

MICROFICHE

JUSTICE POLICY IN ITALY

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**JUSTICE
POLICY
IN
ONTARIO**

NCJRS

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ACQUISITIONS



The Honourable John MacBeth, Q.C.,
Provincial Secretary for Justice
and Solicitor General

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THE PROVINCIAL SECRETARIAT FOR JUSTICE

The Government of Ontario is divided into three major policy fields, each of which incorporates a number of operating ministries which have common and inter-related purposes and programs. The fields are justice, social development and resources development. A fourth field is comprised of those ministries whose service to the public is more indirect in nature, e.g. Revenue, Treasury.

The justice field consists of four ministries: Attorney General, Consumer and Commercial Relations, Correctional Services and Solicitor General. The Ministers of each of these ministries constitute the Cabinet Committee on Justice, which meets regularly to consider policy proposals brought forward by any one of the four ministries.

The areas of consumer protection, law enforcement, the administration of the courts and the custody and rehabilitation of offenders cannot operate successfully as totally independent segments of the criminal justice scene. The aims, objectives, successes and failures of each have an effect upon the others. As a very simple example, to respond to public demand for more police in order to control crime more effectively would be unwise unless additional staff were provided both to the courts and to the prisons to deal with the additional caseloads which would result; again, significant changes in law, e.g. raising the age of criminal responsibility from 16 to 18 would have severe repercussions on all three segments. It is therefore essential to examine the field as a whole and be cognizant of the fact that no matter how advantageous it may appear to one ministry to take certain actions or propose certain changes, those actions or proposals will have an effect upon other segments of the system.

The Cabinet Committee on Justice analyzes the proposals of its member ministries to ensure consistency in the application of justice policies within the province and in relation to broader government policies. The Committee makes a recommendation on each proposal to the Cabinet, first directing it to the Policy and Priorities Board of Cabinet, which is the senior committee of Cabinet responsible for establishing priorities among the many thrusts of the government in keeping with overall and fundamental government policies.

The Cabinet Committee on Justice is supported in its activities by a small Secretariat which participates in the development of policy positions on matters concerning more than one of the constituent ministries. In such cases Secretariat staff members serve as members of task forces with representatives of the ministries concerned. In addition, the Secretariat examines policy submissions originating with any of the justice ministries and ensures

that they have been subjected to examination by the appropriate agencies outside the ministry of origin. Comments are solicited from other ministries and often from other policy field secretariats in order to ensure an integrated and consistent approach to the policy decisions to be taken ultimately by the Cabinet.

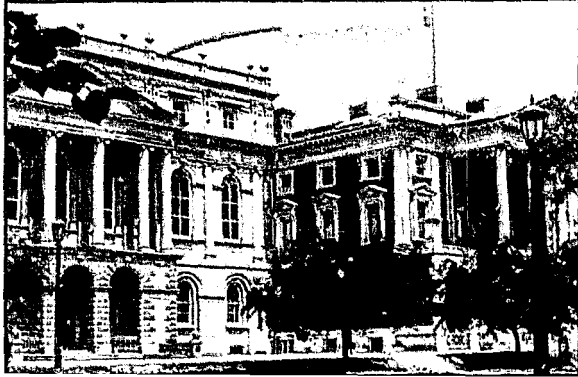
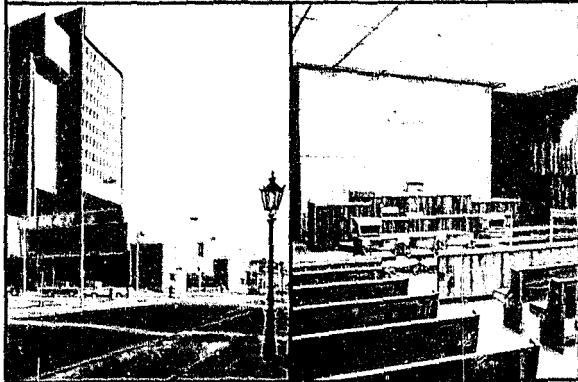
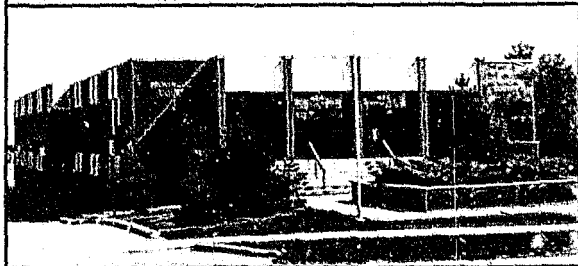
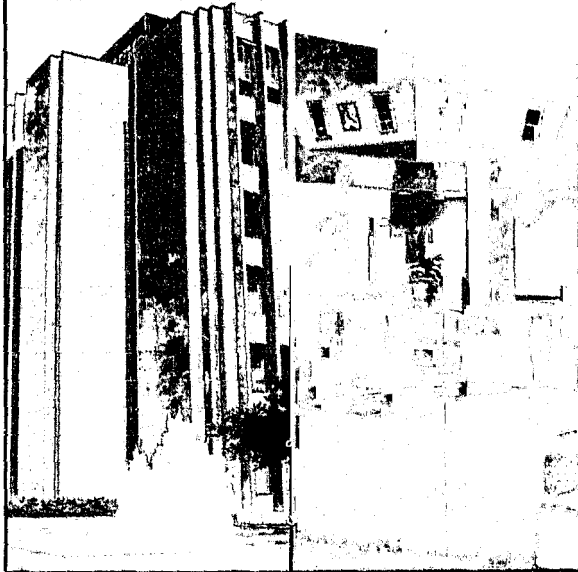
Since the needs of justice are not always clearly within the scope of a single ministry within the field, it is appropriate that an agency such as the Secretariat, with multi-ministry interests, serve a communications role with the public and indeed with other levels of government and non-government organizations. The communications linkages can be manifest in a variety of ways, such as through the sponsorship of forums with groups of citizens or with professionals to discuss developments in the field of justice.

The Provincial Secretary for Justice and his Secretariat are also able to examine the broader social trends in order to identify potentially useful and innovative activities for consideration by the member ministries. Such an approach will contribute to the development of justice policy within the province, as well as offer a capability of anticipating future needs which may require modification of present approaches and practices.

The justice function encompasses responsibility for the effective *resolution* of conflict between individuals, between individuals and society, between individuals and organizations -- including government agencies -- it must also be concerned with the *prevention* of conflict. This concern for prevention of anti-social or deviant behaviour reaches into the social structural elements contributing to the quality of life such as employment, housing, health, recreation and emotional well being. It is therefore incumbent upon the justice group to assess social indicators which may signal impending disruptions requiring the application of the traditional institutions of justice or alternative models.

Accordingly, the role of the Justice Secretariat is one of observing the effects of developments within and outside the traditional boundaries of the field with a view to rendering advice on the development of innovative, consistent and integrated government policy. The role and responsibilities of its member ministries together with brief descriptions of some of their operational programs are described in the following pages.

Ministry of the Attorney General



MINISTRY OF THE ATTORNEY GENERAL

The office of the Attorney General in this province was established prior to Confederation, and was subsequently recognized in the *British North America Act* at the time of the union. The powers, functions and duties of the office are now outlined in the *Ministry of the Attorney General Act*, R.S.O. 1970, Ch.116, amm.

The Attorney General is the chief law officer of the Crown, and in that sense, he is an officer of the public. It is to him that the individual must look for the protection of his civil rights, whether it be through the enforcement of the criminal law, or as guardian of the interests of the public against legislation which may confer excessive or oppressive powers on tribunals, bodies or individuals.

As the chief law officer of the Crown, the Attorney General performs two main functions. He is the Queen's Attorney and as such is responsible for the public prosecution of offenders; and he is the advisor of the Government with respect to legislation.

Historically and traditionally, the exercise of these dual functions demands that the holder of the office must exercise a degree of independence quite different from that required of any other Member of Cabinet. In earlier years, the Attorney General in England was not permitted to be a Member of the House of Commons. In this province, however, he has traditionally been both a Member of Parliament and a Minister of Cabinet, the viewpoint being that as long as the Attorney General occupied a position as the head of an administrative department, his position in Cabinet was essential. Moreover, the Attorney General must be answerable to the legislature, and it is preferable that he be answerable as a Minister of the Crown.

Notwithstanding his membership in Government, the Attorney General must, of necessity, occupy a different position politically from all other Ministers of the Crown. As the Queen's Attorney, he occupies an office with judicial attributes. In that office he is responsible to the Queen and not responsible to the Government. In this capacity, he must, for example, decide when to prosecute and when to discontinue prosecution. In making such decisions he is not under the jurisdiction of the Cabinet, nor should such decisions be influenced by political considerations: these are decisions made as the Queen's Attorney, not as a member of the government of the day. In these matters, the Attorney General is ultimately answerable in the House in the same way as any other Minister of the Crown, but it is clear that he is subject to questioning and censure only after the termination of any particular criminal proceedings, and that any practice savouring of political pressure is unconstitutional and to be avoided at all costs.

The duty of the Attorney General to give legal advice on legislation and to advise ministries of the government, requires a lesser degree of independence than his decisions to exercise discretion in prosecutions. In this capacity he is not in the same sense the advisor of the Queen. Nevertheless, this function does require a substantial degree of independence. The members of the public are

dependent on the Attorney General for their protection against legislative invasion of civil rights. Accordingly, in advising on legislation, the Attorney General has a duty that transcends government policy, in the performance of which he is responsible only to the Legislature.

FUNCTIONS AND DUTIES OF THE ATTORNEY GENERAL

The functions and duties of the Attorney General as they have developed in this province may be considered in more detail under the following headings:

1. Supervision of the Machinery of Justice
 2. Supervision of Law Enforcement
 3. Supervision of Government Litigation
 4. Supervision of Legislation
1. **Supervision of the Machinery of Justice**
In broad outline, supervision of the machinery of justice involves: the administration of Ontario Courts, appointment and supervision of the staff necessary for the administration of justice, the supervision of Crown Attorneys, the Public Trustee, the Official Guardian, and the Accountant of the Supreme Court and all matters connected with judicial offices. In addition, the Attorney General is responsible for recommending the appointment of Judges to the Provincial Courts, Family and Criminal Division, and of Provincial Small Claims Court Judges.
 2. **Supervision of Law Enforcement**
Directing the prosecution of criminal cases remains one of the most important historic and traditional duties of the Attorney General. The investigation and policing aspects of law enforcement, including the supervision of the Ontario Provincial Police, are now the responsibility of the Solicitor General.

Prosecutions on behalf of the Crown are conducted by agents of the Attorney General. In the past, it was the practice in this province to appoint special counsel to prosecute for each session of the courts; presently, almost all trials are taken by salaried Crown Attorneys whose duties are defined by statute.
 3. **Supervision of Government Litigation**
Civil litigation on behalf of the Government or Government agencies covers a wide field, ranging from tort law to involved matters of judicial review of decisions of tribunals, and matters of difficult constitutional law. Lawyers in the Civil Litigation Branch of the Attorney General's Ministry represent the interests of the province and of the various Ministries of Government in such disputes.
 4. **Supervision of Legislation**
The Attorney General is specifically charged by statute with a duty to advise the Government upon all matters of law con-

nected with legislative enactment, and to superintend all Government measures of a legislative nature. He has the further duty of advising the heads of the Ministries and agencies of the Government upon all matters of law connected with their affairs.

In dispatching these duties, the Attorney General employs Legislative Counsel, who prepare draft legislation to implement ministerial programs. Further, all the lawyers in the legal departments of the various Ministries are in the employ of the Attorney General, but are seconded to those Ministries. The value of a lawyer depends on preservation of his independence from the operating necessities of his ministry: secondment from the Attorney General's Ministry helps to maintain that independence and ensure that the legal opinions which guide Government action are given from a position of objective neutrality.

In addition to the broad responsibilities of supervising all government legislation, which he bears as chief law officer of the Crown, the Attorney General has the specifically delegated duty to administer certain statutes of Ontario. In this area, the Ministry staff function much as ministerial solicitors in every Ministry, developing and adjusting legislative programs for Cabinet approval.

In the appendix to this brief, an outline is provided of detailed discussion of three statutes administered by the Attorney General which represent particularly significant advances in the criminal justice field, viz., *The Compensation for Victims of Crime Act*, 1971; *The Legal Aid Act*, 1967; *The Juries Act*, 1974.

ADMINISTRATION OF COURTS

1. The Role of the Courts in our System of Government

The courts form the heart of the legal system in Canada. The legislatures are the primary policy-makers, but the courts have both an adjudicative role in determining facts and declaring the legal consequences of such facts as well as a limited policy role in interpreting the broad rules established by the legislatures. The combination of these roles is what is usually termed the exercise of judicial power, and the end product is what is referred to as "justice". The quality of justice is dependent on both the quality of the persons appointed to be Judges who perform these combined roles and the legal institutions called courts in which they function.

2. Structure of the Courts

(a) Courts With Civil Jurisdiction in Ontario

- (i) **Small Claims Courts** There are three levels of trial courts in Ontario with jurisdiction over civil matters. At the lowest level are the Small Claims Courts. In broad terms, the jurisdiction of these courts to try a case is determined by monetary, subject matter, and territorial considerations. The

province is divided territorially into 138 Small Claims Court divisions, and a separate Small Claims Court, complete with administrative offices and staff, is maintained in each division.

The Courts have jurisdiction to adjudicate most civil disputes where the amount claimed does not exceed \$400, although some more serious cases, such as those involving the recovery of land or defamation of character, must be brought into the high courts notwithstanding the amount in dispute. In northern districts, where large distances add to the cost of appearing in the more widely dispersed higher courts, this monetary limit is set at \$800 to promote greater use of these convenient courts.

The purpose of the Small Claims Courts is to provide a forum for the quick, informal and inexpensive adjudication of disputes over small monetary amounts. For example, to commence an action, the plaintiff need only set his claim out informally in a statement which the court staff will deliver to the defendant. The complicated pleadings of the higher courts, which usually entail the expense of hiring legal counsel, are avoided. Jury trial is not available in the Small Claims Courts, nor is it necessary for a person's representative to be a lawyer. The judge is directed to dispose of all disputes in a summary manner, without strict regard to formality.

Generally, an appeal to the Divisional Court of the High Court of Justice can be taken from Small Claims Court judgements only where the amount in dispute is greater than \$200. Consequently, expensive appeals are precluded where small sums are at stake.

The Small Claims Courts are, for the most part, presided over by County Court Judges. In some instances, this function is performed by special Small Claims Court Judges appointed by the province.

- (ii) **County and District Courts** The County and District Courts constitute the intermediate level of trial courts with civil jurisdiction in Ontario. There is a County Court in each county, a District Court in each of the northern districts. Generally, these courts have jurisdiction to hear disputes over any amount of money; however, where the amount in dispute exceeds \$7,500, the defendant may have the action transferred to the High Court. As in the case of the Small Claims Courts, the County Court

has no jurisdiction to hear certain cases, such as suits for libel. The procedure in these courts is largely the same as that in the High Court, much more formal and complex than that available in the Small Claims Court below. Persons rarely appear without legal counsel, and in many cases, either party may require trial by judge and jury. Any party may appeal the judgement of a County or District Court to the Ontario Court of Appeal.

Sittings of these courts are held on a regular basis in each county and district. They are presided over by a County or District Court Judge, of which there are 105 in the province, including one Chief Judge. These Judges are appointed to office by the Federal Government.

- (iii) **The Supreme Court of Ontario** The Supreme Court of Ontario consists of three distinct courts:
- (a) The *High Court of Justice*, which is the trial division
 - (b) The *Divisional Court of the High Court*, which has jurisdiction to hear certain appeals
 - (c) The *Ontario Court of Appeal*, which hears only appeals, and is the highest court in the province
- (a) The High Court consists of a Chief Justice of the High Court and 31 other Supreme Court Judges, all appointed by the Federal Government.

The primary function of the High Court is to try the more important civil and criminal matters in the province. It is not subject to supervisory control by any other court, except by due process of appeal to the Court of Appeal and the Supreme Court of Canada.

The High Court possesses an inherent jurisdiction which is derived not from statute or from common law, but from the very nature of the court itself as a superior court of law. This inherent jurisdiction includes the power to punish for contempt, to prevent abuse of its process by summary proceedings, to control its own orders and judgements, and to supervise and review proceedings of inferior courts and many but not all statutory tribunals. The inherent jurisdiction also involves residual powers on which the court may draw to protect the rights of the individual, and to give remedy where the individual has been deprived of certain rights to which he is entitled. As a superior court of record, the High Court has both civil and criminal jurisdic-

tion. It has virtually unlimited jurisdiction in civil matters, except to the extent that jurisdiction is taken away in unequivocal terms by statutory enactment. In criminal matters it has jurisdiction to try all indictable offences. With certain exceptions any party before this court may demand a trial by judge and jury. Most actions, however, are disposed of by a judge alone. An appeal to the Court of Appeal lies from all trial judgements of this court.

The High Court sits continuously in Toronto from September through June. Periodically, and at least twice a year, Judges of the High Court hold sittings in each county and district in the province.

(b) Divisional Court of the High Court of Justice

The Divisional Court, created in 1972 by provincial statute, is merely a division of the High Court of Justice. It consists of the Chief Justice of the High Court, and such other Judges of the High Court as he designates. The Court sits continuously in Toronto from September through June, and periodically in other major centres across the province. A panel of three judges is required to hear all matters over which the court has jurisdiction. This jurisdiction is defined by the *Judicature Act* and includes appeals from final judgements or orders of the Master, and with leave, from interlocutory judgements or orders of a Judge of the High Court. The court also has jurisdiction to hear appeals from the decisions of most statutory tribunals other than courts of law.

(c) The Court of Appeal for Ontario

This Court, the appellate division of the Ontario Supreme Court, is the highest court in the province. It consists of the Chief Justice of Ontario and nine other justices of appeal, all appointed by the Federal Government. The Court sits only in Toronto and hears appeals from judgements of the High Court of Justice and the County and District Courts. In certain limited cases, an appeal lies as of right from this Court to the Supreme Court of Canada.

- (iv) The Surrogate Court** The Surrogate Court is presided over by a judge appointed by the Provincial Government, but it is the practice in the province to appoint County and District Court Judges (Federal appointees) to this position. The Court has jurisdiction generally in matters relating to the estates of deceased persons. Certain contentious

issues in these courts may be transferred to the High Court, which has concurrent jurisdiction in some matters. An appeal from judgements of this Court lies to the Court of Appeal.

- (v) **Provincial Court (Family Division)** A Provincial Court (Family Division) exists in each county and district in the province. All judges of this court are appointed by the Government of Ontario. The Court has broad jurisdiction in family matters (other than divorce), conferred on it by various statutes of Ontario. In addition to dealing with the obligations of parents toward each other and toward their children, this Court is the one primarily responsible for the trial of juveniles (persons under 16 years of age) who are charged with breaches of the criminal law.

(b) **Courts with Criminal Jurisdiction**

- (i) **Provincial Court (Criminal Division)** These courts, presided over by judges appointed by the Ontario Government, have jurisdiction to try persons charged with most offences created by the Criminal Code and other federal legislation, and all offences created by provincial legislation.

Proceedings before this court are before a judge alone, without a jury, and are usually summary in nature. The vast majority of trials for indictable offences (over 90 percent) are held in this forum. In addition, the Provincial Court Judge holds preliminary hearings in criminal cases to be tried in the higher courts.

- (ii) **Other Courts of Criminal Jurisdiction** A person accused of an indictable offence which is not in the absolute jurisdiction of the Provincial Judge and not one customarily tried before the High Court of Justice may elect to be tried before either a County or District Court Judge sitting either alone or with a jury. Where the judge sits alone, this court is known as the "County or District Court Judges Criminal Court;" where the judge sits with a jury, the court is known as "The Court of General Sessions of the Peace." Both courts exist in every county and district in Ontario.
- (iii) **The High Court of Justice** The High Court of Justice has jurisdiction to try any indictable offence. All criminal trials in this Court are heard by a Justice of the High Court, sitting with a jury. The vast majority of offences tried in this Court are the most serious offences, *viz*: murder, manslaughter, criminal negligence and rape.

- (iv) **Appeals in Criminal Cases** In Ontario appeals may be taken to the Court of Appeal for Ontario by persons convicted of indictable offences as of right in certain circumstances and only with leave of that Court in others. Similarly, in some circumstances an appeal may be launched by the Attorney General for the Province against the acquittal of a person accused of an indictable offence. These circumstances are set out in the Criminal Code. Those persons convicted of summary conviction offences, created either by Federal or Provincial statutes, may appeal either by way of a stated case to the Supreme Court of Ontario or by way of a new trial in the County or District Court, and in each instance thereafter to the Court of Appeal with leave of that Court on a question of law.

Among the statutes administered by the Attorney General, two significant works of legislation represent far-reaching advances in the criminal justice field.

A COMPENSATION FOR VICTIMS OF CRIME

We live in an era where society recognizes and is able to respond to many new obligations. Among these is a sense of responsibility for victims of crime.

The Compensation for Victims of Crime Act, R.S.O. 1971, ch. 51 received royal assent on July 23, 1971 and came into effect on September 1, 1971.

The object of the Act was to continue and improve upon the scheme for providing financial compensation to victims of crimes of personal violence which was first established in this province in 1967 by the *Law Enforcement Compensation Act*, R.S.O. 1967.

Since first introduced in New Zealand in 1964, legislation of this type has been adopted in many of the common law jurisdictions throughout the world.

Scheme of the Ontario Legislation

1. Tribunal

The Criminal Injuries Compensation Board constituted under the Act hears applications for compensation and may make orders for the payment of compensation out of moneys appropriated for that purpose by the Legislature.

2. Compensable Injuries

Under the parent Act of 1967, compensation would only be awarded where a person was killed or injured assisting a peace officer. The present legislation, in expanding the scope of relief to crimes of violence, provides that an order for the payment of compensation may be made where any person is injured or killed by any act or omission in Ontario of any other person occurring in or resulting from:

- (a) the commission of a crime of violence constituting an offence against the *Criminal Code* of Canada. Specifically excluded are offences involving the use or operation of a motor vehicle, other than an assault by means of a motor vehicle;

- (b) lawfully arresting or attempting to arrest an offender or suspected offender for an offence against the person or property of anyone other than the applicant or his dependant;
- (c) preventing or attempting to prevent the commission of an offence or a suspected offence against the person or property of anyone other than the applicant or his dependant; or
- (d) assisting a peace officer in executing his law enforcement duties.

"Injuries" are broadly defined to mean actual bodily harm, including mental or nervous shock and pregnancy.

3. Compensable Persons

Where only injury has been suffered, the Board may order payment of compensation to the victim or a person responsible for his maintenance.

Where death has resulted, the order may compensate the victim's dependants, the person who was maintaining the victim, or a person who has voluntarily incurred expenses as a result of the mishap, including the expenses of maintaining a child born as a result of rape.

4. Compensable Damages

Compensation is available for a broad range of pecuniary losses and expenses. In addition to the specific categories which include a victim's ensuring disability and losses resulting to a victim's dependants from his death, the Board may order compensation for any resultant losses and expenses which in its opinion it is reasonable to incur.

Notably, compensation may be ordered as well for pain and suffering.

Provision is also made for the payment before a hearing of interim relief on account of maintenance and medical expenses to applicants in actual financial need. These payments are not recoverable in any event.

The maximum amount which may be awarded any person under the Act is \$15,000.

On making the award, the Board is subrogated to the right of the person receiving payment to recover damages by civil proceedings in respect of the injury or death.

5. Procedure

Orders are made only after a hearing, of which notice must be given to the offender, the applicant, the Attorney General, and any other person appearing to the Board to have an interest in the application.

The governing rules of evidence and proof are relaxed from the standards related to criminal proceedings. The Board may consider all relevant circumstances, including behaviour of the victim which may have contributed to his injury or death.

B LEGAL AID

The fundamental postulate of the Ontario Legal Aid Plan is that the protections afforded citizens by law are only effective insofar as those citizens have access to legal counsel and to the courts for the protection of their rights.

The *Legal Aid Act* was proclaimed in force on March 29, 1967 to fulfill an urgent public need, particularly in the criminal justice field. Studies had indicated that at least 60 percent of all persons charged with serious crimes in Ontario could not afford legal counsel. The previous scheme whereunder lawyers would volunteer their services had proven inadequate.

After close study of existing legal aid systems in other jurisdictions throughout the world, including the Public Defender concept popular in America, a plan was devised incorporating some of the features of the plan in England with respect to civil matters, some of the features of the Scottish system with respect to Criminal matters, and some distinctive features not elsewhere in use.

1. Administration

Administrative facilities are geographically decentralized to assure the accessibility of services. Local administrators are appointed to some 40 regions across the province. The plan is co-ordinated by a Provincial Director of Legal Aid.

2. Financial Eligibility

A person desirous of legal aid applies to the director in his area, who refers his application to an appropriate welfare officer.

The welfare officer is directed to consider the income, disposable capital, indebtedness, the requirements of persons dependant upon the applicant and such other circumstances as he deems to be relevant and report to the area director whether the applicant can pay no part, some part or the whole of the cost applied for.

Notably, the emphasis is on the applicant's need. There is no predetermined maximum level of income at which a person is automatically ineligible.

Depending on the facts disclosed by this report, the area director is to decide whether the applicant is financially eligible for assistance.

Eligible applicants are issued a Legal Aid Certificate, either without any obligation to make financial contribution, or contingent upon making an agreement to make such payments into the Legal Aid Fund as may be specified.

While this screening procedure is mandatory, the area director is empowered to issue a provisional certificate where circumstances require the issue of a certificate immediately.

3. Retaining Counsel

The recipient of a certificate may then retain the legal counsel of his choice, out of a panel of barristers and solicitors who have agreed to participate in the plan.

In all essential respects, the normal solicitor-client relationship is maintained. Counsel retained are not directly in the service of the State, as is the case under the Public Defender concept. With wide participation by members of the criminal bar, accused persons benefit from the greatly expanded availability of experienced counsel.

The certificate assures the lawyer payment out of the Legal Aid Fund of all his proper out-of-pocket disbursements, and 75 percent of his proper fees. A tariff of fees tending to approximate the fees normally charged a client of modest income is set out in the legislation.

4. Services Provided with respect to Criminal Proceedings

A person financially eligible for assistance is *entitled* to be issued a certificate for the more serious criminal matters: indictable offences, proceedings for preventive detention of an habitual criminal, proceedings for extradition.

The area director may in his *discretion* issue a certificate to an eligible person in less serious criminal proceedings, i.e. in summary conviction matters, if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

With the approval of a supervisory Area Committee, a certificate may also be issued to an eligible person in respect of criminal appeals.

5. Civil Matters

The Legal Aid Plan extends as well to a wide variety of civil matters, including civil litigation, appeals, legal advice, and the drafting of documents. These details are not presently relevant.

6. Duty Counsel

An important aspect of the legal aid scheme was the creation of the role of Duty Counsel. This new function places a lawyer in each criminal court of first appearance to protect the rights of those who appear in that court unrepresented by counsel and who require legal assistance to enable them to understand their rights.

The Duty Counsel, as opposed to the counsel retained by certificate, is a public official available to all accused who may need his services. On hand in a situation unfamiliar and bewildering to most defendants, the Duty Counsel's primary function is to advise accused persons with respect to their legal rights, their right to plead guilty or not guilty, their right to apply for bail or for an adjournment and to assist such persons to obtain Legal Aid, to obtain an adjournment, to apply for bail or interim release, and to make representation with respect to sentence where the accused wishes to plead guilty after the elements of the offence have been explained to him.

In appropriate situations where the balance of convenience is clear, Duty Counsel may proceed with the trial of a case, although this is not envisioned as his *normal* function. Clearly, where a matter may be quickly disposed of in this manner, the costly procedure of obtaining a certificate can be avoided.

C A NEW JURY SELECTION SYSTEM

The Legislative Assembly of Ontario enacted *The Juries Act*, 1974, which was designed to ensure that juries for both criminal and civil trials would be drawn at random from all segments of the community, thus would be truly representative of a cross-section of Canadian citizens resident in Ontario. To accomplish this end, primary selection of potential jurors is now performed by computer with secondary and tertiary selection by means of a draw of ballots.

OFFICE OF THE SHERIFF

A Sheriff is appointed by the Lieutenant-Governor-in-Council for each county and district in Ontario. The Sheriff's office is located in the County or District Courthouse. The functions of a Sheriff are many and varied. He is a peace officer for the purposes of the Criminal Code. He is an officer of the court and assists the judges of the County and Supreme Courts in maintaining order in the Courts.

The Sheriff summons jurors and is responsible for supplying a panel of jurors for the sittings of the various Courts. He provides general supervision of persons who serve as jurors.

When an accused is sentenced to imprisonment in a Federal institution, the Sheriff arranges transportation of that person to prison.

Court documents requiring personal service may be served by the Sheriff or one of his process servers.

After judgement is obtained in a court action, a Writ of Execution may be filed in the Sheriff's office for enforcement by way of seizure of the real and personal property of the debtor. The Sheriff, when requested, is required to issue a certificate indicating whether there are executions filed in his office which affect title to a particular property.

Ministry of Consumer and Commercial Relations



PROVINCE OF ONTARIO
CONSUMER PROTECTION BOARD



MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

The Ministry of Consumer and Commercial Relations is one of the most diverse ministries of the Ontario Government. In general terms, the Ministry monitors the commerce of the province, regulating and controlling certain areas where and when the need arises.

The stated goals of the Ministry are:

- to maintain and strengthen a sound financial and commercial environment in designated areas for equitable exchanges of property and services;
- to minimize risks inherent in designated environmental, technical and operational situations;
- to assist in determining and to affirm real and personal property rights;
- to provide vital statistics on individuals and data on legal entities;
- to maintain a reasonable standard of decency in films exhibited;
- to control the use and availability of beverage alcohol.

The head office of the Ministry is located at 555 Yonge Street, Toronto, Ontario, and has 83 other offices located throughout the province, including 65 land registry offices.

The Ministry was formed in the general re-organization of the provincial government in 1972, when a number of additional functions were included into the previously-existing Department of Financial and Commercial Affairs, itself created in November, 1966. The Ministry currently administers over 70 Acts, greatly expanded from the 13 Acts administered initially by the Department of Financial and Commercial Affairs.

The Ministry has served as a pioneer in Canada for consumer protection legislation. In 1967 the Consumer Protection Bureau was created, which served as a national model for government assistance to the consumer in the maintenance of consumer rights.

In essence, the Ministry has two groups to serve — consumers and the business community. The Ministry's legislative efforts serve both, providing consumer protection through advice and information on the one hand while giving protection to the business community through regulation on the other hand.

The Ministry has 14 separate divisions, commissions, and agencies assembled into six policy areas which are:

1. Commercial Standards
2. Technical Standards
3. Public Entertainment Standards
4. Property Rights
5. Vital Statistics
6. Liquor Control and Licencing

The Policy Areas

1. Commercial Standards

This policy area includes the Business Practices Division, the Companies Division, the Ontario Securities Commission, the Pension

Commission of Ontario, the Office of the Superintendent of Insurance and Registrar of Loan and Trust Companies, and the Commercial Registration Appeal Tribunal.

(a) Business Practices Division

A new Business Practices Act which came into force on May 1, 1975 prohibits a range of undesirable practices and techniques in consumer sales. The Act will apply to nearly all products and services at the retail level and is therefore an alternative to further registration of individual industries. It will also serve as a supplementary tool for dealing with industries already regulated. The Act lists 14 unfair practices involving false, misleading or deceptive consumer representations as to condition, approval, performance, uses, ingredients, benefits, quantities and price advantage; and eight unconscionable practices.

The Division administers Acts which require participants in specified industries to register. Registration is dependent on major factors such as financial stability, minimum educational requirements and rules of business procedure. Each Act has a Registrar responsible for investigating complaints and irregularities with a view to preventing abuses and effecting remedies.

There are seven Registrars operating within the Business Practices Division.

(i) Registrar of Bailiffs, Collection Agencies, Consumer Reporting Agencies and Mortgage Brokers This Registrar administers four Acts: The Bailiffs Act, The Collection Agencies Act, The Consumer Reporting Act, 1974 and the Mortgage Brokers Act.

The Bailiffs Act regulates the conduct of private bailiffs and provides for the handling of complaints and inquiries.

The Collection Agencies Act provides for the registration and bonding of collection agencies, branches and collectors; written examinations prior to registration; the handling of complaints; and inspection of registrants.

The Consumer Reporting Act, 1974 provides for the registration of consumer reporting agencies and personal information collection officers. It deals with the reporting and gathering of credit information and personal information related to an individual's lifestyle and character. The Act also provides for disclosure of such information to the file subject and a means of correcting any false information.

The Mortgage Brokers Act provides for the registration of mortgage brokers; written examination prior to registration; inspection of registrants; and the handling of complaints. The Act also controls the extent of non-resident ownership or control of mortgage brokerage operations.

(ii) Registrar of the Consumer Protection Bureau This Registrar administers The Consumer Protection Act and The Consumer Protection Bureau Act.

The Consumer Protection Act provides for the registration and bonding of itinerant sellers; regulation of the use of executory

contracts; full disclosure of the cost of borrowing; controls over credit advertising; and prohibition of false or misleading advertising. A two-day (clear days) 'cooling-off' period is provided for those who buy at the door, signing an executory contract in amounts of \$50 or more. The Act also restricts repossession where two-thirds or more of the purchase price of an article has been paid; ensures that the consumer has no obligation to buy or return unsolicited goods, and may consider them as gifts. Similarly, there is no obligation imposed on the consumer by unsolicited credit cards received by mail unless the consumer actually uses the credit card or agrees in writing to the terms of credit. The Act provides that an assignee (often a finance company) of a consumer installment payment contract has the same duties, obligations and liabilities as the seller; and further prohibits referral sales.

The Consumer Protection Bureau Act empowers the Bureau to provide consumer protection and consumer education. An advisory committee formed under the joint sponsorship of the Ministry of Consumer and Commercial Relations and the Ministry of Education set up guidelines for the establishment of an approved credit course on consumer education in the secondary school system. The Act also provides for the investigation of consumer complaints.

(iii) **Registrar of Motor Vehicle Dealers** This Registrar administers *The Motor Vehicle Dealers Act, 1971* (formerly *The Used Car Dealers Act*) which provides for the bonding of dealers and registration of dealers and salesmen; the handling of complaints; full and accurate description of vehicles and pertinent details of trade-ins; and clearly stated insurance and finance charges on all contracts. The Act prohibits changes of odometer readings on any motor vehicle.

(iv) **Registrar of Paperback and Periodical Distributors** This Registrar administers *The Paperback and Periodical Distributors Act, 1971*, which regulates wholesale distributors by requiring them to obtain a licence and be registered before doing business in the province. The Act also controls the extent of non-resident ownership or control of paperback and periodical distribution systems.

(v) **Registrar of Pyramid Schemes** This Registrar administers the provisions of *The Pyramidal Sales Act, 1972*, which restricts distribution schemes involving the sale of distributorships which in turn confer the right to sell further distributorships for bonus or other rewards. The Act requires such operations to meet standards of reporting to both government and their own investors. It also outlines procedures for the termination of contracts and refunding of monies for dissatisfied investors.

(vi) **Registrar of Real Estate and Business Brokers** This Registrar administers the provisions of *The Real Estate and Business*

Brokers Act, which provides for the registration and bonding of real estate brokers and salesmen; inspection of registrants; and the handling of complaints. The Act also regulates the sale of foreign lands advertised in the province to provincial residents. The Act provides for educational requirements for salesmen and brokers by making a Ministry-approved training course mandatory for registration.

(vii) **Registrar of Travel Agencies** This Registrar administers *The Travel Industry Act, 1974*, which requires the registration and bonding of all travel agents and travel wholesalers. The Act's regulations protect consumer deposits and provide for an industry-financed compensation fund to provide redress for consumers whose travel funds have been misused.

(b) **Companies Division**

The Companies Division administers *The Business Corporations Act, 1970*; *The Corporations Act*; *The Corporations Information Act*; *The Corporations Securities Registration Act*; *The Co-operatives Corporations Act*; *The Partnerships Registration Act*; *The Limited Partnerships Act*; and, in part, *The Mortmain and Charitable Uses Act* and *The Credit Unions Act* (incorporation and dissolution only).

The Division is responsible for the following transactions:

- incorporation, fundamental changes and dissolution of corporations;
- registration of corporation business (assumed) names;
- dissolutions (voluntary) of corporations;
- cancellation (penalty) of corporations and licences;
- revivals of corporations;
- issuance of licences to foreign corporations;
- review and processing of annual returns from all corporations active in Ontario;
- registration of securities issued by corporations and provision of public search facilities;
- registration of partnerships, proprietorships and limited partnerships and provision of information to the public on them.

A Partnership Central Registry was established on January 1, 1975 at 555 Yonge Street, Toronto. This Central Registry replaces the previous system of registrations at county seats throughout the province.

The Business Corporations Act, 1970 represents a major initiative following an intensive study by the Ontario Legislature's Select Committee on Company Law. The Act embodied revisions to those portions of *The Corporations Act* dealing with the incorporation, operation, management and conduct of ordinary corporations with share capital.

Briefly, *The Business Corporations Act, 1970*, gives the shareholder increased legal resources in the pursuit of his own rights, or of those of the corporation if the shareholder concludes that the

directors of the corporation are not fulfilling their duties. The Act also sets out a standard of conduct for directors in tending to the business of the corporation, and to the interests of the shareholders. Further, the Act requires the establishment of an audit committee which provides a new relationship between the auditor, the directors and the shareholders.

A 1971 revision of *The Corporation Information Act* requires the registration of business names, enabling the public to identify the true ownership of business, simplifying the information required in returns and improving the enforcement provisions of the Act.

In 1973, *The Co-operatives Corporation Act* was passed to meet the special needs of modern co-operatives operating in the province.

**(c) Superintendent of Insurance and Registrar of
Loan & Trust Corporations**

The Office of the Superintendent of Insurance and Registrar of Loan & Trust Corporations also supervises the administration of the Credit Unions Branch, the Cemeteries Branch, and the Motor Vehicle Accident Claims Branch as well as exercising a direct responsibility for insurance and loan and trust matters.

The Office administers the following Acts:

- The Cemeteries Act
- The Credit Unions Act
- The Guarantee Companies Securities Act
- The Insurance Act
- The Investment Companies Act
- The Loan and Trust Corporations Act
- The Marine Insurance Act
- The Motor Vehicle Accident Claims Act
- The Ontario Deposit Insurance Act
- The Prepaid Hospital and Medical Services Act
- and on behalf of the Federal government, The Canada Deposit Insurance Corporation Act, insofar as Ontario-incorporated Loan and Trust Corporations are concerned.

The Superintendent's Office issues an annual report which should be referred to for greater detail.

The Superintendent of Insurance and Registrar of Loan and Trust Corporations has responsibilities relating to the incorporation of Ontario companies under the various Acts administered. The Office registers or licences all corporations doing insurance and loan and trust business within the province. It also licences individuals working in the insurance industry.

The Office examines Ontario companies in detail as to their financial stability, management policies and ethical conduct. Federal and extra-provincial companies registered in Ontario are examined in lesser detail. In addition to investigating and resolving complaints against its registrants, the Office carries out an ongoing review to ensure fair and equitable treatment for all Ontario residents dealing with the registrants.

Amendments to The Insurance Act and The Loan and Trust Corporations Act in 1970 expanded the principle of full and plain disclosure regarding unguaranteed investment by consumers with insurance and loan and trust companies, and spelled out unfair business practices in the insurance industry. Changes in the Act also allow the Registrar of Loan and Trust Corporations to assume control of a company where its financial position has deteriorated, and permits the Registrar to implement rehabilitation measures.

A mandatory accident benefit insurance program was introduced in 1971 which provides basic indemnity for economic loss due to bodily injury or death resulting from motor vehicle accidents.

Regulations were issued in 1971 which set out the information life insurance companies must provide to the prospective purchaser of a variable insurance contract.

In 1972 an amendment prohibited, with respect to automobile insurance, the denial of accident or injury claims by reason of the insured driver being under the influence of alcohol or drugs. Also, controls on foreign ownership were imposed on insurance and insurance intermediaries.

Other branches of the Office of the Superintendent of Insurance and Registrar of Loan and Trust Corporations include:

(i) **Cemeteries Branch**, which oversees the operations of cemeteries, crematoria and mausolea. It approves plans, prices and rates, audits trust funds and ensures the security of deposits for pre-need sales of merchandise and services.

(ii) **Credit Unions Branch**, which supervises all incorporations, amalgamations, dissolutions and suspensions of Ontario Credit Unions and Caisses Populaires. Through an examination process, the Branch determines financial stability and legal compliance for all its registrants.

(iii) **Motor Vehicle Accident Claims Branch** is responsible for the enforcement of the provisions of *The Motor Vehicle Accident Claims Fund Act*, which operates primarily to ensure financial compensation for injuries suffered at the hands of uninsured or unidentified drivers. Property damage in excess of \$50 is covered as well but there is no recourse to the Fund for property damage unless the car and driver responsible for the damage are identified.

(d) **Ontario Securities Commission**

The Ontario Securities Commission is responsible for the administration of The Securities Act, The Deposits Regulation Act, The Broker Dealers Act, and portions of The Business Corporations Act. The Commission develops standards of fairness and equality of opportunity for information to all investors in the securities marketplace.

The Commission's activities include the registration of all dealers, salesmen and advisors in the Ontario securities market, along with the power to investigate, suspend and cancel registration in cases of improper conduct.

In 1970 the Commission developed new policies and regulations dealing with audit requirements, minimum bonding for employees and standards of record-keeping.

Contingency trust funds were also established for the protection of clients of dealers who are not protected by the contingency funds established by the Toronto Stock Exchange and the Investment Dealers' Association.

The Commission has been an active partner in developing a system for the clearance of national prospectus filings through one jurisdiction.

Proposed revisions of The Securities Act advance comprehensive regulations for the mutual fund industry; a more coherent and continuous disclosure system; amendment of the existing take-over bid provisions; removal of matters of corporate law; and reorganization of the securities legislation to include only fundamental principles.

(e) Pension Commission of Ontario

The Pension Commission of Ontario adds to the retirement security of private pension plan holders by establishing ground rules for the pension industry and by regulating its activities. The Pension Commission requires adequate funding and adherence to sound principles to ensure that, as far as possible, pension expectations are met at retirement.

The Pension Commission administers The Pension Benefits Act and The Pension Standards Act, Canada; The Pension Benefits Act, Alberta; The Pension Benefits Act, 1967, Saskatchewan; and the Supplemental Pension Plans Act, Quebec, under interprovincial and federal-provincial agreements.

In 1973, amendments to The Pension Benefits Act were introduced to give employees the right to receive additional information respecting the terms and conditions of the plan applicable to them.

(f) Commercial Registration Appeal Tribunal

Established in 1970, the Commercial Registration Appeal Tribunal holds public hearings to review government administrative recommendations which deny, suspend or revoke registration of prospective or existing registrants in the fields of real estate, mortgage brokerage and sales, personal information reporting agencies, collection agencies, motor vehicle dealerships, bailiffs, pyramid scheme promoters, itinerant sales, paperback and periodical distributors, and travel agencies. The Tribunal also has jurisdiction over cease-and-desist orders which have been issued by Registrars to prevent specific practices of advertising or selling in any of the above fields.

2. Technical Standards

The Technical Standards Division administers:

- The Boilers and Pressure Vessels Act
- The Building Code Act

- The Elevators and Lifts Act
- The Energy Act
- The Gasoline Handling Act
- The Operating Engineers Act
- The Upholstered and Stuffed Articles Act

Concerned with a number of activities in the development and administration of safety legislation, the Division studies hazards and their controls; publishes technical standards; reviews designs and specifications; licences equipment and plants; registers contractors and manufacturers; certifies personnel; enforces statutes and regulations in the field; and trains field staff.

Within the Technical Standards Division are six branches:

- Boilers and Pressure Vessels
- Elevating Devices
- Energy Safety
- Operating Engineers
- Uniform Building Standards
- Upholstered and Stuffed Articles

(a) **Boilers and Pressure Vessels Branch**

This Branch administers *The Boilers and Pressure Vessels Act*. It monitors the design, fabrication, installation and maintenance of boilers, pressure vessels and their associated plumbing. Periodic in-service inspections are conducted, repairs monitored and accident investigations and preventative measures carried out by Branch personnel. The Branch also tests and certifies welding operators in the above activities.

(b) **Elevating Devices Branch**

This Branch administers *The Elevators and Lifts Act* and *The Construction Hoists Act* and generally acts to safeguard the public in the use of elevating devices.

The Branch operates through the provision of engineering services such as examination and approval of drawings and specifications for all equipment prior to installation, updating and development of safety standards and evaluation of new technology; through inspection of new installations of all existing elevating devices (elevators, escalators, ski tows, construction hoists, etc.) with reinspection when necessary to ensure compliance with the Act, Regulations and Safety Codes; through licencing and registration of all elevating devices and contractors who manufacture, install and maintain elevating devices; and through investigation of accidents and complaints and continuous monitoring of trends and aspects of public safety and convenience.

(c) **Energy Safety Branch**

This Branch administers *The Energy Act* and *The Gasoline Handling Act*.

The Branch supervises the transmission, transportation and distribution of natural gas, propane, fuel oil and gasoline and sets

standards for the use of natural gas, propane and fuel oil. Appliances and equipment are certified to authorized standards by designated testing agencies and Branch personnel. Personnel in the fuel industries are examined and certified as competent in their respective functions.

Certified industry personnel carry out safety inspections on pipelines, storage facilities, transportation facilities, distribution plants, dispensing facilities and appliance installations. Personnel from the Branch audit these industry inspections on a random, unannounced basis.

The Branch licences all dispensing facilities, bulk storage plants, transporters, fuel oil distribution systems and propane plants. As well, all known accidents involving natural gas, propane, fuel oil and gasoline are investigated and reported on. Where required, corrective action to eliminate contraventions of safety regulations are initiated by field staff.

(d) Operating Engineers Branch

This Branch administers *The Operating Engineers Act* through the registration of boilers and compressors that constitute a power plant within the meaning of the Act. The Branch also examines and certifies operating engineers and operators of registered power plants.

(e) Building Code Branch

This Branch administers the comprehensive *Ontario Building Code Act* and its *Regulations*. The Act provides for a centralized evaluation of building materials and techniques. Municipalities are responsible for inspection and enforcement of the Code.

The Building Code also contains specifications which must be applied to almost every new or substantially-renovated public and commercial building in the province. These specifications will facilitate access, movement and usage for handicapped persons in such structures.

(f) Upholstered and Stuffed Articles Branch

This Branch administers *The Upholstered and Stuffed Articles Act* and concerns itself with the protection of the public from fraud and deception by controlling the standard of material used as stuffing or padding in consumer goods which are made or sold in Ontario.

The Branch registers manufacturers and requires labels to be affixed to all products sold which fall under the Branch's jurisdiction. It also carries out investigations and inspections.

3. Public Entertainment Standards

(a) The Ontario Racing Commission

The Ontario Racing Commission administers *The Racing Commission Act* and governs, directs, regulates and controls horse racing in Ontario in any or all of its forms. The Commission achieves its objectives through rules of conduct; licencing of horse owners,

trainers, jockeys, grooms, etc.; registration of racing colours, partnerships and stable names; and through the appointment of all race track officials.

The Commission holds hearings, makes policies and adjudicates racing infractions, and imposes fines and penalties.

(b) Lotteries Branch

The Lotteries Branch supervises and controls through licencing games of chance such as bingos, raffles, wheels of fortune, etc., provided these events are conducted and managed by a religious group or charitable organization. These activities are permitted under *Section 190 of The Criminal Code of Canada*.

The Lotteries Branch supervises procedures and controls and is responsible for the thorough screening of all applications in order to establish the competency of the groups to ensure that the prizes described will be available when the winner is declared.

Where the value of the prizes to be distributed is \$3,500 or less, the licencing is carried out by the Municipal Council concerned; where the value is greater than \$3,500, a provincial licence issued by the Branch is required. Provincial licences are also required for games of chance involving cash prizes at fall fairs or public places of amusement.

(c) Theatres Branch

The Theatres Branch administers *The Theatres Act* through the censorship and classification of 70mm, 35mm, 16mm, 8mm films and video tape; the examination and approval of advertising for films; the inspection and licencing of theatres, drive-in theatres, projectionists, film exchanges, projectors and films; and the supervision of projectionists' examination and tests.

4. Property Rights

The Property Rights Division administers:

- The Assignment of Book Debts Act
- The Bills of Sales Act
- The Bills of Sale and Chattel Mortgage Act
- The Boundaries Act
- The Certification of Titles Act
- The Conditional Sales Act
- The Condominium Act
- The Land Titles Act
- The Personal Property Security Act
- The Registry Act

The Property Rights Division is involved with the identification and registration of property ownership; both real (land) and personal (actual goods).

Within the Property Rights Division are four Branches: Property Law; Legal Surveys; Personal Property Registration; and Field Operations.

(a) Property Law Branch

The Property Law Branch is responsible for drafting legislation; providing legal service and assistance to Division personnel, including Land Registrars and affected members of the public; maintaining the quality of instruments presented for registration; ensuring that operating procedures are in accordance with statutory and regulatory requirements; and processing applications for first registration under The Land Titles Act and for certification of titles under The Certification of Titles Act.

(b) Legal Surveys Branch

The Legal Surveys Branch works towards providing a stable and ascertainable definition of location and boundaries for all patented land in Ontario. This is accomplished through the development and administration of quality controls and remedial programs for legal surveys, plans and descriptions. The Branch ensures the accuracy of boundaries through the administration of The Boundaries Act. The Branch functions through three operating sections: Technical Services; Support Services; and Special Services.

(c) Field Operations Branch

The Field Operations Branch is responsible for the operation of the 65 Land Registry Offices in Ontario. This Branch must ensure that all offices are properly managed and that acceptable levels of service are maintained. The Branch provides services including the registration of all rights and interests in real property under The Registry Act, The Land Titles Act and The Condominium Act.

(d) Personal Property Registration Branch

The Personal Property Registration Branch operates the Central Registry Office and has established the Personal Property Security Registration System (PPSR), a computerized system which allows a person or firm intending to purchase, or secure a loan against personal property to check in a single file for any previous claims registered in Ontario against that property.

On April 1, 1976, The Personal Property Securities Act was brought into force and the existing legislation (The Assignment of Book Debts Act, The Bills of Sale and Chattel Mortgages Act, and The Conditional Sales Act) was repealed.

5. Vital Statistics

The Office of the Registrar General maintains the vital statistics of the province through the administration of The Vital Statistics Act. The Registrar General fulfills these requirements in several ways.

It receives on a current basis the registration of all births, marriages, deaths and still-births in the province and maintains in safe custody these records and all like records from 1869 to date.

The Office also records all adoptions, changes of name, divorces and amends all relative registrations required as a result of corrections, legitimizations, etc. and issues Birth, Marriage and Death Certificates from all registrations on file as requested. The

Office complies with requests from all authorized agencies and levels of government for information in other than certificate form.

The Office of the Registrar General compiles an annual statistical report which provides rates and medical statistics, and tentative information prior to publication of its annual report.

The Office of the Registrar General also administers the Marriage Act by regulating all matters relating to the solemnization of marriage as provided in The Marriage Act, such as licencing of clergymen, approving divorce papers required for the issuance of licences, etc. The Office also controls the sale of Marriage Licences to municipal issuers and the issuance of Banns forms to the clergy.

6. Liquor Control and Licencing

(a) The Liquor Control Board of Ontario

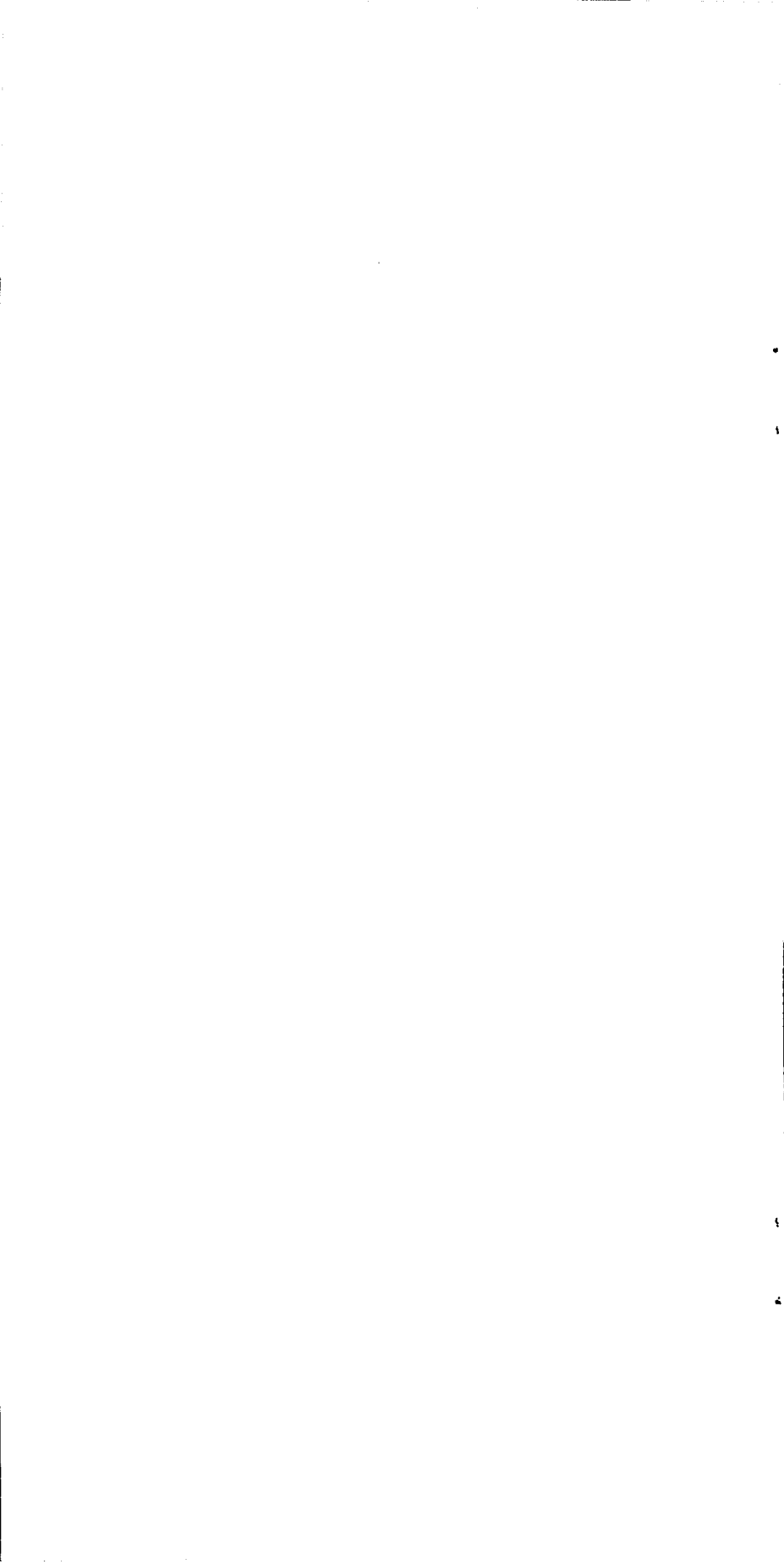
The Liquor Control Board, through the administration of The Liquor Control Act and The Wine Contents Act, 1972, oversees the importation, manufacture, distribution and sale of liquor (spirits, alcohol, ale, beer and wines) for home consumption. These products are made available to individuals only through government liquor stores located throughout the province. Producers of liquor within the province are licenced by The Liquor Control Board.

(b) The Liquor Licence Board of Ontario

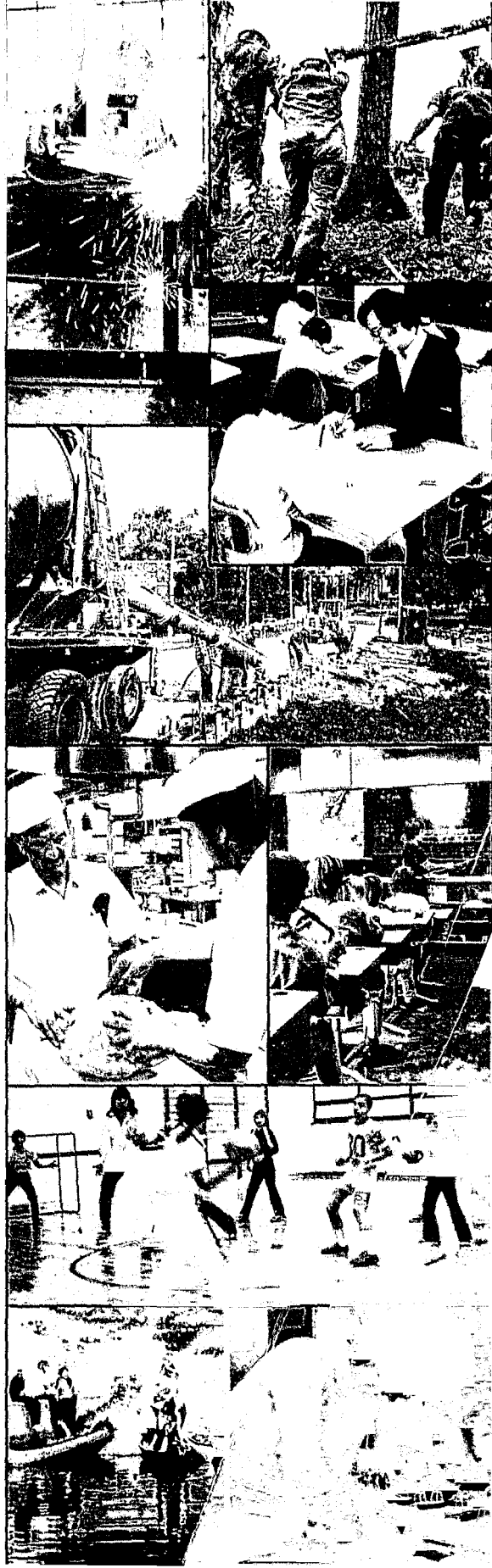
The Liquor Licence Board, through the administration of The Liquor Licence Act, issues, renews, transfers, suspends and revokes licences for on-premises sale of liquor and consumption of alcohol, including Special Occasion Permits. The Liquor Licence Board also regulates advertising for licenced establishments.

Further Information

Further information on any area of the Ministry of Consumer and Commercial Relations may be obtained from Communications Services, Ministry of Consumer and Commercial Relations, 555 Yonge Street, Toronto, Ontario.



Ministry of Correctional Services



MINISTRY OF CORRECTIONAL SERVICES

Ontario has a highly integrated correctional system. All services for adult and juvenile offenders — including probation, institutional care, aftercare, parole supervision and assistance — are managed by the Ministry of Correctional Services. Separate programs, however, are operated for adults and juveniles.

Although the province once relied almost exclusively upon institutional programming to meet the needs of offenders, it has, in the past ten years, moved toward an ever-increasing use of community-based programming. This trend is illustrated by the following figures: in 1963 approximately 45 percent of adult offenders were incarcerated and only about 55 percent were on probation or parole. By 1973 the percentage of persons being cared for in institutions had been reduced to 26 percent. Approximately 74 percent were being helped through community-based programming. This trend is continuing despite the fact that there has been a sizable increase in the number of persons placed under the care of the Ministry annually by the Courts.

The past ten years have also seen a shift in institutional programs away from the traditional mainstays — academic upgrading, trade and job re-training — toward the use of new and different techniques; for example, Life Skills courses are being utilized to teach offenders how to get and hold a job, how to manage money, and how to use their leisure time in positive ways.

The Ministry recognizes that some offenders must be maintained in correctional settings for the safety and protection of the public. It is therefore committed to the provision of facilities of a standard in keeping with human dignity and to the aims of sound rehabilitative principles. In this connection, a number of modern facilities have been constructed and others are now being completed or planned. A major undertaking has been the renovation or replacement by modern detention centres of outdated local jails for which the Ministry assumed responsibility from local municipalities in 1968.

The emphasis by the Ministry on community-based programming is evident in the development of the Group Home Program for juveniles, which has permitted the closing of two training schools for juveniles. Similarly, the development of such programs for adults as the Temporary Absence Program, Community Resource Centres, and the expanded use of probation and parole reflect increasing readiness by the Ministry to use means other than traditional imprisonment for its programs.

It is the Ministry's firm belief that once a sentence has been imposed by the Court the responsibility of the correctional system is to aid in a restorative process whereby the offender is helped to return to the community as a law-abiding and contributing member of society. It is only when the correctional process is effective in rehabilitating the individual offender that the goal of "protection of society" is achieved.

The following sections provide a general outline and description of the Ontario correctional system for adults and juveniles.

PROGRAMS FOR ADULT OFFENDERS

The Ministry of Correctional Services has jurisdiction over all adult offenders 16 years of age and over in the province sentenced to terms of less than two years. A person receiving a definite sentence of more than two years will serve that sentence in a federal institution.

On any given day the Ministry has approximately 24,000 adult offenders* in its care. The majority (approximately 19,000) are living in the community on probation or on parole. Of the remainder, approximately 2,600 are serving sentences in correctional facilities; the others are in jails or detention centres where they are awaiting trial on remand or serving short sentences, i.e., less than three months.

Adult offender population*

	Number
Probation	18,434
Parole	512
Correctional centres	** 2,687
Jails and detention centres	<u>2,564</u>
Total	24,197

Like the juvenile programs, all adult services, including probation and parole supervision, and institutions, are operated on a regional basis.

PROBATION/PAROLE

The Ministry's staff of probation/parole officers provides supervision, counselling and other assistance to adult offenders on temporary absence from an institution, on parole or on probation.

The probation/parole officer is also an officer of the Court. In this latter capacity, he provides presentence reports on persons appearing before a judge for disposition of their cases.

Legal Authority

Probation may be granted to an adult under Section 663 of the Criminal Code of Canada, Section 5 of the Probation Act (Ontario), Section 5(2) of the Deserted Wives' and Children's Maintenance Act (Ontario) or under Part 3, Section 61(1) of the Child Welfare Act (Ontario).

Once an adult has been granted probation, which may be for a period of up to three years, he must report at regular intervals to his officer. Termination of probation occurs automatically at the expiration of the Probation Order.

Probation supervision has two functions: it is a legal means of keeping a check on the probationer's behaviour, and it provides the officer with the opportunity to work toward helping the probationer to modify his attitudes, to upgrade his education and/or his work skills, and to accept medical attention if this is called for.

*count on February 27, 1976

**includes adult training centres, forestry camps, treatment clinics

A variety of community resources, both public and private, and social agencies may be called upon to assist the probationer. These may include such sources as unemployment insurance, social assistance, services to veterans and their families, retraining schemes, family counselling services, and so on. Volunteers have been utilized for a number of years in Ontario to supervise carefully selected probationers.

INSTITUTIONS FOR ADULT OFFENDERS

The Adult Division of the Ministry operates 59 institutions. These include:

- 37 jails
- 3 detention centres
- 9 correctional centres
- 6 adult training centres
- 4 forestry camps, and
- 2 specialized clinics.

All older jails are maximum security institutions, detention centres provide both maximum and medium accommodation, and other facilities vary from maximum to the completely open setting of the forestry camps.

JAILS AND DETENTION CENTRES

Adult offenders sentenced to terms of incarceration of less than two years enter the provincial system of correctional institutions via a jail or detention centre. The term "detention centre" is applied to modern facilities which the Ministry is constructing to replace outdated jails. Although detention centres provide improved settings and more program opportunities, their role is essentially that of a jail. In general, those persons on remand awaiting trial and those serving very short sentences and intermittent sentences are held in a jail or detention centre, and those receiving longer sentences or an indefinite sentence are transferred to the appropriate longer-term facilities. The detention centres and jails range in size from the small local jails with accommodation for only 20 inmates, up to a large metropolitan jail which can house 650 inmates.

CLASSIFICATION AND ASSESSMENT

The institution to which an inmate is first assigned after leaving the jail setting is determined by his age, previous criminal history, mental and physical health, educational background and work experience, the area of the province in which he resided, the factors contributing to his antisocial behaviour, and his rehabilitative potential. Considered also is the accessibility for family visiting and, of overriding importance, the safety of the general public.

ADULT TRAINING CENTRES

These minimum security centres provide academic and vocational training for first offenders 16 to 23 years of age. Under the Temporary Absence Program selected students attend academic and vocational classes in the community. A variety of individual and group counselling programs are provided at the training centres and at correctional centres.

CORRECTIONAL CENTRES

Six of the eight centres accept first offenders over the age of 18 as well as 16- to 18-year old recidivists who are not motivated or are security risks, and therefore not suitable candidates for the open setting adult training centre programs. Correctional centres place emphasis on industrial and trade training and useful work experiences. Security ranges from open settings through medium and includes one maximum security correctional centre. The latter accommodates behaviour-problem inmates who require segregation from the normal inmate population. One correctional setting provides medium security facilities for recidivists and first offenders admitted from other centres because they require a more secure setting.

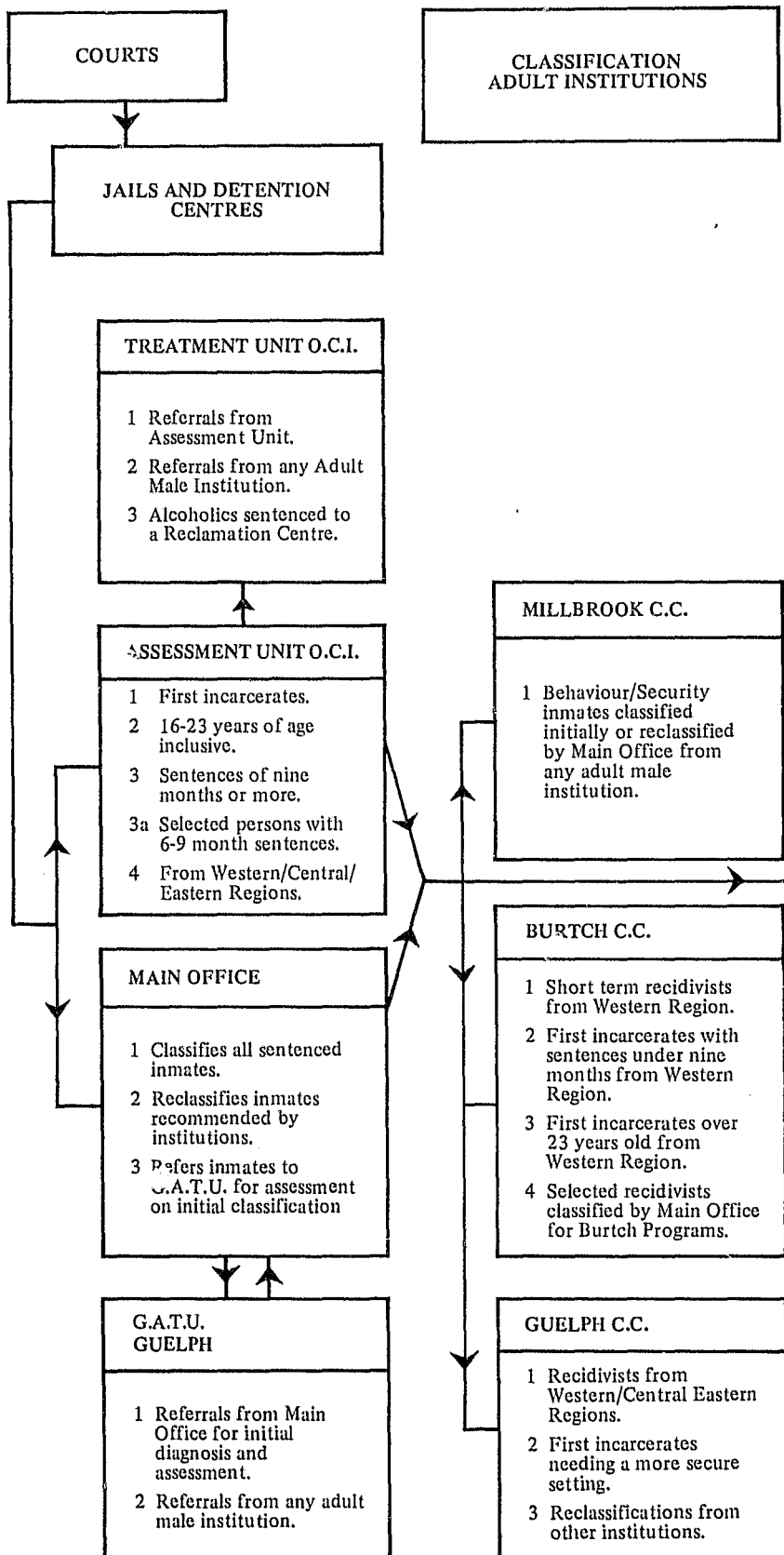
SPECIAL UNITS

The Ontario Correctional Institute, Brampton, which opened in September 1973, provides a highly specialized program incorporating assessment, treatment, education and research for 200 adult male offenders. The Assessment Unit, with accommodation for 48, provides classification for first offenders between the ages of 16 and 23 inclusive, serving sentences of six months or more, from western, central and eastern regions. The outcome of the assessment determines whether the man is transferred to one of the treatment units in the Institute or to programs in other facilities.

Each of the five separate 30-bed units has its own program structure and staff team which plans and executes a program to fit group and individual needs. Multidisciplinary teams include correctional workers, psychiatrists, psychologists, social workers, chaplains, medical staff, recreation specialists and others. Treatment programs have been established for the chronic alcoholic, the drug abuser, the sexually maladjusted and other types of deviants. Admission to a treatment unit can be directly from the assessment unit, by referral from other correctional institutions, or upon admission under Section 90 of the Liquor Control Act.

As a teaching centre, the Institute allows the increased use of student placements. It will also enable the Ministry to pursue research into a number of aspects of corrections.

The Guelph Assessment and Treatment Unit, with 26 assessment beds, 65 treatment beds, and 7 high security cells, is staffed by professional workers. It accepts adult male inmates from any institution on both an outpatient and an inpatient basis, referred there for psychiatric evaluation. After assessment, the patients may be returned to the referring institution with recommendations for treatment, be committed for admission to an Ontario psychiatric facility, may remain as an inpatient for treatment, may receive outpatient care while residing at the adjacent Guelph Correctional Centre, or, if in need of no further care, be transferred to a suitable institution. An industrial therapy and occupational therapy workshop, two classrooms, and a minigym are provided, as well as a patient dining room and visiting area.



GLENDALE A.T.C.

- 1 First incarcerates assessed at O.C.I.
- 2 Selected recidivists under 24 years old from Western Region classified by Main Office.

BRAMPTON A.T.C.

- 1 First incarcerates assessed at O.C.I.
- 2 Selected recidivists under 24 years old from Central Region classified by Main Office.

MIMICO C.C.

- 1 Selected recidivists
- 2 Intermittent sentences

**FORESTRY CAMPS:
HENDRIE AND
HILLSDALE allied to
TORONTO JAIL**

**OLIVER AND
DUFFERIN allied to
GUELPH C.C.**

- 1 Inmates selected from parent institutions.
- 2 Selected inmates from other institutions and approved by assessment committee at parent institution.

**THUNDER BAY
C.C./A.T.C.**

**MONTEITH
C.C./A.T.C.**

- 1 First incarcerates from Northwest and Northeast districts.
- 2 Recidivists from appropriate districts as above.

RIDEAU C.C./A.T.C.

- 1 First incarcerates sentences under nine months from Eastern Region.
- 2 First incarcerates assessed at O.C.I.
- 3 First incarcerates over 23 years old from Eastern Region.
- 4 Selected recidivists classified by Main Office for Rideau programs.
- 5 Alcoholics sentenced to Reclamation Centre from Ottawa Area.

**MAPLEHURST
C.C./A.T.C.**

- 1 Selected recidivists from Central Region.
- 2 Recidivists from Central Region classified by Main Office for Maplehurst programs.
- 3 First incarcerates assessed at O.C.I.
- 4 First incarcerates sentences under nine months from Central Region.
- 5 First incarcerates over 23 years old from Central Region.
- 6 Selected recidivists under 24 years old from Central Region for ATC programs.

FORESTRY CAMPS

The Ministry's four forestry camps provide completely open settings for men considered capable of accepting the responsibility such freedom entails, and who are able to profit from the healthy and invigorating environment. The outdoor life encourages a more meaningful relationship between inmate and staff than is possible in other types of settings. At each camp about 40 inmates from adult male institutions and jails serve the last few months of their sentences.

VANIER CENTRE FOR WOMEN

The Vanier Centre for Women is a modern correctional facility for adult female offenders above the age of 16. With the exception of the far northern section of Ontario, the Centre receives most women who are sentenced in Ontario to terms ranging from over 30 days to 2 years. Female offenders with similar sentences who require maximum security are accommodated in a secure unit at the Toronto Jail. Women who receive sentences of 2 years or more serve their terms in federal institutions.

The campus-style setting has four cottage-type living units within a perimeter fence, and one minimum security cottage unit located within walking distance of the Centre. A building with five wings houses the reception, administration, hospital, central kitchen, laundry and dry cleaning plant, and industrial sewing facilities. A gymnasium, library, and classrooms are provided in a separate building within the complex. The minimum security cottage provides opportunities for the residents to participate in leisure activities as well as to work or attend school programs in the nearby community.

Women from the Kenora district of northern Ontario are housed in a 25-bed unit at the Kenora Jail.

INDUSTRIAL PROGRAMS

In 1974 the Ministry invited private industry to participate in correctional programming. As a pilot project a number of meat-packing firms were invited to tender to operate an abattoir on the premises at one of our large correctional centres. It is expected that when this program is in full operation approximately 70 inmates will work in this commercial abattoir and will receive a working wage similar to that which persons in the community with similar skills would receive for the same work. In a recently opened correctional complex near Toronto 30,000 square feet of industrial space is provided. The Ministry is presently negotiating with private firms to establish industries within this complex.

INCENTIVE ALLOWANCE

An incentive allowance is provided for all inmates in correctional centres, adult training centres, clinics, and forestry camps under the jurisdiction of this Ministry.

The allowance is divided into a spending allowance and a compulsory savings allowance and increases from level 1 to level 4

in accordance with a monthly evaluation of the inmate's progress, his conduct, industry, and attitude.

The spending portion is available for purchase at the institution canteen of such items as tobacco, confections, and soft drinks. The savings portion, which in the course of a year can amount to over \$100, together with any balance of the spending portion, is turned over to the inmate on his release.

EDUCATION

By providing a wide range of adult education programs — academic, vocational, correspondence studies, on-the-job training — the inmate/student is provided with opportunities which will help him to obtain work or continue his education upon his release and to take his place in society as a better trained individual. Cultural and hobby aspects of the program give him an opportunity to broaden his interests.

Teachers working within a correctional setting as part of a team must have the ability to develop positive relationships through an understanding of the student's problems in daily living. The teacher then becomes a guide in helping students toward self-motivation and self-appreciation. Teachers are appointed on a ten-month contract basis with salaries commensurate with community schools. Our curricula are those of the Ontario Ministry of Education and our programs are inspected regularly by their local Education officials.

LIFE SKILLS

A Life-Skills Program, operating in most institutions, provides a learning experience in which inmates have opportunities to develop skills which can assist them to function more effectively in contemporary society. It pervades all rehabilitative areas, but within school curricula it involves such areas as decision-making and development of social skills through relevant and meaningful content related to family life and sex education, the world of work, consumer education, use of leisure time and human relations.

A 20-hour 'package' on Finding a Job is being used extensively in the jails. Inmates with short-term sentences can benefit because the course takes only five days to complete, and an individual can leave the jail having learned something positive which he can put to immediate or future use.

Life Skills has received widespread support throughout the Ministry, and teachers in some institutions have taken an active role in using a life skills approach to different academic subjects.

HEALTH CARE SERVICES

Medical care, including dental and optical, is provided to inmates by full- and part-time practitioners. In addition, referrals are made to community specialist services where indicated, including inpatient and outpatient hospital treatment.

Psychiatrists play an important part in the clinical program and in the programs at assessment centres, and their services are also

available at other institutions. Psychologists and/or psychometrists are available in most adult institutions and at all adult correctional centres. Great stress is laid by the psychologists in our institutions on initial testing, evaluation, and assessment for classification and subsequent allocation to a particular institution or camp, or for the referral and transfer of selected cases to the more specialized institutions such as the O.C.I. or the Neuropsychiatric Clinic at Guelph.

Social workers and social services staff, such as those holding masters degrees in correctional administration, are engaged in clinical and research aspects of the correctional process, as well as initial classification of offenders. Casework, group and individual, staff counselling and training, and contacts with family and community resources are among the tasks of the correctional social worker. The training of correctional officers as group counsellors under the direction of social workers has been particularly rewarding in terms of improving inmates' attitudes and expanding the correctional officers' role within the institutions' treatment programs.

All professional staff act as consultants to other staff and participate in staff training courses both at the institutions and at the Staff Training School.

CHAPLAINCY

The primary function of chaplains in the institutions is to provide a full religious program for inmates. Every inmate is encouraged to adopt religious values by the chaplains, but participation in the programs is not compulsory. The chaplain, although a representative of a particular faith, plays a wide-ranging role in that he is available to all inmates.

RECREATION

Leisure education is recognized as being of prime importance in assisting offenders to readjust to life in the community. Recreation programs have therefore been developed which provide a wide variety of physical, social and cultural activities, with emphasis being placed on the teaching of leisure skills and the development of an awareness of how the community is organized to help the individual make constructive use of his leisure time.

FOOD SERVICES

A qualified nutritionist ensures that the meals served in our institutions are high in nutritional quality as well as of a satisfying quantity. Menus are planned for each institution which include each day: meat, vegetables, fruit and milk in amounts adequate for good health and meet the Canadian dietary standards as set down by the Canadian Council on Nutrition.

LIBRARIES

Inmates are encouraged to use the library for recreational, informational, and educational purposes, and the larger libraries are staffed by professional librarians or library technicians. Smaller

institutions receive visits from professional staff as required. The stock available to the inmates in adult institutions totals over 85,000 volumes, and new books are constantly added to the collections.

Providing staff library services is one of the responsibilities of this service of the Ministry. Nearly 4,000 volumes and 250 periodicals, along with other related materials, are housed in the Main Office Staff Library in Toronto.

STAFF TRAINING AND DEVELOPMENT

The role of the correctional officer is no longer simply a custodial one: he is expected to be a counsellor, teacher, motivator, a well-adjusted individual who is mature enough to help guide those in trouble with the law. Staff training therefore is of the utmost importance and the Ministry is striving to provide a level of training which will equip staff for their role in the rehabilitation of the offender.

Formal courses are given through seminars, conferences, workshops, in-service training, extension courses, and summer schools, not only at our own Staff Training School but also at universities and other teaching institutions. For instance, many staff have already completed the three-year Certificate Course in Corrections at McMaster University and others are presently taking similar courses at other universities.

Students attending correctional worker courses at community colleges undergo pre-employment experience during field placement in one semester and during a full-time summer placement.

New supervisory and correctional staff undergo orientation within an institution. The program is designed to help them appreciate the problems of their work. After the first three weeks of employment, they begin a 25-week correspondence course. On-the-job training, under close supervision of regional training officers and senior staff, and attendance at the Staff Training and Development Centre for a three-week intensive course before the end of the one year's service, complete the training.

ADVISORY COMMITTEE

The members of the Minister's Advisory Council on the Treatment of the Offender includes members from the legal, teaching, medical, and other professions. The members of this committee advise the Minister on the application of modern correctional philosophy and the total program of rehabilitation within the framework of the Ministry. The Minister may request the committee to undertake a specific study and in the course of carrying out such a request members have, individually or in groups, visited many institutions and jails. From time to time the committee reviews current policies and methods of operation and submits reports to the Minister.

RESEARCH

The Ministry employs sound research principles to assess a wide range of programs and policies. Research is seen as a tool for

decision-making and problem solution, focusing particularly on programs and practices which are geared toward increasing the probability of rehabilitation and community adjustment.

Research provides information to assist in the classification for treatment, to examine the extent to which specific programs are achieving their goals, and to demonstrate the relative merits of new approaches. Follow-up studies which obtain indicators of later integration into community life, as well as problems involved in this period of adjustment, are receiving increasing emphasis.

Programs which provide alternatives to full-time incarceration, including temporary absence, probation counselling, work-study, etc., are research priorities.

RETURNING THE OFFENDER TO THE COMMUNITY

The Ministry recognizes the fact that isolating a man from the community is a poor way to teach him how to function effectively in society. A number of programs, which are described below, provide opportunities for the inmate to maintain contact with life in the community: returning home for a weekend while completing a sentence; working or training in the community during the day, and returning to the institution at night and on weekends; living in small residential settings; completing the latter portion of a sentence on parole.

Temporary Absence Program

The Temporary Absence Program was designed to assist offenders to maintain contact with their families and the community while completing a sentence of incarceration. Different types of temporary absences are granted for a variety of reasons including the following:

- (a) Short inclusive intervals of from one to fifteen days may be considered for urgent family reasons, or for other personal, humanitarian or rehabilitative purposes, such as a job or vocational interview.
- (b) Medical Temporary Absences may be extended under the authority of the Superintendent and with the support of the institutional doctor for purposes of obtaining medical treatment which cannot normally be provided in a correctional facility.
- (c) Long-term programs, in the form of a series of daily absences, may be authorized to permit attendance in academic or vocational training programs in the community, or to work at gainful employment. The provisions normally involve a return to the correctional facility each night and for weekends. In some cases, the day permit may be approved on a recurring weekly basis, e.g. a once-a-week community visit with a volunteer.

The Temporary Absence Program was launched in Ontario at the end of August 1969. In the first five years a total of 24,611 temporary absences were granted. The majority, 20,946, were one-

to-five day absences, a limited number, approximately 400, of six-to-fifteen day absences were granted. The remainder were daily temporary absences for work and education. Approximately 98 percent of all approved applications during this period were completed without revocations for violations of conditions, or for further charges following the commission of new offences.

Community Resource Centres

The Ministry operates 20 residential units in both rural and urban communities across the province. Known as Community Resource Centres (CRC's), these 6- to 15-bed facilities are affiliated with correctional institutions in the area. They are operated on a contract basis by private individuals or groups with funds provided by the Ministry.

There are two types of Centres: those designed to house inmates on employment or educational temporary absences; and those directed toward providing an alternative form of program for Native people who would otherwise be incarcerated in a Northern institution. Each unit operates within a set of rules and regulations similar in content to parole and temporary absence provisions.

COMMUNITY ASSISTANCE AND SUPERVISION

Temporary Absence

While an offender is in a correctional facility, probation/parole officers assist in conducting investigations to evaluate certain aspects of temporary absence applications. When the absence involves work or educational training the officer helps to arrange a job interview or enrolment in school, or helps to establish contacts with Canada Manpower and with employers. Once an individual is working or training in the community, his officer maintains a liaison relationship with the employer or the school to ensure that he is working satisfactorily and is abiding by the terms and conditions of the agreement covering his absence.

Parole

As this publication was going to press, it was expected that changes in the federal legislation would be made this year. In the meantime, parole procedures involve both the National Parole Board and the Ontario Parole Board. Offenders serving a definite sentence only must apply for national parole in order to be considered, but those serving a definite plus an indefinite sentence, where national parole has not been granted, will automatically be interviewed by the Ontario Board of Parole. It is possible that the Ontario Board of Parole may assume complete responsibility for the parole of adult inmates in Ontario institutions. This, of course, will depend to a large extent on funding, and whether or not the contemplated changes in the federal legislation pass through the federal parliament.

Probation/parole officers are responsible for assisting the inmate to prepare for parole consideration. The inmate's plans for employment, continuance of education, where he will live, and what resources are available in the community to help him carry out the terms of his parole, are taken into account.

COMMUNITY VOLUNTEER PARTICIPATION AND SOCIAL AGENCIES

It is generally recognized that correctional systems in which proper use is made of volunteers have many advantages over those which do not. Volunteers bring into a relationship with an offender skills and an ability to draw on contacts and experiences outside the criminal justice system. Effective programs in the life-skills area, one-to-one relationships, group discussions, entertainment and recreation are among the many services they provide.

Some volunteers are involved through agencies such as the John Howard and Elizabeth Fry Societies, and through groups such as Alcoholics Anonymous, Alienated Youth, The Fortune Society and Operation Springboard.

Volunteer involvement extends beyond the institution level; volunteers are active through the Probation/Parole Service, in one-to-one relationships, which are possible in this area, and where their success is reflected in expanding citizen involvement. A planned approach to selecting and training volunteers is being emphasized throughout the Ministry.

PROGRAMS FOR JUVENILES

On any given day, the Ministry has approximately 7,000* boys and girls in its care. The majority (approximately 87 percent) of these juveniles are living in the community; many have been placed on probation by the Court; others are on placement in their parents' home, a foster home, a Ministry group home, or a non-Ministry group home.

Breakdown of Daily Juvenile Population

	Number
Probation	4,175
Placement**	1,808
Training School	922
Non-Ministry Group Home	<u>193</u>
Total	7,098

The Ministry's staff of probation/aftercare officers provides supervision, counselling and other assistance to juveniles on probation and on placement in the community. The probation/aftercare officer's role in regard to probation is described below. The officer's role in helping a ward on placement in the community *after* he has spent a period in training school is described under the heading "Returning the Child to the Community", which follows the description of training school programs.

PROBATION/AFTERCARE

A probation/aftercare officer is responsible to a Court as well as to the Ministry. In his Court work he may be asked to provide a

*based on average February, 1976 count

**includes wards returned to parents' home, foster homes, group homes

social history to be used by the presiding judge who is determining the outcome of a youth's appearance before him. The judge's decision-making may be influenced to a considerable extent by the contents of the report, and, therefore, it must be a factual, unbiased statement concerning the youth's family, social and educational history, and his relationships with any social agencies with which he has previously been involved. It may also indicate any physical or mental disorders as reported by a physician or other professional source.

A juvenile is granted probation under Sections 2 -- 1 and 20(1) (d) of the Juvenile Delinquents Act (Canada).

The officer who supervises a juvenile in the community is trained in giving guidance and counseling to the probationer. The officer works toward helping the juvenile overcome his difficulties in relating to society in a law-abiding manner and helping him develop his present capabilities and discover new ones. For the duration of the probation order, the officer will meet with the probationer regularly, advise and counsel him, and prepare ongoing reports of the positive and/or negative outcomes of probation counseling and his general progress.

For the past several years volunteers have been participating in a number of probation programs. Generally a volunteer works with only one probationer at a time, which permits more frequent and longer contacts than is possible for the officer with his large caseload of clients.

If a child is admitted to a training school following an appearance in Provincial Court (Family Division), the officer's role may take one of several forms. His involvement will begin shortly after the child's admission to a training school at which time he becomes a ward of the Superintendent, and will continue until termination of wardship. An officer stationed in the community assumes the role of liaison officer between the school, the family, and the community. He visits the child's family in order to evaluate the current home situation and to provide counseling and support for the family.

The information contained in the social history, together with any additional information the officer has gathered, is used by the training school and the officer as the basis for formulating plans for the child's return to the community.

ADMITTANCE TO TRAINING SCHOOL

Children are admitted to the training school system in Ontario only by order of the Court, following an appearance before a Judge of the Provincial Court (Family Division). Sections 8 and 9 of the Training Schools Act (Ontario) and Sections 20(1)(i) and 25 of the Juvenile Delinquents Act form the legal basis under which a judge may order a child sent to a training school:

Training Schools Act (excerpt)

Section 8

A Bill that will repeal Section 8 of the Training Schools Act has been passed by the Ontario Legislature, but proclamation will not take place until alter-

native services are developed to serve those Section 8 wards under the Ministry's care at this writing, as well as the approximately 300 wards who would annually be admitted under this Section of the Act.

Section 9

A judge may order that a child be sent to a training school where,

- (a) the child is at least twelve years of age and under sixteen years of age at the time the order is made; and
- (b) the child has contravened any statute in force in Ontario, which contravention would be punishable by imprisonment if committed by an adult.

Section 9 imposes some restrictions on the Order sending a child to a training school, not on the grounds of his welfare needs as in Section 8 but because of an offense he has committed. The child must also be at least twelve years of age before he can be admitted under this Section.

Juvenile Delinquents Act

20(1) In the case of a child adjudged to be a juvenile delinquent the court may, in its discretion, take either one or more of the several courses of action hereinafter in this section set out, as it may in its judgment deem proper in the circumstances of the case:

- (i) commit the child to an industrial school duly approved by the Lieutenant-Governor in Council

25 It is not lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

TRAINING SCHOOLS

There are twelve training schools and a reception and assessment centre which are the responsibility of the Ministry. One school for boys is operated by a Roman Catholic Religious Order but is financed entirely by the Province. Of the twelve schools all except two or three very specialized programs are already or will soon become coeducational in their programming.

After appropriate medical, social and educational assessments conducted in regional assessment centres the wards are placed in the programs deemed most appropriate to their individual needs. As a further extension of decentralized program administration, the Ministry this year will move into the provision of services on the basis of catchment areas. The concept is aimed at keeping wards,

wherever possible, in their home district. Such a system has the advantage of facilitating closer communication and working relationships with the children's parents as well as community agencies which often have had prior contact with the family.

A general description of the programs in training schools follows.

EDUCATION

The curricula in the training schools follow the guidelines of the Ontario Ministry of Education and each school is inspected regularly by their officials. The teachers are fully qualified and many have had extensive experience teaching in community schools.

Within the regular curriculum, the courses cover communications, social and environmental studies, creative arts, and pure and applied science. Learning groups are kept small, giving the teacher the opportunity to deal with the individual differences in the students.

Various learning materials and media such as films, video tape recorders, overhead projectors, and educational television sets are in use in the schools, and regular programs are enriched by additional activities such as film making, inter-school public speaking and outdoor education.

RECREATION

Recreational programs are emphasized both as a general health measure and because of their high value in personality development. The programs vary from school to school according to the age and abilities of the students and to the different facilities at each school. A most important aspect of recreation in a training school is the opportunity it provides for community interaction. For example, some schools take part in inter-school sports, some in local community youth groups, some in local musical festivals. Other recreational activities include camping, canoe trips, cross-country skiing, arts and crafts, dramatics, and public speaking contests.

LIBRARIES

Libraries are an important part of the program at each school. Under the supervision of qualified librarians, the libraries provide a wide range of reading matter for the children at the school. Though libraries are used as an adjunct to the academic program, this is by no means their only role. Children are encouraged to use the library for recreational reading as well as for providing a source of information when working on school projects.

RELIGION

Chaplains are members of the professional team at each school and in addition to their main responsibilities of conducting religious services, providing religious education, and offering pastoral counseling, they take part in assessment conferences, conduct group counseling sessions, and take part generally in the treatment pro-

gram. Chaplains are available to the students at all times for individual counseling.

COMMUNITY INVOLVEMENT

It is most important that young people in training school are not isolated from a natural environment, therefore community interaction plays a large part in the program at most schools: sports teams compete with community schools in inter-league competitions, dances are held at several of our schools to which school and university students are invited, some schools take part in pollution clean-up campaigns, and sports days and arts and crafts displays are held by our students both at the schools and in the community.

On the other hand, student groups from the community take part in the activities of the schools. For instance, students from the volunteer organization HELP, at the University of Guelph, lead drama, gymnastics, and discussion groups as well as organizing other activities. Students from Ryerson Polytechnical Institute, Queen's University, and young people working through the Ottawa YM-YWCA and through Outlook Camping in Hamilton and Kingston, have organized and operated summer camping programs.

RETURNING THE CHILD TO THE COMMUNITY

It is the intention of the Ministry to transfer wards back into the community as soon as possible. No matter how progressive an institutional program may be, an institution constitutes, to some extent, an unnatural environment in a society based largely on the family concept. By and large, only those who have shown an inability to accept community responsibilities are kept in schools for any length of time.

Placement is the term used for the process of returning a ward to the community. Placement plans include where he will live, whether he is to work or attend school, and arrangements for any necessary supportive services which may be available in the community. He may be returned to his own home but in a number of cases it may be desirable that he be placed in an alternative setting such as a foster home, group home, or boarding home.

TRAINING SCHOOLS ADVISORY BOARD

The five members of this Board are appointed by Order in Council and they act in an advisory capacity to the Minister regarding the current state of the training schools and the welfare of all wards admitted to the schools. The Board evaluates the plans made for each youngster for his placement from the school, and in turn makes a recommendation to the Minister. In the course of this evaluation the Board takes into account the ward's history prior to his admission to training school, his social and educational adjustment in the school, and the placement to which he will graduate. Wardship of a student may continue until his eighteenth birthday; however, the Board, in considering each case, may make a recommendation to the Minister for termination of wardship before that age.

AFTERCARE

During the time a child is in one of the schools an officer visits the home from which the child was admitted in an effort to prepare the family for his return. In those cases where a child's home is totally inadequate for him to return to, a foster home must be found which can provide warmth and security as well as a measure of control and supervision. Some children may respond more readily in a small group setting.

An officer, in maintaining contact with a child when he returns to the community, helps him to adjust from the semi-structured life within the school to the less restricted setting of the community. He is readily available both to the child and his parents or foster parents for guidance, particularly during the first few weeks, when problems are most likely to arise.

Many students between the ages of 16 and 18 find employment with the help of an officer. These students may be housed in boarding homes and supervised initially by the officer who guides them in the problems they may be facing for the first time, including the proper handling of money.

GROUP HOMES

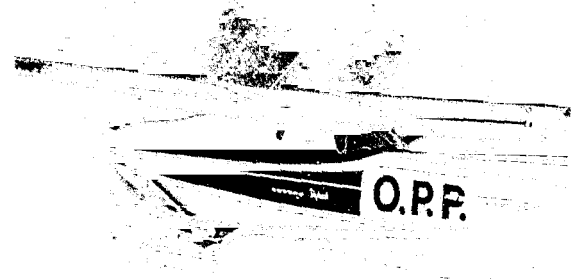
Some children are unable to develop adequately with their families but still need community involvement, and some are unable to develop in the company of large groups of their peers in training schools. For such children the Ministry initiated a Group Home Program which offers small group living in the community and which gives an added dimension to training school programs.

The program is designed to provide for about 275 boys and girls in about 44 group homes, with accommodation for approximately 6 young persons in each.

There is wide variety within the Group Home Program — some homes are urban, some rural, one is in a lodge, and a number are in small communities on the perimeter of Toronto. Some homes are for girls, some for boys, some coeducational, some are interdenominational and interracial, others find they are able to provide a program more attuned to the specific needs of a particular group of juveniles. For instance, one home is operated by an agency with a high percentage of Native people on the committee representing a number of treaty bands in the vicinity. The Native staff, through their training and their own experience, provide a program directed towards Native boys and girls.

The Ministry does not operate the homes through its own staff. Agreements are signed with community agencies and others who operate one or more homes with the type of program needed in the most suitable location.

Ministry of the Solicitor General



MINISTRY OF THE SOLICITOR GENERAL

The Ministry of the Solicitor General was formed on April 1, 1972. At that time, Ontario became the first province in Canada to establish a Ministry concerned exclusively with the related programs of law enforcement and public safety.

The Ministry is made up of four major program areas:—

The Ontario Police Commission

The Ontario Provincial Police

The Public Safety Division

The Ontario Police Arbitration Commission

ONTARIO POLICE COMMISSION

In accordance with provisions contained in The Police Act, the Ontario Police Commission provides assistance in co-ordinating the work and training of police forces throughout the province. It also operates the Ontario Police College in Aylmer, and a criminal intelligence service. As provided for by statute and regulations, the Commission has quasi-judicial, regulatory, and investigative powers throughout the province.

The Commission's staff maintains a system of statistical records and conducts research studies of criminal activities and related matters to aid law enforcement by police forces in Ontario and also consults with and advises boards of commissioners of police, police committees of municipal councils, other police authorities and chiefs of police on all matters relating to policing.

Advisory Branch On Police Services

All the advisors are former senior officers and have extensive police experience. They advise police forces in those municipalities which are required to maintain their own forces by making in-depth studies of police organization, structure, manpower requirements, and budgetary problems.

They screen the qualifications of applicants for senior police appointments to assist Boards of Commissioners of Police and Committees of Council in making the appointments. The advisors supervise promotional examinations throughout the province as well as lecturing at the Ontario Police College, and other police oriented organizations, seminars, and institutions of learning.

Criminal Intelligence Branch

This Branch is operated for the purposes of:

- stimulating the criminal intelligence gathering processes of police forces and related agencies within Ontario, and promoting the free exchange of intelligence between these forces;
- training of police personnel in the various aspects of organized crime and the criminal intelligence process;
- maintaining a permanent repository for criminal intelligence, to provide the facilities for the analysis, collation, evaluation, and dissemination of such intelligence;

- maintaining liaison with all police forces and law enforcement agencies in Ontario, as well as those located in key centres elsewhere, both domestic and foreign;
- keeping the Commission, and through the Commission, the Minister, informed of the current state of organized crime.

The staff of the Branch is non-operational and does not investigate crime but acts as a support service to police forces in the province.

Activities

Branch activities fall within five categories:

(a) Training

The Branch sponsors Criminal Intelligence Seminars for Ontario Police Officers. These are designed to stimulate the awareness of the extent of organized crime in the province and of the approved methods for dealing with the problem. Members of the Intelligence Branch also participate as resource personnel in training courses developed for particular aspects of organized crime activity in narcotics distribution and illegal gambling. They also lecture on the subject of organized crime to all training classes held at the Ontario Police College.

(b) Liaison

The interprovincial and international aspects of organized crime necessitate continuing liaison and intelligence exchange with other similar special units throughout Canada, the U.S.A. and certain other foreign countries. The Branch holds membership in the Law Enforcement Intelligence Unit (L.E.I.U.), a large association of state and municipal agencies, mainly from the U.S.A., but with some Canadian participation.

(c) Criminal Intelligence Services — Ontario (CISO) and the Central Repository for Criminal Intelligence in Ontario

C.I.S.O. is an association of Intelligence Officers from the major urban police forces in Ontario, from the Ontario Provincial Police, the Royal Canadian Mounted Police, and the staff of the Commission's Intelligence Branch. The organization works to collect, analyze and share criminal intelligence. Members of this Commission, along with the heads of the police forces involved, constitute the governing authority which provides policy, control, and direction for the organization.

The Central Repository for intelligence in Ontario is maintained by an Intelligence Branch within the Commission's premises. Here, raw intelligence, gathered by police forces and other agencies is analyzed, evaluated, and disseminated on a need-to-know basis to the police forces of Ontario. The organization also serves as a link in the national system, Criminal Intelligence Services — Canada (CISC), located in Ottawa.

(d) Joint Forces Operations

Experience has shown that in certain organized crime situations no single police force possesses adequate personnel or resources

to perform an effective long-term intelligence probe. To correct this situation, the Commission has developed a program of Joint Forces Operations, each comprised of two or more forces who are prepared to commit their personnel and resources to a common target. The Commission supports these operations by supplying specialized resources, co-ordination, and an analytical capability.

Systems Planning and Research Branch

The work of Branch staff encompasses systems design and the application of information and communications technology to the problems of modern-day policing.

Information Services Program

Ontario's police forces are major supporters of the Ottawa-based Canadian Police Information Centre (C.P.I.C.) system. This central computerized information service is a valuable aid to more effective law enforcement. More than 150 terminals have now been installed throughout Ontario to provide our operational policemen with almost instantaneous access to the automated information on file at the C.P.I.C. As a result of consolidating police information on central files (e.g., warrants to arrest), and making it readily accessible to operational policemen, the forces have experienced a great improvement in the execution of outstanding warrants. In several forces, this improvement has exceeded 100 percent.

Application and control of the automated C.P.I.C. service throughout the province requires that the Branch, supported by assigned police personnel, conduct comprehensive audits of the C.P.I.C.-related record keeping practices of every force in Ontario.

Integrated Radio Service Program

This program is to assist the police forces of Ontario to upgrade the standard of their communications support services. Under this integrated radio services program, over \$3,000,000 in capital development grants is being made available to a number of municipal police forces in the province for the installation of the latest in police communication systems technology. The program mainly promotes the use of the multi-channel, personal, two-way portable radio concept in police operations.

Consulting Services and Research

Branch communications advisors respond to numerous requests from Chiefs of Police and Police Governing Authorities for assistance in the analysis, design, development of procurement specifications, and evaluation of suppliers' proposals relating to communications services. Providing technical support to the police community will continue to remain an important aspect of the Branch's role. Project commitments are undertaken to work with various Ontario police forces in defining and developing improved management reporting systems, and in assessing the application of mini-computers in police dispatch/information handling operations.

Ontario Police College

The Commission operates and staffs the Ontario Police College in Aylmer where in 1974, construction began of a new College. This reflects the province's increasing emphasis on the need for expanding the basic training of police officers to meet the challenges of the future.

The larger and more modern College, located on the site of the old facilities, will provide for:

- increased recruit training capability;
- introduction of new special courses;
- extension of refresher courses;
- provision of facilities for senior police officer training.

The College is intended to be a model for police forces around the world. The already high standard of police training in the province will be enhanced by the new physical facilities, and by an upgrading of the curriculum, which is already partly in effect. More social sciences, police refresher courses, technical training and senior management studies are being offered.

ONTARIO PROVINCIAL POLICE

O.P.P. Organization

The Police Act of Ontario and regulations thereunder provides for the constitution and organization of the Ontario Provincial Police Force.

The objective of the O.P.P. is to provide uniform and impartial law enforcement in all areas of the province under its jurisdiction and to render aid and services, upon request, to other law enforcement agencies.

The organizational structure of the Force, with headquarters in Toronto, consists of the office of the Commissioner, who has the control and the management of the Force, and two deputy commissioners, one in charge of Operations, the other in charge of Services.

Under Operations, there is the Field Division, the Traffic Division and the Special Services Division, each commanded by an assistant commissioner. Under Services, there is the Management Division, the Staff Services Division, and the Staff Development Division, each under the command of an assistant commissioner.

The Force is divided into 17 districts, each of which is controlled by a superintendent.

Responsibilities

The Ontario Provincial Police is responsible for policing those areas of Ontario which do not maintain a municipal force; maintaining a Criminal Investigation Branch; providing reserve personnel to municipal forces when needed; maintaining highway traffic patrols, and enforcing the province's liquor laws. Also, a municipality may contract with the O.P.P. for the provision of policing by the O.P.P. in that municipality.

These functions of the O.P.P. are clearly set out in the appropriate sections of the Police Act. There are additional areas of

policing that the O.P.P. handles which are not so clearly discernible from the Police Act. These include waterways policing, drug enforcement, counterfeiting, commercial (white-collar crime), Indian policing, VIP protection and security, and intelligence gathering.

The O.P.P. police as regards policing in Ontario is primarily one of providing a service where one does not exist or where assistance is required. With this policy consideration in mind, the O.P.P. has entered into some other areas of policing not specifically detailed for it in the Police Act.

Operations

(a) Field

Field personnel carry out law enforcement duties in all areas of the province where policing is the direct responsibility of the Force. Generally, this includes traffic, crime, liquor and the enforcement of certain federal and provincial statutes. Management of the traffic law enforcement program is the responsibility of the Traffic Division. Where necessary, special investigative assistance is provided in all areas of activity by the Special Services Division.

(b) Special Services

The O.P.P. has six branches organized into a Special Services Division, which are staffed with personnel specially trained in specific areas of crime detection and investigative techniques. They assist members of the Force and municipal police forces upon request.

Anti-Rackets

"White collar" crimes including diversified rackets, fraudulent schemes, and the manufacture and distribution throughout Ontario of counterfeit and forged instruments such as payroll cheques, money orders, bonds and currency are investigated by Anti-Rackets personnel.

Auto-Theft

Expert assistance is provided to all Ontario police forces in the investigation of organized vehicle theft rings and the identification of vehicles, the particulars of which may be in doubt.

Intelligence

The objective of this function is to correlate information with similar units operated by the Ontario Police Commission, the Royal Canadian Mounted Police and municipal police forces in Ontario. Personnel compile information on organized crime to provide investigators in the field with information which may not be otherwise readily available.

Criminal Investigation

Inspectors of the Criminal Investigation Branch investigate the more serious types of crime such as murder, kidnapping, rape, and bank robbery.

Security

This Branch provides protection from subversive elements in the maintenance of public order. The Security Branch is also responsible for providing appropriate security for officials of government and other designated persons.

The "Ontario Government Protective Service" functions within the O.P.P. The initial responsibility of the corps is to protect government property and to preserve the peace in government buildings.

Special Investigations Branch

This Branch encompasses the functions of Anti-Gambling, Liquor Laws Enforcement, and Drug Enforcement.

(i) Drug Enforcement Section

The role of the O.P.P. in drug enforcement is to co-operate with the Royal Canadian Mounted Police by investigation of routine drug occurrences. Members of this section have been assigned to full-time drug enforcement duties in Joint-Forces operations in various areas of the province.

(ii) Anti-Gambling Section

This section investigates illegal acts involving gambling throughout the province. It assists in the investigation of disorderly houses, cases involving pornography and lotteries, and in keeping gambling under control.

(iii) Liquor Laws Enforcement Section

Specially trained investigators in the Liquor Laws Enforcement Section respond to requests for investigations initiated by the Liquor Control Board, the Liquor Licence Board, municipal police departments, crown attorneys, or from Force personnel.

(c) Traffic

The Traffic Division is responsible for developing, co-ordinating, and implementing various enforcement programs, such as selective enforcement through the use of regular patrols, regular traffic patrols, radar, aircraft and special traffic enforcement vehicles. These methods are programmed in an effort to control the level of motor vehicle collisions in all areas, with emphasis being placed on areas experiencing high collision rates.

Staff Services

The Staff Services Division is comprised of (1) the Central Records and Communications Branch, which provides a twenty-four-hour record service to all bona fide police agencies in Ontario. Information is furnished in respect to fingerprints, missing and wanted persons, and all other matters necessary in legitimate investigations; (2) the Community Services Branch, whose efforts are channeled in the areas of citizen complaint investigations, crime prevention and safety and information activities; (3) the Quartermaster Stores, which administers Force uniform and

equipment requirements; and (4) the Transport Branch, which has the responsibility for 1900 Force Mobile units.

Staff Development Division

The Staff Development Division administers (1) the Career Management Branch, which governs the Force promotional processing, and the uniform recruitment and staff development functions; (2) the Manpower Administration Branch, which deals with personnel placement and deployment matters; (3) the Staff Relations Branch, which provides liaison services between Management and the OPP Association, deals with problem employees and generally performs a go-between function; and (4) the Training Branch, which is responsible for field, external and in-service training programs and administers the Force Training and Development Centre.

Management Division

The Management Division is responsible for (1) the Planning and Research Branch, which administers the data processing, special projects, statistical analysis and systems and programming functions; (2) the Properties Branch, which is responsible for Force buildings, properties and their maintenance and/or construction; (3) the Registration Branch, which has jurisdiction over the licensing of firearms, private investigators and security guards; and (4) the Staff Inspections Branch, which is responsible for all matters pertaining to discipline, adherence to Force policy and administrative requirements, and periodic personnel and premise inspections.

THE PUBLIC SAFETY DIVISION

Chief Coroner's Office

The coroner system in Ontario provides a formal means for investigating and, if required, conducting public enquiries into the circumstances surrounding sudden, unexplained, or unexpected deaths. This is in order to determine for each case the identity of the deceased and the facts as to how, when, where and by what means the deceased came to his death. The system, therefore, is a vital part of law enforcement in initially determining whether deaths are due to natural causes, accident, suicide, or homicide.

Another important aspect of the coroner system pertains to public safety and the prevention of similar deaths in the future. As all the facts pertaining to sudden or traumatic death become known to the Coroner during his investigation, and because the Coroner is an independent official, he is best qualified to provide warnings to the public of hazards to be encountered during the course of their daily lives. The inquest procedure also provides an excellent medium to disseminate the true circumstances relating to a particular death, providing the public with a warning about a hazardous situation, trend, or contingency. The Coroner's jury is also a good source for recommendations that could prevent similar deaths in the future. It provides Government officials with a guide to current preventive

attitudes of the public and the lengths to which the public are prepared to go as regards safety.

Recommendations emanating from Coroners' juries have been pursued by the Chief Coroner's Office on a regular basis since its inception. The Coroners Act 1972 has made this procedure mandatory. It is the responsibility of this office to bring such recommendations to the attention of the appropriate persons, agencies, or ministries of Government. Although this office has no authority to force such organizations to implement recommendations, a surprising number are in fact implemented in some way. It is difficult to record exact statistics on the number of recommendations that are implemented. There is often a long time-lag involved in such steps, particularly with those that require amending legislation or the expenditure of large sums of money. However, the Chief Coroner's Office estimates that about 75 percent of all meaningful recommendations are eventually implemented.

Administration of the coroner system, which operates in Ontario in accordance with The Coroners Act and other provincial statutes, is the responsibility of the Coroner, assisted by an administrative staff and local coroners appointed from among legally qualified medical practitioners. The Chief Coroner is also the General Inspector of Anatomy and is responsible for administering The Anatomy Act.

At the present time, all coroners in Ontario are legally qualified medical practitioners. The province is therefore in the enviable position of having a 100 percent medical coroner system, unlike most other jurisdictions. Experience has shown that a physician is best qualified through education and practice to deal with the problems encountered in investigating sudden and traumatic death.

The Coroner's Investigation

The coroner's investigation is the basic mechanism of the coroner system. Primarily, the coroner's investigation is a means for ascertaining facts relating to a death. These can be summed up as the facts as to how, when, where and by what means a person came to his death and the identity of the deceased if this is not known. These facts, once determined, should be made a part of the public records of the province, not only to serve the general public interest, but also to add to the sum of knowledge in the fields of forensic science, pathology, public safety and public health. In every case where there has been a death other than through natural causes, there exists the possibility that it came about as a result of some wrongful act or omission on the part of some other person. The fact that such deaths are required to be brought to the attention of the coroner serves as a check on the possibility of misconduct or neglect which endangers human life. The Coroners Act contains a fairly comprehensive list of the circumstances under which deaths must be reported, thereby initiating the coroner's investigative process.

In addition to inquiring into deaths occurring under general circumstances, the investigative power of the coroner system is

directed towards the protection of certain classes of persons. These classes comprise those persons who, by reason of age, chronic illness, mental retardation or mental disease, are largely dependent for their health and safety upon the proper actions of those into whose care or custody they have been committed.

The Coroner's Inquest

The inquest is the second formal stage of the coroner's function. If the coroner's investigation cannot establish with reasonable certainty those facts which are its primary object -- how, where, when and by what means a person came to his death, together with his identity -- then an inquest may be proper. In those cases where one or more of the essential facts are unknown or are in dispute or are unclear, it is a proper function of a modern coroner system to allow for the presentation at an inquest of all evidence relating to the death for a jury's consideration and verdict.

The inquest serves three primary functions: as a means for a public ascertainment of facts relating to deaths, as a means for formally focusing community attention on and initiating community response to preventable deaths, and as a means for satisfying the community that the circumstances surrounding the death of no one of its members will be overlooked, concealed, or ignored.

A modern coroner system has a major function in the area of public safety, exercised primarily through the inquest. In this respect, the inquest is an important means by which the effectiveness of legislation, regulations and industrial practices designed to ensure safe conditions in industry and the community can be examined.

Centre of Forensic Sciences

The fundamental role of the Centre of Forensic Sciences is to provide evidence to law enforcement officers, crown attorneys, lawyers, coroners, pathologists, and official investigative agencies. Its role is vital to the effective maintenance of law and order, and this incorporates scientific examination and analysis, as well as the evaluation and interpretation of physical objects and materials.

The Centre provides educational programs and materials to persons and agencies using its services. It also encourages and conducts research to improve or expand forensic science services.

The Centre's educational program includes giving lectures at the Ontario Police College, the Ontario Provincial Police College, the Metro Toronto Police College, and to groups at other locations. The province's only forensic laboratory is located at the Centre in Toronto. Services are provided at no cost to all official investigative bodies and to defence counsel in criminal cases. These services include toxicology, biology, chemistry, as well as fire-arms, toolmarks and document examination, and specialized photography. The new George Drew Building in Toronto houses the Centre's extensive laboratory and research facilities. This new Centre provides the province with one of the finest forensic laboratory facilities in the world, and has over 70,000 square feet of working space.

The internal organization of the Centre includes several specialized sections:

Biology Section

This section examines and identifies stains of body fluids found on a wide variety of materials and objects. Hairs and fibres are identified and compared by this section, as are botanical materials in the form of wood chips, plants, and plant products.

Chemistry Section

This section analyzes paints, glass, soil, petroleum products, explosives, metals and a wide variety of other materials. In addition, mechanical and engineering studies of mechanical and material failure cases are conducted by this section.

Document Section

The staff of this section examines and compares typewritten, handwritten, and machine produced documents. Altered, erased, and charred documents are also examined. Written material on forged cheques is classified, and examinations are carried out on the various makes of paper, pens, typewriters, and pencils. The Provincial Fraudulent Cheque File is also maintained by this section.

Fire-arms Section

This section examines fired bullets, cartridge cases, and fire-arms of every description. It also receives tissue and clothing for the purpose of determining the presence of gunshot residue. Toolmark examination of lock plates, jimmy bars, screw-drivers, wire cutters, and other implements is another function of the section.

Toxicology Section

The staff of this section conducts tests for alcohol, drugs, and chemical poisons in biological and other specimens arising from investigations of a medico-legal or criminal nature. In addition, personnel in the section are responsible for acquisition and maintenance of breathalyzers and the training of operators.

Photography Section

The duties of this section include the search for physical matches and comparisons that are not visible to the naked eye. Photographing of exhibits received by other sections is also an important function performed by this specialized group.

Forensic Pathology

The Forensic Pathology Agency was established in February, 1973, and incorporated into the Public Safety Division of the Ministry of the Solicitor General.

The role of this Agency is to assist in determining the reason for and the mechanism of death in unusual circumstances through

the application of forensic pathology. This objective can be achieved by:

- providing an advisory service to police, coroners, and pathologists in the province;
- developing training programs in forensic pathology;
- carrying out forensic pathological examinations in difficult or complex cases.

The forensic pathologist's primary function is to evaluate the pathological findings in cases of sudden death in relation to circumstances surrounding the death and the results of any ancillary investigations.

In any enquiry into sudden death, whether it turns out to be from natural or unnatural causes, the Forensic Pathologist acts as a link between the coroner and the police, particularly in homicides and in cases of suspicious or unexplained deaths.

The purpose of a medico-legal autopsy is to help the investigations of the coroner and police. If possible, the cause of death should be revealed as well as the mechanism of death. In the case of homicide it should be determined what type of weapon was used, the number of blows, whether a particular weapon could have caused the wounds found. Medical knowledge is used to try to connect a deceased person with a suspected assailant.

The Forensic Pathology Branch supervises the regional pathologists across the province in medico-legal autopsies. It also provides expert consultation services, as many of the autopsies performed present difficulties beyond the normal scope of regional pathologists, and it provides for the continued training of pathologists in medico-legal studies.

OFFICE OF THE FIRE MARSHAL

The Fire Marshal of Ontario derives his statutory authority from The Fire Marshals Act which was passed by the Ontario Legislature in 1914. He is responsible for directing, co-ordinating and advising on all aspects of fire prevention, fire fighting and fire investigation within the province.

The staff of the Office is equipped with technical knowledge and the authority to assist and advise municipal councils, fire departments and government ministries in their responsibilities toward providing fire safety to the citizens of Ontario.

The following services are provided by the Office of the Fire Marshal to the public, to industry and to all levels of government.

Fire Training Services

Services are provided to municipalities for the training of their fire department personnel. Field Courses are offered to newly-organized and re-organized fire departments consisting of three-hour units and teaching any or all of the basic skills of firemanship. Regional Fire Fighting Schools are conducted in various locations of the province consisting of five-day 40-hour courses of study in the basic skills of fire fighting involving both classroom and practical

instruction, using the Office's apparatus and equipment. Regional Fire Prevention Schools are also conducted around the province as five-day courses or one evening a week for thirteen weeks. Studies in fire protection technology for fire department officers are provided by in-residence courses at the Ontario Fire College. These studies consist of 15-week courses, including fire prevention, fire fighting operations and fire department administration, and are available without charge to municipalities.

Technical Services

Consulting services are provided to government ministries and municipal fire departments on major technical problems of fire prevention and protection. Assistance is given to municipal fire prevention inspection programs conducted under the authority of the Fire Marshals Act. Government ministries are assisted in the preparation of provincial fire safety laws, and plans of buildings in which the province has a special interest are examined and approved. The plan approval program includes educational facilities, health-care buildings, various types of welfare accommodation, and hotels. Technical assistance is provided in fire investigation. The Office regulates installation of lightning rod systems, approves lightning rod equipment, and licenses lightning rod manufacturers and their agents. Assistance is given to national and international organizations in the preparation of fire prevention and protection standards and codes. A large technical library is maintained for use of staff and fire departments in researching fire matters.

Investigation Services

Investigation services are provided in cases where fires occur and there is a suspicion of an offence having been committed, where a fatality resulted, or where there is an unusually large fire or explosion. In the provision of these services, the Office co-operates with provincial and local police departments. The Centre of Forensic Sciences provides the scientific analysis of evidence, and any further technical or scientific assistance required is employed. Where an offence is believed to have been committed, assistance is provided to crown attorneys in the prosecution. In cases where fire fatalities occur, advisory services are made available to coroners in the investigation and subsequent inquest. The recommendations of coroners' juries are considered, and where necessary, their advice is acted on to prevent recurrences of such fatalities. Fire Investigators work out of the Main Office in Toronto to serve the Central Ontario Area, and out of District Offices to serve the rest of the province.

Fire Advisory Services

Advisory services are provided to the councils of municipalities and to their fire departments by conducting municipal fire protection surveys and one-time fire department promotional examinations. The surveys entail an examination of the construction

features of the municipality, fire prevention by-laws, fire department organization, fire fighting apparatus, equipment and manpower, fire station locations and facilities, communications, water supply and the road and traffic conditions which may affect fire department operations. Promotional examinations are prepared by the Office, and a board of examiners comprised of a member of the staff who is the chairman, and two municipal fire chiefs, conducts the examinations. In addition, technical assistance is provided in the preparation and review of specifications for fire fighting apparatus and equipment, the examination or development of fire protection by-laws, establishing fire prevention and fire training programs, and developing emergency fire service plans. In general, fire service advisers counsel municipalities in all aspects of fire prevention.

Public Information Services

Information services are provided to fire departments and the news media and through them to the citizens of Ontario. The Fire Marshal's Quarterly News informs fire departments of the new developments and techniques in fire prevention and protection. In addition, technical publications are prepared and made available to government departments and municipalities. In the field of fire prevention publicity, the Office maintains a large film loan library and provides films on fire safety to fire departments, service organizations and other interested groups. A wide range of fire prevention pamphlets are prepared and made available to fire departments for distribution to the citizens of their communities. In addition, radio recordings, TV films and slides and news mats carrying fire prevention messages are made available to all radio and TV stations and newspapers in the province.

Statistical Services

Statistical services are provided by tabulating reports of losses of life and property from fires occurring in the province. Recent changes to the reporting system now result in more detailed and more useful information to identify problem areas. Quarterly tabulations list the fire fatalities and injuries, the number of fires, total loss and insurance loss with comparative figures from the same quarter of the previous year, large loss fires and a synopsis of criminal cases, but there is also information available on a monthly basis. The annual report, besides giving data on the yearly fire fatalities and injuries, the number of fires, total loss and insurance loss, gives extensively detailed information classified by property and cause.

POLICE ARBITRATION COMMISSION

The Ontario Police Arbitration Commission was established in 1972, with general responsibility for monitoring and evaluating the effectiveness of the police arbitration system and making recommendations for its improvement.

Its aim is for speedier and more harmonious police contract bargaining and arbitration, and, among other measures, the amendments provided for conciliation services which were formerly unavailable to parties attempting to negotiate an agreement. New legislation made these services available and encourages the parties to use conciliation where either party considered that it might assist them in reaching a voluntary agreement.

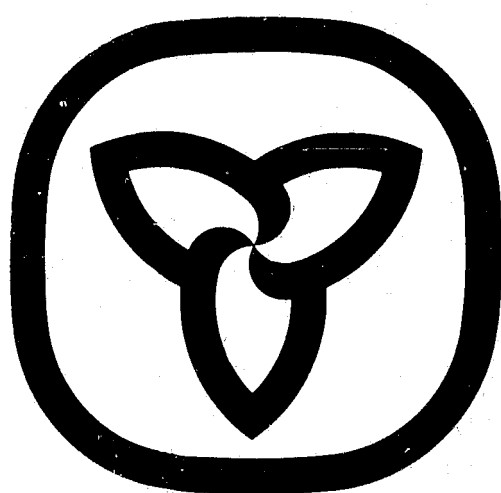
The Arbitration Commission has no specific responsibilities in the operation of the conciliation process, but the Commission does monitor the general effectiveness of this important part of the police bargaining and arbitration system.

The Ontario Police Arbitration Commission is a five-member body designed to provide more competent and available arbitrators, to reduce generally delays in police contract negotiations, and to promote more harmonious employee/employer relations in the police community. The Commission is responsible for overseeing a full-time arbitrator, and for developing and maintaining a register of readily available and qualified part-time arbitrators. The Commission also lends administrative and technical assistance to arbitrators, sponsors research programs on arbitration processes, and sponsors the publication and distribution of information about these matters.

In undertaking the duties specified under the Act, the Commission has the services of a full-time arbitrator. He is designated by the Solicitor General to arbitrate each of the disputes in which an arbitrator was requested by the parties.

The Commission also maintains a register of arbitrators available for designation by the Solicitor General, and has a secretary, who carries on the day-to-day functions of the Commission.

All disputes are referred to a single arbitrator designated by the Solicitor General. As many arbitrations as possible are referred to the full-time arbitrator, the remainder are delegated to the part-time arbitrators on the register of the Arbitration Commission. Other duties and functions that have been carried out by the Commission include the establishment of forms to be used by the parties whenever they require arbitration services, as well as prescribing procedures for conducting arbitration hearings.



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