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A BLUEPRINT FOR JUSTICE and COMMUNITY SAFETY IN ONTARIO



NEW DIRECTIONS VOLUME THREE

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NEW DIRECTIONS

VOLUME THREE:

**A BLUEPRINT FOR
JUSTICE AND COMMUNITY SAFETY
IN ONTARIO**

Prepared by the
Ontario Progressive Conservative Caucus

**Mike Harris
Leader**

**Legislative Building
Queen's Park
Toronto, Ontario**

January, 1994

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A MESSAGE FROM MIKE HARRIS

On the inside cover of this blueprint is a list of names. Some are experts on crime prevention, others are victims of crime. Some are representatives of community safety organizations, others are independent citizens.

What all of these people have in common is that their concern about issues involving crime, justice and community safety brought them to one of our public meetings to speak out.

In preparing this document, the Ontario P.C. Caucus consulted widely and attempted to deal with the concerns of the general public as well as each of the groups that must be involved in developing a community safety plan.

This report is based on the feedback we have received to date from the people of Ontario and from our consultations with professionals in crime prevention, victim treatment, the administration of justice, and other areas. This input has played a major role in the development of the policies our party would introduce as the next government of Ontario. We firmly believe those policies must put the emphasis in our criminal justice system on protecting the rights of law-abiding citizens and the rule of law.

Every person in Ontario is entitled to security of their person, property and family, whether in their home, or anywhere else. However, as they look at their streets, communities, schools and society in general, many Ontarians feel that security is endangered and, with it, their quality of life.

In a 1992 Environics opinion poll, nearly two-thirds of Ontarians said they believe that crime has increased in their neighbourhood in recent years. As well, the survey found, a strong majority believe respect for the law has eroded in recent years. That belief is strongest among women and visible minorities.

Those involved in the justice system are also concerned about rising crime, the justice system and community safety. Our police are under increasing pressure, as they cope with the rising incidence of crime, more violent crimes, and a chronically overloaded court system. Social agencies that work to prevent crime and help victims are under more pressure than ever before from shrinking budgets and increasing demand.

If we hope to prevent crime and deal with its consequences, the public, police, social agencies and government must all work together to find and implement practical solutions.

Every person in Ontario is entitled to security of their person, property and family.



MIKE HARRIS
Leader of the
Ontario P.C. Party

We believe it is time to shift the balance: from criminals' rights to victims' rights, from increasing school violence to more respect for authority, and from rhetoric to a concrete plan of action.

In developing a blueprint for justice and community safety, the Ontario P. C. Caucus has worked to address each of these areas. Although some of them fall at least partly under federal jurisdiction, they must also be addressed at the provincial level, where decisions on the enforcement of laws and the allocation of resources are made. It is important to make clear what sort of policies we would support, and push for implementation, at the federal level.

Some of our recommendations will cost more money than the current system. Others will result in savings to government. In the long run, any actions taken to provide safer communities and restore confidence in the criminal justice system will improve the quality of our lives, make Ontario a more attractive destination for investment and new jobs, and result in important savings on both the material and human scales by reducing crime.

Our ultimate objective in this blueprint is to develop plans to strengthen our communities and allow them to grow and prosper by protecting individuals, families and neighbourhoods. We believe it is time to shift the balance: from criminals' rights to victims' rights; from increasing school violence to more respect for authority; and from rhetoric to a concrete plan of action.

That is why we created the Task Force on Crime, Justice and Community Safety. By travelling across Ontario holding public hearings, and by distributing this document and other materials throughout the province, we have listened, we understand and we are now prepared to act.

The purpose of this report is to use what we have heard and learned to develop a positive plan of action to be implemented by the current government today, or a P.C. government tomorrow.

I hope that you will take the time to read this document and fill out the response page included at the back. If you would prefer to, please call my office, toll-free, at 1-800-665-MIKE.

A handwritten signature in black ink, reading "Mike Harris". The signature is stylized with a large, sweeping "M" and a cursive "Harris".

ABOUT OUR TASK FORCE

The Mike Harris Task Force on Crime, Justice and Community Safety was created to prepare a Mike Harris government to properly reflect the needs and concerns of the people of Ontario. It reflects our belief that while one may prepare to win an election, it is far more important to prepare to govern.

We began by contacting 4,000 individuals and groups across the province with either professional or personal interests in the issues of crime, justice and community safety to seek their advice about what issues to examine, and how best to involve the public in forming our policies.

Following that advice, we added our Caucus advocates for Women's Issues, Social Services and Seniors' Affairs to the Task Force and developed an ambitious plan for direct public consultation. Prior to each public forum, we sent invitations by postcard to residents of the area where the forum was to be held, as well as advertising through local media and inviting local experts to form our panels. In addition to hearing the concerns and ideas of people all across Ontario, the Task Force met with groups such as victims' rights organizations, police forces, and experts in law and justice administration.

This document is now being circulated to all of those who participated in the first round of consultations as well as being widely distributed across the province to allow for even more public consideration.

You can have your say by completing the response form included with this paper. For additional copies of this document, just call our info-line, toll-free, at 1-800-665-MIKE. Of course, you are welcome to simply call, write, or FAX us with your opinions and ideas on these or any other issues.

Will it make a difference? Just ask the thousands of people who expressed their opinions on the economy and education. Their input formed a major part of both *New Directions Volume I: A Blueprint for Economic Renewal and Prosperity* and *New Directions Volume II: A Blueprint for Learning*. More than 70 thousand copies of those policy documents have been distributed across the province.

While one may prepare to win an election, it is far more important to prepare to govern.

Tory task force on crime, justice draws wide-ranging response

By PAUL SCHLESIMANN
Waig Standard Staff Writer

The Progressive Conservatives' task force on crime, justice and community safety came calling for the views of Kingstonians last night and received a wide-ranging response.

Moderator Bob Runciman, Tory MPP for Leeds-Grenville, fielded questions and comments on everything from whether women should be police officers, to the use of leg-bracelet monitors for inmates, to the practice of gaging inmates.

Runciman said that, on his way to the meeting, one of about 25 to be held around the province this summer, he told his wife that a gathering of 20 people would be "a success." He was pleased, therefore,

crime is increasing and 63 per cent believe it has increased in their neighborhoods.

He said the solution isn't to "throw more money at the system" by hiring more prison guards and police officers, but rather by gathering more community support.

McKenna began his remarks by referring to Kingston as the "penitentiary capital of the world," and talked about some of the special problems this brings to Kingston, including gaging. Gating is the process by which prisoners are detained until the end of their sentences, then released without parole restrictions.

"When they simply go through the door with no ties on them they're like turning a time bomb out into the community," McKenna said.

aren't coming back," he said.

Chief Supt. Closs, whose district stretches from Wasaga Beach to Pembroke and south to Cornwall and back to Belleville, agreed with McKenna that the justice system has to start focussing on "the problems and not the symptoms."

And with more than 4,000 assaults and 14,000 criminal cases in his district last year, he said more emphasis has to be placed on victims' rights.

He said the trend towards "the victimization of criminals" has placed the blame on society and taken the responsibility away from criminals.

Some criminals, he added, can't be rehabilitated. "The system sometimes doesn't recognize [some] people are bad. It doesn't realize they are evil and know full

matter is under investigation he couldn't comment on the particular issue.

But Closs sympathized with the couple saying that while police and justice officials have to play by the rules of the game, "the bad guy doesn't." The couple's frustration, he said, is similar to that experienced by police in many investigations. "It seems the justice system isn't fair," he said.

One man called for a return to capital punishment as a more effective crime deterrent. A woman said "short, sharp sentences" should be considered for young offenders.

While the panelists agreed with most of the speakers from the audience, Closs didn't hesitate to defend female police officers against criticism from one woman

Your personal views on the issues of crime, justice and community safety will help form the policies of our next government. So please fill out the attached response page. This is your chance to help change Ontario — for the better!

*The Mike Harris Task Force on Crime, Justice and Community Safety,
Room 124 NW,
Legislative Building, Queen's Park,
Toronto, Ontario
M7A 1A8.*

*(TOLL-FREE) 1-800-665-MIKE
FAX: (416) 325-7810*

Task Force Co-Chairs

Mike Harris, MPP
Leader

Bob Runciman, MPP
Solicitor General Critic

Charles Harnick, Q.C., MPP
Attorney General Critic

Elizabeth Witmer, MPP
Women's Issues Critic

Cam Jackson, MPP
Community & Social Services, and Seniors Affairs Critic

THE AGENDA

To provide the legal, social, and physical resources necessary to prevent crime, bring criminals to justice and safeguard victims' rights, thus helping to increase public confidence in the integrity of the criminal justice system and helping to ensure community safety.

Highlights

- Limit the violent images to which we subject our children through film, television and video and computer games. (pg. 9)
- Toughen the treatment of domestic and sexual assault offenders. (pg. 18)
- Consider a registry of convicted child molesters. (pg. 20)
- Deport convicted criminals living illegally in Canada. (pg. 23)
- Reform the *Young Offenders Act* to allow adult trials for violent offenders, and to set the cut-off age at 16. (pg. 22)
- Toughen parole requirements, such as drug tests on parolees and advising the community of their release. (pg. 25)
- "Strict discipline" facilities for first-time young offenders who have committed serious or violent crimes. (pg. 22)
- Work directly with police and municipalities to determine police staffing needs and mutual funding arrangements. (pg. 28)
- Provide police with greater priority and support. (pg. 29)
- Streamline procedures for declaring criminals to be Dangerous Offenders. (pg. 29)
- A "Victim's Bill of Rights" including the right to be informed of every stage of criminal proceedings, including parole hearings, and to sue criminals for emotional distress and bodily harm. (pg. 32-33)
- Stop convicted criminals from profiting from their crime in any way, including the sale of book or movie rights. (pg. 34)
- A renewed emphasis on the responsibility of parents to provide a moral education to their children. (pg. 11)
- Zero tolerance for violence in schools, in cooperation with police and preventive education programmes. (pg. 14)

- A Safe Neighbourhoods Programme to set planning criteria for "safe neighbourhoods" qualification. (pg. 16)
- Reduce the drug problem by cracking down on dealers, and by providing treatment for addicts, particularly teenagers. (pg. 10)
- Allow school boards to demand that students expelled for drug problems receive treatment before re-admission. (pg. 10)
- A commitment to address underlying societal problems such as poverty, illiteracy and drug abuse. (pg. 7)
- A renewed emphasis on personal responsibility for not encouraging or funding criminal activity. (pg. 12)
- Reform the Criminal Code's sentencing structure to make longer sentences available for many crimes. (pg. 23)
- Encourage communities to begin proactive crime prevention programmes including community safety audits. (pg. 16-17)
- Dedicate necessary resources to designing and building more shelters for abused women and their children. (pg. 18)
- Study the idea of requiring convicts to "work off" time through rehabilitative treatment or work programmes. (pg. 24)
- A full study of the problem of elder abuse with proposals for action due back in 12 months. (pg. 20)
- Re-direct funding to supervision programmes and tighten supervision of released convicts. (pg. 24)
- Better manage court resources to reduce costs and court congestion. (pg. 26)
- Implement provisions of the "Martin Report" to streamline the justice process and reduce trial delays. (pg. 26)
- Study "diversion", which deals with relatively minor offenders outside of the court system. (pg. 27)
- Provide more psychiatric care for prison inmates and more careful review prior to their release. (pg. 30)
- Amend the Coroners Act to ensure government responds to inquest jury recommendations within a reasonable time. (pg. 35)

PREVENTING CRIME

Root Causes of Crime

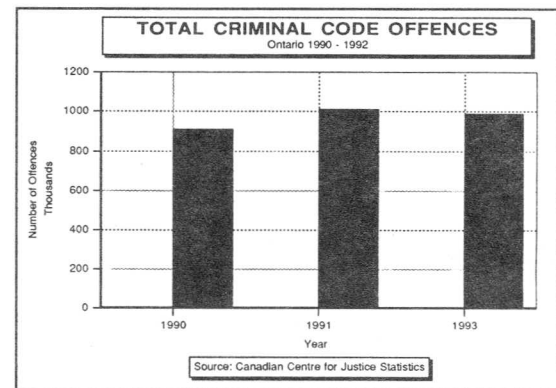
Crime is not a simple or one-dimensional phenomenon that can be traced to any single cause. Over the years, scholars from various disciplines have come up with many theories to explain why people commit crimes. As the comprehensive 1982 federal study *The Criminal Law in Canadian Society* points out, those theories have generated more controversy than concrete answers.

We do not pretend to have all the answers regarding the origins of criminal behaviour. We also recognize that the proposals contained in this paper are, in many ways, simply a starting point for making our communities safer.

In making our recommendations, we are reflecting the feedback we have received from Ontarians both inside and outside the justice system. Besides serving as a blueprint for policies to help prevent crime, they are designed to illustrate the sense of justice we believe necessary to enhance and maintain public respect for the criminal justice system.

In 1990, there were 2.6 million crimes committed in Canada and violent crime comprised 10% of the total.

- Canadian Centre for Justice Statistics

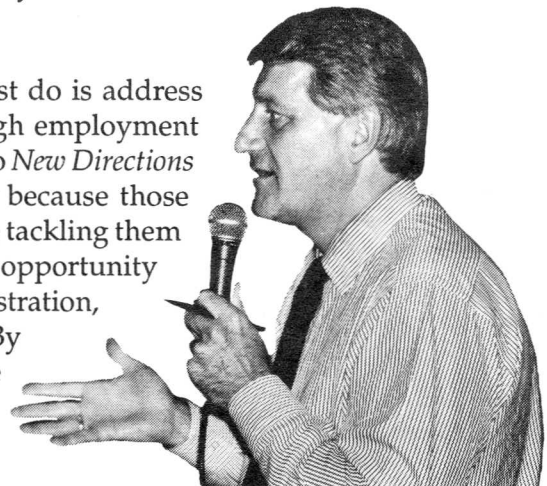


Societal Problems

Many of what are commonly thought to be the root causes of crime, such as negative influences on young people, cannot be satisfactorily addressed directly by government alone. They require that all Ontarians work together. The attitudes and examples provided to young people by their families and role models cannot, after all, be legislated.

Government must address societal problems such as poverty and illiteracy through employment and education.

On the other hand, what government can and must do is address societal problems such as poverty and illiteracy through employment and education (for our plans in these areas, please refer to *New Directions Volume I and II*). Government should do so not only because those problems are believed to contribute to crime but because tackling them is simply the right thing for government to do. Lack of opportunity may not only drive people to crimes of desperation or frustration, it has been linked to problems such as poor health. By addressing these areas, government fulfils its mandate of maintaining and improving our quality of life.



Other potential causes of crime, such as drug abuse and the influence of media violence, will require both government and public attention.

In all areas, we must decide what mixture of deterrence, alternative opportunity, education and legal actions will best convince people to turn their backs on criminal activities.

Violence in the Media

"One never used to hear about kids killing one another. At most, if they got into a fight there would be a broken finger or a bloody nose, but today's teens are devoid of a set of values. By watching violent images again and again on television and in the movies, they become immune to such scenes. For them, seeing someone stabbed or blown up is natural. When they're in a real situation, they don't think twice. For them, anything goes."

- Khan Rahi, executive director, Access Action Council of Metro Toronto.

At times it seems as though we are surrounded by images of violence, particularly on television and in movies where violence is often glorified and portrayed as a good solution to conflict. We allow it, and often even applaud it, in movies or television shows, but we preach against violence in real life.

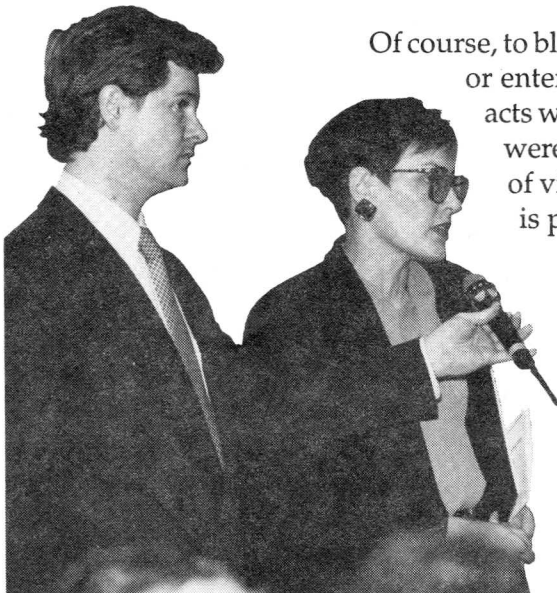
The longstanding question is: How strong is the link between media portrayals of violence, particularly as entertainment, and the frequency of real violence in our society?

After forty years of research and an international bibliography of over 3,000 studies, the prestigious British medical journal "The Lancet" concluded in its January 15, 1994 issue that "it is clear that television violence can lead to harmful aggressive behaviour." According to the journal's editors and other leading researchers, the scientific debate over television violence is now over and the link with real violence is established fact.

Some of the strongest links have been found in the behaviour of children who seem most easily influenced by the examples around them, whether those are set by television characters or real people.

Of course, to blame all violence in our society on the influence of the media or entertainment industry would be unfair and illogical. Violent acts were committed long before movies, television or even books were in existence. However, to ignore the impact that portrayals of violence may be having on audiences, particularly children, is potentially dangerous.

Parents, teachers and psychologists all told the Task Force that they have been noticing more aggressive behaviour in children at play in recent years. Not only do these children see many violent acts on television movies and on the screens of their video games, they see a society around them approving of this violence. When Arnold Schwarzenegger receives a thousand times more money and adulation than Mr. Dressup, how else should we expect our children to react?



Caution and common sense dictate that we seek to limit the extent of violent images we subject our children to, and attempt to provide more positive examples of adult behaviour. Video games that link sex and violence certainly cannot be passed off as positive influences on children. Such combinations of violence and sexuality may also contribute to a dehumanizing view of women.

MPP Elizabeth Witmer, among others, has protested the availability of games that glorify violence. The government should pass the private member's bill introduced by Mrs. Witmer, which calls for the Ontario Film Review Board to have the jurisdiction to rate video games and other types of computer programmes, as it does movies. In turn, this would allow parents and retailers to restrict access to adult material. As well, the Board would have the power, as it does with film, to reject programmes or games which depict sexual violence.

The Ontario Film Review Board should have the jurisdiction to rate video and computer games as it does movies.

The Film Review Board must also re-examine its standards and revise its approval criteria in light of the link between pornography and sexual violence. Until pressure led by MPP Margaret Marland convinced it to reconsider, the Board was studying the approval of films depicting bondage and other degrading acts. The Board should demonstrate a clearer appreciation of community standards.

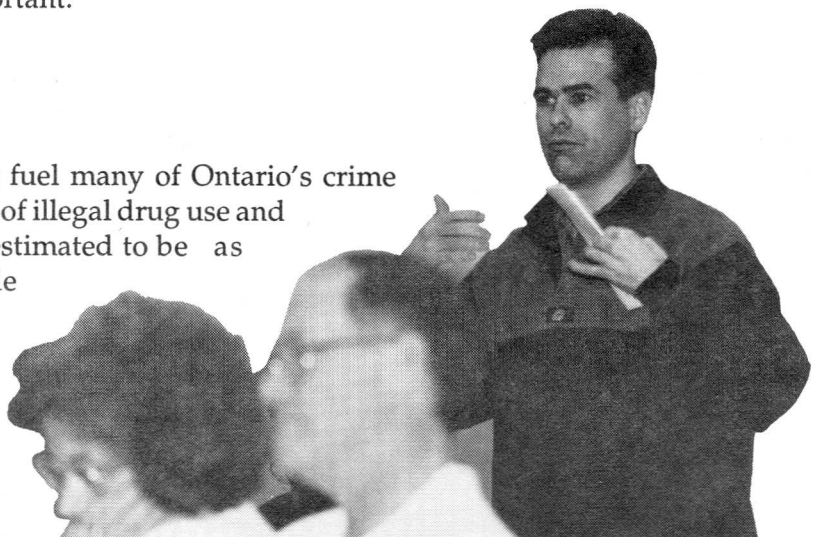
If we truly wish to demonstrate our disapproval of violence and the objectification of women, more support must be shown for television programmes and movies that offer less violence and more positive portrayals. For example, Canadian companies can use the power of their advertising dollars to support non-violent television programmes.

Some argue that freedom of expression is involved. We believe that the freedom of adults from sexual violence and the freedom of children to grow up in emotional health is just as important.

Some argue that freedom of expression is involved. We believe that the freedom of adults from sexual violence and the freedom of children to grow up in emotional health is just as important.

■ Drugs and Alcohol

Drug abuse and drug trafficking fuel many of Ontario's crime and safety problems. The direct costs of illegal drug use and abuse to Ontario society have been estimated to be as high as \$1.9 billion annually, while indirect costs are five times that amount. Health care, welfare, policing, legal aid, the criminal courts, correctional facilities and rehabilitation services are all strained by problems caused by illicit drugs



"This, quite simply is the over-riding cause of crime in Toronto. Everything else flows from the drug trade — violent crime, break-ins, robberies, prostitution, gun use, assaults, school crimes, gangs, etc."
- City of Toronto, Toronto Crime Inquiry, October 1991.

The direct costs of illegal drug use and abuse to Ontario society have been estimated to be as high as \$1.9 billion annually, while indirect costs are five times that amount.

No dollar figure can reflect the damage that illegal drugs cause to families, neighbourhoods and the quality of life of Ontario citizens.

and drug-related crime. Many of the agencies of government that must deal with these problems are incapable of handling them effectively. For example, in 1991 the Ontario government spent close to \$30 million sending people to the United States for drug rehabilitation.

We think that the resources of this province should be re-directed, in co-operation with the Health Ministry and public and private health care givers, to providing treatment here in Ontario. In particular, there must be adequate help available for teenaged addicts who are the most likely to benefit from treatment.

Repeat drunk driving offenders and others whose crimes are linked to chronic alcohol abuse should be required to undergo a treatment programme which stresses their accountability and shows them how to change their behaviour. One such programme, including two weeks of treatment and six months of follow-up, is being developed in Toronto by various addiction centres and community groups in co-operation with Metro Toronto Police. Courts should have the power to require completion of such a course in place of, or in addition to, any other sentence they impose.

Effective treatment programmes must also exist for prison inmates who have severe drug and/or alcohol addictions. Releasing these people back into society with their addictions intact is simply a recipe for more crime.

As well, we must tighten our bail and parole systems to ensure that individuals accused or convicted of crime do not violate bail, probation or parole restrictions relating to drug or alcohol abuse (see 'Conditional Release' on page 24 and 'Bail and Parole' on page 25).

School boards should have the power to require students suspended for drug-related misbehaviour to complete reasonable and appropriate rehabilitative treatment before re-admitting them.

Obviously, these policies would increase the demand for treatment facilities. Providing adequate treatment programmes in Ontario will not be inexpensive, but their cost will represent a fraction of the hundreds of millions of dollars spent yearly as a result of drug abuse. In the long run, education, prevention and treatment programmes will pay for themselves by reducing the financial and human costs of drug abuse to society.

No dollar figure can reflect the damage that illegal drugs cause to families, neighbourhoods and the quality of life of Ontario citizens. Young people are hired by drug dealers as lookouts and sellers. Many people in drug-infested neighbourhoods are virtually prisoners in their own homes, forced to rearrange their lives to avoid confronting drug dealers and their customers. Fights, stabbings, gunfire and confrontations between pushers, customers and rival dealers are a fact of life in drug-infested areas. Declining property values, reduced productivity of workers, loss of business by legitimate commercial operations and theft, assault and murder all are byproducts of the drug trade.

The most tragic consequence of all is the destruction of human potential. Young people die from overdoses, in robberies they commit to feed their habits, in fights over drug money and as victims of drug-induced violence. Survivors often carry physical and psychological scars for life, as do the families of those claimed by the drug world.

The promoters of drug abuse represent a very small segment of society, and can be successfully opposed if communities and police work together. More co-operative programmes should be undertaken in high-crime and drug-infested areas. The Ontario government should use its legislative powers to make this province an inhospitable place for those engaged in the illegal drug trade. MPP Bob Runciman made a bold exploratory attempt in this area in 1993 when he introduced a private member's bill designed to facilitate action against tenants who use rented premises in their illegal drug dealings.

Fighting the drug problem will require reducing the number of both sellers and buyers by helping addicts, particularly teenagers, and by harnessing public concern to crack down on dealers.

"By bringing offenders to terms with the impact of their drinking problems and helping them change their behaviour we can reduce repeat offences, keep more people out of jail, and lower the financial and human cost to society of drunk driving."

—Toronto Police Const. Rick Henderson, Impaired Driving Education/Psychosocial Intervention Program

The Public's Role

■ Parental Responsibility

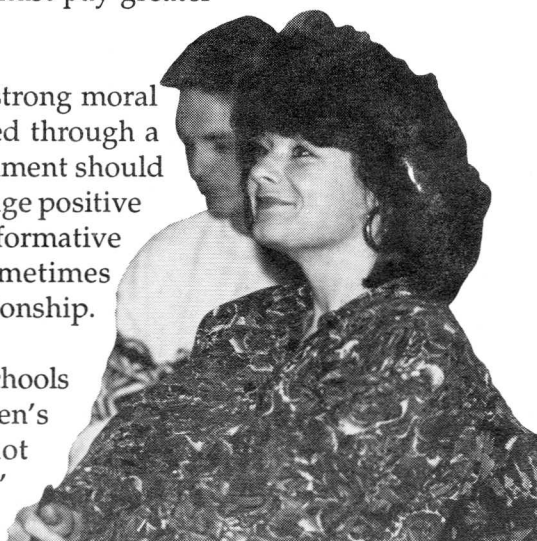
It is widely accepted by sociologists and psychologists that important lifelong behaviour patterns and an understanding of responsibility and moral rights and wrongs are developed during childhood.

For this reason we believe that, as a society, we must pay greater attention to the development of our young.

We believe it is important for children to have a strong moral upbringing in their homes. This can best be achieved through a strong parent/child relationship. All levels of government should work together to develop programmes which encourage positive relationships between parents and children in their formative years. Unfortunately, for a variety of reasons, sometimes economic, it is not always possible to foster this relationship.

Today, there is an unfortunate tendency to rely on schools to be the moral authority and moral educator in children's lives, a role for which our education system is not designed, and to rely on television to "baby-sit" children without regard to the nature of the powerful examples it is showing and lessons it is instilling.

Parents must accept the ultimate responsibility for the job of attempting to instill good values, respect for the rights of others, and a sense of societal responsibility in their children.



It is certainly cheaper to "pay under the table" or to buy stolen or smuggled goods. However, every time you do, you are paying a criminal and encouraging criminal activity.

While many institutions may play a role in our children's development, parents must accept the ultimate responsibility for the job of attempting to instill good values, respect for the rights of others, and a sense of societal responsibility in their children.

This challenge is not always easily met, and we recognize that parenting is a difficult skill even in good financial and social circumstances. Many churches and volunteer organizations currently offer free courses on parenting skills, which teach parents how to communicate, resolve conflicts, etc. Government should be backing these efforts and working with these groups.

By arranging and financing such courses in co-operation with the volunteer and private sectors, we could minimize cost and maximize accessibility. In some cases, these courses could be made part of Family Allowance or similar programmes as an aid to single-parent recipients, whose children more often face difficult conditions.

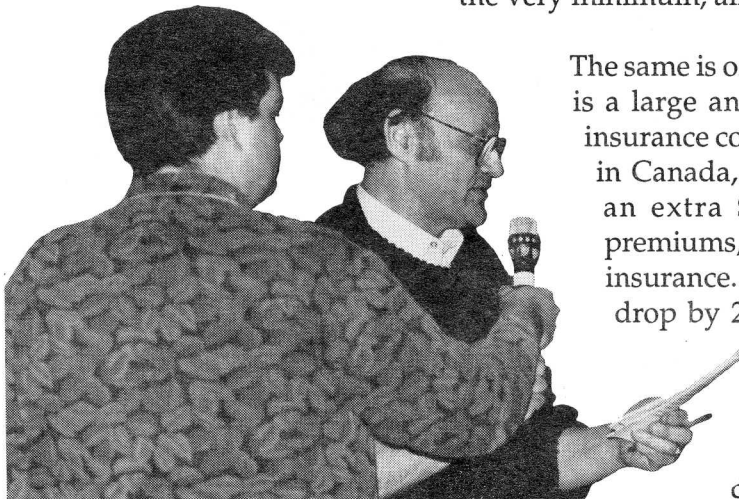
Our philosophy is to let families, of whatever shape or form, be families, with a minimum of interference from government. Government's role should be to encourage and help families to fulfil their responsibilities. Only in extreme cases should the state become a surrogate parent.

As the Task Force held its public hearings in Cornwall, a municipal building across the street from the meeting hall was hit by gunfire. The shots were fired in an apparent attempt to intimidate local authorities and citizens.

■ Personal Responsibility

Each of us has the power and responsibility to make choices about his or her personal behaviour. Only by demonstrating respect for the principles of justice do people deserve the right to demand justice for themselves.

It is a disturbing comment on society that some people consider certain crimes to be "victimless." There is no such thing as a "victimless" crime. At the very minimum, all of society pays.



The same is often true when the direct victim of crime is a large and impersonal corporation, such as an insurance company or retail chain. Because of fraud in Canada, automobile drivers pay an average of an extra \$100 each year for their insurance premiums, and homeowners an extra \$50 for home insurance. It is estimated that retail prices would drop by 2% on average if employee and public theft stopped. Canadian business annually pays some \$4 billion each year because of these two forms of crime alone. These costs are passed on directly to the consumer.

Anger over exorbitant taxes and the idea of saving money may tempt people to buy smuggled alcohol or tobacco products, but the money goes to criminal organizations. These are the groups that have terrorized communities along the St. Lawrence River and forced the Mayor of Cornwall and his family into hiding with death threats against them.

It is certainly cheaper to "pay under the table" or to buy smuggled or stolen goods. However, every time you do, you are paying a criminal and endorsing and encouraging criminal activity.

We must all acknowledge our obligations as members of society, including the responsibility to live within the law, and to encourage others to do the same.

Education

Over time, our education system has been called upon to provide many more services to society than it was ever imagined would be necessary. Consequently, our education system is being asked to bear the responsibility for saving us from ourselves. (For a discussion of this problem, please see *New Directions Volume II: A Blueprint for Learning in Ontario.*)

Many of the members of the public, and professionals in the justice system who met with the task force, commented that there has been a decline in the respect of our young people for moral and ethical principles and for our justice system. Many of these people are calling upon the education system to provide discipline or guidance which should be provided at home.

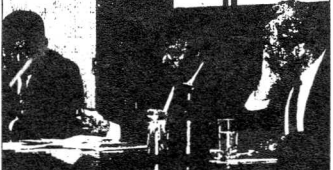
While the education system has a role to play in the early prevention of crime, we must not lose sight of the real purpose of education: to provide students with the skills and knowledge they will need to get a job, fulfil their personal goals and continue lifelong learning. It is NOT the role or responsibility of the education system to replace families in providing moral instruction.

What schools CAN do is help break the cycle of ignorance leading to poverty, which leads to crime by providing a good education, and providing instruction in the rule of law, and civic and individual responsibility.

CHANCE LONDON CITY EDITOR

Smuggling at forefront of task force talks

RCMP official says police need community support



It will take time to show how much, and there will be a great deal of work to do to get the people of London back on their feet. The police are working hard to get the city back on its feet. The police are working hard to get the city back on its feet. The police are working hard to get the city back on its feet.

CHANCE LONDON CITY EDITOR

It is not the role or responsibility of the education system to replace families in providing moral instruction.

SUN

Sept. 28 1993 - pg. 7

Sexes equal - in school violence

By IAN ROBERTSON
Toronto Sun

So much for sugar and spice. Girls and boys have achieved a sad equality in some Ontario schools - they're equally likely to rob a classmate.

And in at least one school, girls are more likely than boys to use a weapon.

"Patterns of behavior we thought were in the older kids exist at all levels," he said.

Swarmings and extortion plots occur as early as Grade 3.

Matthews said school violence has risen since the early '80s, and students don't think school officials are taking the problem seriously.

In addition to old-fashioned verbal

SCHOOL VIOLENCE

- 45% to 55% of students believe there's a "moderate" to "a lot" of violence in schools.
- Eight of 10 students reported being exposed to violence in schools as victims or seeing someone being victimized.
- Three of 10 students said they feel safe

Violence in Schools

"Several violent incidents at Metro Toronto schools since classes began have increased fears that school grounds are becoming battlegrounds and that more and more students are carrying knives, hand guns and other concealed weapons along with their textbooks."

- Globe and Mail, Sept. 20/93

We recommend a policy of zero tolerance toward violence in schools.

This is a topic of great concern to the public and one of the most frequently referred to at our Task Force hearings. This public concern is supported by fact. According to Statistics Canada, the number of violent crimes committed by teenagers and children has risen over the past few years. In Ontario, 20% of teachers said that they felt physically threatened while on the job. In British Columbia this number was 10%.

While initial responsibility for instilling respect for authority must lie with parents, schools must make it clear to students that violent and threatening behaviour is unacceptable. As we did in *New Directions Volume II: A Blueprint for Learning*, we recommend a policy of zero tolerance toward violence in schools. That recommendation would require, as a matter of policy, that the police be called in all serious cases of school violence or crime.

As well, we believe that any student who attacks or physically threatens a teacher, or who carries a deadly weapon such as a knife on school property should face immediate suspension. Students and teachers must know that they are safe, and that violent behaviour will simply not be tolerated.

In Metropolitan Toronto, in 1989, Police Chief William McCormack created Street Crime Units to deal with youth crime from two perspectives: education and enforcement. The units are assigned to specific schools and are often staffed by young officers, who go into the schools and classes on a regular basis to develop a relationship between our young people, our education system and the police. All police forces and school boards should be encouraged to work together to implement similar programmes.

It is important to note that much of the evidence of increasing violence in schools is anecdotal. There has been virtually no detailed study of this problem by government. We must learn more about the frequency and types of violent acts committed, what kind of students and schools are involved and which, if any, school programmes or policies have been found to reduce the problem.

Educating Against Crime

Our education system can play an important role by providing programmes to students which will have a direct impact on their relationship with their peers and with society. These programmes should be recognized and utilized as a potentially important component of crime prevention.

CANADA'S NATIONAL NEWSPAPER THE GLOBE AND MAIL

School violence worse than expected, Ontario survey says

Report finds male and female pupils equally likely to be victims of harm

BY LILA SARICK
The Globe and Mail
TORONTO — Teen-aged girls are as likely as boys to rob their fellow

Males and females were equally likely to be victims of violence, the report says. Girls were more likely to be victims of sexual assault and har-

Towards that end, our education system should institute mandatory studies of the basics of our criminal justice system. Local police should be involved in this programme.

Our education system should institute mandatory studies of the basics of our criminal justice system.

The effect of education on reducing crime is well known. Studies have demonstrated that a high percentage of young offenders have learning difficulties and that among all offenders, it is common to find illiteracy and/or a low level of education. This serves to illustrate why it is so important to work to keep children in school and provide them with the best education possible.

Community Involvement

Community Action

Communities have instituted a wide range of programmes to deal with issues of community safety. They are to be congratulated for this, and encouraged in these endeavours.

One of the largest and oldest forms of community action is Neighbourhood Watch. It is estimated that a full third of residences in Canada have become involved in Neighbourhood Watch programmes. Organizations such as this operate on the principle that reducing the opportunity for crime reduces the incidence of crime.

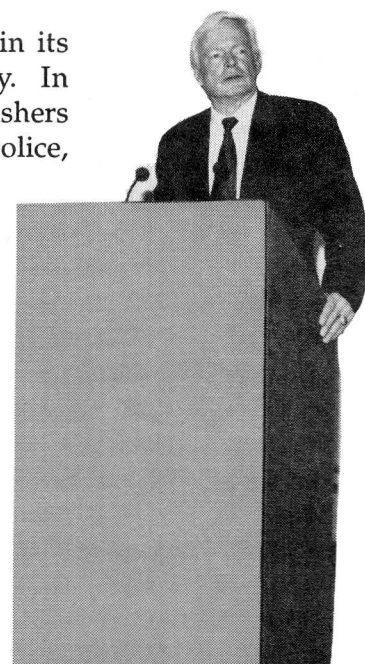
One neighbourhood in Toronto has been particularly effective in its proactive approach to dealing with problems of community safety. In Parkdale, residents have banded together to force prostitutes, drug pushers and their customers out of their neighbourhood. Working with the police, the neighbourhood groups have managed to clean up their neighbourhood by walking the streets, armed with flashlights and cameras, writing down the license plate numbers of customers and sending letters to their homes, and reporting crime to the police.

In Mississauga, the Mayor's office funds a community crime organization which is located in a local shopping mall and provides education services to the public on community safety. People looking for advice and help in making their communities safer know they can turn to one office for coordinated help.

In Etobicoke, there is a Crime Prevention Association, made up of representatives of policing, educational and social service organizations. This organization also serves to coordinate the efforts of the community and provide public education services.

"Whenever I think of backing down because it's easier to just give in I think of Nina and I tell myself I must not be silenced."

- Priscilla de Villiers, founder of CAVEAT (Canadians Against Violence Everywhere Advocating its Termination) and mother of 19 year old murder victim Nina.



In some communities, Police Watch Groups have been established. These groups work in cooperation with the police and, armed with walkie talkies and training from the police, patrol their own communities.

Every community should be encouraged to establish crime prevention programmes to coordinate the activities of policing, educational and social service organizations in the community in a proactive manner. Existing programmes such as Neighbourhood Watch and Crime Stoppers have proven to be very successful. More of these community-based initiatives should be encouraged by provincial and municipal governments.

Every community should be encouraged to establish crime prevention programmes to coordinate the activities of policing, educational and social service organizations in a proactive manner.

In Quebec, a Round Table on Crime Prevention has been established, with representation from the municipalities, police, corrections, education and community organizations. The objectives of the round table are to identify effective prevention policies and programmes and establish objectives with defined roles for each of the partners.

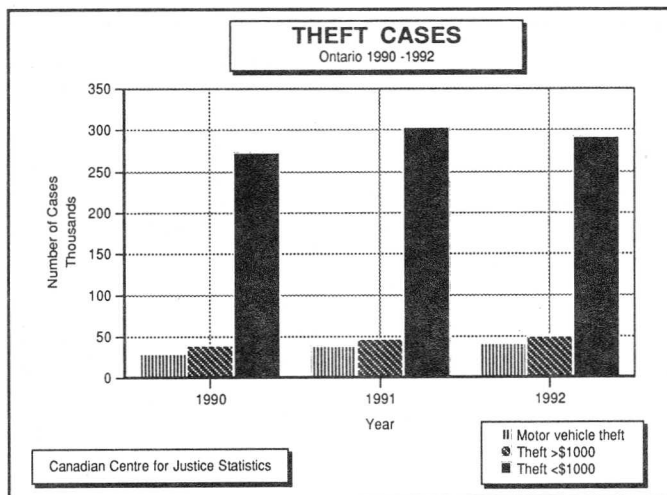
In British Columbia, the B.C. Coalition for Safer Communities acts to promote coordination among social agencies providing services to youth, the unemployed, offenders, the under-educated, families, early school leavers, substance abusers, the homeless, etc.

Efforts such as these are essential to crime prevention, and should be supported.

Safe Neighbourhoods

The province should encourage and help all communities to carry out community safety audits.

In many cases, violent or sexual assaults take place in dark garages, public parks, parking lots, apartment stairwells and other public and semi-public places. Such locations can be made less dangerous, and local residents can take effective action to improve or alter them.



Within recent years, one Toronto Housing project removed a series of walls between buildings which had provided shelter for drug pushers. Many homeowners in downtown areas have installed bright lights at the sides of their homes to discourage drug users, prostitutes and their customers. Communities have started to plan areas such as public parks in ways that will discourage criminal elements, and urban planners and architects are more aware of issues such as the safety of women when designing underground garages and other public areas.

Elizabeth Witmer, MPP recently participated in a community safety audit in her home community of Waterloo, Ontario. The purpose of the audit was to seek out unsafe areas of the community and to make them safe. This was done in conjunction with local planning, police and social agency officials. It has since been copied by a number of other communities. The province should encourage and help all communities to carry out such audits.

The government should initiate a Safe Neighbourhoods Programme that would establish a series of planning criteria to be met by applicants for development permits. If the project met the necessary criteria it would be allowed to advertise itself as a "safe neighbourhood." A programme of this nature would be particularly valuable to real estate developers seeking to promote community developments to prospective owners and tenants. It would also be possible for existing developments to meet the criteria retroactively.

Crimes Against the Person

Crime that directly involves individuals, including the various kinds of assault, is probably the most feared type of criminal activity. Men, women and children can all be victims of this type of crime.

Concern was expressed at our Task Force hearings that economic pressures are leading to more emotional instability within families and relationships, in turn leading to more violence.

We heard repeatedly, often in very emotional testimony, how experiences of various kinds of assault, or fear of them, was robbing people of their freedom of movement or action, even in their own neighbourhoods.

The fundamental right of all Ontarians to personal safety demands that no tolerance be given to these crimes, whatever the motive and whoever the victim may be.

Sex-related crimes represent an intense violation of the victim's privacy and personal identity. Concern over sex-related crimes has risen rapidly in Ontario in recent years. There has been a marked increase in the number of these crimes (up 18% in Metro Toronto between 1990 and 1992). Several well-publicized

A woman told the Task Force how her suburban Toronto home had been broken into five times in the last two years. As a result, she and her husband had spent many hundreds of dollars installing theft-proof locks on all of their doors as well as an electronic security system. Despite their precautions, burglars broke in again, coming through a window in their sunroom and evading the security system by crossing the ceiling, hanging from support bars like modern-day Ninjas.

In 1991, violent crime rose by 8% nationwide, the 13th straight year it has risen.
- Canadian Centre for Justice Statistics



cases of sexual assault and murder involving children and young women in Southern and Southwestern Ontario have also raised the level of public awareness and concern.

Domestic Violence and Sexual Assault

Decades of studies have established the need for more shelters for abused women and their children.

It is long past time for government to dedicate the necessary resources to this problem.

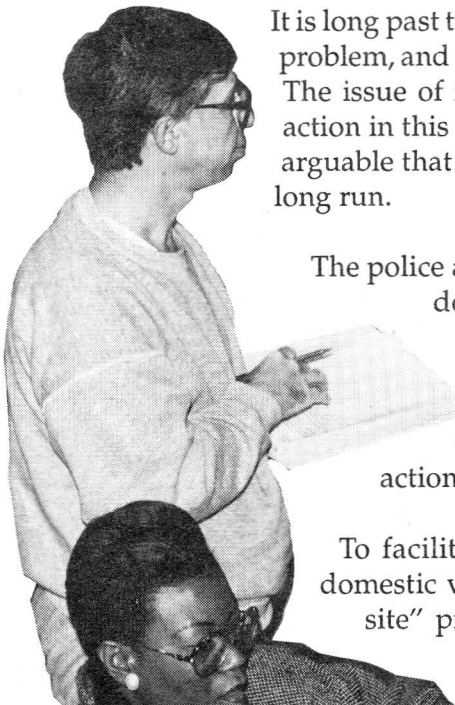
Domestic violence is a serious problem in Ontario, and throughout the rest of Canada. In November 1993, Statistics Canada reported that 25 percent of all Canadian women have experienced violence at the hands of a current or past marital partner, and that 51 percent had been the victims of sexual assault. Since many crimes of this nature often go unreported, the actual number of incidents may be even higher.

Domestic violence can have lasting, harmful effects on those directly victimized and a tragic impact on children. Studies indicate that between 40% and 60% of assaultive men witnessed wife assault during their childhood. A recent Toronto study indicated that children were present during 50% of wife assault incidents. In 12% of these incidents the children were also physically assaulted.

Victims of domestic violence do not always report their victimization. One possible impediment, which can also be operative in sexual assault cases, is the emotional cost of dealing with the justice system. Another impediment may be the simple lack of a safe place to go. Decades of studies have established the need for more shelters for abused women and their children. It is long past time for government to dedicate the necessary resources to this problem, and to work with the volunteer groups in design and construction. The issue of financial cost pales in comparison to the moral demand for action in this area. However, even from a strictly financial standpoint, it is arguable that providing more shelters can save criminal justice costs in the long run.

The police are usually the first professionals to deal with the victims of a domestic assault, and their actions can play a major role in preventing repetitive violence. All police forces in the province should adopt the policy of the Metro Toronto Police that where police officers do not lay charges in cases of domestic assault, they should be required to explain their actions to their supervisor.

To facilitate safe contact between members of families affected by domestic violence, government should increase its support of "neutral site" programmes, in which parents and children can meet under



supervision and in controlled circumstances. Such programmes are especially important in reducing the suffering of children who, as the frequent indirect victims of domestic violence, may otherwise be deprived of having contact with both parents.

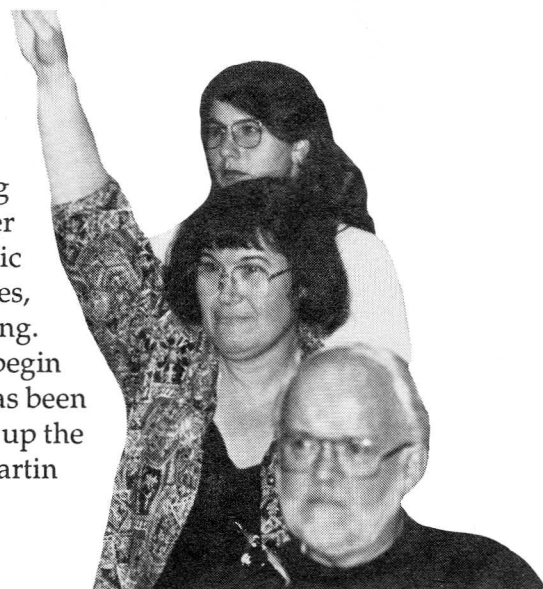
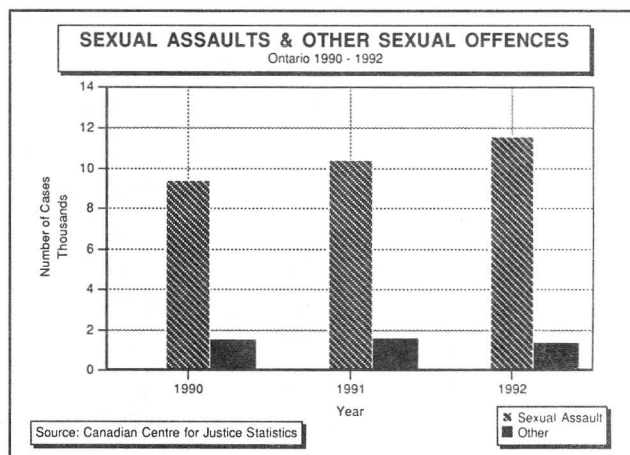
In dealing with the perpetrators of such crimes, it must be recognized that repetition and revenge are very real dangers. Crown Attorneys should be instructed to seek detention orders on bail applications in cases of domestic violence. As well, Queen's Park should push the federal government to enact stronger penalties for breaking restraining orders, peace bonds and non-harassment orders.

The subject of domestic violence has received significant attention in a report recently submitted to Manitoba's Minister of Justice. The 1991 report of The Domestic Violence Review into the Administration of Justice in Manitoba contains some 76 recommendations designed to attack the problem of domestic violence on a variety of levels. Among those recommendations are proposals relating to victim assistance; public education; the specialized training of medical personnel, police officers, judges, Crown counsel and probation and corrections staff; police practices; prosecutorial practices; specialized courts; trial procedures; sentencing; probation conditions; correctional treatment; duties of probation and corrections officials; parole board and parole officer practices and procedures; victim participation; pardons; victim protection; record keeping and information exchange.

We believe that, to be effective, Ontario's war on domestic violence must be waged through the adoption of an approach that is similarly far-reaching. The same holds true where the crime of sexual assault is concerned.

Some of the problems associated with prosecutions arising from domestic or sexual assault are, of course, common to other prosecutions. Delay is the prime example. In cases of domestic or sexual assault, as in cases of homicide and other violent crimes, lengthy pre-trial delay can be a source of emotional suffering. People who survive these assaults may find it very difficult to begin their recovery from the psychological impact until the case has been dealt with by the courts. Our recommendations for speeding up the court system can be found under 'Court Management' and 'Martin Report' on page 26.

Crown Attorneys should be instructed to seek detention orders on bail applications in cases of domestic violence and Queen's Park should push for stronger penalties for breaking restraining orders, peace bonds and non-harassment orders.



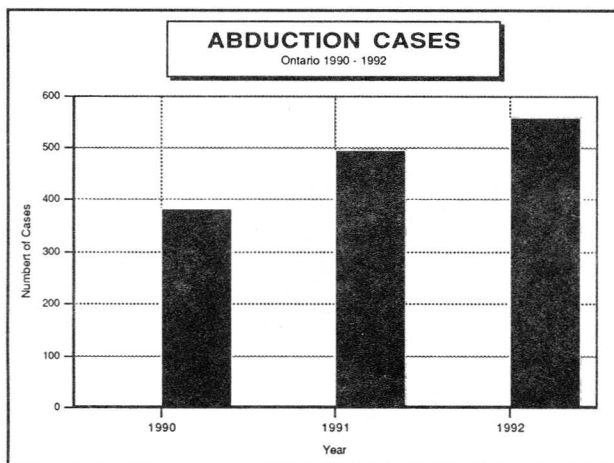
Child Sexual Abuse

"Yes, it can happen and it does. And because it does happen, each and every one of us has a responsibility to help reduce crime."

- Donna French, mother of 15 year old Kristen, a victim of sexual assault and murder.

While many parents fear that their children will be abducted or attacked by strangers, the reality is that most sexual abuse of children is perpetrated by a family member or friend. The provincial government should undertake an education campaign to alert parents to this fact.

Many abusers have a long history of attacks. MPP David Turnbull has called for the establishment of a special registry that would keep track of convicted child molesters for preventive and investigative purposes. The full implications of such a registry will, of course, require careful examination. However, we begin with little sympathy for the privacy interests of convicted child molesters.



Offenders who refuse treatment should be viewed as still dangerous to society.

Just as releasing a still-addicted drug user from prison constitutes a clear danger to the public, so too does the release of an untreated pedophile. Our correctional system must make maximum use of the opportunity it has to provide treatment for convicted child molesters, and ensure that these offenders take full advantage of the opportunity to receive treatment. People have told us that offenders who refuse treatment should be viewed as still dangerous to society, and we urge the federal government to remedy the serious public concern over unrepentant sexual offenders (see 'Dangerous Offenders' on page 29 for discussion of a similar problem).

Elder Abuse

An increasing number of cases of elder abuse are being drawn to the attention of the public. It is not clear whether this is due to the greater number of elderly people in our population, a greater willingness to discuss this sensitive topic, or a combination of these and possibly other factors.

What is known is that abuse of the elderly can take many criminal forms, from that of fraud — senior citizens are among the largest group of targets of fraud artists — to assault or robbery.

As the elderly represent the fastest-growing segment of the Canadian population, the number of these incidents is likely to continue growing. The Ministry Responsible for Seniors Affairs should conduct a study of elder abuse and report back to the Legislature with proposals for action within 12 months.

ENSURING JUSTICE

Justice should not only mean tracking down or apprehending criminals and bringing them to trial, but also ensuring that justice is achieved by the manner in which courts deal with offenders.

When people are asked why they think the crime rate is increasing, they often cite the justice system for being too lenient with criminals. As was made clear in our Task Force meetings, the majority of Ontarians believe that bail and parole are too easily granted, and that prison sentences are often not long enough to suit the crime.

At the heart of this issue is the question of what role the correctional system should play. Should it be used to punish offenders, rehabilitate them, or simply keep them locked away?

Too often, we are faced with evidence that the system has failed to meet any of these goals. Repeat criminals are obviously being neither rehabilitated nor deterred.

We must balance justice, deterrence, rehabilitation, and fairness in light of the chronically overcrowded state of our courts, jails and prisons. Most importantly, changes are needed in the system to ensure the immediate and long-term safety and security of the public.

Young Offenders

According to Statistics Canada, the number of youths under the age of 18 who were charged with violent crime nationwide more than doubled from 1986 to 1991, reaching nearly 19,000. Of these cases, in 1991, 20% involved female youth. This represents a marked increase over a decade previously.

The criminal habits being adopted by these young people may stay with them all of their lives at inestimable cost to themselves and society. The rising trend towards criminal involvement by young people **MUST** be addressed, to prevent both future crime and the unacceptable waste of human potential.

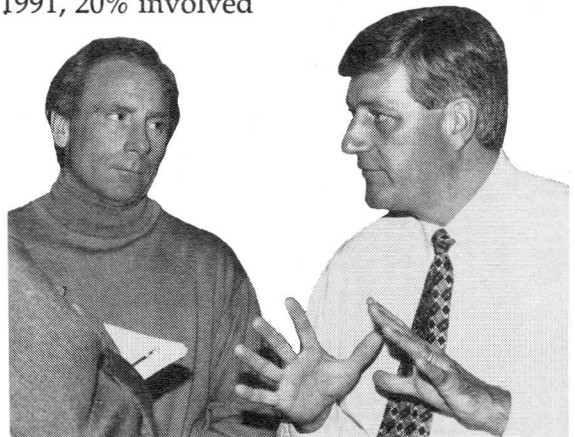
In 1987, an estimated 4.8 million Canadians over 15 years of age were victims of crime.

- Statistics Canada survey

The majority of Ontarians believe that bail and parole are too easily granted and that prison sentences are often not long enough to suit the crime.

By 1990, five years after the Young Offenders Act, violent crimes by young offenders had increased 30%.

- Canadian Centre for Justice Statistics



The Young Offenders Act

The mother of a young boy told the Task Force how a group of teenaged toughs swarmed her son. One held a gun to the boy's head. When the boy broke away and ran, he felt a burning pain in his back. It turned out to be a large cut, caused when one of the teenagers threw a machete at him. The mother felt that authorities failed to take sufficient action until her story became public at the Task Force meeting.

One avenue of attack is amendment of the *Young Offenders Act*. It should be noted that this Act is a federal statute and cannot be amended by the provincial Parliament. However, the provincial government can, and should, take a leading role in demanding reform of the Act. In our view, that reform should include redefinition of the term "young person," so that persons who commit criminal offences when they are 16 years old and older (rather than 18 years old and older, as the Act currently provides) do not receive the benefits of the Act. This will allow 16 and 17 year olds to be charged as adults, as was the case before the Liberal government in Ottawa imposed the Act over Ontario's objections in 1985.

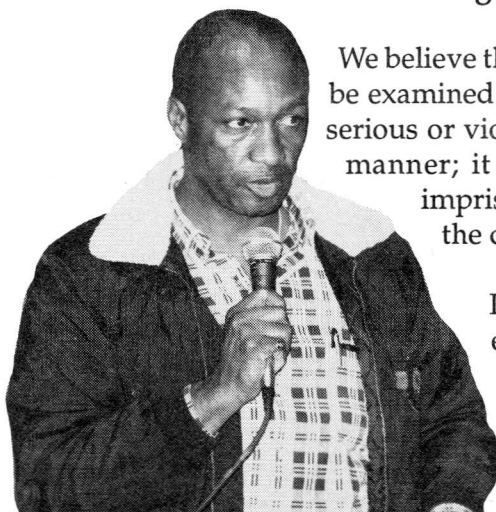
It should also be possible to try persons younger than the current cut-off age as adults in special circumstances. Youth courts should be able to sentence violent young offenders more severely than they can at present. The special provisions of the Act concerning the rights of young persons on arrest and questioning must be reviewed.

There are also several actions the province can take on its own. For example, the Ministry of the Attorney General must review its policies concerning the withdrawal of charges against young offenders. We must not send a message of tolerance for crime to young people.

The concept of a "strict discipline" facility should be examined for first-time offenders who have committed particularly serious or violent crimes.

As well, young offender facilities are sometimes equipped with luxuries many law-abiding citizens do not have, such as electronic games and cordless telephones. Again, the basic lesson of imprisonment, that violating the law brings negative consequences, is being undermined.

Sentencing of Young Offenders



We believe that the concept of a "strict discipline" youth facility should be examined for first-time offenders who have committed particularly serious or violent crimes. Such a facility would be operated in a strict manner; it would be designed to deliver a lasting lesson about imprisonment in a short period of time and expose offenders to the concepts of discipline and personal responsibility.

It is also necessary to explore new methods of delivering effective sentencing for less serious offences. One option might be to subject first-time young offenders (on a voluntary basis, perhaps) to community service sentencing by a panel of their peers. As programmes of this nature conducted elsewhere have proven, sentences delivered by

a peer group are often much more severe, and carry a stronger message, than those which are delivered by a more formal court-based system. Such a peer panel could be developed as part of the secondary school educational curriculum on law and society.

Strict sentences must take into account the need to reintegrate young offenders into society, and the potential for reducing recidivism through educational and drug treatment programmes. Judges should also have the flexibility to ensure sentences have minimal impact on the offender's education, where such consideration is deemed appropriate.

"The most recent statistics on young offenders, from 1991, found that violent offence charges in Canada had doubled to 18,000 from 9,300 in 1986. Property crimes, including theft, burglary and arson, went up 19 percent in the same period."
- Globe and Mail, Sept. 20/93

Sentencing ---

■ Sentencing Guidelines

Everywhere the Mike Harris Task Force on Crime, Justice and Community Safety has gone, one public concern was always expressed: that the punishment no longer seems to fit the crime. We have been told that sentencing in our courts is no longer providing a deterrent effect, nor is sentencing successful in rehabilitating offenders.

The Criminal Code's sentencing structure needs to be reformed to make longer sentences available for many crimes.

This perception is undermining public confidence in the integrity of our system of criminal justice. If sentences are regarded by offenders and potential offenders as being particularly lenient, it weakens whatever deterrent impact our criminal laws might have on them.

In order to preserve (or restore) our communal sense of justice, we must reform our current sentencing laws and practices. The *Criminal Code's* sentencing structure needs to be reformed to make longer sentences available to sentencing courts for many crimes. We will urge the federal government to make the necessary changes and also urge provincial Crown Attorneys to seek stiffer sentences where appropriate.

"I can tell you, when the Solicitor General stands up and says that crime is not increasing in this province by any drastic amount, he is living in a closet."
- MPP Charles Harnick,
Ontario Legislature,
April 22/92

Many people told the Task Force of their concern over the treatment of non-citizens who commit serious crimes. We believe people who are in Canada illegally, and who are convicted of indictable criminal offences, should be immediately deported and would ask the federal government to implement that policy.

Conditional Release

Conditional release mechanisms are needed to safely reintegrate prison inmates into society. However, we believe that offenders should become eligible for reintegration only once they have served an appropriate period of incarceration.

One idea suggested by people at several Task Force hearings was to require convicts to "work off" their time served by completing rehabilitative treatment or work programmes.

One idea suggested by people at several Task Force hearings was to require convicts to complete rehabilitative treatment or work programmes (i.e. using provincial inmates for municipal and provincial work) in order to reduce their time served. While there are several legal barriers at present to such programmes, we believe the idea deserves further study.

It should be noted that the vast majority of admissions to prison are for non-violent offences, and the costs of probation are a small fraction of the costs of housing a convict in jail or prison. For non-violent offenders, sentencing should increasingly include release into the community, under TIGHT supervision, as a less expensive option than imprisonment. This must be combined with restitution to the victim and/or society by the offender and the principles of deterrence and public safety must not be compromised.

Obviously, the financial savings and potential benefits to the offender must be carefully balanced against the overriding priority of community safety. However, if some of the money saved through use of early release is directed towards the currently under-funded supervision programmes, the result should be much stricter and safer control of released offenders.

By combining stricter supervision with more co-operation and support to private sector initiatives such as the John Howard and Elizabeth Fry Societies, more offenders are likely to be successfully integrated back into society. In the long run, such a balanced, common sense approach promises reductions in the financial, social and human costs of imprisonment.

System soft on crime, PC task force told

By STEVE WILKINSON
Examiner Staff Writer

The parents of a murdered city boy told a crime task force panel they were left disillusioned by a justice system that favours criminals.

Marise O'Malley, whose teenage son Rob was murdered in 1989, said the system offered them no therapy, allowed the case to drag on for three years and won't permit them to speak at the killer's parole hearing.

She and she and her husband Jim felt "alone and abandoned" by the justice system.

Children's Aid Society and one of the four panels, said the organization can't get any government funding to prepare children to testify in court, yet Millbrook jail guards were paid overtime so inmates could watch World Series baseball games.

Golden said pre-school age sex abuse victims are now taking the stand "to speak about the unspeakable, and taking the resulting oppression in the family."

"We're trying to sensitize police, the court system and the education system to the situation, but it's not a high priority item right now," she said.

Other panels were dealing

Public speaks

WHAT: Task force hearing Oct. 10 in year to hear people's views about crime and community safety.

ATTENDANCE: Fifty people, including policeman and family of murdered boy.

PANEL: 14 justice critics, president Peterborough Law Society, social worker from Children's Aid Society and former head of law enforcement program at Sir Sandford Fleming College.

townships.

with rocks late one night in August.

"I've lived here all my life, and Peterborough was never like this," she said.

Charles Ward, a former high school teacher, said corporal punishment was an effective method of discipline. Lucille Farrell, who said her Fenchon Falls home has been broken into several times, said she wished the strap was still used, and inmates got fewer privileges.

"I'm not saying beat them up, but let's show them who's boss around here," she said.

Claud Nelson, a Trent University student, said it's important

Bail and Parole

Our Task Force consistently heard the concern that current bail and parole practices pose a threat to the public by allowing potentially dangerous people out of jail without adequate screening or supervision.

In 1987, a Federal Justice Ministry study revealed that, over an 11-year period, prison parolees had killed 130 people, as well as committing 7,838 other crimes.

Annually, the Ontario Board of Parole grants parole to approximately 4,000 persons. Eighty-five percent of them complete their parole successfully, 13% are revoked for parole violation, and 2% have their parole revoked due to further criminal charges or convictions. While 85% may be a high success rate in some endeavours, in this case the result is that every year at least 600 people are released to the streets who should not be there.

People have told us repeatedly that parole requirements must be strengthened. There is widespread public concern that parole board members do not always operate on the understanding that parole is not a right, but should be a hard-earned privilege for convicts. We heard at Task Force hearings that the onus should be on those who have broken society's rules and harmed other people or property to show they are willing and able to live within those rules from now on.

In order to increase public confidence in the actions of parole boards, and to prevent the appointment of unqualified persons for political reasons, we support the concept of minimum standards of experience or expertise for board members.

Anyone out on bail or parole who commits a crime should be dealt with severely. We must make sure that information about those released on bail or parole is readily accessible to police. Due to the nature of their crimes, certain offenders might be required to take unannounced drug tests as a condition of their release, or the community may be informed of their release and presence in the community.

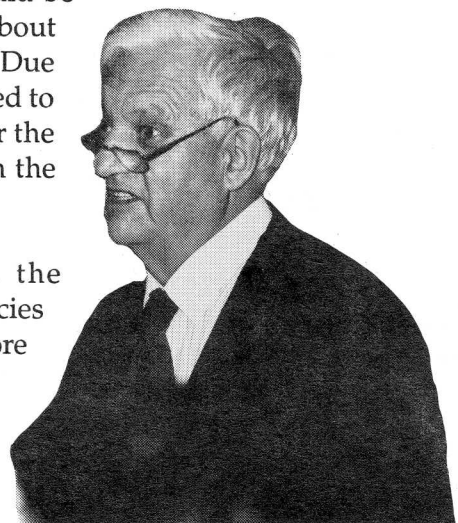
Again, while privacy rights must be considered, the overwhelming priority is public safety. In outlining our policies in this area, our sympathies rest with the law-abiding public more than with the convicted criminal.

From 1976 to 1987, prison parolees murdered 130 people as well as committing 7,838 other crimes.

- Federal Justice Ministry study

The onus should be on those who have broken society's rules to show they are willing and able to live within those rules from now on.

Certain offenders might be required to take unannounced drug tests as a condition of their release, or the community may be informed of their release and presence.



Court Management

Better resource management could save the justice system considerable amounts of money and reduce court congestion.

The management of our limited court resources is of vital importance. A recent Supreme Court of Canada decision caused close to 100,000 prosecutions to be discontinued due to excessive delay. We must be vigilant to ensure that this situation, or a similar one, does not arise again. Better resource management could save the justice system considerable amounts of money as well as reduce court congestion.

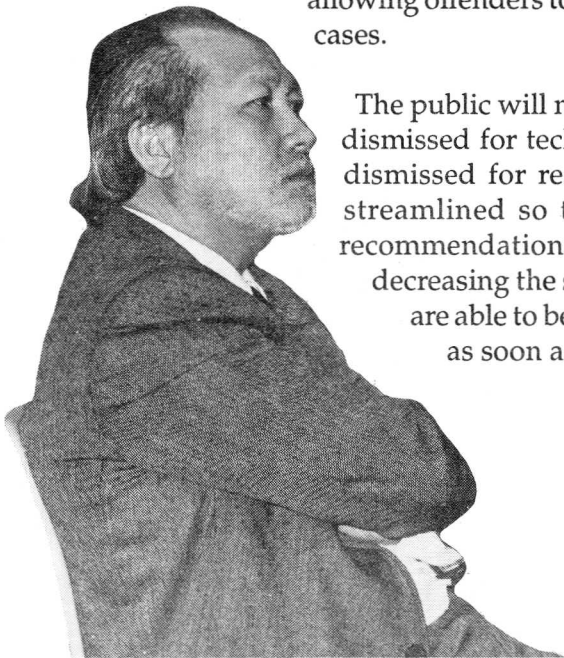
For example, provincial courts often do not sit for a portion of the day because case lists are completed early. Traffic tribunals and family courts have experimented successfully with a two-courts-per-day structure and this could be examined further to determine if it would allow for more efficient use of court time and a swifter administration of justice in provincial courts.

Martin Report

The public will no longer tolerate charges against violent offenders being dismissed for technical reasons.

The recent *Report of the Attorney General's Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions* (Martin Report) makes 80 significant recommendations for the reform of prosecutorial practices. These recommendations are geared to ensuring charges proceed where there is a reasonable likelihood of success; to screening charges to eliminate those charges that are not necessary or not sustainable, thus permitting fuller attention to be paid to charges which should proceed; to facilitating more settlements ending in guilty pleas, thus reducing the court docket; and to allowing offenders to be diverted from the criminal trial process in appropriate cases.

The public will no longer tolerate charges against violent offenders being dismissed for technical reasons. Nor will the public tolerate cases being dismissed for reasons of delay. The criminal justice process must be streamlined so that fair trials take place in a timely manner. The recommendations of the Martin Report, as they relate to methods of decreasing the size of court lists and delays and to ensuring that charges are able to be given the attention they require, should be implemented as soon as possible.



Diversion

A significant number of individuals before the courts violate the criminal law only once or twice during their entire adult lives, perhaps due to immaturity or personal stress. The resulting charges are often for relatively minor offences such as shoplifting. The large number of these cases before the courts hinders the speedy administration of justice for more serious crimes. We must find more efficient ways of dealing with minor offences than using the court system.

Diversion programmes allow minor offenders to atone for their criminal behaviour, receive treatment for underlying problems and so on, in exchange for a withdrawal of the charges against them. Some programmes may make provision for the original charge to be reinstated if the offender commits another crime.

Because no criminal record is created in a diversion programme, we must be careful not to allow the system to be abused by repeat "divertees". As pilot programmes using diversion continue, careful attention should be paid to the extent of this problem and thought given to possible solutions.

We must find more efficient ways of dealing with minor offences than using the court system.

Police

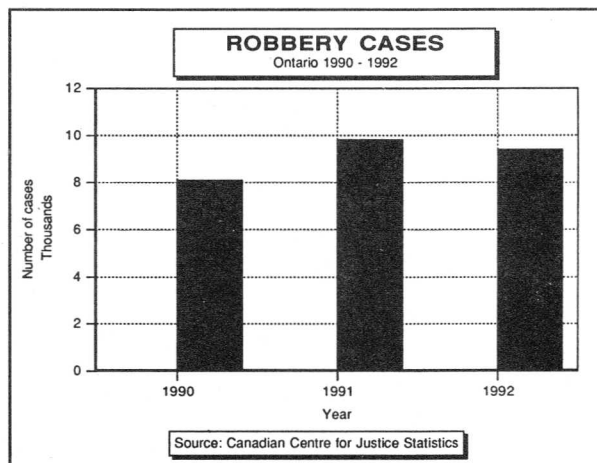
While the support of the public is essential for police to fulfil their duties, the financial and moral support coming from government is equally important. The level of financial support determines the type and extent of services police can offer, while the moral support offered by government is key to determining police morale and effectiveness.

The morale of Ontario's police forces has suffered considerably through recent battles with the provincial government over regulations and financing. Rising crime rates have prompted the public and politicians to place more and more demands on the police. However, the economic situation in the province has meant that these demands, for the most part, have not been backed up with increased funding. As a result, police officers across the province are being asked to do more with less. Such funding restrictions have direct effects on the ability of police to meet the needs of their communities.

Between 1984 and 1990...

- Violent crimes in rural Ontario increased by 50%
- Calls to the OPP increased by 29%
- Staff at the Ministry of the Solicitor General increased by 67%
- Number of OPP officers increased only 9%

- Ontario Provincial Police Association statistics



Staff Levels

"We need 24 hour policing. The NDP's policy on crime and policing in rural areas seems to be: Put a peephole on your door, put a deadbolt lock on your door and move your door to Toronto."
- MPP Jim Wilson, Ontario Legislature, April 22/92

Twenty-four hour policing is no longer available in many rural areas of the province because of government-imposed budget cuts. In some cases, OPP detachments have had to shut down completely. This shortage of local police presence, combined with the lack of 911 emergency phone service to all areas of the province, has contributed to a climate of fear in many rural areas. There has been a marked increase in the sale of firearms as people feel the need to provide their own protection for their property and families.

At the same time, the physical, financial and emotional pressures on police in Toronto is leading to a drain of officers to other forces. Both the province's largest city and many of its smallest centres are now facing the problem of a reduced number of police officers.

The province should be working directly with police forces in the province to determine their staffing needs, and with municipal governments to establish mutual funding arrangements to meet those needs.

Other Support

Police should not be made to feel that they are acting against the interests of government and society when, in fact, they are working to uphold and protect those interests.

Along with help in dealing with financial challenges, police need to know that their efforts are not being undermined at the political level. Police should not be made to feel that they are acting against the interests of government and society when, in fact, they are working to uphold and protect those interests. For example, it should not have been necessary for the Ontario Labour Relations Board and MPP Bob Runciman to force the government into allowing the OPP to equip itself with the same modern handguns carried by the Premier's own bodyguard.

Many police feel their effectiveness has been limited by increased regulation and paperwork requirements, and by a lack of resources and support. Particularly in Toronto, the largest jurisdiction in Canada, there is increased demand from police for more training, equipment and laws to deal with violent crime. We must also work towards the full implementation of models of community policing which will place the police solidly within the neighbourhood, rather than on the outside looking in.



As well, the government should initiate a study of police paperwork and regulatory requirements aimed at eliminating unnecessary tasks. One Metro police officer the Task Force met with told us that in Metro Toronto, for each of the 1,000 occurrences daily, up to five separate reports are required, with six copies of each filed. He told us that 20 years ago it took only 15 minutes to complete a report on a traffic accident. Thanks to increased red tape, the same task now takes some three hours.

We believe that the police should be given greater priority and support in a wide range of areas, including the allocation of existing resources. If we expect police to serve on our behalf on the front lines of community safety, the least government can offer is an open ear to their concerns.

At one Task Force meeting, several people complained about a local park being a hangout for young people who smoke drugs and act in loud and aggressive ways. The residents feel their park has been stolen from them and fear it is turning into a potential haven for serious crimes. Local police say they do not have the resources for constant patrols of the park.

Dangerous Offenders

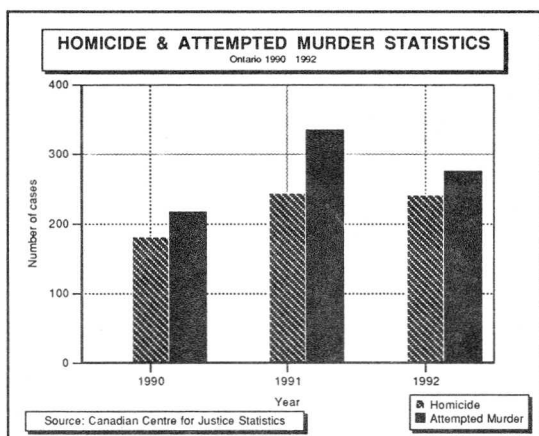
At all public forums held, the issue of dangerous, repeat offenders was raised, primarily in the context of their release from imprisonment. People told us repeatedly that dangerous criminals are too often not treated with the seriousness their crimes warrant.

Currently, the *Criminal Code* allows sentencing courts to impose indeterminate penitentiary sentences in the case of certain offenders. This means they could be held in prison indefinitely. This can only happen if a special Dangerous Offender application is made and is successful. The *Code* sets out specific criteria that must be satisfied before an offender can be declared a Dangerous Offender. There is also a history of court decisions that determines the circumstances in which an indeterminate sentence can be imposed.

People told us repeatedly that dangerous criminals are too often not treated with the seriousness their crimes warrant.

As of December of 1992, there were 107 Dangerous Offenders in federal institutions. Fifty-one of these prisoners were in Ontario. Since 1985, nine people declared Dangerous Offenders had been released from prison, eight on parole and one for deportation. Paroled Dangerous Offenders are subject to supervision for the rest of their lives and could have their parole revoked at any time.





Under the current laws Dangerous Offender applications are complex and cumbersome procedures. Through our Task Force people have told us it should be easier to ask for special sentences for violent repeat offenders. We intend to push for special sentencing procedures that, while conforming to the requirements of the *Canadian Charter of Rights and Freedoms*, are simpler and more straightforward to administer than the current provisions of the *Criminal Code*.

Psychiatric Facilities

It has been estimated that as many as 10% of inmates in provincial institutions suffer from mental disorder.

It has been estimated that as many as 10% of inmates in provincial institutions suffer from mental disorder. Current facilities are unable to deal with the large number of general inmates who require specialized care. Treatment facilities require more medium-security beds to cope with potentially dangerous patients.

The government should be examining options, in co-operation with prison officials, hospitals and mental health experts, to provide more psychiatric care for prison inmates and increased training for correctional staff in how to deal safely with such inmates.

Under the *Criminal Code*, an accused person who is found either "unfit to stand trial" or "not criminally responsible on account of mental disorder" becomes subject to a "disposition" order made by a court or Review Board. A disposition order may call for the accused's custodial hospital detention, conditional discharge or (in the case of an accused found "not criminally responsible on account of mental disorder" only, and provided that the relevant statutory test has been met) absolute discharge. Unless the disposition that is ordered is one of absolute discharge, it becomes the responsibility of the province's Review Board to review the disposition when required. Where persons found "not criminally responsible on account of mental disorder" are concerned, the role of the province's Review Board is somewhat similar to that of a parole board.

Decisions with respect to the custody or supervision of mentally disordered accused persons, like those concerning bail or the supervision or custody of convicted offenders, have clear public safety implications. For this reason, we think it is important to ensure that the decision-making practices and procedures of Ontario's Criminal Code Review Board conform to the very highest standards. Ontarians deserve the security of knowing that the utmost is being done to make certain that they are properly protected from the threat of violent crime.

One suggestion that has been made is for boards to make greater use of the risk assessment scale developed by researchers at Penetanguishene Mental Health Centre, which uses the patient's history and behaviour patterns to predict the likelihood of future criminal behaviour. Combined with the clinical judgement of psychiatrists, the scale could prove a useful tool for the Review Board, and we urge it to study the concept thoroughly.

The government should be examining ways of providing more psychiatric care for prison inmates.

It is not clear what impact (if any) current policies of de-institutionalizing psychiatric patients are having on the criminal justice system. The impact of those policies must be reviewed and assessed.

The state of communications between psychiatric facilities and local social agencies and police should also be studied with an eye to improving them wherever possible.

RESPECTING VICTIMS' RIGHTS

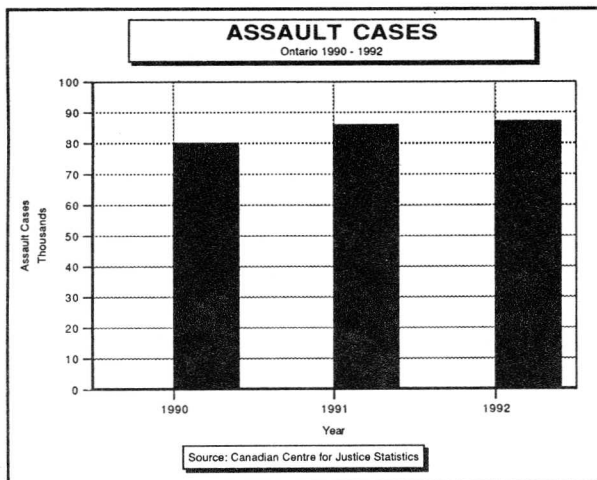
Ontarians increasingly wonder if the justice system is not acting as the protector of the accused at the expense of the victim and society at large.

The criminal justice system was established in order to ensure the protection of society. However, Ontarians increasingly wonder if the justice system is not acting as the protector of the accused at the expense of the victim and society at large.

It is often said that victims of crime can be victimized twice: first by the criminal, then by the system. Some feel, moreover, that while the concept of rehabilitating offenders enjoys widespread acceptance, the concept of rehabilitating victims is ignored. We believe that the way our justice system deals with victims requires close examination. *

It is long past time that Ontario adopt a Victims' Bill of Rights. One model for such a bill is that proposed by MPP Cam Jackson, outlined here.

Fairness and justice demand both that victims be given an appropriate role in the criminal justice process, and that they be kept appropriately informed.



* For a detailed study of the treatment of victims in Ontario, see the 1991 report of the Advisory Board on Victims' Issues, entitled Victims of Crime in Ontario: A Vision for the 1990's.

The Victims' Bill of Rights

1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy.
2. Victims should have access to social services, health care and medical treatment, counselling and legal assistance responsive to their needs.
3. Victims should be informed at the time of the investigation of the crime by the police of the services and remedies available to victims of crime, including the Compensation for Victims of Crime Act, and the protections available to them to prevent unlawful intimidation.
4. Victims should be informed by the police of the progress of investigations that relate to the crime and the charges laid with respect to the crime. If no charges are laid, victims should be told the reasons why not.
5. Victims should be informed by the prosecuting Crown Attorney of the victim's role in the prosecution, any court proceedings related to the prosecution and their dates and places, and the outcome of all proceedings including any proceedings on appeal.
6. Victims should be informed of any pretrial arrangements relating to a plea made by the accused at trial and should have an opportunity to make representations to the Crown Attorney before any such arrangements are made final.
7. Victims should be given an opportunity to make representations to the Crown Attorney on bail for an accused criminal, and the sentencing of a convicted criminal.
8. Victims of violent or sexual assaults should be notified of any application for release or the pending release of the offender for any length of time or any reason, and of any escape of the person from lawful custody.
9. Victims of sexual assault should, if they so request, be interviewed only by police officers and officials of the same gender as the victim.
10. Victims should have the right to sue their attackers for emotional distress and bodily harm without liability for court costs.

"There's a lot of evil in the world as well as opportunities for goodness. When you've seen so much evil and pain, you're driven to put some balance back in there."

- Lesley Parrott, chair of Metro chapter of Bereaved Families of Ontario and mother of 11 year old Alison, a sexual assault and murder victim.

A couple told the Task Force how their teenaged son supported his sister when she broke up with her boyfriend. The ex-boyfriend later returned for revenge, shooting and killing the teenaged son and the boy's young friend as they sat playing video games. The grieving parents say that while a few individuals in the criminal justice system showed them compassion, the system as a whole was not sensitive to their grief or their needs.

Victim Assistance Committee

Convicted criminals should be prohibited from financially benefitting from their crimes, including through the sale of book or movie rights to their stories.

A woman had her house broken into and told the Task Force that the thieves took not only her most expensive possessions, but irreplaceable family heirlooms. Perhaps worst of all, they vandalized the house in such a violent and disgusting way (including smearing feces on rugs) that the woman's two young children live in fear of the burglar's return. In tears, she told us how, six months later, her children were still afraid to sleep alone in their own home.

All too often, victims are left to cope with the emotional, physical and financial costs of crimes committed against them without sufficient help or support.

The province should establish a Victim Assistance Committee, with representatives from victims of crime, law enforcement agencies, prosecutors and the judiciary. The Committee would report annually to the Legislature on victims' rights and services, and make recommendations. As in B.C., the Victim Assistance Committee would establish a victims' service centre to refer victims to the appropriate support agencies and groups.

Victims' Input

The interests of victims do not end once a criminal is behind bars. Before an offender receives conditional release from imprisonment, the victim should, where appropriate, be informed and have the opportunity to object. This is particularly important for victims who feel that release of a particular offender poses a continued threat to them.

While the Ontario Board of Parole welcomes the input of victims in its decision-making process, the onus is on the victim to get information on the scheduling of the offender's parole hearing. The province should develop a system to ensure that victims are informed of hearing dates. If they so chose, victims could then attend and participate to some degree in the hearings.

The government should also adopt, without delay, another of MPP Cam Jackson's proposals: a law that would prohibit convicted criminals from financially benefitting from their crimes in any manner, including the sale of book or movie rights to their stories. People who have victimized others cannot be allowed to profit from their actions, now or in the future.



Coroners' Inquests

The families of victims of crime, carelessness or accident deserve more assurance that the circumstances surrounding the deaths of their loved ones may be avoided in the future. While coroners' inquests are often held to investigate the circumstances of deaths, and the recommendations of inquest juries are often very timely and useful, there can be very long delays before those recommendations are acted upon. In the meantime, more injuries or deaths may result.

The Coroners Act should be amended to ensure the government responds to inquest jury recommendations within a reasonable time.

Responsibility for ensuring that the recommendations of an inquest jury are fulfilled should be given to the public auditor, and the power of the chief coroner to counsel the government and push for action should be increased. The *Coroners Act* should be amended to ensure the government responds to inquest jury recommendations within a reasonable time.

In order to maintain public confidence, inquests should be called automatically if someone dies while in the custody of police or other government authority. As well, an inquest should be automatic if any person in custody causes the death of another person.

CONCLUSION

*The only thing necessary for
the triumph of evil is for
good men to do nothing.*
- Edmund Burke (1729 -
1797)

Communities exist because we are social beings. We like, and need, to be near one another.

The very first communities on historical record were formed for mutual protection and support. People learned to rely on one another and to feel safe within their communities.

As the world has become more complex and our relationships with other people have extended far beyond our own communities, this sense of dependency and safety is being lost.

Because we live in an era of extreme specialization, we have begun to assume that every aspect of society is someone else's responsibility. As a result, we are opting out of involvement in our own society. We are abandoning control of our lives, and allowing government and special interests to take our rightful places.

The responsibility for community safety does not lie solely with the specialists — the police, the judges, the lawmakers — nor should it rest most heavily on their shoulders.

Rather, it is a mutual responsibility that we all must bear equally. Each of us who benefits from life in an ordered society in which the rule of law is supreme must acknowledge our debt and our obligation to support that system.

We start by coming together again, as individuals and as communities, for mutual protection and support against those who choose to live outside the laws we have adopted as a community.

Law-abiding citizens represent the vast and overwhelming majority of people in Ontario, and by working together with the justice system and other authorities, they represent an immense power against which the criminal element cannot stand.

Each of us can be part of that solution, within our own communities and within our own lives.

People tell crime task force more enforcement needed

C. THOMPSON
Leader Staff
CORNWALL Crime is on
the rise and an overhaul
of the justice system is
needed, spectators learned
Thursday at the Mike
Harris Task Force public
hearing on Crime, Justice
and Community Safety.
MPP Noble Villeneuve

"When the public consumes
cigarettes and alcohol that
are smuggled to the degree
they are, we'll always have
problems," he said.
Crime as big business
Kennedy noted it was time
for the public to change their
attitude. "Any time you or
anyone buys (their)
cigarettes or booze, some of
the money flows back to well

cent of smuggled products
are in Quebec, and 30 per
cent in Ontario. "Unless
major changes occur in either
taxes, the law enforcement
system or a combination,
they anticipate next year 40
per cent in Ontario, and
they're not sure how much in
Quebec."

the first six months of 1992, ree
786 charges were laid under
the Excise Act, compared to
201 charges in 1991, and an
estimated 25 per cent of to-
bacco products consumed in
Canada are contraband.
Quindon, special prosecu-
tor a special prosecutor for
the Narcotics Control Act

READER'S RESPONSE

Your thoughts and opinions on the ideas expressed in this paper will play a major role in the formation of our future policies. Please take a few moments to complete this survey and return it to:

**The Mike Harris Task Force on Crime, Justice and Community Safety
Room 124 NW,
Legislative Building, Queen's Park,
Toronto, Ontario M7A 1A8.**

FAX: (416) 325-3810

- 1) In general, how would you rate this volume of New Directions?

10 9 8 7 6 5 4 3 2 1 (10 = excellent, 5 = okay, 1 = bad)

- 2) How do you feel about a renewed emphasis on personal and parental responsibility?

☐ agree ☐ disagree ☐ uncertain Please tell us why you feel that way...

- 3) How do you feel about stricter treatment of violent young offenders?

☐ agree ☐ disagree ☐ uncertain Please tell us why you feel that way...

- 4) How do you feel about tougher guidelines for sentencing and for bail and parole?

☐ agree ☐ disagree ☐ uncertain Please tell us why you feel that way...

5) How do you feel about increasing government support of the police?

☐ agree ☐ disagree ☐ uncertain Please tell us why you feel that way...

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.....

.....

6) How do you feel about the proposed Victims' Bill of Rights?

☐ agree ☐ disagree ☐ uncertain Please tell us why you feel that way...

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In order to make sure that our proposals represent the thoughts of the largest possible cross-section of the Ontario public, it would be very helpful to have some basic information about our readers...

Your name

Your address

.....

.....

Your age group ☐ - 18 ☐ 18 - 25 ☐ 25 - 35 ☐ 35 - 50 ☐ 50 +

What do you do for a living?

Are you a parent? If so, what ages are your children?

Have you ever been the victim of a crime? ☐ Yes ☐ No ☐ Rather not say

Please check here to receive a copy of...

☐ New Directions Volume I: A Blueprint for Economic Renewal and Prosperity in Ontario

☐ New Directions Volume II: A Blueprint for Learning in Ontario

☐ Future communications from Mike Harris and the P. C. Ontario Caucus

Thank you for sharing your views with us. Please feel free to include an additional sheet or sheets of paper for any other comments or questions you may have.

For additional copies of this document call toll-free 1-800-665-MIKE.

