



*"Dedicated to Justice" • «Au service de la justice»*

August 14, 2015

The Honourable Madeleine Meilleur  
Attorney General of Ontario & Minister Responsible for Francophone Affairs  
Ministry of the Attorney General  
720 Bay Street 11th Floor  
McMurtry-Scott Building  
Toronto, Ontario M5G 2K1

Dear Minister Meilleur:

I have just returned from a site visit to the Ontario Court of Justice and Superior Court in L'Orignal. These sites must be visited by you in person to fully understand the incredible need for CCTV for child victims of sexual abuse and other vulnerable witnesses.

In your reply to me of July 8, 2015, you state that renting the CCTV systems is an option for this community. From visiting in person, I have seen why this is simply not feasible on a consistent basis. Rentals are rarely used now because it simply doesn't work logistically in the courtrooms and adjacent rooms. I would highly recommend that you travel to L'Orignal to view the courthouses personally, Mrs. Minister, in order to fully understand the challenges faced. The courthouses are both very old buildings, actually both physically inaccessible to those with disabilities or persons who may have mobility issues. There is no adequate room adjacent to the courtrooms in which to place the victim in order to allow them to testify by CCTV. All spaces near the courtrooms are public waiting areas, holding cells for the accused or legal aid meeting rooms. The difficulty with renting systems is that wires run all over the courtrooms and through public waiting areas which is a hazard. Also, the systems do not always function properly because they are not hard-wired so there is delay, and trouble with audio and video feeds. There is no room in the OCJ building to place victims to allow them to testify via CCTV. Sometimes the jury room is available in the Superior Court building but it is hard to get victims in and out of it without coming face to face with the abuser or having to climb an old fire escape at the end of the building which is a decrepit two-storey steel staircase which would be terrifying for children as well as totally unsafe for both witnesses and VVAP staff. The jury room can also only be used when there is no jury using it. Scheduling is a significant problem in both courthouses. They cannot rent/set up CCTV and run a lengthy sexual abuse trial here because of the high volume of other cases constantly being heard.

I can advise you that witness screens to block the view of the accused are also not a great option for children in L'Orignal. In the OCJ, the witness box is about 8 feet from the prisoner's box. Police officers have to physically stand in front of the prisoner box to block the view of the accused when children enter. Child victims often report to VVAP staff that they do not wish to be in the same room with the parent or other abuser. It is very hard to testify in open court, let alone to do so knowing the abuser is so physically close to them, hidden only by a small screen. The situation in the Superior Court is similar because there are no separate entrances or waiting rooms for victims, they are very likely to encounter the accused right before testifying.



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Mrs. Minister, recently a 9 year old was prepped to testify and was going to do so behind a witness screen. He initially agreed and thought he would be okay. On the day of the trial, he ran away. VWAP staff and police officers had to chase him to the local dock to make sure he was okay. He was simply overcome by the thought of facing his father. The accused ended up signing a peace bond because the witness would not testify. Is this justice in Ontario? An abuser was not held accountable because the OCJ in L'Orignal could not provide a CCTV option for the young victim to feel safe enough to tell the truth about what his father did to him. This is unacceptable. It has happened more than once.

Minister Meilleur, amendments to the *Criminal Code* in 2006 made the use of the aids mandatory upon application in any criminal proceeding for persons under 18 years of age unless they would interfere with the proper administration of justice. We believe children who are victims of abuse and violence have the right to provide testimony in a safe environment. Most cannot currently do so in L'Orignal as screens do not provide enough physical separation from the alleged abuser.

The federal Victims Bill of Rights now requires that all victims be provided protection. We ask that you immediately make the funds available to court services to determine how to best hardwire the courtrooms in L'Orignal for CCTV so victims and vulnerable witnesses can be accommodated. We believe the VWAP office is the best choice to hardwire a room and dedicate its use to victims to provide their testimony through CCTV. It is the newest, most victim-friendly space. I can advise you that the courtrooms in L'Orignal are difficult to navigate without having to face the abuser, uncomfortable, and dungeon-like compared to the bright and accommodating/accessible space where VWAP is located. A permanent solution is needed urgently to ensure young victims of sexual abuse and other vulnerable victims in this community can access justice. I look forward to your reply.

Sincerely,

Heidi Illingworth  
Executive Director