

Department of Justice

**2003 National Victims of Crime
Conference**

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Welcome, Overview and Opening Remarks

The first National Victims of Crime Conference was designed to address a number of key concerns, including the lack of available information regarding the role of victims in the criminal justice system and the services available to victims. The conference was designed to identify information gaps as well as innovative approaches and to discuss emerging issues.

The Honourable Martin Cauchon, P.C., M.P., Minister of Justice and Attorney General of Canada said that one goal of government is to increase safety in society and to provide citizens with better legislation and a better future. However, the reality is that crimes will be committed and people will suffer. He applauded the conference for bringing together people who are actively involved in raising awareness about the problems encountered by victims of crime.

The recent Bill C-20 was drafted to protect children and other vulnerable persons and to facilitate participation in criminal proceedings. With its passage, Canada will have some of the strongest protection in the world for both victims and witnesses. Cauchon said his government is also working on a bill to create a Sex Offender Registry and on amendments re DNA sampling.

The Canadian justice system is in constant evolution, he said. Any legislation that is passed must reflect the needs of society and its values. He said he is committed to working with organizations from across the country to ensure that any new legislation reflects their concerns.

However, everyone knows that law reform is not enough. He congratulated the Policy Centre for Victim Issues on its work to improve the experiences of victims and to share information with victims and their families about the criminal justice system and their role in it.

Cauchon said the responsibility for the criminal justice system is shared with the provinces—which play a key role in administering justice—as well as with law enforcement officers, the social and health care workers who are on the front lines, and those who work with victims' services and victims' advocacy groups.

Speaking about the victims of crime, Cauchon said that it is their voices that need to be heard. He saluted their courage and their steadfast determination to affect change.

The government is committed to giving victims of crime a voice throughout each stage of the criminal justice system, said the Honourable Wayne Easter, P.C., M.P., Solicitor General of Canada. He added that it is crucial for governments at all levels to treat victims of crime with compassion and respect. This conference will help us to develop the kind of understanding that is needed to create the necessary policies.

The 1992 *Corrections and Conditional Release Act* (CCRA) sets out the principles that guide the Correctional Service of Canada and the National Parole Board of Canada. The Act was reviewed in 1999 and fifteen recommendations were made—six of which dealt specifically with victims' issues.

Extensive consultations were conducted in March 2001 to determine how best to implement the recommendations. During these consultations, Easter said he heard that victims want the following: more timely information about the process, a better balance between their rights and the rights of the offender, and more opportunities to be included and consulted.

Bill C-40—which passed in June 2003—made a number of amendments to the CCRA, including an expansion of the legal definition of victim to include guardians.

In addition, Easter said his Department recently released a guide that explains how victims can obtain specific information about offenders.

He also told the group that Correctional Service of Canada and the National Parole Board of Canada has held a roundtable to exchange information about a number of victims' issues, including access to services, recognition and respect, inclusion and understanding, and what is working well.

Much work has been done in Canada in the last 20 years to help ensure a better balance in the criminal justice system; however, it is too early to declare the work complete, declared Ian Glen, Chairperson, the National Parole Board of Canada.

He told the participants about a recent national survey of victims of crime. The respondents were frank and candid, and they told the NPB what it was doing well and what needed improvement. They also challenged it to do more, he said. The NPB has a profound respect for victims of crime and their voices will be listened to.

The NPB is first and foremost a decision-making tribunal. In order to do its job, it needs to be neutral and impartial. Along with the responsibility to act fairly throughout the hearing process, the NPB is also determined to provide for greater participation for victims of crime throughout all stages of the hearing process.

Keynote Address

The woman known as Jane Doe began her speech by introducing herself by her real name. She said that she came to the conference to tell her story and to issue challenges—even to be confrontational, if necessary. Although each participant is here as a victim of crime or as someone who advocates on behalf of victims, and although each is united in a common struggle, each of us comes at this issue from a different place, she said.

She began by clarifying what her case accomplished, namely that it is now possible for anyone to hold the police accountable in a court of law for negligence or for contravening the Charter. Yet despite this legal victory, in her view, little has changed. Police are not more sensitive to sexual assault victims and there is still no consistent warning protocol in place in Toronto. Warnings are still issued at police discretion; they are fear-based and hysterical.

In order to reach a meaningful solution to this problem, it will be necessary to determine who benefits from the status quo. Currently, women's space is limited through mainstream sexism and misogyny; even their homes have become unsafe. Police use strategies that limit public space; by so doing, they build themselves up as society's protectors. More prisons are built to separate the good from the bad, and women are warned about possible threats and then are held responsible if they do not barricade themselves.

She said she does not recommend the legal system as a way to achieve political or social accountability. In her experience, the legal system is an unsafe, undignified, and unwise place for women who are victims of violence.

Jane Doe was the fifth victim of the "Balcony Rapist." She said she was a "good girl rape": a white woman who was the right age with the right job and education. She was asleep in her bed with her doors locked when a masked man that she did not know broke into her house, tied her up, and raped her at knifepoint. She said that if any one of the "good girls" elements were removed, her chances of success in court would have been diminished. "I was the right woman in the wrong place at the right time."

She said that when a woman calls the police following a sexual assault, she sets in motion a chain of events that she does not have any control over. In order to gain a conviction, women have to portray themselves as passive and broken, as someone who will let the "good men fix what the bad man did."

Jane Doe did not accept this role. Instead she issued a warning in her neighbourhood that led to the capture of the rapist within 24 hours. She also retained her own lawyer and fought for the right to participate in her trial. By being active, she learned information about her case and discovered systemic problems with the police and justice system.

She said the structure of victims' services is also problematic. It is underfunded, understaffed, and not trained to deal with crimes that are gendered or racialized.

The parole system also poses difficulties for victims of crime. She said the parole board calls her and invites her to decide her rapist's future. In so doing, she says the person on the other end of the telephone calls her a victim at least five times and "speaks the name of the man whose name she never speaks." The National Parole Board goes through a pretense that she has an informed role to play in the process, she says.

She asked who benefits when her rapist is released into society without supports. "Am I suddenly unraped?" She said that the man who raped her has given every reason to believe that he will reoffend. He has expressed no remorse or responsibility for his actions that altered the course of many women's lives. "The places we put them and the degree to which we forget them will determine the future of ourselves and our society," she said.

Morning Concurrent Workshops

Overview of the Canadian Criminal Justice System

Alan Young and Julian Roberts presented an overview of the criminal justice process. Young spoke of the roles of personnel and the stages of prosecution, then Roberts followed with sentencing. They were followed by Jennifer Fudge's presentation of victims' issues in the criminal justice system. In the question period, some members of the audience commented that victims were not represented on the panel, and that there was no articulation of how race, gender, and class enter into the criminal justice system.

Young described the areas of convergence and difference between the British and American justice systems. In Canada, judges are appointed while in the United States they are elected. In Canada, the federal government created the *Criminal Code* and all the authority is contained in a few statutes.

Young spoke of the loss of the community's authority to arrest. "Victim rights," said Young "is the struggle to reclaim that lost territory." He opined that there is no reason for the exclusion of the victim from the charging process. While anyone can lay an information, the reality is that the Attorney General throws out most of these cases and will take over those prosecutions which it considers meritorious. This is the first real clash between victim and Crown.

In the late 1980s and early 1990s the provinces created victims' legislation which speaks of victims' rights, although they have been determined to be statements of principle. European crime victims are better off because a civil claim can be attached to a criminal proceeding — "they can't get rid of you," said Young.

Young said it is the non-trial aspects of the criminal justice system that most offend victims. Much has been done for victims at trials—for example, screens, support people, and relaxation of rules of hearsay.

Julian Roberts said that while the *Criminal Code* contains principles and objectives for sentencing, it is at the discretion of the judge. He pointed out how the 1996 Criminal Code reforms to the sentencing principles included the victim—that sentencing should provide reparation for harm done and an acknowledgement of harm done. Another principle is that the sentence should be proportional to the gravity of the offence—and the victim is able to provide information about the impact of the crime on their lives through the victim impact statement.

The victim impact statement is considered at the sentencing stage. The judge is required to inquire as to whether victims were advised of their rights to prepare them; they must consider any victim impact statements submitted and victims must be permitted to deliver their victim impact statements orally if they choose.

Interests of the victim permeate the new Youth Criminal Justice Act. The sentence must promote a sense of acknowledgement of harm done, as well as consider reparation.

Recent reform includes the victim to a greater degree. The central vehicle is the victim impact statement.

Jennifer Fudge described the People's Law School and its purpose of providing the general public with legal information in a non-partisan way. Her presentation on understanding victim issues included an outline of the impacts of crime, the government role in responding to victims of crime, and the rights of the accused and the victim. Finally she described federal initiatives for crime victims.

An audience member commented that changes favouring victims still do not protect the personal background of murder victims. Young acknowledged that most of the amendments are associated with victims of sexual offences under 18 years of age.

Another audience member said that the presentations sounded like apologies for the criminal justice system, which in fact "annihilates" people. A victim should have been on the panel.

Another participant said she was disappointed and distressed that there was no voice to speak about the Charter of Rights. Panellists responded that they had presented what they were asked to. An audience member countered that they had presented from a right wing point of view.

Responding to a comment about character assassination in the courts, Young said that any change would involve a huge change to the initial starting premise—the adversarial system. At present there is little ethical sensitivity taught to legal professionals, a situation that will be hard to change.

Aboriginal Victims of Crime

Aboriginal victims have a number of distinct needs. Trends and issues around Aboriginal victimization are very different from those that impact non-Aboriginal victims of crime. This workshop highlighted some of those trends and issues as well as some of the ways that Aboriginal victim service providers are responding to those needs.

Celeste McKay, of Chartrand and McKay Consulting, presented findings from a literature review, conducted on behalf of the Policy Centre for Victim Issues, on issues related to Aboriginal victimization. She began by stressing the need to contextualize all the statistics gathered and emphasized that the overall economic and social conditions and resulting marginalization provide an environment where victimization is likely to occur.

She explained that Aboriginal justice inquiries tend to be offender-focused; as such, there is little attention given to Aboriginal victims of crime. However, research undertaken has uncovered some findings, including the finding that 35 per cent of Aboriginal people (versus 26 per cent of non-Aboriginal people) tend to be victims, and that Aboriginal people are three times more likely to be victims of violent crimes. Sexual assault rates are five times higher for Aboriginal people and domestic violence is three times higher. Under reporting of crimes is more pronounced

among Aboriginal peoples; in fact, one study found that 74 % of Aboriginal victims did not report the crimes. One reasons for not reporting was lack of confidence in the system.

Research also indicated that Aboriginal people tend to be victims within their own communities, and for some, a heightened level of violence is the norm. In some cases domestic and sexual abuse may be an accepted part of life. Some studies have found that 75% to 80% of Aboriginal girls have been abused, and the research indicates a strong link between child sex abuse and the sex trade, resulting in further marginalization. Research indicates that about half of the missing women in Canada are Aboriginal women. Another finding is that among Aboriginal people, the rate of HIV/AIDS is on the rise, and disabilities (such as fetal alcohol syndrome disorder) are twice the national average.

McKay explored the connection between victimization and colonization. Colonization practices, past and present, play a central role in Aboriginal victimization. In addition to crimes motivated by racism, some Aboriginal people have internalized negative attitudes. She gave examples of racially motivated incidents, such as white men who beat Aboriginal women to death.

Research also identified some potential avenues to address these trends. McKay noted that research has focussed on restorative justice practices or healing practices, such as circle sentencing. While these hold promise, McKay stressed the importance of ensuring pre-requisites are in place so that these practices do not replicate existing power imbalances or provide a means for offenders to avoid harsher sentences.

She closed by explaining that there are gaps in the research, as some studies provide statistics but no analysis. She called for a national comprehensive survey (driven by Aboriginal people) of Aboriginal victimization that would provide more information on childhood abuse, the link between positive attitudes and lower rates of abuse, gendered racism, youth victimization, and HIV/AIDS.

Janette Reinson, Aboriginal Resource Officer in Saskatchewan, explained how Parkland Victims Services provide a unique program for First Nations and Métis communities in a 250-mile radius. Challenges in their work include trust issues, how people relate to police, how they are treated in court, the availability of support systems, the transient nature of some community members, and language barriers.

Reinson described a range of activities in the Parkland program, including working with youth to show them what police do, campaigning against drinking and driving, examining the impact of such factors as diabetes on crime, and providing cultural information to the police. Parkland developed the first crisis intervention team in Saskatchewan that brings in Elders to help manage a crisis until the court date.

Dorothy Carseen is a Victim Witness Assistant with Justice Canada in Yellowknife. From her perspective of working in isolated northern communities, she described how the lack of roads and services in surrounding communities means that court parties come into communities for a day only. She works with the prosecutor and victims on all cases of sexual violence and spousal abuse. As such, she explains a great deal to victims and witnesses, goes over the victim impact

statement with victims, translates if needed, works with the police to bring reluctant victims to court, and supports the victim in cases of court-based intimidation by the accused. Carseen explained that, while there are few services for victims, the programs that are available coordinate their services to avoid overlap.

During the discussion period, participants noted that more research was necessary in the area of death rates for Aboriginal people as well as on the issue of Aboriginal young male victims of crime.

One participant called for more advocates working in the communities and held that Aboriginal women need to help each other. Carseen explained that, although social workers often help, officials are too often seen as the “enemy.” Carseen also noted that there is little counselling for spousal assault victims in many areas of the Territory, and as a result they turn to the Victim Witness Assistant.

Many participants agreed that the gap here is always about funding.

The Delivery of Victim Services: A Provincial and Territorial Overview—Part I

In the first of two workshops on the delivery of victim services, four provincial representatives discussed the legislation and structures that govern their services, the type of services they provide, and the benefits and challenges of their systems. Examples of services offered include emergency intervention, information on the criminal justice system, short-term counselling and counselling referrals, domestic violence programs, court preparation and accompaniment, individual case information, and, in some cases, financial compensation.

Susan Maynard explained that the Atlantic region uses a system-based model, with one consistent person assisting the victim throughout all stages of the criminal justice process (rather than multiple programs or agencies). This model is client-centred but features close working relationships with other agencies. The system-based model is part of the criminal justice system, but independent. It is comprehensive and can assist victims not involved in the criminal justice system. However, resources are stretched because of its involvement throughout the process. In the Atlantic region, compensation programs vary: Prince Edward Island and New Brunswick provide compensation for both pain and suffering and eligible expenses (e.g. counselling), while Nova Scotia focuses on counselling compensation, and Newfoundland has a program that simply helps clients access services.

In Quebec, Claire Lessard explained that Quebec has been governed since 1998 by its Victims of Criminal Acts Assistance legislation. The BAVAC crime victims assistance bureau doesn't dispense services directly, but oversees victim assistance programs. There are 15 assistance centres, which provide direct services to victims, families, and witnesses. This is a victim-based model administered under the Ministry of Justice. Staff work within the justice system for the benefit of all partners, but are always working for the victims. Interventions are directed so as to allow victims to make their own choices and return to normal life as soon as possible. Quebec

has a generous victim compensation program that covers real losses and associated costs like medical expenses, although it does not address pain and suffering specifically.

Marilyn Morrice explained that Manitoba Justice is responsible for the delivery of victim services. New legislation means that the province will be amalgamating services to provide a provincial view. Services still stem from the Public Safety Branch of the Criminal Justice Division. Manitoba Justice is working toward a cooperative justice system, where victim services staff cooperate with the police, the Crown, and the courts on behalf of victims. Recent legislation includes a Victim's Bill of Rights aimed at selected offences (proclaimed in August 2001), domestic violence and stalking legislation, and the Safer Communities and Neighbourhoods Act. Manitoba offers compensation to survivors to cover pain and suffering as well as costs such as counselling, medical, and funeral expenses. The province also has a cell phone program and a safety aid program for seniors.

In the North, said Sandy Bryce, the federal government undertakes prosecution in the three territories, while the RCMP is responsible policing. Each of the territories is unique in its programs and policies. Cooperation between the jurisdictions is key in a region with limited resources and high crime rates. In the Yukon, victims are well served and there are several different levels of entry by which they can access services. Services support the victim throughout the criminal justice system and provide for follow-up counselling. The Yukon does not provide any form of financial compensation, although it provides a silent alarm system for those at great risk, and long-term counselling (including meals and transportation).

During the general discussion, two audience participants commented on the importance of ensuring that victims are represented as speakers at this conference. Moderator Catherine Kane noted that some of the speakers may be victims but may choose not to self-identify. Panelists discussed the impact of victims on the development of provincial services. Panelists also addressed a question about financial compensation, detailing the eligibility requirements in their provinces for compensation, particularly in cases of domestic violence where the victim is not cooperating with police.

What Are We Doing for Children in the Criminal Justice System?

Significant improvements to the criminal justice system are needed to meet the unique and special needs of the increasing numbers of children who are testifying in criminal trials in Canada, concluded panelists participating at the workshop.

The demand for child witness court preparation services in London, Ontario has more than quadrupled since its inception in 1988. The program currently receives in excess of 550 referrals of children per year, reported Pamela Hurley, Director of the Child Witness Project at the Centre for Children and Families in the Justice System. Hurley also noted that the mean age of children referred rose from 10.5 to 13 years. The children and youth referred are victims or witnesses in cases involving violent crime that includes charges of sexual assault, physical assault and domestic violence. The referral patterns also indicate that there has been a significant increase in cases involving youth assaulting other youth. The Project has a database of over 2,000 cases

which spans over fifteen years. Also of note, on a national level, is that over 60 per cent of reported cases of sexual assault cases involve victims who are under age 18.

Ms. Hurley and Marlis Bartscher of Nova Scotia's Regional Victim Services Program shared highlights of their innovative court preparation programs for child witnesses. British Columbia prosecutor Wendy van Tongeren Harvey gave an overview of legal reforms that recognize children as credible and competent witnesses in Canada's criminal justice system.

Participating in the criminal justice system is a stressful experience for youth and child witnesses. Stressors include: fear of facing the accused, testifying in a courtroom open to the public, fear of disbelief and harsh cross-examination. Also stressful for children and their families is the length of time they must spend in the system. Panelists considered specialized court preparation tailored to the individual needs of the child as an essential service.

The Child Witness Project in London developed and evaluated a court preparation protocol which is tailored to the individual needs of the child. Witnesses may have 2 – 8 sessions.

There are four components:

- Education: Child witnesses are taught about what happens in court and what is expected of them. The approach taken will vary depending on the child's age, developmental level and cognitive and communicative abilities.
- Role playing: Helps a child witness be resistant to suggestive questioning. It provides the opportunity to learn and practice speaking loudly and clearly, listening attentively to questions, and promotes assertiveness in stating when a question or word is not understood. The evidence is never discussed with the child.
- Relaxation Training: A child's fear and anxiety can be overwhelming and can interfere with their ability to provide effective testimony. Relaxation and anxiety management techniques include breathing techniques, muscle relaxation and cognitive strategies.
- Court Accompaniment and Debriefing

Testimonial Aids for Child Witnesses

The London Child Witness Project strongly advocates for the use of testimonial aids for child witnesses. Ms Hurley suggested that Closed Circuit Television is infrequently used in many jurisdictions despite the legal reforms in place since 1988. She noted that testimonial aids help reduce a child's anxiety about testifying and thus allow them to provide more effective evidence for the court.

- Close circuit television (CCTV) permits the child witness to testify from outside of the courtroom via live link. The London courthouse was equipped with closed-circuit testimony room in 2001. Since that time the facilities have been used on a frequent basis, averaging one application per week. A protocol has been developed by the London program and can be shared with other communities.
- Communicating with children: Adults need training and skills in order to effectively communicate with children in a forensic setting. Monitoring both the child's and the interviewer's comprehension is essential to obtaining accurate information.

- Miscommunication can damage a child’s credibility in the courtroom. “A child will present much more competently in a court room if the adult conducting the questioning is trained in the appropriate methods,” said Ms. Hurley.

Nova Scotia runs a province-wide program that prepares child witnesses and victims under 16 to provide evidence in court. The program’s objectives are to increase a child’s knowledge of court proceedings by teaching who the key players are, to assist with cross examinations, to reduce anxiety, and to provide emotional support for child victims and their families. Caseworkers contact a supportive adult six weeks before a child is to testify to answer questions about the criminal justice system and provide ongoing case specific information. The caseworker will explain time lines, arrange meetings with police and the prosecution and accompany the child to court, if necessary.

“It’s important to use this opportunity to validate the effort of the child. The child’s feeling that they’ve done a good job is as important—if not more important—than the outcome of the trial,” said Ms. Bartscher.

Although cost-effective, client-focused and flexible, the program lacks adequate staff and resources. Late referrals and the protracted nature of criminal trials present the greatest challenges.

Ms. Harvey explained that the increase in children’s participation in the criminal justice system is due to significant legal reforms that now permit children to be recognized as credible and competent witnesses. Recent amendments to the *Criminal Code* and the *Canada Evidence Act* from 1988 until very recently, have changed and expanded the role of children as victims and witnesses.

Before 1988 and the passing of Bill C-15, children were only allowed to testify if they were considered “sufficiently intelligent,” and unless they were able to swear an oath on the Christian Bible, their complaint formally required corroboration for the accused to be convicted. After 1988 the child under 14 is still considered incompetent until held to be otherwise after an inquiry. The threshold test currently is “ability to communicate” the evidence.

Proposed amendments in Bill C-20 (which has since died on the order paper) would significantly alter the role of child witnesses in Canada’s criminal court system; it would create a presumption that children under 14 are competent to provide evidence in court and that witnesses under 18 are entitled to accommodations in court when they ask for them. According to Ms. Harvey, these amendments are part of an evolution to make our criminal courts more accessible to persons who are vulnerable and call for changes in our physical courtrooms and treatment of cases if the provisions are to be properly implemented. This raises new concerns about the treatment and protection of child witnesses, especially those fearful of facing the accused, those who do not function well in a criminal court and those who may not have been considered as potential witnesses in the past. Provincial facilities and courthouses are not designed to accommodate child witnesses and victims and the adversarial nature of the criminal justice system requires the defence to question the credibility and competence of child witnesses. In light of these

challenges, Ms. Harvey reiterated that it is essential for the criminal justice system to provide adequate preparation and protection for children testifying in court.

Panelists agreed that “attitudes [toward child witnesses] need to change” for significant improvements to be made. Adequate and ongoing preparation, protection, and accommodation of child witnesses were themes underscored by all panelists in the session.

A Focus on Public Accountability

Today businesses and government are looking at accountability with increased vigour and are taking steps to improve performance reporting to their stakeholders, be they stockholders or taxpayers. The three presentations in this workshop demonstrated that for the most part, governments across Canada are implementing measures to improve their accountability to taxpayers for achieving results, and are strengthening their accountability relationship with community-based delivery agencies receiving government funding.

Beth Ulrich of Manitoba Justice's Public Safety Branch described how the department works with community groups who receive funding from the Victims Assistance Fund and the agreement that they use to ensure clarity around accountability expectations.

Community groups seeking funding are required to submit a proposal to the Public Safety Branch. The proposal must include the details regarding the following:

- The community’s readiness for the service;
- Partnerships and key stakeholders – other groups that will support the proposed service or project;
- Scope for victim involvement in the project;
- Activities to increase public awareness;
- Projected results and reports to be shared;
- Sustainability of the service —who will carry on the service; and
- Measures of results achievement and evaluation plan.

The new plain language agreement that has been implemented by the department provides for description of the activities to be undertaken by the funding recipient, and provision for changes to the contract. All agreements stipulate that groups have insurance for the project that protects not only their organizations, but also the government or the Justice ministry. The agreements stipulate that the groups report the activities completed, statistics collected, outcomes and results.

Brenda Kritzer of the Ontario Ministry of the Attorney General, Victim Services Secretariat has been leading a project to develop a comprehensive accountability framework for transfer payment programs. This framework has three key dimensions that combined, will improve public accountability and also provide a foundation for continuous program improvement.

Over 2002, the secretariat worked with community delivery agencies to develop Logic Models for all programs that relate resources and activities to goals and outcomes or “client benefits”. For each outcome measurement, strategies are being developed and the Secretariat is refining its

Automated Statistical Reporting System to ensure that data reported by community agencies relates directly to expected outcomes.

The Secretariat is also developing a Guide for Transfer Payment Recipients that will explain the roles and responsibilities of community agencies and lays the foundation for a stronger and more transparent accountability relationship. Eventually this guide will be accessible through the ministry's website and will include links to other sites that provide educational and resource information for (NGO) boards of not-for profit agencies.

The third dimension in the Secretariat's strategic approach to public accountability is the development of an Internal Manual for Managing Transfer Payments. This Manual will help to ensure that staff in the new Regional Offices take a consistent approach in their oversight responsibilities with agencies receiving transfer payments, and are provided with instructions and tools to fulfill accountability requirements.

The comprehensive framework, said Kritzer, should foster mutual understanding and respect of partners, provide a platform for discussion and negotiation, and promote continual improvement and sharing of best practices.

Susanne Dahlin, Director, Victim Services Division, Ministry of Public Safety and the Solicitor General of British Columbia, described how British Columbia has taken a similar approach to the other two provinces by developing, in consultation with delivery agencies "Program Standards" for each of the core programs. Program Standards describe the Goal and Objectives of the program, the activities to be undertaken, and three levels of results measurement:

- Indicators of Level of Service Delivery;
- Indicators of Client Satisfaction and
- Indicators of client benefit, i.e. change in quality of life

Narrative reports are assessed as well as statistical and financial information on program performance.

The British Columbia government has set a timetable of three years for all program deliverers to reach the standards. The Ministry is also involved in self-evaluation tools so that delivery organizations can evaluate their own programs and services to determine whether they are meeting the standards. The ministry will be evaluating all contracted services to ensure the following:

- Services/programs are meeting their contractual requirements;
- Services are current and relevant;
- Organizations are operating consistent with sound business practices;
- Organizational health is sound (e.g. clarity of roles, professional interactions, separation of board from service delivery).

B.C. has more than 150 victim services programs delivered through police, community groups, and ethnic and aboriginal-specific groups. Each program has a contract with the delivery agency that includes a schedule of services, monthly statistical reports, and annual descriptive reports. This data allows the government to say why they're spending money on a particular service, what is being done and how well it's working.

This approach necessitates discussion with agencies to ensure understanding of such terms as “brief contact” and other aspects of the services and programs.

Regular reporting on the measurement indicators helps the government to evaluate outcomes against the standards and thus advance accountability. “The goal is to identify early on where there are problems in service delivery,” said Dahlin.

Discussion following the three presentations highlighted the need for a collaborative approach between government funders and delivery agencies to ensure clarity of expectations, meaningful and economical reporting and mutual understanding and support. Such collaboration should result in more straightforward relationships and enable agencies to concentrate on meeting the needs of victims.

Accountability, said one participant, must go both ways and include the accountability of the government to the community and to victims.

Luncheon Guest Speaker

The struggle for victims’ rights is the new civil rights movement, the Honourable Gordon MacIntosh, Minister of Justice and Attorney General, Manitoba, said. Victims have been left out of the process, a situation that has served to worsen the injustice of the crimes committed against them.

Victims have also been left out of the Charter of Rights and Freedoms—the symbol of what Canadians regard as important values for our justice system. This omission is something that Manitoba has raised at meetings of the Ministers Responsible for Justice. It is now on the national agenda, although the process of change might take a decade or more.

Victims are owed more, although that cannot come at the expense of the rights of the accused. Victims must be treated fairly and they must have substantial legislative rights. They have the right to information, the right to a voice, and the right to be left alone.

Manitoba has instituted a number of initiatives to further victims’ rights, including a child victim support initiative, expanded victim compensation, and a Victims’ Bill of Rights that is entrenched in the law. Among others, this Bill of Rights guarantees victims the right to information about the status of the investigation and about how to apply for restitution. It ensures that victims are allowed to take time off work to attend court proceedings.

The Bill of Rights is being phased in slowly; it initially covered 13 serious offences. This slow phase in is necessary because the Bill introduces a significant shift in the court process.

Next steps include ensuring better coordination and integration of victim support services. However, MacIntosh said, it is not enough to proceed with the expansion of victims’ services without examining other aspects of the criminal justice system through the eyes of victims.

In the mean time, MacIntosh said his government is acting on the voices of victims and beginning to meet the needs of those who have been ignored for too long.

Afternoon Concurrent Workshops

Victim Impact Statements

After a general introduction to the victim impact statement and presentations on its use in three provinces, members of the audience, speaking for victims, expressed concerns.

Julian Roberts, of the University of Ottawa, provided details on the statutory framework behind the victim impact statement, its purposes, the frequency of its use, and the reasons for its use. His research has shown that victims who make a statement tend to be more satisfied with the outcome of the process. It also shows that judges and Crown counsel find victim impact statements useful in sentencing, increasing victim satisfaction, and helping victims cope with their victimization. These statements are also useful in encouraging communication among the various parties to the process.

John Joyce-Robinson, manager of the Regional Victim Services Program, described the victim impact statement program in Nova Scotia. The program operates out of four offices in the province and has 12 staff members, who also are also responsible for other victim services. The program's database can generate statistics on the use of victim impact statements. After a brief description of the operation principles, the definition of "victim," and the use of victim impact statements, Joyce-Robinson described his office's procedures for distributing victim impact statement packages, helping victims who write them, and dealing with the completed victim impact statement.

Donna Eastwood, an assistant Crown attorney in Ottawa, described the materials on victim impact statements available to victims in Ontario. She then described the role of the victim/witness assistance program in Ottawa in assisting with victim impact statements. Eastwood said that, among other things, they are useful at sentencing, providing the court with valuable information about the harm done. Most are poignant—this goes to the root of the purpose of the public service, she said. Victim impact statements cannot deal with everything, however. Restorative justice goes to a level of reparation beyond the courts. Eastwood said it is important for people who work in the system to speak personally to victims.

Peter Teasdale, of Alberta Justice, noted that victim impact statement programs are implemented differently across the country. Alberta has a police-based system, and it is currently under review. For the most part, each office is staffed by a co-ordinator and volunteers who deliver the program. The police provide victims with the victim impact statement forms. After it is completed, the Crown attorney reviews it, discloses to the defence, and files it with the court. If the defendant is found guilty, the victim impact statement is provided to the judge. There are some pockets in Alberta where statements are filed in court and not shown to the defence. In

some places it is deemed that there is no victim until there is a guilty charge, so the defence does not see the statement. Alberta is working toward a unified system of filing directly with the courts, but Crown attorneys are not in agreement about reviewing statements. It is an ongoing learning process.

A participant commented that even though there have been changes in the criminal justice system, the mindset of the court still does not allow emotion. Further, disclosure of impact on victims leaves them vulnerable.

Another participant said that women victims should have been on the panel. The fact that women can be cross-examined on the content of victim impact statements makes them decline making them. People who are not articulate in English will not make victim impact statements. Since most victims do not make impact statements, this panel is celebrating something that does not work.

A discussion ensued about the practice of suggesting victim impact statements for only the more serious crimes. While only the victim can know the seriousness, resources prevent victim impact statements from being made available to everyone.

A participant from the Edmonton police service outlined ways of increasing the usage of victim impact statements. He said the most difficult aspect of victim impact statements is that the defence can challenge them.

Emerging Issues in Domestic Violence: Policies, Programs, and Legislation

Carole Morency, Senior Counsel with the Criminal Law Policy Section at Justice Canada, and co-chair of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation, introduced fellow co-chair Kit Waters, former Executive Director of Information Management for the Nova Scotia Department of Justice and Lise Bellefleur, Provincial Violence Prevention Coordinator with the Women's Issue Branch, Executive Council Office, New Brunswick.

Ms. Morency and Ms. Waters gave an overview of the report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation entitled *Criminal Justice System's Response to Spousal Abuse: Issues, Challenges and Recommendations*. The mandate of the Working Group was to review the implementation and status of the pro-charge and pro-prosecution spousal abuse policies. Its report was released in March of 2003.

The criminal justice system's response to spousal abuse has been based upon: legislative reform; pro-charging and pro-prosecution policies; specialized courts, victim services and offender treatment programs; professional training; and public awareness.

The presenters explained that the three key objectives of any criminal justice system's response to spousal abuse are the criminalization of spousal abuse, ensuring the safety and security of the victim, and maintaining confidence in the administration of justice. They discussed the

advantages and disadvantages of charging and prosecution policies, and explored alternative justice policies. They described other measures implemented in recent years including domestic violence courts and noted that these courts have had some success to date in reducing court processing time and increasing conviction rates.

When pro-prosecution policies were initiated in the 1980s, they were intended to ensure that the criminal justice system no longer treated spousal abuse as a “private matter.” The policies have been successful in a number of ways including in increasing victim confidence in the system (e.g., knowing that the police will come when called for a spousal abuse incident and will, at a minimum, stop at least that incident of violence). On the other hand, the policies have also been criticized, for example by some police, who believe that a pro-charge policy doesn’t work in the long run if the charges are subsequently withdrawn or stayed because the victim won’t testify. The public is sometimes critical of the policies where they do not result in significant sentences.

As a result of the pro-charging policy, more cases of spousal abuse are going through the criminal system, and some cases are being prosecuted without the testimony of the victim. (However, Morency and Waters pointed out that the recanting victim witness is still described by criminal justice system personnel as one of the most vexing obstacles to ensuring a comprehensive response by the criminal justice system to spousal abuse.)

Waters emphasized that because of the complexity of spousal abuse, legal controls are not enough, and support programs are needed. Communities need a coordinated response by the various partners: health workers, legal workers, social workers, and others. She acknowledged that although abusive partner programs have been around since the 1970s, there is still an inadequate evidence-based research documenting their effectiveness – for example, there is often a high dropout rate for these programs and such intervention programs do not adequately address some forms of violence.

Bellefleur described the process undertaken in New Brunswick to move the violence against women initiative forward and, especially, the importance of timing in getting on the government agenda. The commitment of the minister for women’s affairs was key. The Minister’s Working Group for Violence Against Women brought together 35 people who prepared a strategic framework of 50 recommendations.

The result? The Government of New Brunswick launched a three-year action plan, *A Better World for Women*, and committed \$2.8 million to the initiative. The action plan brings together all departments with a role to play, including health and welfare, education, public safety, training, and justice. Teams of representatives from these departments each work to address several recommendations, and address the impact for all departments. For example, they are updating protocols that describe intervention guidelines (and the roles and responsibilities of key players) dealing with abuse of women, child abuse and neglect, and adult victims of abuse.

During the discussion of children witnessing family violence, the need for improved coordination and collaboration between systems was noted e.g., spousal abuse victims may not seek out needed help from the criminal justice and social service sectors. They may not report to police or move to a shelter with their children for fear that this may lead to child protection workers intervening and removing their children to protect them from the exposure to the

violence.

The Delivery of Victim Services: A Provincial and Territorial Overview—Part II

In the second part of the overview of provincial victim services, panelists discussed the systems in B.C., Alberta, and Ontario. Cal Wrathall explained that Alberta's system is based on the *Victims of Crime Act* (VOCA), which sets out fundamental principles for the treatment of victims and establishes a fund that is kept separate from the government budget. The fund supports two programs: the financial benefits program, and the grants program (the latter funds community and police-based programs). A more streamlined process now takes a coordinated approach to respond to victims' needs, with the goal of empowering them. Alberta uses a police-based victim service model and, for financial benefits, a system delivery model. However, the province is slowly moving toward a larger proportion of community-based services (rather than police-based services). The financial benefits program is designed to assist victims rather than compensate for losses. Lump sum payments are calculated based on an assessment of injury, but there are no strings attached regarding the use of the money.

Challenges in Alberta include lack of awareness of the available programs, and the need for greater stability in funding. Alberta recently completed a consultation to ensure that the province is meeting victims' needs. A report was submitted to the Minister with a ten-year vision and 38 recommendations. This report is currently under review by the ministry.

Sonia Faryna explained that Ontario's Victims' Bill of Rights governs the treatment of victims and established the Victims' Justice Fund. Recently, Ontario consolidated all victims' services under the Victim Services Division, which includes education and prevention programs, police and community crisis support, medical treatment and counselling, emergency shelter, court-based supports, and compensation. The government provides some services directly, while also funding and supporting a number of community-based agencies.

Ontario's biggest challenge is its recent change in government, which may result in some changes. The province is working toward better coordination of front-line victim services and better collaboration at the community level. There are also pressures to put more funding into services for diverse cultural groups, men's sexual assault services, and French language and First Nations services. In addition, there are calls to stretch the definition of "victim" to include workplace accidents and death. Finally, Ontario intends to undertake a review of victim service standards.

In B.C., said Susanne Dahlin, the *Victims of Crime Act* (VOCA) outlines the rights of victims of crime. Victim services were recently consolidated under the Ministry of Public Safety and the Solicitor General. The mandate is to serve the needs of victims throughout the criminal justice process and ensure that they receive emotional and practical support to recover. This mandate is accomplished through public education, development of legislation and policies, program funding, training and support of workers, and administering the Crime Victim Assistance Program. Direct services provided within the Victim Services Division include the criminal injury compensation program (which includes provisions for rehabilitation training, counselling,

and protective measures benefits). The Division also funds a network of about 150 programs that deliver services. These include aboriginal-specific and multicultural programs, municipal, and police-based programs, and community-based programs.

B.C. shares the challenges faced by the other provinces, including the demand on services, the need for better coordination, and lack of awareness of services. Work still needs to be done to address the needs of smaller, isolated communities, to recognize all the rights and needs of victims, to share information with victims, and to ensure program accountability.

During the discussion with participants, panelists commented on jurisdictions policed by the RCMP (which exist in Alberta and B.C.). It was noted that the RCMP are under contract to the province in these cases. Services fall under the provincial model and depend on the approach taken by the commanding officer and the contract with the province. Panelists also commented on the mechanisms for sharing victim information with victim services due to the need to respect applicable privacy legislation.

Making a Difference for Child Victims of Abuse

Providing child-friendly community-based facilities that are integrated with the police investigative process significantly reduces the negative impact of reporting abuse for child victims and their families. An integrated approach to delivering support services for child victims also improves the efficiency and speed of child abuse investigations. These are some of the conclusions reached by police, Crown counsels and officials with child centres in Edmonton and Toronto.

The experiences of the Edmonton-based Zebra Child Care Centre and the Toronto Child Abuse Centre demonstrate that trained personnel providing education, training, assessment, treatment, and witness preparation support services for children in an integrated, child-friendly, environment can reduce the negative impact of the criminal investigative process for children. It also maximizes the child's participation in the criminal justice system.

Staff Sargeant Darren Eastcott of Edmonton's Child Protection Services division reported that police investigators' efforts to interview children in a police facility shared with criminals in handcuffs does not result in great successes. The establishment of the Zebra Child Care Centre with its teams of Child Protection Investigators and Child At Risk Response Teams, and other trained personnel, has significantly improved the experience for child victims/witnesses.

Lorrie Kostelyk, Director of Victim Services, discussed the program. Zebra's victim services programs include a 24-hour crisis response line staffed by volunteers. It also provides support for access and assistance to the criminal justice system. Victims and their families are assisted with the preparation of victim impact statements, financial benefit, and restitution applications. The Zebra Centre also provides child-friendly interview areas where victims and their families can meet with police investigators and Crown counsels in a safe environment. Centre staff facilitate these meetings prior to the child victim's appearance in court.

Public education is one of the Centre's priorities. Resource kits have been developed for Grade 4 to 6 teachers. Primary prevention programs are a future priority. The success of the child-friendly environment at the Zebra Centre has inspired Alberta's Ministry of Justice to equip its Edmonton courthouse with a child-friendly waiting room protected from adult criminal proceedings. This room is equipped with a closed circuit television where a child can view courtroom proceedings.

Edmonton Crown Prosecutor Mark Huyser-Wierenga noted that the improved facilities and an integrated approach to the delivery of support services for victims of the criminal justice system have resulted in child witnesses now being able to provide "full and frank accounts" in court. He added that Crown attorneys could now rely on witnesses to show up in court thanks to the support of the Zebra Centre.

The Toronto Child Abuse Centre (TCAC) also provides an integrated approach to delivery of support services and works in close cooperation with the police, the Crown's office and other support services for children in the Greater Toronto Area (GTA). Karyn Kennedy, the Director of Service for TCAC noted that while the Zebra Centre worked with children during the investigation and prosecution, much of TCAC efforts are before and after these stages.

TCAC provides delivery of programs in three areas:

- Prevention, public education, and training
- Assessment and treatment
- Witness preparation

Police and Children's Aid Society workers participate in training programs that respond to issues involving child abuse, bullying, safety of children, and children witnessing violence. Training and public education programs have reached over 10,000 people in the greater Toronto area.

The TCAC programs are targeted at children 8 to 12 years old and are designed to build self-esteem and reduce a child's vulnerability. Teacher's manuals are provided with the "I'm a Great Kid" programs.

Following verification of assault and abuse, TCAC receives referrals from the Children's Aid Society, police, and other professionals involved in an investigation. The Toronto Centre's crisis support program provides immediate assistance for children and families who have experienced abuse. TCAC assesses and evaluates the extent of the trauma and makes treatment recommendations, when necessary.

TCAC's trauma assessment program examines the impact of an abusive event by reviewing the symptoms, determining if the child feels responsible for the event, and then identifying and desensitizing the child to sensory reminders of the event. The assessment program also looks to identify any disruptions to a child's development.

TCAC receives referrals from the police, the Crown's office and child protection agencies. It provides flexible, timely assistance for child victims who are preparing to testify in court. A number of new programs are being offered: post-court support, sexualized behaviour assessments for children under 12, Relationship Skills for Violence Prevention, and an

interactive Web site with “virtual” courtrooms that educate children about the criminal justice system.

Panelists at the workshop concluded that an integrated and coordinated approach, one that includes criminal justice professionals, community agencies, and social workers in all stages of the process, is an essential approach to ensure that service delivery programs respond to the needs of child victims and their families.

Government Initiatives: What Works? Evaluation/Research, Provincial Research

Victims appreciate being able to talk to victim services workers, police, Crown attorneys, or other representatives of the criminal justice system, and have input into the outcomes of their cases.

Surveys of victims in New Brunswick, research involving victims, victim services workers and criminal justice professionals in British Columbia, and a nation-wide survey conducted by Justice Canada, all found that victims of crime appreciated any opportunity to tell their stories, even by participating in a survey.

Brenda Thomas of the New Brunswick Department of Public Safety reported on a first-ever client satisfaction survey of victims of crime. Victim services and criminal justice staff were concerned that the survey itself could re-victimize victims by reminding them of their trauma up to two years after the end of formal criminal proceedings.

However, only two individuals contacted for the telephone survey were upset and were referred for further counselling at the province’s expense. Most respondents were more than willing to talk about their cases.

Victims contacted were very satisfied with the service they had received from the Department of Public Safety, and with how they were treated by victim services staff. The most positive aspect of their experience was the moral and emotional support provided by compassionate, caring, and concerned staff. Counselling and court support received the highest satisfaction ratings, while compensation was rated as having limited value.

Long-time women’s and victims’ advocate and consultant Linda Light reported that in British Columbia, the Ministry of Public Safety and Solicitor General examined what measures and services empower women who are victims of crime through a mail-in survey, interviews and focus groups. Responses were grouped into pre-dominant themes that described the way in which services were delivered: integrated team vs. isolated unit; pro-active vs. pro-forma responses; deserving vs. undeserving view of the victim; and silencing vs. giving women voice.

Responses indicated that victims felt empowered when the various agencies—from police to Crown attorneys, to the judiciary to victim services—functioned as an integrated team. Women particularly felt re-victimized when they had to re-tell their stories to each person they came in contact with during the process.

Most women wanted agencies to act proactively and share their information with other agencies. Many provincial employees were concerned about the victim's privacy rights, but victims said that without this automatic information sharing, they would not know all the services available; many victims' advocates pointed out that victims are often not in a mental condition to pursue additional services soon after their victimization.

When victims had to re-tell their stories to a succession of workers, or worse, when Crown attorneys or caseworkers changed, they felt that the system was not working in an integrated way.

Treating all victims of crime as deserving of services was also important. Victims felt disempowered when police or others in the criminal justice system prejudged certain victims as less deserving, such as those with criminal records, drug users, or those who had a relationship with the one who assaulted them and had gone back to them after being previously abused.

Women who had a chance to speak, through victim impact statements or otherwise, felt they had contributed to justice against their offenders, even if the offender was not convicted.

Anna Paletta, Acting Research Manager of the Research and Statistics Division of Justice Canada, reported on a survey of over 2,000 victims of crime and criminal justice system professionals from all provinces (but not the territories), recently carried out by Justice Canada.

According to this survey, victims found that the most helpful services they received were counselling and information about criminal justice procedures, such as police investigations and court procedures.

About half of victim respondents felt that the criminal justice system had done a good job, and a quarter felt it had done a poor job. While half rated the system as good, this positive impression appears to be largely based on their experiences with individuals, i.e., the victim service provider, police officer or Crown Attorney whom they dealt with. Victims who provided positive comments on Crown Attorneys gave such reasons as they appreciated the sympathy shown to them by the Crown Attorney, and the Crown Attorney worked to get a plea so they didn't have to testify. Those who felt let down by the process were those whose cases had been passed among several Crowns, for instance, or who felt they had not been given enough opportunity to talk with the Crown.

Criminal justice system professionals' responses were often different from victims'. For instance, nearly all said they considered the victims' safety when setting bail conditions; 25% of victims felt their safety had not been adequately considered at bail.

Professionals agreed that victims have a considerable role to play; they also agreed that victims should be informed and consulted, but primarily as witnesses and sources of information. Decision-making power must ultimately reside in the court, as granting too large a role to victims would erode the principle of innocent until proven guilty.

Corrections and Parole

Sherry Brown, Regional Victim Liaison Coordinator for the Pacific Region with the Correctional Service of Canada (CSC), opened the session by describing the innovative Victims Advisory Committee (VAC) that was formed in British Columbia in 1996. This group was formed in response to the difficulties encountered by a murder victim's mother in accessing information from the justice system. The VAC chose a "collaborative approach," encouraging communication between the CSC, the National Parole Board (NPB), victims, and their communities. It involves members of the community who have been victims of violent crime and government workers who are in a position to facilitate the mandate, which is "to provide a link between victims and the CSC, the NPB, the community and, where appropriate, offenders, by utilizing effective communication, training, and development strategies to assist in the protection of the community."

Laura Glover has been a VAC community member since 2001. The ultimate goal of the VAC is to form a "cohesive, collective, collaborative committee" enabling all groups involved to "move forward together." At the VAC meetings, the community members, the CSC, and the NPB engage in open information exchange, which has required a commitment on all sides to be honest. The committee has undertaken strategic planning, with the eventual goal of creating a foundation document outlining the committee's objectives and beliefs. Six core beliefs have been discerned:

1. We respect diversity and acknowledge that all members of society have unique needs.
2. We believe in a fair and inclusive criminal justice system that is responsive to the needs of victims, offenders and the community.
3. We believe that the meaningful integration of the victim in all stages of the criminal justice system benefits all stakeholders.
4. We believe that by working collaboratively we can change attitudes and facilitate growth.
5. We believe that open and honest communication fosters relationships that are accountable, build trust and create understanding and respect.
6. We believe that society benefits when communities are involved in healing and repairing the damage caused by crime.

The committee also faces a number of challenges. It wishes to expand its membership and increase its diversity. The VAC would like to identify what it wants to achieve and what it can reasonably achieve, focusing on the “doable things.” Finally, the committee must maintain momentum in a group whose members are geographically scattered and busy. Glover concluded by saying that the VAC has a need to “stay inspired and stay inspiring” while they search to celebrate their successes and plan their challenges carefully.

Sheila Henriksen, Vice Chairperson of the Ontario Region of the National Parole Board, said that Ontario Region is creating a group similar to the VAC. She explained that the NPB is an independent administrative tribunal established and guided by law. The principle of paramount importance to the NPB is the protection of society. In the hearing process, it considers all relevant, available information and chooses the least restrictive measure that is consistent with the protection of society. The safety concerns of the victim are crucial. In July of 2001, after considerable consultation with victims, the NPB began allowing victims to make oral submissions at offender hearings. Victims have had input into NPB hearings since the 1980s, but now they may read a statement at the hearing or record an audio or visual statement. Before the hearing, however, the offender is given a copy of the statement to be read by the victim. This is a subject of some debate, although by law, the Board must share information which will be used in a hearing with the offender, fifteen days prior to the hearing. The NPB is now considering allowing eye contact where desired between victims and offenders. It is continuing to seek input from victims. In April 2003, the NPB conducted a survey, receiving a 22% response rate and a great deal of informative feedback. In order for victims to be involved in the consultation process, however, they must be registered with CSC or NPB, or the NPB has no knowledge of their existence. Participants questioned the registration system to some extent; there appears to be no specific group who ensures that victims are aware of the registration process, and victims who do not go through the court process frequently “fall through the cracks.”

A participant asked if the NPB has any provisions for victims who, for physical or economic reasons, are unable to attend the hearings. Henriksen replied that the NPB has no mandate or responsibility to provide economic assistance to victims who, for physical or economic reasons, are unable to attend hearings. The Board will nevertheless assist in an examination of where such responsibilities lie.

Another participant wondered what weight the NPB gives to various factors in assessing the risk of offenders. Henriksen explained that there is no formula; many factors are examined depending on their pertinence to a particular case.

Operational Responses to Domestic Violence: Domestic Violence Courts and Related Processes

The presenters prefaced their discussion by pointing out that, while domestic violence is “the use of, or threat of, physical force in an intimate relationship,” the term “domestic violence” loses its gender specificity. Yet women are the victims in 90 to 95% of domestic violence court cases. An estimated 25 to 75% per cent of men who batter also abuse children. In addition to the huge

emotional costs, violence against women is estimated to cost more than \$4 billion a year in social services, education, criminal justice, labour, employment, health, and medical services.

Sandy Bryce, Manager of Victim Services in the Yukon, said that several years ago, the legal system in the Yukon took a hard look at how it was supporting victims, in light of a 75% collapse rate in cases of domestic violence. Most of the accused were pleading not guilty, and proceedings were often delayed by four to nine months. Often, victims changed their stories or failed to show up at court.

Bryce and her colleagues saw the need for early intervention, more disclosure, and major support to victims. The process at the time depended too much on the victim statement and not enough on the offender. In her jurisdiction, 75% of spousal abuse victims return to their partners. Bryce and her colleagues called for a case-managed court, where front-line workers (probation officers, spousal abuse program counsellors, and victim services counsellors) would appear in court.

Bryce then described the roots of Domestic Violence Treatment Option (DVTO) court. Less harsh than mainstream court, it provides much more support. For example, the traditional four-month program for batterers is greatly extended—in some cases, it can now last up to 18 months. The partners involved (justice, RCMP, etc.) work closely, and there is a focus on cross-training. Today, cases are fast tracked (so that offenders appear in court within two weeks of the offence) and 95% plead guilty. Offenders are required to make monthly court appearances and report on progress.

Diane Nannarone, Director of Domestic Violence Initiatives with the Ontario Ministry of the Attorney General, described the domestic violence court program that is available in 32 Ontario courts. The cornerstones of the program are early intervention in the cycle of domestic violence, improved support to victims, more effective prosecution, and accountability of offenders for their behaviour. Offenders are divided into two streams: the early intervention stream is offered to first offenders who have not used weapons and who plead guilty. They enter a 16-week partner assault program. During the 16-week program, victim workers phone the victim four times to see that she has the support she needs. There is expanded training for police, court staff, and other partners, as well as a hospital-based centre that collects forensic evidence. Nannarone attributes success of the program to an interdisciplinary provincial team, case reviews, training, and major involvement of the victim and witness community.

Jane Coombe, Policy and Program Analyst with Victim Services Division at the British Columbia Ministry of Public Safety and Solicitor General, described the domestic violence system in British Columbia. Although British Columbia does not have community courts, the process is built on a foundation of operational partnerships among diversity groups (input and a source of focus testing), the private sector (safety and security), the B.C. Justice Institute (training), B.C. Legal Services Society (education and awareness), universities (research), local victim service programs, and technology.

The B.C. domestic violence system aims to improve safety for women by increasing offender accountability. For example, a recent study examined the conditions of Police Release on a Promise to Appear (PTA) with an Undertaking. In a safety audit of 500 cases, police release

conditions were compared to court-ordered conditions to determine differences, timeliness, case outcomes, and referrals to victim services. The study found errors in preparation that led to the cancellation of PTAs. As a result, today there are police release guidelines and a police training guide.

Participants at the session discussed confidentiality issues and information-sharing protocols. For example, in the Yukon, a no-contact order cannot be reduced until a risk assessment has been conducted. The no-contact order might then be relaxed so that the father can share responsibility of caring for the children. Participants were impressed with the innovative nature of the program in the Yukon, and wondered whether success rests on the personalities of those involved. Bryce expressed confidence that, as other people come on board, they are enthusiastically committing to the success of the program.

Attaining Seamless Victim Service Delivery for British Columbians

Stephen Ford and Laurie Hearty, both of the British Columbia Ministry of Public Safety and Solicitor General, gave a presentation on their province's efforts to comprehensively improve the experience of crime victims and their families. Crime brings people into contact with a variety of services. During this vulnerable time, victims might encounter medical personnel, the coroner, police, the media, and those involved with the justice and financial systems. The Victim Services Division's initiative aims to change the systemic barriers victims and those who are close to them might face in these interactions. It tries to make sure that the grieving process will not be impeded or aggravated by service providers. To this end, the initiative involves extensive consultation with victims, their families, and service providers.

Phase One of the initiative worked in consultation with service providers. It looked for gaps in service, and focused on examining the mandates of providers. Phase Two was a consultation with 73 surviving family members. "No End to the Pain," the paper that detailed the experiences of these survivors, was titled after a response from one family member. It featured families' experiences, and the impacts of service providers.

Some findings of the initiative included noting that there is insufficient communication between providers. Furthermore, there is little coordination of resources for the survivors. Sensitivity and knowledge of the survivors' experiences is also lacking.

Phase Three of the project focuses on bringing the participants from the earlier phases, service providers, and recipients together to focus on solutions to remove the barriers and the systems. It will come up with collective responses for government policy, and attempts to move toward action and new practices. One participant asked about whether a gender analysis of the services was being done. Laurie noted that such analysis was absent in Phases One and Two, but they were trying to include it for Phase Three.

One participant noted that the seamless delivery of services requires that information for victims needs to be accessible. This will require that such information be in the public eye. Not only does

desired information—such as parole and prisoner release dates—have to be available, but also the way of accessing it has to be easily apparent. The process for this needs to be clarified and the time frame for receiving important information needs to be expedient. Another participant suggested that notification should be provided to victims and their families of important events. To find out about appeals and similar concerns, the interested parties shouldn't have to undertake onerous work. The system should provide go-betweens for victims who wish to know about the status of offenders.

Several personal stories were shared about difficulties obtaining information. They also concerned insensitive treatment of surviving family members. It was suggested that next of kin need to be notified of deaths with greater sensitivity, and that they need to have immediate and apparent access to resources to cope with their grief. It was also recommended that court trials provide psychologists for “debriefing” grieving family and friends during difficult trials.

A number of participants voiced their concern about the effect of budget cuts on service providers. One man noted that Crown Victim Services has been overwhelmed by requests for help, and it has been difficult to get a dialogue going to start looking for solutions. It was noted that in B.C., court-based victim services had been eliminated in favour of a related service. This type of issue was not consistent across all provinces, however, although many participants expressed concerns about the ability of existing services to meet apparent needs. A participant noted that some parties are finding a decreased interest among some government members to address the needs and concerns of victims and surviving family members. Hearty noted that many interested parties used to be considered partners, but are now addressed as stakeholders.

One participant, who wondered if it was too broad a term to effectively guide policy, addressed the notion of “seamless” delivery of services. Ford noted that the efforts have been directed at a clear emphasis on policy and action, and have intensively involved those who have a stake in the field. The workshop finished with a sense that there is much to be done, but that there is also a great many people who are willing to undertake the effort, if allowed.

Tailoring the Needs of Victims: Newfoundland and Labrador's Endeavor to Better Service Victims of Crime

The Victim Services program in Newfoundland and Labrador is a collaborative process that involves criminal justice professionals and community agency involvement. Its mandate is to ensure that “all victims participate meaningfully in the criminal justice process; with the stress on ‘meaningful’,” said Pam Thomas, Provincial Manager, Victim Services.

While the “provincial policies regarding victim assistance are more proactive than they once were,” noted John Scoville, Superintendent for Prisons, “to fully appreciate the policy development that led to increased accountability in the system, one must consider the particular history and culture of the province”:

- The first consideration is the tremendous impact of the Church. “As the largest land owner, they also ran a denominational school system, which was only recently changed

by Referendum,” said Scoville.

- Lending to the historically conservative and traditional culture was the lack of movement within the correctional ranks. For a decade, there was “little movement in the senior management, in the para-military institution which traditionally held a closed shop mentality.”
- With little opportunity for employment, many of the province’s educated youth were leaving the jurisdiction.
- Finally, the geography of the province, including the remote rural communities, creates a number of operational concerns or issues in relation to the delivery of programs.

Two unthinkable events became the catalyst for change: the Mt. Cashel orphanage scandal that had drastic systemic impacts and left officials unprepared for the community trauma, and the escape of a high risk sexual offender while under escort, which left victims and community feeling vulnerable and at risk. The government had to respond quickly to calls for increased accountability. Following a decade of stasis, major changes resulted, which included:

- The appointment of a Superintendent of Prisons from Community Corrections
- A change toward a risk management process
- A restructuring of the institutions
- It was also during this period we saw an increase in the number of females entering the correctional institutional workforce.

Based on concerns voiced by the community and professionals, a Victim Liaisons Program was offered by Corrections and began to work closely with Victim Services, to address the institutional roles and responsibilities required to implement policies with a victim-oriented approach.

Four areas where joint policies were developed between Victim Services, Institutions and Community Corrections are as follows:

- Spousal Assault Protocol
- Sexual Assault Protocol
- Child Sexual Offender notification
- Protocol for victim input to Temporary Absence Program

The success of these initiatives is, in part, due to the long-term collegial relationships that have developed provincially. Both Thomas and Scoville commented on the efficiency of “just picking up the phone to coordinate with colleagues.” Thomas believes that the complementary relationship between Victim Liaison Office, Victim Services and the community it serves, prevents resources from becoming disjointed.

For all of the progressive policy changes, challenges remain, including how best to provide services to small groups, such as the 8-10 women held in the Newfoundland and Labrador Correctional Centre for Women; and how best to meet the needs of the aboriginal population, who comprise 15% of admissions to correctional facilities . What is the best way to ensure meaningful participation of these populations?

Increased training is called for, including more specialized training for dealing with sex offender assessments. This “is particularly cogent given that we are working in so many diverse rural areas” noted Scoville. Additionally, since the creation of Victim Liaison Officers (VLO) in 1994, more resources are being channelled to meet the needs of victims. The VLO volunteers “won a public service award of excellence in 2001, and continue to make it possible to work with victims living in isolated jurisdictions,” said Thomas.

In conclusion, both presenters reiterated the importance of front-line staff involvement as well as community consultation when creating proactive polices related to victim services.

Multi-Agency Response to Victims and Communities

Participants in this workshop heard first-hand from victim services workers who have been on the front lines helping respond to natural disasters, as well as from a presenter who is involved in victim services support related to the ongoing trial of suspects in the 1985 Air India crash.

Karen Sears, Assistant Director for Victims Services, Windsor-Essex County, was part of the response team at Canada’s deadliest highway crash, which occurred in 1999 during an industrial fog. Sears described the aftermath of the tragedy and talked about some of the lessons learned. She said the crash underlined the need for immediate assistance to a diverse range of victims, including family members of the injured and deceased, motorists who may have witnessed the accident or were stranded on the highway, and other response workers who, in some cases, have suffered lasting trauma from their experiences.

The crash emphasized the need for victim services workers to be “available, visible, credible and adaptable,” she said, adding that recognition of their work by police, firefighters, and others who were on the scene has increased considerably since the tragedy.

Maryam Majedi of Air India Victim Services described the aftermath of the Air India crash and discussed some new concepts that have been adopted to assist families and friends of victims as the investigation and trial unfold. They include a database to keep track of the relationships of loved ones with the victims, their addresses and other details, a password protected Web site with the most up-to-date trial information, a weekly newsletter, handbooks, and a remembrance book with photos and information about the victims.

Majedi emphasized that “the first thing we need to do to assist victims is to work together.” She also highlighted the need for loved ones to be shielded from overzealous reporters and to receive death notices before an accident is reported in the media.

Carrie Wilcott of the RCMP “E” Division has also worked on the front lines of disaster response. She discussed the many ways that victim services become involved following a disaster and some of the challenges faced by victim services professionals.

With the extreme flooding and forest fires earlier this year in B.C., Wilcott said victim services has been overstretched, in some cases helping other agencies provide services, including primary

disaster response. She also mentioned that during the forest fires, victim services workers sometimes assisted emergency response colleagues who “had lost their homes to fire but continued working.” These workers were often given tasks that were “less directly related to disaster, like helping at a reception centre, for example.”

Wilcott emphasized the need to maintain close partnerships with other agencies to ensure there is a foundation for the close cooperation necessary, and stay apprised of any new disaster response plans that victim services workers need to be included in.

Tracy Porteous, Executive Director for the B.C. Association of Specialized Victim Assistance and Counselling Services, focused on the community impacts of disasters. She stated that after the 1989 California earthquake, sexual assaults and domestic violence soared. Child abuse also went up, with kids becoming “regressed, clingy, and acting out.”

“Community outreach was essential,” said Porteous, “but there wasn’t much coordination in the short term.” She said victim services did respond, however, with some groups reaching out to men to discourage violence.

Porteous added that similar increases in domestic violence were noted after other natural disasters like Hurricane Andrew in Miami and major U.S. floods in 1993 and 1997. This information prompted her to consider what was in place in B.C. She found, however, that there was little awareness of the issue and no research in Canada on the connection between natural and other disasters and the increase in violence against women. To help improve the situation she subsequently worked to develop a provincial report on the subject and a workbook to help women’s and victim services organizations prepare for a coordinated response. To access this paper and the workbook she invited participants to go to her organization’s website at www.endingviolence.org

Porteous stated that, as well as the basic necessities of life, in the aftermath of a disaster women need safe, secure evacuation, and emotional and practical support services such as priority phone lines and counselling. They may also need police intervention, anonymity, and assistance accessing shelters. In addition, she said, “One of the most important things we can do is create a bridge between direct disaster response groups and women’s assistance workers.”

Day 2: November 4, 2003

Panel Discussion: Including Victims' Rights in the *Charter of Rights and Freedoms*

Steve Twist, General Counsel of the National Victims' Constitutional Amendment Network, brought participants up to date about what has happened in the United States over the last few decades in terms of victims' rights. The 1982 Presidential Task Force on Victims of Crime recommended 68 changes to the criminal justice system, most of which were directed to statutory or cultural reform for all practitioners in the system. The last recommendation was that the sixth amendment to the U.S. Constitution be amended to include victims' rights.

Discussion followed on whether or not it was the right time to seek a constitutional amendment, and it was decided that the groundwork was not yet in place. Instead, statutes were passed in virtually every state and 33 state constitutions were amended to include victims' rights.

The U.S. has now had more than a decades' experience with the statutory and state constitutional amendments. Twist said that despite everyone's best efforts, these new laws have not changed the culture of the American justice system. Victims are still denied their fundamental human rights. More often than not, victims are treated as another piece of evidence in modern courts of law.

Twist said that based on this experience, a federal constitutional amendment is the only way to fundamentally change the nature of the criminal justice system. Twist quoted James Madison as follows: "The only thing that has power to change culture is the fundamental law—the law of all of us."

Fundamentally, this is a simple matter of giving victims a voice—not a veto—in critical proceedings. This does not take away from the rights of the defendant, he said.

Alan Young, Professor of Law, Osgoode Hall Law School, York University, said that he has no firm opinion on this issue. The American experience is instructional; however, Americans love to change their constitution in a way that is foreign to Canada.

While victims are deserving of constitutional recognition, he said that he doubted that this is a sufficient condition to actually go through the amendment process. He added that he does not think that the legal culture is ready for such a fundamental change or that constitutional amendments will facilitate the change. "The constitution does not lead—it follows." He added that without a dramatic change in the legal culture, any successful constitutional amendment would be a "hollow victory."

Young said that the original forms of criminal justice were victim-driven. "The current situation is a monumental fall from grace." Victims play no part in the contemporary legal culture, he said. Part of the problem is that the role of victims is not taught in law school.

Along with education, another step in the process is to draft provincial Bills of Rights that are enforceable with remedies. This should be seen as a five- to ten-year pilot project, he said. If we can live in a world where public officials are accountable for the bad decisions that they make, perhaps then Canada will be ready for a constitutional amendment.

David Paciocco, Full Professor, Faculty of Law, Common Law Section, University of Ottawa, said that his job is to explain why he thinks that victims should not be brought into courtrooms in the way that many in attendance feel they should. The Charter is Canada's most fundamental legal document; it defines who we are as a nation and what our system of justice should look like.

He added that amending the Charter to include victims' rights might succeed for a number of reasons:

- Victims have legitimate complaints
- Victims' rights tend to attract diverse political players
- Victims' rights tend to be perceived as anti-criminal rights

He divided victims' rights into two categories: administrative rights and legal rights. It is a bad idea to constitutionalize either of these types of rights, he said. Because the Charter tends to provide for broad rights (e.g. victims have the right to dignity and respect), it is not a good tool for administrative changes where precision is needed. Administrative rights might be better dealt with through statutory changes, where the rights could be clearly detailed along with the associated remedies should they not be adhered to.

In terms of legal rights, he said the criminal justice system has been accused of being focused on the accused. He argued that a criminal trial is about the downfall of the accused. This has given rise to three principles: crime is a wrong against the state and is prosecuted by the state in the public interest, the prosecutor is not the victim's lawyer, and the accused enjoys the concept of innocence and due process. If you change the culture of the criminal justice system to bring the victim to its centre, you will shake all of these principles, he said.

Concurrent Morning Workshops

Responding to Partner Violence Against Immigrant and Visible Minority Women

The situation of immigrant and visible minority women who experience partner abuse is complex, said Ekuwa Smith, Senior Research Associate at the Canadian Council on Social Development. Smith summarized the findings of her research project on this topic, noting that these women's situations are characterized by a number of key factors, including:

- economic marginalization (through over-representation in low market wages, limited access to language training and job training, no recognition for foreign credentials and discrimination);

- immigrant/refugee status (including the threat of deportation, dependant status on a husband, unequal power dynamics, lack of a strong social network, etc);
- the interaction of gender, race, and class;
- access to justice;
- social status;
- linguistic difficulties; and
- lack of culturally specific services.

Immigrant and visible minority women tend not to trust the system and are unaware of the services available. The system does not have effective outreach strategies for these groups, and, as a prosecutorial system, is intimidating to women who want to stop the abuse without going through the criminal justice process. There is a need for more public education and changes in policy to ensure appropriate outreach and counselling services, as well as collaborative networks between different programs.

Asked about the methodology for her study, Smith said that she used information from Statistics Canada's Victimization Survey, phone interviews in English and French (involving a sample of about 504), and seven focus group discussions with front-line workers in different communities.

Shashi Assanand, Executive Director of the Vancouver and Lower Mainland Multicultural Family Support Services Society, expanded on Smith's insights based on her experience and the approach taken by the Society. Canadian policies and programs need to change to address changing demographics, she noted, commenting that 46% of B.C.'s population in 2000 was made up of "ethnic minorities."

Although violence is the same for everyone, the cultural response varies, said Assanand. Referring to the power and control wheel often used by workers in this field, she said that it looks different for immigrant and visible minority women—their needs vary depending on their culture and cannot be boxed into one piece of paper. For example, in the African community, violence is not talked about directly; in the South Asian community it is easy to get women to come to the support services office; and in the Vietnamese community, there is "no way" to get them to the office. Workers have to "break the programming" of women who are overwhelmed by cultural messages such as the idea that family comes first. But once women break away from internal cultural barriers, their next barrier is the system. Language issues are a key barrier, and this includes the use of inappropriate interpreters (e.g. a male from the culture, an abuser, or a child).

The model for immigrant women needs to be broader than the woman-focused model used in the dominant culture, said Assanand: it needs to include the family, because the identity of many immigrant women is embedded in the family. The model used by the Family Support Services Society involves bilingual, bicultural workers who facilitate women's interaction with transition house workers so that women can stay in their local areas. Bilingual, bicultural counsellors also facilitate ethno-specific and inter-cultural support groups to empower women.

One challenge is that women's partners can often identify the workers individually and blame them for what is happening. Therefore, the organization uses specialized victim services workers, who work alongside the bilingual, bicultural workers and accompany the victim through the court system. This lowers the profile of the bicultural workers.

The key, Assanand concluded, is to work in partnership, and to let women know that there are solutions from within their own culture.

During the group discussion, a participant commented on the difference between cultural sensitivity and cultural competence, and asked whether mainstream agencies can provide culturally competent services. Assanand emphasized the need for more immigrant and visible minority people to be involved in decision making, from a position of equality. Her key message was that "one cannot work for another culture." Furthermore, the worker should be someone who has experienced that culture and doesn't merely belong to an ethnic group but has only experienced western life. Smith observed that "mainstream organizations are straightjackets" for people from culturally diverse groups. Cultural competency and diversity must exist in every aspect of an organization. The group discussed ways of bridging the gap between mainstream organizations and immigrant and visible minority women, agreeing that proactive outreach is essential, and noting that there needs to be much greater flexibility in the workplace to allow for culturally appropriate outreach.

Both presenters noted that the lack of immigrant and visible minority participants and presenters (as distinct from Aboriginal people who, while they face some similar issues of discrimination and racism, also face very different challenges) was demonstrative of many of the themes and trends brought to light in their presentation.

Sexual Assault: Changes, Impacts, and Observations

Janice DuMont, Research Scientist, Centre for Research in Women's Health, said her study is looking at the experiences and opinions of women who have undergone a medical forensic examination as well as at the overall care provided by Sexual Assault Treatment Centres.

DuMont presented the group with some demographic information about the nine women whose interviews have been transcribed to date. There is a lot of anecdotal evidence to suggest that many women find completing a sexual assault evidence kit akin to a second victimization. Two of DuMont's respondents found the experience to be revictimizing, while three found it to be empowering. An additional three respondents found the experience to be both revictimizing and empowering. Ultimately, eight of the nine respondents said that they would suggest that a friend complete a sexual assault evidence kit if she was assaulted.

In terms of the care received at the Sexual Assault Treatment Centres, the majority of respondents (seven) said they had gone to the Centre for medical attention. The majority of respondents (seven) were satisfied with their interaction with the Centre's staff.

In terms of study limitations, DuMont said that interviewing women six months after their assault makes it difficult to determine if the kits aid in prosecution. She said a follow-up study is planned with these women at 18 months post-assault.

Lise Gotell, Associate Professor, Women's Studies, University of Alberta told the group that section 276 of the *Criminal Code* was passed in 1992. It prohibits the use of sexual history evidence, but it does allow for judicial discretion. A preamble to the section emphasizes Parliament's grave concern about the prevalence of sexualized violence against women and children and reinforces the need to facilitate the reporting of such violence. However, the preamble is not included in the law itself.

Gotell analyzed 20 post-*Darrach* decisions. She noted that the decision was ambiguous in and of itself; it states that in ensuring fundamental justice, the defendant has the right to full answer and defence; however, there is also the need to respect the dignity of witnesses and to exclude prejudicial evidence. In effect, Gotell suggested, *Darrach* emphasized a series of exceptions to the rape shield law.

Gotell also analyzed 37 post-*Mills* decisions and found a shift toward requests for confidential information rather than sexual history evidence.

Four themes emerged from the case law:

- Exclusionary force is tied exclusively to the twin myths (i.e. more likely to consent/less likely to be believed).
- Evidence is admissible on the basis of "non-sexual" features.
- There is a failure to elaborate on the relationship between s. 276 and the legal meanings of consent and the mistaken belief in consent.
- Framing the potential harms of sexual history evidence solely in terms of privacy rights is a failure to elaborate on the consideration of complex societal consequences as required by s. 276(3).

In order to address sexual assault, there needs to be a coordinated policy effort among all jurisdictions that involves the expertise of front-line workers. Society is ill served when it tries to collapse complicated gendered problems into a discussion of victims' rights, she said.

Karen Mihorean, Chief, Integration and Analysis Program, Canadian Centre for Justice Statistics, took the group through three available types of data sources: police-reported data (uniform crime reporting and homicide records), victim data (General Social Survey on Victimization and the 1993 Violence Against Women Survey), and courts data (Adult Criminal Court Survey and Youth Court Survey).

The following are examples from the available data:

- Young women (aged 15–25) are at the highest risk of sexual victimization.
- Seventy-eight per cent of sexual assaults were not reported to police in 1999.
- Conviction rates for sexual offences in adult court were lower as compared to other violent offences (41% versus 51%).

- Convictions were more frequent in youth court in less serious sexual assault cases (level 1).

In terms of data gaps, Mihorean said that there is a need for increased coverage of uniform crime reporting (it is currently at 56%), linked data files (to link police and court data), corrections data (not readily available nationally), a targeted victims survey, increased victim survey sampling (currently at 26,000), and a Victim Services Survey.

Children as Victims and Witnesses: A Youth Perspective on Victimization by L.O.V.E.

Alyssa Kuzmarov, Regional Program Director at Leave Out Violence (L.O.V.E.) in Montreal, Quebec opened the workshop by showing participants a four-minute video about L.O.V.E., a national non-profit organization that works with youth who have been exposed to violence as victims, witnesses, and offenders. L.O.V.E. offers these youth tools—such as photography and writing—to provide an outlet for them to express their feelings.

Kuzmarov explained that Twinkle Rudberg launched the organization when a young mugger killed her husband in 1972. Rudberg recognized that the boy was also a victim of violence. Lacking family support, he had run away home and joined a gang. Rudberg knew that many other young people were going through the same thing and wanted to create a safe place for them where they could express themselves and learn better ways to deal with the violence in their lives. Her vision was not one of a 10-week program, but of a community, almost a family, where youth would learn to help themselves and eventually, to help other youth.

The first program to be offered by L.O.V.E. was photojournalism. A newspaper produced by the program's participants gives them a chance to hone their skills, provides professionals some insight as to what these young people are experiencing, and lets other young people in similar situations across Canada know that they are not alone. Leadership training complements this program where participants go into classrooms to conduct violence prevention activities such as bullying workshops. There is also an Elders program, for young people who have been in the programs at least five years. In addition, L.O.V.E. participants provide training for teachers and parents. They are currently producing a video on bullying.

The organization welcomes 10,000 young people a year; about 75% stay in the programs. There are no statistics on the participants once they leave the programs. Participants range in age from 13 to 18, and programs in the schools are targeted to children in Grades 5 and 6. Funding comes from public and private sources.

L.O.V.E. works with witnesses, victims, and perpetrators of crimes. Some 40% of its participants are referrals from the legal system and the organization provides informal coaching for youth going to court as witnesses.

Three young people who accompanied Kuzmarov to the session shared their experiences of neglect, abuse, violence, drug use and dealing with unrealistic expectations from their overly protective parents. They explained how L.O.V.E. had provided support for them that they had never received at home. They described how the programs have given them the self-confidence to turn their lives around, to stand up for what they believe in, to replace drug use and violence with the creative outlet of photojournalism, to finish high school, and to provide a positive role model to others. The team presented a role-playing example often used by L.O.V.E. in its school workshops to teach children how to handle bullying, and invited the conference delegates to look at an exhibit of photographs prepared by young people in the program.

Currently available in Halifax, Montreal, Toronto, and Vancouver, L.O.V.E. is expanding to New York and other cities, depending on available funding and staff. The organization has also developed a model for communities to use in developing their own programs.

A New Integrated Approach to Multidisciplinary Approach for Services to Victims of Crime: "The Beauséjour Family Crisis Resources Centre" Model

"Anything can be done when you have community involvement," noted Eva LeBlanc, Executive Director for the Beauséjour Family Crisis Resources Centre, New Brunswick. In her experience this commitment to integrated services is why the Beauséjour Centre has become a model for other communities interested in improving services for victims in their region. The Centre is a non-profit community-based organization that offers short-term counselling and referral services to appropriate agencies, and maintains active partnerships with various community agencies, providing a multidiscipline approach to victim services.

In an overview of the region, LeBlanc pointed out that the Centre serviced a population of close to 10,000 families. In smaller cities, like Shediac and Cap-Pele, seasonal populations vary widely, with 25,000 residents in the summer, falling drastically in the winter. The average annual income is \$20,000. However, the reliance on seasonal work, like tourism and fishing, has pushed already high unemployment levels to 16%.

Until recently, most of the province's social services were located in Moncton. However, in 1994, a public awareness campaign was launched by a provincial partnership committee to sensitize the community to family violence. Its work was complemented by a needs identification survey that helped professionals understand the services required by victims, and how victims could best access the existing services.

In 1997, thanks to the financial support of the Rotary Club the Centre was able to purchase property and opened its doors to the public on July 2nd of that same year. A team of volunteers was trained to help with interventions during crisis. With the partnership of the New Brunswick Solicitor General, the Centre also coordinated the provincial Victim Services Program in the Shediac area.

The Centre provides a place where people experiencing difficulties can either drop in or call for assistance "almost like a one-stop shop for the well being of individuals and families," said

LeBlanc. By providing a single focal point for help, victims can access services quickly and in their own locality instead of being put on a waiting list for up to six-month to receive treatment. The commitment to community education (the Centre has partnerships with 34 agencies in the region) improved accessibility and encouraged immediate interventions and referrals.

Aside from offering clients emotional support, short-term counselling and information on services available the Centre also make referrals to appropriate agencies such as: Family Services, Human Resources Development, Health and Wellness, schools, and hospitals etc. The type of clientele served are victims of family violence, sexual assault, parents having difficulties with their teenagers, people who are depressed, suicidal or going through a separation or divorce etc. Trained volunteers work in collaboration with the RCMP, to provide assistance to individuals and families dealing with traumatic situations to continuum of care and community-based integrated victim services. This includes assistance from “the crime scene followed through the whole court process.” The Victim Services Program under the dept. of the Solicitor General also includes the following services to victims of crime and witnesses: court preparation and support, victim compensation and victim impact statements.

The Centre’s volunteer team is comprised of eleven highly-trained individuals, available around the clock. They respond to four or five calls per month after office hours, with referrals to the appropriate agencies made within one week of the intervention. In 2002–03, the Centre completed a total of 488 interventions. Because programs are tailored to the community, most of the Centre’s programs have received positive feedback. “Victims of crime are spared the anguish of having to repeat their story to each agency, over and over again,” observed LeBlanc. As well, fully-bilingual programs have been developed to address the additional needs and concerns of victims, including the following:

- Support groups for battered women and
- A network of temporary shelters
- Anger management and Social Skills Development for youth
- Community forum to reduce youth crime rate
- Self-esteem courses for youth
- Alternative Measures Program for youth
- Hospice Shediac

LeBlanc attributes the success of the Centre to ongoing community involvement. For example, prior to the opening of the Centre, an interagency committee was already sharing information at biannual meetings. In recognition of the various partnerships, the Centre’s board is large—it has 18 members, with five members dedicated to fundraising. “Fundraising is most difficult,” commented LeBlanc, “but we have seen increased donations from the community through personal solicitations and five-year business pledges.” LeBlanc maintains that when “you start from the grassroots, when communities identifies their needs and funding is coordinated under the umbrella of services for victims, money goes a long way.”

In concluding her presentation, LeBlanc noted that “community awareness is integral to support; individuals in our communities are being touched by events that we never think will happen to us.”

Human Rights, Victims, and Restorative Justice

Michael McGowan, a professor of human rights at St. Thomas University, identified human rights as entitlements shared by all humans. They are based on the following founding principles: equality, universality, inalienability, non-discrimination, indivisibility, interconnectedness, and responsibility. Human rights as a concept have a long history, most recently as the Universal Declaration of Human Rights of the United Nations. Human rights are not static, as rights are still being discovered. In the Universal Declaration of Human Rights, victims are not seen as passive in proceedings but as individuals with rights and an active voice. The UN has passed a declaration on the basic rights of crime victims, founded on the following principles: the right to be heard at various stages throughout the trial, the right to a speedy trial, the right to compensation, and the right to the restoration of the basic human rights. This area requires more attention and guidance to ensure that these rights are protected.

Jo-Anne Wemmers, a professor of criminology at the Université de Montréal, then stated that the criminal justice system is based on the concept that crimes are committed against the state and not against an individual. The Crown prosecutes the accused and is *not* the victim's lawyer. Sometimes the interests of the victims and the Crown do not converge. The harm suffered by the victim should be at the heart of the system, for without the harm what is the basis for state intervention? Both the victim and the state have legitimate interests in how to address the crime.

Wemmers noted that the goals of restorative justice are the following: to put the decision making in the hands of those most affected, to repair the harm caused, and to rehabilitate the offender. Wemmers noted however, that these goals might not be suited to the victim's needs or concerns. For example, while victims are the party most affected, some victims may not desire decision-making powers. The second goal, to repair the harm caused has some noting that involving the victim may lead to arbitrariness or disparity in sentencing. Finally, the third goal, to rehabilitate the offender, may be an important consideration for the safety of the victim, but is often criticized as 'using' the victim as a means to impact the offender.

The question then, which Wemmers poses, is what do victims want? Wemmers shared preliminary findings from a study on victim satisfaction in a community-based restorative justice program, as well as international findings. Research has shown that victims do not want the responsibility of making the decisions or of sentencing, but they do want inclusion in the process and a sense of respect and dignity. Victims emphasize that they wish to have "a voice in the process, and have that voice heard."

Effective restorative justice, then, gives the victims input into the process, allows the state to remain involved in the proceedings, and integrates reparation and victim input into the criminal justice system. A change in legislation, though, is only functional if it is accompanied by a change in attitudes of the authorities involved.

A participant wondered if this research in support of restorative justice was done at the level of minor crimes and whether it was assumed to hold true for major crimes.

Paul Redekop, sociology professor, University of Winnipeg, agreed that restorative justice puts the victims at the heart of the process, but stated that it does not necessarily address their needs. He declared that as long as punishment remains at the centre of the justice system, victims' rights would be peripheral.

Redekop stated that the concept of punishment is similar to the "three lies told by gangs" to new members: that retaliation is protection, that fear equals respect, and that "we are family." As for the first, punishment is not effective deterrence; violent crimes in the U.S. *increased* after the re-introduction of capital punishment. The second lie is that fear of punishment teaches respect for the law however there is no evidence that fear inevitably transforms into respect. And as for the myth that "we are family," we are not a "homogeneous society," and many diverse ethical backgrounds are subject to the same laws and punishments. Redekop stated that in restorative justice there should be a refocus on the principles of reparation versus retribution.

In response to a participant question, Redekop clarified that the more serious crimes must still go through the criminal system but may proceed to restorative justice afterward in order to heal the victim. Wemmers also advocated this integrated approach.

A variety of thoughts and concerns were expressed during the discussion following the presentations. One participant was shocked that the vocal opposition to restorative justice being expressed by minority groups was not being considered. Another participant expressed concern that restorative justice appears good in principle, but may not operate as planned in practice, and in fact may harm when applied in communities with power imbalances. In response, Redekop theorized that restorative justice would eventually have a democratizing influence and another participant noted that before a case is referred to restorative justice, it is examined to see whether more harm may be caused, and emphasized the role of proper screening and capacity.

Preparing Victim Service Workers in a Time of Change

British Columbia's Victim Services Division (VSD) had been working in close collaboration with the Justice Institute of BC (JIBC) for over 15 years to deliver core training to funded victims' service programs.

Development of relevant training is especially challenging in a time of great change in the government and its programs. This is the case in British Columbia, said Shelley Rivkin, Director, Centre for Leadership and Community Learning, Justice Institute of B.C. who has led the development of core training for professional victim service workers as well as for volunteers in areas such as women's shelters.

The expectations of the role and scope of victim service workers have risen as the complexity of the services and of the people they serve has increased. As the population of B.C. has become increasingly diverse, so too has the population of victims of crime.

At the same time, government cut back funding and several programs. The number of experienced workers, crisis lines, and legal aid were cut back. The government put more

emphasis on part-time, as opposed to full-time programs for victims.

The closure of courthouses across the province meant that victims and victim services workers had to travel longer distances, which often strained the ability to assist at trials and hearings.

One result of these changes was a greater reliance on volunteers to deliver services to victims. Another in terms of training was a greater emphasis on “e-learning” or training over the Internet as a solution to the need for increased training and higher needs for knowledge and skills in an environment of cutbacks and longer distances to travel. Training was often funded only for paid victim services workers, and not for volunteers.

What emerged was greater inconsistency in the training delivered to victim service workers. Core training was delivered in three modules:

- Orientation to Victim Services was offered on an ongoing basis through self-study and tutorial support.
- Direct Services Delivered was a five-day program delivered twice a year in a classroom.
- Program Management Skills—another five-day program—was also offered twice a year for senior victim services workers.

In addition, a range of one- and two-day courses was available to enhance core skills, such as interviewing, court preparation, and support. The curriculum faced several challenges, such as ensuring it meets current needs. Victim services workers often had to wait several months to receive their introductory training. Their employers could not spare them because of funding shortfalls or because they had to wait until there was a sufficient number of new hires to justify a class. Victim services workers often found the information offered in their courses to be too basic; on the other hand, others found the courses presumed skills they didn't possess.

Furthermore, because programs take time to adapt to changing needs and conditions, their content sometimes lagged behind the needs. Finally, there was no formal assessment process or mandatory requirement for completion—not even a certificate of achievement.

In 1996, the Justice Institute developed a strategic plan and a curriculum for victim services workers. First was Occupational Competencies, which describe accurately the actual functions of all victim services workers. These drive the development of the formal training and define the required knowledge and skills. While the process is time-consuming and often tedious, descriptions focus on performance and the result is an up-to-date and reliable document.

Next, a gap analysis compares the Occupational Competencies document to the competencies delivered through the training modules. A clear picture of the strengths and gaps of the curriculum directs new curriculum development and show opportunities for advanced training.

Rivkin's group has developed training modules delivered via the Internet. The intent is to train paid victim services workers, who can then bring the skills back to their agencies and train volunteers.

The basic training package for victim services workers is available online in B.C., and is available to other victim services workers across the country. Attendees asked for information on the program and whether they could offer it in other provinces. Rivkin assured them they could. They only need contact her at srivkin@jibc.bc.ca for more information.

Vancouver's Missing and Murdered Women of the Downtown Eastside

Moving statements of service workers and the relatives of Vancouver's murdered women highlighted some of the systemic barriers sex trade victims and their families encounter when trying to access the criminal justice system. Panellists also explored the vital role coordination plays in responding to victims and their families and made recommendations on how to improve the criminal justice system's responses.

Delays in reporting, lack of political support and a deep misunderstanding of the women who live on the margins of society are some of the systemic barriers that were identified by panellists Maggie deVries, Freda Ens and Marilynne Johnny.

"There are terrible delays in reporting missing women due to current regulations that allow only family members to report a missing person," said Maggie deVries, author and sister of murdered Vancouver sex trade worker Sarah deVries. She added that there "is a misconception in society that women sex trade workers are transient" and therefore a disappearance can mean that the women have moved elsewhere. "These women are not transient. They are rooted in Vancouver's downtown Eastside," explained deVries.

Victim Services worker Freda Ens concurred that police are under the misconception that missing persons do not want to be found and would rather be left alone. Ens agreed that it is difficult to secure a missing persons report from police especially if the women who are reported missing have a previous record of running away.

A key change recommended is that non-related persons can file a missing person report and that police should respond more quickly to the reports of missing women.

Ens noted that closer cooperation between police and victim services support workers is essential. In the case of Vancouver's missing women, community social workers working with the families of missing persons had a sense of the number of women that were missing. Police, however, were slow or reluctant to acknowledge a serial aspect to the crime. All panellists referred to the reluctance of the police to provide sufficient resources for the case.

"Because these women are on the margins of society the same political pressure doesn't build when something happens to them," said deVries who contrasted the case of the missing women with a series of garage break-ins that occurred in Vancouver about the same time. The break-ins had attracted so much public attention that the Mayor of Vancouver offered a substantial reward for information leading to arrests. It was only after considerable lobbying by families of the missing women that the Mayor of Vancouver offered \$100,000 for information leading to arrests.

Panellists argued for the need to provide adequate resources and funding to keep women who currently work in the sex trade alive. There were also a number of other recommendations:

- Establish a DNA data bank to assist police investigations with missing persons.
- Secure resources to provide support for children of missing women. “This is a critical issue,” said deVries.
- Stop racial profiling of Vancouver’s missing sex trade workers. It is misleading to investigations and has a negative impact on the missing women’s families. “This is not a race issue. It is a women’s issue and a poverty issue.” said Ens.
- Strengthen communication between victims and police. Marilynne Johnny underscored the challenges native liaison workers face in assisting victims and stated that there needs to be effective communication between all of those involved in assisting victims and their families.
- Review the role of the media, which can at times be counter-productive and harmful to families. Johnny said caseworkers and police investigators found it increasingly difficult to provide case information to families after media intervention and misinformation about the Port Coquitlam farm site in February 2002.
- Provide resources to enable the families of missing and murdered women to meet, mourn, communicate, and heal. Ens referred to the example of the “healing tent” which was established across from the Pickton site.

Feminist Community Roundtable

Moderators: Jane Doe and Lee Lakeman

Jane Doe said she found the morning’s session problematic and frightening. The information was presented in a patronizing way that worked to support the criminal justice system rather than question it. The conference panels have been designed and are being delivered by professionals; there is not enough representation of people who have experienced crime—and they are the true experts. “If the victims’ voices are not here, there are no voices here,” she said. She added that there is also a lack of any gender or racial analysis or content in the conference agenda.

It is also important to remember children and youth in this discussion, a participant said. They are often left out of the equation and are often unable to speak for themselves in an adult forum.

The issues are poverty, isolation, and discrimination, a group member said. Any available funding is not going to women but rather to agencies. Lee Lakeman added that the money is not even going to agencies; it is staying within the government. This conference is a good example of that.

Any answers rest with women and with their ability to cope, said a participant. Another said that the people who make decisions mean well, but they do not understand the reality. Doe said there is a conflation of victims’ and women’s services that are often tied to government and police. In most cases, community services are not part of the equation.

Doe said there is a need to differentiate between assisting police to help women and organizing women outside of the system so that they know their rights. A participant said there is little funding for that kind of work.

People should learn from the successes enjoyed by the feminist movement in previous decades. Many victim services began from that movement; however, as their mandates have expanded, these services have perhaps lost sight of their roots.

Funding victim services was a way for government to interfere with women's groups, specifically with the authority they were getting on a national level. This conference is the first national result of this movement; there is no national women's conference being funded by the government.

The group discussed the reality facing aboriginal women in Canada. A group member said that Inuit women are more likely than other Canadian women to get abused or murdered. A participant said she is proposing that 2005–2015 be declared the "Decade for Aboriginal Women." If this happens, perhaps more funding will be available to deal with these issues. The lack of recognition that these are crimes against women applies everywhere, not just in aboriginal communities, another group member said.

National women's groups should be tying the issue of violence against women to the issue of women's equality, Lakeman said. If the calls for changes are not directly tied to demands for women's equality, the resulting answers will be the wrong ones. However, government and others do not want to hear this type of sophisticated argument.

Doe said the outcry would be huge if any other identifiable group had a crime committed against it every 17 minutes. Women are denigrated as victims because they do not have equality as women.

There is also a conflation of women's and children's issues. The end result is that women are infantilized and children are not served. This only serves to work into another agenda that is trying to dismiss both communities.

Government and right-wing forces are willing to say that women can have human rights and minimal services, but they cannot have self-organization, Lakeman said. This takes away the right of women to organize and demand a redistribution of wealth and power. The Canadian government is hearing from the right wing but not from ordinary women, she said.

Doe ended the session by asking women to be political and to educate their daughters.

Afternoon Concurrent Workshops

Silent Witness Workshop

Any community in Canada can adapt the Silent Witness Project, described as an opportunity for deep healing for families and communities affected by domestic violence. Modelled on the American initiative, which began in 1990, the New Brunswick Silent Witness Project was officially launched in November 2002 and is the first of its kind in Canada. It involves nine silhouettes of women killed through domestic violence. Each silhouette has a shield containing information on a specific woman.

The personal information on the shields came from family members, who in all cases wanted to be involved, explained Joan Despres, Victims' Services Coordinator in St. Stephen, New Brunswick. In one case, the first words spoken by the daughter when she heard about the project were, "Finally, someone is doing something for my mother." This project is very healing to families because it gives them a voice and makes them feel that their relative is being honoured. The inclusion of personal information on the shields is a special characteristic of the New Brunswick Project (in contrast to the U.S. project, which only gives statistics).

Clearly, the Silent Witness Project is sensitive to the families of the victims and tries to obtain their approval before creating a silhouette. They first locate the family, explain the initiative, and invite them to contribute words for the shield. Families can have a larger role if they wish. Departments of Victim Services are often the point of contact with families, although in some cases a transition house worker is the best contact person. There are currently two cases where there has been difficulty in locating family members, but efforts are ongoing.

Therese Murray, Executive Director of the Muriel McQueen Fergusson Foundation, explained that the creation of the silhouettes is a healing process for the entire community, including people who knew the woman and felt helpless about what happened to her. Construction of the silhouettes involves donations of materials, space, and labour, and can bring together the family, community, and service providers (including police, transition house workers, schools and union members).

Community events provide an opportunity for the silhouettes to come to life again, said Murray, adding that there are rules for booking the silhouettes, which "are due the respect that they didn't get in life." Events can present an opportunity to talk about violence in the community. For example, "A Young Woman's Cry for Help," a play that is presented in schools, and the discussion that happens with youth afterwards, holds great potential for change.

Deborah Doherty, Executive Director of the Public Legal Education and Information Service of New Brunswick, spoke about her role in researching information on women who were murdered through domestic violence, analyzing it, and looking for any recurring themes. The goal is to move beyond the usual interpretation of these incidents as isolated cases. This analysis helps the

women's voices to speak out about issues that require attention or resources. In New Brunswick, 70% of the women killed in domestic homicide were killed in rural areas. This is an important issue to highlight in public education efforts, because people still think of violence as an urban problem and tend to minimize the significance of abuse in rural areas. The victims had diverse backgrounds, situations, and occupations; two-thirds of them were in common-law or acquaintance relationships. The statistics reveal that "home is not a safe haven" for many women, and guns are often used in the cycle of intimidation. For many, leaving a relationship does not ensure safety: which is consistent with Statistics Canada information showing that violence continued for almost a third of the women who left a violent relationship.

Risk factors for domestic homicide in New Brunswick include isolation, the presence of guns, a past history of family violence, a criminal record, a history of mental illness, and the use of drugs and alcohol. It is important to address safety and legal issues, ensure community support, and provide resources for abused women (especially in rural areas).

The New Brunswick group hopes that other provinces will take on the project: "We want to share what we have done and let others know that we can support them," said Doherty. For more information about the New Brunswick initiative, please contact 506-453-3595, or check out the American web site at www.silentwitness.net.

All in the Family: Responding to Survivors of Incest in Northern Rural and Aboriginal Communities

Marilyn Smart's poignant account of years of sexual abuse by an older brother addressed the difficult issue of why secrecy and silence persist in camouflaging incest in northern communities. What is missing from the communities that encourage secrecy and silence around incest to persist? The answer, say panellists and participants, is a lack of skilled personnel, public education (particularly age-appropriate programs in schools) and the absence of victim support services and personnel.

During her years of abuse at a young age, Smart had no one to turn to and nowhere to go in the small towns in Northern Ontario where her family lived. Her brother's threats to kill her and her parents' denial of the problem left her feeling alone, trapped, fearful, helpless, and victimized.

Smart was initially reluctant to enter the criminal justice system. She feared that she would lose her family who had colluded with the sexual abuse by denying it happened. "I felt so disconnected from my feelings. I needed a way to have my family recognize a crime had been committed." In October 1992, Smart returned to Bracebridge, Ontario and pressed charges.

She urged survivors of incest to confront their abusers and go to the police. In spite of the lengthy delays and many attempts by the defence to stall the process, Smart says she believes in the criminal justice process. "I never felt such validation as a person," said Smart, who eventually secured a conviction against her brother. Filing an appeal moved her from seeing life through the eyes of a victim to seeing life now as a survivor. "It helped me gain control of my

life,” she said. The criminal justice system sentenced her brother to one year in jail and six months’ probation.

Smart says her story is not unique. “It is one of the most common stories about incest. It is a story about a family who turns away, a perpetrator who feels no guilt, and a story about weakness in the criminal justice system.”

One of the greatest barriers to improving the criminal justice system’s responses to the needs of incest survivors in remote communities is their reluctance to speak about the experience. “We are here on behalf of the truly silenced,” said Donna Lee Iffla, Executive Director of the Amelia Rising Sexual Assault Centre of Nipissing.

Although incest is a far more common form of sexual abuse than “stranger” rape and abductions by pedophiles, there is a general reluctance by the media to discuss the issue. There are taboos and social resistance to discussing incest that we need to overcome,” said Iffla.

Following Smart’s presentation, more than 40 participants participated in a game called “How do you feel? They were given a series of scenarios reflecting the social, cultural, and geographic barriers confronting incest survivors in northern, rural, and aboriginal communities. Helen Debassie, Executive Director of the Muskoka/ Parry Sound Sexual Assault Services, designed and introduced the game.

The session concluded with participants making the following recommendations on how to respond to social, cultural and geographic barriers confronting incest survivors in northern communities:

- Ensure that incest survivors have access to social workers, police investigators, and support resources from “outside the community” who are perceived as “neutral” and do not have close connections to the victims or the accused.
- Integrate or coordinate victim support services and police investigations.
- Improve inter-agency collaboration and training.
- Raise community awareness about incest through effective public education campaigns.
- Educate children and teachers about incest by providing age-appropriate resources and training manuals at schools.
- Enhance peer group support.
- Provide visual aids on incest that address social and cultural differences.
- Provide crisis-line operators with better training and knowledge of multisectoral resources.

Hero’s Journey: Travels of Children who Live with Women Abuse

While 80% of their clients are women who are victims of domestic violence, the secondary victims are almost always children, said Vibha Vohra-Bhalla, Interim Executive Director, Victim Services of Peel. The organization begins its work with most clients within 24 to 72 hours of their reporting to the police, and most of the women in this period express a number of concerns

regarding their children.

Children who live with domestic violence face significant developmental impacts; symptoms can include bullying behaviour, general aggression, depression, anxiety, withdrawal, oppositional behaviour, and symptoms of post-traumatic stress disorder, among others. Victim Services has found that children who witness or live with domestic violence need to—

- Share and normalize their situation
- Understand their situation
- Learn how to cope with the situation
- Summon resilience
- Decide how to move forward

Recognizing these needs, Victim Services of Peel developed a board game called *Hero's Journey*. The game is designed to help victim services workers assess children who live with domestic violence and to teach these children some of the dynamics of healthy and unhealthy relationships.

Development and production of the game was partly financed with the aid of HEAL (Help End Abuse for Life), the Princess of Wales Foundation, and of the Peel Catholic School Board and the HEAL Network.

The game is designed as a fun activity for children in the age range, 5 to 12 years. Older children can also use it as well. The game includes a playing board, character tokens or markers, a CD that includes activities, and a booklet containing pictures, in which they draw or write as part of the game.

The intent is to teach children how to resolve conflicts in healthy ways. In playing the game, the children assume the role of a hero and are directed to identify with situations similar to those in their lives, and to make choices.

The game takes the form of a labyrinth; players move through, making choices along the way. They are asked to fill out a journal documenting their “hero’s journey” at various stages. The maze includes four “rites of passage” which asks the player to make key life choices and teaches appropriate skills. These themes—hero, quest, and rites of passage—are common to all cultures, said Vohra-Bhalla.

As children play the game, victim services workers have found that children readily identify with the idea of the hero on a quest; they can learn about themselves, their strengths and weaknesses, their family situations, and the choices that are facing them.

The drawing component is an expressive art; children who live with domestic violence often become used to suppressing their feelings and hiding the situation. Using the game is a safe way for them to express their feelings about their situation. In this way, it’s like dressing up in a costume, said Vohra-Bhalla.

The answers, the entries in the journal and the drawings the players make through the game all become valuable aids to the victim services worker in assessing the child's state of mind and determine their needs. Vohra-Bhalla said that adults who play the game with children, whether they are victim services workers, employees of the school board or otherwise, must—

- Ensure the child feels safe and comfortable
- Establish or develop a trusting alliance or relationship
- Engage in the game respectful of the child's situation and needs
- Listen carefully to the child
- Inform and educate throughout the session

Adult must *not* attempt to interpret or provide treatment through the game. Instead, they should use the drawings to engage the children in discussion about appropriate responses and moral lessons.

After developing the game, Victim Services of Peel produced and distributed 500 copies through the Catholic School Board, the Public School Board and to other organizations that work with children who witness domestic violence: the Children's Aid Society, Family Services, and child mental health facilities. The game is now available to any organization for \$90 per copy.

Community Coordination for Women's Safety, An Effective Strategy for Increasing Women's Safety in British Columbia

Tracy Porteous, Executive Director of the B.C. Association of Specialized Victim Assistance and Counselling Programs, opened the session by providing a history of the grassroots movement for women's safety in British Columbia. A progressive movement, there are now many partners involved in the provision of safety and victims' services. However, there is a huge need for coordination, as there are many sectors implementing federal or provincial policy without understanding the roles of the other players. She explained that, when there are additional services located outside the system, the need for coordination is even greater.

Porteous reviewed key inquests and reports that, in calling for the provision of counselling and community-based advocacy, have pointed to the need for coordination. Today, 50 communities in British Columbia have coordination initiatives and are seeking to promote regional and provincial linkages. The situation in British Columbia is a model of an intersectoral group advocating on behalf of women, and working simultaneously on several levels.

Porteous described the advantages of coordination: it identifies the players in the anti-violence against women network in a community; it brings the players together, breaking isolation and reducing duplication of effort; it provides the opportunity for meaningful partnerships to grow from relationships built on trust and accountability; it teaches the service providers to analyze their response from the point of view of women's safety (and broadens understanding of safety); it empowers members of a professional community to make changes that will make a difference to battered women; and it connects the work to end violence against women province-wide.

Gail Edinger, Regional Coordinator with Community Coordination for Women's Safety (CCWS), explained that the organization works with small rural communities that want to develop new coordination initiatives (such as workshops and resources). The organization provides issues analysis, tracking and developing solutions to issues that may arise locally but require a response at a higher level. CCWS also provides a coordination initiative template, backgrounders, regional discussion groups, a Web site, online discussion groups, leadership training, a provincial forum, and a template for protocol building.

The CCWS working group has representatives from Aboriginal, immigrant, and disabled communities, criminal and civil courts, the Justice Institute of B.C., the RCMP, the B.C. Association of Chiefs of Police, the provincial government, Corrections Canada, and community-based service providers.

Some lessons CCWS has learned include: the definition of "rural/remote" is broad, and addressing discrimination against women is a long road. The major changes in the B.C. government have hit rural communities hardest, and the need to share information is greater than ever. The organization recognizes that it needs to step up its strategic partnerships with groups (such as Aboriginal women) who are not accessing their services.

During the discussion, participants shared their thoughts on the difficulty of dealing with non-consistent boundaries (i.e., boundaries applying to health, police, and schools can be very different from one another). The presenters' solution to this problem was to bring the issue to the next level, or to work with a different partner. For example, in areas where there are no victims' services, they suggest working with the police, Crown, or Public Health nurses.

Victims and Restorative Justice

Priscilla deVilliers, Office for Victims of Crime, Ontario, said she came to this issue from the perspective of a victim. She said she felt the need to comment on how badly victims of crime have been treated if, in a country like Canada, people feel it necessary to legislate victims' rights.

She noted that restorative justice is an extra tool that can play a specific role in the criminal justice system. While there is a high satisfaction rate with restorative justice programs and they often meet the needs of both parties, there are a number of shortcomings, including the amount of time it takes to get the parties properly prepared to participate in a process. DeVilliers also cautioned against allowing high-minded principles to blind workers to the realities that exist in some communities (e.g. retaliation). There is a gap between principles and practice, she said.

DeVilliers has conducted a literature survey on restorative justice for the Attorney General of Ontario. She is now in the process of setting up a series of focus groups. There is a need for more input from victims and victims' groups from all different parts of society, she said.

She cautioned the group that a potentially valuable tool could be destroyed if parameters, guidelines, and standards are not developed.

Kay Medland, Ministry of Public Safety and Solicitor General, B.C., has seen the benefits of restorative justice if it is done in a responsible manner. She noted however, that there are different models in operation throughout B.C involving varying levels of training and skill. To be effective, Medland said that restorative justice must be victim-centred, offender focused, and community driven. She said that the Victims Services Division in B.C. works to ensure that the needs of victims of crime are acknowledged.

Medland listed a number of best practices in terms of victims and restorative justice:

- Ensure victims' right to privacy;
- Maintain an awareness of victimization;
- Ensure workers are well trained;
- Collaborate with victims' services;
- Establish a referral process for victims;
- Maintain an awareness that victims are vulnerable to influence and pressure;
- Maintain an awareness of the victim's readiness to participate;
- Establish referral policies from police, courts, etc;
- Ensure consistency in providing victims with information;
- Ensure victims are informed of outcomes;
- Recognize that the outcome for the victim is as important as the outcome for the offender and the community; and
- Implement a victim-centred evaluation process.

Sandi Bergen and David Gustafson, Co-Directors of the Fraser Region Community Justice Initiatives Association (CJI) brought restorative justice to life for the workshop participants by showing a video of a young man talking about his restorative justice experience. Prior to playing the tape, Bergen informed the participants that CJI deals with serious and violent crimes and that restorative justice processes only happen after the trial has been conducted and the offender has been sentenced. She also noted that she was concerned that there are programs calling themselves restorative justice that are operating without including the victim.

In the video, the young man shared that someone he knew had abused him between the ages of 10 and 16. The abuse began the day after the funeral of the boy's mother. The young man said that during the trial he had felt unimportant and had received no sense of closure. The restorative justice process allowed him to sit down with his abuser and ask some basic questions (e.g., Do you accept responsibility for sexually abusing me?). For the young man, the process was cleansing. After the daylong conversation with his abuser, he said he was surprised to realize that he could forgive him. The session was videotaped and played for the victim's family. They were also able to get closure.

He said he is able to say that his abuse no longer defines who he is. He also said he is beginning a new chapter in his life and is no longer a victim, but rather a survivor of abuse and the criminal process.

Following the videotape, Gustafson showed the group a post-traumatic stress assessment tool that he uses with his clients. The tool outlines a number of symptoms under three categories: intrusion (e.g. flashbacks), withdrawal (e.g. fear), and arousal (e.g. anger/rage). The client is asked to indicate the presence and frequency of the symptoms. This process is carried out before and after the restorative justice session. Showing the group the before and after lists for the young man in the video, Gustafson pointed out that almost all of his symptoms had been extinguished.

Education and Services for Victims of Crime: Theory and Practice

“Crime is a process, not an event,” stated Dr. James Hill. “Upon victimization, most people suffer measurable cognitive changes.” Very little research has been undertaken on the psychological effects of crime and impact of trauma on victims. Hill, a private psychologist in Victoria, noted that his literature review could improve understanding in the delivery of service and programs for victims.

Hill suggested that professional service providers should examine the person’s characteristics before victimization, including the following:

- History of childhood physical and sexual abuse
- History and severity of previous Post Traumatic Stress Disorder (PTSD) episodes
- History of previous crime victimization or trauma
- Psychiatric history, especially depression
- Family history of psychiatric problems
- Personality characteristics
- Coping history
- Interpersonal relationship history

Victim characteristics, such as gender, age, and history will also affect the person’s experience. “Service providers,” said Hill “should use these indicators to minimize secondary victimization.”

Following an incident, Hill said, “Victims may experience a sense of dissociation, which is the strongest predictor of PTSD.” Furthermore, the initial shock can be accompanied by a variety of adaptive behaviors that interfere with encoding the experience into the long-term memory. When events are not cognitively encoded, the victim’s dissociation may be compounded by denial, making it more difficult to move on from the event.

Clearly, there is a need for social support and a care continuum. “Victims need to know where the resources are and what to expect,” said Hill. For example, service providers must allow for a victim to experience and process his or her emotional reactions. While no one crisis intervention model will fit all cases, professionals agree that victims need support to overcome the initial challenges of surviving a crime.

As the victim moves into the “transition and protection phase” of the trauma there is an adjustment to his or her new status as “crime victim.” To understand victim behaviours throughout the stages is to help to identify the level and type of service required. Often “the

journey for victims gets worse before it gets better,” noted Hill, and victims need “help to re-define themselves as survivors.” This process of “meaning-making” will often open up powerful issues as the victim gets “back to life.” Care providers should enforce the notion that surviving indicates strength; and positive coping skills can be very empowering for victims. Recovery, however, does not mean returning to a pre-victimized state. Hill suggested that improved research is needed to match victim’s experiences (the practical) with effective treatment options (the theoretical). He said that community linkages would help to prevent future victimization.

For Connie Manitowabi, a Shelter worker from Wikwemikong First Nation, the path from the theoretical to the practical is well travelled. Asking participants to join her in “sharing the place of truth symbolized by the eagle feather,” she talked about the victimization of First Nations people, and urged the group to “recognize that indigenous people have gone through trauma.” Society, she said, “must validate our experiences, just as we would a victim’s.”

Manitowabi maintained that the experiences and needs of immigrant and visible minority women, in particular, are unique, and spoke about the importance of a current project to deliver “public legal education and information” through peer supports. Gayle Broad, project leader, spoke further about the project, which operates in Sault Ste. Marie and will train 16 to 20 women to work as peer supports on the issue of domestic violence. The project, “Just Between You and Me,” is working with indigenous women isolated from social networks and service providers. Organizers are recruiting from diverse groups and these women will deliver information through the various community networks.

Through its advisory group, workers assess community needs, and determine how best to obtain and deliver information. While much of the information already exists, Manitowabi and Broad both emphasized, “It is the delivery method that is truly unique.” By March 2004 the group hopes to begin developing the model for this support network and adapting education to the community.

Choices for Positive Youth Relationships

Dawna Speers is the mother of a murdered adolescent; in 1991, her teenage daughter was murdered by an abusive ex-boyfriend. In order to prevent other teenagers from following in her daughter’s footsteps, Speers founded the Speers Society.

Speers shared her experiences as a victim of violent crime. Victims undergo disbelief—they are stunned and shocked. Victims also survive with great resilience; often they use their anguish and anger to help society as a whole. Speers said that she experienced grief, sadness, loss, and total helplessness.

Speers spoke very highly of the police, who she said provided crucial support. After the sentencing, the perpetrator’s relatives approached Speers and apologized for what had happened. Speers pointed out that these people were also victims.

After going through the court process, Speers was left with a decision to make about what to do

with the knowledge she gained. She wrote down her daughter's story, in part to search for things that she could have done differently. She realized that there were warning signs that the relationship was abusive. In order to prevent other teens from walking in her daughter's footsteps, she began to present this story at schools. Her presentation was enormously popular, but the strain of repeatedly telling her daughter's story was so great that she and her family decided to make it into a movie. With the aid of the National Film Board of Canada (NFB), they created a documentary "A Love That Kills" that is now the NFB's best-selling film. The film outlines the warning signs of an abusive relationship, which include isolation, being put down in front of others, and physical violence. Abusers use power and control as a substitute for self-esteem.

The message in the movie connected to a great many youths, and in the course of these presentations Speers discovered just how shockingly widespread abuse is, and that the warning signs are the same in all abusive relationships. When abuse produces the desired result, it is used repeatedly; these actions can only be changed if the benefits outweigh the costs. Both the abuser and the abused must be taught new ways to interact. Speers created the Speers Society in order to develop programs to enhance the learning opportunity of the film and ensure the sustainability of her message against abuse.

Maggie Babcock, a former teacher and counselor, is co-founder of the Speers Society and principal author of the Choices Instructional Guide. Founded in 2001, the Society exists to "prevent youth relationship abuse" through education and support. The Society believes that young people will make good decisions when they have awareness, skills, and support. Abuse affects both genders and is not restricted to intimate relationships, but may be extended to friends, acquaintances, family, and work; however, the common elements of fear, intimidation, putdowns and isolation are present in any abusive relationship. There are many costs of abuse; they include physical and emotional pain, low self-worth, dysfunctional relationships, and lives lost.

The Speers Society has created a program called "Choices for Positive Youth Relationships." The film is a part of this program, serving as a catalyst for discussion and action. Although the film is very powerful in the moment, in order to sustain change, youth need the opportunity to talk with peers and informed adults in a safe environment, time to learn and practice new skills, and access to follow-up support and resources. An instructional guide, linked to the curriculum in every province, includes six step-by-step lessons, facilitator notes, assessment tools, alternate activities, and resources. This program was developed with input from youth and multidisciplinary experts. It was piloted in 14 schools in 4 provinces and evaluated by the Center for Addiction and Mental Health, Toronto. Lessons include identification of physical, emotional, and sexual abuse, boundary setting, scenarios that explore safe and responsible action, and ways to effectively support friends who may be in abusive relationships.

An essential factor in the sustainability of the program is the community collaboration, which sends a message to the youth that a caring, supportive community is available, and provides assistance to educators. It really does "take a village to raise a child." Choices has been endorsed by 7 provincial Ministries/Departments of Education, the Canadian Association of Chiefs of Police, YWCA Canada, Kids Help Phone, BC and ON Psychological Associations and many

victim services, police services, school boards, public health and crisis response agencies throughout the country.

The goal of the Speers Society is to provide an opportunity for youth throughout Canada to benefit from the Choices for Positive Youth Relationships program. Contact the Speers Society for further information speerssociety@sympatico.ca or 905-855-7067 and visit the website www.speerssociety.org

New Risk Assessment for Victim Safety Strategy

A new safety assessment tool is being developed in a three-year initiative in British Columbia called the Aide for Safety Assessment and Planning (A.S.A.P.) Project, explained Jane Coombe of the Victim Services Division, B.C. Ministry of Public Safety and Solicitor General. The project was undertaken by the B.C. Institute Against Family Violence (BCIFV), with both provincial and federal support. The goal of the project is to increase the safety of victims of intimate partner violence by creating a tool that will help in identifying offender factors, victim factors, and community support factors and in developing safety plans based on those factors.

Research for the project included consulting service providers, conducting a literature review, and holding focus groups involving community, survivors, government, and academics. The BCIFV then developed a draft safety assessment and planning worksheet for use by front-line workers and their clients.

Penny Bain, Project Coordinator and Executive Director of the BCIFV, explained that the ASAP worksheet is meant to assist with professional decision making—it is not meant as a checklist to replace individual judgment. The sheet can be used with victims or survivors and by service providers (including the criminal and civil justice systems, community services, and health care workers). The tool can be used in numerous ways, including to identify potential trigger points (such as the date of separation or divorce), to help victims see their situation more clearly, and to ensure coordinated case management.

There are also limitations to the use of the worksheet: it outlines factors associated with violence, but cannot predict exactly who will be violent in the future; it cannot be used as evidence of past violence; and it contains sensitive information and could be subpoenaed for future court proceedings. Discussions regarding these and other issues are on-going.

Coombe outlined the five sections of the worksheet: sources of information, offender risk factors, victim vulnerability factors, system and support services, and safety planning sheet. Randy Kropp of the BCIFV explained the offender risk factors include escalation of violence or threats, extreme minimization or denial of spousal assault history, non-violent criminality, substance abuse, access to firearms, and stress factors such as employment or financial problems. He noted that more risk factors do not mean greater risk—someone can be very high-risk with only one or two factors applying.

The assessment of victim vulnerability factors includes recognition of the individual's strengths, noted Kropp. Key issues include loss of confidence in the system, rural isolation, and fear of deportation or of being charged for using violence defensively. It is important that women know about their legal rights: the earlier the intervention of victim services, the more likely it is that they will get help.

System and support factors include three key considerations: accessibility, responsiveness, and coordination. This risk assessment tool must be part of an overall protection strategy that includes proper planning, legal information, and an operational protocol that allows for information sharing among all key players.

Following the presentation, the group discussed issues related to safety assessment, such as the difficulty of knowing when it is safe to remove security and support systems. Kropp noted that there is never a definitive answer to this question, and the guidelines in this worksheet can only help in ensuring a systematic approach to decision making. Bain commented that the safety plan should include priority actions to mitigate risk factors—but this would involve more agencies than just victim services. Asked about the problem of people who are at risk but do not want to participate in the safety assessment process, Bain said that these situations require skilled workers who can spend time with the individual building trust. Participants noted that all of these issues are also resources issues.

Kropp explained that the next step for this project is the pilot testing process. The plan is to provide volunteer organizations with the worksheet, manual, and training materials, and ask them to try using the worksheet with a few clients. The BCIFV will collect information about its usability and make adjustments to the materials. Organizations interested in participating in the pilot study should contact Penny Bain at pbain@bcifv.org or 1-877-755-7055.

Are Victim Services Meeting the Needs of Victims of Violence Against Women?

“No.” Presenters and many attendees to this conference felt strongly that the new Victim Services Framework, as set up in Ontario, definitely did not meet the needs of women victims of violence.

Danielle Gravel, Coordinator of the Centre d'aide et de lutte contre les agressions a caractère sexuel (CALACS), began the discussion by pointing out that local, grassroots organizations such as CALACS are closest to the needs of women victims of violence; their experience on the “front lines” over the past 30 years gives them the perspective to understand the needs of these victims.

The other presenters on the panel, Sandy Onyalo, Executive Director of the Ottawa Rape Crisis Centre and Susan Havart of the Sexual Assault Support Centre of Ottawa, echoed this idea: the rape crisis centres are the first aid organizations to help the vast majority of women who are victims of violent crimes.

Anywhere between, 25-53% of women experience at least one incident of sexual violence in their lives. By far, most violent crimes against women are not reported to police, and only a small fraction—as little as 5% by some estimates—ever go to a trial. The problem with the new Victim Services Framework is that it has been set up as part of the criminal justice system and therefore doesn't ever come into contact with most of the people who are victims of crime in the first place: women. Many women feel intimidated, not believed or threatened by the criminal justice system, therefore we need a system with more accountability.

Both Havart and Onyalo looked from a feminist viewpoint. Most victims of crime are women, and by far most of these victims of violence are assaulted by men they know. "Victims' rights are the same as women's rights," she said, and the change in focus from women to victims has resulted in a misdirection of funding: the majority of the funding goes to serve a minority of women who are victims of violent crimes.

Onyalo said the new framework of victim services cannot demonstrate any successes. One problem is that it does not support a team-based approach to serving victims, which would bring together Crown prosecutors, police services, victim services workers and rape crisis centers, as happens now in some jurisdictions outside Ontario. Right now, the police are not referring women to front-lines organizations which is a problem.

The rape crisis centres, Onyalo repeated, have learned through long experience what women need after they've been victimized, and particularly assaulted. However, the governments who fund services for victims don't listen. "We've been abandoned," she declared. She expressed a desire for government officials to work with rape crisis centres and other gender-specific service providers on training initiatives. Moreover, there needs to be more accountability with police services.

All three presenters said that financial support from the government had been cut back severely over the years; meanwhile, demand for services provided by grassroots organizations has grown dramatically. Furthermore, the needs of the people served by these organizations has also become more complex: crisis centres now provide support for women from more divergent cultures and thus divergent needs. Workers at these centres need support and training to deal with the current and the changing workload. Further problems include providing services to women in rural and remote communities and to women who have just come out of the mental health system and have little or no other support systems in place.

The gender-neutral focus of the revised victim services framework is another problem, given that most victims are women, said Onyalo and Havart. "The Victim Services Framework lacks a woman-centred analysis of how women access services," Havart said. Moreover, the root causes of violence against women are not examined, nor is the issue of who the usual perpetrators of violence are (and more specifically, the fact that most women know their perpetrators).

Attendees, mostly other front-line workers from across the country, generally agreed with the presentations. Many said they, too, felt "abandoned," even "squeezed out" by the provincial and federal governments and their cuts in financial support. Someone pointed out that one of the original members of this panel, Pam Cross of the Ontario Women's Justice Network, could not

attend even though she was listed on the official program of the conference, because her organization could not afford the travel expense.

The discussion turned to the idea that government wasn't listening to the needs of women victims of crimes, at which point one attendee said there were two representatives from government in the discussion there to bring the message back. "But where are the people in power?" Havart asked. "We've had just these discussions before," but nothing changes. Onyalo said that although governments promise change and progress, "what you're hearing is 20 years of frustration." There has been no change—in fact, in her view, women have lost ground over that time. Another issue was whether any gender-based analysis was being performed in government departments.

Some solutions offered by both the panel and participants were increased consultations by the government with front-lines organizations, increased funding for such organizations and allowing gender-specific service providers to assist with training police, judges, etc.

Violence Against Women and Girls in Rural, Remote, and Socially Isolated Communities in the Atlantic Provinces

Elizabeth Blaney from the Muriel McQueen Fergusson Centre for Family Violence Research provided attendees with a model for evaluating current policies that address violence against girls and women. Stressing that the goal is to arrive at better practices when addressing issues of violence in isolated communities, the PRISM model has been generated to allow policy makers and concerned practitioners to make their involvement as inclusive and effective as possible. The goal of PRISM research is to evaluate better practices in Atlantic Canada. It seeks to promote feminist discussion through research, action, and evaluation. PRISM reflects on how current practices impact on girls and women.

Blaney requested that the audience, after hearing the outline of the research, provide written responses as to how PRISM might better contribute to policy development, evaluation and advocacy. She wondered whether the policy questions fit reality, and whether it would be a useful tool for improving current and future policy initiatives.

PRISM provides multiple "lenses" for analyzing policies and issues surrounding abuse. Each of the five lenses provides a focus on various issues. Criteria and questions are applied to a policy that is being considered, for instance, to help evaluate the effects of the policy. The five lenses suggested are as follows:

- Violence and Abuse
- Feminism and Gender Analysis
- Rural, Remote and Socially-Isolated Areas and Issues
- Safety
- Intervention

The researchers who formulated PRISM consulted with service providers and recipients. This helped to ensure that the lenses provided a broad range of concerns that were based on practical experience.

The first lens—Violence and Abuse—addresses different forms of abuse. It looks at power relations between victims and abusers and provides a multifaceted definition of violence. It recognizes that all abuse involves power and control. A key point is that naming or identifying abuse is a core element of better practices that recognizes the abuse, “gets out” the message that the abuse is occurring, and provides an impetus for the community to address the abuse.

For each facet of PRISM, there is a “Policy In Action” checklist. This is a list of points that should be addressed when querying a proposal. Questions under the Violence and Abuse rubric include the following two points:

- How does this policy define violence?
- Does this resonate with the experience of women and girls?

The Feminism and Gender Diversity lens poses a critical analysis of social inequality. Policy makers are offered a range of concerns:

- How do programs respect women and girls’ abilities?
- Are the programs culturally appropriate?
- How do programs involve the recipients? How do they address diversity, social and economic exclusion?
- How is inclusion defined and practiced?

The third lens considers issues of abuse in rural, remote, and socially-isolated areas. It recognizes that these factors are both geographical, and social and cultural. The better practices for this lens—

- Begin from a Political Economy perspective
- Know the communities they serve, and the differences among rural communities
- Offer accessible and confidential services

The Safety lens looks at comprehensive locations for safety: the home, community, school, and work. It stresses the following concerns:

- Providing clear working boundaries within programs and recipients
- Delivering programs by those who are members of the recipient community.
- Maintaining flexible delivery of services

The final lens, Intervention, concerns itself with prevention of abuse, dealing with crises, and follow-up services. It helps focus questions: What makes a given program effective? Why?

Practices under this lens include the following:

- Encouraging recipients and victims of violence to voice their experiences
- Addressing linguistic differences
- Educating with a variety of resources
- Providing space for building support
- Disseminating information about effective programs and practices

One participant wondered about the possible scope of using PRISM. Although formulated for work in Atlantic Canada, the questioner wondered whether a university might be considered an isolated community. Blaney responded that it could, and provided examples from University of New Brunswick.

PRISM is a three-stage endeavour. One participant wondered which stage the program is at. Blaney responded that, having completed the first two stages (bringing Atlantic women together, research), the program is in its third stage, which is disseminating the findings and model. In response to another participant's question, she noted that the project is not a policy, but a way to "propose reflexivity." PRISM provides tools for involved parties to reflect on their work.

Participants suggested that this model might be successfully applied to policies outside of the Atlantic region.

Victims Helping Themselves

"All it takes," observed Jane Orydzuk, "is an instant, a flash of anger, and a life is over." That instant "dumps us, quite unexpectedly, into a very unfamiliar world," commented Martin Hattersley. Both presenters, speaking on behalf of Edmonton's Victims of Homicide Support Society (VOH), are unwilling parents of homicide victims, and "members in a club they never asked to belong to." Their presentation focused on the creation of the VOH, a Society dedicated to those who have lost children or other close relatives to homicide, one that recognizes the healing potential of shared experiences.

Following the murder of her son, Jane Orydzuk, a founding member of VOH, quickly found that her particular loss was somehow different from that of other parents who were also grieving the sudden, unexpected deaths of their children. "Murder is a contamination that, from the very moment of the criminal act itself, is intimately shared by the family," noted Hattersley. Funerals, police investigations, media curiosity, medical expenses, and the justice system are only a few of the pressures that confront and confound a family already reeling from the rage, helplessness, and depression caused by its loss.

With the exception of the common bond of murder, Hattersley maintained that most of the families attending the informal monthly meetings are "quite ordinary," yet, in the glare of the media they soon find that they "are too hot to handle," and community support for their misfortunes evaporates very quickly. "Murder is not something that you get over, fixing is not what we need," said Hattersley. While victims know too well that a broken heart can't be mended, VOH endeavours to provide a serene place for prayer, resources, and other tools to help victims regain their belief in society. Videos, a library and a quarterly newsletter provide inspiration for victims to take back their lives. The support and resources provided by the VOH provide "practical ways forward in a world where the future is radically different from what we expected it to be." said Hattersley.

In introducing Oe'Livia Chasse, the VOH bereavement counsellor, Hattersley noted that with 50% of all murders unsolved, victims are not impressed with the justice system. Therefore, "seeing the helping professions doing their jobs gives victims immense comfort." Hattersley noted that Chasse's contribution was to help victims understand that they had undergone a special experience. Since 1997, Chasse has worked with victims of crime. Despite her initial discomfort—"How do you react when someone tells you their son was shot in the back of the head?" she realized that when victims told their story and "expressed the depth of their soul pain, they healed." She also noted that a victim's experience can have a physical impact on the body's cellular level, changing the nervous system forever.

Victims can have an enormous personal impact on service providers—they can teach professional *how* to help. Chasse says that it is imperative to allow for victims' self-determination and never force action on a victim. Finally, it is imperative to educate oneself on trauma and grief and be aware of personal discomfort levels and how they can impact our work with victims.

Jane Orydzuk maintained that the VOH safe-haven helped her through a time of profound change. The support group gave her courage, and she is "less afraid, although the pain never leaves." Another important element of the group, said Hattersley, is that it "gives us back our power." After four years of manoeuvring through the judicial system and intense media scrutiny, Orydzuk and Hattersley decided to meet with fourteen lifers at Roy Trace's meeting place. "They made terrible choices, but everyone in that room healed a bit that night." Orydzuk is quick to point out that while healing can happen without forgiveness, and forgiveness can take on many forms "we must help ourselves through this journey of fire, if only for the love of our murdered children."

Professional Support for Victims in the Criminal Court System

Recent research in Quebec shows that crime victims' satisfaction with the criminal justice system increases when they receive support from trained staff in a specialized centre that provides psycho-social support and practical assistance with the judicial process.

Sylvie Biscaro, Director of the Centre d'aide aux victimes d'actes criminels (CAVAC) and her colleague Guylaine Magny of CAVAC in the Mauricie region, shared results of a questionnaire completed this year that evaluated the impact of CAVAC's staff and services on victims of crime in the Mauricie region.

The objectives of the questionnaire were to determine whether CAVAC had facilitated the passage of victims through the criminal justice system, provided opportunities and improved access to services, and raised clients' level of satisfaction with the judicial process.

The questionnaire did this by addressing the following issues: How effective are CAVAC's technical assistance, education, and information programs? What impact, if any, did CAVAC staff have on the victim's psychosocial well being? How satisfied were clients with CAVAC

services and programs? How effectively did CAVAC facilitate the victim's passage through the criminal justice system by providing information relevant to the victim's rights and recourses?

Magny reported that 98.6% of respondents indicated they had a better understanding of the criminal justice system; and, 85% said they were better prepared to present their statements in court. Respondents reported an eight out of ten level of satisfaction with the staff, services, and programs provided by CAVAC. To date, 2,612 cases have been referred to CAVAC in the Mauricie region.

While many of the respondents to the questionnaire said CAVAC staff were "comforting and reassuring," the majority of respondents reported they continued to feel apprehensive and stressed by the judicial system, particularly the cross-examination process and the length of criminal trials.

Before presenting the results of their research, Biscaro reviewed the mandate and the functions of the victims' aid centres that were established in 1988 when the Province of Quebec passed legislation that defined the notion of a victim and articulated victims' rights and responsibilities. The legislation stipulated that victims had the right to be treated with courtesy and respect, be informed about judicial procedures, and obtain the support of psychological and social services. In order to meet the requirements of the new legislation, centres of professional support for crime victims needed to be established. Currently there are 15 CAVACs in Quebec, consecrated mainly in central Quebec.

CAVACs provide a variety of services to victims of crime. Biscaro explained that CAVAC staff are mandated to provide information such as dates of court appearances, updates on decisions taken during the entire proceedings, the date of the release of the accused, information about conditions imposed by the court, and any modification of these conditions.

Technical support services are also provided. Trained workers will guide victims of crime through the judicial system and accompany the individual to court, if necessary. CAVAC staff will assist in the preparation of victim impact statements and advise victims on how to seek compensation.

CAVAC also provides psychological and social support services for victims suffering post traumatic stress symptoms from their crimes. "The criminal justice system can aggravate the post traumatic stress syndrome of victims." Courts are not equipped to provide the empathy and compassion required by victims suffering post traumatic stress, said Biscaro. Staff at CAVAC are trained to reassure victims and respond humanely to their personal experiences. Almost 75% of the cases referred to CAVACs are victims of assaults whose needs are diverse and therefore require an integrated delivery of multiple services.

CAVACs in the Quebec region are comprised of a board of directors made up of community representatives, two social workers, one psychologist, and two employees who provide information about the judicial process and accompany clients to court.

How MADD Canada is Moving Forward: Responding to the Needs of Victims of Impaired Driving Crashes

Every day more than four Canadians are killed and over 200 Canadians are seriously injured in impaired driving crashes. Studies indicate that 12.5 million impaired driving trips are made each year, and that roughly 75,000 Canadians are impacted by impaired drivers annually. A number of agencies have emerged to advocate on behalf of, and provide services to, victims and their families. The largest Canadian operation is MADD Canada (Mothers Against Drunk Driving).

MADD Canada is a non-profit grassroots organization with chapters and community leaders across the country. MADD Canada chapters are run by volunteers and include not only mothers, but also fathers, family and friends, business professionals, experts in the anti-impaired driving field, and concerned citizens who want to make a difference in the fight against impaired driving.

Vicki McQuarrie, the National Office Victim Services Manager, told delegates that since its inception in 1990, MADD has experienced dramatic growth. In the last two years, the organization has expanded from 48 to 60 community chapters. McQuarrie attributed MADD's recent and rapid expansion to the burgeoning interest and support of volunteers across the country. With that interest, said McQuarrie, comes an unprecedented need for volunteer training and development.

Like most police-based associations and victim services agencies, sensitivity to victim issues is critical, particularly sensitivity to grief and bereavement. It's essential that volunteers understand how to effectively support victims. McQuarrie explained that in the past, MADD had no formal volunteer screening system and provided face-to-face training sessions for just about anyone recommended by a community chapter.

Traditionally, Toronto and Edmonton MADD offices hosted two training programs every year. Each one of the four sessions involved up to 50 different participants who were flown in for the weekend at MADD's expense. Arrangements were also made for different speakers to explore topics ranging from insurance issues to effective court accompaniment techniques. However, prohibitive costs, training content inconsistencies, and low volunteer retention led to a complete program reassessment and eventual overhaul.

In the early fall of 2003, MADD launched a new two-tier training program that has streamlined the volunteer screening process, increased volunteer training efficiencies, and subsequently generated much interest from victim services operations across Canada. McQuarrie described the program in detail, explaining how the new volunteer screening process is a key step in providing victims with the support they need and volunteers with a meaningful volunteer experience. All MADD volunteers must now obtain police clearance, provide letters of reference, sign a Code of Conduct and Confidentiality Agreement, complete a questionnaire and an Emotional Quotient Inventory, and achieve 80% or more on a new online training course.

The Emotional Quotient Inventory, McQuarrie explained, tests various non-cognitive capabilities, competencies, and skills that influence an individual's ability to succeed in coping with environmental demands and pressures. All results are handled with the utmost

confidentiality and are only known to the individual volunteer and an outside professional who administers and reviews the results with the participant.

MADD's online training program was developed by an organization affiliated with the University of Toronto that has been widely lauded for its expertise in creating programs for professional victim impact agencies. Comprehensive in subject and scope, topics include a general overview of MADD policies and procedures, cross-country insurance and injury issues, police enforcement and judicial system information, and insights about traumatic grief. Persons interested in becoming MADD victim advocates can complete the online training at their leisure and in the comfort and convenience of their own homes.

After successfully completing the Level One online training program and meeting all other screening requirements, individuals are then eligible for MADD's Level Two training, which involves attending one of two annual face-to-face weekend programs held in Toronto. Discussions and presentations explore communication skills, cultural competence, interviewing skills, coaching the volunteer, and care for the caregiver.

More than 120 volunteers have already completed the online training program since its launch in early fall. Sixty people have taken the Emotional Quotient Inventory and a contingent of new victim advocates has been invited to attend the Level Two onsite training session.

Plans are now underway to make MADD's Level One online training session available to police-based associations and victim-based agencies in 2004.

Choices for Positive Youth Relationships Part 2

This workshop, which was a continuation of an earlier workshop, involved a panel of six authorities discussing the Speers Society's abuse prevention program for youth. Laura Kloosterman is a youth liaison officer with the Ontario Provincial Police in Orillia; Pat Hehn is with the North Simcoe Victim Crisis Services; Georgie Kennedy is a teacher with the Toronto District School Board; and Dr. Ester Cole is the president of the Ontario Psychological Association. Dawna Speers and Maggie Babcock are co-founders of the Speers Society.

Maggie opened the session by noting that the primary lesson learned by the Society was that prevention is necessary—it is the key to any long-term strategy, and must be brought about through education and support. She then asked the panel what they have seen from youth. Speers stated that the only warning sign that adolescents are familiar with is physical violence; they don't notice the "little pebbles of criticism." Youth are also very quick to blame the victim. Cole discussed the difficulties of adolescence. Teenagers' profound desire to "fit in" makes it important that any program encouraging disclosure of abuse must be presented in a "safe" manner. She also condemned the desensitization of society to violence. Kennedy agreed, stating that teens are under great pressure to accept violence from their peers. Hehn emphasized the low self-esteem common in adolescents. Kloosterman asserted that society is very violent. Teenagers are "empty vessels," and too often they fill that vessel with violence and drug use.

Asked about the Choices program, Cole stated that the best programs combine the three concepts of prevention: primary, which is information needed by everyone; secondary, which applies to smaller groups who may be more vulnerable to abuse; and tertiary, which is crisis intervention. All good programs have four components: awareness of issues, a plan to convince all population segments that the program is worthwhile, implementation of an interrelated program, and an evaluation of the program from outside sources. She called the Speers Society's program an "exemplary model."

Speers stated that "kids' hearts need to be touched," and emphasized the importance of being honest with teenagers. Kennedy stated that this type of open interaction is exciting for the teachers as well as the students. The Choices program provides clear lessons that will reach all types of learners, and Kennedy said that she likes the emphasis on prevention and unconditional help. The program also helps to make teachers comfortable in their new role. Hehn said that as teachers "can't be expected to have all the answers," the community can fill in the gaps. The long-lasting effect of this program is evident when disclosures occur four and five months after the program is run. Kloosterman stated that the Choices program is wonderfully proactive.

A participant asked how effective the program is without Speers herself presenting it. Kennedy replied that the program has a profound impact simply because teenagers are allowed to talk in a safe environment. Kloosterman added that teenagers are often ignored because they're "scary," but they have an absolute need to communicate. Asked how the community partnering works, Kloosterman suggested that someone who can respond to disclosures (such as a victim services worker) attend the lessons. Kennedy added that it is crucial to put a face to these organizations so that the adolescents find them easier to approach, and also so the educators know to whom they are referring the teenagers. Speers added that the Society wants to create a pervasive culture, not merely a once-a-year event. Another participant wondered about the legalities of disclosure. Kloosterman stated that there were occasions on which she had to notify authorities of an abusive situation, but she always informs the adolescent that if the disclosure is of a certain nature, she will be forced to act upon it. She also stated that this does not usually deter the teenager from speaking, as by the time they are in her office, they are ready to communicate.

Babcock closed the session with the thought that adolescents are the future leaders, educators, and parents of this society. The earlier the theme that violence is unacceptable is begun, the less time before it will be prevalent.

November 5, 2003

Law Commission Workshop—What Is a Crime?

Steven Bittle, Senior Research Officer with the Law Commission of Canada, looked back at the changes in responding to crimes over the past 20 years, and underlined how the victim's position has come to the forefront.

The Law Commission is an independent federal agency designed to improve law in Canada by using social problems as the starting point for its research agenda. The Law Commission's "What Is a Crime?" project cuts across all the research themes, and will help the Commission develop an analytical framework that might guide choice of mechanisms for intervention. In the context of the project, it recently released a discussion paper *What Is a Crime? Challenges and Alternatives* that explores why certain behaviour is deemed "criminal," and the impact of different responses by the justice system (including criminal law).

Bittle asked the group: Why are certain behaviours criminal? The Law Commission recommends that criminal law be the last resort, once other tools have been used. Yet it is often the first recourse, and sometimes media and the politicians call for even more laws to be created.

Bittle described the key points of the discussion paper. He explained that crime is not an objective phenomenon, and that crime and responsibility do not exist in a vacuum. For example, gambling and abortion have been decriminalized in some places. Marijuana and welfare fraud are considered criminal in some places, while fraud by the medical profession is not. The issue of street crime versus corporate crime reflects the depth of the difficulty in defining crime. While the notion of harm sometimes makes it easier to define crime, behaviours such as spanking, euthanasia, logging, and gambling all have elements of harm—but are not defined uniformly as criminal.

Bittle explained that it is difficult to separate *what* is a crime, from *who* is criminal. Those who are seen as criminals are policed a great deal. When exploring intervention strategies, criminal law may be only one of many partners. For example, in the case of control of alcohol, there are many different parties regulating alcohol consumption. He suggested that, for many "crimes," it is difficult to find the balance among regulation, public education, and therapeutic supports. He pointed to therapeutic treatment of the 1960s as a harmful intervention.

Bittle told the group that, in addition to the discussion paper (that will be published as a book) a series of case studies will explore six different behaviours that may be seen as criminal, including gambling, aboriginal harvesting and hunting, welfare fraud, and Medicare fraud by health-care workers. For example, Bittle explained that the amount of welfare fraud is relatively small compared to the charges, and that charges that are laid are often due to mistakes in filling out forms. On the other hand, there are mechanisms to keep people who commit Medicare fraud out of the criminal system.

During the discussion, a participant asked how the Law Commission views the harm of a 10-year old by a 15-year old. Bittle responded that, while he is not in favour of criminalizing children, compensation programs are only available to victims of “official” crime (i.e., tried in adult court). In the cases of crimes by children, the onus is on parents to ensure that crimes don’t happen.

One participant pointed out that there is no mention in the Law Commission’s discussion paper of sexual offences, including prostitution and domestic violence. During the discussion of the Silent Witness project, participants pointed to a lack of communication between courts and police, and suggested that breach of restraining order should be a summary offence, instead of the more expensive indictable offence (and that often restraining orders are not enforced by the police). It is the responsibility of the abused women to go to court to request a peace bond.

One participant explored the notion of citizenship, and how not everyone perceives themselves as Canadian; not everyone has the same relationship to the State.

Dialogue Groups

Restorative Justice Dialogue Group

Before the dialogue session began, moderator Marilou Reeve with Justice Canada’s Sentencing Reform Team, allowed each of the six resource persons to introduce themselves and make brief statements about their involvement with restorative justice issues.

David Daubney, a former Member of Parliament and is general counsel of Justice Canada’s Sentencing Reform Team. He has been coordinating and overseeing federal involvement in restorative justice initiatives across Canada for the past six years. His interest in restorative justice issues dates back to the early 1980s when he chaired a parliamentary committee reviewing recommendations on criminal law reform. Daubney circulated drafts documents entitled “Restorative Justice Program Guidelines” and “Values and Principles of Restorative Justice in the Criminal Code.” He asked for feedback from participants.

Andrejs Berzins, former Crown attorney of Ottawa, supported the Collaborative Justice Project (CJP) a community based pilot project in Ottawa’s courthouse. From his perspective, the restorative justice process complements the criminal justice system, but does not replace it. According to Berzins, restorative justice may be costly and time consuming but it addresses the human needs of victims that are not met in the criminal justice system.

Kimberly Mann is a caseworker with the Church Council on Justice and Corrections’ Collaborative Justice Project. Mann described how the CJP deals with the fear, anger, and pain victims feel following a serious crime. One of the objectives of restorative justice is to seek accountability and reparation from offenders. The process is voluntary for the victim and the accused. Referrals usually occur before the accused pleads guilty or after sentencing. The purpose of the process is to ensure that the offender understands the impact of his behavior and accepts responsibility for his actions.

Jane Miller-Ashton is Director-General with the Restorative Justice and Dispute Resolution Branch of Correction Services Canada (CSC). Her interest in Restorative Justice originates in her work with native people. The CSC funds Restorative Justice programs primarily in aboriginal communities.

Gerry Barragar is the National Restorative Justice Adviser for the RCMP.

Participants raised the following concerns and questions during the dialogue session:

- Asked about the cost-effectiveness of the Restorative Justice Process and the implications of Restorative Justice agreements on sentencing of the accused, Mann replied that the criminal justice system is also costly and that a cost analysis of the Collaborative Justice Pilot Project in Ottawa is being done. Tanya Ruggie of The Solicitor General is responsible for this research.
- Participants raised concerns about restorative justice being used in cases involving domestic violence and sexual assault in British Columbia. Miller-Ashton said there are “inherent dangers in the B.C. approach.” Daubney, Barragar, and Mann expressed cautions regarding cases of domestic violence and sexual assault and restorative justice programs. Mann indicated that the Collaborative Justice Project does not accept cases of sexual assault or domestic violence. There is a lack of research in the area of restorative justice and sexual assault; however, Corrections Canada is considering a pilot research project involving crimes of domestic violence and restorative justice.
- What are the implications for sentencing, if the accused and victim fail to reach or complete a restorative justice agreement? The representative from Justice Canada said failure to reach an agreement couldn't be used in subsequent criminal proceedings to justify a more severe sentence for the offender.
- Mann assured another participant that victims who were not ready to participate in the restorative process prior to sentencing could initiate contact with the Project at any time following sentencing.
- Participants noted, and resource persons agreed, that public education is required to change some of the popular misconceptions regarding restorative justice such as the defence's perception that it can be used to mitigate sentences for the accused. Public education on these issues can be a challenge since restorative justice participants are sometimes reluctant to talk to the media due to privacy concerns. Very powerful information can be conveyed about the effectiveness of a restorative experience by individuals who have participated in the process themselves.
- In geographic areas where no legal safeguards exist and the accused has not pled guilty there is often pressure to use restorative justice practices. Berzins agreed that this is a real problem and suggested that ideally an NGO should apply for funding to undertake referrals.

- Applying restorative justice practices in isolated communities where everyone knows everyone can be problematic. Barragar concurred it is often difficult to find a neutral facilitator.

Criminal Justice System Dialogue Group

The first issue raised in this session was perhaps the most contentious. A participant, who had lost a brother to murder three years ago, was left outraged by the trial of the accused, saying the defence counsel further victimized her brother by assassinating his character. At the same time, the prosecution was severely restricted in its ability to analyze the character of the accused. She claimed that stories about her brother were purposely fabricated and that she complained to the Law Society, but was told the prosecuting attorney was acting “within the law.”

“Further victimization or assassination in the courtroom—how can we avoid that?” she asked.

Peter Teasdale, Alberta Crown Attorney, one of the resource persons in attendance, addressed the issue, commenting that the justice system is “an adversarial system that allows for representation of both sides.” He added, “The bottom line is that the Charter of Rights allows the defence to challenge the Crown’s case.”

Catherine Kane, Director/Senior Counsel, Policy Centre for Victims Issues, Justice Canada, said that the “The rights of the accused to make full answer and defence remain paramount. They have more leeway in their defence because they don’t have to prove anything. They just have to raise reasonable doubt.” The Crown must prove the offence beyond a reasonable doubt.

The same participant later returned to the microphone and stated, “We should make sure victims are consulted throughout the justice system. Why not include it in the legislation?”

Kane responded that new legislation being implemented in Manitoba includes this kind of provision i.e. to require that victims be kept informed of key decision in the prosecution of the case by the Crown. “We’re following it closely, but it’s a matter of provincial responsibility,” she said. She also explained that such a provision couldn’t be included in the *Criminal Code* because the provinces are responsible for the administration of justice in the province and the prosecution of criminal offences.

“It sounds like we’re kind of passing the buck between the federal government and the provinces,” the participant stated. She also indicated that she felt the federal representatives participating in the dialogue weren’t taking her concerns seriously.

Another participant later stated that she was “struck by the woman who was a victim and asked for assistance and didn’t get anything.”

“She feels her concerns have fallen on deaf ears,” she said, and suggested that someone from the Policy Centre for Victims of Violence speak with the woman.

The federal representatives indicated that they had been communicating with the participant in question and had suggested that her concerns be raised with those who could respond to the specific concerns (and she was directed to those persons) and also, that her concerns were being listened to.

Other participants in the dialogue raised concerns about the attitudes of police and justice officials. “How do we charge a judge with discrimination against aboriginals?” asked one. She then related the story of an aboriginal couple from a poor neighbourhood whose four-year-old son was accidentally killed by a truck, and who were subsequently charged for neglecting him. She claimed that the judge’s comments were “very discriminatory” and that in a similar incident involving the child of a Caucasian couple shortly afterwards the parents weren’t charged. The participant also stated that they had completed a survey of police officers and judges in Edmonton to find out if they’d had any cross-cultural training “but the results weren’t accepted.”

“A big problem for victim services workers in many provinces is the attitude of the Crown,” stated another participant. “Is there any role for the federal government in ensuring accountability and transparency?” she asked.

As an example of strategies to raise awareness, Carole Morency, Senior Counsel, Criminal Law Policy Section, Justice Canada, replied that Justice Canada has produced guidelines for police and the Crown on criminal harassment, including a best practices approach to ensure accountability and the safety of victims. She added that they have also been encouraging Crown attorneys to participate in victim awareness seminars.

Another concern raised during the dialogue was the fact that, in some cases, the Crown has not accepted victim impact statements because a case has been plea-bargained. “Bill C-79 was intended to get around the Crown doing this,” said one participant.

Kane acknowledged “it doesn’t seem that all provisions of C-79 are being full implemented,” but added that the legislation “wasn’t intended to bypass the Crown’s discretion.” She also explained that victim impact statements must relate to the charges before the court, and therefore may need to be raised where the accused pleads guilty to a lesser charge. However, the Code requires the judge to consider the victim impact statement at the sentencing hearing.

Victim Services Dialogue Group

Resource people:

Sandra Bryce

Dawn Kelly

Steve Sullivan

Brenda Thomas

The first issue raised by a participant was how best to provide a more consistent level of service to victims who reside in isolated or rural areas. While they noted that victim services in urban

centres close to the remote areas were willing to do outreach, they were so stretched in responsibilities and under-resourced that they were not able to assist these outlying areas. The participant also noted that the criminal justice professionals do not always support the efforts of the local sexual assault centre to provide assistance by traveling with the court party.

A participant from Newfoundland and Labrador responded: Her region has trained paraprofessionals who work on a fee-for-service basis in remote areas. She indicated this has worked well.

Another participant raised the issue of referrals from RCMP detachments in Saskatchewan and how the RCMP approach adopted has limited victim access to services because of how services are presented at the time of first response. He noted that RCMP officers are often the first line of referral in the early hours of a trauma. The officer asks if the victim wants to access victim services, and the victim often says no because he or she does not know what services are offered or because he or she is too traumatized. If we could step in and provide earlier intervention that would be far better than waiting for the next step of referral – the Crown. There is the need for more flexibility provincially and nationally regarding referrals so the people do not fall through the cracks and can be helped on the path to healing. He noted that this is a policy issue, and that it can be addressed. He concluded that they cannot work effectively in that environment.

Another participant responded to this issue and noted that in the Yukon, victim services workers—because of a special security clearance—are allowed immediate access to victims of crime. Early intervention and continuous support is vital, she said. She suggested talking to commanding officers and doing training and awareness building about victim services.

Participants from Alberta shared some concerns that have arisen as a result of the RCMP interpretation of the *Privacy Act*. Victim Service providers in Alberta have developed cards for the RCMP to carry with them. These cards contain basic information about a victim's entitlements under the law as well as victim services contact information. The RCMP officers give these cards to victims of crime and tear off a portion of the card to give to victim services. This effectively gives victim services authority to contact the victim. The hope is that the use of these cards will help RCMP officers to provide a consistent approach to ensuring that victims of crime get the information they need. A big part of the early success of this initiative was ensuring that the highest level of decision makers within the RCMP endorsed the cards. RCMP transfer policy can hinder this.

To this issue, a participant from Yukon noted that they have an MOU with officers in the North and that every year this is reviewed.

It was noted that B.C. has a similar card as described by Alberta.

Another group member cautioned that it is important to remember that victims have the right to choose not to access services. Not all victims say no for the same reason and we have to respect the right to say no. Most people though, have no idea what victim services do and they can say no to the question of whether they want victim services as a result of that misunderstanding as well as because of the desire to avoid being 'labelled'. She suggested that the question that is

asked of victims (by RCMP/police) could be reframed. Instead of asking “Do you want victim services to contact you?” the question could be: “Are you interested in keeping up to date on what happens with this file?” Officers could be trained in this area. So, while the policy can be restrictive, we can work around it.

Consent and how it can be secured is a big issue. Victims have the right to victim services, if they request it, it is not an automatic right (similar to National Parole Board). The key question is who should have the responsibility to properly explain what victim services are available? Who should let victims know that services are available?

The RCMP interprets the privacy policy inconsistently. A lot of the variation stems from how the RCMP views victims’ services: as an outside agency or as part of the team. In response, a participant noted that victim services need to be seen as part of the team, not as an external agency. Even though they are screened and have security clearance policy says they are an outside agency.

A participant said that her group is launching a case with the Privacy Commissioner arguing that victim services are part of the consistent use of information (part of the investigation process). However, this type of argument can become a “catch-22.” If the argument is successful, victim services files would have to be automatically disclosed to the RCMP. This is a huge area and can be very complicated.

A New Brunswick participant noted that they have a dilemma in getting information regarding compensation. Their notes go in the RCMP file. There have been cases where victims have been revictimized because their victim impact statement was subject to disclosure at trial. As a result, many victim services workers are inclined to not submit the victim impact statement until a finding of guilt.

A group member said that the new Privacy Commissioner might prove more amenable to the situation of victim services.

One group member indicated that an omission in this conference is the issue of campus violence. He asked what relationships exist between victim services and campus women’s centres. Many participants said that there are strong ties between different aspects of the criminal justice system and their community campuses. One community has formed a network of agencies and groups (including campus counsellors) that can respond to needs as they surface. Another group was contacted by university security guards—often a victim’s first point of contact—asking for training to better serve victims. The participant said that that training is currently in development with input from other community partners.

A group member said that Canada is a confused country with no consistent system in place to provide victims with the services that they need. Because there is a lack of formalized services for victims within the criminal justice system, much of what works is outside of the traditional system. As a result, service providers are too far outside the criminal justice system. Many of the topics here are band-aids and he hopes that in 10 years time, the newly developing national association will be able to look at ways to entrench victims’ services as a part of the justice

system in each province/territory.

It was noted by a participant from New Brunswick that they have dedicated victim services programs within a provincial Ministry. There are models of that integration and entrenchment. She noted however, that a systems based model must not work alone and it is imperative that they work closely with community agencies.

Similarly, participants noted that yes, there are benefits to being a part of the criminal justice system, but being an NGO gives more leeway to advocate. In addition, being outside the system enlarges services.

One participant noted that the timing in providing services is problematic. He suggested launching an advertising campaign, which received much support from fellow participants.

One participant raised the issue of the need for long term victim services. They noted that there is a long gap between crisis intervention and court and people are in suspension and maybe without services. There is also a big gap after the case is 'closed'. Victim needs don't end with the criminal justice system definition of complete.

A Yukon participant noted that client services end when the victim chooses. She noted that anniversary dates are difficult and we need to look at the larger picture.

Another participant noted the relationship between crime prevention and victim services. Her daughter was a victim and there were lots of warning signs in her case. It is very important for victim services that their voices are heard across schools and other venues to prevent the escalation of crime and victimization.

Participants also spoke about the need for more discussion on women of minority cultures who experience violence, in the conference as well as in this dialogue session.

A participant from Ontario indicated that that jurisdiction has a mixed model that is both court- and system-based. The participant said that the province now has the opportunity to make the model work in the best interests of the victim, and given the large number of issues a mixed model may be a good thing. She also noted that this conference has been extremely helpful and cross-jurisdictional sharing is very important.

Corrections and Parole Dialogue Group

Chantal Bernier, Assistant Deputy Solicitor General of Canada (SGC), Frum Himelfarb, Acting Assistant Commissioner for Planning and Coordination, Correctional Service of Canada (CSC) and Ian Glen, Chairperson of the National Parole Board (NPB), set the context for dialogue discussions by reviewing key challenges that their respective organizations face in supporting victims of crime.

Bernier noted that Solicitor General Canada (SGC), in cooperation with Justice Canada and others, has introduced legislation that increases recognition of the rights of victims. Some of these initiatives include the *Corrections and Conditional Release Act*, Bill C-40, and changes to the *Criminal Code* that ensure victims have the opportunity to prepare an impact statement and that these statements are considered by the courts. Lack of finances continues to be an ongoing challenge for timely and effective change.

Himelfarb noted that the role of the Correctional Service of Canada is to administer sentences and assist offenders to reintegrate successfully into the community. “The greatest contribution CSC can make for victims is to ensure that offenders do not re-victimize, that is, that they are safely reintegrated into the community.” Because the potential for successful rehabilitation is enhanced when offenders take responsibility for their actions, CSC supports restorative justice approaches. The Service is committed to the respectful and compassionate treatment of victims. CSC is constantly monitoring and improving information sharing processes to ensure victims’ access to information within legal parameters, while safeguarding privacy and protecting victims’ safety.

The National Parole Board operates at the back end of the criminal justice process. It focuses on assessing the risk to society an offender may pose if released to the community and is equally concerned about the implications of this process for victims.

The following issues and questions were raised during the dialogue session:

- Why are victims denied funds to attend parole board hearings? Glen replied there is a legitimate reason to fund victims’ attendance at parole board hearings; however, the funding responsibility should not rest with the NPB, but with another government agency.
- If funding were available, what would be the priorities for victims’ issues? Glen responded that money should be made available for a victims’ service agency that provides centralized and integrated services for all victims’ needs.
- Victims want a voice and not a veto in decisions made by the NPB and its provincial counterparts. Glen agreed that victims want a voice, and stated that the NPB has worked, and continues to work, to improve the National Parole Board hearing process so that it is more inclusive and responsive to victims’ concerns.
- What steps are being taken to reduce the incidence of offenders entering federal correctional institutions? CSC has developed tools to measure the “criminogenic” needs and risks of offenders. These tools have been shared with some provincial jurisdictions. The service is exploring with communities how to adapt these tools for use with high risk/high needs individuals before they commit crimes.
- The issue of sharing and optimizing resources between federal and provincial institutions is key, said Bernier.

- All levels of government must focus on building capacity at the community level so that communities have the resources and expertise to assist offenders on probation to reintegrate into society. Senior officials with CSC, SGC, and the Chairperson of the National Parole Board said the federal government must target its investment at the community level. “Federal support ends once the sentence ends and parole is over. The lack of infrastructure and support contributes to offenders reoffending,” said Glen.
- More flexibility is needed in the national and provincial parole boards’ hearing processes to accommodate and respond to changes that a victim may wish to make to his or her oral impact statement. The parole process should also take into account the victim’s reactions to statements made by the offender during the parole hearing. The National Parole Board has to work within its mandate. Since all information that is used in the decision-making process must be shared with the offender, the Board cannot accept changes to the victim’s statement once they have been shared. Victims may respond in writing to any offender’s comments made at a hearing. This correspondence is kept on file for future reference.
- Sexual assaults and other crimes of violence against the individual are the most challenging cases for parole board staff assessments. “Extra care is taken with violent offenders.”
- Are there compensation services for victims when parole board hearings are postponed or cancelled? There is no funding for victims to attend parole hearings and no financial recourse if the hearings are postponed or cancelled. Government officials acknowledge that the financial needs of victims participating in the parole hearings need to be addressed. The National Parole Board is closely monitoring the incidence of offender-driven hearing postponements.

Closing Remarks and Wrap Up

Catherine Kane brought the Conference to a close by thanking all participants and all those involved in organizing the Conference.

She noted that the Conference had addressed many issues and the feedback – both positive and negative – would inform the planning and development of future Conferences and consultation.

She noted that everyone’s voices had been heard and both the workshop presentations and the dialogue groups would be summarized in the Conference Proceedings. She undertook to pass on all recommendations to senior officials in the relevant federal departments and to provincial and territorial contacts actively involved in victim services.

Catherine Kane emphasized that the networking opportunities provided by the Conference should permit participants to stay in touch and to share information and approaches to meeting the needs of victims of crime.

She closed the formal portion of the Conference by inviting participants to remain for an informal lunch and take part in the stress-reduction workshops taking place in the early afternoon.

Acronyms and Abbreviations

BCIFV	B.C. Institute Against Family Violence
CALACS	Centre d'aide et de lutte contre les agressions a caractère sexuel
CAVAC	Centre d'aide aux victimes d'actes criminels (Mauricie region, Quebec)
CCWS	Community Coordination for Women's Safety
CJP	Collaborative Justice Project (Ottawa)
CSC	Correctional Service of Canada
DVTO	Domestic Violence Treatment Option court
JIBC	Justice Institute of British Columbia
MADD	Mothers Against Drunk Driving
NFB	National Film Board of Canada
NPB	National Parole Board
PLEI	Public legal education and information
PTA	Promise to Appear
PTSD	Post traumatic stress disorder
SGC	Solicitor General of Canada
VAC	Victims Advisory Committee (British Columbia)
VOH	Victims of Homicide Support Society (Alberta)
VSD	Victims Services Division, British Columbia