



**Multi-Site Survey of Victims of Crime  
and Criminal Justice Professionals  
across Canada:**

**Summary of Victim Services  
Providers and Victim Advocacy  
Group Respondents**



**Policy Centre for Victim Issues**



**Research and Statistics  
Division**

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*The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.*

**These summaries are extracted from the *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada*, completed by Prairie Research Associates Inc. on behalf of the Department of Justice Canada.**

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## Introduction

The *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* was conducted in 2002 under the direction of the Policy Centre for Victim Issues (PCVI) of the Department of Justice Canada in collaboration with the Research and Statistics Division. The PCVI implements the Victims of Crime Initiative which, through the Victims Fund, legislative reform, research, consultations and communication activities, works to increase the confidence of victims in the criminal justice system and responds to the needs of victims of crime as they relate to the Department of Justice.

The purpose of the *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* is to gather information on a wide range of issues concerning the criminal justice system as it pertains to victims and criminal justice professionals, with a particular emphasis on recent *Criminal Code* provisions, specifically Bill C-79, which was introduced in 1999. This legislation amended the *Criminal Code* in several areas, such as:

- ▶ giving victims the right to read their victim impact statements at the time of sentencing if they wish to do so;
- ▶ requiring the judge to inquire before sentencing whether the victim has been informed of the opportunity to give a victim impact statement;
- ▶ requiring that all offenders pay a victim surcharge of 15% where a fine is imposed or a fixed amount of \$50 or \$100 for summary or indictable offences, respectively, and can be increased by the judge (except where the offender can demonstrate undue hardship);
- ▶ clarifying the application of publication bans and providing discretion to order, in appropriate circumstances, a publication ban on information that could disclose the identity of victims as witnesses;
- ▶ expanding the protection of victims and witnesses under the age of 18 years from cross-examination by a self-represented accused in sexual and personal violence offences;
- ▶ allowing any victim or witness with a mental or physical disability to be accompanied by a support person while giving evidence; and
- ▶ ensuring that the safety of victims and witnesses are taken into consideration in judicial interim release determinations.

To a more limited extent, the survey also explored perceptions regarding amendments recently made to the *Corrections and Conditional Release Act* to provide victims with the opportunity to present prepared victim statements at parole board hearings.

Findings from this study will generate evidence to inform future legislative reforms and policy changes by providing insight on the use and awareness of recent reforms by criminal justice professionals as they pertain to victims of crime, the nature of information provided to victims during the criminal justice process, victims' experiences with the legal provisions and other services that are intended to benefit them throughout the criminal justice process, and barriers to the implementation of recent reforms for criminal justice professionals.

Given the breadth of findings in the final report the PCVI has prepared seven summary reports based on respondent groups in the survey.<sup>1</sup> This report is a summary of the findings from victim services providers and victim advocacy groups who participated in the study. Additional summaries are available that speak to the findings of Police respondents, Crown Attorney respondents, Defence counsel respondents, Judiciary respondents, Probation Officers and Parole Officer respondents, and Victims of Crime. See the last page of this report for more details.

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<sup>1</sup> The full report and copies of the other summaries are available at: <http://canada.justice.gc.ca/en/ps/voc/pub.html>. For copies contact the Policy Centre for Victim Issues, 284 Wellington Street, Ottawa, Ontario, K1A 0H8.



## Methodology

The multi-site survey was conducted in 16 sites within the 10 provinces in Canada; the territories were not included in this study. The 16 sites represent five regions: Atlantic (Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador), Quebec, Ontario, Prairie (Saskatchewan and Manitoba), and Western (British Columbia and Alberta). Each region included at least three sites of varying size (small, medium, and large), with consideration of diversity in geography (rural, urban, northern) and population (especially cultural and linguistic). A subcommittee of the Federal Provincial Territorial Working Group (FPTWG) on Victims of Crime guided the research team and recommended some of the locations selected for site visits.

Data for this study came from criminal justice professionals and victims of crime. A total of 112 victims of crime participated in in-depth interviews, which were conducted in order to obtain detailed data on each individual victim's experience in the criminal justice system. Victim services providers assisted in contacting victims and obtaining their consent to participate in the study, which may have introduced selection bias into the research.

Criminal justice professionals who participated in the study were from 10 different groups: judges, Crown Attorneys, defence counsel, police, victim services providers, victim advocacy groups, probation officers, and three types of parole representatives (from the National Parole Board [NPB], Correctional Service Canada [CSC], and the provincial parole boards in Quebec, Ontario, and British Columbia). They participated through either self-administered questionnaires or interviews. Relying on two forms of data collection allowed for the most complete method of gathering information on the research questions. The use of self-administered questionnaires ensured that a large proportion of the criminal justice professionals in each site could participate, while the use of interviews meant that more in-depth, qualitative data could also be obtained.

Interviews were conducted with 214 criminal justice professionals from five respondent groups: victim services providers; police; Crown Attorneys; judiciary; and defence counsel. Interview results were captured as part of the quantitative data corresponding to that generated by the self-administered surveys. Self-administered questionnaires were also distributed to all 10 respondent groups. A total of 1,664 criminal justice professionals completed the self-administered questionnaire. Overall (in interviews and self-administered questionnaires), a total of 1,878 criminal justice professionals participated in this survey.

For this survey, 69 victim services providers were interviewed, 249 victim services providers submitted surveys, and 47 victim advocacy organizations submitted surveys. Their responses are summarized in this summary report (see Appendix A for the interview guides).







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# Findings from Victim Services Providers and Victim Advocacy Group Respondents

## 1. The Role of the Victim in the Criminal Justice Process

While victim services providers and advocacy organizations were most supportive of an active role for victims, there is considerable agreement among all respondent groups that victims of crime have a legitimate role to play in the criminal justice process. In interviews, victim services providers emphasized that providing information to victims and giving them opportunities for input not only empowers victims, but also allows them to gain a better understanding of the criminal justice system as a whole and a greater acceptance of decisions made in their case. See Table 1 below for a complete review.

### Perceptions Regarding the Role of the Victim in Bail Decisions

Among the criminal justice professionals surveyed in this research, a substantial proportion in all categories believes that victims should be consulted in bail decisions. Victim advocacy organizations, victim services, and police were most likely to support a consultative role for victims at bail, followed by Crown Attorneys and judges and lastly by defence counsel. In interviews, victim services providers pointed out that victims can sometimes shed light on prior unreported criminal activity in which the accused may have been involved and past breaches of conditions, and can thus assist the court in determining appropriate conditions in bail decisions.

### Perceptions Regarding the Role of the Victim in Plea Negotiations

Compared to bail decisions, a slightly smaller proportion of victim services providers and Crown Attorneys support consulting with victims during plea negotiations. (The opposite was true for victim advocacy groups, where 81% indicated that the victim should be consulted.) Slightly more than 60% of victim services providers surveyed believe that victims should be consulted at this stage.

### Perceptions Regarding the Role of the Victim in Sentencing

There is also considerable support for consulting victims at sentencing. With the exception of defence counsel, between half and three-quarters of respondents surveyed in all categories approve of consulting the victim at this stage. In interviews, victim services providers said that consultation at the sentencing stage should occur primarily by way of the victim impact statement. In addition, a few victim services providers suggested in interviews that victims should be permitted to make sentencing recommendations. This position, however, had no proponents among the other respondent groups.

<b>TABLE 1: WHAT ROLE SHOULD VICTIMS HAVE IN THE FOLLOWING STAGES OF THE CRIMINAL JUSTICE PROCESS, I.E., SHOULD VICTIMS BE INFORMED, CONSULTED OR HAVE NO ROLE?</b>						
	<b>Victim Services (N=318)</b>	<b>Crown Attorneys (N=188)</b>	<b>Defence Counsel (N=185)</b>	<b>Judiciary (N=110)</b>	<b>Police (N=686)</b>	<b>Advocacy Groups (N=47)</b>
<i><b>Bail decisions</b></i>						
Victim should be consulted	64%	48%	34%	46%	59%	70%
Victim should be informed only	32%	42%	49%	40%	35%	30%
Victim should not have any role	2%	4%	17%	9%	4%	--
No response	3%	6%	0%	4%	3%	--
Totals	101%	100%	100%	99%	101%	100%
<i><b>Plea negotiations</b></i>						
Victim should be consulted	61%	44%	25%	N/A	N/A	81%
Victim should be informed only	32%	35%	38%	N/A	N/A	13%
Victim should not have any role	3%	14%	37%	N/A	N/A	2%
No response	4%	6%	1%	N/A	N/A	4%
Totals	100%	99%	101%	N/A	N/A	100%
<i><b>Sentencing</b></i>						
Victim should be consulted	64%	49%	23%	56%	N/A	75%
Victim should be informed only	31%	36%	54%	33%	N/A	21%
Victim should not have any role	2%	9%	23%	8%	N/A	--
No response	3%	6%	1%	3%	N/A	4%
Totals	100%	100%	101%	100%	N/A	100%
* Respondents could give only one response. Totals that do not always sum to 100% due to rounding.						

## 2. Services for Victims

The following section considers the availability and accessibility of victim services in the sites studied. Respondents were asked about the types of services available in their community, the services offered by their particular victim service organization(s),

challenges to accessing victim services, and how to improve accessibility, including how best to inform victims about available services. The emphasis in this summary will be on responses from victim services and victim advocacy organizations.

### Types of Services Available

In order to determine the full range of victim services available in the sites studied, respondents to the victim services, Crown Attorney, and police surveys were asked to list the types of victim services available in their community (including their own organization, if applicable). Table 2 below provides these results.

As seen in Table 2, two-thirds to four-fifths of respondents reported that police-based victim services and specialized victim services for domestic violence, sexual assault, and children are available in their communities. A smaller percentage of respondents reported that court-based services are available.



<b>TABLE 2: WHAT VICTIM SERVICES ARE AVAILABLE IN YOUR COMMUNITY?</b>			
Type of service	Victim Services (N=318)	Crown Attorneys (N=188)	Police (N=686)
Police-based victim services	82%	64%	82%
Court-based victim services	57%	50%	49%
Specialized victim services for domestic violence	78%	73%	79%
Specialized victim services for sexual assault	69%	65%	73%
Specialized victim services for children	66%	64%	69%
Note: Respondents could provide more than one response, therefore, totals sum to more than 100%. Only those categories of service named in all of the surveys are included. Respondents who listed another type of service or those who gave no response are not represented in this table.			

### **Specific Services Offered by Victim Services**

In addition to obtaining information about the types of services available to victims, the survey also sought information on the specific services offered. Each victim services respondent was asked to identify the services provided by his or her organization from the list given in Table 3 below.

From the survey responses, it appears that victims generally receive most of the services on the list. In particular, as Table 3 shows, victim services almost always make referrals, provide crisis support, accompany victims to court, and inform victims about court procedures and the workings of the criminal justice system. Many of these organizations also inform victims about victim impact statements and help them prepare to testify in court. Assisting victims with requests for restitution received the fewest mentions.

**TABLE 3:  
TYPES OF SERVICES PROVIDED BY TYPE OF VICTIM SERVICES (VS) PROVIDERS**

<i>Type of Victim Services Provided</i>	All Victim Services	Police based VS	Court based VS	Community based VS	System based VS
Make referrals	92%	96%	100%	84%	90%
Provide crisis Support	88%	93%	63%	93%	80%
Accompany victims to court	84%	83%	100%	76%	80%
Inform victims about court procedures	83%	92%	92%	75%	90%
Inform victims about the criminal justice system	82%	91%	92%	75%	90%
Inform victims about victim impact statements	78%	90%	79%	61%	85%
Help victims prepare to testify in court	73%	73%	89%	69%	80%
Inform victims of the opportunity to request restitution	64%	80%	68%	40%	70%
Inform victims about the police investigation	59%	71%	37%	61%	70%
Inform the police, Crown Attorney, or court of victims' safety concerns at bail	59%	57%	76%	63%	70%
Liaise with Crown Attorneys	58%	52%	89%	57%	80%
Provide counselling	55%	34%	61%	78%	60%
Inform victims about bail outcomes	54%	61%	82%	42%	75%
Help victims prepare forms to request restitution	45%	51%	42%	43%	55%

Note: Respondents could provide more than one response, therefore totals sum to more than 100%. Respondents who gave no response are not included.

### Challenges to Access

In addition to the availability of victim services, the survey asked about accessibility. Three respondent groups — victim services providers, police, and victim advocacy groups — were asked to comment on whether particular accessibility issues exist for victim services in their communities. Across all three respondent groups, a sizeable minority (approximately 10 – 25%) did not comment.

As seen in Table 4, police and advocacy groups have conflicting views about the accessibility of victim services. Few police perceive any difficulties with accessibility, and most advocacy group respondents say that some impediments exist. Victim services respondents represent a middle ground. While these respondent groups may disagree about the extent to which accessibility is a problem, there is considerable agreement about the reasons. However, one-third to two-thirds of respondents did not provide any additional explanations.



<b>TABLE 4: DO VICTIMS OF CRIME FACE CHALLENGES IN ACCESSING VICTIM SERVICES IN YOUR COMMUNITY?</b>			
<i>Percentage of respondents who indicated challenges to accessing victim services</i>	<b>Victim Services (N=318)</b>	<b>Police (N=686)</b>	<b>Advocacy Groups (N=47)</b>
Language barriers	53%	11%	66%
Financial barriers	43%	6%	77%
Services do not respond to cultural needs	35%	5%	70%
Lack of victim services because of rural location	29%	9%	55%
Services do not respond to needs of both genders	26%	6%	53%
Physical barriers for person with disabilities	21%	3%	51%
Note: Respondents could provide more than one response; totals sum to more than 100%. Respondents who gave no response are not represented in this table.			

The most common challenge to accessing victim services mentioned by victim services providers is providing services to victims whose first language is not French or English, combined with a shortage of interpreters and translators available to assist. As Table 4 shows, about half said that language barriers exist in accessing victim services in their community. Two-thirds of victim advocacy groups and one-tenth of police agreed.

Financial and cultural issues were mentioned by over one-third of victim services providers and about three-quarters of advocacy groups. (Less than one-tenth of police agreed). The two main financial obstacles offered by survey respondents were transportation and/or childcare costs.

In interviews, several victim services providers indicated the importance of culturally sensitive services by noting that different cultures react differently to being victimized and, as a result, many individuals who belong to certain cultural groups choose not to report a crime or not to access victim services. They also mentioned the need for training in cultural sensitivity for victim services providers and the need for more cultural diversity among victim services providers. Similarly, a few police noted in interviews that some racial or ethnic groups exhibit a general mistrust of police, resulting in reluctance to access police-based victim services.

The absence of victim services in some rural locations is a challenge according to about one-third of victim services providers, half of victim advocacy groups, and one-tenth of police surveyed. Lack of adequate transportation is the major impediment to access. In interviews, victim services providers in both large and small centres mentioned the challenges in serving their geographic area. Respondents in large centres noted that while the city boundaries extend over a large area, many victim services are concentrated in the city centre. Respondents in small communities noted the difficulties in serving more rural areas. While a few victim services organizations do home visits to these rural locations, distance is a challenge faced by many victims.

About one-quarter of victim services respondents surveyed said that victim services are not responsive to the needs of both genders. Half of victim advocacy groups and 6% of police agreed. According to those interviewed, there are significantly fewer specialized victim services for men as many of the specialized services for victims of domestic and partner abuse serve women and child victims only. Interview respondents also indicated that not only are there fewer services for male victims, there has also been less education regarding male victimization, which

results in very few men in these situations coming forward and asking for help. In addition, a few victim services and advocacy group interview respondents commented that individuals in same-sex relationships who experience partner abuse are disadvantaged because often these cases are not considered to be 'domestic' and thus are not included in the mandates of specialized victim services.

One-fifth of victim services respondents and half of advocacy groups mentioned accessibility issues for persons with disabilities. The most common difficulties mentioned were inaccessible buildings, and lack of appropriate transportation. Three victim services providers also mentioned insufficient staff for home visits.

In interviews, victim services providers also mentioned additional access issues that did not appear on the survey. Several believe that there is a lack of awareness of the available services, which could be rectified with more publicity for victim services and more education of both the public and criminal justice professionals about what services are available. In addition, a few cited the extensive waiting lists for services caused by the increase in the volume of cases without a corresponding increase in resources. Literacy was also mentioned by several respondents who indicated that victim services mail outs, brochures, and pamphlets are often too complex and are not understood by many individuals.

Lack of coordination, integration, and information-sharing among the various agencies and professionals was mentioned as an important challenge by a few victim services providers who were interviewed in large cities. A concern was expressed that non-acceptance by the formal criminal justice system limits referral by other organizations.

### **Improvements to Increase Accessibility of Services**

Victim services providers were asked in interviews about what could be done to improve accessibility of victim services. The main suggestion was that Police, Crown Attorneys, and judges would benefit from additional training on victims' issues. Likewise, victim services providers would benefit from training on cultural diversity and the needs of male victims and gay, lesbian, and trans-gendered victims of crime. Finally, a few victim services providers stated that increased collaboration and information-sharing among all professionals and victim services providers would be beneficial to victims and would facilitate their access to services. A few respondents also indicated that more outreach is needed.

### **Best Way to Inform Victims of Available Services**

In interviews, victim services providers were asked what would be the best way to inform victims of services available in their community. Interviewees stressed flexibility and repetition, explaining that information should come from a variety of methods (written and oral) and should be provided at various points throughout the criminal justice process. According to several victim services providers, this is important because victims, at the time of the crime, are often too traumatized and overwhelmed to retain everything that is said to them. Therefore, while police should initially inform victims of available services both orally and in writing with a list of resources, victim services must follow up this contact by phone and/or mail. A few believe



that victim services should first use written material to ensure that they are not too intrusive and to give the victim the opportunity to initiate contact with victim services.

Several of those interviewed also suggested public education and publicity through the media as effective methods for creating awareness. A few specialized victim services organizations mentioned the importance of having visible information on victim services in places such as doctors' offices, grocery stores, etc. According to these victim services providers, this type of publicity will assist in reaching victims of domestic violence and spousal abuse.

### **3. Information for Victims: Perceptions of Victim Services Providers and Victim Advocacy Respondents**

#### **Adequacy of Information Provided**

Victim services providers who were interviewed were asked to describe the kinds of information they believe victims of crime most want to receive. There is general agreement that victims primarily want to be informed of developments regarding their own case, since this enables them to regain some degree of control over their situation. Victim services providers also believe that victims want general information about the criminal justice system as a whole, such as an explanation of the various stages of the process, a description of what they can expect in the courtroom, and an understanding of their role, their rights, and their options at every stage of the process. Additionally, victims want to understand the reasons for the release of the accused and any conditions attached to the release, and want to know how they can keep themselves safe and what the system will do to protect them. Victims also need to be informed about any services and resources available to them, and about what will happen to the accused after final disposition.

From the perspective of victim services providers who were interviewed, information provided to victims is sporadic and inconsistent. They believe that victims are more likely to obtain information if they initiate contact with the Crown Attorney or police or if victim services organizations are involved; sometimes the extent of information that victims receive depends on the particular police investigator assigned to the case. A few victim services providers reported that victims of crimes against the person are more likely to get adequate information than victims of property crime.

Table 5 shows the proportion of respondents who believe that victims usually receive adequate information on various aspects of their case and on the criminal justice system as a whole. There is substantial agreement among victim services providers, Crown Attorneys, and police that victims generally receive adequate information with respect to the date and location of their court proceedings, victim impact statements, victim services, the ultimate outcome of their case, and conditions of release.

From the perspective of victim services providers who participated in the study areas for improvement in information provision include the progress of the police investigation, outcomes of bail decisions, conditions of release, charges dropped, restitution, the ultimate outcome of the case, the criminal justice system, alternative processes, and the rights of the accused.



From the perspective of victim advocacy organizations who participated in the study areas for improvement in information provision include the progress of the police investigation, outcomes of bail decisions, conditions of release, the charges laid, the charges dropped, restitution, the ultimate outcome of the case, the criminal justice process, the rights of the accused, and alternative processes, victim services and community services.. It is worth noting that in all three of these areas (and in general), police had a more positive opinion than their colleagues of the adequacy of information provided to victims of crime.

Please refer to Table 5 below.

<b>TABLE 5: DO VICTIMS USUALLY RECEIVE ADEQUATE INFORMATION?</b>				
<i>Percentage of respondents who agree that victims usually receive adequate information on...</i>	<b>Victim Services (N=318)</b>	<b>Crown Attorney (N=188)</b>	<b>Police (N=686)</b>	<b>Advocacy Groups (N=47)</b>
The progress of the police investigation	42%	32%	83%	19%
Outcomes of bail decisions	40%	64%	69%	23%
Conditions of release	55%	64%	79%	23%
Date and location of court proceedings	81%	70%	78%	60%
Charges laid	70%	59%	90%	49%
Charges dropped	49%	52%	67%	32%
Victim impact statements	71%	78%	74%	53%
Restitution	47%	66%	59%	15%
The ultimate outcome of the case	60%	61%	75%	43%
The criminal justice process	54%	38%	62%	21%
Alternative processes	27%	24%	57%	23%
Rights of accused	43%	28%	63%	32%
Victim services	69%	76%	93%	43%
Other community support services	66%	44%	76%	32%
Note: Respondents who gave no response are not represented in this table.				

### **Responsibility for Information Provision**

Table 6 below shows respondents’ perceptions of criminal justice professionals’ responsibility for providing information to victims of crime. With respect to certain pieces of information, respondents were mostly in agreement over which agency - Crown Attorney, police, or victim services - should be responsible for informing victims. For example, a majority of respondents in all groups believes that police should inform victims about the progress of the police investigation and any charges laid. Similarly, a majority in all categories believes that victim services providers should provide information about victim services and other community support services, while Crown Attorneys should provide information about the ultimate outcome of the case. However, when it comes to the other types of information, there is less certainty among respondents regarding the three agencies’ responsibilities for information provision.

Furthermore, in no instance did respondents assign full responsibility for information provision to a single agency. Instead, they regard information provision as a shared duty. Even where large majorities of respondents identified a certain agency as primarily responsible for providing information to victims, substantial proportions also believe that the other two agencies also have a role to play.



For the most part, victim services providers and victim advocacy respondents were in agreement regarding who is responsible for providing information to victims. However, responses to who should be responsible for providing information about the conditions of release differed, with advocacy groups reporting more often that Crown Attorneys were responsible for this, whereas victim services providers were fairly evenly split between identifying Crown Attorneys, Police, and victim services providers as responsible for providing information in this area. Similarly, more advocacy respondents than victim services providers noted that Crown Attorneys should provide information to victims about restitution, the criminal justice process and alternative processes.

<b>TABLE 6: WHO SHOULD PROVIDE THE FOLLOWING INFORMATION TO VICTIMS?</b>				
	<b>Victim services (N=318)</b>	<b>Crown Attorneys (N=188)</b>	<b>Police (N=686)</b>	<b>Advocacy Groups (N=47)</b>
<i><b>The progress of the police investigation</b></i>				
Crown Attorneys	19%	4%	9%	26%
Police	81%	85%	90%	68%
Victim services	38%	13%	19%	43%
<i><b>Outcomes of bail decisions</b></i>				
Crown Attorneys	52%	34%	58%	64%
Police	38%	34%	42%	23%
Victim services	47%	51%	23%	40%
<i><b>Conditions of release</b></i>				
Crown Attorneys	48%	34%	51%	62%
Police	51%	35%	54%	34%
Victim services	48%	51%	23%	36%
<i><b>Date and location of court proceedings</b></i>				
Crown Attorneys	50%	36%	47%	57%
Police	29%	30%	47%	26%
Victim services	61%	50%	28%	45%
<i><b>Charges laid</b></i>				
Crown Attorneys	35%	26%	28%	49%
Police	70%	60%	79%	66%
Victim services	30%	22%	10%	17%
<i><b>Charges dropped</b></i>				
Crown Attorneys	56%	65%	76%	68%
Police	50%	27%	35%	38%
Victim services	31%	24%	10%	21%
<i><b>Victim impact statements</b></i>				
Crown Attorneys	37%	28%	35%	60%
Police	35%	34%	50%	15%
Victim services	82%	67%	46%	72%
<i><b>Restitution</b></i>				
Crown Attorneys	42%	36%	63%	66%
Police	21%	32%	29%	13%
Victim services	62%	48%	28%	51%
<i><b>The ultimate outcome of the case</b></i>				
Crown Attorneys	70%	62%	68%	81%
Police	25%	29%	42%	11%
Victim services	51%	37%	18%	45%
<i><b>The criminal justice process</b></i>				
Crown Attorneys	55%	44%	69%	68%
Police	30%	20%	33%	21%
Victim services	73%	66%	38%	60%

<b>TABLE 6: (CONTINUED)</b>				
<b>WHO SHOULD PROVIDE THE FOLLOWING INFORMATION TO VICTIMS?</b>				
	Victim services (N=318)	Crown Attorneys (N=188)	Police (N=686)	Advocacy Groups (N=47)
<i>Alternative processes</i>				
Crown Attorneys	55%	37%	65%	62%
Police	26%	30%	35%	23%
Victim services	55%	49%	32%	55%
<i>Rights of accused</i>				
Crown Attorneys	59%	51%	49%	60%
Police	47%	19%	53%	40%
Victim services	46%	41%	25%	43%
<i>Victim services</i>				
Crown Attorneys	40%	26%	19%	57%
Police	64%	43%	68%	53%
Victim services	75%	73%	61%	75%
<i>Other community support services</i>				
Crown Attorneys	31%	17%	16%	36%
Police	45%	28%	48%	49%
Victim services	87%	84%	74%	79%
Note: For each item in Table 6, respondents could provide more than one response; totals sum to more than 100%. Respondents who answered "other" or "don't know", or gave no response are not represented in this table.				

## Obstacles to Information Provision and Possible Improvements

In interviews, victim services providers, Crown Attorneys, and police explained that there are several obstacles to providing information to victims of crime. Insufficient time and limited resources are perhaps the most significant. All three groups agreed that the sheer volume of cases in the system makes it impossible for criminal justice professionals to provide all victims of crime with all of the information that they may want or require. From the perspective of victim services providers, this difficulty is exacerbated by a lack of coordination and collaboration between victim services, police, and the Crown Attorneys. In a related vein, both police and victim services providers pointed to their own limited access to Crown Attorneys, court, and (in the case of victim services) police information systems, and observed that privacy legislation and policies limit the extent to which the various agencies involved can share information. Other difficulties in providing information include victim transience or reluctance to be contacted, and the possibility that disclosure of certain information may jeopardize the trial.

Among the more frequently mentioned measures to improve the information given to victims were more widespread establishment of court-based or police-based victim assistance programs; better provision of information by police and by the Crown Attorney and/or more police and Crown Attorney resources; a more active role for the court in providing information; creation of stronger links among all agencies involved in order to establish clear guidelines and direction on who should provide what information; and increased information-sharing among agencies. Other suggestions included education and training so that all criminal justice professionals gain a better understanding of the role of victim services organizations; more print materials; and implementation of a standardized checklist or protocol for reference by police, the Crown Attorney, and victim services, to ensure that all professionals dealing with victims are providing information in a consistent manner. There were also suggestions for implementation of a centralized, computerized repository of information accessible to all agencies and for improved public education about various aspects of the criminal justice process.



## 4. Information-Sharing and Collaboration

The victim services survey and interviews used open-ended questions to examine the extent to which information-sharing and collaboration occur between victim services, on one hand, and among other victim services and community organizations on the other. While there is evidence of some collaboration among agencies serving victims, there is also support for establishing stronger links among them in order to improve services for victims.

### Victim Services and Community Organizations

Victim services providers were asked to describe their relationship with other victim services and community organizations. The results are in Table 7 below. Although 29% of those surveyed simply said that they have a strong working relationship with these other agencies, many gave specific details about the nature of that relationship. Referrals are evidently the most important aspect of the relationship; 38% reported referring victims to other community resources and receiving referrals from them. Additionally, 21% reported that they share information with other organizations through various committees, consultations, and meetings.

In interviews, victim services providers explained the nature of this information-sharing further, reporting that they meet with other community agencies on a regular basis to discuss a variety of issues, to coordinate activities, and to inform one another of the range of services available to victims, and a few reported sharing information on specific cases, although only with the consent of the victim. Small proportions of victim services providers reported the existence of working protocols with court-based or police-based victim services, inter-agency training and information sessions, and participation in community coalitions. Five percent reported no contact with other victim services or community organizations.

<b>TABLE 7: COLLABORATION OF VICTIM SERVICES WITH OTHER VICTIM SERVICES AND COMMUNITY ORGANIZATIONS, AS REPORTED BY VICTIM SERVICES</b>	
<i>Nature of collaboration</i>	Victim Services (N=318)
Referrals	38%
Strong working relationship – nature unspecified	29%
Share information	21%
Working protocols with court-based or police-based victim services	6%
Training or information sessions	4%
Part of coalition of agencies	3%
Limited collaboration or contact	5%
Do not work together or share information	5%
Other	7%
Don't know or No response	14%
Note: Respondents could provide more than one response; total sums to more than 100%.	

## Relationship between Police and Victim Services: Perceptions of Police Respondents

Police were asked to describe the nature of their relationship with victim services. As shown in Table 8, just under one-fifth of those surveyed reported that victim services has access to police reports and files, while a similar proportion simply explained that police share information with victim services. While 15% reported sharing office space, 12% said that police and victim services do not work together or share information at all.

<b>TABLE 8: COLLABORATION OF POLICE WITH VICTIM SERVICES, AS REPORTED BY POLICE</b>	
<i>Nature of collaboration</i>	Police (N=686)
Victim services have access to police reports or files	18%
Share information	17%
Victim services is part of police service or share office	15%
Victim services updates police after contact with victim	10%
Open communication or close collaboration	7%
Poor communication or limited collaboration	5%
Victim services attends complaints or occurrences	4%
Other	9%
Do not work together or share information	12%
No response	10%
Note: Respondents could provide more than one response; total sums to more than 100%.	

In a separate question, police were asked specifically whether their division or department has a policy for allowing victim services to access victim files. Forty percent of those surveyed reported that such a policy is in place, although close to half did not know whether their organization had such a policy. Of police who reported the existence of a policy allowing victim services to access their files, more than one-quarter said that this access is unlimited. However, it was more common for police to report some limitations. For example, 17% of police who said that an information-sharing policy exists reported that victim services has access only to certain files; 13% said access is possible only with the victim's consent; and 11% said that federal legislation limits the extent to which they share information with victim services.<sup>2</sup>

Police were also asked about the referrals they make to victim services. More than three-quarters of police surveyed said they generally refer victims to police-based victim services and more than two-thirds generally refer victims to specialized victim services for domestic violence. Over 60% refer victims to specialized services for sexual assault and specialized services for children, and one one-third refer victims to court-based victim services.

<sup>2</sup> Note: Federal privacy legislation is applicable only to RCMP, not to other police forces.



## 5. Bail Determinations

The 1999 amendments to the *Criminal Code* include several provisions to protect the safety of victims of crime in bail determinations. The provisions direct police officers, judges, and justices of the peace to consider the safety and security of the victim in decisions to release the accused pending the first court appearance; require judges to consider no-contact conditions and any other conditions necessary to ensure the safety and security of the victim; and ensure that the particular concerns of the victim are considered and highlighted in decisions on the imposition of special bail conditions. This section discusses the extent to which victim services providers and advocacy groups believe that victim safety is considered at bail.

### Consideration of Victim Safety at Bail: Obstacles

Despite the results from the surveys and interviews with criminal justice professionals, which suggest that these professionals are concerned about protection of the victim at bail, about 30% of victim services providers and one-quarter of advocacy groups surveyed believe that the victim’s safety is generally considered in decisions about bail and conditions of release. Although several victim services providers acknowledged in interviews that there has been substantial evolution in this regard and that police and Crown Attorneys are very sensitive to safety issues, the larger group of those surveyed identified numerous obstacles to the consideration of victim safety, as shown in Table 9.

<b>TABLE 9: WHAT ARE THE OBSTACLES TO THE CONSIDERATION OF VICTIM SAFETY AT BAIL? BASE: RESPONDENTS WHO BELIEVE THAT VICTIM SAFETY IS NOT GENERALLY CONSIDERED AT BAIL DETERMINATIONS.</b>		
<i>Obstacles</i>	Victim Services (n=163)	Advocacy Groups (n=31)
Victim’s concerns not taken seriously by Crown Attorneys or court	24%	--
Rights of accused take precedence over victim’s rights	16%	13%
Lack of knowledge or understanding of domestic violence and abuse	15%	23%
Inadequate assessment of risk by court	12%	19%
Breaches of conditions not taken seriously	13%	--
Failure to notify victims about release or conditions on release	9%	--
Victim not adequately consulted or unwilling to participate	8%	16%
Victim has inadequate resources (financial, shelter)	3%	--
Other	12%	16%
No response	14%	19%
Note: Respondents could provide more than one response; totals sum to more than 100%. This question was open-ended.		

Although about one-quarter of victim services providers surveyed simply observed that the Crown Attorney and the court do not take the victim’s concerns seriously, others identified more specific impediments to the consideration of victim safety. For example, 16% observed that the rights of the accused take precedence over victims’ safety concerns at bail determinations. In interviews, they expanded on this idea, explaining that in their view, the presumption of

innocence discourages judges from locking up accused persons. A few victim services providers also said in interviews that overcrowding in jails and a lack of resources for keeping people in jail leads judges to release the accused rather than remanding them into custody.

Another frequently mentioned obstacle is an ongoing lack of understanding of domestic violence and the dynamics of partner abuse on the part of the Crown Attorneys and the judiciary (this obstacle was mentioned by 15% of victim services providers). In interviews, several victim services providers said that domestic violence and spousal abuse continue to be perceived as less serious offences. This problem is exacerbated by the fact that in these cases, the victim is often reluctant to come forward with safety concerns due to intimidation from the accused or the family of the accused. Consequently, the court underestimates the actual risk to the victim that could result from the release of the accused. Furthermore, 12% of victim services providers surveyed consider the inadequate assessment of risk to be a more general problem affecting other types of cases.

Finally, a small proportion of victim services providers surveyed (9%) commented on the conditions imposed on the accused and their enforcement. They argued that in many cases, bail conditions are not respected and there are no repercussions for the accused. According to these victim services providers, there is little or no police protection against breaches of conditions. Please see Table 9 above for other perceived obstacles.

### **Victim Notification of Bail Decisions**

Victim services providers who participated in interviews were asked to comment on difficulties in notifying victims of bail decisions. Common issues include identifying and contacting victims in time for bail hearings, which take place very shortly after the arrest of the accused, and reaching victims who are transient (i.e., those who move frequently and whose addresses and phone numbers change). Other issues include lack of consistency and persistence on the part of the police and the Crown Attorneys in locating victims and informing them about bail decisions, and difficulties that they, as victim services providers, experience in obtaining information about bail from Crown Attorneys and police. According to a few victim services providers, other difficulties include a lack of human and financial resources, and federal privacy legislation that restricts the information that can be shared with victim services.<sup>3</sup>

Victim services providers who believe that there are no difficulties in notifying victims of bail decisions indicated that there is a protocol in place in their communities regarding victim notification of bail decisions, or explained that they always ensure that victims receive information on bail decisions and conditions.

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<sup>3</sup> As discussed in a previous footnote, federal privacy legislation is applicable only to the RCMP, not to other police forces.



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## 6. Provisions to Facilitate Testimony

Recognizing that testifying in court can be especially traumatizing for young victims, those with disabilities, or victims of sexual or violent offences, the 1999 amendments to the *Criminal Code* included several provisions to facilitate testimony on the part of such witnesses. Publication bans on the identity of sexual assault victims have been clarified to protect their identity as victims of sexual assault offences as well as other offences committed against them by the accused. The new provisions also permit judges to impose publication bans on the identity of a wider range of witnesses, where the witness has established a need and where the judge considers it necessary for the proper administration of justice. Other amendments restrict cross-examination by a self-represented accused of child victims of sexual or violent crime and permit victims or witnesses with a mental or physical disability to have a support person present while testifying. The following sections describe the use of these provisions and other testimonial aids such as screens, closed-circuit television, and videotape and the perceptions of victim services providers and advocacy groups on how they are being implemented.

### Publication Bans

The 1999 amendments clarified that publication bans on the identity of sexual assault victims protect their identity as victims of other offences committed against them by the accused. For example, if the victim is robbed and sexually assaulted, her identity as a victim of robbery could not be disclosed. In addition, the amendments provided for a discretionary publication ban for any victim or witness where necessary for the proper administration of justice.

Victim services providers and victim advocacy organizations, for their part, had little to say on the subject of publication bans. Very small proportions of those surveyed (11% and 15%, respectively) said that there are obstacles to their use, including the principle of an open court, Crown Attorney reluctance to make the requests, and judicial reluctance to grant them. In interviews, several victim services providers stated that victims are generally not informed of publication bans or else they are not informed sufficiently in advance to make a request, and a few suggested that publication bans do not adequately protect victims. According to the latter group, publication bans are usually applied to the name of the victim, although many other details of the crime continue to be published and can easily lead to identifying the victim. It was also suggested that more frequent use of publication bans may encourage some victims, particularly victims of spousal abuse, to come forward and report offences.

### Exclusion of the Public

Just less than one-quarter of victim services providers and victim advocacy organizations surveyed said that there are obstacles to excluding the public from a trial. Close to half of victim services providers who perceive obstacles simply explained that judges are very hesitant about granting these requests. In addition, both victim services providers and advocacy groups cited the principle of an open court as an obstacle (25% and 55%, respectively, of those who perceive obstacles). In interviews, several victim services providers suggested that exclusion of the public from trial should occur more often because family members of the accused are often present to intimidate the victim while testifying.



## **7. Screens, Closed-Circuit Television, and Videotaped Testimony**

There are three testimonial aids designed to assist young witnesses or those with a mental or physical disability, namely the use of screens, closed circuit television, or videotape.

### **Screens**

Although many of the victim services providers and victim advocacy organizations surveyed did not know whether there are any obstacles to the use of screens, approximately 20% of victim services providers and 10% of advocacy groups believe that such obstacles exist. Among this minority of respondents who perceive obstacles, the most frequently mentioned was judicial reluctance to grant the use of screens.

In interviews, several victim services providers expressed the opinion that Crown Attorneys are reluctant to request the use of screens and to inform eligible victims that this option is available. Logistical obstacles to the use of screens, including a lack of necessary equipment at small sites, were also identified. Victim services providers also observed that screens are impractical and cumbersome, and often in poor condition. Furthermore, if courtroom lighting is inadequate, witnesses can see the accused through one-way screens.

### **Closed-Circuit Televisions**

About one-fifth of victim services providers and one-sixth of victim advocacy groups surveyed believe that there are obstacles to the use of closed-circuit television, although as was also the case with screens, significant proportions did not know whether any obstacles exist. Victim services providers cited Crown Attorney reluctance to request its use, the fact that it is not often used, and that it is difficult to obtain as obstacles. Victim services providers also identified judicial reluctance to grant the use of closed-circuit television and defence counsel objections, due to cross-examination difficulties, as obstacles.

### **Videotaped Testimony**

Few victim services providers and victim advocacy organizations commented on the subject of obstacles to the use of videotaped testimony; as with the other testimonial aids, large proportions of those surveyed did not know whether any obstacles exist. From their perspective, obstacles include judicial reluctance to grant the use of this aid, the need for victims to adopt their testimony on the stand, the fact that this aid is not often used, Crown Attorney reluctance to request its use, and defence counsel objections.



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## Overall Perceptions

Most victim services providers and advocacy organizations did not comment extensively on survey questions pertaining to testimonial aids. Nevertheless, it is apparent from those who did offer a response that they believe that victims are not sufficiently aware and informed of these protections, and that they should be used more often and afforded to more victims. It was suggested that the burden should not be on the victim to prove the necessity of these protections, but rather, the criminal justice system should be more accommodating in making witnesses comfortable during their testimony. Several victim services providers were of the view that the aids should be automatic for eligible witnesses.

## 8. Support Persons

The 1999 amendments to the *Criminal Code* permit victims or witnesses with a mental or physical disability to have a support person present while testifying. Of the various provisions to facilitate testimony, the use of support persons to accompany a young witness or witnesses with a physical or mental disability appears to be the least controversial and the most widely used.

Very few of the victim services providers and victim advocacy organizations surveyed believe that there are obstacles to the use of support persons. Victim services providers and advocacy organizations mentioned judicial reluctance to grant the use of a support person, defence counsel objections, and difficulties finding a suitable person to act in this capacity.

## 9. Section 486 (2.3)

The 1999 amendments to the *Criminal Code* include the provisions in section 486 (2.3), which restrict cross-examination by a self-represented accused of child victims of sexual or violent crime. This section reports on the extent to which victim services providers and victim advocacy groups support expanding the section to other types of witnesses or other types of offences.

### Expansion of Section 486 (2.3)

As Table 10 shows, support for expanding section 486 (2.3) was highest among victim advocacy groups and victim services providers. About three-quarters of respondents in those categories, compared to half of Crown Attorneys and one-quarter of defence counsel, favour expansion of section 486 (2.3) to other offences and/or other victims or witnesses.

<b>TABLE 10: SHOULD S. 486 (2.3) OF THE CRIMINAL CODE BE EXPANDED TO OTHER VICTIMS OR WITNESSES OR OTHER OFFENCES? (NOTE: S. 486 [2.3] PLACES RESTRICTIONS ON CROSS-EXAMINATION BY A SELF-REPRESENTED ACCUSED OF CHILD VICTIMS OF SEXUAL OR VIOLENT CRIME.)</b>				
	<b>Victim Services (N=318)</b>	<b>Crown Attorneys (N=188)</b>	<b>Defence Counsel (N=185)</b>	<b>Advocacy Groups (N=47)</b>
Yes	73%	52%	27%	77%
No	14%	15%	70%	19%
Don't know	--	25%	--	--
No response	13%	9%	3%	4%
Note: Totals may not sum to 100% due to rounding.				

Table 11 shows respondents' opinions on how section 486 (2.3) should be expanded. Across all respondent groups, support was most widespread for expanding the section to adult witnesses in the category of offences to which it currently applies. There was also considerable support for expanding the section to domestic violence cases in particular, to all crimes of violence, and to any case where the witness is vulnerable or intimidated by the accused or where there is a power imbalance between victim and accused. In interviews, some victim services providers argued simply that the protection should be available any time the proper administration of justice requires it and that this determination should be left to judicial discretion.

<b>TABLE 11: HOW SHOULD S. 486 (2.3) BE EXPANDED? BASE: RESPONDENTS WHO BELIEVE S. 486 (2.3) SHOULD BE EXPANDED.</b>				
	<b>Victim Services (n=233)</b>	<b>Crown Attorneys (n=97)</b>	<b>Defence Counsel (n=49)</b>	<b>Advocacy Groups (n=36)</b>
Expand to adults	28%	40%	45%	31%
Domestic violence	21%	33%	10%	17%
All crimes of violence	19%	33%	10%	28%
Vulnerable or intimidated witnesses	12%	23%	22%	17%
Criminal harassment	6%	14%	8%	--
All child witnesses regardless of offence	8%	11%	--	--
Whenever accused is self-represented	25%	9%	--	19%
Certain property crimes	2%	5%	--	--
Other	6%	10%	6%	17%
No response	11%	7%	12%	8%
Note: Respondents could provide more than one response; totals sum to more than 100%.				

## 10. Preparation for Court

Victim services providers who participated in interviews were asked to describe victims' experiences of testifying. They reported that the experience varies greatly and depends on several factors such as the type of offence, the individual victim, and the approach taken by Crown Attorneys and defence counsel. Overall, respondents said that testifying in court is a difficult, anxiety-producing, and often terrifying experience for victims. Cross-examination is particularly difficult, especially for child and other vulnerable witnesses; according to victim services providers, some victims feel as though they are the ones on trial. Furthermore, simply seeing the



accused again can be extremely stressful for some victims, and many victims are reluctant to discuss their personal experiences in public for fear of being judged. A few victim services providers said that victims do not generally feel supported by the Crown Attorneys and police, which makes their experience testifying all the more difficult.

Nevertheless, several victim services providers said that while giving testimony in court is certainly an unpleasant experience for victims, overcoming the challenge of testifying can be empowering and can help victims to feel more secure. For some witnesses, recounting their story is a therapeutic exercise and makes them feel as though they have contributed to the system.

Adequate preparation prior to testifying is regarded as essential by victim services providers, since it helps to minimize victims' fears by demystifying the criminal justice system. Almost three-quarters of victim services providers surveyed reported that their organization helps victims prepare to testify in court. Some victim services providers at large sites reported providing group sessions on court preparation.

From the interviews, it was evident that the most common types of assistance included giving courtroom tours or showing victims drawings of the courtroom set-up, explaining the roles of the various actors in the system (judge, Crown Attorney, defence counsel, clerk), and explaining the court process and rules. Other types of assistance include provision of informational videos and written materials, role-playing, and use of age-appropriate materials such as games, books, and videos to prepare child witnesses. A few respondents indicated that they give victims guidelines on appropriate courtroom behaviour and tips to facilitate their time on the witness stand and make them feel more at ease. Although they acknowledged that it is not always possible, a few reported that they also attempt to introduce witnesses to Crown Attorneys beforehand; this helps make witnesses feel more comfortable.

Finally, a few victim services providers specifically noted that they do not discuss any facts or evidence related to the case, since some criminal justice professionals may perceive this as a form of coaching. In any case, they believe that the focus of court preparation should be on providing victims with information about the court system and helping witnesses prepare emotionally for testifying.

In interviews, victim services providers offered various suggestions for additional ways to help victims with testifying. One common suggestion was meetings with Crown Attorneys prior to testifying and follow-up or debriefing sessions with Crown Attorneys after testimony is completed. A few suggested that it would be helpful if just one Crown Attorney followed the whole case through; this would establish a rapport between the victim and the Crown Attorney and would contribute to making the victim feel more at ease while testifying. A few suggested modifying the courthouse and courtroom environment to further facilitate victims' participation in the court process. Separate waiting rooms for victims and witnesses, separate entrances to the courtroom, child-friendly courtrooms, and seating the accused out of view of the witness were among the ideas proposed.

A few victim services providers advocated increased use of testimonial aids. They believe that these protections are not used frequently enough, particularly in cases of domestic violence and cases involving children. Finally, a few victim services providers indicated that providing

increased financial support to victims and witnesses who are required to testify would greatly facilitate their participation in the criminal justice system. According to these respondents, many victims absorb with great difficulty the costs associated with transportation, childcare, and unpaid work days.

## **11. Victim Impact Statements**

Victim impact statements (VIS) are written statements in which victims can describe the effect of the crime on them and any harm or loss suffered as a result of the crime. The 1999 amendments to the *Criminal Code* allow victims to read their statements aloud during sentencing, require the judge to ask before sentencing whether the victim has been informed of the opportunity to complete a VIS, and permit the judge to adjourn the sentencing to give the victim time to prepare the statement.

Victims of crime can submit victim impact statements at sentencing and at parole. At parole, the victim can rely on the victim impact statement from sentencing and/or provide another statement to the parole board. These two victim impact statements (sentencing and parole hearings) have very different processes and purposes. The following discussion considers victim impact statements at sentencing and at parole separately.

### **Victim Impact Statements at Sentencing: Providing Information on Impact Statements**

Related to the issue of whether victims submit victim impact statements is the provision of information to victims about the statements. If awareness is low, submission rates will be correspondingly low.

Victim services providers were asked if they thought that most victims were made aware of victim impact statements and, if not, what might be done to inform victims of their opportunity to give a statement. While about half (53%) of victim services providers surveyed believe that most victims are made aware of victim impact statements, one-fifth do not. The remaining respondents did not respond (26%).

Victim services providers made several suggestions for how to better inform victims. Most often they believe that victim services should take the primary role in providing information to victims (n=20). Suggestions included: mailing an information package or a fact sheet along with the victim impact statement to all victims (n=16); having all agencies and criminal justice professionals provide information at various stages of the process (n=12); and simply providing more communication and better follow-up with victims (n=13).

In interviews, several victim services providers stressed the importance of using a variety of methods for informing victims (e.g., personal letter, brochure, telephone call, in-person visit) and providing follow-up that includes explanations, assistance, and support. A few victim services providers believe that verbal communication facilitates understanding and is therefore the most effective means of informing victims.



When asked what would be the best time to inform victims about victim impact statements, victim services providers who were surveyed suggested many different points during the process, including as soon as possible after the offence (52%), after someone is arrested and charged (46%), and just before the trial is scheduled (26%). However, among victim services providers interviewed, depending on the nature of the offence, there was general agreement that victims may be too traumatized to absorb information if it is provided too soon after the crime. For this reason, they said that while the information should be provided as soon as possible, several reminders should be given throughout the victims' involvement with the criminal justice system.

Table 12 provides respondents' opinions on the best time to inform victims about victim impact statements for use at sentencing.

<b>TABLE 12: BEST TIMES TO INFORM VICTIMS ABOUT VICTIM IMPACT STATEMENTS FOR USE AT SENTENCING</b>	
	<b>Victim services (N=318)</b>
As soon as possible after the crime	52%
After someone is arrested and charged	46%
Just before the trial is scheduled	26%
Reminders throughout the process	6%
After a finding of guilt	6%
When victim is ready	6%
Other	4%
Don't know	2%
No response	2%
Note: Respondents could provide more than one response; total sums to more than 100%.	

### **Victim Impact Statements at Sentencing: Assistance in Preparation**

Victim services providers were asked if they assist victims with victim impact statements and, if so, what types of assistance they provide. Over 90% of those surveyed said that they explain the kinds of information that can be included in victim impact statements and give general instructions on how to complete them. Over half of the victim services providers said that they assist in preparation of statements by helping victims formulate their thoughts. Around two-thirds help victims complete the statement by taking notes as the victim speaks about the crime or by reviewing the statement completed by the victim. In interviews, several victim services providers further explained that assisting victims with their statements is often done to address literacy or other special needs.

Several victim services providers who were interviewed reiterated that they give advice on what to include in the statement and also explain to victims how the impact of crime may be manifested. A few mentioned that victims often do not recognize the effects of the trauma they have experienced. Several victim services providers explained that although they assist victims with expressing their feelings, they try to keep the victim impact statement in the victim's own words. A few, however, indicated that they do not provide any suggestions of what to include, nor do they help victims formulate their thoughts; they will only write down word-for-word what the victim says so as to prevent influencing the statement. Table 13 presents the types of assistance victim services providers offer for victim impact statements.

<b>TABLE 13: WHAT TYPES OF ASSISTANCE DO YOU PROVIDE FOR VICTIM IMPACT STATEMENTS AT SENTENCING? BASE: RESPONDENTS WHO ASSIST VICTIMS WITH VICTIM IMPACT STATEMENTS.</b>	
	<b>Victim services (n=184)</b>
Explaining kinds of information that can be included in statements	92%
Explaining instructions on how to complete victim impact statements	91%
Providing forms for victim impact statements	82%
Informing victims where to send completed statements	80%
Informing where forms can be obtained	76%
Helping complete the statement (write down what victim says)	65%
Reviewing completed statements	63%
Helping draft statement (assist victim with formulating his or her thoughts)	56%
Collecting completed statements	51%
Submitting completed statements to Crown Attorneys	50%
Other	11%
Note: Respondents could provide more than one response; total sums to more than 100%. Respondents who gave no response are not included in this table.	

### **Victim Impact Statements at Sentencing: Method of Submission**

Many victim services providers surveyed are not directly involved in the submission of victim impact statements and could not respond to the survey question about the most common method of submission. However, 194 were able to respond and were generally in agreement with the other professions that answered.

Of the 666 respondents with sufficient experience to respond, close to 80% or more of Crown Attorneys, defence counsel, judges, and victim services providers agreed that victim impact statements are usually submitted in writing only. About one-fifth of survey respondents reported that Crown Attorneys read the statement. More victim services providers perceive that victims most commonly read their statement in court than do Crown Attorneys, judges, and defence counsel (18% compared to 5%, 7%, and 2%, respectively). Table 14 provides the survey results of those respondents who were able to answer this question.

<b>TABLE 14: WHAT ARE THE MOST COMMON METHODS OF SUBMITTING A VICTIM IMPACT STATEMENT AT SENTENCING? BASE: RESPONDENTS WHO PROVIDED A RESPONSE (DON'T KNOW AND NO RESPONSE EXCLUDED).</b>				
	<b>Victim Services (n=194)</b>	<b>Crown Attorneys (n=184)</b>	<b>Defence Counsel (n=180)</b>	<b>Judiciary (n=108)</b>
Written statement only	82%	90%	79%	87%
Victim reads statement	18%	5%	2%	7%
Crown Attorney reads statement	16%	21%	18%	16%
Other	2%	3%	4%	--
Note: Respondents could provide more than one response; totals sum to more than 100%.				



According to those interviewed, it is more common for the Crown Attorney or the judge to reference the victim impact statement than for the statement to be read in court. With only one exception, all Crown Attorneys said that victims rarely express a desire to read their statements in court; the victim reading his or her statement is apparently more common in very serious cases involving violence against the person. However, while few victims choose to read their statements, victim services providers commented that many of these victims believe that this is the only way for them to be heard.

### Victim Impact Statements at Sentencing: Timing of Submission

While they were not asked directly about this issue in their interviews, several victim services providers also commented on a problem encountered by victims if they wait too long before submitting a victim impact statement. According to these interviewees, there are times when the conviction and sentencing happen too quickly for victims to submit a victim impact statement to the court. However, several Crown Attorneys noted in interviews that there is no point in receiving the statement early because it may not be necessary (e.g., in the event that there is a stay or an acquittal). A few Crown Attorneys made the point that submitting the statement after a finding of guilt helps to ensure that it will be relevant and up to date at the time of sentencing and will not need to be revised. In addition, taking more time allows for a more complete statement.

### Obstacles to Use of Victim Impact Statements

As reported in Table 15 below, one-third (30%) of victim services providers believe that there are obstacles to the use of victim impact statements. Over a third of victim services providers could not provide an answer.

<b>TABLE 15: ARE THERE OBSTACLES OR PROBLEMS WITH THE USE OF VICTIM IMPACT STATEMENTS?</b>				
	Victim Services (N=318)	Crown Attorneys (N=188)	Defence Counsel (N=185)	Police (N=686)
Yes	30%	48%	80%	19%
No	22%	43%	14%	45%
Don't know	43%	6%	6%	36%
No response	5%	3%	1%	1%

Note: Respondents could provide more than one response; totals sum to more than 100%.

As seen in Table 16, below, to victim services providers, the biggest obstacles to victim impact statements are difficulties with preparing the statement (32%) and literacy or language barriers (30%). In interviews, victim services providers commented on the lack of guidance and information on victim impact statements to both victims and criminal justice professionals as an important obstacle. This lack of guidance includes the applicable *Criminal Code* provisions, which victim services providers believe do not clearly describe and, in fact, overly restrict the information victims can include in their victim impact statements. For example, in cases where the charges are reduced or in cases of domestic violence, victims find it challenging not to speak of incidents beyond the offence for which the accused is being sentenced.



With respect to literacy issues, victim services providers indicated in interviews that many victims have difficulties reading and writing, and these problems are not easily detected because many victims are too embarrassed to mention problems with literacy. A few suggested that victim services providers be more proactive in giving victims options that could address any literacy issues, such as videotaped impact statements.

Other obstacles to the use of victim impact statements mentioned by respondents to the victim services survey included: the lack of awareness of victim impact statements (17%); time constraints such that victims do not always have enough time to complete the statement (this occurs most often in cases where a plea is quickly agreed to) (16%); Crown Attorney or judicial reluctance to consider victim impact statements (10%); the perception of victims that the statements are not considered (8%); and victim fear or reluctance (5%).

<b>TABLE 16: OBSTACLES OR PROBLEMS WITH VICTIM IMPACT STATEMENTS BASE: RESPONDENTS WHO BELIEVE THERE ARE OBSTACLES OR PROBLEMS WITH VICTIM IMPACT STATEMENTS</b>				
	Victim Services (n=105)	Crown Attorneys (n=90)	Defence Counsel (n=147)	Police (n=128)
Inappropriate or irrelevant material	--	43%	31%	--
Contain inflammatory or prejudicial claims	--	--	18%	--
Inject emotion into the process	--	--	13%	--
Difficulties preparing statement or insufficient assistance	32%	--	--	--
Lack of awareness or information	17%	--	--	2%
Defence counsel objections or cross-examination	16%	18%	--	21%
Difficult to challenge	--	--	10%	--
Contradict previous statement	--	--	8%	--
Delays in court proceedings	--	11%	3%	--
Literacy or language barriers	30%	10%	--	16%
Victim disinterest or fear or reluctance on part of victim	5%	6%	--	13%
Time constraints	16%	7%	--	21%
Detracts from sentencing guidelines	--	--	14%	--
Victims are coached	--	--	5%	--
Are given too much weight in sentencing	--	--	3%	--
Perception that is not considered	8%	--	--	12%
Crown Attorney or judicial reluctance	10%	--	--	8%
Lack of awareness by criminal justice professionals	--	--	--	4%
Other	12%	13%	13%	6%
No response	--	4%	5%	9%

### **Victim Impact Statements at Sentencing: Benefits**

In interviews, victim services providers were asked to comment on the benefits of victim impact statements. The most cited benefit was that victim impact statements allow victims to express themselves. Through the statement, they can make both the judge and offender aware of the crime's effect on them. Several victim services providers mentioned the importance of the victim having the opportunity to address the judge because the victim impact statement renders victims'



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experiences more real for judges. Several victim services providers also stated that victims feel acknowledged and considered after having submitted the victim impact statement.

Another benefit to submitting a victim impact statement cited by several of the victim services providers interviewed is that it provides victims with a sense of closure; it is therapeutic for victims to write down their feelings and thoughts on the crime and its impacts. A few believe that submitting the victim impact statement allows victims to regain power and control. In addition, they indicated that submitting a victim impact statement makes many victims feel as though they contributed and provided input into the criminal justice system.

Several victim services providers believe that reading the victim impact statement in court has unique benefits for victims. Most commonly, respondents indicated that this method of submission has a greater impact on the court and the offender. Reading the victim impact statement makes it more powerful by publicly acknowledging the victimization. A few victim services providers believe that when a victim reads his or her statement, he or she is further empowered and gains increased control.

The decision to read a victim impact statement in court is very personal; respondents said that many victims are incapable of reading their statement because the court process intimidates them. For other victims, having their emotions exposed publicly leads to feelings of increased vulnerability. A few victim services providers expressed the concern that victims who are able to read their statements receive more attention and are given more of a voice in the system than those who do not desire to read them.

Finally, a few victim services providers believe that most children have not recovered enough to prepare a victim impact statement. According to these providers, many children feel that their privacy is violated because the contents of their statement are available to the accused, the defence counsel, and the public.

## **Victim Impact Statements at Parole**

### ***Victim Impact Statements at Parole Frequency of Submission***

Very few of the victim services providers or advocacy groups surveyed could comment on the frequency of victim impact statement submission at parole hearings; 76% of victim services providers and 57% of advocacy groups surveyed did not provide an answer. Opinion was split among those who did respond, particularly among victim services providers who were evenly divided among those who believe that impact statements are usually submitted only in serious cases (8%), in most cases (9%), or not at all (8%). Most advocacy group respondents (26%) believe that victims submit statements only in serious cases; 15% said that victims usually do not submit statements; and 2% said that they do in most cases.

### *Assistance with Victim Impact Statements at Parole*

One way to assist victims with impact statements is to ensure that they know of their opportunity to submit one. Most victim services providers did not know whether victims are made aware of victim impact statements at the parole stage (57%). Of those who could provide an answer, two-thirds (63%) believe that victims are not aware.

As shown in Table 17, the most common forms of assistance that victim services providers reported on include explaining the kinds of information that can be included in the statement, informing victims where forms can be obtained, and helping draft statements.

<b>TABLE 17: WHAT TYPES OF ASSISTANCE DO YOU PROVIDE FOR VICTIM IMPACT STATEMENTS AT PAROLE? BASE: RESPONDENTS WHO ASSIST VICTIMS WITH VICTIM IMPACT STATEMENTS.</b>	
	Victim services (n=185)
Explaining kinds of information that can be included in statements	12%
Informing where forms can be obtained	12%
Helping draft statement (assist victim with formulating his or her thoughts)	12%
Explaining instructions on how to complete victim impact statements	11%
Informing victims where to send completed statements	11%
Helping complete the statement (write down what victim says)	11%
Reviewing completed statements	11%
Provide forms for victim impact statements	10%
Collecting completed statements	8%
Submitting completed statements	6%
Other	2%
Note: Respondents could provide more than one response; total sums to more than 100%. Respondents who gave no response are not included in this table.	

### *Method of Submission at Parole*

As with victim impact statements at sentencing, most victims provide a written statement at parole. Videotape or audiotape statements appear to be used more by provincial parole boards than by the NPB. Table 18 gives the complete results.

<b>TABLE 18: MOST COMMON METHODS OF SUBMITTING A VICTIM IMPACT STATEMENT AT PAROLE? BASE: RESPONDENTS WHO PROVIDED A RESPONSE (DON'T KNOW AND NO RESPONSE EXCLUDED).</b>			
	Victim services (n=67)	NPB (n=84)	Provincial parole board (N=22)
Written statement only	69%	87%	86%
Victim reads statement	25%	11%	5%
Videotape or audiotape	13%	1%	18%
Other	8%	--	18%
Note: Respondents could provide more than one response; totals sum to more than 100%.			



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## 12. Restitution

Restitution requires the offender to compensate the victim for any monetary loss or any quantifiable damage to, or loss, of property. The court can order restitution as a condition of probation, where probation is the appropriate sentence, or as an additional sentence (a stand-alone restitution order), which allows the victim to file the order in civil court and enforce it civilly if not paid. The following discussion of restitution considers the obstacles to requesting restitution from the perspective of victim services respondents and victim advocacy respondents.

### Obstacles to Requesting Restitution

Victim services providers surveyed were split on the issue of whether victims usually request restitution. One-fifth believes that eligible victims usually request restitution (20%), and one-third disagree (33%). The remaining respondents did not have enough direct experience to comment (47%). In interviews, victim services providers stated that it depended on the offence. Several victim services providers indicated that restitution was not applicable to certain cases such as domestic violence and was more often requested in cases involving property crimes.

About one-third (30%) of victim services providers and 40% of advocacy groups surveyed said that obstacles exist to the use of restitution. As shown in Table 19, the most common obstacle mentioned by these victim services providers and advocacy groups was the offender's inability to pay (34% and 32%, respectively). However, unlike Crown Attorneys or defence counsel, victim services providers mentioned lack of awareness and knowledge of restitution as an important obstacle (31%). In interviews, victim services providers noted that if victims do not request restitution, Crown Attorneys and judges do not take the initiative and raise the possibility of restitution.

In addition, 16% of victim services providers surveyed believe that the process is too complex and costly for the victim. Both victim services providers (14%) and advocacy groups (21%) noted that the onus of collecting the payment is on the victims, who must enter into civil proceedings to have the order enforced. One-tenth of victim services respondents indicated that the complexity of collecting payment from a restitution order results in many victims giving up or not even requesting restitution.

As well, about one-tenth of victim services providers surveyed believe that Crown Attorney or court reluctance creates an obstacle to the use of restitution. In interviews, a few indicated that Crown Attorneys do not recommend restitution in cases of sexual assault,<sup>4</sup> and indicated the need to educate criminal justice professionals on restitution and the financial consequences to victims of all types of crimes.

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<sup>4</sup> Restitution is only applicable for damages that are easily quantifiable by the criminal court.

Table 19 lists the obstacles to restitution described by respondents.

<b>TABLE 19: WHAT ARE THE OBSTACLES TO THE USE OF RESTITUTION? BASE: RESPONDENTS WHO BELIEVE THAT THERE ARE OBSTACLES TO THE USE OF RESTITUTION.</b>		
<i>Obstacles</i>	Victim Services (n=94)	Advocacy Groups (n=19)
Accused usually poor or unable to pay	34%	32%
Victims lack information about restitution or unaware of option	31%	--
Victim must pay the cost of enforcement	16%	--
No enforcement	14%	21%
Cumbersome application process	10%	--
Judicial or Crown Attorney reluctance to order or request	9%	--
Eligibility criteria too restrictive	7%	11%
Does not compensate victim adequately	--	21%
Other	11%	26%
Note: Respondents could provide more than one response; totals sum to more than 100%.		

In interviews, when asked how to address the obstacles to requesting restitution, several victim services providers offered suggestions. Most commonly, they suggested measures such as garnishing offenders' wages or removing certain privileges as a means of enforcement. Several others suggested that victims should receive support from the criminal courts for enforcing the orders, and a few believe that restitution should not be used as a stand-alone order but that it should be part of a probation order that allows the criminal court to maintain jurisdiction over its enforcement.

### 13. Victim Surcharge

The victim surcharge is a penalty of 15% where a fine is imposed or a fixed amount of \$50 or \$100 for summary or indictable offences, respectively, and can be increased by the judge. It is imposed on the offender at sentencing and used by provincial and territorial governments to fund services for victims of crime. The 1999 amendments to the *Criminal Code* made the surcharge automatic in all cases except where the offender has requested a waiver and demonstrated that paying the surcharge would cause undue hardship.

The following discussion considers the issue of waiving the surcharge — both the frequency of waiver and whether waivers generally occur without an application by the defence.

#### Frequency of Waiver

Victim services providers who were surveyed have a wide range of experience, but many could not answer the question on the victim surcharge. Those who did not respond are excluded from the results in order to give a more accurate depiction of whether victim services providers think that the surcharge is waived too often. Of those who provided an answer, approximately two-thirds of victim services providers reported that the victim surcharge is waived more often than it should be. Table 20 provides the results for those who could respond to this question.



**TABLE 20:**  
**IS THE VICTIM SURCHARGE WAIVED MORE OFTEN THAN IT SHOULD BE?**  
**BASE: RESPONDENTS WHO PROVIDED A RESPONSE (DON'T KNOW AND NO RESPONSE EXCLUDED)**

	Victim Services (n=82)	Crown Attorneys (n=161)	Defence Counsel (n=170)	Advocacy Groups (n=15)
Yes	66%	70%	11%	47%
No	34%	30%	89%	53%

Those interviewed (Crown Attorneys, victim services providers, and defence counsel) attributed the frequent waiver of the surcharge to judicial attitudes. Victim services providers believe that virtually any reason appears to constitute a sufficient ground to waive the surcharge, even though the surcharge amount is so small that only in extraordinary circumstances should the offender be considered unable to pay it. Several victim services providers said that judges often accept defence counsel requests to waive the surcharge without requiring evidence of the offender's financial situation. They believe that judges do not understand the importance and usefulness of the surcharge and that it is rarely imposed in certain kinds of cases, such as sexual assault and domestic violence.

## 14. Conditional Sentences

The *Criminal Code* permits judges to order that sentences of less than two years' imprisonment be served in the community instead of in jail. Conditional sentences may be imposed only when the court is convinced that the offender poses no threat to public safety. They are accompanied by restrictive conditions that govern the behaviour of the offender and strictly curtail his or her freedom. The following sections describe the perspectives of criminal justice professionals on the appropriateness and use of conditional sentences.

### Perceptions on Cases Appropriate for Conditional Sentences

Across all respondent categories, there is widespread agreement that conditional sentences are appropriate in non-violent offences. See Table 21 for the details.

<b>TABLE 21: IN WHAT CIRCUMSTANCES IS A CONDITIONAL SENTENCE APPROPRIATE?</b>				
	<b>Victim Services (N=318)</b>	<b>Crown Attorneys (N=188)</b>	<b>Defence Counsel (N=185)</b>	<b>Advocacy Groups (N=47)</b>
All offences	6%	4%	29%	--
Non-violent offences	65%	62%	44%	72%
Family violence offences	5%	16%	32%	17%
Offences against the person	6%	15%	34%	15%
Where offender is eligible	--	11%	12%	--
Depends on case or circumstances	3%	11%	13%	9%
Minor offences	4%	6%	--	6%
No prior record or good rehabilitation prospects	6%	6%	4%	--
All offences except most serious	--	--	11%	--
Less serious violent offences	--	--	2%	--
If victim is comfortable with sentence	3%	--	--	--
Never or rarely	2%	7%	--	6%
Other	3%	3%	3%	11%
No response	12%	3%	1%	9%
Note: Respondents could provide more than one response; totals sum to more than 100%.				

It was also suggested by several victim services providers that conditional sentences are appropriate where the risk of recidivism is zero and where there is good reason to believe that the offender is able and motivated to rehabilitate.

Several victim services providers stated in interviews that in order for a conditional sentence to be appropriate, the accused must take full responsibility for the offence, demonstrate remorse, and show that he or she can respect the conditions imposed. A few victim services providers believe that the decision to impose a conditional sentence should take into account the consequences of the crime on the victim, and emphasized that the victim should have input into the decision.

### **Consideration of Victim Safety in Conditional Sentences**

Just over one-quarter of victim services providers and victim advocacy organizations surveyed (29% and 26%, respectively) believe that the victim's safety is generally considered in the decision to impose a conditional sentence. Perceived obstacles to the consideration of victim safety in conditional sentences are shown in Table 22 below. Many of these obstacles are similar to those identified as prevailing at bail decisions, including inadequate consultation with victims, difficulties assessing risk, the protection of the rights of the accused, and lack of knowledge about domestic violence and the dynamics of abuse on the part of prosecutors and judges.



**TABLE 22:**  
**WHAT ARE THE OBSTACLES TO THE CONSIDERATION OF VICTIM SAFETY IN CONDITIONAL SENTENCES?**  
**BASE: RESPONDENTS WHO BELIEVE THAT VICTIMS' SAFETY IS NOT GENERALLY CONSIDERED IN CONDITIONAL SENTENCES.**

<i>Reason</i>	Victim Services (n=117)	Advocacy Groups (n=29)
Victim not adequately consulted	19%	7%
Difficulties assessing risk	16%	--
Rights of accused take precedence over victim's rights	13%	17%
Lack of knowledge about domestic violence and dynamics of abuse	12%	35%
Poor enforcement or conditions breached	8%	--
Proximity of accused and victim not considered	6%	--
Judge or Crown Attorney attitudes	4%	--
Other factors given more weight in sentencing	4%	3%
Other	7%	17%
No response	24%	31%

Note: Respondents could provide more than one response; totals sum to more than 100%.

In interviews, several victim services providers (as well as Crown Attorneys) remarked that there is a lack of resources for supervision and enforcement of conditional sentences and that, consequently, offenders are not being adequately punished for breaches. Concern was expressed that unless conditional sentences are accompanied by rigorously enforced restrictions on freedom, they do not serve as a deterrent but rather as positive reinforcement for criminal behaviour. Thus, although most victim services providers acknowledged that there is a place for conditional sentences, they think that they should be used with caution, and a few think that they should be eliminated altogether.

In interviews, several victim services providers also suggested that the conditions imposed on offenders serving a conditional sentence are generally too lenient and do not sufficiently restrict offenders' freedom; they believe that conditional sentences need to be accompanied by significant restrictions on the offender's liberty.

In general, victim services providers who were interviewed believe that conditional sentences should involve maximum confinement and supervision. A few victim services providers believe that conditional sentences are misunderstood by the public and by victims and thereby contribute to the erosion of public confidence in the criminal justice system. According to these respondents, too many offenders receive conditional sentences and, as a result, many victims feel as though the criminal justice system does not take them seriously.

## 15. Restorative Justice

In recent years, restorative justice approaches have become more widely used at all stages of criminal proceedings. Restorative justice considers the wrong done the person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused. In this way restorative approaches can restore peace and equilibrium within a community and can afford



victims of crime greater opportunities to participate actively in decision-making. However, concerns have been raised about victim participation and voluntary consent, and support to victims in a restorative process. This study included several exploratory questions to discover the extent to which criminal justice professionals have participated in restorative justice approaches and their views on the appropriateness and effectiveness of these approaches.

### Participation in Restorative Justice Approaches

Respondents reported having been involved in various restorative approaches (Table 23), including sentencing and healing circles, diversion, mediation, and community and youth justice forums.

**TABLE 23:**  
**HAVE YOU EVER PARTICIPATED IN A RESTORATIVE JUSTICE APPROACH?**

	Victim Services (N=318)	Crown Attorney (N=188)	Defence Counsel (N=185)	Judiciary (N=110)	Police (N=686)	Advocacy Groups (N=47)	Probation (N=206)
Yes	12%	43%	58%	26%	17%	36%	15%
No	80%	52%	34%	74%	80%	64%	84%
Don't know	5%	4%	5%	--	2%	--	1%
No response	3%	1%	3%	--	1%	--	1%

Note: Some column totals do not sum to 100% due to rounding.

As Table 24, below, illustrates, victim services providers and victim advocacy groups (as well as police) are more likely to have participated prior to charges being laid.

**TABLE 24:**  
**AT WHAT STAGE IN THE PROCESS HAVE YOU PARTICIPATED IN RESTORATIVE JUSTICE?**  
**BASE: RESPONDENTS WHO HAVE PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.**

	Victim Services (n=38)	Crown Attorneys (n=81)	Defence Counsel (n=107)	Police (n=118)	Advocacy Groups (n=17)
Pre-charge	42%	52%	64%	74%	47%
Sentencing	37%	61%	66%	25%	29%
Post-charge, pre-sentencing	8%	32%	19%	--	24%
Other	18%	6%	8%	20%	29%
No response	16%	6%	2%	1%	--

Note: Respondents could provide more than one response; totals sum to more than 100%.

Table 25 below shows the most common explanations for respondents' lack of involvement in restorative justice. Across all respondent groups except victim services, the most common reason is that restorative approaches are not available or not yet widely used in their province.

Certain respondent groups gave other reasons for their non-participation in restorative justice, which do not appear in the table below. For example, 13% of both victim services providers and victim advocacy group respondents reported that restorative justice is not part of their agency's mandate, while 11% of victim services providers reported that it is not part of their job responsibility to become involved in restorative processes. Ten percent of victim services



providers said that restorative justice is not an appropriate or viable option in the cases they deal with.

**TABLE 25:**  
**WHY HAVE YOU NOT USED OR PARTICIPATED IN A RESTORATIVE JUSTICE APPROACH?**  
**BASE: RESPONDENTS WHO HAVE NOT PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.**

	Victim Services (n=253)	Crown Attorneys (n=98)	Defence Counsel (n=62)	Judiciary (n=81)	Police (n=549)	Advocacy Groups (n=30)	Probation (n=172)
Not available	19%	57%	61%	43%	29%	40%	59%
No opportunity or no suitable case	21%	10%	15%	26%	24%	20%	22%
Do not adequately protect victim	10%	18%	--	5%	11%	23%	4%
Do not act as a deterrent	5%	10%	--	6%	13%	13%	3%
Don't know or No response	20%	14%	18%	6%	14%	10%	4%

Notes: Respondents could provide more than one response, but not all responses have been included in this table; totals sum to more than 100%.

### Victim Involvement in Restorative Justice

There was disagreement both within and across the survey respondent categories on the extent to which victims are involved in the decision to use restorative justice approaches, as Table 26 demonstrates. Victim services providers more often believe that the victim is only sometimes consulted, while victim advocacy groups more often think that consultation with the victim does indeed always take place.

**TABLE 26:**  
**WHAT BEST DESCRIBES THE VICTIM'S INVOLVEMENT IN THE DECISION TO USE RESTORATIVE JUSTICE?**  
**BASE: RESPONDENTS WHO HAVE PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.**

	Victim Services (n=38)	Crown Attorneys (n=81)	Defence Counsel (n=107)	Police (n=118)	Advocacy Groups (n=17)
Victim is always involved	32%	52%	44%	80%	59%
Victim is sometimes involved	45%	38%	43%	14%	24%
Victim is seldom involved	8%	5%	9%	6%	12%
No response	16%	5%	4%	--	6%

Note: Totals do not sum to 100% due to rounding.

### Cases where Restorative Justice would be most Effective

Victim services providers were asked to comment in interviews on when they believe that restorative justice approaches would be most effective. There was substantial agreement that such processes would be particularly effective in cases involving young offenders, first offenders, and minor property offences. However, the effectiveness of restorative approaches in dealing with crimes of violence was much debated by interviewees. Generally speaking, although respondents agreed that restorative approaches should not be used for sexual assaults, child abuse, and other violent offences, several respondents think that some minor assault cases could potentially qualify. In addition, interviewees disagreed over whether restorative justice is a

suitable way of dealing with spousal violence, given the family and power dynamics involved in these cases.

### **Protection of Victim Safety**

Victim services providers were asked in interviews about the importance of consulting the victim in the use of a restorative justice approach. Almost all respondents believe that such consultation is indeed important. There was widespread agreement that in order for restorative justice to adequately address victims' needs, victims should consent to and participate in the process, and that there is less chance of success if such consultation does not occur. However, several interviewees reiterated that the decision to proceed with a restorative approach is not the victim's alone to make and does not require the victim's permission, since the offence and the restorative process do not affect only the victim, but rather the whole community.<sup>5</sup>

At the same time, victim services providers expressed concern in interviews that restorative justice may not always adequately protect victims and address their interests. This concern, as already noted in Table 25 above, was also evident from the quantitative data, which showed that 10% of victim services gave inadequate protection of the victim as the reason they had not participated in a restorative approach. In interviews victim services providers reiterated that restorative justice should not be used for violent offences where there are real safety concerns or power imbalances between victim and accused because of the potential for victims in such cases to be pressured or intimidated into participating. From the perspective of these interviewees, the ability of restorative approaches to adequately protect victims depends on the structure of individual programs, on the existence of a proper support structure to guarantee victim safety, and on the facilitator's training.

## **16. Level of Awareness about the *Criminal Code* Provisions Intended to Benefit Victims of Crime**

As shown in Table 27, there is considerable discrepancy among the proportion of victim services providers, Crown Attorneys, defence counsel, and police surveyed who believe that they are adequately informed of the *Criminal Code* provisions intended to benefit victims. 32% of victim services providers believe they are adequately informed.

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<sup>5</sup> Restorative justice does, in principle, require voluntary agreement of the victim, the accused and the community.



**TABLE 27:  
ARE CRIMINAL JUSTICE PROFESSIONALS ADEQUATELY INFORMED OF PROVISIONS TO  
BENEFIT VICTIMS?**

	Victim Services (N=318)	Crown Attorneys (N=188)	Defence Counsel (N=185)	Police (N=686)
Yes	32%	71%	40%	40%
No	40%	20%	49%	46%
Don't know	25%	9%	11%	13%
No response	3%	1%	1%	1%
Note: Some column totals do not sum to 100% due to rounding.				

Among victim services providers who think that they are inadequately informed of the *Criminal Code* provisions designed to benefit victims, the most commonly proposed suggestion - mentioned by two-thirds of respondents - was increased training opportunities. In interviews, victim services providers expressed a preference for seminars and workshops where they can actively participate in discussions and ask questions. Several victim services providers observed in interviews that training is generally not a priority due to lack of human and financial resources. For this reason, they would like to see additional written materials sent to them so they could learn about the provisions on their own time. In fact, increased circulation of booklets, manuals, newsletters, and other print materials was the second most common suggestion for improving victim services providers' knowledge of the relevant provisions. In interviews, a few victim services providers said that the federal Department of Justice should take on a more active role in informing victim services workers of the *Criminal Code* provisions intended to benefit victims by providing regular updates and funding training sessions.

## 17. Impact of *Criminal Code* Provisions

All respondent groups, except for probation and parole, were asked what, in their opinion, has been accomplished by the *Criminal Code* provisions intended to benefit victims. Respondents identified numerous outcomes that they believe have resulted from the *Criminal Code* provisions. However, a large proportion of each respondent group did not answer the question. Victim services providers, particularly, noted on the questionnaire that they did not know enough about the *Criminal Code* provisions to comment. In total, about half of victim services providers and police, one-third of victim advocacy groups, and a quarter of judges, Crown Attorneys, and defence counsel did not answer this question.

A small number of victim services providers (one-tenth) and advocacy group respondents (fewer than one-tenth) who were asked about the impact of the provisions said that they have provided a more balanced criminal justice system (see Table 28). In interviews, victim services providers said that the rights of victims have been formally recognized within the criminal justice system through the *Criminal Code* provisions and that, as a result, there is greater awareness of and sensitivity to the needs of victims on the part of judges and prosecutors. The increased profile of the victim within the system, in turn, has led to enhanced services for victims, a more approachable and personal system that responds better to victims' needs, and victims who are more informed about the criminal justice process and the status of their own case.

Regarding victim impact statements, victim services providers, in interviews, stated that the number of victims submitting victim impact statements is increasing and that the option of reading the victim impact statement is a very positive development. A few of those surveyed mentioned negative effects of victim impact statements stemming from the disclosure to defence counsel and possibilities of cross-examination of victims on their statements.

Some victim services providers also believe that victims are now more satisfied with the criminal justice system. In the survey, 11% of victim services providers listed this as an impact of the *Criminal Code* provisions.

<b>TABLE 28: WHAT HAS BEEN ACCOMPLISHED BY THE <i>CRIMINAL CODE</i> PROVISIONS INTENDED TO BENEFIT ‘ VICTIMS? ’</b>						
	<b>Victim Services (N=318)</b>	<b>Crown Attorney (N=188)</b>	<b>Defence Counsel (N=185)</b>	<b>Judiciary (N=110)</b>	<b>Police (N=686)</b>	<b>Advocacy Groups (N=47)</b>
Gives victims a voice or opportunity for input	11%	25%	12%	27%	9%	15%
More balanced criminal justice system	13%	19%	10%	24%	7%	4%
Victims more satisfied or informed	11%	11%	5%	16%	3%	--
Victim testimony or experience easier	--	9%	--	--	1%	--
Better protection of victims	3%	7%	--	12%	5%	11%
Victim impact statement positive	5%	3%	--	8%	2%	--
More restitution	--	2%	--	6%		6%
Don't know or No response	52%	28%	25%	23%	47%	35%
Note 1: Respondents could give more than one answer; some totals do not sum 100%.						
Note 2: Open-ended questions						

On the other hand, some victim services providers and advocacy group respondents said they believe that the *Criminal Code* provisions have accomplished little or nothing. Victim advocacy groups and victim services providers cited this concern (see Table 29). In interviews, victim services providers explain this lack of progress. They believe that victims remain largely uninformed of their rights and options within the criminal justice system, which continues to be mainly offender-focused, and that victims are not as involved as they should be. According to these respondents, victims continue to be traumatized by their experience within the criminal justice system and therefore continue to see the system in a negative light. Results are given in Table 29.



**TABLE 29:**  
**HAVE THERE BEEN ANY UNINTENDED OR UNEXPECTED CONSEQUENCES TO THE *CRIMINAL CODE* PROVISIONS TO BENEFIT VICTIMS?**

	Victim Services (N=318)	Crown Attorneys (N=188)	Defence Counsel (N=185)	Judiciary (N=110)	Police (N=686)	Advocacy Groups (N=47)
Delays criminal justice process	--	9%	11%	6%	--	--
Unrealistic expectations on part of victims	--	9%	15%	16%	--	--
Victim impact statement negative	1%	5%	--	--	<1%	--
Curtails Crown Attorney discretion	--	3%	17%	2%	--	--
Erosion of accused rights	--	--	10%	--	--	--
Has achieved mainly political objectives	--	--	9%	--	--	--
Reduces judicial independence	--	--	7%	--	--	--
Nothing or little has been accomplished	12%	12%	13%	11%	27%	15%
Don't know or No response	52%	28%	25%	23%	47%	35%

Note 1: Respondents could give more than one answer; totals do not sum 100%

Note 2: Open-ended question.

In summary, while all respondent groups included some comments on the limitations of the impact of the *Criminal Code* provisions, most reflections on the provisions revealed positive accomplishments. The two biggest accomplishments are the creation of a more balanced criminal justice system through increased awareness of the concerns and interests of victims and the provision of more formal mechanisms to ensure that the victims have opportunities to participate and have a voice in the system.





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Appendix A:

Interview Guide for Victim Services  
and Community Organizations







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## **KEY INFORMANT INTERVIEW GUIDE - VICTIM SERVICES AND COMMUNITY ORGANIZATIONS (Those that directly provide services to victims)**

The Department of Justice Canada has recently launched a multi-site study of victims of crime and criminal justice professionals. The main objectives of this study are:

- ▶ To provide information on the use and awareness of recent reforms with respect to victims of crime in the criminal justice system
- ▶ To identify any impediments to the implementation of recent reforms by criminal justice professionals
- ▶ To learn what information is provided to victims throughout the criminal justice process
- ▶ To gain a better understanding of the experiences of victims of crime in the criminal justice system and with various victim services.

The following questions address issues relating to the role of the victim in the criminal justice system, victim services, and the implementation of recent reforms to assist victims of crime through the criminal justice process.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know, if you do not feel that you can answer a question.

### **Background Information**

1. How would you describe your organization? (e.g., court-based services, police-based services, community-based services, system-based services, specialized services for domestic violence, sexual assaults, or children)?
2. Could you please tell me about the services that your organization generally provides to victims? (e.g. crisis support, information to victims, liaise with Crown, court preparation, court accompaniment, counselling, referrals) In your opinion, what aspects of these services are most beneficial to victims and why?

### **The Role of the Victim**

3. In your opinion, what role should the victim have in the criminal justice system? In particular, please consider bail decisions, plea negotiations, and sentencing.

### **Victim Services**

4. What other victim services are currently available in your community for victims of crime? (e.g., court-based services, police-based services, community-based services, system-based services, specialized services)?
5. What do you think is the best way to inform victims of these services? (e.g., pamphlets, mail, phone calls, in person)

6. What are the challenges, if any, faced by victims of crime in accessing victim services? (PROMPT: geographic location – e.g. urban vs. rural; language barriers; physical barriers – e.g. access to persons with disabilities; financial barriers; services not culturally sensitive; services do not respond to needs of both genders). In your opinion, what changes could be made to increase accessibility of services for victims of crime?
7. In general, do you think that victims are provided with adequate information on:
  - ▶ the progress of investigation
  - ▶ outcomes of bail decisions
  - ▶ conditions of release
  - ▶ date and location of court proceedings
  - ▶ charges laid
  - ▶ charges dropped
  - ▶ victim impact statements
  - ▶ restitution
  - ▶ the ultimate outcome of the case
  - ▶ the criminal justice process
  - ▶ alternative processes, such as diversion or restorative justice
  - ▶ accused rights
  - ▶ victim services
  - ▶ other community support services?

For each of the above, who should provide victims of crime with this type of information?

8. What, if anything, can be done to improve the information given to victims? Are there any difficulties in providing victims of crime with the information that they require? Please explain.
9. Based on your experience, what kind of information do you think victims of crime most want to receive and why?
10. Please describe the extent to which your organization works together or shares information with other victim services or community organizations, the police, and/or the Crown.

### **Recent Reforms Relating to Victims of Crime**

As you may know, a number of legislative changes at the federal level have been made relating to victims of crime and their participation in the criminal justice system (victim surcharge, victim impact statements, consideration of victim safety in bail decisions, assistance to victims testifying at trial, publication bans, etc.). The following questions address issues relating to the implementation of these provisions.

11. [If applicable] In your opinion, are there any difficulties notifying victims about bail determinations?
12. Do you believe that victims' safety is generally considered in the decision about bail and conditions on release? If no, what are the obstacles to the consideration of victim safety?



13. There are several legal provisions to assist victims with testifying. For the following, please explain whether you think there are any obstacles to their use.

- ▶ Publication bans in cases other than sexual assault
- ▶ Exclusion of the public from a trial
- ▶ Use of a screen or closed-circuit television for testimony of a complainant/witness (who is under 18 years of age or has a mental or physical disability)
- ▶ Use of pre-trial videotaped testimony of a complainant/witness (who is under 18 years of age or has a mental or physical disability)
- ▶ Use of a support person to accompany a victim/witness to court (who is under 14 years of age or has a mental or physical disability)

Section 486 (2.3) of the *Criminal Code* states that, unless required by "*the proper administration of justice*" a self-represented accused cannot cross-examine a child witness (under 18 years of age). This section is applicable to proceedings where an accused is charged with a sexual offence, a sexual assault under sections 271, 272, and 273, or where violence against the victim is "*alleged to have been used, threatened, or attempted.*"

14. Do you feel that s. 486 (2.3) of the *Criminal Code* should be expanded to include other victims/witnesses and/or other types of offences? Please explain.

15. [If applicable] How do you help victims prepare to testify in court? What kind of assistance do you provide?

16. Based on your experience, how do victims find the experience of testifying in court?

17. Do you have any suggestions for additional ways to help victims with testifying?

Questions 18-23 concern victim impact statements. If you have experience with victim impact statements at both sentencing and parole hearings, please answer for each separately.

18. Based on your experience, do victims usually submit victim impact statements? What about in serious cases? What are the most common methods for submitting a victim impact statement (written statement only, victim reads statement, Crown read statement, other)?

19. Do you think that most victims are made aware of victim impact statements? If not, what might be done to inform victims of their opportunity to give victim impact statements?

20. What do you think is the best way to inform victims about victim impact statements? (e.g., pamphlets, mail, phone calls, in-person) When do you think is the best time to tell victims about victim impact statements? (e.g., as soon as possible after the crime, after someone is arrested and charged, just before trial is scheduled to commence, other)

21. Do you assist victims with victim impact statements? What kind of assistance do you provide? (e.g., provide forms, help with drafting the statement, advice on what to include in the statement, advice on how to present the statement to the court)

22. In your opinion, what are the benefits of victim impact statements for victims? Are there unique benefits to reading the victim impact statement?
23. Are there any obstacles to the use of victim impact statements? (e.g., difficulties in preparing, submitting, or delivering the statement) If yes, please explain. How can these best be addressed?
24. Based on your experience, do victims, who are eligible, usually ask for restitution? Are there any obstacles to the use of restitution? If yes, please explain. How can these be addressed?
25. Based on your experience, is the victim surcharge waived more often than it should be?
26. In your opinion, in what types of cases would a conditional sentence be appropriate? Do you think that victims' safety is generally considered in a decision to impose a conditional sentence of imprisonment? If not, what are the obstacles to the consideration of victim safety?

### **Restorative Justice**

Restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

27. Have you participated in a restorative justice approach? Why or why not? At what stage in the process have you participated in restorative justice? (e.g., pre-charge, sentencing, other)
28. Are victims involved in the process? If so, how?
29. In what kinds of cases do you think that the restorative approach would be most effective? Do you consider it important to consult the victim in the use of a restorative approach? Why or why not? Do you think that restorative approaches adequately protect victims and address their interests? Please explain.

### **Conclusion**

30. Do you think that victim services workers are adequately informed of the provisions of the *Criminal Code* intended to benefit victims? If no, what can be done to better inform victim services workers?
31. What has been accomplished by the *Criminal Code* provisions intended to benefit victims? Have there been any unintended consequences to these provisions? Please explain.
32. Do you have any suggestions of other advocacy groups or criminal justice professionals who you think should be interviewed for this study?
33. Do you have any other comments?

**Thank you for your participation**



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Appendix B:

Self-Administered Questionnaire for

Survey of Victim Services Providers





## Self-Administered Questionnaire for Survey of Victim Services Providers

1. What role do you believe victims should have in the following stages of the criminal justice process?

	Victim should be			Victims should not have any role
	Informed	Consulted	Other ( <i>specify</i> )	
Bail decisions	1	2	3 _____	00
Plea negotiations	1	2	3 _____	00
Sentencing decisions	1	2	3 _____	00

The following questions ask about your victim services organization and other victim services in your community.

2. How would you describe your organization? (*Please check all that apply*)

	Yes	No
Police-based victim services	1	2
Court-based victim services	1	2
Community-based victim services	1	2
System-based victim services	1	2
Specialized victim services for domestic violence	1	2
Specialized victim services for sexual assaults	1	2
Specialized victim services for children	1	2
Other ( <i>please specify</i> ) _____	1	2



3. Does your organization generally provide the following services to victims: (*Check “Yes” or “No” for each of the following*)

	Yes	No	Don't know
Provide crisis support	1	2	8
Provide counselling	1	2	8
Make referrals	1	2	8
Inform victims about the police investigation	1	2	8
Inform victims about the criminal justice system	1	2	8
Inform victims about court procedures	1	2	8
Inform victims about bail outcomes, when appropriate	1	2	8
Help victims prepare to testify in court	1	2	8
Inform victims about victim impact statements	1	2	8
Accompany victims to court	1	2	8
Inform victims of the opportunity to request restitution	1	2	8
Help victims prepare forms to request restitution	1	2	8
Liaise with Crown attorneys	1	2	8
Inform the police, Crown, or court of victims' safety concerns when accused released on bail	1	2	8

4. What other victim services are available in your community?

	Yes	No	Don't know
Police-based victim services	1	2	8
Crown-based victim services	1	2	8
Community-based victim services	1	2	8
System-based victim services	1	2	8
Specialized victim services for domestic violence	1	2	8
Specialized victim services for sexual assaults	1	2	8
Specialized victim services for children	1	2	8
Other ( <i>Specify</i> ) _____	1	2	8
Other ( <i>Specify</i> ) _____	1	2	8



5. Do victims of crime face any of the following challenges in accessing victim services in your community?

	Yes	No	Don't know	If yes, please explain
Lack of victim services because of rural location	1	2	8	_____
Language barriers	1	2	8	_____
Physical barriers for persons with disabilities	1	2	8	_____
Financial barriers	1	2	8	_____
Services do not respond to cultural needs (e.g., lack of Aboriginal victim services)	1	2	8	_____
Services do not respond to needs of both genders	1	2	8	_____

**The next questions ask about information provided to victims of crime.**

6. Please indicate your level of agreement with the following:

<i>Victims usually receive adequate information on...</i>	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
The progress of the investigation	4	3	2	1	8
Outcomes of bail decisions	4	3	2	1	8
Conditions of release	4	3	2	1	8
Date and location of court proceedings	4	3	2	1	8
Charges laid	4	3	2	1	8
Charges dropped	4	3	2	1	8
Victim impact statements	4	3	2	1	8
Restitution	4	3	2	1	8
The ultimate outcome of the case	4	3	2	1	8
The criminal justice process	4	3	2	1	8
Alternative processes, such as diversion and restorative justice	4	3	2	1	8
Rights of accused	4	3	2	1	8
Victim services	4	3	2	1	8
Other community support services	4	3	2	1	8

6a. For those items in Question 6 with which you **disagree** or **strongly disagree**, what could be done to improve the information given to victims?

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7. Who should provide the following information to victims? *(Please check all that apply)*

	<b>Crown</b>	<b>Police</b>	<b>Victim services</b>	<b>Other (Specify)</b>	<b>Don't know</b>
The progress of the investigation	1	2	3	_____	8
Outcomes of bail decisions	1	2	3	_____	8
Conditions of release	1	2	3	_____	8
Date and location of court proceedings	1	2	3	_____	8
Charges laid	1	2	3	_____	8
Charges dropped	1	2	3	_____	8
Victim impact statements	1	2	3	_____	8
Restitution	1	2	3	_____	8
The ultimate outcome of the case	1	2	3	_____	8
The criminal justice process	1	2	3	_____	8
Alternative processes, such as diversion and restorative justice	1	2	3	_____	8
Rights of accused	1	2	3	_____	8
Victim services	1	2	3	_____	8
Other community support services	1	2	3	_____	8

8. Please describe the extent to which your organization works together or shares information with the following.

	<b>Please describe extent of collaboration, if any</b>	<b>Do not work together or share information</b>
Other victim services or community organizations	_____ _____ _____	00
Police	_____ _____ _____	00
Crown	_____ _____ _____	00



Section 486 (2.3) of the *Criminal Code* states that, unless required by "the proper administration of justice," a self-represented accused cannot cross-examine a child witness (under 18 years of age). This section is applicable to proceedings where an accused is charged with a sexual offence, a sexual assault under sections 271, 272, and 273, or where violence against the victim is "alleged to have been used, threatened, or attempted."

11. Should Section 486 (2.3) be expanded? (*Please check all that apply*)

Yes, to other victims       Yes, to other offences       No

11a. If yes to other victims and/or to other offences, please explain.

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**The next several questions ask you to consider victim impact statements. As you know, victim impact statements can be submitted for use at sentencing or at parole.**

12. Based on your experience, do victims usually submit victim impact statements?

At sentencing       Yes       Yes, in serious cases  
 No       Don't know

At parole       Yes       Yes, in serious cases  
 No       Don't know

13. What are the most common methods for submitting a victim impact statement? (*Check all that apply*)

At sentencing       Written statement only       Victim reads statement  
 Crown reads statement  
 Other (*Specify*) \_\_\_\_\_  Don't know

At parole       Written statement only       Victim reads statement in person       Victim presents statement via audiotape or videotape  
 Other (*Specify*) \_\_\_\_\_  Don't know

14. Do you think that most victims are made aware of victim impact statements?

At sentencing       Yes       No       Don't know

At parole       Yes       No       Don't know

14a. If not, what can be done to better inform victims?

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15. When is the best time to inform victims about victim impact statements for use at sentencing? (*Check all that apply*)

- 1 As soon as possible after the crime      2 After someone is arrested and charged      3 Just before the trial is scheduled

66 Other (*Specify*) \_\_\_\_\_

16. Do you assist victims with victim impact statements?

- 1 Yes, at sentencing      2 Yes, at parole      3 At both sentencing and parole      4 No      8 Don't know

16a. If yes to Question 16, what types of assistance do you provide? (*Please check all types of assistance you provide*)

	At sentencing	At parole
Providing victim impact statement forms	1	2
Informing victims where forms can be obtained	1	2
Explaining instructions on how to complete victim impact statements	1	2
Explaining the kinds of information that can be included in victim impact statements	1	2
Helping complete the statement (write down what victim says)	1	2
Helping with drafting statement (assist victim with formulating his/her thoughts)	1	2
Reviewing completed victim impact statements	1	2
Informing victims where completed statements should be sent	1	2
Collecting completed victim impact statements	1	2
Submitting completed victim impact statements to Crown	1	2
Other ( <i>Specify</i> ) _____	1	2
Other ( <i>Specify</i> ) _____	1	2

17. Are there any obstacles to the use of the victim impact statement (e.g., in preparing, submitting, or delivering the statement)?

- At sentencing      1 Yes      2 No      8 Don't know  
 At parole      1 Yes      2 No      8 Don't know

17a. If yes, please explain.

\_\_\_\_\_  
 \_\_\_\_\_

**The following questions ask about restitution, the victim surcharge, and conditional sentences.**

18. Based on your experience, do victims who are eligible usually ask for restitution?

- 1 Yes                       2 No                       8 Don't know

19. Are there any obstacles to the use of restitution?

- 1 Yes                       2 No                       8 Don't know

19a. If yes, please explain.

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20. Based on your experience, is the victim surcharge waived more often than it should be?

- 1 Yes                       2 No                       8 Don't know

21. In what types of cases do you think a conditional sentence is appropriate? (*Check all that apply*)

- 1 All offences                       2 Non-violent offences  
 3 Offences against the person  
 4 Family violence offences                       5 Murder  
 66 Other (*Specify*)

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22. Do you think that the victim's safety is generally considered in a decision to impose a conditional sentence?

- 1 Yes                       2 No                       8 Don't know

22a. If not, what are the obstacles to the consideration of victim safety?

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Restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

23. Have you participated in a restorative justice approach?

- 1 Yes                       2 No                       8 Don't know

23a. If yes to Question 23, at what stage in the process have you participated in restorative justice? (*Check all that apply*)

- 1 Pre-charge                       2 Sentencing                       66 Other (*Specify*) \_\_\_\_\_



23b. If yes to Question 23, in your experience, which statement best describes the victim's involvement in the decision to use restorative justice?

- 1 The victim is always involved
- 2 The victim is sometimes involved
- 3 The victim is seldom involved

23c. If no to Question 23, why have you **not participated** in any restorative justice? (*Check all that apply*)

- 1 Restorative justice approaches are not available
- 2 Restorative justice approaches do not protect the victim adequately
- 3 Restorative justice approaches do not act as a deterrent
- 66 Other (*Specify*) \_\_\_\_\_

**The concluding questions ask you to consider all of the *Criminal Code* provisions intended to benefit victims.**

24. Do you think that victim services personnel are adequately informed of the provisions in the *Criminal Code* intended to benefit victims?

- 1 Yes
- 2 No
- 8 Don't know

24a. If not, what could be done to better inform victim services workers?

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25. In your opinion, what has been accomplished by the *Criminal Code* provisions intended to benefit victims?

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26. Have there been any unintended or unexpected consequences to these provisions?

- 1 Yes
- 2 No
- 8 Don't know

26a. If yes, what are they?

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27. Do you have any other comments?

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**Thank you for taking the time to complete this survey.  
Please return the questionnaire by faxing it back to us toll-free at:**



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Appendix C:

Self-Administered Questionnaire for

Survey of Victim Advocacy Groups





## Self-Administered Questionnaire for Survey of Victim Advocacy Groups

1. Please describe what work your organization does on behalf of victims.

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2. What role do you believe victims should have in the following stages of the criminal justice process?

	Victim should be		Other ( <i>specify</i> )	Victims should not have any role
	Informed	Consulted		
Bail decisions	1	2	3 _____	00
Plea negotiations	1	2	3 _____	00
Sentencing decisions	1	2	3 _____	00

**The following questions ask about victim services.**

3. Do victims of crime face any of the following challenges in accessing victim services in your community?

	Yes	No	Don't know	If yes, please explain
Lack of victim services because of rural location	1	2	8	_____
Language barriers	1	2	8	_____
Physical barriers for persons with disabilities	1	2	8	_____
Financial barriers	1	2	8	_____
Services do not respond to cultural needs (e.g., lack of Aboriginal victim services)	1	2	8	_____
Services do not respond to needs of both genders	1	2	8	_____

4. Please indicate your level of agreement with the following:

<i><b>Victims usually receive adequate information on...</b></i>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
The progress of the investigation	4	3	2	1	8
Outcomes of bail decisions	4	3	2	1	8
Conditions of release	4	3	2	1	8
Date and location of court proceedings	4	3	2	1	8
Charges laid	4	3	2	1	8
Charges dropped	4	3	2	1	8
Victim impact statements	4	3	2	1	8
Restitution	4	3	2	1	8
The ultimate outcome of the case	4	3	2	1	8
The criminal justice process	4	3	2	1	8
Alternative processes, such as diversion and restorative justice	4	3	2	1	8
Rights of accused	4	3	2	1	8
Victim services	4	3	2	1	8
Other community support services	4	3	2	1	8

4a. For those items in Question 4 with which you **disagree** or **strongly disagree**, what could be done to improve the information given to victims?

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7a. If you answered yes to any part of Question 7, please explain.

Publication bans in cases other than sexual offences \_\_\_\_\_  
\_\_\_\_\_

Exclusion of the public from a trial \_\_\_\_\_  
\_\_\_\_\_

A screen for young witnesses or witnesses with a mental or physical disability \_\_\_\_\_  
\_\_\_\_\_

Closed-circuit television for young witnesses or witnesses with a mental or physical disability \_\_\_\_\_  
\_\_\_\_\_

Pre-trial videotaped testimony for young witnesses or witnesses with a mental or physical disability \_\_\_\_\_  
\_\_\_\_\_

Support person to accompany a young witness under the age of 14 or witnesses with a mental or physical disability \_\_\_\_\_  
\_\_\_\_\_

Section 486 (2.3) of the *Criminal Code* states that, unless required by "the proper administration of justice," a self-represented accused cannot cross-examine a child witness (under 18 years of age). This section is applicable to proceedings where an accused is charged with a sexual offence, a sexual assault under sections 271, 272, and 273, or where violence against the victim is "alleged to have been used, threatened, or attempted."

8. Should Section 486 (2.3) be expanded? (*Please check all that apply*)

Yes, to other victims

Yes, to other offences

No

8a. If yes to other victims and/or to other offences, please explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---

**The next question asks you to consider victim impact statements. As you know, victim impact statements can be submitted for use at sentencing or at parole.**

9. Based on your experience, do victims usually submit victim impact statements?

- |               |                             |   |
|---------------|-----------------------------|---|
| At sentencing | <input type="radio"/> 1 Yes | <input type="radio"/> 2 Yes, in serious cases |
|               | <input type="radio"/> 3 No  | <input type="radio"/> 8 Don't know            |
| At parole     | <input type="radio"/> 1 Yes | <input type="radio"/> 2 Yes, in serious cases |
|               | <input type="radio"/> 3 No  | <input type="radio"/> 8 Don't know            |

9a. If not, please explain.

---

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**The following questions ask about restitution, the victim surcharge, and conditional sentences.**

10. To your knowledge, are there any obstacles to the use of restitution?

- 1 Yes       2 No       8 Don't know

10a. If yes, please explain.

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11. To your knowledge, is the victim surcharge waived more often than it should be?

- 1 Yes       2 No       8 Don't know

12. In what types of cases do you think a conditional sentence is appropriate? (*Check all that apply*)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 All offences                | <input type="checkbox"/> 2 Non-violent offences |
| <input type="checkbox"/> 3 Offences against the person | <input type="checkbox"/> 5 Murder               |
| <input type="checkbox"/> 4 Family violence offences    |   |
| <input type="checkbox"/> 66 Other ( <i>Specify</i> )   |   |

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13. Do you think that the victim's safety is generally considered in a decision to impose a conditional sentence?

- 1 Yes       2 No       8 Don't know

13a. If not, what are the obstacles to the consideration of victim safety?

---

---



Restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

14. Have you participated in a restorative justice approach?

- 1 Yes                      2 No                      8 Don't know

14a. If yes to Question 14, at what stage in the process have you participated in restorative justice? (*Check all that apply*)

- 1 Pre-charge              2 Sentencing              66 Other (*Specify*) \_\_\_\_\_

14b. If yes to Question 14, in your experience, which statement best describes the victim's involvement in the decision to use restorative justice?

- 1 The victim is always involved  
2 The victim is sometimes involved  
3 The victim is seldom involved

14c. If no to Question 14, why have you **not participated** in any restorative justice? (*Check all that apply*)

- 1 Restorative justice approaches are not available  
2 Restorative justice approaches do not protect the victim adequately  
3 Restorative justice approaches do not act as a deterrent  
66 Other (*Specify*) \_\_\_\_\_
- \_\_\_\_\_

**The concluding questions ask you to consider all of the *Criminal Code* provisions intended to benefit victims.**

15. In your opinion, what has been accomplished by the *Criminal Code* provisions intended to benefit victims?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Have there been any unintended or unexpected consequences to these provisions?

- 1 Yes                      2 No                      8 Don't know

16a. If yes, what are they?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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17. Do you have any other comments?

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**Thank you for taking the time to complete this survey.  
Please return the questionnaire by faxing it back to us toll-free at:**





## For More Information

The complete *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* report and the summary reports in this series can be ordered from the Policy Centre for Victim Issues, via mail or fax (see below).

These reports will be available online at <http://canada.justice.gc.ca/en/ps/voc/pub.html>

### Summaries Available

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Executive Summary*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Victims of Crime Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Victim Services Providers and Victim Advocacy Group Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Judiciary Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Crown Attorney Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Defence Counsel Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Police Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:  
Summary of Probation Officer, Corrections, and Parole Board Respondents*

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