

MOTION WITHOUT NOTICE**City Council Request the Provincial Government to Review the Judicial System and Its Criteria Relating to the Bail Release Process**

Moved by: Councillor Moeser

Seconded by: Councillor McConnell

SUMMARY:

On October 13, 2008 a tragic failure of the judicial process involving innocent citizens occurred when 43 year old Susan John and her 75 year-old mother, Saramma Varughese, were brutally murdered in their Scarborough home. The person charged with their murders, 28 year old Nathaniel O'Brien, was living next door to the victims' home and had been released on bail and under house arrest with his parents named as surety.

The circumstances surrounding the court's decision to grant bail to the accused are not clearly known, but what it is known is that the individual was charged with two counts of violent sexual assault in June 2006 and was released on bail after 15 months in custody. Despite opposition to bail, it appears that the Crown failed to appeal the release or request other methods to ensure public safety. The details that are known appear to suggest that there has been an enormous failure in the judicial system which led to the deaths of two innocent citizens of Toronto.

RECOMMENDATIONS:

1. That City Council request the Government of Ontario review the administration of the justice system as it relates to the bail process and instructions to Crown Attorneys. The review should be conducted in partnership with the City and the Toronto Police Services Board.

December 1, 2008

According to Chapter 27, Council Procedures:

Requires two-thirds to waive notice	(v)
Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to Executive Committee	(v)
City Clerk, in consultation with the Chair, agrees that the Motion Recommendations are Urgent	(v)

* Deputy City Manager and Chief Financial Officer to advise.