

10  
Mr. Vic Toews  
Member of Parliament,  
Justice Minister,

April 03, 2006

Dear Sir;

I sincerely hope that you will personally read this letter as I believe my concerns mirror the concerns of victims all over our country. I am writing this letter to you because indications are that as Canada's Justice Minister you intend to implement changes to a desperately lacking Justice System. As the saying goes, many have been "getting away with murder," literally. I agree with all the proposed changes but I am most concerned with the conditional sentences our courts have been routinely handing out to impaired drivers who cause death. It is distressing that people can and have been imprisoned for speaking out against our judicial system (which they can label as contempt) or for theft (only money), but one can rob others of an innocent life and go free. My name is Victoria Sveinson and I am the mother of Crystal Taman who was killed by an impaired driver on Feb 25, 2005. ( See inclosed newspaper article)

Our daughter Crystal Taman was on her way to work that terrible Friday morning and was stopped at the red light at Highway 59 and the north perimeter at 7 A.M. in the morning. An impaired off duty police officer rammed into the back of her car as she sat waiting for the red light to change. Any one in their right mind certainly should have been able to stop. The highway for a number of kilometers before this light consists of several curves, passing a residential community (Birds Hill), a drop in the speed limit, weigh scales, as well as blinking amber lights that warn of the upcoming red light. In addition to all of this, our daughter was driving a bright yellow car which is known to be the most visible color for vehicles. She herself had once stated, "Don't worry dad, no one would ever run into me, they can see me a mile away". Regardless of all this, that impaired driver was allowed to refuse the breathalyzer. So despite any evidence to the contrary, the degree of his impairment can never be proven in a court of law. This, in my view is a most ridiculous law. Anyone who is quite obviously responsible for the death of another, accidental or otherwise, should not retain the right to resist testing that could prove the truth. No one's rights should overshadow another's rights. This law gives rights to criminals that outweigh the rights of their victims. And if the alleged perpetrator should not be impaired at the time, the breathalyzer would prove that as well. So, this law only benefits guilty people who are trying to escape justice. At this time they are succeeding. In the last few years I have heard of many sentences for these specific crimes reduced to conditional sentences, which is really just a slap on the wrist. Many judges have stated that the evidence could not prove the impairment and so that specific charge was dropped. How can this charge be proven beyond all doubt when the law has bound it's own effectiveness by passing a law that gives an alleged criminal a loophole. People who travel can be forced by customs to submit to searches, sometimes very intimate searches, but some one who has just killed another cannot be forced to submit to tests? How sensible is that! People unable to wear a seatbelt for some medical reason must carry a letter from their doctor showing that, otherwise, they are subject to the same consequences as anyone else. But an impaired driver who has just killed another can refuse a breathalyzer? Our laws have become totally perverted. I'm not arguing for no searches at customs or against seat belts. But certainly if these can be forced on any one, then I am at a total loss to see how alleged criminals who have just killed someone are allowed to cripple our justice system by ridiculous rights that are bestowed on them, but denied to victims.

A victim's right to justice should dictate laws that can help prove the truth. The scales of Justice concept has been totally lost.

Another law that I find most disturbing is the ban that is put on any discussion of a case when it is before the courts. This may sound reasonable on the surface but again it is only for the benefit of the criminal. All it really accomplishes is to remove the whole situation from everyone's minds. By the time these cases get to court (anywhere from 2 to 5 years) no one remembers who was killed, who

did it, or under what circumstances. Even witnesses and investigating police forget what happened, or are bullied by attorneys into admitting that they may no longer remember clearly. Or witnesses may die themselves before the case is heard. It's no wonder that evidence becomes hazy and nothing can be proven. Also, a person charged with impaired driving causing death, ( these really should be manslaughter or vehicular homicide charges) are free to go about their business for the 2 to 5 years until the case comes to court, and then, because of the above circumstances are given a conditional sentence even if proven guilty and so can continue to go about their lives with very little restriction. Even before the case, no one knows where the perpetrator is, what he is doing or if he will even be around when the case finally comes to court. His driver's license was suspended for a whole 3 months which appears to be all the police can do. What about the victims of his actions? In this

case our daughter has already been lost to us, her family for over a year. In addition, *it is permanent!* She will *never return* to her family. How can anyone justify a conditional sentence for such a horrific crime? It is distressing to see judges just following precedents without considering the facts and circumstances of each individual case. These people whose decisions affect the lives of dozens of victims seem to be totally out of touch with reality, even refusing to hear some evidence at times. What kind of justice is it when our system refuses to allow it's thinking to be influenced by the truth?? These lenient sentences are also giving any who might be in a position to commit these crimes the impression that they are simple misdemeanors, nothing very serious. Why in heavens name would anyone be diligent in making sure such a thing never happens to them, especially when they realize that they can refuse the breathalyzer and cripple the case against them? We are already seeing more and more of these impaired driver deaths occurring to the point of an unscrupulous lawyers' firm basing their entire practice on such cases. (See enclosed article). I find that disgusting! I sincerely believe that many deaths, and very likely our daughter's death would have been prevented, if our so-called Justice System had imposed proper consequences in past cases, handing out sentences that accentuate the seriousness of taking another life as well as devastating the lives of countless others.

I can't stress strongly enough how devastating a sudden violent death of one is to those who love her. Many feel that they understand, but I know from experience that no one can truly understand this situation until they have lived it. Everyone who has children has at one time or another had a genuine fear that a terrible tragedy has befallen one of theirs. Take that feeling of horror and panic, multiply it 100 times and keep that feeling with you permanently, every day for the rest of your life. That's what it is like to lose a child, suddenly and violently. No one ever gets over losing their child to such an unnatural and horrible death. When you lose a substantial portion of yourself, you can never be the same as you were previously. Add to this devastation the fact that your loved one's sudden and violent death was caused by the irresponsible actions of a presumably mature public servant. Then, past experiences indicate that this person who snuffed out your daughter's life may never truly pay

for this crime. Impaired driving is not an accident. It is reckless irresponsibility and should be treated as such. Nothing the Justice System does can bring back our loved one, but a proper sentence, one that resembles true justice, would provide a little comfort to victims, showing them that the lives of their loved ones who were killed are considered important, and that the crime committed against them is a very serious one.

Another area that desperately needs change is the institution of some victims rights. At this time, these are virtually non-existent. We have certainly found that out in the last year since our daughter's death. I mentioned the ban on information of a case in so-called progress. Even victims, against whom these crimes have actually been committed, are not given any leeway. In order to receive any information, even the dates of court appearances, victims must chase after the police, the crown attorney, or anyone else who may be involved. Then, only general information is provided, nothing that lets one know what is actually happening. We were even denied access to our daughter's

autopsy report since the case is pending. Even *the perpetrator, the one who caused her death*, is allowed this information because the defense must be provided with all evidence before the case is heard in court. But, the parents of the victim who lost her life do not have the right to know the details of their child's death! In addition, we understand that a plea bargain is always a possibility. So the crown and defense attorneys can strike a deal, for political expedience, for cost, for whatever reasons appear advantageous to them. The defense attorney is obliged to confer with his client, the defendant, to see if he accepts the deal. The crown attorney who is presumably representing the people, especially the victims, has no such obligation. Victims are not contacted and their desires are not considered. The plea could be accepted, the perpetrator sentenced accordingly without the victims even knowing about it. I have in fact heard of this very situation happening several times. So, we could arrive at the court house on the date set for the court case and be told it is over, there is no longer a need for a court case. Does that sound like victims have rights? I believe Crown attorneys should have a responsibility to victims, who should be considered their real clients. Otherwise, such government departments are simply dictatorships, doing only as they see fit. In addition, in our province, we have this ridiculous no-fault insurance which forbids a person from suing the one who wantonly caused the tragedy that killed their loved one. We are forced to accept MPIC's decisions along with the court's decisions made independently of any victim's wishes and without the victims' right to seek other legal ramifications. Victims are totally disregarded, sloughed off as casualties, stripped of all rights, even the right to any legal recourse.

Drastic changes are sorely needed and I desperately hope you will consider them all. These crimes are, for lack of a better word, sins against the victims, not against our justice system. Regardless of that, victims are not given any say whatsoever when it comes to the proceedings that deal with these crimes that have destroyed their loved one's life. Our system has become cold and unfeeling which they call objective. They perceive victims as grieving unstable neurotics, unable to think clearly and therefore not deserving of any consideration, never giving a thought to the fact that victims are in such a state because of these injustices. True justice is honest, fair and righteous. Therefore, it must be felt, it can never happen through total objectivity. Many victims' lives come to a complete standstill, rendering them unable to function in their daily lives. Others become angry and bitter, perhaps even becoming criminals themselves as a result. Does anyone consider how many victims just one such crime can affect? Our daughter's three children were aged 20 to 22 when this tragedy occurred. They are considered adults, but even at that age they are still very impressionable. How can they rebuild their lives in the wake of such horrific circumstances? The treatment victims receive from our system compounds their suffering many times over but the system concerns itself only with the well being of the criminals, the ones who are responsible for these horrific tragedies. Any mercy shown is only for that one, to help him/her rebuild their lives. What about their victims, the ones who suffer the most because of their reckless, criminal actions? These are given only superficial concern like the victims' impact statements for example which are imposed with strict limits. A victim cannot criticize the courts, the judges, the attorneys or the defendant, even though their actions have affected their well being to the greatest extreme. Doing so could cause their whole statement to be rejected. So, freedom of speech is another right denied to victims. Simply stating that we suffer from severe grief at the death of a loved one must be sufficient, as if that shouldn't be self-evident. Victims' impact statements are really just a pacifier for victims which can be seen from the many conditional sentences imposed by the courts. If these statements had any real impact, such sentences would never have become so prevalent.