

## R. V. Ramsay Court Case Summary

### September 2007

Ramsay was scheduled for a parole hearing September 11th, 2007 in Dorchester, New Brunswick. Ramsay elected a private hearing thereby denying the community access. A federal parole board denied Ramsay early release.

### January 2006

Justice for Girls, the Native Women's Association of Canada, and the BC Native Women's Society met with BC Attorney General Wally Oppal to call for a full public inquiry into this and other cases of violence against Aboriginal teenage girls in BC.

### R. V. David William Ramsay

BC Supreme Court, Prince George BC  
Judge: Mr. Justice Dohm  
Special Prosecutor: Dennis Murray  
Defense Counsel: Leonard Doust

**Guilty Plea Entered:** May 3<sup>rd</sup>, 2004

#### Ramsay plead guilty to:

1 count s. 272 – Sexual assault causing bodily harm (Sentence range, 4 to14 years)

3 counts s. 212.4 – Procuring/Sexual exploitation of a young person under the age of 18 (Sentence range, 0-5 yrs)

1 counts s.122 – Breach of Trust (Sentence range, 0 to 5years)

#### Stayed Charges:

1 count s.151 –Child sexual abuse - Sexual touching of a person under 14 years

1 count s.152 –Child sexual abuse – Invitation to sexual touching of a person <14yr

1 count s. 271 – Sexual Assault

1 count s. 272 – Sexual assault with a weapon, threats or causing bodily harm

1 count s. 212.4 - Procuring/Sexual exploitation of a young person <18yrs

#### Sentence:

7 years in prison

June 1st, 2004, BC Supreme Court, Prince George BC

**Reasons for Judgement can be found at:**

<http://www.courts.gov.bc.ca/jdb-txt/sc/04/07/2004BCSC0756err1.htm>

Justice Dohm gave Ramsay a stiffer sentence than recommended by Crown and made the following comment: "*To remain within counsels' agreed range would in my view bring the administration of justice into disrepute and be contrary to the public interest. These principles can have no better application than in this particular case.*" [para 6]

#### JUSTICE FOR GIRLS called for a sentence that:

1) Strongly denounces violence against Aboriginal teenage girls

2) Contextualizes Ramsay's crimes in terms of pervasive violence against Aboriginal girls and severe oppression through poverty and the legacy of colonization,

3) Considers hate and prejudice--based on sex, race, and age--as an aggravating factor,

4) Considers the breach of trust based on Ramsay's position as a Judge, and especially in light of the fact that he presided over his victims on various occasions, as a substantial aggravating factor, and

5) Considers the number of offences, brutality, degradation and dehumanization of Ramsay's acts of violence.

**Justice for Girls** retained Kelly A. MacDonald, B.A., LL.B., LL.M., an Aboriginal lawyer with substantial expertise in criminal justice issues relating to Aboriginal women and girls, to consider our options for intervening in this case. Kelly MacDonald prepared a brief on behalf of Justice for Girls which was submitted to the BC Attorney General. Justice for Girls is asking for a review of this and other cases of violence against Indigenous teenage girls in British Columbia. [Read the JFG Brief to the AG entitled Justice System's Response: Violence against Aboriginal Girls, found on Justice for Girls' - Reports page.](#)

#### **FACTS AGREED UPON BY CROWN AND DEFENSE:**

##### **YOUNG WOMEN VICTIMIZED BY RAMSAY (1992-2001)**

- 4 young women
- All First Nations girls
- Girls ranged in age from 12-16 at the time of Ramsay's attacks on them
- All 4 girls had appeared before Ramsay as a judge (some in youth criminal court, some in family court)

##### **RAMSAY'S ATTACKS AGAINST ABORIGINAL GIRLS**

Ramsay admitted to:

- Picking up girls in order to pay money to sexual abuse/exploit them
- In most cases, driving girls to a wooded area near a prison where he sexually abused them
- Paying money to sexually abuse the girls
- Going into a rage when a 16 year old young woman wanted him to wear a condom, smashing her head against the dashboard of his car until her head was bleeding, repeatedly calling her "a whore," chasing her down the road when she escaped from the car, raping her when he caught her, leaving her naked on the highway
- Paying money to sexually abuse a 13 year old girl, berating her by and calling her a "whore," telling her that nobody would believe her if she told because she was "a whore"
- Attacking a 15 year old girl and trying to rob her after paying her money for sex and then threatening to kill her
- Ramsay slapped girls, raped girls, threatened them with death, verbally abused girls, robbed them, chased them, left a young woman naked on the highway

**The following must be considered in this case:**

## **Violence against Aboriginal girls**

- Up to 75% of victims of sex crimes in Aboriginal communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age (Correctional Service of Canada, cited in McIvor & Nahanee 1998:65)
- The incidence of child sexual abuse in some Aboriginal communities is as high as 75 to 80% for girls under 8 years old (McEvoy & Daniluk 1995)
- The Native Women's Association of Canada's Sisters in Spirit initiative found that nearly 600 Aboriginal women and girls are missing or have been murdered across Canada
- 60% of the murdered/missing women from the Downtown Eastside of Vancouver are Aboriginal young women
- Over years of court monitoring, in every court case that Justice for Girls monitored involving male sexual violence against multiple teenage girls, Aboriginal girls were victimized (sometimes all of the victims were Aboriginal) by non-Aboriginal men.
- There is a long history of white men in positions of trust or authority abusing Aboriginal teenage girls: priests in residential schools, foster fathers, teachers, youth workers, corrections officers, police, and others.

## **Hate & Prejudice**

The facts in this case indicate that Ramsay was specifically targeting Aboriginal teenage girls and subjecting them to sexual and physical violence, degradation and dehumanization that is indicative of hatred.

Mr. Justice Murray Sinclair, *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 2, Regarding the death of Helen Betty Osbourne*:

*She [Helen Betty] fell victim to vicious stereotypes born of ignorance and aggression when she was picked up by four drunken men looking for sex. Her attackers seemed to be operating on the assumption that Aboriginal [young] women were promiscuous and open to enticement through alcohol or violence. It is evident that these men who abducted Osborne believed that young Aboriginal women were objects with no human value beyond sexual gratification.... There is one fundamental fact: her murder was a racist and sexist act. Betty Osborne would be alive today had she not been an Aboriginal [young] women.*

Professor Emma LaRocque, a Metis woman and professor of Native Studies at the University of Manitoba, *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1*:

*The portrayal of the squaw is one of the most degraded, most despised and most dehumanized anywhere in the world. The 'squaw' is the female counterpart to the Indian male 'savage' and as such she has no human face; she is lustful, immoral, unfeeling and dirty. Such grotesque dehumanization has rendered all Native women and girls vulnerable to gross physical, psychological and sexual violence... I believe that there is a direct relationship between these horrible racist/sexist stereotypes and violence against Native women and girls.*

## **Canadian Criminal Code S. 718.2**

A court that imposes a sentence shall also take into consideration the following principles: (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the

generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner or child,

(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,

(iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization, or

(v) evidence that the offence was a terrorism offence  
shall be deemed to be aggravating circumstances;

(b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.