

CONFIDENTIAL



Ontario

Ministry of
Correctional
Services

Client Reference Number
912230-4

Probation Services

PREDISPOSITION REPORT

REGINA vs. BORNSTEIN, Dana Lee

PRESENT
CHARGE(S)

Assault

YOUTH COURT - Metro North Youth Court

Location - 1000 Finch Ave. West, Downsview, Ontario

JUDGE - His Honour Judge C. J. Morrison

CROWN COUNSEL - A. Godin

DEFENSE COUNSEL - M. Seto

DISPOSITION DATE - November 27, 1986 - Courtroom 300

PROBATION OFFICER - Susan Trevisan

Location - 2065 Finch Ave. West, Suite 509
Downsview, Ontario M3N 2V7
Telephone: 745-6291

DISPOSITION -

[Empty box for Disposition]

Note: Destruction of Records

Section 45 of the *Young Offenders Act* provides for the destruction of records where the young person who is found guilty of an offence has not been charged with or found guilty of a further offence for a period of five years after all dispositions are completed in the case of an indictable offence OR two years in the case of a summary conviction offence where a young person has never been convicted of an indictable offence, OR where after the young person has become an adult a pardon has been granted under the *Criminal Records Act*.

SOURCES OF INFORMATION

- 1) Dana Bornstein - young offender.
- 2) Mr. Alan Bornstein - offender's father (781-9520).
- 3) Mrs. Carol Bornstein - offender's mother (633-5963).
- 4) Mr. Doug Patterson - Guidance Counsellor, William Lyon - MacKenzie Collegiate Institute (636-0580).
- 5) Mr. David Gamliel - Principal, Bialik Hebrew Day School (783-3346).
- 6) Mr. Larry Nissen - Psychotherapist and Family Counsellor, Dreikurs Centre for Counselling (787-3307).

PARTICULARS OF OFFENCE

The offence involved the offender assaulting her mother on June 15, 1986.

VICTIM(S) COMMENTS

The victim of the assault was the offender's mother, Carol Bornstein. Please refer to the body of the report for Mrs. Bornstein's comment.

FAMILY AND PERSONAL HISTORY

The offender, Dana Lee Bornstein (age 16) is the only child born to Alan (age 44) and Carol (age 41) Bornstein. - the Bornsteins married in 1965, having known each other 6 years prior. Both indicate that the marriage was difficult from the start and they separated in 1972. They subsequently divorced in 1981-82.

Since 1981, Mr. Bornstein has been self-employed as a distributor of electronic parts. He previously worked for Lyntronics Inc. and Bad Boy stores. His employment with both was terminated when the companies went out of business. For the past 13 years, Mr. Bornstein has been involved in a common-law relationship with Barbara Kwasniewski.

Mrs. Bornstein is presently unemployed. Her background is in teaching and her most recent employment involved teaching a course on being a bank teller. She advises that she is in the process of looking for a new career.

According to Mrs. Bornstein, her ex-husband was a compulsive gambler which created numerous financial difficulties while they were married. Mr. Bornstein states that they continually argued about everything and he eventually left when the offender was two. Following the separation, Mr. Bornstein had limited contact with his daughter. He states that he was granted visitation rights by the Court but was denied access by his ex-wife. According to Mrs. Bornstein, her ex-husband maintained infrequent contact with their daughter due to his lack of interest. It is apparent that the separation and ultimate divorce was characterized by hostility and animosity. A major issue was financial support, which Mr. Bornstein did not provide. He relates that he was unable to meet the settlements awarded by the Court and implied that his ex-wife's monetary demands were unreasonable.

Following the separation, up until the present offence, the offender resided with her mother. Problems between the two have been ongoing for a number of years. According to the offender, her mother was constantly placing controls on her which she objected to. She indicated that her mother didn't trust her and would look through her belongings. However, Mrs. Bornstein feels that her rules and expectations were reasonable. She admits to going through her daughter's belongings, but feels it was necessary as she suspected drug use. She also relates that her daughter was constantly lying and believes that she has developed into a compulsive liar. Mrs. Bornstein feels that her daughter has never fully dealt with the marriage break-up and subsequent lack of attention from her father and believes this may be at the root of her difficulties. The past 2 years have seen Mr. Bornstein take a more active role in his daughter's life, due in part to Mrs. Bornstein's insistence that he become involved as she found it increasingly more difficult to deal with the offender's acting out behaviour. Contact was also initiated by the offender as she desired to see her father again.

Since the offence, the offender has resided with her father and his common-law wife. Both daughter and father advise that to date, this living arrangement is working out. Mr. Bornstein admits that it has taken some adjustment on his part as he has never fully participated in a parenting role before. He advises that he and his daughter attempt to resolve any differences and try to understand the other's viewpoint. He relates that this is in contrast to his ex-wife who tends to over react. Although Mrs. Bornstein questions her ex-husband's ability to parent effectively, she realizes that forcing her daughter to resume living with her would only make the situation worse. At this point in time, the relationship between the offender and her mother is severely strained and the offender has stated that she has no desire to see her mother. Mr. Bornstein, on the other hand, feels it is important for his daughter to maintain contact with her mother and plans to continue encouraging her to do so.

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FAMILY AND PERSONAL HISTORY

The offender relates occasional alcohol use and a period of drug use (hashish) this past summer. She states that she discontinued her drug use in September. Sources interviewed are unaware of any drug use at this time.

EDUCATION

The offender attends William Lyon MacKenzie Collegiate Institute where she is enrolled in grade 12. She has attended this school since grade 10. School records show that the offender is averaging 70-80% in her subjects and there have been no attendance problems this year. Mr. Doug Patterson, guidance counsellor, stated that the offender has a lot of academic talent and feels she has the ability to be a first class honours student. Mr. Patterson has had many dealings with the offender and he is aware of her family problems. He believes that although she presents herself as a happy-go-lucky person, there appears to be a lot troubling her inside. He finds her to be rather closed about herself and questions her ability to be completely truthful. He further describes her as being insecure and feels that counselling could be beneficial in helping her resolve her problems. However, Mr. Patterson expressed his concern that unless the offender is able to obtain a counsellor that she is able to open up to, counselling will likely prove unsuccessful. It is apparent that Mr. Patterson is concerned about the offender and is willing to work with her, if she so desires.

Prior to William Lyon MacKenzie Collegiate Institute, the offender attended grades one through nine at Bialik Hebrew Day School. Bialik is a private school which provides both Jewish and general academic studies. The offender advised the writer that she disliked the school and the people there, but her mother would not allow her to change schools.

According to the principal, Mr. David Gamliel, the offender experienced problems at the school from an early age. He relates that she frequently ran away from the school and her academic performance was affected by poor attendance. Mr. Gamliel describes the offender as a bright, creative girl with a lot of ability. However her home problems affected her school performance. Mr. Gamliel had numerous contact with Mrs. Bornstein and feels she was a poor role model as a mother, providing little guidance and help for her daughter. He stated that Mrs. Bornstein fluctuated from blaming the school to blaming her daughter for the numerous problems, but never blamed herself. The absence of the offender's father in her life during this time appears to have also been at the root of her difficulties. In Grade 9, the offender's school performance improved. Her attendance became more regular and her marks averaged B's and C's.

EMPLOYMENT

The offender is presently employed part-time at the Grand and Toy store in the Yorkdale Mall. She works as a cashier and earns \$4.32 an hour. According to the offender she works on average 9 hours a week.

The offender listed one previous employment, also as a cashier, at a souvenir gift shop at Canada's Wonderland. She worked there from May 1986 until July 1986. According to the offender, she quit this job due to long working hours and low wages. However, Mrs. Bornstein advised the writer that the offender was fired for stealing funds from her employer. She further stated that no charges were laid.

During the summer of 1985, the offender did volunteer work as a candy striper at the Hospital for Sick Children.

PREVIOUS/PRESENT COMMUNITY OPTIONS/ SERVICES/ALTERNATIVES

The offender and her mother were involved in counselling with Larry Nissen at the Dreikurs Centre for Counselling, off and on, for approximately 2½ years. Involvement was discontinued a few months ago.

Mr. Nissen indicates that initially the offender was shy and withdrawn and counselling sessions focused on improving her self-image. Emphasis was also placed on having Mrs. Bornstein learn to treat her daughter more as an adult than a child.

They subsequently returned for counselling following altercations between the two. However, there were many cancelled appointments, mainly by Mrs. Bornstein. This made it difficult for any progress to take place. Mr. Nissen also attempted to involve Mr. Bornstein in counselling, however this never materialized due to cancelled appointments by Mr. Bornstein.

Mr. Nissen has recently spoken to the offender and feels that she may be "a child at risk" given everything she's been through. He expressed care and

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CHARACTER BEHAVIOUR AND ATTITUDE

According to sources, the offender is not a violent or aggressive person. However her difficulties with her mother have resulted in aggressive behaviour. Mrs. Bornstein believes that her daughter harbours a lot of anger towards her and she expressed her concern that her daughter must learn to deal with these feelings and control them.

It would appear that the offender's present living arrangement may serve to lessen the conflicts between her and her mother.

FUTURE PLANS

The offender plans to complete Grade 13 at William Lyon MacKenzie Collegiate Institute. She then plans to attend University and hopes to pursue a career in journalism.

All sources concur that the offender is a bright and talented individual who has the ability to attain her goals.

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PREVIOUS/PRESENT COMMUNITY OPTIONS/SERVICES/ALTERNATIVES

concern for her and feels that further counselling may be beneficial. However he feels it is important that she find a counsellor who will not be intimidated or influenced by other parties.

Mr. Nissen does not feel that the offender is an aggressive person, but that her actions were likely the result of her difficulties at home. He further stated that the relationship between the offender and her mother leads to considerable unhappiness and that a forced reconciliation should not be attempted.

ASSESSMENT - RECOMMENDATION

The offender is a 16 year old female who indicates that she has had no prior involvement with the criminal courts. She fully acknowledges her involvement in the offence and is prepared to accept the consequences of her actions.

The offender has experienced problems from an early age. Her early school years were characterized by poor attendance and running away, which affected her school performance. Her behaviour at school has since improved as she is now obtaining good grades and attending school regularly. She is described as being a bright talented individual who has a great deal of ability and potential.

The offender's parents separated when she was 2 years old. She was raised by her mother and had sporadic contact with her father. Mrs. Bornstein feels that the marital break-up and subsequent lack of attention from her ex-husband are at the root of her daughter's difficulties. Other sources feel that Mrs. Bornstein was overly demanding and rigid in raising her daughter and believe this upbringing created problems. The offender's relationship with her mother has been characterized by numerous arguments and conflicts. Professional counselling was undertaken, but does not appear to have had its desired effect, in light of the present offence.

Since the offence, the offender has resided with her father and both indicate that this arrangement is working out. The offender is not prepared at this time, to resume living with her mother. It would appear that the present living arrangements may be beneficial to both mother and daughter as it will lessen contact between the two and the ensuing conflicts.

Should the Court be considering a period of probation as part of any disposition, it is the writer's opinion that the offender could benefit from and would be amenable to community supervision. Mrs. Bornstein also feels the offender would benefit from a period of probation. She, as well as other sources, feels that a condition for counselling would be beneficial.

Respectfully submitted,

Susan Trevisan

ST:ah

November 24, 1986

SUSAN TREVISAN

DATE REPORT PREPARED

PROBATION OFFICER