "a full-fledged advocacy and service field dedicated to meeting the physical, financial, and psychological needs of victims and their families" (New Directions 1998). The OVC has supported the development of victim



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All interviewees [agreed](#) that they see value in the NOV and feel the program is properly engaged in many activities; however the lack of clarity on their mandate needs to be addressed. Once clarified, fellow government agencies and local agencies will be better equipped when informing victims what exactly the NOV represents and their goal within Public Safety.

MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA APPROVES ROADSIDE DRUG SCREENING EQUIPMENT TO FIGHT DRUG-IMPAIRED DRIVING

On April 13, 2017, the Government of Canada introduced Bill C-46 which received Royal Assent on June 21, 2018 and the drug-impaired driving sections came into force. The new law aimed to be modern and simplified to better deter and detect drug and alcohol-impaired driving. The law now authorizes the Attorney General of Canada to approve drug screening equipment by Ministerial Order.

Following a 30-day public comment period, the Honourable Jody Wilson-Raybould, the Minister of Justice and Attorney General of Canada, announced that the [first oral fluid drug screening](#) equipment has been approved for use by law enforcement. The screening equipment used will detect the presence of THC, cocaine and methamphetamine. The oral fluid drug screener used by police is collected from the mouth of a driver, and once enough oral fluid is collected, the equipment indicates the presence or absence of drugs. These devices are fast, non-invasive, and accurate.

In making her decision, the Attorney General of Canada considered comments received from the public and a recommendation by the Drugs and Driving Committee (DDC) of the Canadian Society of Forensic Science, which evaluated this drug screening equipment against DDC standards and evaluation procedures. - [Amendments](#) to the Criminal Code relating to drug-impaired driving and alcohol-impaired driving Federal and provincial/territorial [laws against impaired driving](#).

services program standards, pre-service and continuing education for practitioners; has supported the development of standards to become a recognized profession"

Some of the earliest support available to victims of crime was that provided by the women's movement to women who were victims of sexual assault and family violence. Overall, respondents were enthusiastic and interested in the topic. The findings from the study are presented thematically and include: the meaning of professionalization, the use of volunteers and the service delivery model debate, pre-service training and degrees/diplomas, the reasons for professionalization, costs and benefits of professionalization, and recruitment and retention.

Strengthening and modernizing Canada's family justice system

On May 22nd 2018, the Government of Canada introduced [new legislation to amend Canada's federal family laws](#) related to divorce, separation, and parenting.

Family law in Canada is an area of shared jurisdiction between federal and provincial and territorial governments. The Divorce Act applies to married couples who are divorcing.



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The Federal family laws have not been substantially updated in 20 years. The proposal has four objectives: to promote the best interests of the child, address family violence, help reduce child poverty and make Canada's family justice system more accessible and efficient.