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Chair

Mr. Anthony Housefather

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• (1535)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Good afternoon, ladies and gentlemen. It is a pleasure to welcome our panel of witnesses as we commence our committee study into the jury process in Canada.

I'm very glad to welcome Mr. Sikand, who's joining us today.

Welcome.

Mr. Gagan Sikand (Mississauga—Streetsville, Lib.): Thank you.

The Chair: I'm also very glad to welcome Mr. Rankin, who's joining us today, as Mr. Rankin was instrumental in introducing many of us to some of the jurors who first raised this issue and talked about the need, which all parties agreed with, for this issue to be studied. It's something that is obviously very serious, people serving the public on juries, who come out of the process feeling that they were not supported by the government in the way that they should be. We're really glad to hear about each of your individual experiences. I know those will guide us going forward in terms of our committee's deliberations.

I would like to welcome today, appearing as individuals, Mr. Mark Farrant, Mr. Patrick Fleming, Ms. Tina Daenzer, and Mr. Scott Glew.

Welcome.

We will be going in the order that the witnesses are sitting in, so we will start with Mr. Farrant.

Mr. Farrant, the floor is yours.

Mr. Mark Farrant (As an Individual): Thank you very much.

Thank you to the members of this committee for inviting me to speak here today and for unanimously agreeing to open this study of juror mental health. If I may, I will also remark on the eloquence and sensitivity that each member expressed during your discussions and the vote that brought us here today.

Jury duty is one of the most important civic responsibilities expected of Canadian citizens. Indeed, it is likely the last mandatory service remaining since the abolishment of military conscription. However, I think it is fair to say that Canadians have a conflicted relationship with jury duty. Many see it as an inconvenience, a burden, and a major disruption, rather than accepting the important responsibility that it is.

In January 2014, I was selected as a juror in a first-degree murder trial in Toronto, Ontario. Like a lot of Canadians, I had no experience with the criminal justice system prior to the events of 2014, nor had I even really been in a courtroom. I served as foreman in the deliberations and ultimately delivered the verdict in court.

The trial involved the graphic murder of a young woman, Carina Petrache, by her on-again, off-again boyfriend. She was attacked one morning in the rooming house apartment they shared. Her throat was cut from ear to ear. She was stabbed 25 times and was ultimately set on fire as her murderer attempted to set fire to the basement unit in a vain attempt to bring the building down in flames. His arson efforts failed, and Carina, mortally wounded, was able to vacate the unit, only to die of her massive injuries en route to hospital.

The accused also suffered horrible wounds stemming from the fire, suffering burns to 90% of his body, leaving him grossly facially disfigured and disabled due to amputations. He spent 12 months in a medical coma before being charged. In the courtroom, he was a living ghoul, a reminder of the brutality of the attack, and he spent many hours staring down jurors in an attempt to intimidate and shock.

The trial lasted four months and was made complicated by an NCR defence, which is known as “not criminally responsible”. Hours of testimony from the coroner detailed the graphic murder, including dozens of autopsy photos of the victim, descriptions of her significant and superficial wounds, and articulation of the defensive wounds on hands and feet, which suggested that the assault was excessively violent and unrelenting.

The macabre police video provided a walk-through of the crime scene by moving about the burned basement unit where the assault took place, moving up the burned stairwell, and following a trail of the blood of the deceased, complete with blood splatters, bloody handprints and footprints, and pools of blood up and down the hallway and in the bathroom. Testimony from the fire and emergency response officers on the scene was harrowing and disturbing, especially the testimony of a seasoned fire captain who broke down on the stand, stating that this was the worst thing he'd ever had to endure.

The accused was ultimately found guilty of second-degree murder. The accused later hanged himself in the Toronto West Detention Centre prior to receiving his sentence.

In court as a juror, I took all the evidence in silently, as was my role. As jurors, we ingest the evidence and the facts. We do not interact with it. We are not afforded an opportunity to look away or raise our hands and say to the courtroom, "Turn that off; I've had enough."

I remember a particularly brutal image being left on our screen during closing arguments for 45 minutes and wondering why this was even necessary. This image was not in any way going to influence my decision-making. At the time, I understood that any stress or sleeplessness and anxiety was my burden to bear in this particular role as a juror. It's part of the job, I reminded myself.

As a juror, you are extremely isolated. You cannot communicate with anyone in any form about the events in court or even really with other jurors. I would leave the court in a trance, not remembering even how I got home. I would stare blankly into space during meetings at work or at home while my three-year old daughter tried desperately to engage with me. My then pregnant wife, who had such an engaged husband during her first pregnancy, now had an emotional zombie in me, unable or unwilling to communicate.

I expected these feelings to subside as I left the courthouse on the day the verdict was delivered. I expected to experience a period of re-acclimatization as I re-entered my life, and then I would be fine. I expected that there would be a thorough discharge and debrief prior to being dismissed, and that perhaps a counsellor would be present who could direct us to services or mental exercises, or indeed talk to us. There was nothing.

My feelings didn't subside. They intensified and deepened. After the trial, I cut off communication with all friends and family, only interacting with colleagues at work, and then only superficially. I became hypervigilant around my kids, refusing to let them walk alone, even a few steps in front of me. I became unable to handle crowds and public spaces. My diet changed. I was unable to look at and prepare raw meat without gagging, something that persists to this day.

● (1540)

Images would haunt me day after day, an unrelenting bombardment of horror. My daughter's red finger painting would hurtle me back to the scene of the crime and I would stare transfixed, seemingly out of space and time. Sometimes I would just start to cry for no reason at all. Intimacy with my spouse was impossible, and I found myself either sleeping downstairs on some kind of vigil, or sleeping in my children's rooms at the foot of their doors, if I even slept at all.

I began to see everything as a potential threat, and even began arming myself with knives "just in case", I would say to myself, as I would take my children to the park to play. My daughter asked me one day why I was putting a knife in my jacket and I struggled to understand, even myself, why I was doing it, let alone to explain it to a three-year-old. I knew something was horribly wrong with me.

Finally, my family intervened and said that I was ill and I needed to seek help. The first place I turned to was the courthouse, thinking that they would have immediate access to counsellors and services for jurors as a matter of course. I was surprised when my repeated calls went unanswered and finally learned that there were no services

from the courts available to me unless they had been issued by a judge. This was the policy in Ontario at the time. Victim services were also not available because, of course, I was not a victim.

So began the dizzying fall into the public health system where it became my responsibility to find a clinician and to be put on a waiting list for psychiatric services, which was almost a year long.

Finally, after almost six months I found a clinic specializing in PTSD, which was my diagnosis, and began paying out of pocket for treatment for cognitive behavioural therapy with a psychologist. Grateful for the treatment, I began thinking that (a) I shouldn't have to be looking for counselling, and (b) that jurors should receive some treatment after serving in difficult trials as part of their service to the community and the country. Jurors should not have to suffer as a result of their civic duty.

I was motivated to do something about it, which began a very long and determined advocacy, resulting in the Ontario Government launching the juror support program, a toll-free crisis line and eight counselling sessions.

I wrote to every attorney general across the country, asking them to adopt a similar program or amend the barriers in the existing programs to match what Ontario had. I was met with resistance, or completely ignored in most cases. Yet I heard from countless jurors from across the country who shared similar experiences and who spoke of the woeful lack of mental health support in their provinces. Some of those jurors had been ill for many years and remain affected to this day.

I was determined to seek a federal standard, which brings us here today. Members of the committee, I want to let you know that treatment works. It's the reason I am sitting here now and talking to you. It works. I'm living proof of that.

Jurors are an important pillar of the justice system. I once said that jurors and first responders are bookends of that system. Jurors close the cases in trial that police and first responders initially answer. We see the same evidence, if not more, and we are all affected by the same horror and tragedy, yet one group receives treatment and support and the other does not.

I hope you will return a recommendation to the government and the justice minister that underscores the critical role jurors play in our justice system, and provide them with the support they deserve to return to their lives.

Thank you, committee.

● (1545)

The Chair: Thank you very much.

Just before the rest of you speak, and to you, Mark, I just want to thank you for sharing your personal story with us because I know how difficult it is, but I think it's only by our hearing that from you and other jurors that we'll get a full understanding and comprehension of the problem, and that will allow us to formulate the right solutions, so thank you.

Mr. Mark Farrant: Thank you very much.

The Chair: Mr. Fleming, the floor is yours.

Mr. Patrick Fleming (As an Individual): Good afternoon.

Thank you for the opportunity to speak today.

I am Patrick Fleming, and I served as a juror three years ago in a first-degree murder trial that consumed my life for ten months and beyond. The case, *R. v. Pan*, involved a young woman, Jennifer Pan, from Markham, Ontario, and four accomplices hired to kill Jennifer's parents in their family home. I live with daily thoughts of this crime: graphic coroner's photos of bullet holes through flesh, the bloody crime scene, and chilling testimonies. As the foreman, I can still hear and see myself reading the guilty verdict to all the accused. I can still hear the screams of the family and friends of the accused in a packed courtroom as I read their verdicts. When my civic duty was done and I was able to go home to my family and return to my "normal" life I pulled into my driveway and expected feelings of relief to wash over me, but something was different. I did not feel at my place of peace. Something was not right.

This experience made me feel alone. I felt isolated, although I was surrounded by my loved ones. I pulled away from my wife, my family, and my friends, during and after this trial. I could not put into words what I was going through emotionally. I had many confused feelings, thoughts, and horrific visions, during and after this trial. I had to prepare myself to return to my place of work the next day after being away for ten long months. I knew I was in need of help but at that time the courts did not offer any assistance, just a thank you for my civic duty and goodbye. I so desperately needed to talk to a professional, someone who could help me work through my feelings and thoughts. I cannot emphasize enough how strongly I feel that all civilians who are chosen to be a juror should be offered mental health support after a trial has ended.

We need assistance getting back to our "normal" life. We are civilians who did not choose this path for ourselves nor are we trained to deal with this type of situation. Being a juror is a monumental job that has had a major impact on my life. I strongly feel that there is a federal responsibility to provide professional assistance to all jurors, in all provinces. I still endorse and believe that one should do their civic duty but one should not pay out of pocket, as I have, to have access to mental health support for doing their part for their country.

I know an individual who has used the Ontario support program for jurors, and he is very grateful that Ontario offers such a program. It has helped him and his family tremendously, and he has asked me today to thank the government for providing that help and support that he needed.

I have also added two pages of bullet points that summarize some of my experiences of the stress of jury duty. I felt isolated from my family and friends. I would distance myself, and I could not share what I was going through. I had overwhelming feelings of guilt from making such a life-altering decision about the defendants' lives. I felt guilty for not being present for my family emotionally and physically. Feelings of loneliness throughout and after the trial are still hard to manage. I had a hard time trying to push down my emotions. I could not feel empathy or sympathy for these victims. I had to be analytical; I had to deal with only the facts of the case, not the emotions. I accomplished this, but I was left dealing with my own emotions by myself.

Again, I want to thank the committee for inviting me here today and thank all of the members of Parliament who have endorsed our advocacy.

The Chair: Thank you very much.

Ms. Daenzer, the floor is yours.

Ms. Tina Daenzer (As an Individual): Thank you to the committee for allowing me to appear before you today.

I am a first-generation immigrant and extremely proud to be a Canadian citizen. I have the privileges and rights and freedoms this country offers, but with those rights come responsibilities. One of those responsibilities is to participate in helping to bring about justice when summoned to do so. Our right to trial by jury depends on the willingness of all citizens to serve, but doing so should not be at the expense of a juror's own mental health.

In 1995, I was the first juror selected for the Paul Bernardo trial. Justice Patrick LeSage advised me the trial would be difficult and there would be graphic material presented as evidence. At that moment I had no way to fully comprehend how bad it would be. Imagine watching young girls being raped and tortured over and over again. You couldn't close your eyes and you couldn't look away because your duty was to watch the evidence. Many days I would go home in a fog, as if heavily medicated. I counted on my husband to care for our children and to assume most household responsibilities as I often had difficulty focusing on tasks after a day in court. Most nights the videos would play in my head over and over again. I had difficulty sleeping. Intimacy with my husband became nonexistent for a long time, even after the trial ended. I became afraid to go outside after dark, and to this day that still affects me. I have extreme distrust of strangers.

At one point during the trial, Justice LeSage had to call a recess on my behalf as I was having severe palpitations due to stress. Yet I was one of the lucky ones. In his 29 years as a judge, Patrick LeSage ordered or recommended counselling for jurors on only two occasions, and the Bernardo trial was one of them. He himself sought counselling after the trial ended. Since I was diagnosed as having PTSD, the counsellor advised services were available to me as long as I required them. While time is a great healer, having access to counselling helped me manage the trauma and anxiety and get back to living my life.

At the time I assumed counselling was provided automatically to jurors in traumatic trials. I came to realize this was not the case when I started reading about Mark Farrant and his mission to ensure that all jurors would be eligible for post-trial support. If it is our duty as citizens to take part in the jury system, then it must be the duty of the courts and the government to ensure that no harm comes to those willing to serve.

Thank you kindly for your time today. I hope the committee will make a strong recommendation to the government and justice minister that a national standard for jury mental health and counselling is necessary, and that all provinces are required to meet that standard.

• (1550)

The Chair: Thank you very much.

Mr. Glew.

Mr. Scott Glew (As an Individual): Thank you.

Honourable members of the committee, thank you for the invitation to speak today as a witness.

I'm a 47-year-old male, who lives in the GTA. I served as a juror on a second-degree murder trial of a two-and-a-half-year-old boy. The trial was approximately six weeks long and included the sequestering of the jury.

Forgive me.

The Chair: Take all the time you need. Don't worry about it.

Mr. Scott Glew: The case involved the death of a two-and-a-half-year-old boy who was under the care of his mother's boyfriend. According to the pathologist, the boy had sustained several serious injuries, including cracked vertebrae, broken bones, and blunt force trauma to the abdomen. These injuries were sustained in the weeks leading up to the boy's death.

I know this because I had to sit through an extensive autopsy report with graphic images of the crime scene, and how it was determined throughout the investigative process, specifically the autopsy process.

The trial hit home for me as at the time of the trial I had a two-and-a-half-year-old boy at home. The thought that somebody could do this to a precious child obviously still disturbs me.

The accused was convicted, and to this day I can still hear the cries of the courtroom, the victim's grandfather in tears, reaching over the pews crying, "Thank you, thank you." The courtroom security abruptly ushered us, the jurors, away from the courtroom, and snuck us out the back tunnel of the courthouse. This was done for our own safety as a riot had broken out in front of the courthouse between family members of the convicted and the victim. I found out about this after I got home and saw it on the news.

Returning to work was difficult. My employer was not very sympathetic to me being away for six weeks, even though I went to work before and after the trial as well as on weekends to try to keep up. It was budget time and everything was due immediately. The culture of this employer was that financial deadlines and commitments were paramount over any other work that had to be done.

My first day back was a fog. It was very strange to me that one day I was sequestered away from my normal life and family, deciding the fate of an individual, attempting to attain justice, and the next day I was in a boardroom meeting about a new computer software program that my employer was implementing.

Within days of the trial, I knew I needed support from a mental health professional. I sought out an EAP program counsellor. She

was tremendous. I was fortunate that my employer offered such a program. The follow-up from the trial ultimately led me to leave my employer. The treatment I received—the lack of understanding from my superiors, peers, and upper management—made me feel that I had done something wrong, like I was on vacation or not living up to my job requirements.

I was lucky to have the support of an EAP program and a great counsellor. In time, I came to the realization that I needed to move on from this employer. Personally, the counselling led me down some paths of my own life that I would not have explored without it. These were positive changes and awakenings to my own behaviour.

To this day, I worry all the time that something will happen to my kids, that someone in their life will hurt them the way the victim was hurt. I am super vigilant and accused of being way too over-protective, but knowing what I know, I cannot be too careful with who looks after my kids.

I would do my civic duty again. I believe the justice system in Canada is truly one of the best in the world. I witnessed first-hand the rights of the accused, the judge's constant assurance that the accused should receive a fair and unbiased trial.

Even the best judicial system system in the world can be improved upon. Making post-trial support available for all jurors who need it would close the loop in the jury trial system. Having an extended period of time after the trial to normalize before returning to work would greatly help as well. Creating a robust education package for employers and potentially co-workers of jurors might help as well. Having separate parking areas, break areas, away from the lawyers, families and participants in the trial would also help.

I would like to re-emphasize and encourage you to make post-trial support standard nationwide, to provide help to those who need it, to those who are the backbone of the jury system. It would certainly make it much easier for them to cope with the outcomes, facts, and images they endure to perform their civic duty.

Thank you for your time.

I am honoured to have participated in this process, and I apologize for the emotions.

• (1555)

The Chair: Thank you very much.

The emotions are an important part of why we're here today. Again, it's only by truly hearing what you've gone through that we are able, in our own heads, to feel that we understand the experience.

We're now going to go to questions. We'll do one official round and then we'll take questions from everybody.

We'll start with the Conservatives.

Mr. Nicholson.

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you very much.

I've been a member of this committee for the last couple of years. I've been involved with the justice committee for close to 20 years of my political career, and this is one of the most moving testimonies I have heard.

I want you to know that I truly believe that your testimony and what you are doing will make a difference.

Mr. Glew, you said we have the best judicial system in the world, but it can be improved, and this is a gap in the judicial system that definitely needs to be improved at all different levels. One of the reasons I have been so interested in this is that we can contribute to what you, and those working with you, have done. You have identified something that I don't remember being identified before. Your first-hand experience and the first-hand experience of all of you will be invaluable.

Mr. Farrant, you said you wrote to the Ontario government, and then they came up with this program to provide some assistance. You said you wrote to other attorneys general and governments across this country. Some of them replied to you; others didn't.

I don't want to put any pressure on you, but it would be interesting for us to know if you could give us copies of what they said to you. We now want to be involved with this business, and I would be very interested to hear what those different provinces or territories said, or did not say, to you. This underscores the challenges we have on this question. Do you have any comment on that?

• (1600)

Mr. Mark Farrant: I would be happy to share any and all of my correspondence with those attorneys general and ministries. Some of the responses were that they hadn't heard from any jurors who complained, so they didn't think they had a problem in that province. I heard from jurors within that province who said they had been on a horrible trial and experienced no support, and that was 10 years ago.

I have heard provinces say that it would be costly and that they were concerned about the undue financial burden on the taxpayer this program might incur. I would always say that it's not about the cost of the program but about the cost of the lives we save as a result of the program being put in place. Prior to the program being introduced in Ontario, a juror in London, Ontario, took her life after a case involving the homicide of a child went to mistrial. If a program had been in place prior to that event, I'm certain that this person might have been saved.

Hon. Rob Nicholson: When you got a letter back from one of the attorneys general about the possible cost, was there any mention in that letter of the cost jurors have to absorb?

Mr. Mark Farrant: No, there was no mention of that at all.

Hon. Rob Nicholson: Would you agree with me that part of our neglect of the interests of jurors is demonstrated by the lack of compensation we give them? You go for a couple of weeks with zero, and then they send you a message saying you get \$40 a day.

People like you made it very clear that you do this out of a public duty to serve. Don't you feel you're getting the wrong message, though, when the government tells you that you can be there for two

weeks and your employer doesn't have to pay you? Then they reward you with \$40 a day.

Mr. Mark Farrant: In Ontario, the employer is not obligated to pay for your time away from work. They're obligated to maintain your job. However, we've heard from jurors—and I am one of them—that the employer often feels incredibly put out, and there's a lot of pressure on you as a juror to continue to work on top of doing that civic duty.

I was one of those individuals who, after seeing horrific evidence, went back to the office, met with my team, worked for six hours, and then went back into the courtroom the very next day. While my employers gradually understood that I was going through something pretty harsh, the bottom line was that I was going to get the job done right, meaning the job I was employed to do.

Jury pay doesn't cover the costs of transportation and incidentals a juror has in a day of jury duty. If you're commuting from Pickering to the downtown Toronto courthouse and parking your car, that's absorbed. It's gone, and that's before you have to buy lunch.

Hon. Rob Nicholson: There's probably a message even there. In the criteria for compensation, they made it very clear that they won't provide anything for child care expenses here. I guess there's a certain message that's being sent out there. I wonder, in the short time I have, if the other three have any comment with respect to the questions I directed at Mr. Farrant.

Ms. Tina Daenzer: I would just say that you can see how much trouble the courts are having in actually getting jurors to want to participate. Not only does it take them away from their normal, everyday life, but, yes, there is no compensation for doing that, and they do it out of civic duty.

• (1605)

Hon. Rob Nicholson: Mr. Fleming.

Mr. Patrick Fleming: I work in a place where many people are around me, a lot of employees, and when they get that summons, the first thing they do, because they know I've gone through this ordeal, is to come and ask me how they can get out of it. That's the first thing they say every time. I have to tell you, I say to them, why do you want to? Because I still endorse it, and they know what I've been through. I tell them that this is important; it's important for all Canadians to do. I say to them, if you were in trouble yourself, wouldn't you want your peers to overlook it? They just look at me like I'm nuts.

You're laughing, but honestly, that's the very first thing they say: how can I get out of this? We can change that attitude. I really think we can change this attitude, and with the government's help maybe we can reform the jury altogether. Maybe we can put up the wages a little bit, and make sure that the juror knows that there's support there for them. That's part of the problem. The first thing they worry about is their family, financially. Why don't we make it a little bit better for them and let them know that we'll help them pay for day care. Give them a little bit more money. In long cases maybe say, we'll give you a break, like a little vacation halfway through it. Let's make it a little bit better for us, the private individuals out here. We really do love our country. And—you know what?—we support our country. Our country just needs to support us. That's all we're asking for.

Hon. Rob Nicholson: You have made a difference here today, I can tell you that. I truly believe that.

Mr. Patrick Fleming: We are here to make a difference and with all the support here, maybe we can make a difference.

The Chair: Mr. Glew, do you want to add anything?

Mr. Scott Glew: The only thing I would add is that there should be an education package to let people know what being a juror is. A lot of people don't even know what that process is, what that looks like. As Patrick said, when you go to the courthouse and go through the first step of the process, you don't know what's coming next; there's no kind of manuscript or direction of where you're going next, who you're going to be talking to, etc. I had neighbours come up to me afterwards saying the same thing: how do I get out of it? What did you go through? I would just reiterate to them, "Relax, it's okay. It's a good process to go through. They'll walk you through it and if you're chosen, then you're expected to do your civic duty."

The Chair: Thank you very much.

Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): It's Mr. McKinnon.

The Chair: Mr. McKinnon is going to go?

Okay, Mr. McKinnon, go ahead, please.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

Thank you all for sharing your experiences with us today.

Your words are powerful and important. I doubt that through words alone we'll ever be able to fully grasp what you've gone through. I thank you for your service.

Studies have shown that jurors experience different stages of stress during different stages of a trial, perhaps when you're summoned, during the trial, and at various junctures through the trial and afterwards. Is there any one point where you think we need to give the most attention?

Anyone can answer.

Ms. Tina Daenzer: Definitely when the trial ends, people need to figure out a way to get over the anxiety of the trial and the stress and the trauma of it. But during the trial, when you go home every day, you're told you may speak to no one about this. So you can't speak to your husband about what happened; you can't even describe how you feel because in that way you might have to disclose something

that you're not allowed to disclose. If there was, in any way, a court-appointed psychological counsellor.... Maybe for me, it's at day ten, but for somebody else it's at day five, so at the end of the day I can go and say, this was a particularly hard day today. The evidence was very gruesome. Before I go home, could I talk to you for a little while and tell you how I feel and ask you how I can not take this home with me?

● (1610)

Mr. Patrick Fleming: At the end of the trial, it was so abrupt. One minute I was reading a guilty verdict to five individuals, putting them away for 25 years plus another 25, and then the very next minute the court doors opened, and I was going home. Think about that.

Mr. Mark Farrant: It did end with an abrupt stop. It was rather shocking that there was no debrief. There was no standardization of dismissal. It just seemed to be incredibly abrupt and convoluted, literally "pack your bags and off you go".

Our trial was a little bit unusual in the sense that the justice came to our jury room and had a cup of tea with us, but that's very unusual. Even then, that wasn't a dismissal; it was just to say, "You all went through a really long trial, and I just want to say thanks." It was literally a handshake. That didn't help me. We've heard from a lot of people who say you feel like the rug is just pulled out from underneath you. You're walking out of one very tight vacuum into another, and you're in this zombie-like state, just lost, because you're suddenly back in the world. You're back in the world after having been through this. Tina said it earlier today. It's like a plane crash. You've gone through this thing that you can't explain to somebody else, but you feel as though you have to.

Mr. Ron McKinnon: What I'm hearing here is that there's really a need for ongoing counselling during the trial, which is accessible to jurors on request; as well as perhaps post-trial follow-up, a debrief, to evaluate the circumstances to perhaps see if further counselling is needed; and then, of course, counselling to carry on beyond that.

Would that pretty much cover what you think we need?

Ms. Tina Daenzer: Yes.

Mr. Mark Farrant: I think certainly post-trial is where it is most necessary. For some people, the intensity and the crisis occur much later. For me it deepened, and like a lot of people, I just decided to bury myself in work, bury myself in distraction that would allow it to go away. I hoped it would just ebb, and it didn't. I followed my own worst personal advice, and it intensified. Unfortunately, when I looked for an apparatus, there was nothing there.

Mr. Ron McKinnon: I'm wondering if having someone to talk to during the trial would tend to smooth out the transition, to relieve the pressure, perhaps, on an ongoing basis, so that perhaps at the end of the trial, the stress would not be so great in the first place.

Is that a fair guess?

Ms. Tina Daenzer: I agree with that, especially in my case. There were days when it was just overwhelmingly traumatic for me, especially the days when there was video evidence, because they played it over and over again. Maybe if I had had the opportunity to speak to someone at the end of that day, the end result might not have been so bad. I can't say that for sure, but I just feel that maybe it would have alleviated some of what happened at the end.

Mr. Scott Glew: I believe that something during a trial would be a great asset as well. Dealing with the prosecutors as they go through the process.... They want you to relate to the victim. They want to build that victim's personality. You see the videos. You see who they are in real life. And then, wham. Here's the evidence. Here's the other stuff. As you said, on that day, when you get that wham, it certainly would be helpful to have somebody to talk to and debrief, to normalize it or try to digest it in some way.

Mr. Ron McKinnon: You can't talk even with the other jurors about anything, right?

Mr. Scott Glew: No.

Mr. Patrick Fleming: I think the judge might be able to make that call though, because the judge is watching the jurors. I think he can recognize when he needs to pull a short day, and maybe that's the time to do it. The defence and the prosecutor stick these graphic photos, videos, and testimonies in front of us, and they know they're disturbing us. They know it; it's part of their game sometimes.

• (1615)

The Chair: Thank you.

Mr. MacGregor.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you, Chair.

Thank you to each of you for having the courage to come to Ottawa today to share your story. As Mr. Nicholson said, I think everyone around this table right now is just in awe of what you've gone through and what you've had to suffer through just for simply doing your civic duty.

None of you are professionals in the justice system. Like every juror across this country, you're ordinary Canadians, plucked out of your ordinary lives and called to do something extraordinary, and you've had to go through a lot. I really want to start off by recognizing that. I truly hope that what we hear today and as this study continues leads us to a place where we make those firm recommendations, those much-needed recommendations. I want to again thank you.

Speaking of recommendations, that's ultimately where we want this report to end up, making recommendations to the Minister of Justice. Yes, we realize that under our constitution, the administration of justice does fall under provincial jurisdiction, but we should note that we as federal legislators are responsible for drafting amendments to the Criminal Code, that very same criminal code that contains section 627, which allows judges to provide supports to disabled jurors.

We are responsible for the federal penitentiaries where the offenders who receive guilty verdicts in these gruesome trials often end up. We just completed a study trying to find avenues whereby the federal government can try to impose some sort of a national standard on access to justice, particularly through legal aid.

All of you have testified about the need for strong national standards. In the interest of arriving at a clear recommendation, I was wondering if each of you could just take some time to give us your ideas on what you think that could eventually be and look like.

I'll start with you, Mr. Farrant, please.

Mr. Mark Farrant: I've heard from so many jurors, former jurors across the country, who have had to look over the proverbial fence at the province next to them, which has a program for post-trial support, and they're sitting in their own home province and saying, "How come in that province, they have access to post-trial care, and in this province there's nothing? I've been through a triple homicide. I can't leave my house. I can't look my husband in the face. I can't go to work. I can't even play with my kids, and I'm devastated."

I've heard that too many times. I think a national standard and a strong one that doesn't set limits on the amount of counselling that's available to the individual, that says it's the covenant between the clinician and the juror, the patient, that determines the length of counselling required to get that person back to.... I have PTSD. It's my new normal. It's what I am now. I don't beat myself up about it anymore, but it's just going to be a part of me.

I'm not able to do the things that I used to be able to do. I'm not able to go out in public the same way I used to before this. In some cases it's not to return to your life, but it's to allow you to keep moving forward.

Is the Ontario program the baseline for this? Is eight counselling sessions enough for an individual? I was barely able to articulate what was wrong with me in eight sessions, let alone begin to develop coping mechanisms to move forward. I'm well past eight sessions.

Again, I think it's incumbent on us to create a program that is universal for all Canadians serving in a jury no matter where they live in this country.

Mr. Alistair MacGregor: Mr. Fleming.

Mr. Patrick Fleming: I feel that across every province and territory we should all be equal. We as jurors, no matter which side of the province or country we live in, are providing the same service. We should actually have the same amount of access to mental health support for everybody across our country. Not everybody will use it, because every individual is different. Some might need eight weeks. One or two might need four weeks, and some might not need any. But we need a standard. We need to draw the line somewhere and make a standard and start from that point. Then we can fine-tune it from there, I believe. For now I think we need there to be equal across the country, because we're all doing the same job no matter where we live.

• (1620)

Mr. Alistair MacGregor: Go ahead, Ms. Daenzer.

Ms. Tina Daenzer: I'm fairly sure that court staff, like court reporters and interpreters, receive access to counselling because they sit in those court rooms every day. Maybe the same person who is available to them could become available to jurors at the end of the day, if they feel the need to or go back.

As Patrick said, some people can walk away from a trial and say, "Okay, we're good. I'm good." Some people may not be able to survive without having counselling.

I don't think it has to be mandated, but I think it needs to be offered. At the end of a trial that is particularly gruesome, the courts can say, "This is available to you. Please feel free."

Some people, like these gentlemen, were employed. I was not employed. I was a stay-at-home mom. As a stay-at-home mom or a senior citizen, I don't have access to company benefits, so this comes out of my own pocket, if I am not offered it through the court system. How do those people—what do you say? "I can't afford to go to see a counsellor that charges me \$300 an hour 20 times."

As citizens, we are doing our duty. In turn, I think the country has to do its duty to provide for us.

Mr. Alistair MacGregor: Last, we have Mr. Glew.

Mr. Scott Glew: I would like to echo the other witnesses as well, regarding the quality across all the provinces. I was lucky enough to be employed by an employer who had the benefits of the EAP program and it worked out tremendously for me. I would even say that coordinating those benefits that are already available to those who are lucky enough to have them with those that would be prescribed by the legislation you may be proposing or the recommendations coming out of this would certainly help as well and maybe lighten the burden a little bit financially.

That's about it.

Thank you.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you very much. Sorry about that.

You're next, Mr. Fraser.

Mr. Colin Fraser: Thank you very much, Mr. Chair. Thank you all for being here today and sharing your stories. Your testimony was very compelling and I think it has left an impression on all of us around this table.

We certainly appreciate all that you have done, not only in your jury duty service, but also in taking the time to prepare for this, to come, and to give thoughtful suggestions about how we can improve this for other people who will be jurors in the future. I think it's a testament to your feelings for our country not only to have gone through the jury duty service and to have taken it seriously but also to have taken the time to come here. I appreciate that.

In Nova Scotia where I'm from, I know there are instances of people not showing up for jury duty. The courts have commented that it is an extremely important part of our judicial system. As governments, we need to make sure that we're there to support jurors, so that when they are doing the honourable thing and doing their civic duty, they know they have the support and that we will have their back.

I hope out of this will follow constructive recommendations based on your testimony and the testimony of those witnesses who will follow.

Mr. Farrant, I'd like to start with you. It was touched on a moment ago that some cases will more likely result in the need for support for jurors than will others, particularly gruesome cases, like what you have described here today.

Do you have any suggestions as to how the courts would differentiate between certain cases? Would there be any benefit to, in certain cases, having a mandatory check-in with the jurors on the way out, almost like a post-jury interview, so to speak, to ensure that not only are they aware of all of the services but also that, if they do have problems in the future, there are supports they can come back and utilize?

• (1625)

Mr. Mark Farrant: I think amending and improving the discharge process is necessary. I can only speak to the one in Ontario, the one that I experienced myself, which was a non-discharge. Aside from sharing a cup of tea with the justice, we left the courthouse really abruptly. I was shocked that there wasn't any formal debrief. As I was delivering the verdict in court and getting ready to exit, I was expecting there to be a very structured, judicial-type discharge, something very formal about what's expected of a juror: you've been a juror; this is what is expected of you if you're contacted by the media, or if somebody asks you about the case, or any of those things. There's nothing.

To your question about a post-trial follow-up or some sort of interview with each of the jurors, I think giving them access to and an understanding of what's expected of them once they've gone through a decompression period would help a great deal. Again, having a program or someone to talk to when you need it, at no expense, and taking some of that burden away would be incredibly valuable.

Pre-trial you don't have that opportunity. I think that's part of why the system is as it is. It's that you don't want to opionate a juror by saying that a trial will contain graphic evidence and will contain subject matter that is going to be deeply disturbing, because we don't want jurors to be prejudiced and form an opinion of or an emotional response to the evidence they're going to see. The evidence has to speak for itself, and the trial has to unravel as it will. That's the burden of the juror. That's just part of the job. I think that's not going to go away, and I don't expect that we can change that.

Mr. Colin Fraser: I think that's a good observation.

Section 649 of the Criminal Code is basically the jury secrecy rule that says you're not allowed to discuss deliberations with anyone. Do any of you have any thoughts on how that could pose a difficult challenge for somebody who's gone through this and who wants to talk to a mental health professional after the fact?

Mr. Mark Farrant: That component is incredibly difficult. I've never spoken about it to anybody, and I never will. That's going to go to my grave. Having somebody who is, for lack of a better term, bonded.... If it's possible, having an avenue to talk about some of the difficulties in that case without violating the statutes of the Criminal Code with respect to deliberation and the like may be incredibly helpful. The stress and ill health that some jurors have felt has come from.... Imagine going through an 18-month trial and being deadlocked and not being able to deliver a verdict and the case concluding there. The cries from victims' families in the courtroom, the outrage, the enormous guilt the individual feels.... It's the facts that were not able to deliver a verdict; it's not the jurors who weren't able to do it. It's the facts in the case that weren't sufficient to deliver a verdict. That's the issue, but it doesn't matter because the individual feels that, and they carry that guilt and that sense of shame with them for the rest of their lives. Again, they can't talk about it.

Mr. Colin Fraser: Do others have any comment on that, about an exclusion perhaps for a mental health professional to discuss these items that are part of that deliberation?

• (1630)

Mr. Patrick Fleming: I think it would be a good idea. I know that being behind closed doors with 11 other people that you may not otherwise choose to be around when you're trying to do your civic duty can be difficult. I've heard that the greatest stress of a case can be from being behind those doors and not being able to talk about it. We take this job, this civic duty, very seriously and we don't let that out. Maybe there's a need to do that. I'm not sure.

Mr. Colin Fraser: Ms. Daenzer, do you have comment on that, just briefly?

Ms. Tina Daenzer: I agree.

After the Bernardo trial ended, I was only sequestered for one evening, and basically I got the question, "What took you so long?" You can't answer that. You can't discuss what the other people in the room would like to do or not like to do. If there were a court-appointed psychologist who was already sworn to confidentiality, that would certainly alleviate some of that pressure.

Again, you've seen the evidence and you've decided that the person is guilty, but as Patrick said, you are still sending that person to federal prison for the rest of their life. You shouldn't feel guilty,

but somewhere deep down you still do. Talking through those things could be quite helpful.

The Chair: Thank you very much.

Now we're going to go to a free round of questions in which we'll just take the questions people have.

Mr. Liepert, you'll go first. Then we'll go to Mr. Sikand, Mr. MacGregor, back to Mr. Fraser, and we'll see what happens after that.

Mr. Liepert.

Mr. Ron Liepert (Calgary Signal Hill, CPC): Thank you, Chair.

Thank you all for being here.

I'm not going to repeat what everyone has said, but I certainly concur with what has been said.

I would also say that it seems that everything you have recommended today is so obvious that I can't believe our court systems haven't been doing this prior to now. In politics, sometimes you wonder how this has gone on so long without somebody doing something about it. Thank you for coming forward to make these recommendations.

I think we've covered much of what you're here for, but I'd like to explore something a little different, for which there also may be a need.

Ms. Daenzer, you mentioned the court clerks and the staff who have to go through this on a daily basis. I know someone who was a court clerk and ended up quitting the job, not because of what you said, but because he became so angry, in that particular instance, at people getting off when they shouldn't have gotten off, that sort of stuff.

For a juror, is there an anger that builds up? It's human that I hear or see things on the news that make me angry. Is there an anger that builds up, when you're a juror, that you take away with you and that is in you for the rest of your life? Is that something else that needs to be dealt with?

Ms. Tina Daenzer: Oh, certainly. Ms. Homolka is living a very wonderful life. That was pretty hard to swallow and made everybody there angry—you build this anger—because, of course, she was part of the testimony of the trial.

It's very hard to understand. We're not lawyers. We're not a part of the justice system. We're just ordinary citizens. We don't understand how the justice system works and why she got this deal and is walking scot-free after 12 years. These things are very embittering to us as citizens.

Having somebody to help you with those issues might be useful. I can understand, certainly, that for the clerk who has to see it over and over again it would be traumatic.

• (1635)

Mr. Ron Liepert: Would anybody else...?

Mr. Patrick Fleming: Maybe that anger could manifest while behind closed doors. The jurors' code of conduct isn't always the best, and if it's not spoken, it's not seen.

Mr. Mark Farrant: The embittering, I think, occurs in some of those individuals who have gone through a lengthy, complicated, brutal court case that in the end is deadlocked. That's a terribly difficult pill to swallow. Those individuals—and I've spoken to many of them—are very damaged, different people as a result of it. The manner in which they interact with society has changed. They ask, "Why am I even bothering anymore?" They lose faith in government and the apparatus and the like. It's completely understandable, and it's not their fault.

The Chair: Thank you.

Mr. Glew.

Mr. Scott Glew: Personally, I don't have the anger. I think I'm just more sensitive to things that are going on around me in certain areas.

I'm a big, burly guy who's kind of a teddy bear inside, and that has gone even further down the road. I'm able to talk to people in regular life; they don't know what I'm carrying around. They don't know about my bag of tricks that's over my shoulder. To deal with that, just to go out to play hockey, etc., nobody knows, and it's nice to not have to deal with it. In one sense, it's a kind of escapism, and in the other sense, I'm just very well aware, especially with regard to children, in terms of what went I through, of what could happen out there. Carrying that with me all the time is sometimes tough.

Mr. Ron Liepert: Thank you.

The Chair: Thank you very much.

Mr. Sikand.

Mr. Gagan Sikand: Thank you, Mr. Chair.

I too would like to start by acknowledging and thanking you for your sense of duty and your belief in the civic system. This was very disturbing to hear about, so I can't even imagine what it would be like to be in those rooms.

Having said that, I'd also like to say that if any of my questions come across as deprecating or diminishing, they're not meant to be. I just want to extract as much information as I possibly can.

I'm going to start with you, Mr. Glew. You were talking about a pamphlet or an education package that would be beneficial during the vetting process. Could you speak to that a bit in terms of how we could figure out whether some people would be better fit to serve by knowing what they're about to see? I'm coming at that question because you said you had a two-year-old son as well. If that could have been acknowledged and taken into account, maybe you wouldn't have been chosen for that trial. How beneficial would a compatibility package or program be at the beginning?

Mr. Scott Glew: Personally, I believe it actually worked out very well that I was chosen, because I could relate to it very, very closely. For the education package, I was speaking more about maybe what it is to be a juror, what the expectations of the juror are, and what the expectations of their employer, their co-workers, and so on would be as it moved forward.

As we were going through the process, we were shown a kind of hokey video about what a juror is and what the duties are. It was classic 1970s movie filming and so on updated for modern social media. Even an education campaign or an advertising campaign about what it means to do your civic duty as a juror would be beneficial.

Mr. Gagan Sikand: I'm glad you mentioned that you were able to relate.

Mark, I think you were saying that you need to have an authentic emotional response in order to carry out the duties as well, so it wouldn't necessarily be beneficial to the system to exclude people. Can you speak to what Scott just said? How can we make the vetting process such that you're fit to serve and you're not excluded because you might be sensitive to some of the issues, but at the same time, how can we really find those who might be susceptible...? Do you know what I'm trying to ask here?

• (1640)

Mr. Mark Farrant: Jurors are pre-screened.

I can only speak to the province of Ontario, but the potential citizen pool is issued a questionnaire in advance, which all are expected to fill out and return. There is a series of questions about reasons you might be excluded or exempted from the trial. One of them is that you have an existing health condition or mental illness. For all intents and purposes, now I would be exempt from future jury service because I have post-traumatic stress disorder. I'm not saying that I would want to exclude myself from jury duty but I would have to disclose that.

My opinion is that with more screening of potential jurors, we might potentially also screen out people who would be appropriate jurors. I wouldn't want to put limits on the ability to have a fair trial by putting in more and more confounders to limit citizens from that potential.

Before this trial, and still today, I was and am a fairly able-bodied person. You bring into the courtroom all of the collected experiences that an individual has in their life. I didn't think that a trial of this kind would impact me, but it did. I would never have said prior to being in the courtroom that I would be impacted by it, but I was.

Mr. Gagan Sikand: Thank you for that.

You mentioned that they left up a picture for 45 minutes, and you didn't think that was vital to maybe fully grasping what was going on or some kind of information; it was just up there for the sake of being up there.

Mr. Mark Farrant: I was in what is called a state-of-the-art courtroom. In that case, there are large-scale monitors in front of each of the jurors. There are two very large television screens, one facing the public gallery and another one facing the court. Most of the evidence you're seeing in the trial is displayed on that monitor in front of you.

It was during the crown's closing argument that an autopsy image was purposely displayed on that screen. Again, by that point, I kept thinking to myself, "Why is that image necessary now? It's not going to suddenly be part of my decision-making apparatus as an individual. It's not going to change or create a new opinion for me. I'm not suddenly going to be swayed by this."

You couldn't look away from it. You couldn't find a place in the room where you could place your eyes to at least hear the summation of the individual delivering the closing argument. All of the jury—and you could feel the energy coming from those around you—were shifting in their seats and feeling the same level of revulsion. Again, in reflection, this wasn't necessary; this was just some kind of showmanship.

The Chair: Sorry but we're going to go to Mr. MacGregor. You're over six minutes.

Mr. MacGregor.

Mr. Alistair MacGregor: Thank you, Chair.

One of the privileges of being a member of Parliament is that in my short 10 years so far, I've had the opportunity to meet with many first responders and men and women who serve in our armed forces. As you know, within all the ranks of the first responders within our armed forces, great strides have been made over the last several decades in recognizing PTSD, or what they now like to call operational stress injuries.

When I speak to members, whether they work in the ambulance service, the fire service, or the police, they now recognize that early detection of PTSD and early treatment are very necessary to stop the cascading problems that can happen later on. Really, this is about an investment in a valuable member of their crew. It's an investment in a valuable employee who has an incredible skill set, who puts his or her life on the line to help ordinary Canadians.

In light of that, they recognize that if they don't make those investments first and foremost at an early stage, the costs later on, whether it's in a broken marriage or acting out at work, can be quite tremendous in some cases. These first responders, by the way, volunteer to do their jobs. They willingly entered their service. In light of that fact and in light of the incredibly important role that juries and jurors serve, would you not agree that the state has an incredible obligation to support you should you need it?

To those who may argue that it's a cost issue and who quibble over the cost of this, would you not agree with me that this is really an investment in you for your service, so that when you return to society, the later-on costs, whether in a failed relationship or in the costs that you have to deal with personally...? Would you not agree that we have an obligation here? This is our acknowledgement of the service you've given.

I would like to hear from each of you, because I strongly feel that we need as much testimony from you as possible when we're reflecting back on this testimony to make our recommendations. You occupy this unique spot in our society of having experienced something that no one around this table has experienced.

Again, I would like to hear the thoughts of each of you on that particular point, the obligation the state has to you individually for your service.

• (1645)

Mr. Mark Farrant: I don't want what happened to me to happen to somebody else, in the sense that I served my civic duty as a juror and then did not have the adequate support post-trial to allow me to

come to terms with the imagery and experience that I went through and to be able to return to my life with a sense of normalcy.

I fell into a dizzying well, looking for some kind of support, after the trial was over. All the while, I was seeking out psychologists, interviewing them and hearing, "Well I'm not really qualified. I don't think I can really help you." Then I would go on to the next one. I had a list of psychologists and as I was going down that list I was thinking to myself, "Why am I doing this? Why am I doing this? This isn't right". Then I had the sickening sensation, once I started to understand, that this had happened to not only me; it had happened to many people and it had been going on for far too long.

Yes, there are societal implications for people who develop long-standing mental illnesses. I can say it now. I have a mental illness. The fact that I did not spiral down any deeper into some of the sort of negative ill health effects and symptoms that accompany PTSD is a miracle. Jurors are plucked out of their day-to-day lives to perform a civic duty that they don't ask for. It's expected of them. It's part of the price we pay for citizenship within this great country. We owe it to them to support them as part of that service.

• (1650)

Mr. Patrick Fleming: Early detection is very crucial, because once we're out that back door and we've done our civic duty, all other expenses are our expenses: the lost marriages, the broken relationships—that's all on us. When we have to go seek help, that's out of our pocket. The government is done with us. The province is done with us. Our civic duty is done. We've walked out the back door, but we're the ones pulling into our driveway to what was a nice home and a peaceful home.

I always explain jury duty as a scale. We all live our lives. We have a balance; we try to balance our life. We have our personal life and we have our careers. We try to balance those things. We always believe that if those are balanced, we have a good life. You throw jury duty in there and that definitely tips the scales. We as individuals don't know how to get that balance again. That's where we need the government to help us with their early detection, so that doesn't happen—not only to us, but to jurors in the future.

Ms. Tina Daenzer: As I mentioned during my testimony, intimacy between my husband and me came to a dead stall. I was 35 years old at this time, and extremely lucky that he is a very patient man. He gave me all the time in the world. Without the counselling, we never would have gotten our life back. Our life as a family would have ended. There's only so long that somebody will wait.

What I had to watch—those girls being raped and tortured—wasn't just watching evidence; it was sitting in a box where I felt I couldn't do anything to save them. It was excruciating for me. It took me a long time, and the counselling was a tremendous help in getting me back to my life and my family. I would like to say that today I have been married 36 years to this man, and I am so grateful that he was there and so patient.

Mr. Scott Glew: I'm not special. I don't claim to be. I'm from a small town in the middle of nowhere. I got the support because of where I worked. I just ask the question, why would Bobby in Alberta, Saskatchewan, Quebec, or Nova Scotia not get the same support that I was lucky enough to get and receive here in Ontario?

That's what I would look at, just equality across all the provinces. We should put that out there.

Thank you.

The Chair: Thank you very much.

Ms. Khalid, Mr. Cooper, and then Mr. Fraser.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

I really want to thank our witnesses today for their very compelling testimony.

I have a question with respect to pre-emptory challenges. It's a way that counsel on both sides can really pick and choose the jurors they want. I'm wondering whether they have the tendency to pick jurors who can relate more to the issue.

For example, Mr. Glew, you mentioned that you have a two-year-old, yet you sat there listening to evidence day after day on the murder of a two-year-old. I'm wondering what is your viewpoint on these pre-emptory challenges that allow counsel to change and play a bit with who sits on jury. How can we fix that, if it needs to be fixed?

Mr. Scott Glew: For me, there was very little interaction with either the defence or the prosecutor when I was there. They asked several questions about whether I had been on social media, whether I had heard of the trial, and whether I was aware of what had happened. There were no questions as to my background, my marital status, how many children I had, or anything like that.

Whether they get that from a census or whatever, I don't know. I don't know if they have that information, or if it's available. I don't know what investigative process they have to go through. I know that when we first started out, there were 375 people in a room, and we all got a little ticket. They wheeled around the ball and pulled one out. I was the one who won the lottery that day and was on the jury. I was asked three questions, and then I was a juror.

• (1655)

Ms. Iqra Khalid: That's it, unless anybody else has a comment on this.

Mr. Mark Farrant: I think the selection and challenge process you are speaking of is often unique to the case in court at the time. In the case I ended up on as a juror, our panel was selected within a week, if not just a few days. It was a very quick selection process. The only question we were asked was whether we had a bias towards mental illness and mental health, ironically, because it was an NCR case—not criminally responsible—so the defendant was offering a defence of mental illness to absolve him of the crime.

Patrick can probably speak to challenges and the like at length.

Mr. Patrick Fleming: I'm not going to really touch on the subject of how they actually get the jurors and summon them. I think a study needs to be done on that—whether it's the census, or how they get their information—but I will say that I saw probably 1,400 potential jurors go through, and I was picked as juror number three.

I tell you, I sat there and I must have watched 1,200 individuals get up there and get their three questions. My case had five defendants in it, so granted, the challenges were greater, as we know, but they know who they want. They have a good idea of who they

need, and they go through.... It takes a special person to be what they're looking for, and they know who they are looking for. After 1,200 people had gone by—I can even say after 400—I could tell who was going to own up there, who was going to make the lies, and who was not going. I could almost pick the challenges myself. They know who they want and they know who they need

It takes a special individual to be a juror, and they know who they want.

The Chair: Thank you very much.

Mr. Cooper, go ahead.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you to all the witnesses for their testimony.

I know it's very difficult for each of you. All of you talked about the fact that you did receive some help.

In your case, Ms. Daenzer, that was court-ordered and court-provided.

In the rest of your cases, you had to do it on your own.

Obviously, in your case, Mr. Farrant, you lived with PTSD. Your life has changed.

There is no question that for all of you, your lives have changed, in the sense that you will always live with the memories and the horrors of what you endured and witnessed in those trials.

We talked about Ontario having up to eight counselling sessions, and I understand that Manitoba had a process, a debriefing session.

All of you talked about getting help after, but I would be interested in fleshing out a little more what that involved, for you. I understand that everyone's experience is different. Some people are not affected, and some are impacted much more. I would be interested in understanding a little more about what it took, what you went through after the trial to see some semblance of life returning to normal.

Mr. Mark Farrant: It was an intervention for me, in essence. I knew there was something wrong with me. I was not alien to it, but I was again hoping it would go away. But as I got worse my family became more and more concerned, particularly my wife and my sister. It took somebody to shake me and say that I needed to do something about this, that I needed to seek help, that there was something wrong with me, and that it was okay. I basically broke down and explained that I just couldn't escape these images that I was seeing. They were omnipresent. Walking down the street, on the subway, in a business meeting, I was bombarded by things that I just couldn't get out of my head. I was no longer going out with friends or socializing. Life just got incredibly complicated.

Unfortunately in my case, the first place I called was the courthouse to seek help, and of course, those calls went unanswered because at the time, there was court-appointed counselling, but it had to be issued by a judge. I had to phone. You're almost repeating your story over and over again because every health professional you call, you're explaining yourself, saying, "Here's my story." You're spending 15 minutes on the phone with somebody trying to get access to some sort of service, to explain your situation, and then they say that actually they can't help you. In the end I went to my GP who just threw up her hands and said she would try to get me in contact with what was then CAMH, the Centre for Addiction and Mental Health, but that was a year-long waiting list.

Then I was given a list of counsellors, and again, I was interviewing counsellors. I was calling them up and saying this is what I went through. I was baffled that I was even doing this. Again, at the end of the line... "No, I really can't help you. I deal with mood disorders, and I think you might have one, but it's not the mood disorder that I know of and can help you with. I'm not really trained in that. Let me give you the name of somebody." Then I was phoning them.

It just boggled my mind that I was doing this.

• (1700)

Mr. Patrick Fleming: I'm usually a pretty strong individual. The first day of court they played a 911 call with horrific screams of one of the victims in the background. From that moment on, I was rattled.

When court did end after 10 months, the overwhelming feeling of guilt and isolation that I put between my family and me was absolutely incredible. This case made me very sensitive. I used to make fun of my wife who would cry watching something on TV; I'd be the type to say, "That's just TV." Now I'm the one crying. It changed me. It made me very sensitive. As for my seeking help, I didn't think I needed it the first day, or the second day, or the third day. After 10 long months of it, my new career broke me and I knew I needed help.

I sought help. My job only gave me a very limited amount so to keep my family together, to keep my sanity together, I pay out of pocket to see a professional for help, and really that's not fair.

Ms. Tina Daenzer: Again, as I mentioned, in my case, the counselling was mandated by the court due to Justice LeSage, who after the trial needed counselling himself, as did many of the court staff, including the reporter sitting in the courtroom and pretty much everybody who was a part of that. It's been over 22 years. I still have residual effects. If your 85-year-old granny is standing on the side of the road waving me down to help her with her broken-down car, I ain't stopping. I'm not stopping for anybody. I'm distrustful of most strangers. My family life is back to regular, but as a societal person, I'm highly distrustful of people.

Mr. Scott Glew: My mom passed away in 1999. I was in a pretty dark place after that and sought grief counselling to deal with the death of a parent. Coming out of the trial, I could feel myself going back into kind of a dark place. I'm not trying to equate the two, but I could feel myself going there. I was self-aware enough and had some coping strategies from the grief counselling after the passing of my

mom to kind of deal with that and know to reach out. Obviously, my wife encouraged me to as well.

I was very, very fortunate to find an amazing counsellor right off the bat, who listened to me, sympathized with me, gave me more coping strategies, and was just an amazing person, and to this day I thank her all the time that I talked to her.

• (1705)

The Chair: Thank you very much.

Mr. Fraser.

Mr. Colin Fraser: Thanks.

Scott, in your presentation you talked about during the trial having, I think it was, a separate break room or separate parking. I was surprised that there wouldn't be a separate break room for jurors. I'm wondering what suggestions we could maybe take on as far as what actually happens during a trial goes. I assume the issue is that if you have interaction with perhaps the victim's family or even the accused's family or supporters, it could be very difficult to get through that and be able to do your job. Can you perhaps touch on some of the suggestions that could come from that observation? And then if anybody else has anything to add, that would be great.

Mr. Scott Glew: Yes, sure. We were in a brand new courthouse in a local municipality. They had lots of areas where they had segregated the jury from basically the rest of the public and the participants in the trial. The one area in which there was... I wouldn't say interaction, because everybody was very respectful about it, but when people were going to have a smoke outside, there was no separate area for them to go to. They were literally across the courtyard or trying to keep a distance. Nobody was listening in or anything like that. We weren't talking about it, but that interaction seemed kind of strange to me. There was also the fact that in the parking lot we were parking with defence lawyers and prosecutors and witnesses. They all had to get to the courthouse. They didn't have to pay for their parking, so they all parked in the same area. When we're designing those things, there may be that opportunity to look at those areas. When you already have the jury segregated for certain things, why not just go that one step further?

Parking was one thing, but another was just how we got out of there. I think Patrick mentioned taking different ways home every night because he thought maybe somebody was following him. You don't know who's out there from the family. You don't know what reporters are around the corner, especially in a smaller municipality. The papers are there. You don't know who is who, so to have that separation would just make more sense and make it a lot easier to deal with.

Does that make sense?

Mr. Colin Fraser: Okay.

Mr. Mark Farrant: Imagine being a juror in a criminal trial involving organized crime, in which there are multiple defendants and multiple parties and multiple gangs involved in a highly brutal act. You are driving your car to a small courthouse. You are parking your car next to witnesses from those organized criminal organizations. They're parking next to you. They're sitting there staring at you. They're intimidating you as a juror, because they know you're a juror in that case. They're watching you walk into the courthouse. They have your licence plate number. They know the make of your car. You're a juror sitting in your car, and you can't call anyone in the courthouse to say, "I'm in my car and I'm terrified and I want to come into the courthouse, please" because no one in the courthouse is picking up the phone. It's 8:30 in the morning and there's nobody there. You're sitting there and you're calling and calling, and you're terrified. There are bikers sitting on either side of your car. That's the story from a couple of jurors from different cases across the country. Court officials are parking down below in a secure parkade protected by a barrier and a guard. These individuals have to sit there and wait for the coast to clear. Can you imagine waiting for the coast to clear, and then going into the courthouse? And then months and years later, every time a Harley-Davidson turns over, they're thinking that bike is coming for them.

We owe basic security to individuals in cases like that. It's baffling that it's overlooked. Something so simple can be so devastating to somebody.

Mr. Colin Fraser: Thank you.

The Chair: Do you have one short question, Mr. Sikand?

Mr. Gagan Sikand: Tina, you were saying that there were only two occasions when the judge mandated counselling. This is a completely hypothetical question. If counselling was more readily available, do you think it is something that would happen in every case or a lot more often? Could you give me your sense?

• (1710)

Ms. Tina Daenzer: No, I don't think so. Not every case is as traumatic as the ones we've sat on. Most people who sit on a jury for a robbery or something don't need any post-traumatic counselling after a trial.

In the cases where it is traumatic, and there is very graphic evidence that people have to watch, I think it should be mandated that it be provided.

The Chair: First of all, thank you so much. Your testimony was profoundly impactful, I think, on all of us and all Canadians who listened to it. I think we all tried to put ourselves in the shoes of a juror in a case like this, and it's hard to do so. We heard about the issues with intimacy, the issues with being suddenly overprotective of your kids because you just see your two-year-old as that two-year-old, or the issues you had in terms of burying yourself at work because you're just not able to cope with what's happening. I think we were all really helped by what you said.

I want to clarify what I heard. Perhaps one of you can tell me.

One of the things I heard listed was education in advance about the obligations of a juror when you first walk into that courthouse or maybe even in the letter that's sent to invite you to report for jury service, something better than a 1970s movie.

Another was that, during the course of the trial, we need a better separation of the jurors and the victims and their families, and the accused and their families.

Also, in certain circumstances, we need counselling during the trial, or at least it needs to be made very clear that it's available to you at the end of the jury day or outside of service, from a court-appointed person who is privy to the issues, who keeps confidentiality, and who doesn't seek to influence you as jurors.

Further, there is ensuring that the various things you have to do during the course of the trial are understood, meaning that I can totally put myself into your shoes when you're a juror, and then, after you leave the courthouse, you're going back to the office to do six or seven hours of work. It's like you were away in negotiations all day, but you come back, and you have 300 emails that have accumulated during the day that you still have to finish today. Then you have child care, and then you have responsibilities at home that you're never getting to. We heard about the need for something to help with that in terms of either employers being obligated to give full pay in addition to allowing you to have your job back at the end of the trial, or alternatively, if we can't amend labour laws, make sure the pay and the supports we provide, such as day care, are available to jurors.

Number five is that we need a clear debrief at the end of a trial to talk to you, not only about the experience, to get lessons learned from that jury, but also to advise you of all of the counselling and other services that will be available to you post-trial.

Number six, whether it's Ontario's eight counselling sessions, or something even more generous, a clear number of counselling sessions should be available to each and every juror at the end of trial.

Is that basically what you guys are suggesting?

Ms. Tina Daenzer: Yes.

Mr. Mark Farrant: I think that's very accurate.

The Chair: I appreciate that, and I appreciate all of your testimony.

I'm sure all of the members of the committee would like to come over and talk to you for a few minutes. We have a short session at the end to adopt our budget, so we're going in camera. I will give a seven- or eight-minute break, and then we will resume.

Thank you very much, everyone.

[Proceedings continue in camera]

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