

Welcome to the January issue of *Victim Matters*, a publication of *Victims of Violence*. Happy New Year!

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VICTIMS VOICE

PHILLIP RAYMOND LOVE, OCTOBER 1972-2007

"WHY ARE YOU DOING THIS, I THOUGHT YOU WERE MY FRIEND"

by SUSAN LOVE

The words above were the last words my son said, before he was brutally beaten by Shane Ward with a beer bottle and a baseball bat, in Dartmouth, Nova Scotia in January 8, 2007.

My only child Phillip was beaten in his own home, on Monday, January 8th while celebrating Matthew Ward's birthday. Phillip moved to Dartmouth late August, 2006, he shared a house with Matthew and later Matthew's cousin Bradley Martin. Brenda Pichette, a friend of Matthew and Phillip's joined them for the celebration. Shortly after Brenda's arrival, Shane Ward, Matthew's brother arrived. It wasn't long after, Brenda THOUGHT (her testimony at the Murder Trial) she heard Shane and Bradley talking about her, she was in a rage and told Phillip what they had said. Phillip confronted them about what they had said about her, a fight broke out, Matthew choked Phillip, he was unconscious when Shane Ward hit Phillip in the face with a beer bottle, then proceeded to stab him to the side of the head with the broken beer bottle. Bradley pulled Shane off of Phillip and got him outside to his car. Matthew was inside with Phillip, from Bradley's testimony at the Murder Trial, he said he could hear Phillip screaming inside the house. Matthew came outside and leaned on the car and said to Shane, "You better go back in there and finish what you started".

All three men went into the trunk of Bradley's car and each of them grabbed a weapon, a baseball bat, a stove poker and a lawn edger. All three went back into the house with a weapon; meanwhile Phillip was in the bathroom, sitting in front of the shower, bleeding profusely and in tremendous pain. From Bradley Martin's testimony,

IN THIS ISSUE...

VICTIMS VOICE:

- "WHY ARE YOU DOING THIS, I THOUGHT YOU WERE MY FRIEND" PHILIP RAYMOND LOVE, OCTOBER 1972-2007
By Susan Love

LAYING DOWN THE LAW:

- TAKING THE PROFIT OUT OF CRIME: PROHIBITING OFFENDERS FROM SELLING THEIR STORY

EXPANDING THE HEADLINES:

- VIRTUAL COMMUNICATION, REAL CRIME: THE INFLUENCE OF ELECTRONIC TECHNOLOGY ON CRIME AND VICTIMIZATION

BLAST FROM THE PAST:

- ENDING THE DEATH PENALTY IN CANADA

SPOTLIGHT:

- BERNICE WILLIAMS: A VOICE FOR THE MISSING AND MURDERED
- PUTTING YOU IN THE KNOW: THE ALBERTA ELDER ABUSE AWARENESS NETWORK

he said he did not go upstairs but waited in the dining room; he heard him say, "Why are you doing this, I thought you were my friend." Then he heard crack, crack and then heard a thump on the floor. Shane and Matthew ran down the stairs and said, "There it's done, it's done." Matthew and Shane ordered Bradley to go the basement to get blankets to wrap Phillip in to hide his body. When Bradley came back up from the basement with a blanket and a table cloth, he could not believe what he saw, Matthew and Shane dragged Phillip by the ankles down the stairs, Phillip was lying at the bottom of the stairs with his head on the third step. During Bradley's testimony he said, "Phillip's eyes were rolled back, he was gurgling and his leg was twitching." Phillip was hit at least 14 times with the baseball bat.

Matthew called his step-dad he said, "You better get in here, Shane just killed Phillip." When Mr. Oikle arrived he tried to get Shane away from Phillip, and told Matthew to call 911, during the 911 call, Shane was screaming in the background, "I hope the f***** dies." Mr. Oikle then told Bradley to get Shane out of there.

Phillip was taken by ambulance to the Queen E II hospital in Halifax.

On January 9, 2007 I received a call at work at 9:20 am from a friend of Phillip's from Ottawa telling me that Phillip had been beaten and I needed to get to Halifax as soon as possible. I

Continued on Page 2

went home immediately, packed a suitcase, booked a flight, spoke with the RCMP and the Doctors, and prayed that I would get to Halifax in time to tell Phillip that I loved him. I did make it on time; Phillip lived for 6 days on life support. On January 14th Doctor Green informed me that Phillip was clinically brain dead and I needed to make a decision. Because Phillip was such a caring person, I knew I had to donate his organs. I had to turn this negative into a positive somehow.

Phillip donated his heart, liver, kidneys and pancreas. I have since met Phillip's heart recipient and we keep in contact. I consider this my gift from God.

Shane and Matthew were charged with 2nd degree murder, their cousin Bradley was charged with Accessory to Murder. All three were put on HOUSE ARREST.

After many, many delays we finally made it to the Preliminary Trial in Dartmouth NS. I stayed at the closest hotel to the Court House, the Manager of the Hotel invited all his guests to the lounge for a reception, when I entered the lounge I saw Shane Ward and his Mother playing the slot machines and having a wonderful time. So many thoughts went through my head, putting those thoughts aside, I then asked the Manager to call the RCMP, who in turn arrested Shane for breaking his bail. He was put back on HOUSE ARREST two weeks later... At that point I stopped trusting our Legal System completely.

The Murdered Trial lasted for six weeks, (I was listening to the Blood Splatter Expert explain the 144 blood splatters on the third anniversary of Phillip's death) I could literally taste his blood) in the end Matthew Ward was charged with Common Assault, Shane Ward was charged with Life (25 years) with eligibility for parole in 16 years. At the Sentencing and after reading our Victim Impact Statements, the Judge asked Shane Ward if he had anything to say to our family. He leaned into the microphone and said, "NOPE".

On April 7, 2011, Shane appealed his case (apparently it was his RIGHT.) I had to wait for over five months for the decision. During the wait, I felt as if Phillip was murdered all over again...I kept thinking where, is the Justice here? Where are my RIGHTS? On September 8, 2011 the Appeal was upheld, the three Judge Panel changed his eligibility of parole to 13.5 years.

Shane Ward is now serving his sentence in Renous, NB.

After Phillip's murder, I felt so alone, no one could feel my pain; the agony I felt was tremendous. I tried to reconstruct my life with a sense of purpose and hope - and it happened when I met Yvonne Harvey, who had just lost her daughter Chrissy through murder in St. John, NFLD. I met Yvonne for the first time in Ottawa and I felt an instant connection with her, a connection that only Mothers of Survivors of Murder Victims can feel.

In October 2009 Yvonne Harvey, her husband Gary Lindfield and I met to formulate plans for what was to become Canadian Parents

of Murdered Children and Survivors of Homicide Victims Inc (CPOMC.)

In December 2009 CPOMC was formally incorporated as a national not-for-profit organization whose mission is to provide on-going emotional support and assistance to all survivors of homicide victims in the aftermath of murder, while promoting public awareness and education of all Canadians. ❀

For more information about Canadian Parents of Murdered Children, please visit www.cpomc.ca

LAYING DOWN THE LAW

TAKING THE PROFIT OUT OF CRIME:

PROHIBITING OFFENDERS FROM SELLING THEIR STORY

Some offenders have sought to profit from their crimes by writing and selling books based on their acts, or by selling other items they have signed, used, or made (which certain people will pay much more for, simply because the offender has come into contact with it). The first legislation against this type of profiting from crime was introduced in the United States in 1977 with the Son of Sam Laws. These laws were put in place in response to the large sums of money that publishers were offering serial killer David Berkowitz to write about and publish his crimes.

Four Canadian provinces have enacted similar legislation in the past decade: **Alberta, Saskatchewan, Ontario, and Nova Scotia**. The provincial acts in each of these provinces state that an offender convicted of designated crime(s) is prohibited only from profiting from the recounting of their crime(s), but does not ban them from the act of actually re-telling it. This means that an offender can discuss their crime(s) in any way that they would like to, but that they cannot profit from it. For example, they can write a book, but cannot receive any of the sales profits from it.

Designated crimes vary slightly between each of the provincial acts which prohibit profiting from crime. However, all four provincial acts refer to indictable offences for which the maximum penalty is 5 years or more, and that involve the use of violence against another person (for example, murder); offences that involve conduct which can endanger the life or safety of another person, or that inflict or is likely to inflict severe psychological damage on another person (for example, kidnapping); an offence or attempt to commit an offence under section 271, 272 or 273 (sexual offences) of the Criminal Code of Canada; or is a serious property offence (for example, making property available to terrorists). These provisions apply to offences committed in Canada, as well as similarly described offences committed outside of Canada; if a

person committed a murder outside of Canada, and then returned to Ontario, for example, they could not profit from the recounting of that crime even though it was committed in a different country.

Additional designated offences in Nova Scotia include offences found in section 151, 152, and 153 (sexual offences in relation to minors) of the Criminal Code. In Alberta, additional offences include offences found under the Crimes Against Humanity and War Times Act of Canada, as well as serious drug offences for which an offender could receive a sentence of 7 years in prison or more. In Saskatchewan, additional crimes include those associated with s. 163.1 (child pornography), and 172.1 (luring a child) of the Criminal Code.

As mentioned, if an offender does decide to retell their crime, they cannot collect a profit from doing this. If a profit is made from the recounting of a crime, this money must be paid to and received by the appropriate Minister of the province (such as the Attorney General). The Minister will then distribute the money into the provincial victim's fund or to other programs designed to assist victims and their families, depending on the circumstances within each province. In some situations, a publisher must enter into a contract with the person whose story they will be publishing for a certain amount of sales profits. If this is the case, the publisher must first announce to a judge that a contract will be entered into, but would instead pay the amount the appropriate Minister of the province, who will then distribute the money as previously described.

The prohibition of profiting from crime also applies to memorabilia used, owned, possessed, autographed, made, manufactured, or produced by a person convicted of a designated offence. An offender cannot receive any profit that they may have made by the selling or auctioning off of any of such item. Like the recounting of a crime, the actual act of selling or auctioning the item is not prohibited, only the receipt of profit. Thus, if an offender was to auction an autographed piece of personal clothing (such as a t-shirt), they would only be permitted to receive the amount of money that this item would be worth if it had not been signed by the offender. For example, if an offender signed a t-shirt that he or she bought for \$15.00 and then signed it and sold it for \$50.00, they could only receive the original amount of \$15.00, and the rest would be collected by the Minister and used to assist victims in the same way described above.

The Son of Sam Laws referred to earlier in the United States were a reactive approach to stopping Berkowitz from profiting from his crimes, and there was much controversy about whether the law infringed too much on the offender's rights to free speech. In Canada, Alberta MP Mary Anne Jablonski shed valuable insight into the purpose of these types of laws. She also addressed the issue of freedom of expression to the Legislative Assembly of Alberta during a speech regarding the provincial Criminal Notoriety Act; *"we do not need to wait until the first book is published in Alberta to know that it is wrong for criminals convicted of serious offences to profit in this way...Alberta strongly supports the right of freedom of expression. This bill is not intended to violate that right. Everyone has the right to tell their story, but it is unacceptable that someone convicted of a serious crime should profit from it."*

Four provinces out of the twelve provinces and territories in Canada have recognized that criminals should not profit from the recounting of their crimes and have taken proactive measures to ensure that this does not happen through legislative measures. At the same time, they have ensured that any profit that would have been made by the offender is instead used in ways that will help victims. ❀

Please visit the following links if you would like more information on each of these provincial acts:

Alberta Criminal Notoriety Act, S.A. 2005, c. C-32.5
<http://www.canlii.org/en/ab/laws/stat/sa-2005-c-c-32.5/latest/>

Nova Scotia Criminal Notoriety Act, S.A. 2005, c. C-32.5
<http://www.canlii.org/en/ns/laws/stat/sns-2006-c-14/latest/>

Ontario Prohibiting Profiting from Recounting Crimes Act 2002, S.O. 2002, c.2
<http://www.canlii.org/en/on/laws/stat/so-2002-c-2/latest/>

Saskatchewan Profits of Criminal Notoriety Act, S.S. 2009, c. P-28.1
<http://www.canlii.org/en/sk/laws/stat/ss-2009-c-p-28.1/latest/>

The Law in Context

In 1986, Helmuth Buxbaum was convicted of arranging his wife's murder in London, Ontario. He was sentenced to 25 years in prison before he would have a chance to apply for parole. During his time in prison however, Buxbaum entered into a contract with author Michael Harris, from his jail cell, for several hundred thousand dollars to publish his story.

Roger Caron, a repeat bank robber, wrote and published a book about his crimes and experiences while still in prison in 1978. Caron was able to collect royalties on the sales of this book and others that he had written behind bars.

Fortunately, with the implementation of the legislation discussed above, this type of profiting is no longer possible in four Canadian provinces. However, it does not prevent offenders from other provinces from profiting from their crimes; a gap that MP Tom Wapper wanted to prevent in 1996 with the introduction of his Private Members Bill C-205. This Bill would have made an amendment to the Criminal Code of Canada to have the sort of laws described above applicable across Canada, but unfortunately the Bill did not progress passed the 3rd reading.

SPOTLIGHT BERNICE WILLIAMS: A VOICE FOR THE MISSING AND MURDERED

Prior to 1986, Bernice Williams was in a bad state; she was living in Vancouver's downtown eastside, and was no stranger to violent victimization. Fortunately, she was able to escape that life, and began apprenticing at the Bill Reid Art Studio in

Continued on Page 4

"WE BELIEVE THAT IT IS ESSENTIAL THAT LAWS BE IN PLACE TO PROHIBIT CRIMINALS FROM BENEFITING FINANCIALLY FROM THE PAIN THEY HAVE CAUSED THEIR VICTIMS. THE VICTIMS AND THEIR FAMILIES HAVE A RIGHT TO KNOW THAT THEY WILL NOT BE REVICTIMIZED IN THIS WAY... WE HAVE BEGUN STEPS TO TAKE THE PROFIT OUT OF CRIME"

Hon. David Young speaking during the second reading of the Ontario Prohibiting Profiting from Recounting Crimes Act.

Vancouver. Bernie found her passion for artwork was very healing, and hoped to inspire others to get their lives back on track through her work. It was during her apprenticeship that she was approached by elders from her community and encouraged to use her life experiences to advocate for women. Advocating on behalf of women, particularly those who had gone missing or who had been murdered, was not something that she had ever thought of getting involved with. With the guidance of her elders and her knowledge about the plight of women living in Vancouver's downtown eastside however, Bernie discovered a new passion; helping women out of the kind of trouble that she was all too familiar with.

Bernie began to get involved with the Downtown Eastside (DTES) Women's Centre, and much of her frontline advocacy work has been in relation to the women she has met through this centre. One of the main things that Bernie is proud to say she had a hand in accomplishing while working there, was the implementation of an overnight emergency shelter for the women she was working with. Seeing the number of women who were homeless, addicted, and often stuck in a cycle of violence perpetrated mainly by men, Bernie knew that the need for a shelter was much overdue. Bernie explained that she was also very proud to have had a hand in helping to occupy this shelter; showing homeless women where it was located and what types of services they could expect to find there. Bernie stated that "many lives had been touched through my work at the shelter, and I am glad that I was able to help get them away from the danger of the street."

When speaking to Bernie, she was able to tell of many success stories that began with women going to the shelter for help, and then beginning to turn their lives around (it is important to note here, that success for these women often meant escaping a violent relationship, reducing their abuse of drugs, or escaping the sex-trade). Bernie credits much of her ability to really get through to these women and to assist them to her elders, and says that without their mentoring she would not have been able to do as much as she has for so long.

During her time at the DTES Women's Centre, Bernie has also become very involved in advocating on behalf of those women who had gone missing or who had been murdered, both from the area in which she worked, as well as across the country. She is one of the co-founders of Walk4Justice, a non-profit organization that is entirely run by volunteers and greatly depends on donations for their activities. For Bernie, the purposes of implementing this organization were to raise awareness about the great number of missing and murdered women in Canada, to use it as an avenue to help those who have lost a loved one seek justice, and to promote equality and accountability in the justice system. The organization

has recently completed its third walk from Vancouver to Ottawa on September 16, 2011, where Bernie proclaimed that "[it is] disturbing how many people tell us how difficult it is to convince police that their case is not about a runaway who will turn up soon in another city, but an urgent case about a missing person who could not come home. We are walking for our elders, our youth, and children yet to come."

Founding Walk4Justice and travelling from Vancouver to Ottawa over the past three years has only reinforced to Bernie that "the violence against women in Canada, which the government is allowing to happen, needs to stop." One of the goals of the walk is to raise awareness of the need for a national inquiry into the number of missing and murdered women in Canada. This is something that Bernie has stated is particularly important because of the disproportionate number of aboriginal women that are also a part of this group (Statistics from the Native Women's Association of Canada show that aboriginal women make up 10% of missing person's cases, even though they only make up almost 4% of the total population of women in Canada).

Bernie explained this discrepancy is actually much larger than most people realize; she and her colleagues have collected information about just under 4200 cases of women who are still missing or who have been murdered, many of which are aboriginal. This information was gathered from the family members and friends of women who have come forward to Walk4Justice and shared their stories about a missing or murdered mother, daughter, or sister.

Through talking with these people and hearing about the treatment they received from various branches of the justice system, Bernie believes that there is no other explanation for the number of unsolved cases in Canada involving women, except for systematic racism and discrimination. She also explained that she often heard that when families reported missing daughters, mothers or sisters, that the police often stereotyped the missing women as "just" prostitutes, drug addicts, homeless, etc. and did not look much further because of the nature of how they lived their lives. She said that her reaction to these stories is always a baffled, "why does it matter!?"

Perhaps one of the best examples of the type of discrimination that Bernie wants the government and the public to recognize, and change, is that of the victims of Robert Pickton. In this case, Pickton murdered women, most of whom were aboriginal and from Vancouver's downtown eastside, on his

Continued on Page 5

"WE CONTINUE TO WALK THROUGH THIS NORTHERN TERRITORY TO BE THE VOICES OF THE FAMILY MEMBERS WHO ARE STILL SUFFERING AFTER DECADES OF WONDERING WHERE THEIR LOVED ONES ARE."

- Gladys Radek, Cofounder of Walk 4 Justice

pig farm, where he also disposed of their bodies. Of the 33 separate sets of DNA or human remains discovered on his farm, he was only convicted of murdering 6 of them (it has been reported however, that Pickton admitted to an undercover police officer that he was one away from having 50 victims).

Bernie played an active role in asking the pertinent questions about why so many women had to go missing before the Vancouver police and the RCMP took action to stop Pickton. She has also been very involved in lobbying for a public inquiry into the many errors and inactions by the police in this case; *Walk4Justice* now has intervener status in the inquiry, which is largely the result of much of Bernie's efforts. While the inquiry has not yet been completed, Bernie is hopeful that it will answer some of the questions that she and the women she represents have been asking. However, at this point, she says that "nothing has changed" in terms of how the police treat cases of missing women from that area of Vancouver.

Bernie has been advocating on behalf of missing and murdered women, particularly aboriginal women for over 25 years. While she recognizes the need to keep the work she has been doing going, she explained that her work has been taking a toll on her; "it is a very thankless and unforgiving job... I am very much hated by many people for speaking out so loudly and for as long as I have." Bernie has decided to cut back on her frontline work and has enrolled at the First Nations University of Canada in Regina, Saskatchewan to pick up her career as an artist. She did say however, that she will continue to advocate for women on the university campus. When asked if there was one particular message she would like to send to the public, Bernie stated that all Canadians need to "stand up for themselves and for all of the women who have become victims...if you are not outraged, you are not paying attention." ♣

For more information on Bernie and her work, visit the Walk4Justice website at: <http://fnbc.info/walk4justice>.

According to the 2009 Statistics Canada Homicide Survey, "while Aboriginal people represented about 4% of the total Canadian population in 2006... 27% of homicide victims in 2009... were Aboriginal people. Among homicide victims that were reported to be Aboriginal people, 26% (16 victims) were women or girls."



Bernie Williams (right) and supporters on the 2011 Walk for Justice from Vancouver to Ottawa

BLAST FROM THE PAST

ENDING THE DEATH PENALTY IN CANADA

From 1859 the death penalty was used as punishment for the most serious criminal offences in Canada. The first offences punishable by death included murder, rape, treason, administering poison or wounding with intent to commit murder, unlawfully abusing a girl under ten, buggery with man or beast, robbery with wounding, burglary with assault, arson, casting away a ship, and exhibiting a false signal endangering a ship.

Over the decade that followed, the offences subject to punishment by death were reduced and by 1869 only three offences remained. These were murder, rape and treason.

Serious efforts to abolish the death penalty began in 1914 with a private members bill by MP Robert Bickerdike, who argued passionately against the death penalty. The bill was defeated at that time and subsequently reintroduced and defeated in 1915, 1916, and 1917. In 1950, another private members bill was introduced and struck down. The same bill was introduced again in 1953 but likewise withdrawn. That year, a Senate Committee was formed to investigate the death penalty, specifically to determine the feasibility of the abolition of the death penalty, and to make recommendations

Continued on Page 6

on the issue. The Committee's report was released in 1956 and recommended retaining capital punishment but removing it for children under 18 years of age.

In 1961, murder was reclassified into two categories: capital murder and non-capital murder. Capital murder was defined as planned or intentional murder, murder that occurred during another violent crime, or the murder of a police officer or corrections officer while on duty. All other murder was thus non-capital. The death penalty was applied as so-called 'capital punishment', as at this time only capital murders could be punished by death.

Two minutes after midnight on December 11, 1962, Arthur Lucas and Ronald Turpin became the last people to be executed in Canada.

In 1967 a moratorium was placed on capital punishment. This moratorium applied to all cases except those involving the murder of a police or corrections officer. During this moratorium period, all death sentences were commuted (lessening of the penalty without forgiving the crime itself) to life imprisonment. In 1973 the moratorium was extended for an additional 5 years. From 1967 to 1976, ten people were sentenced to death for the murder of police or corrections officers, but all of these sentences were also commuted.

It was not until 1976 that Canada formally abolished the death penalty from the Criminal Code, when Bill C-84 narrowly passed a free vote in the House of Commons (*with the exception of certain offences under the National Defence Act, which would not officially be removed from the criminal code until 1998, with the passing of An Act to Amend the National Defence Act and to make consequential amendments to other Acts, S.C. 1998 c. 35.*) The vote was one of the closest in Canadian parliamentary history, 131 in favour of abolishment to 124 against.

From 1859 when it was enacted, until 1976 when the death penalty was abolished, Canada had sentenced 1481 people to death for their crimes, and executed 710 of these offenders. Of the 710 executed, 697 were men, and 13 were women, and all were executed by hanging. ❀

EXPANDING THE HEADLINES

VIRTUAL COMMUNICATION, REAL CRIME: THE INFLUENCE OF ELECTRONIC TECHNOLOGY ON CRIME AND VICTIMIZATION

In March of 2010, one of the most brutal murders in recent history occurred in the suburbs of Victoria, BC; 18-year-old Kimberly Proctor was lured, sexually assaulted and killed by two of her classmates. While the details of her death and the conviction of her murderers was the focus of previous media coverage, recent reports have alluded to how the two boys from her class were able

to plan and commit such an act. In Kimberly's case it was reported that instant messaging, texting, and online communication played a very important role in how her killers communicated with one another, planned her murder, and lured her to one of their homes. In a multitude of other circumstances, virtual communication has also played a large role in the commission of crimes and/or the luring of victims. Furthermore, because of this type of technology and its use in the commission of crimes, the police and other law enforcement agencies have also had to adapt their methods of collecting information as well as how they combat crime.

With the wide spread use of, and virtually uninhibited and unlimited access to some forms of instant messaging, it is no surprise that virtual communication has become a top choice of contacting others. Because of this wide spread use, it is necessary to make adaptations in the way we think about crime and victimization. Consider for example the Crime Prevention Theory in terms of victimization and social control, originally published by Dan Lewis & G. Salem in 1981. From the victimization perspective, it was theorized that crime could be prevented by addressing the behaviour of potential victims (for example, by convincing them not to walk alone at night) and offenders (for example, by addressing issues of unemployment or substance abuse) and educating them on the risks of their actions. From the social control perspective, crime could be prevented by addressing relationships that may encourage or discourage a person from committing a crime (such as their relationship with their parents). This theory relies heavily on social interactions with people close to both the offender and the victim and how each person assesses risk. Unfortunately, because Salem and Lewis developed this theory in the early 80's, it is very outdated and doesn't take into account the influence of virtual communication or online relationships.

Fortunately, this theory was revisited in another article that can be found in the December 2011 issue of the International Journal of Criminology and Sociological Theory (published by Dan Lewis and Sheena Lewis). Here, it was emphasized that technology has provided people with a plethora of extra information in addition to what they know from their physical surroundings and relationships, and has changed the way people communicate, therefore changing what they do on a day to day basis. Because technology has changed our behaviour, it also impacts whether a person will commit a crime, or how another person may avoid or become a victim. Consider the following examples Lewis and Lewis used in this article; information provided via text messages telling a friend not to walk down a certain street (previous to instant messages, the person would have had to assess the street themselves, without input from their friend) or the use of social media sites by offenders to find out when individuals may be at home or away to know if they have an opportunity to break in to their home or possibly assault the person, depending on

their motive. Essentially, the way crimes are planned and committed has changed, as well as the way people assess their risk of victimization, because of virtual methods of communication or obtaining information.

Kimberly Proctor's case can be seen as evidence that the updates to this theory are on the right track. In an article published by Vanity Fair, it was shown that the use of instant messaging was key in the planning of Kim's death. The article provides excerpts from online messages sent between Kim and one of the boys who murdered her:

"...At 1:11 a.m., an instant message popped up on Kim's screen at her home. It was Kruse.

Kim: Oh ... wut do u want ?

Kruse: What are you doing tomorrow?

Kim: nothing other than baby sitting at 3:00

Kruse: I'm bored and was looking for someone to chill with today. I also wanted to apologize.

Kim: oh ?

Kruse: I have some things I'd rather tell you in person about the entire Zach fiasco.

Kim: this is sudden an i can't help but wounder why

Kim: i don't wanna talk about Zach . . .)(

Kruse: Zach and I aren't as close as we used to be, but I feel you deserve an explanation

Kruse: Don't worry, it's not much

Kruse: It's more about why Cam, and me, and everyone was so mean

Kim: wut ever happened to Kim u deserve nothing u kill your rabbit. ha ha

Kruse: That's what I wanted to talk about.

Kim: i gotta say when I saw ur text I was shocked

Kim: an confused..

Kruse: But like I said, I'd rather talk in person. I can meet you tomorrow earlier than her babysitting and talk about it over a couple bowls

Kim: sure

Kim asked Kruse to call her. He secretly patched Cam [the other boy involved in Kim's murder] in to eavesdrop on the call. As Kruse and Kim talked, Kruse and Cam IM'd each other, revelling as their fantasy came to life."

Kim met the boys the next day and went with them to Kruse's home, where they bound, assaulted and eventually killed her. The article reported that, "at some point, possibly while Kim was still alive, Kruse sat at his computer and sent her one last instant message—his alibi, he thought—asking her if she was done babysitting yet."

From these excerpts, it can be seen that instant, virtual messages, impacted the way the two boys were able to plan what they would do to Kim without her having any knowledge of such plans, while at the same time using it to attempt to establish an alibi. The use of instant messaging changed the way the two boys were able to plan the murder, and also changed the way Kim felt towards the boys (she agreed to meet them because of Kruse's assertions that he wanted to apologize in person).

In addition to the effects instant messages might have on the way potential victims or offenders assess certain situations and their associated risk, online communication also causes a disinhibition effect. Research has shown that while chatting online or via text message, people often disclose information more frequently and intensely than they would otherwise; there is an apparent reduction in the concerns for self-presentation or judgement of others. Such research is definitely in line with what happened in the circumstances surrounding Kim's death. Kruse actually confessed to the crime to the girl from Halifax via *World of Warcraft* chat. Her response was, "I'll always be here, no matter what you do.... Just don't ever again."

Victims and offenders are not the only ones that have been increasingly influenced by online and virtual communication; these types of communication essentially leave a virtual paper trail of exchanged information, even if the alleged offender thinks that they have deleted it. In Kimberley's case, the Tech Crimes Unit had reportedly amassed the equivalent of 1.4 billion sheets of paper on the two teens that killed her.

The police have also updated the ways that they can investigate crimes and collect tips to reflect the growing use of instant messaging. For example, people can now text tips anonymously to Crime Stoppers via text message from cell phones; the Crime Stoppers program only receives the content of the message and an assigned identification number, not the phone number or name of the tipster. Crime Stoppers can also reply to the message, but again the person will remain anonymous.

Ultimately, virtual communication affects the way people assess their situation and evaluate risk. A person can avoid becoming a victim because of a tip from a friend, or may be victimized because a person they were talking to online was not who they thought they were. Offenders can better coordinate their crimes via instant messages and police can likewise receive tips more rapidly and collect information about an offender based on their online activities. Often, people are more open when communicating virtually and disclose more information about themselves to others than they normally would. Awareness is needed to both prevent individuals from contributing to their victimization (for example, by posting on a social media site that they are home alone, or will be away for the weekend) and also to ensure that different types of virtual communication are not abused by people looking to exploit others. ♣

A good resource that can help to make both youth and the general public more aware of the ways that virtual messaging can be used and abused can be found at <http://deal.org/the-knowzone/internet-safety/interacting-online/>.

To read more about how virtual communication was used in the Kimberly Proctor case, please visit: <http://www.vanityfair.com/culture/features/2011/10/world-of-warcraft-text-murder-201110>

Continued on Page 8

"THE INTERNET OFFERS YOUNG PEOPLE A PLACE WHERE THEY FEEL ANONYMOUS. IN THIS ENVIRONMENT, A MAJORITY (59%) SAY THEY HAVE ASSUMED A DIFFERENT IDENTIFY. OF THOSE STUDENTS, 17 PER CENT SAY THEY PRETENDED TO BE SOMEONE ELSE SO I CAN ACT MEAN TO PEOPLE AND NOT GET INTO TROUBLE"

- Excerpt from the findings of a 2005 report published by the Canadian Media Awareness Network.

For more information about the theories pertaining to virtual communication and victimization or offending, visit:
<http://pi.library.yorku.ca/ojs/index.php/ijcst/article/viewFile/34404/31281>

SPOTLIGHT

PUTTING YOU IN THE KNOW: THE ALBERTA ELDER ABUSE AWARENESS NETWORK

Elder abuse is one type of crime that is often overlooked and ignored in today's society. Elder abuse involves actions or inactions that endanger the health and safety of a person in the advanced years of their life. It can take on many forms, such as physical, emotional, sexual, or financial abuse, neglect, over/under-medication, or the denying of basic human rights (such as privacy or liberty). This type of violence can be perpetrated by a family member (most commonly a grown children or spouse), an acquaintance (including medical staff or service providers), or a stranger. The most reported types of elder abuse are psychological and financial abuse, making it very difficult for the public to actually see the abuse which has taken place.

Fortunately, some groups across Canada have recognized this abuse as a pervasive issue that people need to be aware of. One such organization is the Alberta Elder Abuse Awareness Network (AEAAN). This network is one of the most comprehensive and inclusive groups in Canada, with partners in most of the urban centres in Alberta. The AEAAN began as a localized awareness raising (social marketing) project in Edmonton in January of 2001, after the Elder Abuse Intervention Team in the city saw a gap in the level of awareness the community had about this issue. As a result, they put together a strategy to raising awareness, which grew and expanded into a formal, province wide network of dedicated professionals working to educate Albertans about elder abuse. This expansion is something that Pat Power, the network representative for the Edmonton area, said was "a necessity to continue our work of raising awareness and also training." Indeed, the AEAAN is driven by the mission to increase awareness and to support a community based response to elder abuse. With the vision of having all citizens in Alberta understand elder abuse and to have professionals to have the tools and knowledge of the local resources available to address it, the Network has taken much initiative in getting this information out to the public in some very effective ways.

In 2003 for example, one of the first awareness raising efforts the network undertook was to produce and air (in partnership with CTV and Canada's National Crime Prevention Strategy) a commercial that informed viewers about elder abuse and what to do if this type of crime was suspected or witnessed. As the commercial advised viewers to report circumstances of elder abuse to the police, the network also prepared and produced an Elder Abuse Orientation Video for police officers, prior to the airing of the commercial. Thus, in partnership with the RCMP, the network was able to better educate police officers about the different aspects of elder abuse, what the officers might expect when a report comes in, and also what the possible outcomes of the case might be with or without police intervention. This orientation video is now available for professional people and groups who come into contact with the elderly to use as a training resource.

Perhaps the next most notable accomplishment of the AEAAN was the development of a community resource kit, which Mr. Power explained was implemented "because it was recognized that there were not enough people for the network to do all of the work alone... we developed the kit to give to professionals who could then educate other professionals and seniors and the community at large about elder abuse..., they (the professionals) did not have to do the preparation work, the kit is already put together for them." The kits, which were developed in 2005, include two Power Point Presentations, an elder abuse training video, a listing of resources in Alberta, and also other online links and national resources. Additionally, a copy of Dianne Kinnon's publication, *Community Awareness and Response: Abuse and Neglect of Older Adults* is included. Since it was developed, the AEAAN proudly states on its website that the kit has been used in other areas of Canada and internationally (for example, by the Seniors Secretariat in Nova Scotia, as well as Adult Protection Services in Austin, Texas).

Other resources that the AEAAN has developed include a guide which discusses how to screen for potential elder abuse, how to talk to seniors about possible situations of abuse and what sort of questions to ask, what a person can do if abuse is disclosed, and what to check for in terms of trying to determine if abuse has occurred. This guide also holds information on how to educate elders about abuse issues, offers tips on how to make a safety plan for the elderly person, and also provides a wide range of community resources that might be useful for an older person who has been or may potentially have been abused. The AEAAN has also developed a guide regarding

Continued on Page 9

supported decision making, which outlines the options an elderly person has if they are no longer able to make certain personal or financial decisions. Furthermore, the AEAAN worked as part of an advisory committee with the Alberta Council of Womens' Shelters to develop a document which provides information and examples about how individual communities can develop local responses to elder abuse. All of these guides can be found on the AEAAN website and are available for anyone to access and use.

In addition to the above guides, the Network has also made available a multitude of information about the different types of elder abuse, who is likely to be targeted, who is likely to be the abuser, what elders and others can do to protect themselves from being further abused, and much research regarding best practices, theories and factors associated with this crime. Most of this information can be found in the form of written brochures or documents, but the AEAAN also has educational videos, written scenarios, and an ongoing blog in which they also provide information.

While the Network posts most of its resources and information on its website, its partners and community representatives also make a point of actively engaging citizens to educate them about elder abuse. A lot of this engagement occurs on World Elder Abuse Awareness Day (June 15). Some of the things that the AEAAN has done (in partnership with the Alberta government) on this day in the past include the development of the guides discussed above, as well as the distribution of elder abuse posters in 7 different languages. They have also put together fact sheets on elder abuse for quick reference in the same languages. For the next awareness day, the AEAAN is in the process of identifying specific projects, but Mr. Power stated that whatever the project is, the focus will be on "what more we can be doing and what we can be doing better in terms of raising awareness and developing tools for professionals." In addition to the events that take place on World Elder Abuse Awareness Day, the Network also planned and implemented the first Provincial Elder Abuse conference this past October. The conference consisted of two days of training for professionals about how to respond to cases of elder abuse, drew a wide range of different people from different disciplines from across the province, and is something that the network is hopeful educational opportunities will continue to happen on a regular basis. In addition to these events, some of the community partners that are a part of the AEAAN have toll free hotlines that can be called at any time of day for information on elder abuse and can provide appropriate resource information. Those responding to the calls assist callers to be connected to other resources to help deal with the issue(s).

Essentially, the Network works to raise awareness across Alberta about elder abuse in order to protect one of the more vulnerable populations in today's society. This network is province wide and consists of a wide range of professionals, such as social workers, police (both city and RCMP), senior centre personnel, provincial government representatives, victim services representatives, and a multitude of others from communities all over the province. This variety of personnel is important for the effectiveness of the

of the network, as Mr. Power has explained, "they all bring different perspectives to the Network, we have the whole gamut." This wide range of expertise has allowed the network to develop useful resources and training materials, while promoting the well being, safety, respect and dignity of older people; something that the network is more than qualified and capable to undertake, and will continue to do so in the future.

For more information on the Alberta Elder Abuse Prevention Network, feel free to visit their website at: www.albertaelderabuse.ca.

Q&A: RESPONDING TO WHAT MATTERS TO YOU

Q. "Where does the funding for the Ontario Office for Victims of Crime come from, and can victims or victim services access this funding?"

– Theresa from Ottawa

A. We contacted the Office of Victims of Crime and policy analyst Inbal Solomon was able to provide some valuable insight into this two part question:

"The OVC is provincially funded out of the Consolidated Revenue Fund. We do not provide funding of any sort nor do we receive donations...The OVC is an advisory agency that provides advice to the Attorney General on victims' issues, including advising on:

- Ensuring respect for the principles set out in the *Victims' Bill of Rights*;
- Developing, implementing and maintaining provincial victims services standards;
- Using the Victims' Justice Fund to provide and improve victims services;
- Preventing re-victimization;
- Research and education on the treatment of victims in the criminal justice system; and
- Victim-related legislation and policy.

[Alternatively] the Victims' Justice Fund (VJF)...is a special purpose fund established in 1996 under the *Victims' Bill of Rights*. The VJF receives about 97 per cent of its revenues from surcharges applied to fines under *Provincial Offences Act* (other than for parking offences), the *Criminal Code of Canada* and the federal *Contraventions Act*.

The *Victims' Bill of Rights* specifies that "money paid into the VJF account shall be used to assist victims of criminal offences, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise" ...The VJF is used to support programs that assist individual victims and is an important source of funding for key victims' services programming throughout the province.

Continued on Page 10

"IN 2009, POLICE REPORTED OVER 2,400 SENIOR VICTIMS (65 YEARS AND OLDER) OF VIOLENT CRIME BY A FAMILY MEMBER, REPRESENTING ABOUT ONE-THIRD OF ALL VIOLENT INCIDENTS COMMITTED AGAINST OLDER ADULTS."

- January 2011 Statistics Canada report Family Violence in Canada: A Statistical Report

Programs and services that receive funding from the VJF may also receive funds from other government and non-government sources.

The VJF cannot be used to provide direct assistance to individual victims... If a victim service/program wanted to apply for funding, they should first contact the applicable regional office of the Victims and Vulnerable Persons Division (VVPD), formerly known as the Ontario Victim Services Secretariat (OVSS), where the program consultants would provide information about the process and eligibility requirements." ❀

*Have a question you'd like to see answered in the next issue?
Email us at: victim_matters@victimsofviolence.on.ca.*

FILLING THE GAP: THE FINANCIAL ASSISTANCE FOR FAMILIES OF HOMICIDE VICTIMS PROGRAM

On November 7, 2011, the Ontario Government launched the Financial Assistance for Families of Homicide Victims (FAFHV) program. This new program provides financial assistance to eligible parents and spouses of victims of homicide who are suffering from emotional shock and grief. The program differs from the Criminal Injuries Compensation Board of Ontario because the CICB can only compensate a victim for their pain and suffering if they qualify as having "mental or nervous shock" (they either witnessed a violent crime or came across a violent crime scene). Alternatively, the FAFHV program can compensate those victims who may not qualify as having mental or

nervous shock, but have experienced a great degree of distress as the result of the murder of their loved one nonetheless.

The intent of this program is to provide financial assistance of up to \$10,000 per homicide to eligible applicants. People may be eligible for financial assistance if:

- They reside in Ontario and the homicide occurred in Ontario.
- They were the victim's parent or spouse at the time of death.
- They have not been charged with, or convicted of, the homicide.
- They have applied to the Criminal Injuries Compensation Board in relation to the homicide, and did not receive an award for mental or nervous shock, or if they did, the award was less than \$10,000.

This is a time limited program so it is important for eligible victims to apply as soon as possible. If the homicide occurred from January 1, 2006, to December 31, 2010, victims must apply no later than February 29, 2012. If the homicide occurred on or after January 1, 2011, victims must apply no later than August 31, 2012.

For more information about this program and how to apply, visit: http://www.attorneygeneral.jus.gov.on.ca/english/ovss/financial_assistance_for_families_of_homicide_victims/default.asp. Or you can call toll-free at 1-855-467-4344, or 416-212-9164 in the Greater Toronto Area.

COMMENTS OR FEED BACK? IDEAS?

SEND US YOUR THOUGHTS TO:
victim_matters@victimsofviolence.on.ca

***Tell your story: Make a submission for
VICTIMS VOICE.***

**Have a question?
Email us and have it answered in the next issue.**

**VICTIMS OF VIOLENCE
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"Go Paperless" If you have received this publication in paper format and would prefer to receive it by e-mail, please send us a quick e-mail to the address above.

LINKS OF INTEREST

- **POLICY CENTRE FOR VICTIM ISSUES**
www.justice.gc.ca/eng/pi/pcvi-cpvc/index.html
- **DEPARTMENT OF JUSTICE**
www.justice.gc.ca
- **OFFICE FOR VICTIMS OF CRIME**
www.ovc.gov.on.ca/english/default.html
- **ALBERTA ELDER ABUSE NETWORK**
www.albertaelderabuse.ca
- **WALK 4 JUSTICE**
www.fnbc.info/walk4justice