



CRIMINAL INJURIES COMPENSATION BOARD

31st COMBINED ANNUAL REPORT

***April 1, 2003 to March 31, 2004
April 1, 2004 to March 31, 2005***



TABLE OF CONTENTS

Mandate and Vision	5
Guiding Principles	6
Comments from our Stakeholders	7
Message from the Chair	9
History of the Board	10
Board Members	11
Organizational Chart	12
Financial Summary	13
Program Overview	14
Claim Processing Overview	15
Claim Flow	16
The Hearing Process	17
Processing Information Statistics	18
Interim and Variation Awards Statistics	19
Hearings Statistics	20
Compensation Awards - Three Year Trend	21
Types of Benefits	22
Breakdown of Awards by Type of Benefit	23
Breakdown of Awards by Type of Payments	24

TABLE OF CONTENTS CONTINUED

Breakdown of Awards by Type of Offence	25
Sample Decisions	26-51
Appendix A: Board Members' Biographies	52-58

MANDATE AND VISION

Our Mandate

The Criminal Injuries Compensation Board is a quasi-judicial administrative tribunal that awards compensation to victims of crimes of violence that occurred in Ontario.

Our Vision

The Board provides a fair, caring and sensitive forum for victims to be heard.

GUIDING PRINCIPLES

The Board...

- ✓ *Recognizes the diversity of the people of Ontario and has a commitment to improve awareness and understanding of, as well as access to, our services*
- ✓ *Provides compassionate, sensitive, patient and fair services*
- ✓ *Promotes open, honest, clear communication*
- ✓ *Commits to a professional manner and to appropriate training to be helpful and informative*
- ✓ *Strives for excellence by continually improving our services*
- ✓ *Builds a work climate of courtesy, respect and trust*

COMMENTS FROM OUR STAKEHOLDERS

“... the hearing was surprisingly relaxing. I was given the opportunity to open up and felt free to express myself. I appreciate the opportunity to speak and get closure to issues that I have – thank you again...” (2003/04)

“...thank you for your help. Now I can move on with my life...” (2003/04)

“Thank you so much for the help that I have received. Your staff are very considerate and kind. Thank you for your service because it helps a lot...” (2003/04)

“...thank you for your help over this very hard time in my life and thanks to your help and understanding – I’ve not given up in life. I know the money you people award is not to pay for the crime itself, but it will help me receive and afford treatment down the road to recovery...” (2004/05)

“...I am grateful for this particular program. I am also thankful for the compassionate yet professional manner in which my case was handled. Thank you so very much...” (2004/05)

“...I came away from my hearing feeling for the first time in my life someone actually listened to what I said. I felt very satisfied that they felt the effects I was faced with, with every day's life challenges. For the first time someone actually cared how my life has been affected and sat long enough to hear me explain it. Thank you for listening...” (2004/05)

MESSAGE FROM THE CHAIR

June 15, 2005

Over the years, the Criminal Injuries Compensation Board has reported annually on the number of victims who have been compensated, given an overview of the kinds of decisions that have been made, reported the total amount of compensation awarded, noted changes to the *Compensation for Victims of Crime Act*, and provided biographies of the Board Members. I am pleased to continue this tradition of providing information to the public regarding the Board's processes and procedures for the combined 2003/04 and 2004/05 annual report.

My message this year is directed to the management and staff of the Criminal Injuries Compensation Board, members of the Ontario Public Service as well as those who are filling temporary and contract positions.

Over the reporting period, 11 Claims Services staff answered 73,000 telephone calls, and at the same time sent out, received and data entered 9,500 claims. The 3 Claims Support staff requested, received and data entered 9,500 police reports. The 10 staff in the Analysts' Unit each carried an average caseload of 700 files. Our 9 Hearings Unit staff prepared 7,150 briefs, scheduled 5,000 hearings in 19 hearing sites and processed 5,500 Board Orders. The 3 staff in the Finance Unit prepared 14,500 payments to victims of crimes. The Support Staff in the offices of the Chair, Vice-Chair and Chief Administrative Officer responded to hundreds of calls and letters; arranged annual meetings of the Board Members and provided extra support to all the Units as needed.

The unit managers, working as a team, have fostered an atmosphere of collegiality that encourages all staff members to be confident in their individual responsibilities.

This, together with the ongoing training events, allows the staff to excel in their job duties and provides opportunities in which they may share insights and ideas to improve the services offered to the public.

The Board is proud of the staff here and proud of the tradition of service excellence that has developed since the enactment of the *Compensation for Victims of Crime Act* in 1971. Through this program, the Board supports people in their rehabilitation - to go from victim, to survivor, to thriver.

The Board extends its thanks to Eileen De Calderón, who retired in July 2004, for her guidance and contribution over the past seven years as Chief Administrative Officer of the Board.

Yours truly,



HISTORY OF THE BOARD

1967

The first provincially managed program for victims was the *Law Enforcement Compensation Act (LECA)*. This Act provided compensation to peace officers, primarily police and firefighters, for injuries resulting from criminal acts. Maximum compensation available was \$10,000.

1971

At the instigation of peace officers, the *Law Enforcement Compensation Act* was repealed and replaced with the *Compensation for Victims of Crime Act (CVCA, 1971)*, creating the Criminal Injuries Compensation Board (CICB). The *Act* was designed to provide compensation to any victim of a violent crime committed in Ontario. Maximum compensation was increased to \$15,000.

1986

Maximum lump sum compensation increased to \$25,000. Maximum total Periodic awards were increased to \$250,000.

1996

The Case Management System (CMS), was introduced to help facilitate the electronic tracking and processing of claims.

2000

The CVCA was amended. Changes included: an increase to the period when a claim can be made from one year to two years after the date of the injury or death; an increase to the maximum amount for periodic payments to \$365,000; the availability of interim payments to be made at the discretion of the Board in respect of support, medical and funeral expenses irrespective of the claimant's financial situation.

2003/04

Implementation of accrual accounting principles starting with 2003/04 fiscal year required that periodic awards granted in the current fiscal year be accrued for the next 20 years or their full life, whichever comes first.

BOARD MEMBERS

The composition of the Board is intended to reflect the diversity of Ontario's population and its various regions. More detailed Biographies are provided in Appendix A of this document.

Chair

Marsha Greenfield
North Bay, March 1996 - present

Vice-Chairs

William Liber
Toronto, March 1996 - present

Anne Stanfield
Ottawa, November 1973 - present

Board Members

Paula Klein
Toronto, November 2004-present

Del McLennan
London, March 1999 - March 2005

Willson McTavish
Mississauga, February 2003 - present

Ruth Campbell
Ottawa, February 1998 - February 2005

Carol Fletcher-Dagenais
Rockland, October 2002 - present

Jeanne Schmidt
Welland, February 1998 - February 2005

William John Parker
Toronto, October 2002 - present

Pierre M. Jacques
Barrie, September 2001 - September 2004

Sharon A. Saunders
Guelph, October 2002 - present

Bruce Goulet
North Bay, July 1998 - July 2004

Susan Hunt
Toronto, June 2000 - present

Honourable Walter Franklin McLean
Waterloo, November 2000 - November 2003

Marion Boyd
London, October 1999 - present

Kathrine Eckler
North Bay, September 2000 - September 2003

Peter Preston
Cayuga, October 1999 - present

Gemma Allen
Ottawa, September 1997 - September 2003

Ronaq Massey
Mississauga, April 1999 - present

Joanne Kaplinski
Oro Station, August 1997 - August 2003

Gail Scott
Toronto, December 1998 - present

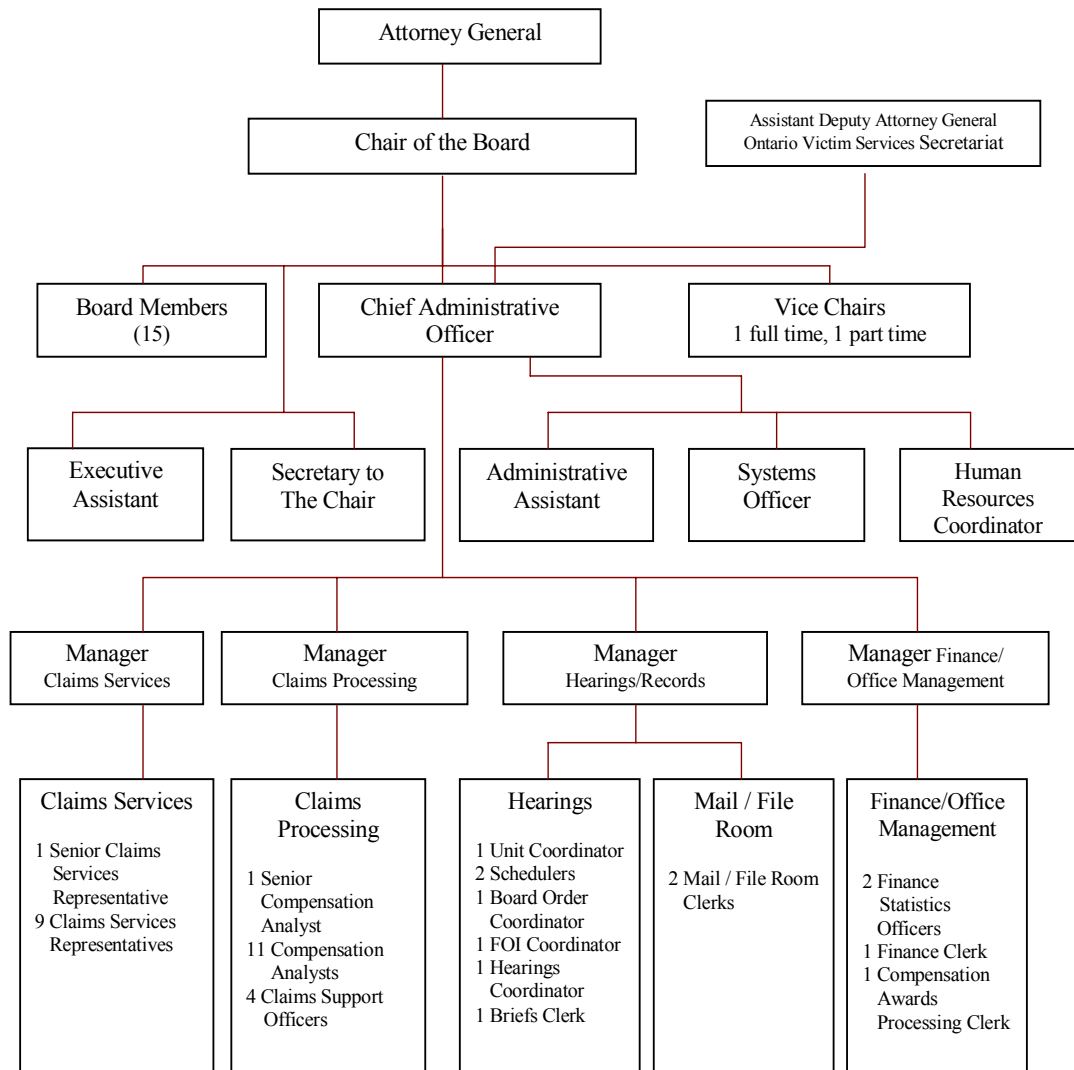
Judge Wilfred R. Dupont
Caledon East, June 2000 - June 2003

Robert C. Lee
Toronto, March 1999 - March 2005

Robert Michael Kelly
Ottawa, June 1997 - June 2003

ORGANIZATIONAL CHART

As of March 31st 2005



FINANCIAL SUMMARY

Funding of the Criminal Injuries Compensation Board

The funds allocated for the awards and operating expenses for the Criminal Injuries Compensation Board come from the Consolidated Revenue Fund. Awards are transfer payments that go directly to the victims; operating expenses reflect the cost of administering the program.

Since 1998, the distribution of informational materials as well as outreach programs have increased public awareness and accessibility to the Board. Over the last three years (since 2001/02), the number of claims received has increased by 35%, while operating expenses have remained the same. The Board has introduced a number of changes to its structure and operations in order to better respond to the Ontario government's commitments to Quality Service and to continue to support victims of crimes of violence. These changes have allowed the Board to manage the increased number of claims.

An increase in the number of claims directly correlates with an increase in the number of awards paid. Therefore, additional funding was required. In 2002/03 and 2003/04 additional funding of \$1.6 million was allocated from the Victim's Justice Fund (VJF) to manage this pressure, and in 2004/05 a further \$6.5 million was requested from the VJF to cover the continued increase in the number of awards, the pressure of processing an increased number of awards, an increase in the average awards and the accrual accounting requirements.

The financial information is presented on a cash basis for consistency purposes. The accrual basis for accounting was introduced in 2003/04 when the Board accrued payments for victims that received periodic awards. This resulted in accruing awards for 230 active claims for a period of 20 years. This change in accounting puts an ongoing additional pressure on the budget of \$1.5 million per year for new periodic awards.

Cash Basis

	TP Budget (\$'000)	Total TP Expenditure (\$'000)	Total Operating Expenditure (\$'000)	Number of New Claims Received	Number of Awards Paid	**Average Award (\$)
2000 / 01	15,416.6	16,638.9	3,845.6	3,935	2,498	6,100
2001 / 02*	15,416.6	16,715.2	3,370.1	3,802	2,134	7,100
2002 / 03*	17,016.6	13,845.5	3,883.3	4,976	1,716	7,100
2003 / 04	17,016.6	17,676.3***	3,827.5	5,186	2,424	6,600
2004 / 05	17,016.6	21,096.24***	3,484.0	4,157	2,654	7,200

*Years affected by labour disruption

**Average award is calculated only for the amounts paid for the initial hearing and do not include payments of variation awards and medical reports

Accrual Basis (Expenditure)***

	Transfer Payments on accrual basis (\$'000)
2003 / 04	41,157.47
2004 / 05	22,577.40

PROGRAM OVERVIEW

Overview

The Criminal Injuries Compensation Board is a quasi-judicial administrative tribunal committed to serving the public by providing compensation to innocent victims of crimes of violence which have occurred in the Province of Ontario. It is governed by the *Compensation for Victims of Crime Act*, R.S.O., 1990, c. C.24 and is subject to the *Statutory Powers Procedure Act* and the *Freedom of Information and Protection of Privacy Act*.

Who is Eligible for Compensation?

- Victims who have sustained physical or psychological injuries as a result of a violent crime that occurred in the Province of Ontario (excluding motor vehicle accidents)
- Dependants of a deceased victim or those who have incurred expenses as a result of the death of the victim
- Individuals injured while trying to prevent a crime or while assisting a police officer in making an arrest

A claim must be made to the Board within two years of the incident or death, though this two-year limitation period may be extended where the Board finds it warranted to grant such an extension.

A parent, guardian, legal representative or other responsible adult must be the one to make an application on behalf of a victim under 18 years of age.

In assessing compensation, the Board will consider if the victim's behaviour caused or contributed to the injury or death, if the victim reported the incident promptly to the police and cooperated with any investigation and if the victim has received any benefits, compensation or indemnity paid by private insurance, the Workplace Safety and Insurance Board (WSIB) or any other source. This does not include Ontario Works (OW) or the Ontario Disability Support Program (ODSP).

Costs That May Be Compensated

The Criminal Injuries Compensation Board may provide financial compensation for the following:

- ❑ Expenses actually and reasonably incurred or to be incurred resulting from the victim's injury or death
- ❑ Interim expenses resulting from a personal injury or death such as medical expenses, funeral expenses generally up to a maximum of \$9,000 and interim counselling generally up to \$5,000
- ❑ Loss of wages generally to a maximum of \$250 per week, as a consequence of total or partial disability affecting the victim's capacity to work
- ❑ Pecuniary loss to the dependants of a deceased victim
- ❑ Pain and Suffering
- ❑ Maintenance of a child born as a result of a sexual assault

CLAIMS PROCESSING

How to Apply for Compensation

Claim packages are available through the Criminal Injuries Compensation Board (CICB). The Board can be contacted by calling toll-free **1-800-372-7463** or locally (GTA) **416-326-2900**, or by writing to:

Criminal Injuries Compensation Board
439 University Avenue, 4th Floor
Toronto, Ontario
M5G 1Y8

What Happens Next

Upon initial contact, CICB staff will gather general information about the incident and the applicant including name, address, date of birth, and date of the incident. A claim package will then be mailed to the applicant to complete. In this package the applicant is asked to provide more details about their claim and to return the completed package to the Board. A Claim Services Representative (CSR) will review the package and enter the information into an electronic case management system. If all necessary information is complete, the claim will be moved to the next step; if information is missing, the CSR will follow up with the applicant until all information is complete. The file is then assigned to a Compensation Analyst. The role of the Analyst is to verify the information provided and to gather any other necessary information, such as outstanding police and medical reports. **The Board depends on the applicant to provide a complete package, and the submission of incomplete packages may result in a processing delay. In addition, it can take time to gather police and medical reports as police services and hospital records departments are overloaded with requests.** In order to facilitate the process, the Board pays for all hospital records and medical, dental and therapy reports that are required to process the claim for compensation .

The Hearing

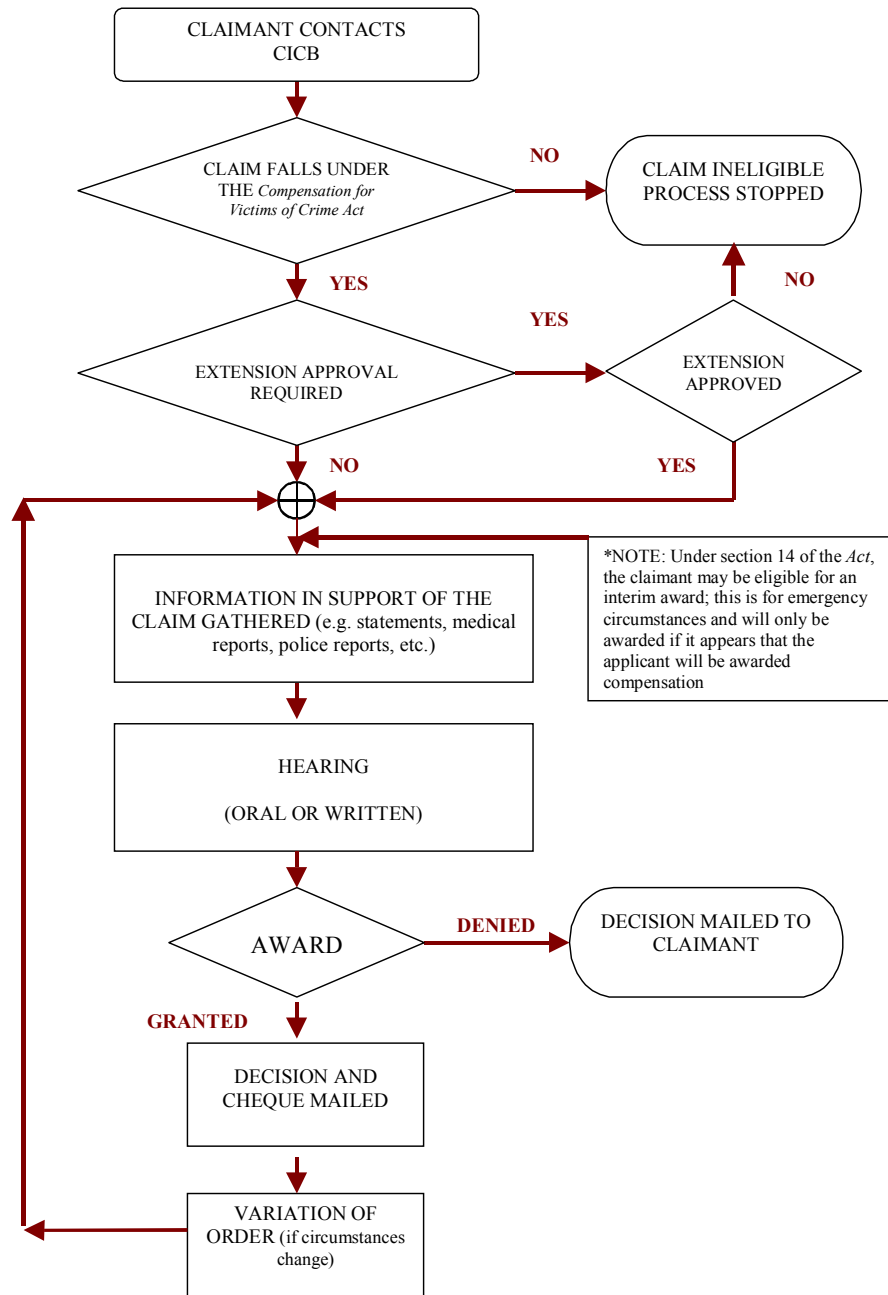
When the file is complete and all relevant documentation has been submitted, the file is scheduled for a hearing. After the hearing takes place, it takes a minimum of 20 weeks for the Board to process and release a written decision.

Awards

The Board may order one of the following types of awards:

1. Lump Sum Awards: the amount is up to \$25,000.00 per incident; maximum award to all applicants in respect of any one occurrence will not exceed \$150,000.00
2. Periodic Awards (monthly payments for catastrophic injury): the amount is up to \$1,000.00 per month and will not exceed a total of \$365,000.00 for all applicants in respect of one occurrence
3. Interim Awards (*Sec. 14 of the Compensation for Victims of Crime Act*): the Board may in its discretion order interim payments to the applicant in respect of support, medical expenses and funeral expenses
4. Variation Awards (*Sec. 25 of the Compensation for Victims of Crime Act*): the Board may vary an order for payment of compensation based on a change of circumstances for the victim. The processing of the variation claim follows the same steps as outlined for an initial application

CLAIM FLOW



THE HEARING PROCESS

Purpose

To enable the Board to determine whether the claimant has been the victim of a crime of violence resulting in injury and, if so, to determine the amount of compensation to be awarded.

The Hearing Panel

The Chair of the Board appoints one or two Board members to serve as a hearing panel and, in the case of two-person panels, appoints one of the panel members to serve as Chair of the hearing.

Types of Hearings

The Board determines the type of hearing. A hearing can be either written or oral. An oral hearing can be either in person or electronic.

Written hearings: Parties do not attend; the Board makes a decision based on the documentary evidence submitted.

Oral hearings: Parties are required to attend; oral hearings are open to the public, except when they involve allegations of a sexual offence, domestic violence or child abuse, in which case they would generally be closed to outside observers. If the hearing is Electronic, the applicant attends at the location where the Board is sitting; and the Offender/Alleged Offender with their witnesses, attend via tele-conference at another location.

Review hearings: Are held when the applicant does not agree with the decision made by a single Board Member and are then scheduled before a two-member Panel (oral hearing), pursuant to Section 10 of the *Compensation for Victims of Crime Act*.

Process

The Board requires the applicant to provide all relevant information and documentation. It is the responsibility of the applicant to identify and provide all necessary documentation for the application that was made. The Board will accept any evidence (written or oral) relevant to the application.

Decisions

Written decisions should be received by the applicant no sooner than 20 weeks following the hearing. No information about the decision can be provided over the telephone. The Board's written decision and award cheque, if any, will be mailed to the last known address or the decision can be picked up in person (if the Board is notified in advance).

PROCESSING INFORMATION STATISTICS

PROCESSING INFORMATION	2002/03	2003/04	2004/05
Number of Phone Calls ¹	30,658	39,260	33,920
Number of New Applications Received	4,976	5,186	4,157
Number of Extension Requests Returned	1,026	1,008	955
Number of Hearings Held	2,232	2,779	2,515
Number of Awards Processed	1,716 ²	2,424	2,654
Number of Denials	92	202	143
Average Awards	\$7,113	\$6,569	\$7,228

NOTES:

1. ACD system was inoperative for part of March 2002 which impacted the total figure; the number of calls was also impacted by a labour disruption in 2002/03
2. The number of awards processed in 2002/03 was impacted by a labour disruption in the early part of the year

INTERIM AND VARIATION AWARDS STATISTICS

SECTION	2002/03	2003/04	2004/05
Section 14 Awards* (Interim Awards) ¹	212	271	284
Section 14 Awards Total Payments (\$'000s)	\$200.32	\$224.45	\$271.96
Section 22 Awards* (Additional Costs) ²	9	10	17
Section 22 Awards Total Payments (\$'000s)	\$1.96	\$1.27	\$4.26
Section 25 Awards* (Variations) ²	574	566	651
Section 25 Awards Total Payments (\$'000s)	\$620.55	\$434.56	\$471.59
Medical Reports*/Other ³	3,479	3,713	3,080
Medical Reports/Other Total Payments (\$'000s)	\$528.71	\$462.75	\$436.87

NOTES:

*Number of files

1. Interim awards are granted before the hearing of an application in accordance with the provisions of Section 14 of the *Compensation for Victims of Crime Act*
2. Supplementary awards are considered after the Board has held a hearing and made an award and are in accordance with the provisions of Sections 22 & 25 of the *Compensation for Victims of Crime Act*
3. "Other" includes payments for translation services, police witnesses, etc.

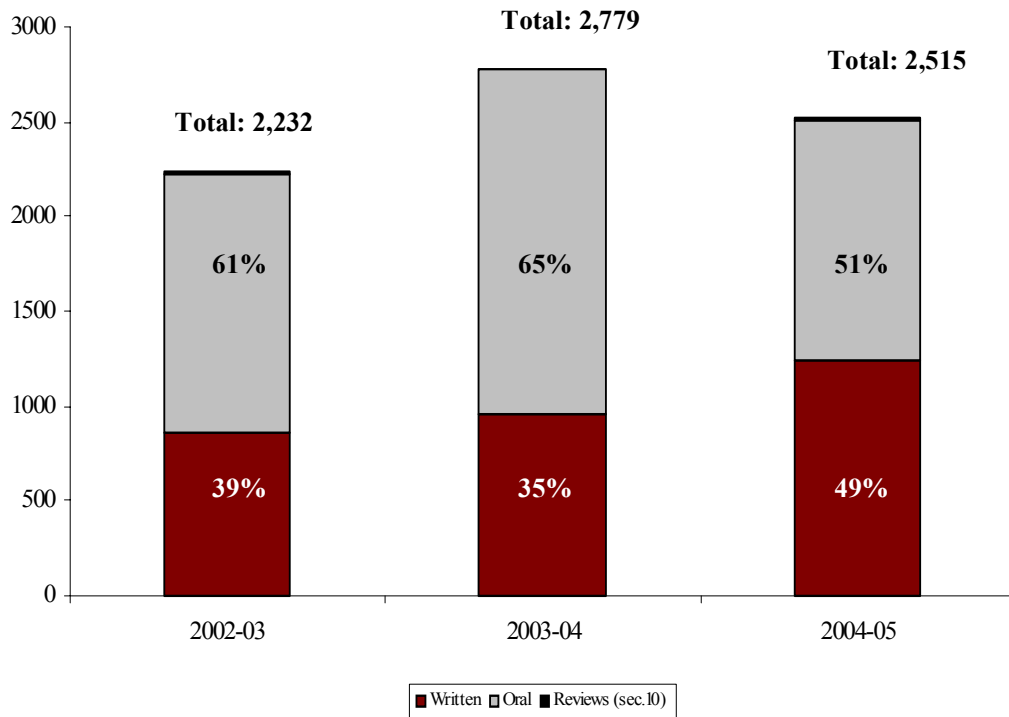
HEARINGS STATISTICS

All claims made to the Board are scheduled for a hearing after all supporting information has been submitted. The time required for a file to proceed to a hearing is largely dependent on the timeline involved in obtaining the required documentation to support the claim.

In an effort to increase accessibility and decrease wait times, the Board holds hearings in 19 locations throughout the province including: Belleville, Dryden, Hamilton, Kenora, Kitchener, London, Niagara Falls, North Bay, Orillia, Ottawa, Peterborough, Sault Ste. Marie, Sioux Lookout, St. Catharines, Sudbury, Thunder Bay, Timmins, Toronto and Windsor.

The following chart shows the number and type of hearings held over a 3 year period from 2002/03 to 2004/05. Note that there has been a move towards an increase in written hearings over the last year. This has helped to decrease wait times and has resulted in savings in

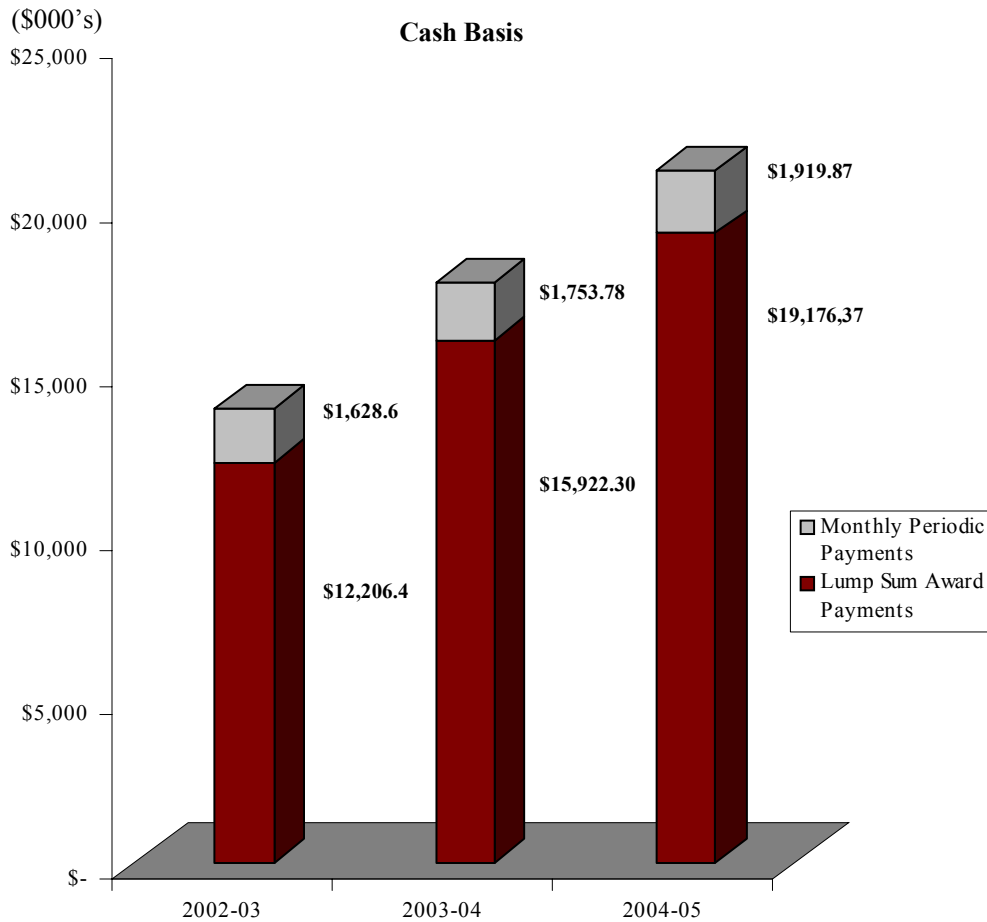
Number of Hearings Held



*The number of Reviews per year is less than 0.05% and therefore are not illustrated on the chart

COMPENSATION AWARDS THREE YEAR TREND

Total Lump Sum and Periodic compensation awards made:



The increase in the amount of the awards paid out in 2004/05 is due to a 10% increase in the number of claims processed and an increase in the average award.

TYPE OF BENEFITS

The Board may compensate for the following expenses, with **proof** that the expenses were incurred by the victim or claimant and are not covered by any other benefit:

- **Medical Expenses:** eyeglasses, medical bills, prescriptions, ambulance cost, etc.
- **Dental Expenses:** repair of the teeth damaged to pre-injury condition, the cost of dentures, etc.
- **Therapy** that is required as a direct result of the injuries suffered, subject that it is provided by a credentialed therapist.
- **Funeral and Burial** expenses include the cost of the funeral director, services of a clergyman, the casket, the cemetery plot, the grave marker, notices in newspapers, death and birth certificates. The maximum award for these costs is \$9,000.
- **Legal representation and legal costs** may be considered where the lawyer assists with an application to the Board, but not for attending a hearing or for any other court proceedings (i.e. an appeal to Divisional Court).
- **Travel for treatment or to attend a hearing** will only be considered when the victim must travel outside the municipality in which he or she resides.
- **Pain and Suffering** may be awarded to a victim of a crime of violence. Decisions by the Board are based on the nature of the occurrence, severity of injuries (psychological or physical), convalescence and potential for continuing disability.
- **Lost Wages** may be paid to a victim who is unable to work as a result of physical, psychological, or emotional injuries related to the crime, as long as the crime did not occur at work. The cap per award is \$250.00/week. Any payments received from any other income sources, including a Non-Economic Loss (NEL) award from the Workplace Safety and Insurance Board (WSIB) will be deducted from this amount.
- **Loss of Support** may be awarded to dependants who relied on the victim for financial support at the time of the crime. Dependants generally include a spouse, children, parents or other family members. The Board requires proof of previous financial support of the dependant by the deceased victim.

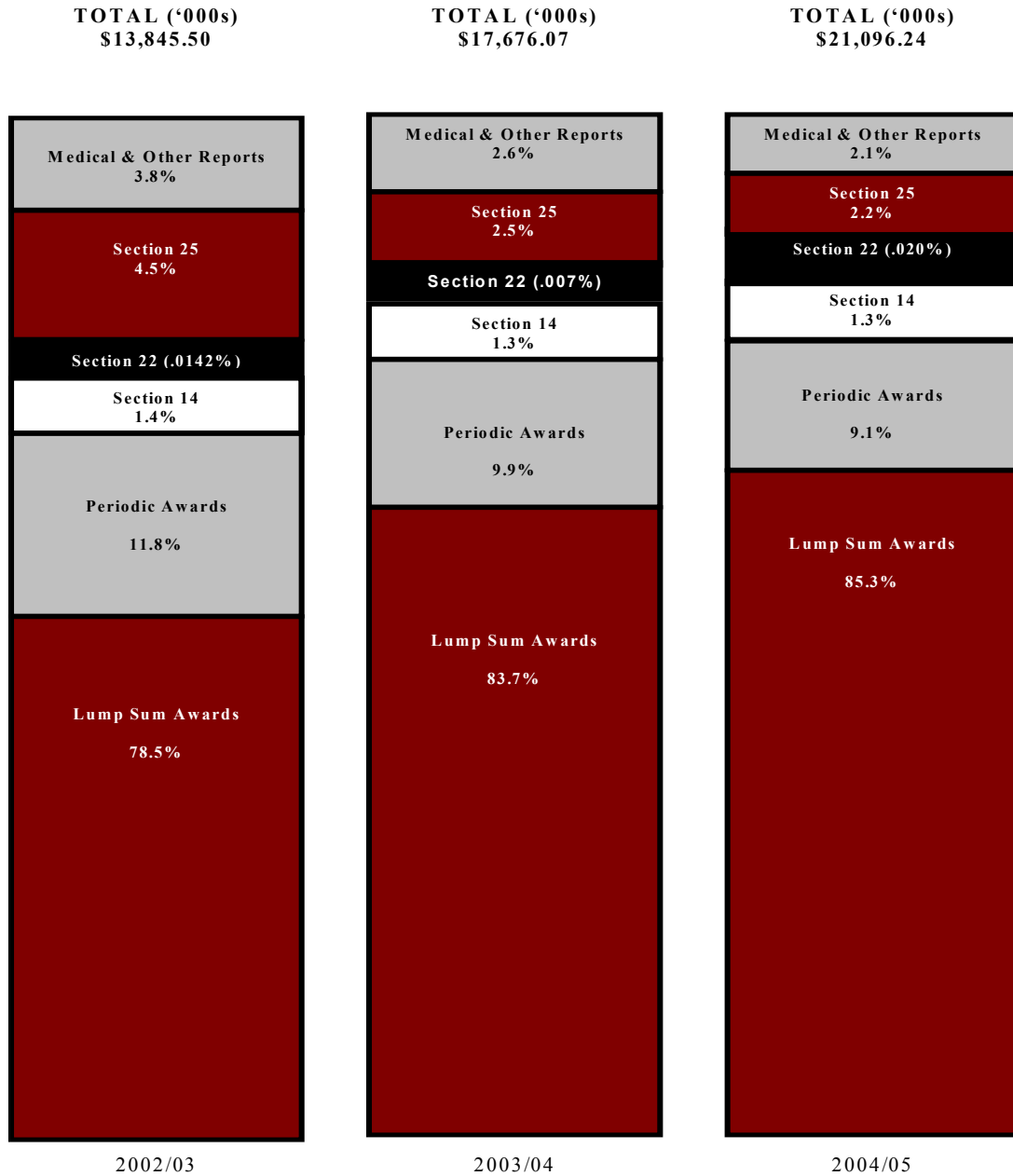
BREAKDOWN OF AWARDS BY TYPE OF BENEFIT

Awards (\$000's)	2002/03	2003/04	2004/05
Medical Expenses	\$299.89	\$333.22	\$529.33
Loss of Wages	\$347.82	\$554.86	\$635.06
Pecuniary Loss	\$100.16	\$152.86	\$101.67
Legal Expenses	\$29.27	\$68.52	\$38.19
Funeral Expenses	\$119.90	\$286.59	\$311.64
Pain and Suffering	\$9,857.31	\$13,028.70	\$14,449.56
Other ¹	\$1,463.56	\$1,501.36	\$2,340.03

NOTES:

1. "Other" includes: Medical reports, reasons for judgment and AE decisions

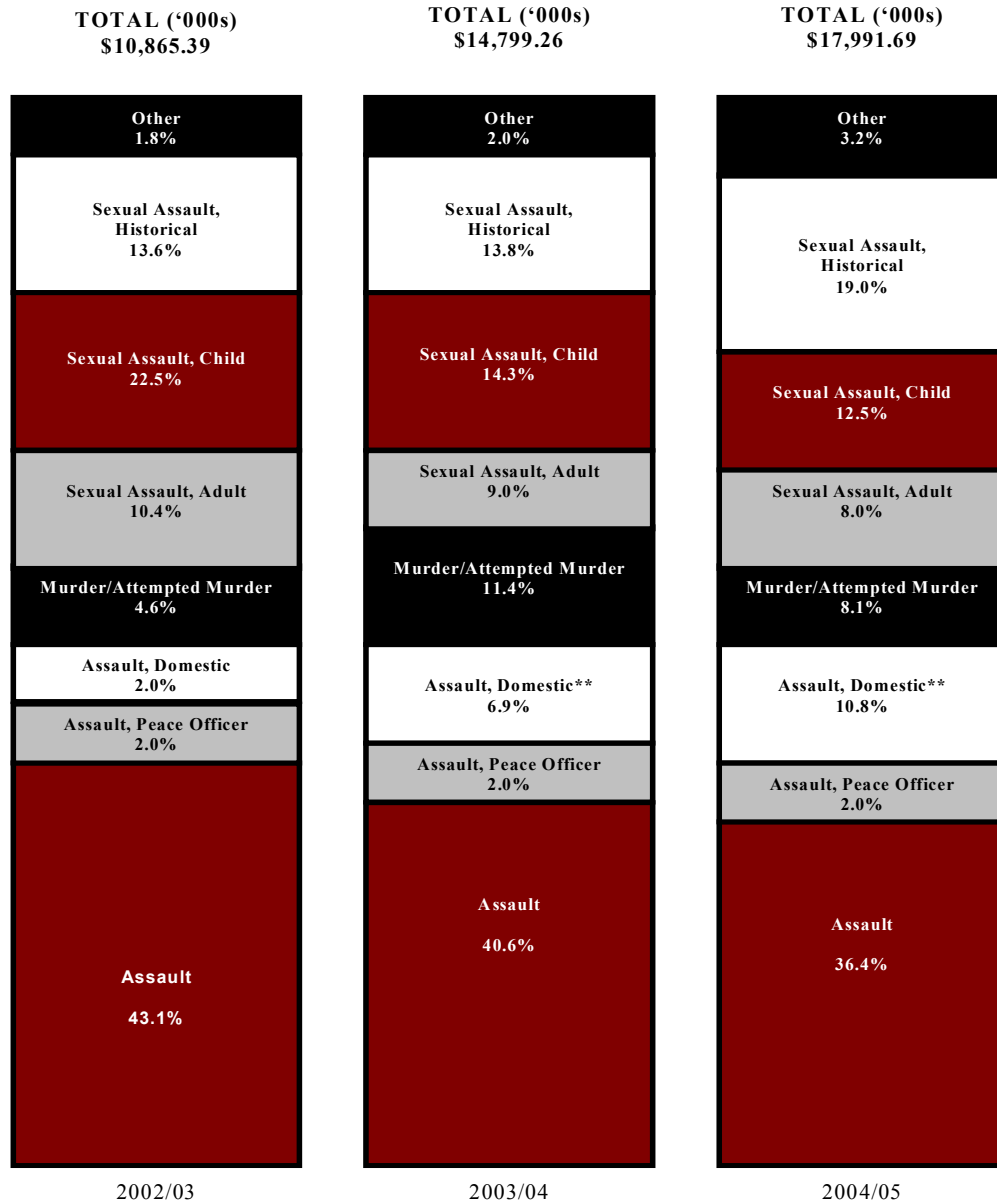
BREAKDOWN OF AWARDS BY TYPE OF PAYMENT*



NOTES: Section 14 (Interim Awards)
 Section 22 (Additional Expenses)
 Section 25 (Variations of Awards)
 *The graph does not accurately reflect each % range but rather is intended to show a general trend

BREAKDOWN OF AWARDS BY TYPE OF OFFENCE*

Percentage of awards (lump sum) by offence:



NOTES: "Other" includes arson, robbery and criminal harassment
 *The graph does not accurately reflect each % range but rather is intended to show a general trend
 **Domestic assault was often captured as general assault until recently (it is now more consistently recorded in the appropriate separate category)

SAMPLE DECISIONS

ASSAULT

FILE NUMBER: 0104-26040

The applicant in this case failed to appear before the Board for the Hearing. In accordance with Section 7 of the *Statutory Powers Procedure Act*, the Board proceeded with the Hearing in her absence, based on the documentation contained in her file. This applicant brought this application to the Board as a result of four separate incidents where she was assaulted over a 13-month period.

The first incident involved the offender pushing the applicant across the room and allegedly attempting to choke her. The medical report stated that the applicant complained of a sore arm, for which she was advised to take Tylenol. The second incident occurred one month later and the applicant stated that she had been thrown to the ground, punched, kicked and had hair pulled from her head. Medical evidence noted a bruise on her cheek and forehead. No other injury was noted. The third incident occurred after the applicant had stayed at the offender's apartment overnight. An argument ensued and the applicant stated that the offender grabbed her by the neck, choked her, banged her head against the wall a couple of times, and dragged her across the floor. Medical evidence after this incident stated that the applicant sustained minor burns to her elbows and red marks on her throat. The fourth and final assault occurred after a disagreement and included the offender pushing the applicant against the wall and punching her in the head and face several times. On each of the latter three occasions, the offender was charged with and convicted of assaulting the applicant.

DECISION:

In its decision, the Board stated that proof of the convictions would be taken as conclusive evidence that the offences had been committed. After assessing all the written documentation, including the application, medical reports and police evidence, the Board found the applicant compensable and awarded her for pain and suffering in the amounts of: \$750.00 for the 1st incident, \$1,500.00 for the 2nd incident, \$3,000.00 for the 3rd incident, and \$3,000.00 for the 4th incident. She was additionally compensated \$24.00 for an ambulance expense.

FILE NUMBER: 9903-14096

This applicant, in his mid-fifties, boarded a bus late one night to go home. He was seated opposite the driver and was approached by two unknown young men who began a brief verbal altercation with him. One of the young men then grabbed the applicant's sleeve and tore it. He then repeatedly struck the applicant in the eye before exiting the bus. No one on the bus did anything to intervene. The applicant then got off the bus, as that was his stop, and was again struck by the alleged offenders ten or twelve more times in the face. The bus driver did witness this assault, although he failed to help in any way. The assailants were never identified. As a result of this assault, the applicant suffered cuts and bruises over most of his face. Most significantly, however, his glasses broke and punctured his eye. He underwent many surgeries for this injury but, ultimately, he has sustained a permanent loss of vision in that eye. This sight loss has affected the applicant's ability to do his work and enjoy life as he had prior to this unprovoked attack. Additionally, he suffered from nightmares, sleep difficulties, depression and flashbacks. The applicant was unable to return to work for six months.

SAMPLE DECISIONS CONTINUED ...

ASSAULT, CONTINUED...

DECISION:

The Board found the applicant compensable under the *Act* and awarded him \$10,000.00 for pain and suffering. Additionally, he was compensated for many expenses incurred as a result of the injury, in the amount of \$1,653.77. Finally, the Board made a \$5,000.00 contribution to his income loss.

FILE NUMBER: 0210-37106

When this applicant was 16 years old, he and some friends were leaving a park at dusk when they were confronted by a group of about eight people. One of them attempted to grab at the chain the applicant was wearing. When the applicant backed up he was grabbed from behind by another individual and put into a headlock. He was punched in the face and when he fell to the ground, he was kicked in the stomach by several of the men. The applicant and his friends were able to get away and ran to a fast-food outlet where an ambulance was called. The police accompanied the applicant to the hospital and then to his home. Two of the offenders were convicted of assault causing bodily harm and a third served as a key prosecution witness.

As a result of the punch in the face, the applicant's lip was cut and required five stitches. One of his teeth was fractured and he underwent root canal surgery and required a metal post and crown. He sustained soft tissue injury to his stomach, rib area and back. He has also had difficulty with his neck, as a result of his head being thrown back, and suffers from headaches several times a week. Psychologically, he became nervous and fearful after the attack and became quite reclusive. He suffered from concentration and memory problems and had frequent nightmares.

DECISION:

The Board found the applicant to be a victim, within the meaning of the *Act*. In deciding a quantum for the pain and suffering award, the Board considered the facts that the attack was unprovoked, sudden, involved multiple assailants, and did not allow the applicant to defend himself. Furthermore, the injuries resulted in permanent scarring and ongoing psychological trauma, which affected his schooling. The panel also considered that the applicant would likely require future dental treatment. He was awarded \$5,000.00 for pain and suffering, and was also awarded \$1,758.39 for dental expenses and \$45.00 for the ambulance. His claim for wage loss was denied as no medical evidence was submitted to the Board to support this claim.

FILE NUMBER: 0211-38398

This female applicant intervened in a fistfight between two men in a bar one night. She had met one of the men earlier that evening, and was struck in the face by the other male. She reported the incident to the police the next day but was unable to identify the man who struck her, so no one was ever charged. The applicant went to the hospital after the incident and required two stitches to her upper lip. She healed within about four days, except for some residual soreness.

DECISION:

The Board found that the applicant was injured as a result of a crime of violence, even though there was no conviction, and awarded her \$2,000.00 for pain and suffering.

SAMPLE DECISIONS CONTINUED ...

AGGRAVATED ASSAULT

FILE NUMBER: 0201-31756

This applicant was brutally assaulted when he was a 23-year old university student. While attending a party in the middle of the winter, the applicant became involved in a verbal altercation with the offender and was apparently pushed by a number of individuals who beat the applicant and struck him over the head with beer bottles. He was taken down the road, stripped of some of his clothing, punched and kicked in the head, and left lying unconscious in a snow bank. The applicant had no memory of the incident and therefore, learned everything from the police and court. Several individuals were identified as the assailants, but only one pled guilty to aggravated assault. Charges against the others were dropped in a plea bargain.

The applicant was taken to hospital by ambulance and transferred to another hospital where he remained for five days. He suffered significant injuries as a result of this attack including facial bruising and swelling, and a laceration over his eye which required sutures. Due to the frostbite on his feet, he lost several layers of skin that took many weeks to heal. The trauma to his head left him with vision difficulties, dizzy spells, frequent and severe headaches, and cognitive difficulties that have decreased over time. Additionally, the applicant suffered from anxiety, paranoia, and an exacerbation of his pre-existing depression following the ordeal.

DECISION:

The Board found the applicant to be a victim of violence, and that there was no police evidence to suggest that he had been responsible for the attack resulting in such significant trauma. He was awarded \$8,000.00 for pain and suffering, \$45.00 for the ambulance, \$444.94 to replace his eyeglasses which had been destroyed in the incident, and \$600.00 for travel to treatment expenses. Other claims for expenses that were not substantiated with written documentation were denied.

SAMPLE DECISIONS CONTINUED ...

ASSAULT WITH A WEAPON

FILE NUMBER: 0110-30012

When this applicant was 57 years old, he went to a garage to pick up a friend in the middle of the night. The garage was well known in the community as a place where people would meet and drink alcohol. The applicant claimed to have had a normal conversation there with a man he did not know. Later, for no apparent reason, this man attacked the applicant with a knife. The applicant was slashed in the chest and on his side, hand, and legs before he was able to escape. He walked half a block and a passer-by stopped to offer help and call 911. The alleged offender was charged with aggravated assault; however, the jury found the alleged offender to be more credible than the applicant, so he was acquitted. At this Hearing the police officer testified that he had no doubt that the alleged offender was responsible for the injuries inflicted on the applicant, and that the applicant had been co-operative with the police during its investigation.

The applicant received superficial stab wounds to his chest, side, hand, thigh and arm. His chest wound was closed with staples and he was discharged from the hospital without requiring surgery. His staples were removed two weeks later and he stated that he was healed within approximately six weeks of the incident. He also stated that he suffered no other residual physical and emotional complications.

DECISION:

The Board Panel relied heavily on the police testimony in this case, and found that the applicant was not responsible for the injuries he received. The Board found the applicant to be a victim within the meaning of the *Act*, and that he sustained injury as a result of this incident. He was awarded \$3,500.00 for pain and suffering, \$229.00 to replace his eye glasses, and \$312.15 for his net income loss, after the benefits he received.

SAMPLE DECISIONS CONTINUED ...

ASSAULT WITH A VEHICLE

FILE NUMBER: 0207-35528

In 2002, this 19-year-old applicant was assaulted by a young male who was driving a van. The victim and his friends were walking down the street when the van started driving toward them. As the van approached, the occupants of the van threw fireworks at the applicant and his friends. As the van passed, the applicant kicked the side of the van and the driver then drove right toward the applicant. While his friends were able to jump into a ditch, the applicant was struck and thrown onto the hood of the van. The driver braked suddenly and the applicant was thrown to the ground. The driver then proceeded to intentionally drive over the applicant's leg before fleeing the scene. The young offender was later apprehended and convicted of assault causing bodily harm.

The applicant sustained multiple fractures to his foot and ankle, all requiring surgery. He also had numerous bruises all over his body. He was told that he would likely develop arthritis and further joint problems that could result in a permanent limp. Additionally, the applicant experienced depression and fear, and suffered academically.

DECISION:

After reviewing all the evidence on file, the Board found that the applicant had sustained an injury as a result of a crime of violence, and was therefore compensable under the *Act*. In assessing an amount for pain and suffering, the Board considered the physical and emotional trauma the applicant suffered as well as the impact of the injury on his future employment plans. The Board awarded him \$10,000.00 for pain and suffering.

SAMPLE DECISIONS CONTINUED ...

ASSAULT, DENIAL

FILE NUMBER: 0005-20296

The applicant in this case, having been duly notified, failed to appear on two separate occasions before the Board for the Hearing. In accordance with Section 7 of the *Statutory Powers Procedure Act*, the Board proceeded with the Hearing in his absence, based on the documentation contained in his file and the oral evidence of the police witness.

In his application, this applicant claimed to have been the victim of an unprovoked assault committed by four unknown male youths, while he was on his way to the store to buy milk for his child. According to the police, the applicant had been intoxicated at the hospital and refused to cooperate with the police investigation, claiming he would deal with the matter himself. He gave several different stories with regard to the occurrence. During their investigation the police learned that earlier that night the applicant had been seen by other police officers. He was belligerent and was seen confronting several groups of youths, apparently "looking for a fight". The police concluded that it was likely that the applicant was injured as a result of a subsequent confrontation later that night.

Sometime after the incident the applicant was charged with breaking into an apartment and assaulting three youths with a weapon. These youths were found not to have been responsible for the applicant's injuries. The applicant was convicted of assault with a weapon.

The injuries sustained by the applicant included swelling and bruising to both eyes, a laceration under one eye that required sutures, a fractured nose and cheek, and bruising to his back and kidneys. He was uncooperative with medical staff and refused most treatment and tests.

DECISION:

In making its decision, and in accordance with Section 17(1) of the *Act*, the Board took into consideration the applicant's credibility as well as the police evidence that indicated that the applicant was likely responsible for having engaged in behaviours which, either directly or indirectly, resulted in his being injured. Additionally, in accordance with Section 17(2) of the *Act*, the Board considered the applicant's failure to cooperate with the police investigation. Not only did he change his story and fail to identify any suspects, he also broke into an apartment and assaulted three innocent individuals with a weapon. On the basis of these facts, the application was denied.

FILE NUMBER: 0202-32796

This application was made on behalf of the applicant's 12-year old daughter, who claimed that her French teacher had slapped her in class. That evening the applicant called the police who, after investigating, found that an assault had not occurred. The applicant also called the Children's Aid Society, who also found that no assault had been committed. The teacher claimed to have touched the child in a disapproving manner, in order to get her attention. She was deemed credible and no further action was taken.

The applicant claimed that her daughter had a red mark on her arm, although no other injury was reported and no treatment was required.

SAMPLE DECISIONS CONTINUED ...

ASSAULT, DENIAL CONTINUED ...

DECISION:

After considering all the oral and documentary evidence, including police testimony, the Board found that a crime of violence had not been committed and the minor child did not sustain injury. Therefore, the child was not found to be a victim within Section 5(a) of the *Act*, and this application was denied.

FILE NUMBER: 0206-34546

An unknown man assaulted this applicant at a bar one night. The applicant stated that he intervened in a confrontation between his brother, who was intoxicated, and this man, who was attempting to hit his brother with a chair. The applicant was struck twice in the head by vases from the tables, causing him to lose consciousness briefly. When questioned by the police at the scene, he refused to give them any information about what happened and told the police he did not want them involved. He refused to provide even his name or address. No one present at the scene would identify the alleged offender and therefore the investigation was dropped.

The applicant was taken to the hospital by ambulance and treated for his injuries, which included an 8-cm. laceration to his forehead and a smaller one on the side of his head. His injuries healed and no further treatment was required.

DECISION:

The Board found that the applicant was indeed injured as a result of a crime of violence. However, in determining whether or not to make or reduce an award, the Panel was required to consider the fact that the applicant refused to cooperate with the police. In considering those circumstances, the Board denied this application for compensation.

FILE NUMBER: 0212-38654

This 34-year-old applicant went to a tavern with his son and three of his son's teenage friends to celebrate his son's birthday. His son, however, was under age and had to leave. The Applicant remained at the bar with two of his son's friends until closing time. At that time he rented a motel room in order to keep the party going. While searching the halls for sounds of other parties in order to acquire more alcohol, he came across one room where the door was partly open. He saw a gym bag and a pack of beer on the floor. He entered the room, took both items and returned to his room. Later on he returned to that room for more alcohol. This time the alleged offender awoke and yelled at the applicant while chasing him from the motel. After reporting the incident to the front desk and describing the intruder, the clerk went to the applicant's room and found the alleged offender's wallet, cell phone and clothing, along with the two teenagers.

When the applicant returned to the motel, he was confronted by the alleged offender. A struggle ensued and the applicant fell to the ground and fractured his lower leg. When interviewed by the police, the applicant stated that he had fallen on his ankle. The applicant was charged with break and enter, theft, and assault. The alleged offender was not charged at all, as the police had been

SAMPLE DECISIONS CONTINUED ...

ASSAULT, DENIAL CONTINUED ...

convinced that the alleged offender used reasonable force to detain the applicant, who had stolen his property.

The applicant sustained a displaced fracture which required surgery. He wore a cast for 6-8 weeks and attended physiotherapy for two months following that. He required two subsequent operations to remove the plate and screws placed in his leg in the first surgery.

DECISION:

After hearing the testimony of both the applicant and the police, and reviewing all the written evidence, the Board concluded that the applicant's injury was not a result of a crime of violence. He therefore did not meet the definition of a victim as described in Section 5 of the *Act* and this application was denied.

SAMPLE DECISIONS CONTINUED ...

DOMESTIC ASSAULT

FILE NUMBERS: 0202-32566 and 0202-32565

These two applications were made as a result of the abuse the applicant suffered at the hands of her common-law partner both during their relationship and after it ended. While they were together, the offender would frequently push and shove the applicant, causing her to fall into furniture or to the ground. The applicant was also emotionally abused and threatened. The abuse went on for several months, culminating when the applicant was punched in the side of her face, pushed into a chair and then against the wall. The applicant escaped and called the police for the first time. After this incident, the applicant separated from the offender although they reconciled on two subsequent occasions over the next few months.

The final incident involved the offender pinning the applicant against the wall with a washing machine and then throwing her against a counter. After she escaped to her car, the offender dragged the applicant from her car by the feet. One of the applicant's children phoned the police, who quickly arrived on the scene and arrested the offender. The offender was charged with and convicted of assault on each of the aforementioned occasions.

The physical injuries sustained by the applicant as a result of the earlier incident included a black eye, a lump on her head and a sore back. During the latter incident, she sustained a cut to the ankle, bruising and abrasions. She did not require immediate medical attention for these injuries, although she has required and received subsequent chiropractic treatment. Psychological injuries include a breakdown in self-esteem, lack of trust in others and her own judgement, and fear of men. She received some counselling to cope with these issues.

DECISION:

The Board found the applicant compensable with regard to both applications. With regard to the first, the applicant was awarded \$5,000.00 for pain and suffering and with regard to the second, she was awarded \$4,000.00 for pain and suffering and \$490.90 for chiropractic expenses. Expense claims not supported with documentation were denied. The applicant was also informed that claims for future expenses for counselling or chiropractic treatment, that were not covered by any other source, could be considered by the Board.

FILE NUMBER: 9911-17287

This applicant was brutally assaulted and terrified by the offender on three occasions. While still married, the offender and the applicant had a minor verbal altercation that resulted in the offender striking the applicant in the face and attempting to choke her. He threatened her with a knife and told her she would be unable to call the police after he was finished with her. She managed to escape to a neighbour's home and called the police. The offender was charged with assault, weapons dangerous and uttering death threats. Nine months later, while visiting the children after being released from jail, the offender again attempted to choke the applicant after she refused to have sexual relations with him. She was repeatedly kicked in the head, face and abdomen. After being knocked unconscious, the applicant was slashed six times with a blade. This time he was convicted of assault with a weapon. The third incident occurred nearly one year later when the offender confronted the applicant outside her home and made death threats in front of their three children.

SAMPLE DECISIONS CONTINUED ...

DOMESTIC ASSAULT CONTINUED...

He later called the applicant and then, after telling her that he could not live without her, he took his own life. The applicant sustained bruises and soft tissue injuries from the first incident. As a result of the second incident, she sustained lacerations to her cheek, breast, ear, and thighs, which all required sutures and left permanent scars. She also sustained soft tissue injury to her head, and suffered from ongoing vertigo, headaches, and neck pain. The emotional trauma following the third incident included anxiety and panic attacks, and flashbacks.

DECISION:

The Board found the applicant compensable in accordance with Section 5(a) of the *Act*. She was awarded for pain and suffering in the amount of \$3,000.00 for the first incident, \$10,000.00 for the second incident, and \$5,000.00 for the third. Additionally, the applicant was compensated \$45.00 to cover the cost of the ambulance following the second incident.

SAMPLE DECISIONS CONTINUED ...

ASSAULT, PEACE OFFICER

FILE NUMBER: 0111-30078

This police officer was injured while attempting to arrest a man who was wanted in connection with an armed robbery which had just occurred. After the officer observed the offender in a stolen pick-up truck, he drove up to the stolen vehicle and began to talk to the offender. The offender then put his foot on the accelerator and struck the right side of the applicant's cruiser. A high-speed chase ensued and other officers became involved. The offender later struck the applicant's cruiser with intent, causing the applicant to be tossed around in his vehicle, eventually hitting the dashboard. The offender was charged with and convicted of numerous charges including armed robbery, possession of a weapon, dangerous operation of a motor vehicle, and two counts of assault, peace officer.

Following the incident, the applicant went to the emergency room and was treated with anti-inflammatory medication for tenderness and numbness to his lower back. He sustained a muscle tear in the lower left back, and a pinched nerve radiated into his right leg. He received physiotherapy once or twice a week for almost three months, at which time his injury had essentially healed and he returned to regular duties.

DECISION:

The applicant submitted a claim to the Board for pain and suffering as well as potential wage loss. He argued that he was unable to earn additional overtime and extra wages beyond what he was compensated by the Workman's Safety and Insurance Board. The Board found that the applicant had indeed sustained injury while attempting to arrest a suspected offender for an offence against another person's property, in accordance with Section 5(b) of the *Act*. The Board awarded the applicant \$6,000.00 for pain and suffering for his serious soft tissue injury, but denied his claim for wage loss. It is not the Board's practice to compensate for loss of potential earnings, and the Panel found no reason to deviate from this practice at this time.

SAMPLE DECISIONS CONTINUED ...

ASSAULT, CHILD

FILE NUMBER: 0203-33117

When the applicant's son was 15 years old, he was standing outside his school one morning, talking with friends after writing an exam. A boy with whom he had been friends the previous year approached and accused the minor victim of talking about him. The victim denied the allegations and walked away. The young offender caught up with him a few minutes later and confronted him once again. He then shoved the victim against a store window. The victim ran into a nearby mall parking lot and the offender again caught him and punched him in the face several times until a mall security guard intervened and the offender fled. The victim arrived home, the applicant phoned the police. The young offender was later charged and convicted of assault.

The applicant took her son to their family doctor the day after the assault, where he was diagnosed with a fractured nose and a perforated left eardrum. He suffered from post-concussive headaches, dizziness, stress, and anxiety. The physical symptoms resolved within a couple of months, but the fear and anxiety continued as the victim was subjected to repeated and ongoing threats and bullying by the offender's friends.

DECISION:

The Board found the applicant compensable in accordance with the *Act*. After considering the unprovoked and vicious nature of the assault, the physical injuries, and the ongoing threats and harassment, the Board awarded him compensation for pain and suffering in the amount of \$5,000.00. That amount was paid to the Accountant of the Superior Court of Justice to be held in trust for the victim until he is 18 years of age. The applicant was also awarded \$400.00 for legal fees.

FILE NUMBER: 0108-28472

This application was brought by a child support worker with the Children's Aid Society on behalf of a 14-year-old girl who was taken into care when she was eight years old after having been physically abused by two of her mother's boyfriends. In 1997 she was bitten by one of the boyfriends and throughout 1998 she was physically and verbally abused by another. The second of these assailants was charged with and convicted of assault and the child was placed in a treatment foster home along with her brother. The Board also noted that the victim was further abused by her foster parents and removed from that placement in 2001.

The bite resulted in bruising, but required no treatment. As a result of an assault in 1998, the victim had a very large bruise that extended from her thigh to her buttocks as well as bruises on her chin, neck, chest, and behind both ears. She had swelling under one eye and bled from her nose and upper lip. It was after this assault that the offender was charged and the victim taken into care.

DECISION:

The Board found this minor child to be a victim within the meaning of the *Act*. She was awarded \$2,000.00 for pain and suffering as a result of the first incident and \$6,000.00 for the abuse she suffered over the next year. The Board considered the frequency and location of the abuse, in addition to the nature and extent of her injuries when making its decision. The total sum of \$8,000.00 was paid to the Accountant of the Superior Court of Justice, to be held in trust until the victim is 18 years old.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, CHILD

FILE NUMBER: 0003-19120

When this applicant was five or six years old, her uncle sexually abused her on at least three occasions. The alleged offender fondled the applicant and tried to force her to perform oral sex. On one of these occasions she was taken to a remote island by canoe and vaginally raped. The applicant did not see the alleged offender again until she was 13 years old, at which time he attempted to fondle her but stopped when the applicant screamed. The applicant never disclosed the abuse to her mother because her mother developed a serious heart condition and the applicant feared the disclosure would have grave implications on her health. With the support of a counsellor, the applicant eventually reported the abuse to the police many years later. However, the police learned that the alleged offender was deceased so the case did not proceed.

The applicant learned to dissociate while she was being abused. She grew up fearful and distrustful of men, and suffered from guilt and self-blame. As an adult she has struggled with flashbacks, body memories, anxiety and depression. She has utilized both individual and group counselling to help her cope with the effects of the trauma.

DECISION:

The Board found the applicant to be credible and with the additional support of the police witness and therapy records, the Board found, on the balance of probability, that she was a victim of violence in accordance with Section 5(a) of the *Act*. In deciding on an amount for compensation, the Board considered the nature of the abuse, the applicant's young age when she experienced the abuse, the emotional impact of the assaults both at the time of the abuse and as an adult, and the subsequent treatment she required to address the trauma. The applicant was awarded \$10,000.00 for pain and suffering and \$1,560.00 for travel to treatment costs.

FILE NUMBER: 0005-20084

This applicant, now in his late 20s, was sexually abused by his step-grandfather for over a decade, beginning when he was about five years old. The abuse occurred sometimes as often as five times a week and included fondling, oral sex, masturbation, and attempted anal intercourse. The offender was able to keep the applicant from telling anyone about the abuse through bribery and threats. At the age of 16 the applicant was able to stop the abuse, but learned some six years later that the offender went on to sexually abuse his younger sister. This information led him to report all the abuse to the police, where he discovered that others had also accused the offender of sexually abusing them. The offender was convicted of multiple sexual violations and was sentenced to five years incarceration. After his release from prison, the offender threatened and harassed the applicant and successfully prevented him from achieving gainful employment.

The applicant has suffered from sleep difficulties, nightmares, flashbacks, and anger management problems. He is reluctant to talk about what happened to him, so has yet to attend any counselling or therapy, although he believes that might be useful.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, CHILD CONTINUED ...

DECISION:

The Board found the applicant compensable and awarded him \$18,000.00 for pain and suffering. In making this decision the Board considered the applicant's age when the abuse began, the frequency and duration of the abuse, and the long-term psychological impact of the abuse.

FILE NUMBER: 0105-26873

This applicant, now in her mid-40s, was brutally sexually abused by her father when she was between the ages of 15 and 25 years. Her siblings, who were previously compensated by the Board, were also sexually abused and all of them were subjected to horrendous physical violence and threats. The applicant described herself as a slow learner, unable to read or write. She has never received any counselling to deal with the severe psychological damage resulting from the daily experiences of sexual and physical abuse.

DECISION:

The Board found the applicant to be compensable under Section 5(a) of the *Act*. The panel found that the injury sustained by the applicant was quite profound. For pain and suffering she was awarded \$25,000.00, the maximum lump sum allowable under the *Act*.

FILE NUMBER: 9706-05894

This applicant, now in her mid-50s, came to the Board as a result of the years of sexual abuse she suffered throughout her childhood. From the age of eight until she left the home at 16, her father sexually and physically abused the applicant. The abuse, which included forced vaginal and oral intercourse, occurred daily for many of those years. Her father was also controlling and physically abusive. He forced her to drop out of high school to look after his needs, and on at least one occasion, gave her an electric shock for disobeying him. The applicant told her mother about the abuse but was dismissed and disregarded. The applicant kept the secret until 1988 when she told a nurse in a psychiatric facility. When the applicant's 12-year-old daughter disclosed to the applicant that the alleged offender had sexually abused her, the applicant went to the police. Multiple charges of sexual violations were laid against the alleged offender with regard to the applicant, but the charges were stayed due to the age and deteriorating health of the alleged offender.

This applicant has suffered profound psychological injury as a result of the abuse. She has lived with flashbacks, nightmares, and suicidal ideation throughout her life. She has struggled with depression, anxiety, fear of men, and a lack of self worth. She has been minimally employed and is supported by social service benefits. She has received counselling and psychiatric care for years, including anti-depressant medication.

DECISION:

While there was no conviction in this case, the Board was persuaded by the credible and compelling testimony of the applicant along with the extensive therapy and psychiatric records on file. The Board found this applicant to be a victim of violence, in accordance with Section 5(a) of the *Act*. In deciding on an award for pain and suffering, the panel considered the age of the victim,

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, CHILD CONTINUED ...

the duration and frequency of the abuse, the physically, sexually and emotionally abusive environment the applicant was forced to grow up in, and the serious psychological injury which she has suffered. The applicant was awarded \$24,000.00 for pain and suffering and \$1,000.00 as a contribution toward travel to treatment expenses. This award is the maximum lump sum award allowable under the *Act*.

FILE NUMBER: 0211-38192

This application was brought by the mother of an eight year old girl who was sexually assaulted on two separate occasions by her cousin when she was between the ages of three and five years. At the time of the occurrences the young offender was babysitting the victim and was about 13 to 15 years old. Both assaults consisted of vaginal intercourse, and on the first occasion he made the young victim perform fellatio. A few years later, when the applicant was explaining to her daughter where babies came from, the victim told her what had happened to her, and that she was afraid she might have a baby inside of her. The applicant immediately reported the disclosure to the police and the young offender was charged with and pleaded guilty to sexual interference. He was sentenced to eight months secure custody and two years probation.

Over the years the victim has struggled with nightmares, fear of the dark and sleep difficulties. While counselling was attempted, she was reluctant to talk about what happened. She also experienced fears of being hurt or abducted when the young offender was released from custody.

DECISION:

The Board found the victim to be compensable and awarded her \$5,000.00 for pain and suffering for each of the offences. That \$10,000.00 was paid to the Accountant of the Superior Court of Justice for the victim until she is 18 years of age. Additionally, the applicant was compensated \$90.00 to cover travel to treatment costs.

FILE NUMBER: 0206-34289

This applicant was sexually abused at home by her father when she was between the ages of 3 and 18 years old. The abuse began with fondling and progressed to oral sex, and simulated intercourse. Her father was eventually charged with and convicted of sexual assault and gross indecency. As a result of the abuse the applicant has suffered from depression, suicide attempts, sleep disturbances, anorexia, and flashbacks. She has struggled with trust and intimacy difficulties, and was unable to finish high school as a result of her trauma. This has led to employment difficulties.

DECISION:

The Board found that the applicant sustained injury as a result of a crime of violence. The Board considered the nature, location and duration of the abuse, and awarded her \$12,000.00 for pain and suffering.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, CHILD DENIAL

FILE NUMBER: 9909-16791

This application was made to the Board as a result of a series of sexual and physical assaults to which the applicant was subjected between the ages of 15 and 18 years of age. Due to problems in her home environment, the applicant searched for support from a fundamentalist religious group, where she met the offender. The offender provided the applicant refuge in her home, where she lived with her husband and children. Shortly after the applicant moved in, she was subjected to frequent sexual assaults by the offender, including being made to suck the offender's breasts, digital penetration, and mutual masturbation. The offender convinced the applicant that these acts were "in accordance with God's will". Additionally, the offender frequently beat and struck the applicant with her fists and various objects. The abuse only ended after the offender confessed what she had done to members of her church, and was then convinced that God did not want the applicant to remain in her home. The offender was eventually charged with and convicted of sexual assault.

Following the abuse the applicant spent many years in therapy dealing with the psychological impact of the abuse. She experienced flashbacks, anxiety, rage, panic, nightmares and sleep difficulties. She was diagnosed with posttraumatic stress disorder, dissociative identity disorder, and an eating disorder. She abused both drugs and alcohol and attempted suicide on more than one occasion. The applicant also testified that a prior jaw injury had been exacerbated by the emotional trauma she endured.

DECISION:

The Board found that the applicant had sustained injury as a result of a crime of violence, and was therefore compensable in accordance with Section 5(a) of the *Act*. The offender had been convicted and there was ample evidence of significant injury. However, in deciding about compensation, Section 17(3) of the *Act* states that the Board must take into consideration any benefit, compensation, or indemnity paid or payable to an applicant, other than social assistance. In this case, the applicant had received \$39,750.00 in settlement as a result of a civil action regarding these same injuries. Because this amount exceeded that amount which the Board would have awarded the applicant, the Board made no award to this otherwise compensable applicant.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, ADULT

FILE NUMBER: 9811-12244

This applicant had invited several friends to her home one evening. One of these individuals, the offender, had been the applicant's hairdresser for a short period of time. After the others had left her apartment, the offender stayed to cut the hair of the applicant and another friend of hers. He brought out a bottle of vodka and offered drinks to the applicant and her friend. After consuming a number of drinks, the applicant was informed that the bottle contained the narcotic "Ecstasy". Later, the police discovered that other narcotics, including cocaine, had also been mixed in the alcohol. The applicant passed out and when she awoke two hours later, she was naked and the offender was performing oral sex and digital penetration. He then attempted intercourse despite her protestations. He finally stopped when she became violently ill. The applicant made her way to the landlord for help, and he was able to get the offender to leave. The police were contacted and the applicant was taken to the hospital by ambulance. The offender was charged with and convicted of sexual assault and administering a stupefying drug. He was sentenced to three years incarceration.

At the hospital the applicant received a complete sexual assault examination, including tests for communicable diseases. The applicant received ten counselling sessions after the assault to help her deal with the emotional impact of the trauma. She has continued to experience difficulties with trust, intimacy, insomnia and social isolation since the assault. She also had a relapse of substance use, which she had successfully put behind her prior to the assault.

DECISION:

The Board found that the applicant had sustained an injury as a result of a crime of violence, in accordance with Section 5(a) of the *Act*. In assessing an amount for compensation, the Board considered the client's vulnerability after having been drugged, her fear, and the emotional consequences of the assault. She was awarded \$12,000.00 for pain and suffering, \$45.00 for the cost of the ambulance, and \$390.00 to replace the couch where the assault took place.

FILE NUMBER: 0206-34842

This applicant, at the age of 20, was returning home after work late one night when she was followed onto the elevator by a stranger. At knifepoint, he forced her into the stairwell and sexually assaulted her. He threatened to kill her if she screamed and held the knife in his teeth while he raped her. The offender then fled the scene and the applicant made her way to her apartment and the police were called. She helped the police develop a composite sketch of the offender and he was thus identified and subsequently charged and convicted.

The applicant underwent a forensic medical exam at the hospital that night. She has suffered from anxiety, depression and sleep difficulties, and remains fearful of entering elevators alone. She will not go out at night by herself. She had difficulty concentrating and was unable to finish her school term.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, ADULT CONTINUED ...

DECISION:

The Board found the applicant to be a victim of a crime of violence. In assessing a quantum for pain and suffering the Board considered the degree of violence the applicant experienced and the fact that the assault occurred just a few feet from the safety of her apartment. The Board also considered the continuing and long-term psychological consequences that the applicant will endure as a result of this crime. She was awarded \$14,000.00 for pain and suffering, \$780.00 for net income loss and \$45.00 for the ambulance.

FILE NUMBER: 0207-35890

When this applicant was 37 years old, she was jogging on a footpath in a park one morning when she was attacked by a stranger. The offender jumped out of the bushes and knocked her down. He punched and choked her until she realized her efforts were futile and stopped resisting. She was convinced he was trying to break her neck and she could not stop him. She told him she would do what he wanted and he then raped her. When he finished, he told her to run. She ran about two kilometers before waving down a passing car whose occupants called the police. The offender was caught and charged with sexual assault, forcible confinement, overcome resistance by choking and breach of probation. He pleaded guilty to sexual assault and was sentenced to 45 months incarceration.

The applicant sustained numerous physical injuries in addition to the psychological trauma. She sustained bruising and soft tissue injury to her face, neck and right shoulder. She also suffered muscle strain to her rib area and lower back. She required chiropractic and physiotherapy treatment and had a fairly good prognosis due to her level of fitness prior to the attack and her commitment to her healing. Her physical injuries were deemed, however, to be serious and long lasting. Psychologically, the applicant experienced flashbacks, anxiety, fear and depression.

DECISION:

The Applicant was found to be a victim within the meaning of the *Act*. The panel considered the nature of the vicious and life-threatening attack that occurred in broad daylight, as well as the serious physical and emotional injuries she sustained. She was awarded \$12,000.00 for pain and suffering and was compensated for her physiotherapy and chiropractic expenses in addition to the cost of the ambulance, medication and counseling, totaling \$872.75. Lastly, she was awarded \$50.00 a day toward her income loss, totaling \$550.00.

SAMPLE DECISIONS CONTINUED ...

SEXUAL ASSAULT, HISTORICAL

FILE NUMBER: 0001-18311

This applicant came to the Board for compensation as a result of both the sexual abuse she experienced as a child by her stepfather and the physical and sexual abuse she suffered in her marriage. Between the ages of four and 14, the applicant was subjected to fondling, oral sex, and forced vaginal intercourse on a daily basis. The offender threatened the applicant with death if she were to disclose the abuse. These incidents only ended when the applicant's brother told their mother that the offender was sexually abusing him. The police and Children's Aid Society became involved, and their mother eventually divorced the offender, who was convicted of gross indecency and sentenced to nine months incarceration. Unfortunately, even after his release from jail, the offender was allowed to attend family functions and the applicant was subjected to fondling by the offender on five or six subsequent occasions.

The applicant struggled with suicide ideation, self-destructive behaviours, mood swings and lack of trust as a result of the years of sexual abuse. She spent time in numerous group homes and psychiatric treatment programs, and was prescribed anti-depressant medication.

With regard to the abuse by her husband, the applicant was subjected to punching, death threats, threats with weapons, and forced intercourse during their seven-year marriage. The applicant finally left the marriage when the offender was in jail, after having been convicted of assaulting her. The applicant's physical injuries included bruises and lacerations, and she attended the hospital for numerous injuries over the years. Her psychological difficulties also worsened as a result of this abuse. Loneliness, fear, suicidal ideation, medication, poverty, and ill health have marked her life.

DECISION:

Both of the offenders in this case were convicted of committing crimes against the applicant. The Board was satisfied that the applicant had, in fact, been significantly injured as a result of these crimes of violence, and awarded her compensation for pain and suffering in the amounts of \$11,000.00 for the abuse she suffered as a child, and \$7,000.00 for the abuse by her husband. The Board also reimbursed the applicant \$561.74 for expenses related to the treatment of her injuries, and \$18.00 for travel expenses to the Hearing. Additional expense claims, which could not be directly related to the injury sustained, were denied.

SAMPLE DECISIONS CONTINUED ...

NERVOUS SHOCK

FILE NUMBER: 0107-27773, 0107-27774, 0107-27775

These applications were made after the bank in which the applicant worked had been robbed on three separate occasions within a one-month period in 2001. The applicant was at the bank during all three robberies, although for two of them, she only heard about them after they had occurred. The second robbery involved the alleged offender demanding money directly from the applicant, while he stood before her with his hand inside his shirt. The applicant believed that the alleged offender was possibly armed and she was quite terrified. After he departed the applicant collapsed on the floor and was initially unable to speak. The alleged offender was never apprehended.

The degree of violence escalated with each successive robbery. After the first incident, the applicant left work and returned the following Monday. After the second incident, in which the applicant was directly involved, she required a week off work before she was able to return. After the third robbery, she needed one month to recuperate before returning to the bank. However, in the end the applicant had to leave her position shortly after her return, as she was unable to perform her direct customer duties due to the emotional strain she suffered. The emotional impact worsened for the applicant after each robbery. After the second robbery she experienced nightmares and flashbacks. After the third robbery, she additionally experienced sleep difficulties and increased anxiety.

DECISION:

While the applicant did not receive any counselling or take any medication for her psychological symptoms, the Board found that she had sustained the injury nervous shock as a result of the robberies. She was therefore found compensable under Section 5(a) of the *Act*. The Panel made this decision after considering the degree of violence involved in the occurrences, the nature of the relationship between the applicant and alleged offender, her close proximity to and direct involvement in the crime scene, and the degree of emotional trauma she sustained. The Board awarded her \$5,000.00 for pain and suffering, \$54.39 for expenses, and \$36.50 for other pecuniary loss.

SAMPLE DECISIONS CONTINUED ...

NERVOUS SHOCK, DENIAL

FILE NUMBER: 0212-38711

This application was made to the Board as a result of the death of the applicant's mother when the applicant was 14 years. The applicant's mother had been emotionally troubled and addicted to alcohol and cocaine. She had been involved in a relationship with the offender for one year prior to her death. The applicant testified that while they had been living apart at the time, she believed the offender loved her mother. All the police evidence indicated that her mother had asked the offender to help her end her life, which he did, using a gun. Originally, the offender was charged with first-degree murder, but the charge was reduced to manslaughter with the evidence that it was an assisted suicide. He pleaded guilty to that charge and was sentenced to five years incarceration.

Following her mother's death the applicant suffered from nightmares and intrusive images. Several years later she began to experience panic attacks and depression, which were treated with medication. She is still extremely angry with the offender for making the choice to help her mother end her life, and particularly because he did so in such a violent and gruesome manner. This application was for pain and suffering, and medication expenses of \$2,003.75.

DECISION:

Because the applicant was not the actual victim in this case, the only injury for which she could be compensated was that of nervous shock. The Board found that while the applicant was certainly left with a profound sense of grief and loss, the evidence did not indicate that she suffered from a psychiatric illness, and therefore, she did not suffer the injury nervous shock. This application was denied.

SAMPLE DECISIONS CONTINUED ...

MURDER

FILE NUMBER: 0203-33013

This application was made as a result of the brutal murder of the applicant's daughter, who was a foreign university student. The assailant slashed the 19-year old victim's throat in a parking lot. Neither motive nor suspect was ever identified by the police.

The applicant requested the Board make an award for funeral expenses. He and his wife came from China to bring their daughter's body home.

DECISION:

The Board found the applicant's daughter to be an innocent victim of murder. The expenses claimed were \$10,378.89, which included funeral expenses both in Ontario and China, and travel costs to and from China. While it is the usual practice of the Board to compensate funeral expenses to a maximum of \$6,000.00, the Board found these to be unusual circumstances and awarded the full amount. In addition, the Board awarded \$400.00 to cover legal fees to bring forward the application.

SAMPLE DECISIONS CONTINUED ...

MURDER CONTINUED ...

FILE NUMBERS: 0208-36094, 0208-36095, 0302-40203

These three applications were made by two sisters whose mother was killed in 2002, when they were 17 and 19 years old. One application was for funeral expenses and the other two were for injury as a result of their mother's murder. Their mother and father had been separated and were going through a bitter divorce. Their father, the offender, had become convinced that their mother was having an affair with one or more male friends of the family. The offender had a restraining order against him as he had assaulted the victim on prior occasions. On the morning of her death the offender broke down the door and shot their mother in the neck. One of the applicants heard her mother scream for help and tried to call 911 but the offender had disconnected the phone line. After their mother had been shot, their father started coming up the stairs with the gun. The applicants ran to their rooms to hide until they heard the sound of a car driving away. They then ran to their mother and attempted to stop the bleeding from her neck. The police arrived shortly thereafter, as the older sister had called the police from her cell phone while locked in her room.

When the ambulance arrived, the victim was pronounced dead. The applicants overheard on the police radio that another murder had just occurred at a neighbour's farm. The applicants then knew that their father had gone to their family friend's home and shot the father. The offender himself died later that day while fleeing the police in his daughter's car.

Both of the applicants suffered great psychological injury as a result of the incident. Their symptoms included extreme fatigue, intense fear, loss of trust, and sleep disturbances including nightmares and an inability to sleep in the dark. They each experienced difficulties with concentration and decision making in addition to other symptoms related to depression and anxiety.

DECISION:

Both of these applicants were found, by the Board, to have sustained the injury nervous shock. They were both at the scene of the crime and witnessed their mother die from her gunshot wound, inflicted by their father. They were both close to their mother and devastated by her murder. They also both feared that their father might kill them that day as well. The Board panel reviewed all the evidence and heard directly from the applicants and police at the Hearing. Each applicant was awarded \$12,000.00 for pain and suffering and \$27.00 for the expense incurred to attend the Hearing. In addition, one of the applicants was compensated for her lost school deposit of \$100.00 as she was unable to attend school as planned after the ordeal, as well as \$5,337.90 for her mother's funeral expenses.

SAMPLE DECISIONS CONTINUED ...

MURDER CONTINUED ...

FILE NUMBERS: 0209-36376, 0209-36378, 0209-36382, 0209-36383, 0209-36385

These five applications were the result of the murder of the applicant's husband and father of her four children. On the morning of his murder, during the summer of 2002 the victim was at home, having an indoor camp-out with his young son in the living room. Early in the morning the victim responded to a knock at the door. When he opened the door he was confronted by a family friend who also employed him on his farm. The victim was shot through the screen door and fell to the ground. The applicant's seven year old son ran upstairs to get his mother. Two of the other children, ages 11 and 14, came down with her and shortly thereafter the 16 year old was awakened and came to the kitchen as well. The applicant called 911 while one child tried to check his father's condition. When the police and ambulance arrived, the victim was pronounced dead and his wife and children were removed from their home as the offender was still on the run.

Earlier that morning the offender had murdered his estranged wife, while his two teen-aged daughters were at home, and came to kill this victim due to his belief that he had been having an affair with his estranged wife. The offender died later that morning during a high-speed police chase.

The victim's wife, now 43, was terribly traumatized by her husband's murder. She experienced many symptoms of post-traumatic stress including dissociative episodes, depression, hyper-vigilance and anxiety. Her sleep and appetite were disturbed and her concentration was diminished. She and her children never returned to live in the farmhouse again. The children each struggled with a range of psychological consequences following the murder. They suffered from nightmares, insomnia and other sleep disturbances, intrusive thoughts and worry about the future. Some were angry, others emotionally detached. They experienced trust difficulties and a sense of betrayal as the offender had been a close family friend. Some participated in counseling to help cope with their feelings and some were on medication. Most experienced problems at school and some concentration and memory difficulties as well.

DECISION:

The Board found all the members of the family to have suffered the injury nervous shock as a result of the victim's murder. They were all present in the house when the shooting occurred and were with the victim as he lay bleeding on the kitchen floor. While the trauma understandably affected each one somewhat differently, the Board found that they were each compensable under the *Act*. The wife of the victim was awarded \$14,000.00 for pain and suffering as well as \$4,376.50 for funeral expenses and \$1,560.00 as a contribution toward her therapy costs. Each of the four children was awarded \$12,000.00 for pain and suffering. For the three children who are not yet 18 years old, their awards were paid to the Accountant of the Superior Court of Justice, to be held in trust until they are 18 years old.

SAMPLE DECISIONS CONTINUED ...

ATTEMPTED MURDER, DENIAL

FILE NUMBER: 0009-22456

The victim in this case was a taxi driver, who was shot in the back by the dispatcher of his cab company while driving his taxi. Police evidence provided to the Board concluded that the victim was a known crack cocaine dealer. He had a history of providing crack cocaine to other taxi drivers for free, until they became addicted, and would then charge them street prices. The Offender admitted that this had happened to him as well, and as a result of his addiction, he suffered significant financial and other personal problems including the loss of his home and the breakdown of his marriage. He confessed that he shot the victim out of revenge. Many other employees of the cab company whom had suffered similarly due to the actions of the victim corroborated the offender's accusations. Additionally, the victim had many drug charges pending at the time of the incident. These charges were all stayed as a result of the serious injury sustained by the victim in this shooting incident. Neither the applicant, who was the victim's wife, nor the victim's legal counsel denied any of the accusations. The offender was convicted of attempted murder.

As a result of the gunshot wound, the victim suffered a stroke, which left him paralyzed on his right side. He has lost most of his powers of speech and writing, and it appears these disabilities are permanent. He also suffers from epileptic seizures, difficulties swallowing, and experiences pain and difficulty walking.

DECISION:

In making its decision, the Board was obliged to consider Section 17(1) of the *Act*, which states that the Board shall have regard to all relevant circumstances, including any behaviour of the victim which directly or indirectly contributed to his injury. The Board found that the shooting was a direct result of the prior drug dealings between the offender and victim, and this application for compensation was therefore denied.

SAMPLE DECISIONS CONTINUED ...

SECTION 25 REVIEW

FILE NUMBER: 9512-31741

This application was a Review Hearing under Section 25 of the *Act*. The applicant requested a variation to the original order, to consider new evidence with regard to her pain and suffering award. The original Order was made in 1997, and involved a 1995 assault where the applicant suffered severe injury to two of her toes while attempting to prevent her roommate from being assaulted. In assessing the award for pain and suffering at the original Hearing, the Board considered that she had undergone four surgeries, suffered from two years of chronic pain, and lost 50% of the mobility in her foot. That panel awarded her \$8,000.00 for pain and suffering.

In this Section 25 Hearing, the Board received evidence that the applicant had undergone two additional surgeries, including the amputation of her toe, and that her pain has remained chronic. She has difficulty with balance, her foot is always cold, and she has suffered nerve damage to her second toe.

DECISION:

The Board wrote in its decision that in the original 1997 Order, the panel had taken into consideration the applicant's many surgeries, permanent damage to her foot, chronic pain and loss of motion. In this new decision, they considered the additional evidence, including the amputation and subsequent treatment, and awarded her an additional \$1,000.00 for pain and suffering.

FILE NUMBER: 9902-13417

In 2000, this applicant was compensated \$7,500.00 for pain and suffering, as a result of injuries she sustained during a crime of violence. At the time of the original Hearing, the applicant was a minor and the Board ordered that her award be held in trust with the Accountant of the Ontario Court (General Division) until she was 21 years old, in 2006. The applicant has already received \$2,500.00 following an application to the Accountant for the release of a portion of that award held in trust. The applicant explained to the Board that her life circumstances had greatly improved and she was pursuing her schooling. She had hopes of buying a computer to assist her with her goals. The applicant's mother testified at the Hearing that she was in support of the remainder of the money being released to her daughter at this time.

DECISION:

The Board considered the applicant's circumstances as well as her plan for the future. The Board also considered the mother's support of this application and her belief that her daughter was now able to responsibly manage the money she was to receive. In light of these changed circumstances, in accordance with Section 25 of the *Act*, the Board ordered that the monies held in trust for the applicant be released to her immediately.

APPENDIX A: BOARD MEMBERS BIOGRAPHIES

CHAIR

Marsha Greenfield of North Bay, was appointed to the Board in July of 1996, and was appointed Chair of the Board in September of 1998. Ms. Greenfield attended the University of Guelph and Nipissing University. She worked at Interval House in Toronto providing front line service such as crisis and support counselling to women who had been assaulted. Ms. Greenfield worked for the Ministry of Community and Social Services where she provided training to staff members of twenty-three shelters for assaulted women and their children. She has provided workshops for police officers and crown attorneys on providing an appropriate and effective response to women in their various dealings with the criminal justice system. Ms. Greenfield worked for the Department of Social Services in North Bay where she provided staff training on General Welfare Assistance legislation and regulations to 20 municipalities, 26 First Nation Communities, and the Ministry of Community and Social Service income maintenance workers. Ms. Greenfield was a founding Board Member and Coordinator of the Nipissing Transition House for twelve years, and served on the Board of Ontario Association of Interval and Transition Houses.

VICE - CHAIRS

William Liber of Toronto, was appointed to the Board in March of 1996. He was appointed Vice Chair on a part-time basis in December 1997 and on a full-time basis in October 1998. Mr. Liber served as Acting Chair from June 1998 until September 1998. He is a graduate of the University of Toronto and Osgoode Hall Law School. Mr. Liber practiced law with Gardiner, Roberts in Toronto. He served as a Trustee and President of the County of York Law Association, on the Planning Board of the City of Etobicoke and on the Board of Management of the O'Keefe Centre for the Performing Arts.

Anne Stanfield of Ottawa, was appointed to the Board in 1973, and has served as a part-time Vice Chair of the Board since 1978. Ms. Stanfield graduated from the University of Toronto in 1952, and later attended the University of Toronto Faculty of Education. She was a secondary school teacher with the North York Board of Education until 1978, when she moved to Ottawa. Ms. Stanfield has served as a member and director of a number of community and educational research organizations and was a founding President of the Sunnybrook Hospital Volunteer Association.

APPENDIX A CONTINUED...

Paula Klein (1993-1999, November 2004 – present) of Toronto, received her B. Sc. in Education from the University of Wisconsin, Madison, and her Master of Social Work in 1986, from the Wurzweiler School of Social Work at Yeshiva University in New York. She worked for a number of years as a counsellor and advocate for women who had been sexually and/or physically assaulted. As an educator/trainer and consultant, Ms. Klein has provided professional development programmes to counselling centres, agencies and organizations on issues related to violence against women, and currently provides training on ethical issues in counselling/therapy, boundary issues and boundary violations, and the sexual exploitation of patients/clients/students by professionals. She has taught counselling and has supervised practitioners and students working in the field. In 2000, she was appointed to the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. Since 1992, Ms Klein has been in private practice, where she provides psychotherapy to individuals and couples.

Willson McTavish (February 2003-present) graduated from Osgoode Hall Law School in 1962, and practiced law within various firms until 1984, when he was appointed Official Guardian for the Province of Ontario. He was the Children's Lawyer responsible to the Attorney General for the delivery of legal services on behalf of children before the courts and tribunals of Ontario. He has written numerous articles for publication and has lectured at many national and international conferences relating to his work as Children's Lawyer. Over the years, Mr. McTavish has served on several Boards of Directors for various arts and social service organizations in Mississauga.

Carol Fletcher-Dagenais (October 2002-present) graduated with an Honours B.A. in Sociology from the University of Waterloo in 1985, and received her Master of Applied Criminology from the University of Ottawa in 1989. From 1987 – 1992 she worked as a Constituency Assistant, responsible for Federal casework in the House of Commons on behalf of a Minister of the Crown. Ms. Fletcher-Dagenais served as a Senior Assistant, Immigration Operations in the Office of the Minister of Employment and Immigration, and then as Senior Advisor of Immigration in the Office of the Minister of Public Security in the early 1990's. During the past decade she has provided immigration services to applicants, and from 1996-2001 she served as a Member of the Ontario Board of Parole – Eastern Region.

William John Parker (October 2002 – present), has practiced Law in Ontario since 1970. He began his legal career as a prosecutor in the then Criminal Appeals and Special Prosecution Branch within the Department of the Attorney-General. He served as counsel to the Ontario Police Commission and conducted disciplinary proceedings and hearings into the operation of the police forces. He began his private law practice in 1978, and has split his time between criminal law and general practice. Mr. Parker has acted as counsel before numerous Administrative Tribunals and has been appointed mediator by Counsel in both civil disputes and labour relations. Mr. Parker has written for the Criminal Law Quarterly and was co-editor of the Criminal Law Section of the Canadian Abridgement for the 2nd and 3rd editions. He has been an instructor at the Bar Admission course in both Criminal Procedure and Negotiation.

APPENDIX A CONTINUED...

Sharon A. Saunders (October 2002 - present) of Guelph, received her Bachelor of Applied Science degree from the University of Guelph and her Volunteer Management Certificate from Conestoga College in Kitchener. She has been involved in victim issues, often acting in a volunteer capacity, for many years. Ms. Saunders developed and implemented the first police-partnered victim services program in Wellington County as Chair of the Planning/Advisory Committee and Board President, assisted with a community crisis and support line as a Program Manager, co-founded a community education initiative, and worked for two supervised access programs in Guelph and Hamilton. In addition, she has considerable experience in dealing with mental health and crisis intervention issues, including acting as a trainer for a number of community groups on crisis intervention and suicide prevention.

Susan Hunt (June 2000 - present) of Toronto, received her Bachelor of Arts from the University of Toronto and has worked in a wide variety of settings over the years. She has worked in various constituency offices for elected officials, including being employed as the Executive Assistant to an MPP during the late 1990's. Ms. Hunt has served as Chair and Board Member of the Scarborough Public Library, Board Member for Big Sisters of Toronto, and member of the grant allocation committee of the United Way of Metropolitan Toronto. Ms. Hunt was appointed to the Immigration and Refugee Board in 1989 where she served as a Board Member until 1994.

Marion Boyd (October 1999 - present) of London, graduated from York University in 1968 with degrees in English and History. She worked in a variety of capacities in London and eventually became the Executive Director of the Battered Women's Advocacy Centre in 1984, where she remained for six years. Ms. Boyd was the elected Member of Provincial Parliament for London Centre from 1990-1999. During that time she served as Minister of Education, Minister of Community and Social Services, and, in 1993, Ms. Boyd became the first woman to be appointed Attorney General for the Province of Ontario. She also held the additional responsibility as Minister Responsible for Women's Issues between 1991-1995.

Peter Preston (October 1999 - present) of Cayuga, served as an Engineer in the Royal Canadian Army from 1958 to 1965. He worked as an Insurance Executive from 1966 until his retirement in 1985. Together with his wife, Mr. Preston established a group home for teenage boys in 1981. He has also served in his community through the Volunteer Fire Department, the Optimists Society, the Lions Club, and VICARS - a victims' support group. He was an originator of Big Brothers in Grimsby-Lincoln in 1970. Mr. Preston was the elected Member of Provincial Parliament for Brant-Haldimand between 1995 and 1999.

Ronaq Massey (April 1999 - present) of Mississauga, received her B.A. in 1976 and her M.A. in Social Work in 1978 from the University of Punjab in Pakistan. She served as the Director of Social Welfare Projects National Council of Churches of Pakistan. Her publications include "The Role of Women in Decision Making in Islamic Society".

APPENDIX A CONTINUED...

Gail Scott (December 1998 - present) of Toronto, graduated with a B.A. in English and French in 1964 and received her Graduate Diploma in Journalism in 1966, both from Carleton University in Ottawa. Her work in Television for 18 years included being National Assignment Editor for the CBC Television Network, as well as Parliamentary Correspondent - Ottawa, Host/Field Producer for W5, and Host of Canada AM for the CTV Television Network. Ms. Scott has taught extensively over a ten year period for the faculty of Journalism at Ryerson Polytechnical University, and served as Commissioner of the CRTC between 1987 and 1998. She is Past President and Director of the Michener Foundation Awards and a member of Canadian Women in Communications.

Robert C. Lee (March 1999 - March 2005) of Toronto, received his B.A. in Political Science and Economics from the University of Toronto in 1960, and his LL.B. from Osgoode Hall Law School in 1963. He is a senior lawyer with over 30 years of experience in the area of civil litigation, with a primary focus on resolving insurance disputes. Mr. Lee is also an experienced mediator/arbitrator. He has served on three committees of the Attorney General and was an instructor for the Bar Admissions Course for ten years. Mr. Lee served as Director of the Advocates' Society (1983-1986) as well as Trustee (1971-1984) and President (1982) of the County of York Law Association. He was also a Member of Council of the Medico-Legal Society of Toronto.

Del McLennan (March 1999 - March 2005) of London, is a graduate in Commerce and Finance from the University of Toronto (1956) and in Law from Osgoode Hall Law School (1960). He practiced law in London for over thirty years and is a Queen's Counsel. Mr. McLennan has a wide range of teaching experience including teaching Law at the University of Western Ontario, and taxation at the University of Waterloo. He has made presentations for the Canadian Bar Association, the Ontario Bar Admission Course, the Law Society of Upper Canada and for numerous other groups and organizations. Mr. McLennan is a past president of both the London Chamber of Commerce and the Rotary Club of London. He has acted as mediator for the Canadian Federal Government and has completed alternative dispute resolution courses at the University of Windsor and at the Law School of Harvard University. After retirement from the practice of law, he was a chair of the Canada Pension Plan Tribunal. Mr. McLennan is a member of the Middlesex Law Association, the London Area Mediators' Association, and the Arbitration & Mediation Institute of Ontario and of Canada. Mr. McLennan is currently a panel member of Middlesex Mediation & Arbitration Group Inc.

Ruth Campbell (February 1998 - February 2005) of Ottawa, received her Bachelor of Social Work from Carleton University in Ottawa. Ms. Campbell has worked with abused children and families at risk in a variety of settings. She has authored documents and manuals for training police on issues relating to family violence. Ms. Campbell has presented workshops for the R.C.M.P. and the Department of National Defence on human rights and workplace harassment and was a mental health worker for the Ottawa-Carleton Regional Police. She developed and coordinates the Victim-Witness portion of the Major Case Management Course at the Canadian Police College for which she received the R.C.M.P.'s Commissioner's Commendation.

APPENDIX A CONTINUED...

Jeanne Schmidt (February 1998 - February 2005) of Welland, graduated with Honours from Cambrian College of Applied Arts and Technology in Sudbury with a Diploma in Nursing (1988). She also received certification as a Sexual Assault Nurse Examiner from the Ontario Network of Sexual Assault Care and Treatment Centres - Women's College Hospital and the Ministry of the Attorney General. Ms. Remington has worked as a nurse in the Emergency Department of Children's Hospital of Eastern Ontario in Ottawa, as Health Care Coordinator at New Port Centre - Port Colborne General Hospital in the Drug and Alcohol Rehabilitation Program, and in the Operating Room at St. Joseph's General Hospital in Elliot Lake. She worked as a Sexual Assault Treatment Nurse at Ottawa-Carleton Regional Sexual Assault Treatment Centre and at St. Catharines General Hospital. Ms. Remington was a member of the Niagara Regional Task Force on Youth and Gambling, and coordinated the First and Second Annual Days at the New Port Conference on substance and gambling addictions.

Pierre M. Jacques (September 2001 - September 2004) of Barrie, served as a police constable for the Ontario Provincial Police from 1970 until 2001. For seven of those years Mr. Jacques worked as an Intelligence Investigator in Toronto, where his responsibilities included the investigation of outlaw motorcycle gangs, developing criminal analysis plans, and lecturing at both the Ontario and Canadian Police Colleges. Mr. Jacques spent seven years as a Senior Constable in Barrie where he trained new recruits, prepared and reviewed Crown Briefs for court presentation, and investigated benchmark crimes including fraud and sexual assault. In 1991, Mr. Jacques was seconded to the Ontario Provincial Police Association in Barrie as an Executive Officer and served in that role until his retirement in 2001. His community involvement includes serving on the Board of Directors of the Greater Barrie Chamber of Commerce, of which he was the President in 2001/2002. As well, he is presently serving as Vice-President of the Board of Directors of the Seasons Centre for Grieving and Traumatized Children.

Bruce Goulet (July 1998 - July 2004) of North Bay, is the founder of a successful office furniture and stationery outlet in North Bay. Following the sale of his business, he became very active in civic affairs, serving on North Bay City Council and the Chamber of Commerce. Mr. Goulet provided leadership for a major, ongoing development project which resulted in the reclamation and revitalization of abandoned railway lines at the City Centre on Lake Nipissing. It is now a major centre for recreational activities as well as a regional tourist attraction. As a Rotarian, Mr. Goulet is involved in world community service programs through Rotary International. He retains his business profile as a consultant to commercial enterprises in the field of ergonomic seating.

APPENDIX A CONTINUED...

Honourable Walter Franklin McLean (November 2000 - November 2003) of Waterloo, earned his Bachelor of Arts from the University of British Columbia in 1957, his Master of Divinity from the University of Toronto/Knox College in 1960, and completed post-graduate studies at the University of Edinburgh. The Honourable Mr. McLean was a founding member of the Canadian University Service Overseas (CUSO) and spent five years as Director of CUSO in Nigeria. He served as an elected Member of Parliament for 15 years (1979-1993), during which time he served as Secretary of State of Canada, Minister of State for Immigration, and Minister responsible for the Status of Women. He acted for eight years as the Prime Minister's representative to the United Nations General Assembly and the Commonwealth. He was also elected as the first chair of the Parliamentary Sub-Committee on Development and Human Rights. The Honourable McLean has been involved in numerous international development programs, and served as a congregational Minister of Knox Presbyterian Church in Waterloo for nine years. He has been the president of a consulting company and the executive director of a Crown Corporation.

Kathrine Eckler (September 2000 – September 2003) of North Bay, received her Bachelor of Arts in 1967, from the University of Toronto, Bachelor of Social Work from Laurentian University in 1986, and Master of Public Administration from Queen's University in 1994. From 1986-1990, Ms. Eckler was the Program Coordinator of the Family Violence Treatment Program of the Community Counselling Centre of Nipissing in North Bay. In 1990, she became the Program Director for Addiction Services of Nipissing within the same agency. Since 1994, Ms. Eckler has developed curriculum and coordinated the Drug and Alcohol Counsellor Program at Canadore College of Applied Arts and Technology in North Bay. Ms. Eckler has been an active member of her community, serving on numerous boards and committees in her region over the years.

Gemma Allen (September 1997 - September 2003) of Ottawa, graduated with a B.A. Honours in Law from Carleton University (1996). She served as the Director of Research for the Victims of Violence Canadian Centre for Missing Children where she researched, authored and presented submissions regarding high risk offenders and a National Victim's Bill of Rights to the Federal Standing Committee on Justice and Legal Affairs. Ms. Allen prepared an overview of various provincial legislation governing criminal injuries compensation schemes in Canada, a portion of which was published in a comprehensive report on victims' rights and services compiled by the Canadian Resource Centre for Victims of Crime.

Joanne Kaplinski (August 1997 - August 2003) of Oro Station, is a graduate of the University of Toronto and York University. Ms. Kaplinski is a professional educator and has been a Professor of Health Sciences at Georgian College. As a recognized leader in victim advocacy since 1993, she has engaged in public speaking and has presented submissions before the Standing Committee of Justice and Legal Affairs. Ms. Kaplinski has been a Delegate to the National Justice Reform Conference Safety Net and to the Crime Control Commission for the Forum for Victims. She held a previous appointment with the Ontario Parole Board and is a volunteer member of CAVEAT and Victims of Violence.

APPENDIX A CONTINUED...

Judge Wilfred R. Dupont (June 2000 - June 2003) of Caledon East, served in the Royal Canadian Air Force from 1944-1946. He graduated from Osgoode Law School in 1950, and was called to the Bar of Ontario that same year. He worked as a barrister in the Timmins-Cochrane area until he was appointed as an assistant Crown Attorney of Cochrane, and then later Crown Attorney for the Province of Ontario. In 1968, he was appointed to the Judiciary of the Ontario County and District Court Bench, and in 1978, Judge Dupont was appointed as a Justice of the Supreme Court of Ontario. He retired from the Federal Ministry of Justice in 1988. In 1990, he was appointed to the Transportation Safety Board of Canada. Judge Dupont has also presided as a commissioner in various European countries in proceedings for the taking of evidence in relation to criminal charges of alleged war crimes and alleged crimes against humanity. Judge Dupont is fluent in both English and French, and maintains an active interest in flying as a private pilot.

Robert Michael Kelly (June 1997 - June 2003) of Ottawa, served with the Ottawa Police from 1963 until 1995. He began as a Non-Commissioned Officer and became an Inspector and then Staff Inspector. Mr. Kelly served as Superintendent of the Ottawa Police from 1985-1993, where he was the senior administrator accountable for all aspects of the Criminal Investigation Division. Mr. Kelly has completed most of his course work towards a Master's Degree in Criminology at the University of Ottawa and in Administration at Carleton University. He has lectured at Ottawa University and Carleton University, and has volunteered extensively within his community.