

## Hadley Inquest Jury Recommendations

### IMPLEMENTATION

1. *We recommend that an implementation committee be established by the Government of Ontario, consisting of government and non-government representatives, to oversee the implementation of the recommendations in the inquest into the deaths of Gillian Hadley and Ralph Hadley, the inquest into the deaths of Arlene May and Randy Iles, and the recommendations arising out of the report by the Joint Committee on Domestic Violence to the Attorney General of Ontario entitled “Working Toward a Seamless Community and Justice Response to Domestic Violence: a Five Year Plan in Ontario”.*
  - a. *We also recommend that half the Implementation Committee be chosen from community-based women’s and children’s advocates and survivors of violence, as well as community-based representatives with expertise on issues of domestic violence, who are representatives of diverse communities in Ontario; and that OAITH, the John Howard Society and representatives of the subsidized housing sector be included in this group.*
  - b. *And further, that the work of the Implementation Committee be funded and not time limited, and that it continue until the Committee is satisfied that all recommendations have been implemented across the province.*

At the meeting of women’s groups with representatives of the Attorney General and the Ontario Women’s Directorate, Joanna Kuras (Executive Lead of the Victim Services Division of the Ministry of the Attorney General) reported that the Implementation Committee will not be struck.

### JUSTICE

#### Police

2. *We recommend that the Ministry of the Solicitor General conduct audits of police services to monitor compliance with the Model Police Response to Domestic Violence.*

No information available.

3. *We recommend that the Ministry of the Solicitor General enhance the curriculum for recruit training at the Ontario Police College in order to produce a qualified domestic violence investigator at graduation in every case. No fewer than forty (40) hours should be spent on domestic violence investigative training.*

No information available.

- 4. We recommend that the Ministry of the Solicitor General emphasize the importance of and encourage police services to use the Domestic Violence Supplementary Report Form when investigating domestic violence incidents.*

No information available.

- 5. We recommend that the police services examine the use of continuously repeating audible signals on their in-car computer terminals.*

*Rationale: The police officer responding to the 911 call on June 20,2000 had difficulty hearing radio messages because of an audible signal emanating from the vehicle's computer terminal.*

No information available.

- 6. We recommend that police services change the classification of complaints status on domestic violence call assignments as recorded on the CAD System in order that police response is "without delay".*

No information available.

- 7. We recommend that investigating officers who respond to domestic violence complaints conduct their investigations without requiring the complainant to obtain statement from others or to gather evidence as a means of completing the investigation.*

No information available.

### **Crown Attorneys**

- 8. We recommend that the Criminal Law Division form a training faculty of experts, including Victim/Witness Assistance Program, to advise and train Crown Attorneys on issues related to domestic violence and bail hearings, and that these training initiatives include monitoring and evaluation.*

No information available. Training and performance evaluation was supposed to have been done after the May-Iles inquest recommendations were released as well.

### **Bail**

- 9. We recommend that the Ministry of the Solicitor General direct all police services by written policy that release directly from a police service with undertakings and conditions on charges stemming from an incident of domestic violence is not an acceptable practice.*

No information available.

*10. We recommend that the Criminal Code be amended to require a reverse onus bail hearing in every domestic violence arrest situation.*

No information available. Government says it is lobbying the feds for this.

*11. We recommend that police services establish a victim bail notification system that will inform victims as to date and time of accused's bail hearing.*

No information available. This is supposed to be current practice.

*12. We recommend that the Ministry of the Attorney General work with the Ministry of the Solicitor General to develop a specialized domestic violence bail program. Components would include a designated specially-trained Crown Attorney and police officer in each court jurisdiction to:*

- a. Be contacts for other Crown Attorneys and police officers*
- b. Provide guidance, and*
- c. Provide other strategies advice on bail hearings.*

\$2.4 million was announced on September 5, 2002 to set up three pilot programs in Ontario—in small, medium and large centres. The program will be delivered through the Victim/Witness Assistance Program. Government reps say the pilots are expected to be operational by February 2003.

*13. We recommend that properly staffed and accessible court facilities be open to enable bail hearings on Saturdays, Sundays and Holidays, and that there be a domestic violence Crown Attorney available to the court on those days.*

No information available.

*14. We recommend that if complainant can show the court reasons why their safety is or would be in jeopardy, bail should be withheld.*

No information available. This is supposed to be current practice, especially after May-Iles recommendations were released.

*15. We recommend that the accused who breaches any bail condition be held in custody until trial.*

No information available. This was a recommendation in the May-Iles jury list as well. It should be common practice for Crowns to argue for this in that the accused is in a “reverse onus” position after a breach of court order and must show cause why they should be released again.

*16. We recommend that the Ministry of the Attorney General conduct a review of the surety system with a view to making improvements that would provide for the*

*safety of women and children in domestic violence cases and create consequences for sureties who fail to comply with supervision responsibilities.*

No information available.

*17. We recommend that the Ministry of the Attorney General develop a brochure, to be distributed in court, outlining the role and responsibilities of a surety.*

No information available.

### **Courts**

*18. We recommend that the Ministry of the Attorney General review the criminal justice process for prosecution of domestic violence cases, in both the special domestic violence courts and regular criminal courts, to develop ways in which to shorten the time delays between bail hearings and trials, thus reducing the risk to victims of intimate partner abuse.*

No information available.

### **Family Law**

*19. We recommend that the Ministry of the Attorney general develop an expedited court procedure for the screening and processing of family law court cases where either child abuse or exposure to violence by children has been identified, and that the development of any such procedure must include consultation and ongoing involvement of both abused women's advocates and children's advocates, as well as family law legal experts.*

Changes to family law process will likely not occur until and unless there are changes to the federal *Divorce Act* and its implementation, amendments to which are currently before the House of Commons. The process for amending the *Divorce Act* will likely take at least a year. Provincial legislation is expected to change to "harmonize" the family law for both married and unmarried couples with children. As far as we know, no abused women's advocates or children's advocates connected have been contacted by the Province to assist with this.

*20. We recommend that the Children's Law Reform Act "best interests of the child" test be amended to direct courts to consider the impact of domestic violence on children when custody and access are being determined.*

Part of the September 5, 2002 announcement of \$21.4 million for 'domestic violence' included a statement that the government would examine the *Children's Law Reform Act* to ensure impacts of 'domestic violence' were taken into account in custody and access decisions. Government staff report that changes to the *Children Law Reform Act* would be coming soon. As noted above, changes to the federal *Divorce Act* will likely determine the course of action by the Province. The Province could, however, take unilateral action to help women and children if it wanted to.

21. *We recommend that the Ministry of the Attorney general create processes for coordination between the criminal and family law systems which would provide for the reconciling of criminal and civil orders in cases of domestic violence, and specifically to ensure that no-contact protection orders, criminal or civil, take precedence over family law orders until such time as safety mechanisms can be put in place to protect women and children threatened by violence.*

No information available. Ministry of the Attorney General staff have commented that this is a very difficult area.

## **JUSTICE-OTHER**

22. *We recommend that the Government of Ontario coordinate and streamline the delivery of victim services/advocacy within the justice system in order to avoid confusion regarding the roles and responsibilities of those involved, and to avoid duplication of services.*

No information available. The government likely feels that this is already being done within the Victims Services Division set up within the Ministry of the Attorney General.

## **SOCIAL SERVICES**

### **Housing**

*Rational for recommendations 23-30: The prevention of a reoccurrence of domestic violence generally involves keeping the accused away from the complainant. While it is unfair that the complainant should have to move in order to achieve this separation, it is often the only practical way. It is important that there be suitable safe temporary accommodation immediately available as well as long term assistance in the form of subsidized housing. The present long wait for subsidized housing is unacceptable.*

23. *We recommend that the Government of Ontario and the Government of Canada immediately provide new funding for developing additional permanent subsidized housing units and “second stage” subsidized housing units (i.e. medium-term housing with supportive counselling and advocacy services) sufficient to meet the current and forecast needs for subsidized housing in each community in Ontario.*

No new information available. But the government has stated that the decision to de-fund second stage programs will not be reversed.

24. *We recommend that the Government of Ontario and the Government of Canada ensure that an adequate number of the subsidized housing units be equipped to accommodate applicants, and/or their children, with disabilities.*
25. *We recommend that the Government of Ontario and the Government of Canada consult with municipalities of Ontario to devise changes in laws or policies that could facilitate the development of additional subsidized housing units -- e.g. taxation deductions, funding incentives, etc.*

26. *We recommend that the Government of Ontario (Ministry of Municipal Affairs and Housing) consult immediately with representatives of subsidized housing applicants/occupants, subsidized housing providers, coordinated housing access centres, community service counselling agencies and other professionals with appropriate knowledge of domestic violence issues, to determine whether the “90 days from separation” eligibility requirement for the Special Priority Housing Category (“abuse priority category”) should be amended or abolished. Such consultations should give regard to, among other things, the most current data on the time period of the risk of violence following the date of separation from an abuser, as well as the existing and forecast supply of subsidized housing units. This issue should be reviewed periodically to ensure that at all times it accurately reflects the current data and circumstances.*

The Ministry of Housing has been conducting consultations at the local level on implementation of the regulations of the Social Housing Act and the government says abused women’s advocates have been invited to these. The consultations are on all of the regulations, however, including the abuse priority policies and many other community groups as well as housing groups would have input into these meetings. A summary of the input is available and is being circulated for comment to a range of province-wide organizations, including OAITH. Deadline for response to the consultation summary is March 14<sup>th</sup>. The Ministry has said it will meet with OAITH as well as receive written input on the summary. We have asked for a separate consultation only with women’s advocacy groups.

27. *We recommend that the Government of Ontario (Ministry of Municipal Affairs and Housing) require Service Managers to ensure that all housing providers and coordinated housing access centres maintain a transparent complaint process for subsidized housing applicants, and provide to all applicants at the time of initial contact a written copy of the complaint process, similar to the letter describing the right of appeal that is currently provided to applicants by Housing Access Centre (Durham Region).*

28. *We recommend that the Government of Ontario (Ministry of Municipal Affairs and Housing) conduct, or ensure that the Service Managers under the Social Housing Reform Act and regulations (also know as Bill 128) conduct periodic and/or random operational audits of providers of subsidized housing and coordinated access centres in Ontario with a view to ensuring that they are administering the abuse priority criteria in accordance with the legal requirements.*

29. *We recommend that the Government of Ontario (Ministry of Municipal Affairs and Housing) create a committee or forum for representatives of subsidized housing applicant/occupants, Service Managers, housing providers and coordinated housing access centres to discuss issues relating to the provision of*

*subsidized housing across Ontario. The Government of Ontario should use the information obtained through such discussions for the purpose of considering amendments to the Social Housing Reform Act and regulations on an ongoing basis. Such changes of law and policy must be communicated promptly and clearly to all organizations who are involved in these services.*

30. *We recommend that in addition to the education and training currently provided to them by coordinated housing access centres such as Housing Access Centres (Durham Region), and “third party” organizations (e.g. Victim Witness Assistance Program) should immediately, and on an ongoing basis, ensure that all of their case workers and counsellors know and understand the criteria which must be verified for an individual to qualify for the abuse priority category for subsidized housing.*

Ministry of Municipal Affairs and Housing says that it will be conducting education. OAITH has suggested strongly that education on violence against women be provided by Education Wife Assault and the local women’s advocates provide additional education on the issues for women and children locally regarding the priority list concerns.

### **Income Support**

31. *We recommend that the Government of Ontario (Ministry of Community and Social Services) review the social assistance rates under the Ontario Works Act and create a mechanism to provide for the adjustment of said rates to reflect the actual needs of recipients as they may be affected by the social and economic environment for the particular geographic location where they reside.*

Ministry of Community, Family and Children’s Services Minister Brenda Elliott has flatly refused to consider this.

32. *We recommend that the Government of Ontario (Ministry of Community and Social Services) increase the Ontario Works Act housing allowance for women and children fleeing abusive relationships in order to enable them to enter the market rental housing sector in communities where there is a demonstrated insufficiency of available social housing units to accommodate their needs within a reasonable period of time.*
33. *We recommend that the Government of Ontario amend Ontario Works Act guidelines to include allocation of funds to women and children escaping abuse to ensure coverage of moving costs beyond current levels of allowed “start-up” funding, including the costs for those who must move outside their local community.*

In the September 5 announcement of funding the government referred to work being done on Ontario Works policy to expedite moving of women. When asked for further information on this statement, women’s advocates have been told that the government reps would have to check on this and so far we have no information.

34. *We recommend that the Government of Ontario (Ministry of Community and Social Services) amend the Ontario Works Act, regulations and policy directives in order to provide that for women and children fleeing abusive relationships who are applicants or recipients of social assistance there is an automatic deferral of all mandatory Ontario Works participation requirements for six months.*
35. *We recommend that the Government of Ontario (Ministry of Community and Social Services) require that all delivery agents of Ontario Works Act social assistance establish a local response for the expedited intakes of applicants who are fleeing situations of domestic violence.*
36. *We recommend that all income support screening units be required to use a standard questionnaire or format when taking calls in order to ascertain whether the caller is experiencing domestic violence and requires expedited access to financial resources.*

We have heard no plans to do this.

#### **Community Based Services For Women**

37. *We recommend that there be a program of government funded independent trained advocates for abused women, both inside and outside of the criminal justice system.*

This is not happening, or even being discussed.

38. *We recommend that the Government of Ontario, through its various ministries but in particular the Ministry of Community and Social Services, ensure that all community-based women's anti-violence services, including shelters, are appropriately funded.*

This is not happening or even being discussed.

A review of the funding of shelters was also recommended in the May-Iles inquest, but was not implemented. A review of shelter funding by the Auditor of Ontario determined that a claim to have implemented the May-Iles recommendation by uploading the municipal share of funding to the Province did not constitute implementation of the recommendation. Shelters and other community-based services for women are seriously underfunded and falling farther and farther behind as costs increase. Instead of implementing this recommendation, the government is conducting “strategic planning” exercises in parts of the province to further stretch their dollars and to shift funding from one area to another, as well as to “consolidate” certain parts of services. There is no relationship between this exercise and the real needs of abused women and their children. It is about saving money, not lives.

#### **Community Based Services For Children**

39. *We recommend that the Government of Ontario, through either the Ministry of Community and Social Services or the Ministry of Education, provide specific funding through community and women's services and school boards, for safe travel to and from school for all children exposed to violence.*

*Rationale: So that no woman feels unable to leave an abusive situation and seek shelter because of concerns about disruption of her children's schooling.*

No information available. To our knowledge, shelters are having increasing problems paying travel expenses for women and children and we know of no programs in school boards to support their struggles.

40. *We recommend that the Ontario Association of Interval and Transition Houses (OAITH) and Ontario Association of Children's Aid Societies (OACAS), in collaboration with the Ministry of Community and Social Services develop a specific response within child protection services across the province to child welfare reports and cases in which child exposure to domestic violence has been identified; and further:*

- a. *That the Ministry of Community and Social Services ensure that appropriate and adequate funding is allocated to both the violence against women sector and the child welfare sector for training, implementation and ongoing operation of the specific response in cases of domestic violence.*

OAITH has been working for over a year on developing a proposal for a specific response to child exposure to woman abuse within child welfare. OAITH has contacted OACAS and MCFCS to request a process to further develop the response. OACAS has agreed to continue meeting to discuss responses to woman abuse. MCFCS has responded with "no comment" in response to a request to begin this process, apparently because it is not willing to comment on the Hadley recommendations until after the Coroner's report is released.

### **Community Based Services For Men**

41. *We recommend that all jurisdictions have available a program similar to that of DADS of Durham to assist parents to cope with the stress of family breakups.*

*Rational: Programs like DADS recognize the fact that men continue to be responsible for parenting children notwithstanding marital breakdown. These programs provide additional services and supports specific to the needs of the male partner.*

42. *We recommend that all Community based counselling programs (e.g. anger management programs) including screening procedures during the intake process to ensure that participants enroll in programs appropriate to their needs. The screening process should ensure that an individual in need of abuser/batterer programs and/or psychiatric or medical help is referred to appropriate programs and services. There should also be funding to ensure that*

*sufficient specialized programs exist in each community so that proper referrals can be made.*

43. *We recommend that the post-conviction limitations imposed by the Government of Ontario regarding admission to many programs for abusers must be changed to allow for voluntary, community referred as well as court mandated admissions for abusers.*

*Rationale: Individuals in need of this kind of counselling should not have to be convicted first before they can get help.*

44. *We recommend that specialized programs aimed at providing counselling to abusers include risk assessment procedures to determine, if possible, the degree of risk that the abuser poses to the abused partner.*

45. *We recommend that all batterers counselling programs be extended to permit a minimum counselling period of 52 weeks.*

#### **EDUCATION, TRAINING AND PREVENTION PROGRAMS**

46. *We recommend that the Ontario Women's Directorate continue to work with community organizations and experts in the field of domestic violence to identify and promote public education messages and initiatives that would best improve public understanding of issues relating to women's safety.*

The Ministry of the Attorney General and the Ontario Women's Directorate have called women's groups together twice to discuss this recommendation and have allocated \$5 million for public education. Women's groups have criticized this allocation without support for the services needed to respond. They have also requested the funds be redirected to Education Wife Assault which is better equipped to develop the educational work than government. Government representatives have refused to shift the funds to accommodate this request. Consultations on this recommendation have come after the decisions have already been made and appear to be in place as an exercise in optics, rather than a sincere attempt to collaborate with women's groups.

47. *We recommend that the Government of Ontario, in collaboration with frontline women's and children's advocates in the field of women's shelters, fund the development of a public education campaign with the goal of making both the public and abused women aware of the children's programs and supports within women's shelters across Ontario to allay the fears of women who delay or decline using women's emergency shelters.*

See above response to Recommendation 46.

#### **Workplace Safety**

48. *We recommend that all employment related legislation, including the Employment Standards Act, the Human Rights Code, the Occupational Health and Safety Act and the Workplace Safety and Insurance Act be reviewed and amended to ensure that:*
- a. *violence is defined to include harassment, stalking and threats of violence;*
  - b. *women experiencing violence in an intimate or personal relationship may take a leave of absence sufficient to address the violence in the relationship and establish themselves and their children in a safe place without fear of losing their employment or fear of experiencing some other employment related reprisal.*

The Ministry of Labour has no plans to implement this recommendation and feels it is already doing enough.

#### **COORDINATION OF SERVICES AND SHARED INFORMATION**

49. *We recommend that the Government of Ontario examine the issue of client confidentiality and personal privacy issues with respect to the sharing of information and coordination of services and determine if the Freedom of Information Act and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act require legislative amendments to permit such disclosure to take place where a client is victim of domestic violence.*
50. *We recommend that local domestic violence coordinating committees be established in every jurisdiction in the Province of Ontario with a view to coordinating services not just for those matters that enter the justice system but to coordinate services for all victims of domestic violence, including the indirect victims of domestic violence such as children.*
51. *We recommend that the Government of Ontario Create a provincial coordinating committee comprised of Government and non-Government representatives to assist in coordinating province-wide services to all victims of domestic violence, as well as to set standards and best practices.*
52. *We recommend that the Government of Ontario organize and coordinate provincial and regional inter-sectoral conferences or symposia on domestic violence within the next six months.*

The Ministry of the Attorney General and the Ontario Women's Directorate have called women's groups together twice to discuss this recommendation and have allocated \$600,000 for conferences. Women's groups have criticized this allocation without support for the services needed to respond. They have also requested the funds be redirected to services. Government representatives have refused to shift the funds to accommodate this request. As noted above, consultations on this recommendation have

come after the decisions have already been made and appear to be in place as an exercise in optics, rather than a sincere attempt to collaborate with women's groups.

### **RESEARCH, ANALYSIS AND REPORTING**

53. *We recommend that the Government of Ontario investigate and consider the use of electronic monitoring technology that involves a global positioning system for not only parole but also in the instance of bail for those who are charge with domestic violence offences.*

54. *We recommend that the office of the Chief Coroner establish a Domestic Violence Death Review Committee comprised of specialists and experts to assist the Coroner's Office in the investigation of suspicious deaths which occur within an intimate relationship.*

The government, through the Office of the Coroner has set up this committee without consultation with women's groups. It has allocated \$1.2 million to this project. The Committee is a secret committee where all participants are required to sign a broad confidentiality agreement not to speak about the work. OAITH, a party with standing at both the May-Iles and Hadley inquests, was refused participation on the committee. Women's groups have requested that this funding be shifted to support the Implementation Committee as outlined in Recommendation #1, but government officials have refused this request.

55. *We recommend that the Ministry of Attorney General commission and underwrite research to study the effects of the initiative associated with the domestic violence specialized courts to ascertain whether they assist in reducing domestic violence. The results of the studies and analysis should be made available to the public.*

The first evaluation of the Toronto DV courts has now been made a public document.

56. *We recommend that the Ministry of Community and Social Services and the Ministry of the Attorney General develop and support approved ongoing research analyzing the effectiveness of domestic violence risk assessment tools and treatment.*

57. *We recommend that the Government of Ontario and Government of Canada develop a database of those individuals who have not necessarily been convicted but have had arrests and charges laid with respect to domestic violence.*

*Rational: This would facilitate cooperation and sharing of information between jurisdictions.*

*58. We recommend that the Chief Coroner's Office provide a progress report one year following the release of this jury's recommendations.*

The Coroner's office says that this report should be released in late April, 2003.