

Victim Impact Statement of Deborah Mahaffy
Parole Hearing of Paul Bernardo, November 26, 2024

I am writing this, my third Victim Impact Statement for the third parole hearing for Paul Bernardo who murdered our daughter and sister, Leslie Mahaffy in June of 1991.

Once again, I am searching for the most compelling words to convey to you the impact of Leslie's abduction, torture, rape, murder and the desecration of her body after her death has had on her father, brother and myself, her cousins and friends and our community. Simply put, the impact of the death of our Leslie remains painful and most difficult. As my statement is not private, I can only bear to briefly mention a very few of these.

I am writing this Victim Impact Statement with HOPE that you will truly understand a little more of the impact of Leslie's horrific death and loss without ever having to experience personally such anguish and pain.

I am hopeful that you will review my previously submitted Victim Impact Statements from the 2018 and 2021 parole hearings as well as Leslie's father's (Dan), Ryan's and my Victim Impact Statements which were submitted at Bernardo's sentencing hearing in 1995 which we also previously submitted to you. I hope you will watch my Video Impact Statement which was submitted to the court at Bernardo's sentencing in 1995 which I understand you have a copy of also. My Video Impact Statement shows the vitality and joys of Leslie's life and was an antidote to the brutal and horrific videos Bernardo made of Leslie's last hours of life before he murdered her.

I was 40 years old when Leslie was stolen from her father, her little brother and me. Her little brother is now 40 years old and has submitted his Victim Impact Statement separately to you for your consideration for this hearing. Ryan has two beautiful children as I once had. Of course, we know from experience that dangerous offenders do exist, do destroy beauty, hope and dreams. The loss of Ryan's sister and the impact of all the subsequent losses that Bernardo perpetrated on him has been so understated but so profound these past 33 years.

As a mom of two children, like Ryan has now, I dreamed about what they would be like when they grew up. I often wondered about how our relationships would deepen and develop as they became adults. I speculated of which careers they might choose, what their talents might be, what would interest them, might they find their life partners, and might they enjoy children of their own. I dared to dream about being a Nana even then.

I am so proud, grateful and joyous to be sharing the adult friendship, company, love and support of my amazing son and his beautiful partner and children. But, there remains a space in my heart that hope and dreams of what Leslie may have become, have died. They were also destroyed by Bernardo. He destroyed the privilege of sharing the same delightful joys that I share with my son. Leslie's adult life also promised these same joys which are gone forever. At this time in my life, I experience an even deeper understanding of her loss, this new perspective, this new unwanted painful experience that also must be endured.

I have managed to create and experience joy and hope in my world though fleeting those times may be. The biggest destruction of the peace and joy and hope in my life has been and remains Bernardo. Many times, these positive feelings are crushed by the intrusive thoughts that Bernardo might be enabled to be free to again commit such atrocities and harms to another parent's

child or another brother's sibling. He chose to harm and kill others, and his behaviours and actions have dictated that he experience the loss of freedom to protect society from him. This one loss of his, a restriction really, does not in any way equate or compare to the magnitude of all the irreversible losses, rational fears, life altering changes and so many restrictions his numerous primary, secondary and tertiary victims experience still today even knowing at this moment he can do no more harm. But in the future?

I remain hopeful that you understand the sadistic, manipulative and psychopathic nature of Bernardo's behaviour and the endless threat he represents to public safety. Sadistic, sexual psychopaths like Paul Bernardo are incapable of understanding and apologizing for what he did to Leslie. After all these years he is incapable of acknowledging that he abducted, raped, tortured and killed Leslie and then destroyed and discarded her body. We have to accept the reality and truth of what he did.

I will continue to mindfully try to forget the horrors of Leslie's death and search and create a little hope and peace from the wonderful memories of her short life. I am optimistic that I can do this with the knowledge that this dangerous offender will never be a danger to anyone, ever again.

There is another aspect to the impact of Paul Bernardo's offences that have a profound impact on me, such as the regularity of his entitlement to parole hearings; the short notice given to us for the scheduled hearing date; the absence of accommodation to change the hearing dates when Paul Bernardo can and has changed his hearing dates on multiple occasions; the absence of transparency in transferring him from maximum security to medium security; the absence of transparency in providing us with information and documents relied upon for this parole hearing because his "privacy" rights outweigh our right to know and the public's right to know.

Having murdered my daughter and violated her with unspeakable sadistic brutality, my duty, my responsibility and that of my family is to protect Leslie's memory – to protect her dignity and honour which Mr. Bernardo so brutally tried to steal from her. I need justice for Leslie. I know Donna and Doug and their family feel exactly the same way and agree and adopt with what follows. They need justice for Kristen. Without transparency we cannot judge for ourselves if the system is functioning properly like the rest of the criminal, civil and tribunal systems in Canada. Knowledge of material facts is critical to our moral and ethical duty to protect our daughters, even after death. We feel it is necessary to bring these impacts to your attention.

Dangerous Offender Designation

Having Paul Bernardo declared a dangerous offender was very important to us. We were told at the time that this designation would be highly relevant when he became eligible for parole. Honouring this representation – this promise, is of enormous importance to us and our fight for justice for Leslie, Kristen and Bernardo's many other victims.

Paul Bernardo was not just sentenced to life in prison for the murder of Leslie and Kristen. He was also declared a dangerous offender and therefore, additionally received a sentence of detention in a penitentiary for an indeterminate period.

His dangerous offender designation was not limited to his sadistic sexual brutality against Leslie and Kristen, but also his sadistic sexual violence against Jane Doe, the many Scarborough rape victims who gave gut-wrenching Victim Impact Statements at Bernardo's dangerous offender hearing, and his role in the death of Tammy Homolka. This must be included in his long list of crimes he committed.

Bernardo's dangerous offender designation places him in a completely different category of evilness and saddest sexual psychopathy. The last parole panel acknowledged its "extraordinary responsibility" in reviewing offenders found to be dangerous offenders. We trust that you will take the same approach in this hearing. It is essential to protecting Leslie and Kristen's memory.

This means that while the Parole Board has the authority to grant Paul Bernardo parole from his indeterminate sentence, it is different in magnitude from his life sentence. While the paramount criteria of the Board remains to prevent any undue risk to public safety, the evidentiary underpinnings for that assessment remains very different. The threshold that Bernardo must meet is considerably higher otherwise the dangerous offender designation would be rendered meaningless.

Paul Bernardo was convicted of a serious personal injury offence as defined by the dangerous offender legislation. The Crown proved beyond a reasonable doubt that Paul Bernardo constituted a threat to the life, safety and physical and mental well-being of other persons on the basis of a pattern of repetitive behaviour, showing a failure to restrain his behaviour where there was a likelihood of causing death or injury to other persons and inflicting severe psychological damage on other persons, through a failure in the future to restrain his behaviour. This is the language of the *Criminal Code*.

The Crown further established beyond a reasonable doubt that Paul Bernardo demonstrated a pattern of persistent aggressive behaviour, showing a substantial degree of indifference respecting the reasonably foreseeable consequences to other persons of his behaviour.

The Crown further established beyond a reasonable doubt that his crimes were of such a brutal nature as to compel the conclusion that Bernardo's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint.

It does not stop there. The Crown also established beyond a reasonable doubt, that by his conduct in the way in which he carried out his sadistic sexual crimes, Paul Bernardo demonstrated a complete failure to control his sexual impulses and that there was a likelihood of causing injury, pain and evil to other persons through a failure in the future to control his sexual impulses.

To meet this heavy burden, the Crown called significant expert evidence – evidence Mr. Bernardo had every right and opportunity to challenge through rebuttal expert evidence and cross-examination. He chose not to do so.

Leslie and Kristen have a right, as do we, in this Board placing significant weight on these findings. Their voice, our voice must be heard. Anything less is a burden and impact that we cannot bear.

Analytically, you must carefully review the evidence heard at Bernardo's dangerous offender application. You must also see if there is any current credible medical evidence before you today, of the same quality and expertise, that directly addresses the previous evidence and findings and departs from it in any material and compelling way, otherwise you will make the dangerous offender provisions of the *Criminal Code of Canada* meaningless and deprive Leslie and Kristen and us of the justice we continue to deserve. This equally applies to the proceedings before Associate Chief Justice LeSage (as he then was) and Associate Chief Justice LeSage's Reasons for declaring Paul Bernardo a dangerous offender, the full Reasons of which are reproduced at tab 2 of our September 2018 Victim Impact Statement Brief.

At paragraphs 45, 47 and 48 of his Reasons, Associate Chief Justice LeSage said this:

[45] **“Mr. Bernardo ... You have no right ever to be released”.**

[47] **“I am satisfied that the evidence not only satisfies me, it is overwhelming. Everyone here, everyone in this courtroom, everyone in this courthouse, everyone in this city, everyone in this province, everyone in this country knows that you are a dangerous offender, and you know that yourself. Your conduct over the past, certainly the five years plus from 1987 to late 1992, is such that one could come to no other conclusion but that you constitute a threat to the life, safety, physical and mental well-being of other persons. Your conduct has been a pattern of repetitive behaviour, of which the kidnapping, the aggravated sexual assault of Leslie Mahaffy, and the kidnapping, the aggravated sexual assault of Kristen French, forms a part, which shows a failure on your part to restrain your behaviour, and it establishes and proves that there is a likelihood that you would cause death or injury to other persons and you would inflict severe psychological damage on other persons through your failure in the future to restrain that behaviour”.**

[48] **“... I am satisfied beyond a reasonable doubt that you have exhibited a pattern of persistent aggressive behaviour, of which the offences of kidnapping and aggravated sexual assault of Leslie Mahaffy, and kidnapping and aggravated sexual assault of Kristen French, forms a part, which establish not a substantial but an overwhelming degree of indifference on your part respecting the reasonably foreseeable consequences to other persons of your behaviour. That is another basis upon which I am entitled to and do find you a dangerous offender”.**

At paragraphs 49 and 50 of his Reasons, Associate Chief Justice LeSage described Bernardo's repulsive crimes this way:

[49] **"... they are of such a brutal nature as to compel the conclusion that your behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint."**

[50] **"The behavioural restraint that you require is jail. You require it, in my view, for the rest of your natural life. ... You are a sexually sadistic psychopath. The likelihood of you being treated is remote in the extreme"**.

These are the findings of one of the most respected, distinguished, experienced judges Canada has had the privilege and honour to have. A judge who viewed, first hand, the Bernardo/Homolka videotapes, along with all the other physical evidence and testimony. A sentence of life in prison was not enough for Paul Bernardo. The public demanded more – justice demanded more – that more was the dangerous offender designation and an indeterminate sentence over and above the two life sentences.

It would be an insult to Leslie and Kristen's memories, and an insult to the many other victims, if this dangerous offender designation is not addressed first before you consider the traditional parole eligibility criteria for those offenders not designated dangerous offenders. Absent extremely compelling, science-based expert evidence that materially displaces the findings of Justice LeSage, his sentence must be carried out – that Paul Bernardo remain in prison **"for the rest of [his] natural life"**. As already stated, the determination of undue risk to public safety may be the ultimate objective in both cases, but the analytical and evidentiary basis is entirely different.

Periods of Parole Ineligibility

The issue of Paul Bernardo's eligibility for parole also has enormous impact on us in protecting Leslie and Kristen's memories and ensuring them justice.

I recall sitting in the courtroom when Bernardo was convicted of the first-degree murder of my daughter and the other horrific crimes he committed. I heard Justice LeSage pass judgment, and sentence Bernardo to life in prison without being eligible for parole for 25 years. Then Bernardo was convicted of the first-degree murder of Kristen French, sentenced to life in prison without parole eligibility for 25 years to run concurrently with the same 25-year period for Leslie. To this day, the impact this has had on me and I know from speaking with Donna and Doug, they feel the same way, is indescribable. Paul Bernardo's period of parole ineligibility was not extended by a single nanosecond for the subsequent murder of Kristen French – not a single nanosecond. In terms of parole ineligibility, Paul Bernardo got a free pass for the murder of Kristen French. What a slap in the face. What an insult to all victims and the moral fabric of our society. What an insult to the life of Kristen French.

As you know, subsequent to Bernardo's convictions, the government eventually passed legislation (s. 745.51 of the *Criminal Code of Canada*) granting the trial judge the authority to extend the period of parole ineligibility in these circumstances, but because the trial judge had no discretion and could only increase the period of parole ineligibility in blocks of 25 years, the Supreme Court of Canada in *Bissonnette* declared the provision unconstitutional, leaving it to Parliament to fix and failing that, for the Parole Board to take into consideration. So, even the Supreme Court of Canada acknowledged that this fact is appropriate for you to take under consideration. It cannot be ignored. An offender convicted of multiple murders cannot be treated

the same as an offender convicted of a single murder and one murder is horrific itself. This is important to us. By any objective, principled criteria, Paul Bernardo's period of parole ineligibility would be anywhere between 35 to 50 years.

In *Bissonnette*, the Supreme Court of Canada said the following:

[41] "... Parole is a statutory privilege and not a right".

[46] "... The sentence is the means by which society communicates its moral values."

[85] "Parliament has latitude to establish sentences whose severity expresses society's condemnation of the offence committed, and while such sentences may, in some circumstances have the effect of dooming offenders to die behind bars, they are not necessarily contrary to s. 12 of the *Charter*". – Paul Bernardo is the offender to which the Supreme Court of Canada refers is doomed to die behind bars, which was the expectation of Justice LeSage.

[88] "Where the offence of first degree murder is concerned, rehabilitation is already subordinate to the objective of denunciation and deterrence, as can be seen from the severity of the sentence."

I would add that when you add Paul Bernardo's dangerous offender designation to these principles; the sentencing principles stated in s. 718 of the *Criminal Code* where punishment, denunciation and deterrence take priority over rehabilitation, s. 5(b) of the *Canadian Victims Bill of Rights* which states the corrections/parole system is an integral part of our criminal justice system and s. 21 which states that the *CCRA*, like every *Act* of Parliament "**must**" be construed and applied in a manner that is compatible with the rights under this legislation, you must place

considerable weight on these factors. A failure to do so is to grant Paul Bernardo a benefit to the detriment of the victims. This would have a profound and devastating impact on us.

[147] "... Eligibility for parole is not a right to parole". "... It perhaps, provides a measure of solace to know that **compelling** evidence of rehabilitation will be **demande**d before the perpetrators of such crimes will be released on parole". Importantly, the Supreme Court of Canada said this in the context of offenders convicted of more than one murder who have not been declared "dangerous offenders". So, applying this threshold to Paul Bernardo would be considerably higher.

In seeking justice for Leslie and Kristen and the many other victims of Paul Bernardo's brutality, you must keep in mind that the hallmark of psychopathy is manipulation, lying, being deceitful, glib, grandiose, narcissistic, cunning, deceptive and often intelligent. Psychopaths like Paul Bernardo learn how to manipulate the system and the various tests being applied to them. Witnessing this and experiencing this has an enormous impact on us. Therefore, a very different criteria must be applied to these offenders. This said, you must listen to Paul Bernardo's testimony at his previous parole hearings – his tone of voice and demeanor. He never took ownership of crimes; he exhibited no insight into his sadistic sexual brutality; there was no empathy or remorse. He talked about his crimes like normal people talk about the weather – completely devoid of humanity. It was bone chilling for us. Maybe today he will learn from his previous hearings – now before a different panel of the Parole Board, but please do not be fooled.

I know you characterize your questioning of Paul Bernardo not as adversarial, but rather inquisitorial – an "interview" or a "discussion", but what is really at stake regardless of how you characterized it, is the truth, so let's not get caught up in semantics. As already stated, what is happening today is an integral part of the criminal justice system where the search for the truth is

paramount so the public can be protected. What Paul Bernardo did was not just an offence against Leslie and Kristen and the many other victims, but, as Justice LeSage forcefully stated, was an offence against society – they were public crimes that horrified and impacted a nation – so please ask these questions of Paul Bernardo which address whether he has any insight into his offences and has any remorse and empathy:

1. Do you admit that you murdered Leslie Mahaffy and Kristen French as found by the jury? If not, what do you admit to and what do you reject?
2. Do you accept the findings of the jury? Did they get it right? If you do not accept the findings of the jury, what did the jury get wrong?
3. Do you accept the Reasons of Associate Chief Justice LeSage in designating you a dangerous offender? If not, what part of his reasons do you dispute?
4. Why did you dismember my daughter? What were you thinking – what was going through your mind?

Privacy v. Public Interest

As already stated, the impact of Paul Bernardo's crimes on me is not just the obvious direct impact of the indescribable agony of losing my daughter and how she died, but also how the system protects the offender. I know Donna feels the same way. Notwithstanding that the *Canadian Victims Bill of Rights* says that the corrections/parole systems are integral to the criminal justice system, and that the criminal justice system operates with complete transparency, meaning public access to the testimony, exhibits, and right to order transcripts of the proceedings, on our *Access to Information Act* request, not a single relevant document was provided to us because of Paul

Bernardo's privacy rights; rights he brutally, violently and sadistically denied my daughter, Kristen and the other victims. We wanted to see the documents Paul Bernardo himself was relying upon to support his bid for freedom so we could independently make our own assessment like we could during his trial and dangerous offender hearing. Paul Bernardo said "no". He refused to consent.

How can we protect our daughter's memories and secure them justice if we ourselves are not fully informed?

We will not know the recommendation of Bernardo's Case Management Team until today. We are not entitled to the very documents you and Paul Bernardo will be relying on for today's hearing, particularly the psychiatric and psychological reports. This could never happen in a criminal or even civil trial in Canada or with any administrative tribunal. An offender's privacy rights do not come into play in those other proceedings. There is no "privacy" interest in offences committed against society. The public has a right to know. We have a right to know. Denying us this right marginalizes us – its' degrading.

If Paul Bernardo had any remorse or empathy for his crimes he would have consented to our *Access to Information Act* request, but he did not. He doesn't want us to know the truth. It will just be between him, his Case Management Team and you. No disrespect, but we are asked just to trust the system in a way that would never be expected in every other aspect of our justice system. Paul Bernardo had the option to consent. He did not. Apparently, that was his legal right, just as he had the right not to testify at trial in his own defence if he so chose – but these decisions have implications and consequences when you determine whether he has any insight into his crimes, and whether he has any genuine remorse or empathy. So, please – ask Paul Bernardo why he did not consent to our *Access to Information Act* request? What didn't he want us to know?

Just like when Bernardo made the decision to weaponize the videotapes he and Karla Homolka made of their unspeakable crimes against my daughter and Kristen. Please ask him about that in your “interview”.

Paul Bernardo was the last person on earth who would want anyone to see what he did to my daughter and Kristen, yet to our shock, on our first appearance before Justice LeSage to address the media’s attempt to gain public access to the videotapes, Bernardo instructed his lawyers to deliver a brief to our lawyer in the lawyers’ robing room, just before we walked into court, advising that he was supporting the media and other members of the public who wanted public access to the videotapes of the most despicable violations of my daughter and Kristen – videotapes which themselves, constituted child pornography under the *Criminal Code*. Why? – to force a plea bargain to second degree murder. Paul Bernardo weaponized the videotapes to scare us to death. He weaponized the videotapes to secure a favourable plea bargain – agree to a plea resolution to second degree murder and save your daughters the humiliation of public disclosure of the videotapes.

That is the real Paul Bernardo – then and now. Is this in any of the reports before you? Ask him why. Ask Mr. Bernardo why he attempted to extort us into agreeing to a plea bargain to second degree murder by threatening us with public disclosure of the videotapes showing the sheer brutality of his sadistic sexual violation of my daughter and Kristen French? Ask him if he would do anything different today? If he says “yes” ask him “why” and when did he arrive at this epiphany? Don’t give this man a free pass. Your interview must be probing, because, as I said, this must be a search for the truth. This is the same person whose first instinct was to tell his first lawyer where to find the videotapes before the police found them and hide them so the authorities would never gain possession of them. That is who Paul Bernardo was then, and this is who he is to this

day, and this must be a significant factor in your decision and your respect of Leslie and Kristen. This is the cunning thinking of a psychopath.

Decisions of the Parole Board of Canada dated October 17, 2018 and June 22, 2021

We recognize the very hard work of the Parole Board panel who presided at Paul Bernardo's previous two hearings, and we know, in our hearts, that you will be no different. The previous panels identified multiple facts and engaged in a critical analysis confirming that Paul Bernardo clearly represented an undue risk to society and that his release in no way could possibly contribute to the protection of society by facilitating his reintegration into society as a law-abiding citizen.

We urge you to reach the same conclusion today. Nothing has changed. There has been no medical or scientific breakthrough. But you must appreciate the impact the absence of transparency has on us. It is severe. It causes fear, panic and anxiety. This is unfair. Hence this detailed Victim Impact Statement.

During the last two hearings Paul Bernardo was in a maximum-security Institution where he should still be, but effectively under cover of darkness, an administrative decision was made outside the purview of the Parole Board of Canada to transfer Bernardo to this medium-security Institution. The predominant sentencing principles for offenders like Paul Bernardo – punishment and denunciation were ignored. While CSC denies this, we have seen this only too often – as part of a process of cascading offenders through the system to improve their chances for UTAs and day and full parole, regardless of the real clinical diagnosis of the offender.

We do not know what to expect until we hear the evidence which will be disclosed at today's hearing. We will not know the recommendations of Bernardo's Case Management Team until we hear it today. This is very impactful on us. It causes enormous distress and anxiety.

The absence of transparency with respect to the structure of the tests administered to Paul Bernardo and supporting documents has a profound impact on us. It also causes enormous distress and anxiety when we hear at the hearing, for example, that the General Statistical Information on Recidivism (GSIR) rated Bernardo as low risk for general reoffending and the Sex Offenders Risk Appraisal Guide (SORAG) rated Bernardo as low risk for general reoffending and low to moderate risk for sexual recidivism. The same applies to the other tests. The efficacy of these tests is very suspect. We have no ability to determine the efficacy of these tests, but it is our responsibility to protect the memories and dignity of our daughters. As already stated, this could never happen in any other aspect of our justice system. Why just parole hearings?

Two previous panels of the Parole Board found that we are talking about an offender with very serious deviant sexual interests that meets the diagnostic criteria for Severe Sexual Sadism, Voyeurism and Paraphilia not otherwise specified. It does not end there. Additionally, Paul Bernardo has a personality disorder that meets the criteria for Narcissistic Personality Disorder and Psychopathy. Where is the medical/scientific discussion that there is no cure for this level of sickness – it's terminal. It cannot be managed in the real world – only in the artificial environment of a controlled prison setting. The risk in the community after almost 32 years of institutionalization is clearly undue and unmanageable.

After a quarter of a century in prison this Board discussed in its October 17, 2018 decision Bernardo's sexual perversions and disorders. No change in 25 years. Then in 2021 this Board came

to a similar conclusion. Absent a miraculous medical breakthrough that does not exist in the scientific literature, my daughter and Kristen's memory cannot be desecrated again by Paul Bernardo trafficking in some non-scientific academic fiction.

This man was convicted on two counts of first-degree murder; two counts of kidnapping; two counts of unlawful confinement; two counts of aggravated sexual assault and an indignity to a dead body, my daughter.

Numerous additional charges were stayed, but formed part of the dangerous offender designation hearing such as:

- Forcible Confinement x3
- Manslaughter
- Aggravated Sexual Assault x3
- Sexual Assault x2
- Sexual Exploitation
- Sexual Assault with a weapon x9
- Buggery x3
- Attempt Choking x2
- Sexual Intercourse with Female Under 16
- Assault Causing Bodily Harm

- Sexual Assault Causing Bodily Harm x3
- Anal Intercourse x6

In total, he committed 22 sexual assaults which doesn't include the offences he admitted to, but was never charged, which included a rape for which another man was convicted.

I thank you for your time and patience in listening to me today and through me, hear Leslie's voice and that of Kristen French.

November 14, 2024

Deborah Mahaffy

DEBORAH MAHAFFY