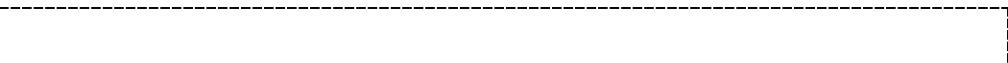




# Have You Been a Victim of Crime? What's Next...

**Information and Resources  
For Victims of Crime in Ontario**

**Office for Victims of Crime  
Ministry of the Attorney General**



# Have You Been a Victim of Crime? What's Next...

**Information and Resources  
For Victims of Crime in Ontario**

FSC logo

**Victim Support Line toll-free at 1-888-579-2888,  
Greater Toronto Area at 416-314-2447  
Ontario Victim Services Directory online at  
[services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)**

**DISCLAIMER:**

The Office for Victims of Crime is independent of the Ministry of the Attorney General and the views and opinions expressed in this handbook do not necessarily state or reflect those of the Ministry.

All efforts have been made to ensure that the information in this handbook is accurate and complete. This handbook is provided for general education and informational purposes. It is not intended as legal advice.

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## Foreword

### Message from the Chair of the Office for Victims of Crime

As Chair of the Office for Victims of Crime (OVC), I am proud that our handbook “Have You Been a Victim of Crime? What’s Next... Information and Resources for Victims of Crime in Ontario” has received extremely positive feedback from victims and service providers. It has been recommended as a useful tool to assist victims and the people who support them, especially if they are facing difficult circumstances after being victimized.

This handbook was first published in 2009. Since then, it has been updated several times. With each edition, we incorporate feedback and comments from expert stakeholders to ensure that it is relevant, appropriate and helpful to victims of crime.

Victims of violent crime face complex challenges that are unique to their experiences. Whether their needs are physical, emotional or financial, they often need assistance throughout the post-victimization experience. The questions and concerns that arise from victimization can be overwhelming, and ensuring that victims are aware of the services available to help them is extremely important.

This handbook is intended to assist victims by giving them the tools and resources they need. It is written to address the situations a victim may encounter when dealing with police, service providers and the criminal justice system. I am confident that it will provide meaningful information in a format that is easy to access and understand.

We will continue to work to make this handbook even more useful for victims of crime. We appreciate any feedback, questions or comments to help us ensure it is up-to-date and informative, and ask that you take a few minutes to complete and return our feedback form at the back of the book.

On behalf of the Office for Victims of Crime, I want to assure you that we will remain focused on the needs of victims of crime in Ontario, and will seek to ensure that victims’ rights are maintained and respected. Please help us by forwarding the handbook to anyone you feel it may benefit.

Sincerely,

**Ruth Campbell**  
Chair, Office for Victims of Crime

## Note of Thanks

This project was made possible through the combined efforts of the staff and board members at the Office for Victims of Crime (OVC).

In particular, I would like to acknowledge Office for Victims of Crime member Laurence Lustman, and staff Inbal Solomon, Kristina Hoppe-Schaus and Taya Maria El-Asmar, who collaborated on updating and producing this publication. I would also like to thank Gayle Nathanson, Elizabeth Forestell, Deana Kingsada, Patti Sanders, Stephanie Lee and Keshia Bernard for their work on previous editions.

The reviewers, listed below, kindly provided their valuable time to ensure that this and earlier versions of the handbook are accurate, current and meaningful to victims. I sincerely appreciate their efforts in this regard.

---

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## About this Handbook

### Who is this handbook for?

This handbook is for victims of crime and the people who assist them. It includes information about victims' rights, places to go for help and the criminal justice system. This information will help victims understand what to expect and how to ensure their rights are respected.

At the back of the handbook, there is a Glossary of Terms and a summary of resources (Who to Contact) that will help guide victims to the supports and services available in their communities.

## Victims of Crime in Ontario

### Who is a victim of crime?

Under the *Canadian Victims Bill of Rights*, a victim of crime is defined as a person who has suffered physical or emotional harm, property damage or economic loss as a result of a crime. This includes a person who has been directly harmed, as well as the victim's spouse or common-law partner, a relative or dependent of the victim, and anyone with custody of the victim or the victim's dependent, except where that person has been charged with the crime.

### Do victims of crime have rights?

Yes. Among other things, victims have a right to information, to protection under the law, to participation in the criminal justice system, and to have restitution considered. Many of these rights are explained in the *Canadian Victims Bill of Rights* and the *Criminal Code of Canada*. In Ontario, rights are also set out in the *Act Respecting Victims of Crime – Victims' Bill of Rights*.

Ontario's *Victims' Bill of Rights* (VBR) establishes a set of principles to support victims of crime throughout the criminal justice process. This *Victims' Bill of Rights* states that victims of crime should be treated with courtesy, compassion and respect for their personal dignity and privacy. It also specifies that victims should have access to certain important information, including:

- Services and remedies available to victims of crime, including financial compensation
- Protection available to victims to prevent intimidation
- The progress of investigations that relate to the crime against the victim
- The charges laid with respect to the crime, and if no charges are laid, the reasons why
- Court procedures that relate to the prosecution of the accused, and the victim's role in the prosecution
- The dates and places of all significant court proceedings relating to the prosecution, and the outcome of all significant proceedings, including appeals
- Any pre-trial arrangements relating to a plea that may be entered by the accused at trial

- The interim release of the accused
- The sentence given to the accused, if convicted
- A decision that the accused is unfit to stand trial or not criminally responsible, and, if requested by the victim, notice of any subsequent hearings on this issue
- The right of the victim to submit a victim impact statement.

Ontario's *Victims' Bill of Rights* also states that:

- A victim of crime should, if s/he so requests, be notified of any application for release or any upcoming release of the offender, including parole and temporary absence, unescorted temporary absence pass, and any escape from custody.
- A victim of sexual assault should, if s/he so requests, be interviewed during the investigation of the crime only by police officers who are of the same gender as the victim.
- A victim's property that is in the custody of justice officials should be returned promptly to the victim – once the property is no longer needed for the purposes of the justice system.

You can find a full copy of *Ontario's Victims' Bill of Rights* and the *Canadian Victims Bill of Rights* at the end of this handbook.

## Getting Help Quickly

### I am a victim of crime. Where can I get help?

In Ontario, there are a number of services to help victims of crime.

If you have been the victim of a crime you may want to report it to the police in your local area. They will take a statement from you, may help you in feeling safer, and charge the accused if they find there is enough evidence. If you choose to contact the police, you can ask them to put you in touch with a victim services organization in your community.

Even if you do not go to the police, you can still find supports and services by contacting the Victim Support Line (VSL) toll-free at 1-888-579-2888 or 416-314-2447 in the Greater Toronto Area (choose the option to speak with someone about services for victims of crime in your community). Information counsellors at the Victim Support Line can refer you to your local victim services organization or other resources in your community. You may also seek assistance directly from other services, like a women's shelter or rape crisis/sexual assault centre.

You can also access [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss). This website can help you search for programs and services by location and by type of crime.

### What do you mean by “victim services”?

“Victim services” refers to the agencies and programs that offer a broad range of services to assist victims of crime and trauma. These include: immediate crisis support 24 hours a day, 7 days a week (on-site or by telephone); practical assistance (e.g., transportation, telephone calls); emergency financial assistance and information and referrals to other community services for longer term support.

These services may be provided through the police or by community agencies (in which case, the police should refer you to these agencies). In some communities the agency may be called VCAO (which stands for Victim Crisis Assistance Ontario), in others it may be called “Victim Services”.

## What is Victim Crisis Assistance Ontario (VCAO)?

Victim Crisis Assistance Ontario (VCAO) is funded by the government and provides a range of services to assist victims of crime. These services are delivered locally by not for profit community agencies which operate under different names. Services offered include: 24/7 assistance and support; crisis intervention; addressing immediate safety concerns; emergency financial assistance; safety planning; provision of information and referrals to counselling and relevant community and government support services. For the full list of services for victims offered by Victim Crisis Assistance Ontario, or information about these services, contact your local victim services agency (see the next question, “How do I contact victim services?”).

If you are a victim or a family member of a victim of human trafficking, or you are a witness to human trafficking, you may be eligible for additional services through the Victim Crisis Assistance Ontario program. Please contact your local victim services agency to learn more.

The police may refer you to the Victim Crisis Assistance Ontario program or you can contact the community agencies directly.

## How do I contact victim services?

If you are not referred to victim services by the police, you can also find your local victim services organization or other support programs and services in your community by calling the Victim Support Line (VSL), a province-wide, bilingual, toll-free information line that provides:

- Referrals to victim support services in your community
- A system to notify victims of the release of offenders in provincial correctional facilities and information about these offenders.

You can call the Victim Support Line 24 hours a day, 7 days a week toll-free at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447 (choose the option to speak with someone about services for victims of crime in your community), or go to [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) ([services.findhelp.ca/ovss](https://services.findhelp.ca/ovss)).



## Are there special services for the kind of crime I have experienced?

In some cases you may need specialized support; for example, if you are a woman who has been assaulted by your partner or ex-partner, or if you have been sexually assaulted or are the victim of a hate crime. There are many services throughout Ontario that will help you from the time of the crime and in the longer term. Programs may specialize in violence against women, safety for women and their children, services for male survivors of sexual abuse, the needs of elderly victims, victims with disabilities and various kinds of victimization.

To find these services, call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or in the Greater Toronto Area call 416-314-2447. Choose the option to speak with someone about services for victims of crime in your community.

The Ministry of the Attorney General also provides a Victim Services Directory on the Ontario Victim Services website. You can use the website to search for programs and services by location and by type of crime. To use the online directory, go to [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss).

### What if the victim is a child?

If you are concerned about a child victim, help is available by contacting your local Children's Aid Society. If you are concerned about a child's immediate safety, you can call the police. There may also be other services and programs available in your community that can help.

To find these services, call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447 (choose the option to speak with someone about services for victims of crime in your community), or go to [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss).

### What if a close family member has been murdered – are there services for me?

Yes. If you have lost a loved one to homicide, there are a number of support services that can help you. Your victim services worker should be able to let you know what is available in your community, or you can call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447. Choose the option to speak with someone about services for victims of crime in your community.

You may also find programs and services online using [Ontario's Victim Services Directory](http://services.findhelp.ca/ovss) (services.findhelp.ca/ovss).

If you need information about the systems and supports that are specific to loved ones of homicide victims, please see the Office for Victims of Crime's publication entitled, "Living Beyond the Murder of a Loved One", which is available on the [Ontario Office for Victims of Crime](http://www.ovc.gov.on.ca) website (www.ovc.gov.on.ca). Click on "Publications" at the top of the homepage.

In addition, if you are a parent or spouse (or common law partner) of a homicide victim, the Financial Assistance for Families of Homicide Victims program (FAFHV) may be able to provide a financial benefit of up to \$10,000 to eligible applicants. If you would like to learn more about the program, contact Ministry of the Attorney General staff toll-free at 1-855-467-4344 or 416-212-9164 in the Greater Toronto Area.

You may also e-mail the Financial Assistance for Families of Homicide Victims program at [info-fafhv-vvpd@ontario.ca](mailto:info-fafhv-vvpd@ontario.ca) or visit the [Ontario Ministry of the Attorney General's](http://www.ontario.ca/attorneygeneral) website (www.ontario.ca/attorneygeneral). Click on "Victims of Crime", then "Programs, Services and Other Initiatives", and then "Financial Assistance for Families of Homicide Victims Program".

### **Do I have to pay for these services?**

Most of the services mentioned in this handbook are free. But there may be other services in your community that could charge a fee.

### **What if I need money immediately?**

In Ontario, there is a program called the Victim Quick Response Program (VQRP) for eligible victims of domestic violence, sexual assault, hate crimes, serious assault, human trafficking, attempted murder and homicide, who have no other financial means or resources available to meet their needs. The Victim Quick Response Program is delivered through local victim services organizations.

Only certain expenses may be covered by the Victim Quick Response Program, including:

1. Emergency expenses
  - costs to replace locks and replace or repair windows and doors in your home

- cellular phones
  - emergency transportation
  - emergency care for children, elderly persons, or dependents with special needs
  - accommodation, meals, and personal care items
  - emergency vision care
  - crime scene clean-up
2. Counselling and transportation to counselling
  3. Funeral expenses for homicide victims

If you have other expenses, talk to your victim services worker to find out if these will be covered.

To receive assistance with emergency expenses and funeral expenses, you must apply to the Victim Quick Response Program within 45 days of the crime. For counselling and transportation to counselling, you must apply within 90 days of the crime. If for some reason you are unable to apply in that time frame, you should speak with your victim services worker about a special exception.

If you are a victim of human trafficking you may be eligible for additional benefits and subject to different timelines through the Victim Quick Response Program. Contact your local victim services agency to learn more.

The Victim Quick Response Program can be accessed through local victim services organizations. If you are not referred to victim services by the police, call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447. Choose the option to speak with someone about services for victims of crime in your community and ask for information about the Victim Quick Response Program. You will then be referred to a victim services organization in your area.

You can also find programs and services online through [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss). Input your location into Step 1, and select "Victim Quick Response Program", under "programs" – Step 2.

## Financial Compensation for Victims of Crime

### Can I get compensation for my injuries?

The Criminal Injuries Compensation Board (CICB) provides compensation for victims of violent crime. You may be eligible for compensation related to a violent crime committed in Ontario if:

- You have been injured as a result of the crime or suffered psychological harm
- You are caring for a victim of crime and have lost money or had to pay expenses because of the crime
- You are the dependent of someone who was murdered
- You were injured while trying to prevent a crime or helping a police officer make an arrest

To be considered for financial compensation, you must apply to the Criminal Injuries Compensation Board.

For more detailed information, visit [Ontario's Criminal Injuries Compensation Board](http://www.sjto.gov.on.ca/cicb) webpage ([www.sjto.gov.on.ca/cicb](http://www.sjto.gov.on.ca/cicb)).

### How do I apply for compensation?

To be considered for compensation, you will need to submit an application to the Criminal Injuries Compensation Board (CICB).

For information on how to make an application, visit [Ontario's Criminal Injuries Compensation Board](http://www.sjto.gov.on.ca/cicb) webpage ([www.sjto.gov.on.ca/cicb](http://www.sjto.gov.on.ca/cicb)) or contact the Criminal Injuries Compensation Board toll-free at 1-800-372-7463 or in the Greater Toronto Area at 416-326-2900.

### What kinds of things can I get compensation for?

If your application is approved, you may be compensated for pain and suffering, loss of income, medical or dental services, counselling, travel for treatment, and funeral and burial expenses. If you have other expenses, check with the Criminal Injuries Compensation Board (CICB) to see if they can be covered.

## Is there a deadline to apply?

When applying to the Criminal Injuries Compensation Board (CICB) as a victim of sexual violence or violence that occurred within a relationship of intimacy or dependency, there is no deadline. In other cases you must apply within two years of the crime taking place. Extensions may be granted in special cases.

## Do I need a lawyer or paralegal to apply to the Criminal Injuries Compensation Board (CICB)?

You do not need to be represented by a lawyer or paralegal to apply for compensation, but depending on how complicated your case is, you may wish to have legal advice. See “Who to Contact” at the end of this handbook for information about community legal clinics and the contact information for the Law Society Referral Service.

## Can I apply for compensation even if I didn’t report the crime to the police?

Yes. Check with the Criminal Injuries Compensation Board (CICB) for more information.

## Does the Criminal Injuries Compensation Board (CICB) compensate everyone who files an application?

No. Some individuals may not be eligible for compensation, or there may not be enough evidence to support some or all aspects of the application, including evidence that a crime of violence and/or injury has occurred.

## Who decides if I get compensation?

The Criminal Injuries Compensation Board (CICB) is made up of appointed board members who decide the outcome of your application. These members come from all parts of the province and from varying backgrounds. They are appointed for their knowledge of victims’ issues and their ability to make fair and reasonable decisions. They are supported by staff members who compile information related to applications and prepare the files for a hearing.

## How is the decision made?

Decisions about whether or not compensation should be awarded and the amount to be awarded are made after a hearing has been held. To assist with its decision, the Criminal Injuries Compensation Board (CICB) will ask you to provide certain information and documentation (e.g., receipts). Once your application is complete and information has been verified, your matter will be scheduled for a hearing. There are two types of hearings:

### Written Hearing

If your hearing is written, you will not need to appear in person. A board member will make a decision after reviewing all the supporting information in your file and you will be informed in writing of that decision.

### Oral Hearing

If your hearing is oral, you must attend. Victims under the age of 18 do not have to attend the hearing (but can if they want to). Board member(s) will have reviewed all of the information in your file and may ask you questions before reaching a decision on your application. Oral hearings are usually open to the public. Witnesses, including police officers, may also appear at an oral hearing.

When the application involves a sexual offence, domestic violence, or child abuse, or where there is a criminal trial or criminal investigation ongoing, board members may close the hearing to the public.

## Will the person who harmed me be at the hearing?

In certain circumstances, the person who harmed you may be notified of the hearing, and s/he may choose to attend. For more information, or if you have concerns about the person who harmed you attending the hearing, contact the Criminal Injuries Compensation Board (CICB) toll-free at 1-800-372-7463 or in the Greater Toronto Area at 416-326-2900.

## How long will it take to process my application?

That depends, in part, on the type of compensation you are seeking. Claims for certain expenses (e.g., medical treatments) may be dealt with before any other expenses you may be claiming. Typically, the process takes several months up to more than a year to complete. Each case is different, and the time it takes to process an application depends on a number of things. For example, if the case is still before the courts, or if information about the case is difficult to obtain, the process may be slowed down. It is important to provide the Criminal Injuries Compensation Board (CICB) with all the information that is requested.

Keep your contact information up to date and respond to any questions promptly, so that your application can be processed as quickly as possible.

## What if I disagree with the board's decision?

If a single board member made a decision about your application, and you disagree with it, you can make a written request for a new hearing with two new board members. The new board members may confirm the original decision, increase or decrease the award, or deny the application. Before the case is reviewed, you will have to return any money you were awarded and received under the original decision.

If a panel of two board members made a decision about your application, you can appeal **only on a point of law** to the Superior Court of Justice, Divisional Court, within 30 days of receiving the written decision. This type of decision cannot be appealed based on the amount of the award. The location for an appeal will depend on where the hearing took place. You should have legal advice if you want to make this type of appeal.

If you intend to ask for a review or an appeal of a decision and the decision was rendered orally, you must request written reasons. You may do so at the conclusion of the hearing or within 14 days of the end of the hearing by contacting the Criminal Injuries Compensation Board (CICB). Call the Criminal Injuries Compensation Board for more information at 1-800-372-7463 or in the Greater Toronto Area at 416-326-2900.

## **Can the money I receive be seized by people I owe money to?**

No. Nobody is entitled to seize money paid out as compensation to victims of crime.

## **I am receiving social assistance. Can I still receive compensation from the Criminal Injuries Compensation Board (CICB)?**

The Criminal Injuries Compensation Board (CICB) does not take into account any money you may be receiving from social assistance (Ontario Works or the Ontario Disability Support Program (ODSP)) in deciding the amount of your award. However, Ontario Works and the Ontario Disability Support Program may take into account any award you receive from the Criminal Injuries Compensation Board, and may adjust your benefits accordingly. You should check with Ontario Works or the Ontario Disability Support Program for more information.

## **What if I receive compensation from somewhere else, like my employer, insurance or a lawsuit?**

The Criminal Injuries Compensation Board (CICB) will take into consideration any other monies that you have already received (or will receive) to assist you in the aftermath of victimization. You must tell the Criminal Injuries Compensation Board if you are eligible for and receive compensation from any other source, other than social assistance, and the Criminal Injuries Compensation Board may require you to repay money if you have already been compensated by the Criminal Injuries Compensation Board.

## **I need help now; do I have to wait for my application to be settled?**

The Criminal Injuries Compensation Board (CICB) may award short-term assistance while your application is in process, but you must get approval first. It is very important that you speak to someone at the Criminal Injuries Compensation Board before you pay for services for which you hope to be reimbursed. In addition, you may be eligible for some emergency financial assistance through the Victim Quick Response Program (VQRP). For more information on the Victim Quick Response Program, see pages 7-8.



## Are there other ways to get compensated for my losses?

It may be possible to sue the person who harmed you in civil court for financial losses related to the crime, as well as for pain and suffering. Pursuing a civil lawsuit can be both stressful and expensive. You may need to hire a lawyer to represent and advise you, and even if you win, the person who harmed you may not have the money to pay you. Talk to a lawyer before you decide whether or not to proceed with a lawsuit.

See "Who to Contact" at the end of this handbook for information about community legal clinics and the contact information for the Law Society Referral Service.

## The Criminal Justice Process

Once a crime has been reported to the police, certain legal processes are set in motion. This is called the “criminal justice process”. The information on the following pages will give you an idea of what usually happens in that process.

Remember that every case is different and things may not happen exactly as described here. If you have any questions about the criminal justice process, you can speak to the police officer or Crown attorney working on your case.

### The Police Investigation

#### What happens when I call the police?

Police respond to calls and investigate crimes against people and property. They are also trained to help victims of crime. A victim services staff person or volunteer may be called to the crime scene, or another safe place, to support you and help answer your questions. Police may also connect you with a community organization (such as “victim services”) that will provide you with support at a later point.

#### What happens in a police investigation?

As part of their investigation, the police will ask you questions about what happened. The police will write down your statement, and in some cases, will have you come to the police station to have your statement videotaped to ensure that it is recorded accurately. The police may also talk to others who may have seen the crime take place, or may know something about what happened (witnesses). The police will also collect evidence, including taking photographs.

The police may close off the crime scene, and keep people from entering the area, even if it is your home. This is so that the crime scene and any evidence that may be there is protected and can be properly investigated.

## What if I can't remember everything that happened when the police ask me?

Don't worry. It is very common to not be able to answer all of the police officer's questions. It is better to tell the police that you cannot recall certain details rather than try to fill in the blanks when you are unsure. You can ask for a card with the investigating officer's name and telephone number to contact the officer later if you remember other details. Sometimes the police officer will contact you to ask you some more questions.

## Why can't I be told all the facts about the investigation?

Depending on the circumstances of the crime, the police may not be able to provide you with full and detailed information about the investigation. This information may be held back for a number of reasons. For example, if you or other family members are required to testify at the trial, it would compromise the case to share certain information with you.

## What if I or someone else has information about the crime, but don't want to go to the police?

You can provide the information anonymously to the Crime Stoppers tip line at 1-800-222-TIPS (8477). Crime Stoppers will then pass the information on to the police.

Crime Stoppers is a civilian (not police-based) non-profit organization that brings together a community's police services, media and the community itself in the fight against crime. Crime Stoppers provides citizens with a way to anonymously supply the police with information about a crime or potential crime.

The Crime Stoppers tip line is staffed by trained personnel who receive, process and pass on tip information to investigating officers. Callers are given a code number, which is used in all subsequent calls, and callers do not have to identify themselves. A reward of up to \$2,000 is offered to anyone providing information which leads to an arrest for a crime.

To report information about a crime, call the Crime Stoppers tip line toll-free at 1-800-222-TIPS (8477). For more information, go to the [Canadian Crime Stoppers](http://www.canadiancrimestoppers.org) website ([www.canadiancrimestoppers.org](http://www.canadiancrimestoppers.org)).

## Arrest

### Will the police arrest the accused?

If, during their investigation, the police decide there are reasonable grounds to believe a crime has been committed, they can arrest the accused. This means that they will remove the accused from where s/he is, and place him or her in police custody. Usually the accused is then taken to the police station.

Sometimes an arrest is made within hours of the crime, other times the investigation can take weeks, months, or sometimes even years. In some cases, an arrest is never made.

The police do not have to wait until a crime has been committed to make an arrest; they may also arrest if they believe a crime is about to occur. If you believe that you or anyone else is in immediate danger, call the police by dialing 911.

### What happens after the accused has been arrested?

Once the accused has been arrested (taken into police custody), the police may lay charges against him/her. Charging a person means that the police have enough evidence to believe that the person committed a crime. If charges are laid, they will be written in a document called an “information”, which is sworn to by a police officer and is filed with the court.

It is important to remember that even though the police are responsible for laying charges against the accused, the Crown attorney (a lawyer who prosecutes criminal matters on behalf of the Ontario Ministry of the Attorney General) will review all of the charges and evidence before deciding whether or not to proceed to trial. Although the police and Crown attorney may talk to you about the charges that have been laid, the final decision about proceeding is theirs. The Crown attorney will proceed with the case only if there is a reasonable chance of convicting the accused **and** if prosecuting the accused is in the public interest.

## Can the police charge someone, but not arrest them?

Yes, but usually only for less serious offences. When that happens, the accused is compelled to attend court through an Appearance Notice or a Promise to Appear. This means that the accused has to appear in court at a later date to face the charge. Failure to appear in court at the set time can result in new charges in addition to the original charge.

## Do the police always lay charges?

Sometimes the police will not lay a charge. This can be for any of a number of different reasons, including not having sufficient evidence to support a charge, or if they find that the conduct in question does not amount to a criminal offence.

## What if the accused is not arrested but I am afraid of him/her?

There are some legal steps you can take if the police do not arrest the person who victimized you, or if you did not involve the police and you are afraid the person will harm you or your family. In some cases, you can apply directly to the court for a peace bond.

You may also be able to apply for a restraining order in the family courts. This order can require the accused to stay away from you or your family. If the accused does not comply with the conditions of either a peace bond or a restraining order, you can call the police and they can arrest the accused. See below for more information on peace bonds and restraining orders.

## What is a peace bond?

A peace bond is a court order that requires a person to keep the peace for a specified period of time, and can include conditions to protect you and your family. For example, the peace bond may direct the person not to contact or communicate with you or your family, or not to come within a specified distance of your home, work or school.

The accused can challenge the application for a peace bond. If that happens, there may be a hearing where you will likely have to testify. A peace bond lasts for up to twelve months. Breaching a condition of a peace bond is a criminal offence.

You do not need a lawyer to get a peace bond. You can present your case to a Justice of the Peace yourself. In order to get a peace bond, you will have to show the Justice of the Peace that you have reasonable grounds to fear that the person may harm you or your family or will damage your property.

Peace bonds are issued by a Justice of the Peace at the local courthouse. To find your local courthouse, call the Victim Support Line (VSL) toll-free at 1-888-579-2888 or 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community. You can also go to the [Ontario Ministry of the Attorney General's](http://www.ontario.ca/attorneygeneral) website (www.ontario.ca/attorneygeneral), select the “Court Services” tab on the left side of the page and then the “Address and Phone Information for Courthouses in Ontario” link.

### **What is a restraining order?**

A restraining order is a civil (non-criminal) court order that has conditions such as prohibiting a person from contacting the person applying for the order. Restraining orders are usually made in the family law courts, as part of custody or separation/divorce proceedings, and are usually issued against a spouse, former spouse, or person with whom the applicant has cohabited. A judge may issue a restraining order if s/he finds that the applicant has reasonable grounds to fear for his/her safety or the safety of a child in his/her custody.

## **What Happens after the Arrest – Custody and Bail**

### **Will the accused stay in jail after s/he is arrested and charged?**

Maybe – it depends on a number of circumstances, including the seriousness of the crime. Once the accused is arrested, the police can either hold him/her in custody for a bail hearing, or release him/her with conditions, such as staying away from you, or without conditions.

### **What is a bail hearing?**

If the police have not released the accused, s/he must be brought before a Justice of the Peace or judge within 24 hours of his/her arrest. The Justice of the Peace or judge will decide whether the accused will be kept in custody or released on bail until trial. This is called a “bail hearing”. It may be held right away or put off (adjourned) to a later date.

## I'm confused – I thought “bail” was money?

The term “bail” is often used to refer to the money promised as security for the accused to appear in court when required, and to abide by the conditions of his/her release. In most cases bail money is not actually paid, but is promised to be paid if the accused fails to appear in court as required or breaches a condition of his/her release. The person who promises the money is called a “surety”. The surety agrees to supervise the accused while s/he is out of custody awaiting trial. If the accused fails to appear in court or breaches a condition of his/her release, the law says the surety may be ordered to pay the promised money to the court. Sometimes an accused is released from custody without a surety, on his/her own signature, with or without conditions.

## What if I have concerns about the accused being released on bail?

If you have any concerns about the accused being released on bail, be sure to tell the police and ask that the information be passed on to the Crown attorney for the bail hearing. Be sure to ask the officer when and where the bail hearing will take place. You can also contact a Victim/Witness Assistance Program (V/WAP) worker at the courthouse about your concerns and s/he will either pass the information on to the Crown attorney, or if necessary, arrange for you to speak directly to the Crown attorney. Your concerns, and any information that supports them, will be considered by the Crown attorney who proceeds with the bail hearing.

You should try to contact the Victim/Witness Assistance Program as soon as possible after the arrest in order to ensure that your input gets to the Crown attorney before the bail hearing takes place. If releasing an accused on bail makes you concerned for your safety, your Victim/Witness Assistance Program worker will discuss safety planning with you and refer you to an agency that can assist you with developing a safety plan.

If you are not a Victim/Witness Assistance Program client, you can find safety planning services in your community by calling the Victim Support Line (VSL) toll-free at 1-888-579-2888 or 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community.

## What is the Victim/Witness Assistance Program (V/WAP)?

The Victim/Witness Assistance Program (V/WAP) is a court-based program that provides information, assistance and support to victims and witnesses of certain crimes. These services may begin as early as when charges are laid and can continue until the conclusion of the court case. The Victim/Witness Assistance Program provides services on a priority basis to the most vulnerable victims and witnesses of violent crime, such as victims of domestic violence, sexual assault, child abuse, elder abuse, human trafficking and hate crime. Families of homicide victims and traffic fatalities are also eligible for service.

Victim/Witness Assistance Program staff can help you through the court process by:

- Answering your questions about the criminal justice process
- Providing your input and concerns to the Crown attorney about the case
- Keeping you up-to-date about what is happening in the criminal case
- Arranging for you to meet with the Crown attorney
- Preparing you for what you can expect if you are required to testify
- Providing you with copies of court orders
- Supporting you emotionally
- Conducting an assessment of your needs and advocating for you
- Providing you with referrals to community agencies.

Victim/Witness Assistance Program staff cannot discuss your testimony, other evidence, or the crime. If you have questions about these things, you should speak to the Crown attorney or police officer in charge of the case. If you have questions for the Crown attorney, the Victim/Witness Assistance Program can help put you in touch with them.

Most Victim/Witness Assistance Program offices are located in courthouses. To find the Victim/Witness Assistance Program office nearest you, call the Victim Support Line (VSL) toll-free at 1-888-579-2888 or at 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community.



You can also go to [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss) to find local Victim/Witness Assistance Program contact information. Input your location into Step 1, and select "Victim/Witness Assistance Program", under "programs" – Step 2. If there is no Victim/Witness Assistance Program in your area, you can call the Crown attorney's office and make an appointment to speak to someone there about your case.

Contact information for the Crown can be found through the courthouse. To find a courthouse, call the Victim Support Line (VSL) toll-free at 1-888-579-2888 or 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community. You can also go to the [Ontario Ministry of the Attorney General's](http://www.ontario.ca/attorneygeneral) website (www.ontario.ca/attorneygeneral), select the "Court Services" tab on the left side of the page and then the "Address and Phone Information for Courthouses in Ontario" link.

### **Do I testify at the bail hearing?**

Not usually. But if you have any concerns about the accused being released on bail, be sure to tell the police, Crown attorney or Victim/Witness Assistance Program (V/WAP) worker before the bail hearing. Your concerns, and any information that supports them, will be considered by the Crown who proceeds with the bail hearing.

### **How does the judge decide whether or not to grant bail to the accused?**

The law requires a judge to consider certain factors when deciding whether or not to hold an accused in custody until trial. These factors include:

- Whether holding the accused in custody is necessary to make sure s/he will attend court
- Whether holding the accused in custody is necessary for the safety or protection of the public, including any victim or witness
- Whether keeping the accused in custody is necessary to protect public confidence in the justice system. Here the judge must consider a number of factors, including the seriousness of the crime, the circumstances of the crime (including whether a firearm was used), and the strength of the Crown's case.

## What happens if the accused is denied bail?

If the accused is denied bail, s/he will be detained, usually until the conclusion of the trial.

## What happens if the accused is granted bail?

If the accused is granted bail, s/he will be released from custody until the trial. The judge can place certain conditions on the accused as a term of his/her release. These can include a number of restrictions, such as not having guns or other weapons, remaining within a certain geographic location, staying away from you or members of your family or from your home or workplace, staying away from any witnesses to the crime, reporting regularly to the police, having a curfew, and not drinking alcohol.

## Can the decision on bail be appealed?

Yes. Either the accused or the Crown attorney can apply to a higher court to review the bail decision made by the judge or Justice of the Peace. In order to successfully appeal a bail ruling, certain legal criteria must be met.

In addition, if the accused is detained and the trial has not started, the head of the correctional facility where the accused is being held must apply for a review of the detention hearing after 30 or 90 days, depending on the offence. This does not apply to the most serious of offences (e.g., murder). The purpose of these reviews is to ensure that an accused person – who has not yet been found guilty of a crime – is not held in custody for long periods of time without a trial if there is no reason that s/he should not be released.

## Will I know if the accused is granted bail?

If you are a Victim/Witness Assistance Program (V/WAP) client, you will be notified if bail is granted. If you are not a Victim/Witness Assistance Program client, contact the police officer in charge of your case to request information on the outcome of the bail hearing.

## What happens if the accused fails to obey the conditions of his/her bail?

If the accused fails to obey the conditions of his/her release and this comes to the attention of the police, the accused can be arrested for breaching the conditions of his/her bail and held for a bail hearing on that charge. In addition, the Crown attorney can ask the court to cancel the original bail and hold the accused in custody until trial.

## What if I am a victim of domestic violence and am also involved in family court proceedings?

The Family Court Support Worker (FCSW) Program has family court support workers who provide direct support to victims of domestic violence who are involved in the family court process.

A family court support worker will:

- Provide information about the family court process
- Help victims prepare for family court proceedings
- Refer victims to other specialized services and supports in the community
- Help with safety planning, such as getting to and from court safely
- Accompany the victim to court proceedings, where appropriate.

Family court support workers are based in communities across the province. To access your nearest organization delivering the Family Court Support Worker Program, go to [Ontario's Victim Services Directory](https://services.findhelp.ca/ovss) (services.findhelp.ca/ovss). Input your location into Step 1, and select "Family Court Support Worker Program", under "programs" – Step 2.

If you have questions about the program, or need help finding your service provider, call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or at 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community.

## After Custody and Bail – The Trial Process

### What happens after the bail hearing?

The next step is to set the preliminary inquiry date or trial date. The accused will attend court, as directed on his/her release or by the court that detained him/her, to set the date for their preliminary inquiry or trial. This may take more than one appearance at court.

### How long will it be before the case goes to trial?

There are many legal procedures that may happen before the case goes to trial, and that will affect how long it takes before the case goes to trial. Generally, accused persons who have been detained will have their case go to trial in less time than offenders who have not been detained.

### What is a preliminary inquiry?

A preliminary inquiry is held by a judge to determine whether the Crown has enough evidence to go to trial, and if so, on what charge. A preliminary inquiry is similar to a trial because certain witnesses testify, but it does not establish whether the accused is innocent or guilty. At the end of the preliminary inquiry, if the judge decides there is not enough evidence to proceed to trial, the accused is discharged – which means the charges are dropped and the accused is free to go. If the judge decides there is enough evidence to proceed to trial, the accused will be ordered to stand trial at a later date.

The question at the preliminary inquiry is whether there is some evidence for a jury to find the accused guilty, if they believed that evidence. If the judge finds that there is some evidence, which if believed, could result in a guilty verdict, the accused must be ordered to stand trial. At the trial itself, there must be proof beyond a reasonable doubt in order to find the accused guilty.

Preliminary inquiries are usually held for serious offences like robberies, sexual assaults, aggravated assaults, or murder. In other cases, no preliminary inquiry is held and the case goes directly to trial.

## **Do I have to be in court for the setting of the preliminary inquiry date or trial date?**

You do not need to attend court when the preliminary inquiry date or trial date is being set.

## **How will I know what the trial date is?**

If you wish to be notified of the trial date, tell the officer in charge of your case, the Crown attorney, or your Victim/Witness Assistance Program (V/WAP) worker. If you are to be a witness in the case, see the next question “How will I know when I need to attend court?” and see page 31 “Will I be a witness in court?”.

## **How will I know when I need to attend court?**

Once a trial date has been set and it is determined that you will be required to testify, you will receive a notice in writing, called a “subpoena”. This is a legal document that tells you when and where you must attend court. Failing to appear in court once you have been subpoenaed is a criminal offence, and the judge can issue a warrant for your arrest if you do not attend court as required. If there is a reason why you cannot be in court on that day, you should contact the police officer in charge of your case, the Crown attorney or your Victim/Witness Assistance Program (V/WAP) worker right away to explain your reasons. It may be possible to make arrangements to accommodate you.

## **What happens if the accused pleads “guilty”?**

If the accused pleads guilty, s/he will be found guilty and the judge will direct that a sentencing hearing be held immediately or at a later time. For more information on sentencing, see page 39.

Note that the accused can plead guilty at any time in the process, including at the bail hearing. If the accused pleads guilty before the trial starts, there will be no trial.

## What happens if the accused pleads “not guilty”?

If the accused pleads not guilty, the case will proceed to a preliminary inquiry or trial.

## Will I have to testify at the preliminary inquiry?

Maybe. If the Crown attorney determines you have evidence that is necessary to the preliminary inquiry, you will be called to testify and will receive a "subpoena". This is a legal document that tells you when and where to go to court. Failing to appear in court once you have been subpoenaed is a criminal offence, and the judge can issue a warrant for your arrest. If there is a reason why you cannot be in court on the day you have been subpoenaed to attend, you should contact the Crown attorney, the police officer in charge of your case, or your Victim/Witness Assistance Program (V/WAP) worker right away to explain your reasons. It may be possible to make arrangements to accommodate you.

If you are called as a witness in a preliminary inquiry, your role will be much the same as at trial. For more information on what to expect as a witness, see pages 32-38.

## What is a “plea bargain”?

A plea bargain - called a “resolution agreement” in Canada - is where the Crown attorney and the lawyer for the accused agree that the accused will plead guilty. A resolution agreement can be made at any time as long as it is made before the verdict is delivered. If the guilty plea is entered before the trial begins, there will be no trial. Entering a guilty plea may or may not result in fewer charges, a reduced charge, or a lighter sentence.

Even when there is a resolution agreement, the judge makes the final decision as to what the sentence will be. In some cases, both the Crown and the defence lawyer agree to recommend the same sentence to the judge; this is called a “joint submission on sentence”. In other cases, the Crown and defence counsel recommend different sentences to the judge. In all cases, the judge decides what the sentence will be, although in cases where there is a joint submission, the recommendation of the lawyers is usually followed.

## What if I don't agree with the resolution agreement?

The resolution agreement is discussed between the Crown attorney and the defence lawyer. Victims or their family members are not part of these discussions, and the Crown attorney does not need your permission to agree to a plea resolution. However, you should make your concerns known to the Crown, as Crown attorneys often do consider the concerns of victims and their families. In addition, the Crown attorney may talk to you about the sentence s/he is recommending.

If you have concerns about your safety, speak to the police officer in charge of your case, the Crown attorney, or your Victim/Witness Assistance Program (V/WAP) worker to make them aware of your concerns. This will allow the Crown attorney to address your safety concerns in his/her submissions to the judge on sentencing.

## What is the role of the judge at trial?

The judge is in charge of the trial (this is called "presiding over the trial").

## Does the judge decide whether the accused is guilty or not guilty?

That depends. For more serious offences, the accused gets to choose whether to be tried by a judge and jury, or by a judge alone. Where there is a judge and a jury, it is the jury's job to decide whether the accused is guilty or not guilty. The judge explains the law to the jury, and makes legal decisions such as determining what evidence is allowed and what questions a witness can or cannot be asked. If there is no jury, the judge decides whether the accused is guilty or not guilty.

## What is the role of the Crown attorney?

The Crown attorney's job is to present all relevant evidence to the court. **The Crown attorney is not your lawyer.** In Canadian law, crimes are dealt with as wrongs against society as a whole, not just as private matters between individuals (e.g., the victim and the accused). Therefore, the Crown attorney acts on behalf of all members of the public. Although the Crown attorney does have a responsibility to keep you informed about the case and to treat you with respect and sensitivity, the Crown attorney's primary duty is to ensure that every prosecution is carried out in a way that is fair and consistent with the public interest.

## What is the role of the defence lawyer?

The defence lawyer's job is to represent the accused. The defence lawyer's only duty is to act in the interests of the accused, within the law. Sometimes an accused will choose not to have a lawyer and will represent him/herself at trial.

## What happens at the trial?

The Crown presents his/her case first. S/he will call witnesses and introduce other types of evidence against the accused, such as documents, clothing, weapons or other items. As the victim, you may be called as a witness by the Crown attorney and be asked questions about what happened. For more information on what to expect if you are a witness, see pages 32-38.

The Crown will call other witnesses as well, such as people who saw the crime being committed, the investigating police officer, or medical personnel.

Each witness called by the Crown will be asked questions first by the Crown (this is called "examination-in-chief") and then by the lawyer for the accused (this is called "cross-examination"). Sometimes the Crown will also ask questions after the cross-examination (this is called "re-examination").

## Defence lawyer may present evidence

In the Canadian legal system, an accused is presumed innocent until his/her guilt is proven beyond a reasonable doubt. It is the Crown attorney's job to present the evidence to prove, beyond a reasonable doubt, that the accused committed the crime. It is not up to the defence to prove that the accused did not commit the crime. The defence does not have to present evidence, but may choose to do so.

The accused does not have to testify at his/her trial, or call any other witnesses. However, if the accused does choose to testify or call witnesses, the Crown attorney can cross-examine the accused and any other defence witnesses.



## Closing arguments

When all the evidence has been presented, the Crown attorney and defence lawyer will make closing arguments. The Crown attorney will argue that the evidence presented proves, beyond a reasonable doubt, that the accused is guilty. The defence lawyer will argue that the Crown attorney has not proven the guilt of the accused beyond a reasonable doubt.

## Deciding if the accused is guilty or not guilty

If the accused has chosen to be tried by a judge alone (no jury), it will be up to the judge to determine whether the Crown has proven beyond a reasonable doubt that the accused is guilty. S/he may adjourn the case for a time to consider the evidence and reach a decision.

If there is a jury, it will determine whether the Crown has proven beyond a reasonable doubt that the accused is guilty. To assist jury members, the judge will provide them with instructions on the law as it applies to the case and on how they may consider the evidence they have heard. This is called “the charge to the jury”. After the charge to the jury, the jurors will leave the courtroom and meet together in another room to discuss the case and decide whether the accused is guilty or not guilty. In making this decision, the jury will consider all the evidence, the lawyers’ closing statements, and the judge’s instructions.

The jury members must be unanimous in their decision on whether the accused is guilty or not guilty. The decision they reach is called a “verdict”. The jury must continue to deliberate until they reach a unanimous verdict. This may take hours, or even days. If the jury cannot reach a unanimous verdict after a lengthy period, the judge will declare a mistrial. If this happens, the Crown may decide to start a new trial with a new jury. You can speak to the Crown attorney for more information.

If the judge or jury finds that the Crown has proven its case beyond a reasonable doubt, the accused will be found guilty. If the judge or jury finds that there is reasonable doubt, s/he will be found not guilty. This is also called an “acquittal”.

## What is “beyond a reasonable doubt”?

The standard that must be met in order for an accused person to be found guilty.

## What happens if the accused is found “not guilty”?

The trial is over. For information on appeals, see page 46.

## What happens if the accused is found “guilty”?

If the accused is found guilty, there will be a sentencing hearing, either immediately or at a later time. For more information on the sentencing process, see page 39.

## Will I be a witness in court?

If you were a witness to the crime, or if you have other information that is relevant to either the Crown attorney or the defence lawyer, you may be called to testify at the preliminary inquiry and/or at the trial.

## Do I have to testify?

If you are called as a witness, you will receive a "subpoena". This is a legal document that tells you when and where to go to court. Failing to appear in court once you have been subpoenaed is a criminal offence, and the judge can issue a warrant for your arrest.

If there is a reason why you cannot be in court on the day you have been subpoenaed to attend, you should contact the Crown attorney, the police officer in charge of your case, or your Victim/Witness Assistance Program (V/WAP) worker right away to explain your reasons. It may be possible to make arrangements to accommodate you.

If you are called as a witness in a preliminary inquiry, your role will be much the same as at trial. If you testify at the preliminary inquiry, you may also be required to testify at the trial.

## **I am afraid for my safety if I testify. What can I do?**

There are things the police can do to assist a witness who is afraid for his/her safety if s/he testifies in court. Exactly what the police will do will depend on the specific situation but can include such things as helping the witness prepare a safety plan and increasing police patrols in his/her area. If you have concerns for your safety, speak to the officer in charge of the case or the Crown attorney.

In some very specific circumstances, and only with the approval of the Deputy Attorney General, a witness may be eligible for Ontario's Witness Protection Program. The witness protection program provides short-term funding to assist in the maintenance and relocation of a witness and, if applicable, the witness' family members. The witness protection program is considered if, among other things:

- The life or health of the witness and/or their family members are in real danger as a result of the involvement of the witness in a prosecution
- The witness is involved in a case of significance to the administration of justice (e.g., murder)
- The testimony of the witness is a key element of the Crown's case.

If you have concerns for your safety, speak to the officer in charge of your case or the Crown attorney.

## **Do I need a lawyer if I am a witness? Can I have my own lawyer in court if I want one?**

Remember, the crime is viewed as an offence against the public/society, and the proceedings are between the government and the accused. It is not your responsibility to prove the case - it is the responsibility of the Crown attorney. In very limited circumstances, victims and witnesses may have a lawyer to assist with specific issues at the trial. Speak to the Crown attorney on your case or your Victim/Witness Assistance Program (V/WAP) worker if you need more information.

If you believe you need legal advice about anything going on in the process, speak to the Crown attorney or another lawyer. See the "Who to Contact" section at the end of this handbook for information about community legal clinics and to obtain contact information for the Law Society Referral Service.

Victim/Witness Assistance Program workers cannot provide you with legal advice. If you are a Victim/Witness Assistance Program client, the worker's role is to provide you with court support.

### **Do I get paid to be a witness?**

No fee is paid to you for being a witness.

### **What if my employer will not give me time off to attend court?**

If your employer will not give you time off, tell the officer in charge, your Victim/Witness Assistance Program (V/WAP) worker, or the Crown attorney.

### **What about childcare?**

Usually you will be responsible for your own childcare costs while attending or testifying in court. If you are a Victim/Witness Assistance Program (V/WAP) client, there may be financial assistance available to cover these costs. Contact your Victim/Witness Assistance Program worker to find out if financial assistance is available.

### **What if I do not live in the area where the trial or preliminary inquiry is taking place?**

If you have to travel more than 40 kilometres out of your area to be a witness, you are entitled to travel and accommodation expenses. Contact the Crown attorney's office or your Victim/Witness Assistance Program (V/WAP) worker to make these arrangements, or speak to the police officer in charge of the case.

### **What if I have moved since the crime took place?**

If you move or change your phone number, be sure to tell the police officer in charge of your case, the Crown attorney, or your Victim/Witness Assistance Program (V/WAP) worker so they know how to contact you.

### **Can a family member or friend come to court with me?**

Yes. You can bring someone to court with you for support. But if your support person is or may be a witness, that person will likely not be permitted to be in the courtroom while you testify. If you have any questions, speak to the Crown attorney or your Victim/Witness Assistance Program (V/WAP) worker.

## What if English is not my first language?

As a witness, you are entitled to testify in the language most comfortable for you, so the court will provide you with an interpreter. Tell the police officer, the Crown attorney, or your Victim/Witness Assistance Program (V/WAP) worker in advance if you need an interpreter in court.

## What if I have a disability or require specialized supports?

If you have a disability that will make it difficult for you to give your testimony without being accommodated, or if you require specialized supports, you can speak to the Crown attorney or your Victim/Witness Assistance Program (V/WAP) worker. They will try to ensure that your needs are accommodated.

## How do I get ready to testify?

Before going to court, you can refresh your memory by reviewing the statement you gave to the police. You can ask the officer in charge or the Crown attorney to provide you with a copy of your statement. In some cases the Crown attorney will meet with you before the preliminary inquiry or trial to help you prepare for testifying. If you are a Victim/Witness Assistance Program (V/WAP) client, your worker will also assist you in preparing for trial by providing you with information about what you can expect in court.

If you are a client who would like to meet with the Crown attorney before testifying, please contact your Victim/Witness Assistance Program worker. If you are not a Victim/Witness Assistance Program client, contact the Crown's office directly.

Contact information for the Crown can be found through the courthouse. To find a courthouse, call the Victim Support Line (VSL) toll-free at 1-888-579-2888 or 416-314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community. You can also go to the [Ontario Ministry of the Attorney General's](http://www.ontario.ca/attorneygeneral) website ([www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)), select the "Court Services" tab on the left side of the page and then the "Address and Phone Information for Courthouses in Ontario" link.

## Can I talk to anyone about my testimony?

Do not discuss what you said in court or what you will say in court with any other victims or potential witnesses, either before or after you take the witness stand. This is very important. If the judge finds out you have been talking about your testimony with other witnesses, what you or they have said may be called into question and the case against the accused may be jeopardized. You may have discussed the incident with another witness sometime after it occurred. However, you should not be talking to other witnesses about what you intend to say in court, or what you did say in court.

## How should I dress for court?

Dress neatly, as if you were going to an important business appointment. Do not chew gum – it is not permitted in the courtroom. Turn off your cell phone and do not wear earphones. Remove your hat or other head covering unless you are wearing it for religious reasons.

## How do I address the judge and the lawyers?

When you are testifying, be polite. Address the Crown attorney and the defence lawyer as “Sir” or “Madam”. The proper way to address the judge is “Your Honour”.

## How do I know when it is my turn to testify?

When it is your turn to testify, the court clerk will call your name and you will be asked to come forward to the witness stand. If you prefer not to have your name called out, you should advise the Crown or your Victim/Witness Assistance Program (V/WAP) worker and someone will come to get you when it is your turn to testify.

## What should I do on the witness stand?

When you arrive on the witness stand, you will be asked to either swear an oath by placing your hand on a religious text (e.g., the Bible) or taking an item of similar significance in your hand and swearing upon the text or item to tell the truth. If you prefer not to use a religious text or item of similar significance, you will solemnly affirm that you will tell the truth. This is called “being sworn in”. Once you have done this, you are considered to be “under oath” until you finish testifying. While you are under oath you must tell the truth at all times. Knowingly making a false statement while under oath or solemn affirmation is a criminal offence called “perjury”.

Once you have been sworn in, the Crown attorney or defence lawyer, or both, will ask you a number of questions about what happened. Here are some things to remember while you are on the witness stand:

- Listen carefully to the questions. Take your time and answer the best way you can without guessing.
- Just say what happened. Do not try to memorize what you are going to say.
- Only answer the question the lawyer asks you. If the lawyer wants more information, s/he will ask you more questions.
- Wait until the lawyer finishes his/her question before you start to answer. That way you will have time to collect your thoughts and you will be sure to answer the right question.
- Speak clearly and loudly. Look at the lawyer asking you the questions, and speak clearly enough so that the judge and jury (if there is one) can hear you.
- Say “yes” or “no” out loud. A court reporter will write down everything you say, so it’s not enough to shake and/or nod your head.
- If one of the lawyers objects to a question, do not answer it until the judge tells you that you can. You will usually know a lawyer is objecting because they will stand up while the other lawyer is asking questions.

### Will the defence lawyer ask me questions?

Probably. After the Crown attorney is finished asking his/her questions, the defence lawyer may ask you some questions. This is called “cross-examination”. Again, listen carefully to the questions. Take your time and answer them the best way you can, without guessing.

Remember, the defence lawyer’s job is to point out every possible reason why the judge or jury should find the accused not guilty. Don’t be surprised if s/he challenges your answers, or suggests that you are mistaken, or that you are not telling the truth. If you disagree with a suggestion put to you by the defence lawyer, say that you disagree. The fact that a lawyer suggests something to you does not mean that his/her suggestion is correct. After the defence lawyer has finished cross-examining you, the Crown attorney may ask you a few more questions to clear up certain points.

## What if the accused is representing him/herself? Will s/he cross-examine me?

If you are concerned about being cross-examined by the accused, let the Crown attorney know, preferably before the trial date (e.g., at a meeting with the Crown attorney or when you receive your subpoena). In many cases, the Crown attorney will be aware that the accused intends to represent him/herself and will try to have a lawyer appointed to cross-examine you instead of the accused. You may also let the judge know at the trial. Depending on the nature of the offence and on other circumstances, the judge may appoint a lawyer to carry out the cross-examination. If you have concerns, be sure to speak to the Crown attorney **before** you testify.

## Can the judge ask me questions?

Yes. The judge may ask you questions at any time while you are on the witness stand.

## What if I don't understand a question?

If you don't understand a question, say "I don't understand", and ask for it to be repeated or reworded. Don't guess.

## What if I don't know the answer to a question?

If you don't know the answer to a question, say "I don't know". Don't guess.

## What if I don't remember the answer?

If you don't remember the answer to a question, say "I don't remember". You can also ask to see the statement you gave to the police to refresh your memory.

## Will the accused be in the courtroom when I testify?

Yes. The accused will be in the courtroom. If you do not wish to look at the accused while you are testifying, try to look at the lawyer asking the questions, or at the judge/jury, and concentrate on answering the questions being asked.



In some circumstances, a witness may be allowed to testify behind a screen or by closed circuit television (CCTV). Speak to the Crown attorney before the trial date to see if this option is available.

### **Who else will be in the courtroom?**

There will be a court clerk in the courtroom. The court clerk files various documents related to the court proceedings, keeps a record of trial evidence, administers oaths, deals with exhibits and announces the beginning and end of court sessions.

There will also be a court reporter in the courtroom. The court reporter makes a record of everything that is said in court. At the end of the trial, the court reporter's notes will form the official record of the trial. This is called the "transcript".

There may also be members of the general public at the trial. Generally, trials are public proceedings and anyone can attend. However, in very limited circumstances, the judge may exclude the general public from the trial or from certain parts of the trial.

### **Will there be reporters in the courtroom?**

Newspaper, radio and television reporters are usually allowed in the courtroom, but there may be limits placed on what they can report – this is called a "publication ban".

For example, in sexual assault cases, there is frequently a court order preventing the media from publishing information that would identify victims or particular witnesses. The judge may, in some circumstances, also order a publication ban on certain evidence. If you are worried about being identified by the media, speak to the Crown attorney.

## Sentencing

### Who decides what sentence the offender is given?

Once an accused has been found guilty of a crime, they will be referred to as an “offender”. The judge decides the offender’s sentence.

### What is a sentencing hearing?

After an accused has been found guilty at trial, or has pleaded guilty, there will be a sentencing hearing, either immediately, or at a later date. At the sentencing hearing, the Crown attorney and the defence lawyer make recommendations to the judge about what sentence they think is appropriate. But the final decision on sentencing is always up to the judge.

In determining the appropriate sentence for the offender, the judge will consider a number of things, including the circumstances of the crime, the offender’s criminal record (if any) and personal history, any pre-sentence reports, the Victim Impact Statement, and whether the *Criminal Code of Canada* sets out a minimum and/or maximum sentence for the particular offence. For information on Victim Impact Statements, see page 40 “What is a Victim Impact Statement?”.

### What is a pre-sentence report?

Prior to a sentencing hearing, the judge may ask for a pre-sentence report. This is a report about the offender. This document provides in-depth information about the offender focusing on the risk s/he may pose to the community, his/her personal circumstances, family support and prospects for rehabilitation, special needs to be considered and any other information that may assist in determining an appropriate sentence.

## What is a Victim Impact Statement?

Although it is the judge who determines the sentence, you can provide important input by submitting a Victim Impact Statement (VIS). A Victim Impact Statement is a written statement to the court that is prepared by a victim of crime, including family members of a victim who has died, for consideration by the judge in sentencing. The Victim Impact Statement is submitted to the court after conviction but before sentencing. If you wish to provide a Victim Impact Statement, the judge must take it into account when determining the appropriate sentence.

Your Victim Impact Statement should be in your own words, and should describe to the court how the crime has affected you, including a description of how the crime affected you physically, emotionally and financially. You should not give your opinion on what the sentence should be. The Victim Impact Statement may be the only opportunity you will have to tell the court – and the offender – how you have been harmed by the crime. You have a right to read your statement out loud in court if you wish. You may also ask to have someone else read it on your behalf.

To get a Victim Impact Statement form, speak to the officer in charge, Crown attorney or your Victim/Witness Assistance Program (V/WAP) worker.

## Is the offender allowed to see my Victim Impact Statement?

Yes. The offender and his/her lawyer have the right to see your Victim Impact Statement (VIS).

## Do I have to submit a Victim Impact Statement?

No. The decision to prepare and submit a Victim Impact Statement (VIS) is entirely up to you. Submitting a statement will give you the opportunity to explain to the judge and the offender how the crime has affected you.

## Can someone help me prepare my Victim Impact Statement?

Yes. The officer in charge or your Victim/Witness Assistance Program (V/WAP) worker can help you prepare your Victim Impact Statement. A victim services worker may also be able to assist.

## In my Victim Impact Statement, can I tell the judge how long the offender should go to jail?

No. The Victim Impact Statement (VIS) should only talk about your own experience. You should not make suggestions about sentencing.

## Does the judge have to consider my Victim Impact Statement?

Yes. Although it is up to you whether or not to prepare a Victim Impact Statement (VIS), the judge must consider it when deciding on the offender's sentence.

## How do I submit my Victim Impact Statement to the court?

You must submit your Victim Impact Statement (VIS) to the court after the offender is convicted but before s/he is sentenced. This process for submitting Victim Impact Statements to the court is different in different jurisdictions of the province. You can speak to the officer in charge, your Victim/Witness Assistance Program (V/WAP) worker, the Crown attorney or court services personnel to learn about the process in your jurisdiction. You have a right to read your statement out loud in court, if you wish.

## Different Types of Sentences

### What kinds of sentences can the judge order?

There are many different types of sentences that can be ordered, including:

#### Probation

Some sentences include time spent in the community under the supervision of a probation officer. Probation orders have conditions that the court must include, such as that the offender must keep the peace, be of good behaviour, and report any change in address to his/her probation officer.

The court may also include other conditions the judge deems appropriate. These can include orders that the accused cannot consume alcohol, s/he must stay away from certain areas or people, s/he must attend counselling, or keep a curfew, or s/he must not possess any weapons. A probation order may be put in place, in addition to another form of sentence such as a fine, conditional discharge or time in a correctional facility. The maximum length of a probation order is three years.

If the offender violates any of the conditions of probation, s/he can be charged with breach of probation. If you have concerns that the offender has violated the conditions of his/her probation order, for example, contacting you when this is not allowed – contact the police immediately.

In some cases, victims may be contacted by an offender's probation officer. This is to make sure their safety is considered in managing the offender. If you do not want to be contacted, inform the probation officer and your wish will be respected.

### **Imprisonment**

A judge may sentence an offender to serve time in a correctional facility.

If the sentence is less than two years, the offender will be sent to a provincial correctional facility and there may also be a probation order.

If the sentence is two years or more, the offender will be sent to a federal correctional facility. There are minimum, medium and maximum federal security correctional facilities. The security level under which an offender is held is determined by the risk the offender poses within the correctional facility, and not the seriousness of the crime. This is determined by the Correctional Service of Canada (CSC), not the judge.

### **Intermittent sentence**

Where a judge orders a sentence of 90 days or less, s/he may order that the sentence be served intermittently (in separate blocks of time), such as on weekends. This allows the offender to be released into the community for a specific purpose, such as going to work or school, caring for children, or for health reasons.

An intermittent sentence is always put in place with a probation order, which regulates the offender's conduct while s/he is out of the correctional facility. If the offender breaches the conditions of the probation order, s/he can be charged with breach of probation and may not be allowed to serve the rest of the sentence intermittently.

### **Conditional sentence**

A conditional sentence is a sentence of imprisonment that is served in the community rather than in a correctional facility. It can only be ordered for periods of less than two years and for certain offences. A judge will only order a conditional sentence if s/he is satisfied that serving the sentence in the community will not endanger public safety. One type of conditional sentence is house arrest, where the offender is confined to his/her home except for special permission to attend such things as medical appointments or legal proceedings.

An offender who is serving a conditional sentence will be subject to certain conditions described in a conditional sentence order. If the offender fails to comply with the conditions, s/he may have to return to court, and may then be ordered to serve the rest of the sentence in a correctional facility.

### **Suspended sentence with probation**

The judge may choose to put off ("suspend") passing a sentence and release the offender on probation for a certain period of time (maximum three years). An offender on probation with a suspended sentence remains out of a correctional facility, but is under the supervision of a probation officer and must follow all of the conditions in the probation order. Although the offender may not spend any time in a correctional facility, a suspended sentence still results in a conviction.

If the offender violates any of the conditions of probation, s/he can be charged with breach of probation, and can be sentenced to time in a correctional facility for the original offence as well.

## Fine

A fine is a set amount of money the offender is ordered to pay the court as a penalty for committing a crime. A fine may be combined with another penalty, such as a sentence to a correctional facility, or probation. If the offender does not pay the fine, s/he may have to serve a sentence in a correctional facility, or there may be a civil judgment registered against him/her for the amount owing.

## Restitution order

A restitution order requires the offender to pay money (restitution) to the victim to help cover some or all of the losses or damages caused by the crime. Only costs that can be proven, like repairs to property damaged by the offender, treatment for injuries, loss of income or moving expenses may be covered in a restitution order. If awarded, this money is paid to the court and then given to the victim. Every victim has a right to have the court consider making a restitution order.

Offenders who are ordered to pay restitution must do so even if they are sent to a correctional facility.

If the offender does not pay, you can file the restitution order with a civil court. For more information on restitution, speak to the Crown attorney.

## Absolute or conditional discharge

Where the accused has been found guilty on a less serious charge, the judge can “discharge” the accused. When the judge grants a discharge, no conviction is registered against the accused.

A discharge can be absolute or conditional. If the offender receives an absolute discharge, s/he will have been found guilty but will be free to go. If an offender receives a conditional discharge, s/he will have been found guilty but will be released subject to the conditions contained in a probation order. If the offender violates any of the conditions of probation, s/he can be charged with breach of probation. The discharge on the original charge may also be withdrawn and a new sentence imposed.

### Indeterminate sentence for dangerous offenders

In some cases, where the offender has committed a very serious violent crime, a special hearing may be held to determine whether the offender ought to be declared a “dangerous offender”. If the offender is found to be a dangerous offender, s/he may be sentenced to an “indeterminate sentence” which means that the judge does not specify when the sentence will end; the offender is kept in custody with no fixed date for release though the case is reviewed periodically by the Parole Board of Canada (PBC). A dangerous offender may also be sentenced to a set period of imprisonment, with or without a long-term supervision order to follow.

In some cases, offenders who have committed very serious violent crimes may be declared by the court to be long-term offenders. In addition to their original sentence, these offenders will be placed on long-term supervision orders for a maximum of ten years. Long-term supervision orders contain conditions imposed by the Parole Board of Canada that are considered reasonable and necessary to protect society and facilitate the offender’s successful reintegration into society.

### Sentencing for more than one offence

There are many types of sentences or combinations of penalties that a judge can choose from. In some cases, where the accused is convicted of more than one offence, the judge may impose more than one sentence. If the sentences are concurrent, they are served at the same time. For example, an offender would serve two sentences of one year each at the same time, so only one year would be served. If the sentences are consecutive, they would be served one year after the other.



## Appeals

In certain circumstances, an offender who has been found guilty has the right to ask a higher court to review the trial court's decision on the conviction and/or sentence. This is called an "appeal". The Crown may, in some circumstances, ask a higher court to review either the sentence, a finding of "not guilty", or a finding of guilt on a lesser charge. The higher court may not agree to hear the appeal. However, if it does, the higher court can agree with the trial court's decision, change the decision or sentence, or order a new trial.

If you have any questions about an appeal, you can speak to the Crown attorney assigned to the case or your Victim/Witness Assistance Program (V/WAP) worker.

## Parole and Other Types of Release from Custody

### Will the offender serve his/her full sentence in custody?

Most offenders will not serve their full sentence in custody. All offenders are eligible for parole (a form of early conditional release from the correctional facility) after serving a portion of their sentence. The portion of the sentence that must be served before the offender is eligible for parole depends on the length and type of sentence given. Being on parole **does not** mean that an offender is completely free without supervision. If granted parole, the offender will be released from custody and will serve the rest of his/her sentence in the community under the supervision of a parole officer.

In addition, most offenders who are not granted parole will be released after serving two-thirds of their sentence. In the federal system, this is called "statutory release". In the provincial system, an offender is released when they reach their "discharge possible date".

For more information on parole eligibility, see page 47 "When will the offender be eligible for parole?".

## What is parole?

Parole is an early form of conditional release from a correctional facility. It contributes to public safety by helping offenders re-integrate into society as law-abiding citizens through a gradual, controlled, and supported release with conditions. When an offender is released from the correctional facility to serve the balance of his/her sentence in the community, s/he is on parole and must abide by the standard conditions of release. These conditions may include reporting to a parole officer, obeying the law and keeping the peace, not owning or possessing a weapon, and reporting any change in his/her family, domestic or financial situation to his/her parole officer.

There may be additional conditions attached to the offender's release such as no contact with the victim or his/her family members, abstaining from the use of drugs or alcohol, or remaining within a certain geographic location. If the offender is found to have breached a condition of parole, s/he may be returned into custody to serve the remainder of the sentence.

## When will the offender be eligible for parole?

In the federal system, most offenders are eligible for parole after serving one-third of their sentence. Some offenders serving sentences for more serious offences, such as those serving life sentences, are not eligible for parole until later. In these cases, the date the offender will be eligible for parole will be determined by the judge as part of the sentencing.

In the provincial system, offenders serving sentences of six months or longer will automatically have a parole hearing by the time they have served one-third of their sentences. Offenders serving sentences of less than six months may submit a written application for parole at any time.

## How does an offender obtain parole?

To obtain parole, an offender's file will be reviewed by the Ontario Parole Board (if s/he is serving a sentence of less than two years) or by the Parole Board of Canada (if s/he is serving a sentence of two years or more) once they are eligible for parole.

Eligibility does not mean parole will be granted, as parole is never guaranteed. By law, public safety is always the primary consideration in all parole decisions.

In the federal system, parole decisions are made by parole board members either through an in-office file review (without a hearing), or a face-to-face hearing with the offender and his/her parole officer. A parole hearing is not always required by law, and in cases where it is, the offender may give up the right to a hearing in writing or refuse to attend the hearing. When an offender gives up their right to a hearing required by law, his/her case will still be considered for parole through a review without a hearing.

An offender serving a provincial sentence of six months or longer will automatically have a parole hearing by the time s/he has served one-third of the sentence.

For more information about parole hearings, see pages 52-53.

### **What happens if parole is denied?**

In the federal system, legislative parole reviews take place within two or five years after parole has been denied, depending on the offender's offence(s). The offender may also apply for a parole review one year after the denial decision.

In the provincial system, if an offender is denied parole, s/he can submit a request to have his/her case reconsidered. The board may order a new hearing, but it is not guaranteed.

### **Is an offender serving a life sentence eligible for parole?**

Yes. An offender who is given a "life sentence" may be eligible for parole at certain points in his/her sentence and may not spend his/her entire life in custody. For more information, contact the Parole Board of Canada (PBC) at 1-866-789-4636.

## What is statutory release/the discharge possible date?

Most offenders who are not released on parole will be released after serving two-thirds of their sentence. This release is called “statutory release” in the federal system. In the provincial system, this release would be based on the “discharge possible date” (when an offender has served approximately two-thirds of his/her sentence).

In the federal system, an offender on statutory release will be supervised by a parole officer and have conditions attached to his/her release until the end of his/her sentence.

In the provincial system, an offender who is released based on his/her discharge possible date will not be supervised, and his/her sentence will be considered to be complete. An exception to this rule is if the offender has a probation order that requires supervision.

Offenders serving life sentences and those serving an indeterminate sentence (see page 45) are not eligible for statutory release. In addition, some extremely violent offenders in the federal system may be denied release by the Parole Board of Canada (PBC) until they have served the entire length of their sentences.

## Will the offender be allowed to leave the correctional facility at any other time?

In some circumstances, an offender may be given permission to leave the correctional facility for short periods of time. Examples of these types of releases are temporary absences (available in both the provincial and federal systems), and day parole (available only in the federal system). In some cases, offenders on these releases will be escorted, in others they will not.

For more information on parole and release in the provincial system, see the [Ontario Parole Board \(OPB\)](http://www.slasto.gov.on.ca/en/opb) webpage ([www.slasto.gov.on.ca/en/opb](http://www.slasto.gov.on.ca/en/opb)).

For more information on parole and release in the federal system, see the [Parole Board of Canada \(PBC\)](http://www.canada.ca/en/parole-board) website ([www.canada.ca/en/parole-board](http://www.canada.ca/en/parole-board)); click on “Parole” on the homepage.

## Can I receive information about the offender?

Yes, victims are entitled to receive certain information from the parole boards about the offenders who harmed them, including the offender's name, the offence and the court that convicted the offender, the sentence start date and length, escapes, transfers, the offender's eligibility and review dates for unescorted temporary absences, day and full parole, and statutory release. In order to receive this information from the parole boards, you **must** register with the appropriate victim notification system (provincial or federal).

For more information about registering with a victim notification system, see "How do I find out if an offender is being released or has escaped from a correctional facility?" below.

## How do I find out if an offender is being released or has escaped from a correctional facility?

There is a system in place to notify victims when an offender is being released or has escaped from a correctional facility, but to be notified you **must register** with the appropriate victim notification system (provincial or federal, depending on where the offender is serving his/her sentence).

If the offender is serving a sentence in a provincial correctional facility, you must register with the Victim Notification System (VNS). To register, call the Victim Support Line (VSL) at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447, and choose the option for the Victim Notification System. Registering with the Victim Notification System is a secure process which usually takes one to two business days to complete.

If the offender is serving a sentence in a federal correctional facility, you must register with the Parole Board of Canada (PBC) **or** the Correctional Service of Canada (CSC) to be notified of parole hearings, transfers, releases and escapes and other information about the offender who harmed you. You only need to register once with either organization.

The Correctional Service of Canada and the Parole Board of Canada do not automatically inform you about the offender who harmed you. Information is only provided if you ask for it. To receive information about an offender, you must complete and sign a form which can be found on the [Correctional Service Canada - Victim Registration](http://www.csc-scc.gc.ca/victims/003006-0001-eng.shtml) webpage (<http://www.csc-scc.gc.ca/victims/003006-0001-eng.shtml>), or the [Parole Board of Canada's Victims - Receiving Information](http://www.pbc-clcc.gc.ca/infocntr/factsh/obtain-eng.shtml) webpage (<http://www.pbc-clcc.gc.ca/infocntr/factsh/obtain-eng.shtml>). You can also request to register through the [Government of Canada's Victims Portal](https://victimsportal-portailvictimes.csc-scc.gc.ca) (<https://victimsportal-portailvictimes.csc-scc.gc.ca>).

Victim Services Officers at the Correctional Service of Canada and Regional Communications Officers at the Parole Board of Canada located across Canada can assist you with the application process.

Victims can receive the information directly from the Correctional Service of Canada and the Parole Board of Canada or authorize someone else to act as their representative.

If you need assistance or have any questions, contact the Correctional Service of Canada at 1-866-806-2275 or at [victims-victimes@csc-scc.gc.ca](mailto:victims-victimes@csc-scc.gc.ca) or the Parole Board of Canada at 1-866-789-4636.

### **What if I have concerns about an offender's release?**

If you have concerns about the upcoming release of an offender, it is very important to share that information with the appropriate parole board.

If the offender is in a provincial facility, call the Victim Support Line (VSL) toll-free at 1-888-579-2888, or in the Greater Toronto Area at 416-314-2447. Choose the option for the Victim Notification System (VNS).

If a parole hearing date has already been set with the Ontario Parole Board (OPB), you may also contact the Ontario Parole Board directly with your concerns by calling 416-325-4480, or contacting your Case Management Officer.

If the offender is serving a sentence in a federal facility, you should contact the Parole Board of Canada (PBC) at 1-866-789-4636.

## What is a parole hearing?

A parole hearing is a hearing held by the Ontario Parole Board (OPB) or the Parole Board of Canada (PBC) (depending on whether the offender is in a provincial or federal institution) to determine if an offender should be released on parole. The safety of the public is always the most important consideration in all parole decisions.

A parole hearing is not a trial. Its purpose is to help members of the parole board assess the risk that the offender may present to the community and facilitate his/her return to the community as a law-abiding citizen if s/he is granted parole.

The decision to grant or deny parole is made by parole board members, who carefully review all of the information in the offender's file, including any Victim Statement(s) submitted for the review. When available, the Victim Impact Statement(s) from the offender's sentencing hearing may also be considered. Board members will also conduct an in-person interview with the offender at the parole hearing.

## Where is a parole hearing held?

A parole hearing usually takes place in the correctional facility where the offender is serving his/her sentence.

## Who will be at the parole hearing?

In the provincial system, two members of the Ontario Parole Board (OPB) will be at the parole hearing. Other parole board staff may also be present. The offender may have a lawyer, family member, friend or someone else to assist him/her at the hearing. There may also be other observers at the hearing including the media and victims.

If you are a victim attending a hearing, a Case Management Officer will contact you before the hearing to explain the process and answer any questions. The Case Management Officer will also attend the hearing with you.

In the federal system, two members of the Parole Board of Canada (PBC) will be at the parole hearing. There will also be a Hearing Officer who will tape the hearing and assist board members. The offender may have a lawyer, family member or a friend to assist him/her. The offender's parole officer will be there to present the case. There may also be other observers at the hearing, including the media and victims.

If you are a victim attending a hearing, a Parole Board of Canada Regional Communications Officer (RCO) will contact you before the hearing to explain the process and answer any questions.

### **Can I attend a parole hearing?**

Yes, as the victim of a crime, you can apply to attend a parole hearing as an observer or to provide a statement.

In the provincial system, victims under the age of 16 can have a parent or guardian attend a parole hearing on their behalf. Other than victims, no person under the age of 18 is allowed to attend an Ontario Parole Board (OPB) hearing.

In the federal system, both victims and observers should be at least 18 years of age to attend a hearing or present a statement at a hearing. Exceptions may be made on a case-by-case basis.

### **Providing a Victim Statement to the Parole Board**

You may provide information about the offender or the impact of the crime on you and/or your family to the parole board at any time. However, if you wish to have it considered in a parole hearing, you must submit a Victim Statement. In addition to speaking about the impact of the crime, victims can provide recommendations in their Victim Statement about conditions that should be attached to parole to protect them and/or the community. Information provided by victims assists board members in their decision-making.

In both provincial and federal parole systems, you must submit your Victim Statement to the parole board in advance of the hearing. You can read your statement out loud at the hearing, or if you choose not to, board members will review your statement on their own.



For a provincial parole hearing, only victims registered with the Victim Notification System will be notified about parole hearing dates and can provide a Victim Statement at an Ontario Parole Board hearing. For information about registering with the Victim Notification System, see page 111 “Victim Notification for Offenders in a Provincial Correctional Facility”.

Once you have been notified of the parole hearing date, contact Ontario Parole Board staff (Case Management Officers) to obtain a form for making a Victim Statement. They will provide you with information about making a statement and the hearing process. Your statement will be shared with the offender before the hearing if the offender requests it. If you have questions about or during a provincial hearing, you may ask your Case Management Officer, who will always be present with the victim at a hearing.

For a federal parole hearing, write your statement and send it to the Parole Board of Canada Regional Office at least **30 days** before the hearing. If you plan to read your statement at the hearing, you must fill out a “Request to Present a Victim Statement at a Hearing” form in advance of the hearing. A Regional Communications Officer will then contact you to explain the hearing process. Your statement will be provided to board members and the offender before the hearing.

You can still attend both provincial and federal parole hearings even if you are not reading a statement. At the hearings, you cannot ask board members or the offender any questions.

To find out how and when you may submit information or a Victim Statement to the parole board, contact the following:

If the offender is in a provincial facility, contact the Case Management Officer at the Ontario Parole Board (OPB) location nearest to you. To find the Ontario Parole Board location nearest you, call the Ontario Parole Board at 416-325-4480.

If you cannot attend the hearing, you can still submit a written statement or video/audio recording. You can also learn more about victim participation at the [Ontario Parole Board](http://www.slsto.gov.on.ca/en/opb) webpage ([www.slsto.gov.on.ca/en/opb](http://www.slsto.gov.on.ca/en/opb)); click on “Victims and the Ontario Parole Board” in the left sidebar.

If the offender is in a federal facility, you will need to send a “Request for Victim to Observe a Parole Hearing and/or Present a Victim Statement” form to the Parole Board of Canada (PBC). If you cannot or do not want to attend the parole hearing, you can submit a written statement, that will be shared with the board for decision-making considerations. The written statement may be accompanied by a video/audio recording of the written statement. Contact the Parole Board of Canada at 1-866-789-4636, or visit the [Parole Board of Canada](http://www.canada.ca/en/parole-board) website ([www.canada.ca/en/parole-board](http://www.canada.ca/en/parole-board)) for more information.

### Attending the Parole Hearing as an Observer

Any person 18 years of age or older may apply to attend a parole hearing. Persons attending hearings as observers are not allowed to participate in the hearings.

If you want to attend a parole hearing and **the offender is serving a sentence in a provincial correctional facility**, you should contact the nearest regional Ontario Parole Board (OPB) office for information. You can find contact details and information about observer attendance and victim participation in hearings at the [Ontario Parole Board](http://www.slasto.gov.on.ca/en/opb) webpage ([www.slasto.gov.on.ca/en/opb](http://www.slasto.gov.on.ca/en/opb)). Select “Attendance at Parole Hearings” in the left sidebar or call the Ontario Parole Board at 416-325-4480.

If you want to attend a parole hearing as an observer and **the offender is in a federal correctional facility**, you must submit a “Request to Observe a Hearing” form to the Parole Board of Canada (PBC). You can get the form at the [Parole Board of Canada](http://www.canada.ca/en/parole-board) website ([www.canada.ca/en/parole-board](http://www.canada.ca/en/parole-board)). Select the icon for “Victim Services”, or you can call 1-866-789-4636.

### Will I see the offender at the parole hearing?

Probably. Hearings usually occur in small meeting rooms, so you will most likely be able to see the offender. You are not allowed to speak to the offender at the hearing.

## Can I take someone to the parole hearing with me?

Yes. For both provincial and federal parole hearings, you can take a support person with you.

**In a provincial hearing**, a person attending a parole hearing may translate for you. People living with a mental or physical disability preventing them from communicating clearly may have a support person speak on their behalf at the discretion of the board. Your support person may only speak on your behalf if such communication barriers are present.

**In a federal hearing**, your support person can be anyone of your choosing and may read the Victim Statement on your behalf if you choose. The support person must apply to attend the hearing as an observer. If interpretation services in one of the official languages are required for a federal hearing, you should contact the Parole Board of Canada Regional Office as soon as possible to make arrangements prior to the hearing.

## Can someone else go to the parole hearing on my behalf?

That depends on where the offender is serving his/her sentence (i.e., a federal or a provincial correctional facility).

If the offender is in a federal correctional facility, you can choose someone to represent you at the parole hearing. To do this, you must identify a specific person as your representative in your “Victim Request for Information” form. This would entitle them to receive information about the offender and any upcoming hearing dates, and they would be considered a “registered victim” at that point. In order to present a statement on your behalf at the parole hearing, your representative, like other registered victims, would need to complete and submit a “Request for Victim to Observe a Parole Hearing and/or Present a Victim Statement”. While anyone can attend a parole hearing upon approval, only a registered victim can present a Victim Statement to the Parole Board of Canada (PBC).

A victim under the age of 18 in the federal system may present a recorded audio/video statement if a parent or guardian provides written consent to the Parole Board of Canada. To learn more about these processes, contact the Parole Board of Canada toll-free at 1-866-789-4636.

If the offender is in a provincial correctional facility, you **cannot** ask someone else to attend the parole hearing on your behalf, except in cases where the victim is under the age of 16. In the case of a victim who is under the age of 16, his/her parent or guardian may attend the hearing and act as their representative. If you cannot attend the hearing, you can submit a statement or an audio/video recording.

For more information, contact the Ontario Parole Board (OPB) at 416-325-4480.

### **Is there any financial assistance available to attend a parole hearing?**

Some costs are covered. To find out what costs are covered and whether you are eligible, contact the Ontario Parole Board (OPB) at 416-325-4480 for provincial hearings or the Department of Justice at 1-866-544-1007 for federal hearings.

## **If the Person Who Harmed You Is a Youth**

### **Does the same criminal justice process apply if the person who harmed me is a youth?**

No. In Canada, if the person who harmed you was between the ages of 12 and 17 at the time the crime was committed, the person is considered a “young person” under criminal law and falls under the *Youth Criminal Justice Act* (YCJA). Although the same criminal laws for an adult offender apply to a young person, the procedures, courts and sentences are different, and vary depending on the circumstances of the particular case.

For more information, you should speak to the Crown attorney or Victim/Witness Assistance Program (V/WAP) worker assigned to the case.

## How is the criminal justice process different for young persons?

There are three main areas where the criminal justice process is different for young persons than for adults.

First, not all young persons who commit a crime will go through the traditional criminal justice process. Under certain circumstances – usually in the case of non-violent, first time offenders – the Crown attorney may decide that criminal proceedings are not in the best interest of the young person or the general public.

In those cases, if the young person agrees, s/he can be referred to an extrajudicial sanctions program, which may include such things as attending substance abuse or aggression programs, volunteering for a non-profit organization, community service orders, attending a wilderness camp where the youth has access to counselling and learns life skills, or reconciliation programs where the victim and the offender talk about what happened.

Second, young persons who commit crimes are not dealt with in the same courts as adults. Young persons who are not referred to an extrajudicial sanctions program or who do not comply with the terms of an extrajudicial sanctions program have their trial in youth court. Youth courts are subject to the procedures and principles set out in the *Youth Criminal Justice Act* (YCJA).

Third, there are a wider range of sentencing options available for young persons than for adults. Under the *Youth Criminal Justice Act*, sentences for young persons range from a “judicial reprimand”, which is a stern warning/lecture from the judge, to a custody and supervision order. A custody and supervision order for young persons will always be composed of some time spent in a youth custodial facility and time spent in the community under supervision.

## Can a young person be tried in adult court where the offence was very serious?

No. Under earlier legislation, certain young persons could be transferred to adult court for trial, but that does not happen anymore. Under the *Youth Criminal Justice Act* (YCJA), a young person must be tried in youth court. The judge can, however, impose an adult sentence if the young person is found guilty of certain very serious offences and the judge determines that an adult sentence is required to hold him/her accountable for the crime.

## Is a young person eligible for parole?

Young persons are eligible for early release, however, the early release system that applies will depend whether the young person received a youth sentence or an adult sentence. "Parole" is a concept that applies only to offenders who receive adult sentences. A young person who receives a youth sentence will be subject to the reintegration provisions of the *Youth Criminal Justice Act* (YCJA), which generally involve supervision in the community by a youth worker for the last third of the sentence.

Young persons serving an adult sentence are eligible for parole within the same timeframes as adult offenders (see page 47, "When will the offender be eligible for parole?").

Young persons serving a life sentence (the maximum defined adult sentence) are eligible for day parole after serving all but one fifth of the period of imprisonment that must be served before they are eligible for full parole.

## What if the young person is less than 12 years old?

Children under the age of 12 are not held criminally responsible for their actions, and therefore are not dealt with in the criminal justice system. Instead, they are usually dealt with under the child welfare system or mental health system.

## When the Accused has a Mental Disorder

When an accused is found by a criminal court to be unfit to stand trial or not criminally responsible because of a mental disorder, a specific set of legal processes applies. The accused is generally placed under the authority of the Ontario Review Board (ORB) who then becomes responsible for making ongoing decisions about the accused.

### What is “unfit to stand trial”?

A finding of unfit to stand trial due to a mental disorder refers to an accused’s state of mind at the time of the criminal proceedings, not at the time the offence was committed.

A judge or jury can find an accused unfit to stand trial at any time during the criminal proceedings if the accused is:

- Unable to understand the nature of the criminal proceedings against him/her; or
- Unable to understand the possible consequences of the proceedings; or
- Unable to communicate with his/her lawyer.

### What is “not criminally responsible”?

A finding of not criminally responsible (NCR) refers to an accused’s state of mind at the time the offence was committed.

An accused can be found not criminally responsible for the offence if the judge or jury finds the accused committed the offence but, at the time, was suffering from a mental disorder that made him/her incapable of understanding the consequences of what s/he was doing, or that it was wrong. This used to be called “not guilty by reason of insanity”.

The accused can raise the issue of “not criminally responsible” at any point during the trial. The Crown attorney can raise the issue only after the accused has been found guilty.

## What is the Ontario Review Board?

The Ontario Review Board (ORB) is an independent tribunal composed of medical and legal experts that has authority over individuals who have been found unfit to stand trial or not criminally responsible.

Once a matter is referred by the court to the Ontario Review Board, the board holds regular hearings to review the clinical progress of an accused and to decide on the appropriate decision to apply to the accused over the next year.

## What happens at an Ontario Review Board hearing?

An Ontario Review Board (ORB) hearing is a criminal proceeding but it is more informal than a trial.

Hearings usually take place in a boardroom or special hearing room at the hospital where the accused is being held and they are open to the public. Each hearing is presided over by a panel of five members that include:

- A chair, or alternate chair, who is a judge or a lawyer who has been in practice for at least ten years
- A legal member, either a judge or a lawyer who has been in practice for at least ten years
- A psychiatrist
- Another mental health professional such as a psychiatrist or psychologist
- A member of the public.

The accused and his/her lawyer are present at the hearing, as well as Crown counsel and a representative from the hospital.

Before the hearing, the hospital submits a written report about the accused's clinical progress to the Ontario Review Board panel, the Crown counsel and the defence lawyer, who will share it with the accused.

At the hearing, the Ontario Review Board usually hears testimony from the accused's psychiatrist. Sometimes other witnesses, such as psychologists, social workers, or family members, also testify. After deliberating in private, the board issues a decision, called a "disposition".



## What happens when an accused is found unfit to stand trial?

When a court finds an accused is unfit to stand trial, the Crown can ask the court to order the accused to go to a psychiatric hospital for treatment for up to 60 days. If, after that time, the accused is found by the court to be fit to stand trial, the criminal case continues. If the court decides that the accused remains unfit to stand trial, s/he is referred to the Ontario Review Board (ORB) for an initial hearing that is usually held within 45 days.

At the initial Ontario Review Board hearing, the board must first decide whether the accused is fit to stand trial:

- If the Ontario Review Board finds that the accused is fit to stand trial, the board will refer him/her back to criminal court, which often requires the accused to remain in the hospital until the criminal proceedings resume.
- If the Ontario Review Board decides that the accused is unfit to stand trial, the board will often make a disposition order for the accused to remain in a secure psychiatric hospital.

The case of an accused person who is found to be unfit to stand trial will be reviewed by the Ontario Review Board on an annual basis. If it appears that the accused has become fit to stand trial at any time before the regular annual hearing, the board will arrange an early hearing.

In some cases, the Ontario Review Board may decide that the accused is not likely to ever become fit to stand trial. If the board is satisfied that the accused is not a significant threat to public safety, the matter may be referred to court for the judge to consider whether or not to discontinue the criminal proceeding.

## What happens when an accused is found “not criminally responsible”?

When a court finds an accused not criminally responsible, the court can make a disposition (decision) or, as usually happens, refer the matter to the Ontario Review Board (ORB) to make a decision within 45 days. If the court makes a decision, its decision must be reviewed by the Ontario Review Board within 90 days.

At every hearing for a “not criminally responsible” accused person, the Ontario Review Board (or court) must determine whether the accused poses a significant threat to public safety and, if that is the case, make a disposition that manages the risk in a way that minimally impacts the liberty of the accused.

The board can order that the accused be detained in a secure psychiatric hospital or be discharged into the community, subject to conditions. While detained in a hospital, the board’s disposition may also allow the hospital to grant certain privileges to the accused, such as access to hospital grounds or to the surrounding community, and in some cases, the ability to reside in the community under the hospital’s supervision.

Either type of disposition can contain additional conditions such as requiring the accused to abstain from substance use, report to the hospital while residing in the community or prohibit the accused from contacting named individuals.

In determining which disposition is necessary and appropriate for the accused, the Ontario Review Board must consider the “four factors” set out in the *Criminal Code of Canada*:

1. The safety of the public - which is the paramount consideration
2. The mental condition of the accused
3. The reintegration of the accused into society
4. The other needs of the accused.

The Ontario Review Board reviews the disposition every year at an annual hearing to determine if there is still a “significant threat” to public safety. If the accused does not pose a significant threat, s/he will be discharged and the criminal jurisdiction over that individual ends.

### **“High Risk” Finding for Not Criminally Responsible Accused**

After a not criminally responsible finding is made by the court and before the accused is discharged, the Crown can make a “high risk” finding application if the adult accused has committed a serious personal injury offence.

If the court makes a “high risk” finding, the court and subsequently the Ontario Review Board (ORB) must detain the accused in a secure psychiatric hospital until the finding is revoked (i.e., removed). In this case, the accused must remain in the hospital except in extremely limited circumstances (e.g., for medical purposes).

At the first annual review or at any following review, the Ontario Review Board will review the "high risk" finding. If members are satisfied that the evidence no longer supports the "high risk" finding, the matter is to be referred to the Superior Court to consider whether or not the "high risk" finding should still be in effect.

When deciding on a "high risk" finding application, the court will take any Victim Impact Statement (VIS) submitted during the court proceedings into consideration. If the Ontario Review Board refers the matter to the Superior Court, the victim will be given the opportunity to make a new Victim Impact Statement.

Victims will be notified if a "high risk" finding application is made in their case, or if an application is made to remove an existing "high risk" finding. If you have not been advised of the outcome in these cases, or you want to learn more about a "high risk" finding in your case, you should contact the Crown counsel.

### **Where will the accused be detained?**

When an accused is found unfit to stand trial or not criminally responsible, the Ontario Review Board (ORB) can order the accused be detained in a secure psychiatric hospital at either a maximum, medium or minimum security level. The level of security ordered is determined by the level of threat the accused poses to public safety and by his/her clinical needs, and not necessarily by the seriousness of the crime committed.

In addition to determining the hospital security level, the Ontario Review Board can order a range of conditions for the accused while s/he is in the hospital, including not contacting certain individuals, checking-in at certain times and locations, or controlling the accused's computer or telephone access. The board can also provide the accused with a range of privileges while s/he is in the hospital such as supervised access (called "passes") to hospital grounds or to the community; indirectly supervised passes; and the possibility of living in the community in accommodations approved by the hospital.

## What if I have concerns about the accused being allowed to leave the hospital?

If you have any concerns about the accused being allowed to leave the hospital or any other privilege, you can speak with the Crown counsel who will be able to communicate your concerns to the board and provide you with additional information on what you can do. You can also contact your local police service.

If you would like copies of any relevant disposition orders (decisions) so that you have information about what privileges may be available to the accused over the course of the next year, contact the Victim/Witness Assistance Program's Ontario Review Board (ORB) Victim/Witness Services Worker who will be able to assist you in accessing these documents.

## Will I be notified of the Ontario Review Board hearing(s)?

Once the case has been referred to the Ontario Review Board (ORB), the board will mail you a package of information and will ask if you want to:

- Be notified in advance of the accused's Ontario Review Board hearing date(s)
- Attend the hearing(s)
- Submit a Victim Impact Statement
- Receive a copy of the disposition order(s) (decisions) relating to the accused.

Be sure to complete the paperwork and return it to the Ontario Review Board if you would like to be notified of the hearings. You should also ensure that the Ontario Review Board has the most up-to-date contact information for you.

If you do not receive a package from the Ontario Review Board, you should contact the board toll-free at 1-877-301-0889 or in the Greater Toronto Area at 416-327-8866 and ask them to send you a package.

## Can I attend the Ontario Review Board hearing(s)?

Any member of the public can attend and observe most Ontario Review Board (ORB) hearings. This means that the family or friends of the accused may also attend the hearing.

For more information on attending a hearing, contact the Victim/Witness Assistance Program's Ontario Review Board Victim/Witness Services Worker toll-free at 1-866-289-1667 or in the Greater Toronto Area at 416-325-8237.

## Can I submit a Victim Impact Statement to the Ontario Review Board?

Yes. You can submit a written Victim Impact Statement (VIS) to the Ontario Review Board (ORB) before the hearing date. With the Ontario Review Board panel's permission, you can read your statement at the hearing, or you can submit it to the board and the panel members will read it on their own.

For more information, speak to the Victim/Witness Assistance Program's Ontario Review Board Victim/Witness Services Worker toll-free at 1-866-289-1667, or in the Greater Toronto Area at 416-325-8237, or speak with the Crown counsel.

## Glossary of Terms

### A

<b>absolute discharge</b>	An accused is found guilty but not convicted; there is no sentence and the accused is free to go.
<b>accused</b>	A person who is charged with committing a crime.
<b>acquittal</b>	A judge or jury finds that there is a reasonable doubt about the accused person's guilt and therefore the accused is found not guilty.
<b>adjournment</b>	A temporary delay in the court proceedings.
<b>appeal</b>	A request by a Crown attorney or defence lawyer for a higher court to review the trial court's decision on the conviction or acquittal, and/or sentence.
<b>arrest</b>	The accused is placed in the custody of the police.
<b>arrest warrant</b>	A document authorizing the police to arrest an individual.

### B

<b>bail</b>	Money promised to the court if the accused does not appear in court when required and/or doesn't follow the rules of his/her release.
<b>bail hearing</b>	A hearing where a Justice of the Peace or judge decides whether the accused will be kept in custody or released on bail until trial.

**being sworn in** When the witness arrives on the witness stand, they must make an oath or solemn affirmation to tell the truth before testifying. After this is completed the witness is considered to be “under oath”.

**beyond a reasonable doubt** The standard that must be met in order for an accused person to be found guilty.

## C

**charges** Formal accusations of the offences a person is accused of committing. Charges are laid by police following an arrest and are set out in a legal document called an “information”.

**charge to the jury** When the judge instructs the jury at the end of the trial before the jury members meet together to decide whether an accused is guilty or not guilty.

**closing arguments** Arguments as to whether the accused should be found guilty or not guilty made to the judge or jury by the Crown attorney and the defence lawyer after all evidence has been presented at the trial.

**concurrent sentences** Multiple sentences that are served at the same time by an offender. For example, two sentences of one year each result in only one year served.

**conditional discharge** An accused is found guilty, but no conviction is entered against him/her; the accused is released (discharged) subject to certain conditions contained in a probation order.

**conditional sentence** A sentence of imprisonment that is served in the community rather than in a correctional facility. It can be ordered only for periods of less than two years.

**consecutive sentences** Multiple sentences served by an offender one after the other.

<b>conviction</b>	When an accused is found guilty and does not receive an absolute or conditional discharge as a sentence.
<b>court clerk</b>	The person who files various documents related to court proceedings, keeps a record of trial evidence, administers oaths, deals with exhibits and announces the beginning and end of court sessions.
<b>court reporter</b>	The person who sits in on all court proceedings and makes a record of everything that is said in court (the “transcript”).
<b>Criminal Injuries Compensation Board (CICB)</b>	An Ontario government agency that provides financial compensation for victims of violent crime if the crime was committed in Ontario.
<b>criminal justice process</b>	The legal process that takes place after a crime has been committed and reported to police, including arrest, court appearances, trial and sentencing.
<b>cross-examination</b>	The questioning of a witness in a trial or other legal proceeding by the opposing lawyer. For example, if a witness was called by the Crown attorney, cross-examination is when this witness is questioned by the defence lawyer.
<b>crown attorney</b>	A lawyer who prosecutes criminal matters on behalf of the Ministry of the Attorney General.



## D

<b>defence lawyer</b>	A lawyer who represents an accused in criminal proceedings.
<b>discharge</b>	See "absolute discharge" and "conditional discharge".
<b>discharge possible date</b>	The earliest possible date an offender may be released from provincial custody with his/her sentence being considered complete. The discharge possible date is equal to approximately two-thirds of the offender's sentence.
<b>disposition</b>	A decision reached by the Ontario Review Board that sets out a course of action for an accused who has been found "unfit to stand trial" or "not criminally responsible" on account of mental disorder.

## E

<b>examination-in-chief</b>	The questioning of a witness in a trial or other legal proceeding by the party who called the witness to testify. For example, if a witness was called by the Crown attorney, examination-in-chief is when the witness is questioned by the Crown. This can also be called "direct examination".
<b>extrajudicial sanctions program</b>	A program that permits young persons charged with certain crimes to take responsibility for their behaviour outside of the traditional justice system. Examples include attending substance abuse or aggression programs, community service orders, and reconciliation programs where the victim and the offender talk about what happened.

**F****fine**

A set amount of money that an offender is ordered to pay the court as a penalty for committing a crime.

**H****house arrest**

A type of conditional sentence where the offender is confined to his/her home for the period of the sentence, except for special permission to attend such things as medical appointments and legal proceedings.

**I****information**

A legal document that describes the charges against an accused and is sworn to by a police officer and filed with the court.

**intermittent sentence**

A sentence for 90 days or less which is served in blocks of time (e.g., on weekends). An intermittent sentence is always accompanied by a probation order.

**J****joint submission on sentence**

When both the Crown and the defence lawyer agree to recommend the same sentence for the accused to the judge.

**judicial reprimand**

One type of sentence available for young persons under the *Youth Criminal Justice Act* (YCJA); a stern warning or lecture from the judge.

**Justice of the Peace**

An officer of the criminal justice system who has a range of responsibilities and authority to take on some criminal matters, including issuing warrants, conducting bail hearings, and presiding over certain provincial offence trials.

## N

### **not criminally responsible (NCR)**

A judge or jury's finding that the accused committed the crime (based on the evidence) but at the time of the offence was suffering from a mental disorder that made him/her incapable of understanding the consequences of what s/he did, or that it was wrong.

## O

### **offender**

A person found guilty of committing a crime.

### **officer in charge**

The police officer in charge of the case.

### **Ontario Parole Board (OPB)**

The board responsible for conducting parole hearings and making decisions about parole for offenders in the provincial corrections system.

### **Ontario Review Board (ORB)**

The independent tribunal that has authority over individuals referred by the court who have been found to be "unfit to stand trial" or "not criminally responsible" on account of mental disorder.

## P

### **parole**

The early release of an offender from a correctional facility to the supervision of a parole officer in the community, subject to conditions.

### **Parole Board of Canada (PBC)**

The board that is responsible for conducting parole hearings and making parole decisions for offenders in the federal corrections system.

### **peace bond**

A court order requiring a person to keep the peace for a specified period of time which often includes specific conditions such as staying a certain distance from someone, or not communicating with someone.

<b>perjury</b>	Knowingly making a false statement while under oath or solemn affirmation.
<b>preliminary inquiry</b>	A hearing where a judge listens to the evidence presented by the Crown attorney, and decides whether there is enough evidence to proceed to trial, and if so, on what charge.
<b>probation</b>	A court disposition where the offender remains in the community under the supervision of a probation officer, and is subject to the conditions of a probation order.
<b>probation order</b>	A legal document that describes the term and conditions of probation; the maximum length is three years.
<b>publication ban</b>	A judge's order setting out limitations on what information in court proceedings can be reported by the media.

## R

<b>re-examination</b>	When the party who called the witness questions them again after “cross-examination”.
<b>resolution agreement</b>	An agreement reached between the Crown and defence lawyer for the accused to plead guilty. The guilty plea may result in fewer charges, a reduced charge, or a lighter sentence.
<b>restitution order</b>	An order made by a judge requiring an offender to pay money to the victim to help cover losses or damages caused by the crime. Only costs that can be proven, like repairs to property damaged by the offender, treatment for injuries, loss of income or moving expenses, may be covered in a restitution order.

**restraining order**

A civil court order containing certain conditions such as prohibiting contact with another person. This order is usually made in the family law courts, as part of custody or separation/divorce proceedings, and is usually issued against a spouse, former spouse, or person with whom the applicant has cohabited.

**S****sentencing hearing**

A hearing held after an accused has pleaded guilty or has been found guilty, where the Crown attorney and defence lawyer make recommendations about what sentence they think is appropriate and the judge makes the final decision.

**statutory release**

In the federal system, the release of an offender from a correctional facility after serving two-thirds of his/her sentence. An offender on statutory release will be supervised by a parole officer, and have conditions attached to his/her release, until the end of his/her sentence.

**subpoena**

A legal document requiring a witness to appear in court.

**surety**

A person who agrees to supervise the accused while s/he is out of custody and waiting for trial. The surety promises to pay a sum of money (bail) to the court if the accused fails to appear in court or breaches a condition of his/her release.

**suspended sentence with probation**

A sentence where a convicted offender remains out of the correctional facility, but is on probation for a specified period of time (a maximum of three years). The offender is still supervised by a probation officer and must follow all of the conditions of the probation order.

## T

**temporary absence release**

A type of release from a correctional facility that allows an offender to leave the correctional facility temporarily under special circumstances. In some cases, these releases will be escorted.

**transcript**

The official record of a trial, prepared from the court reporter's notes.

## U

**under oath**

After swearing or solemnly affirming to tell the truth on the witness stand, the witness is considered to be "under oath" and must tell the truth until they finish testifying. If the witness makes a false statement under oath they could be charged with a criminal offence (see: "perjury").

## V

**Victim Crisis Assistance Ontario (VCAO)**

A government-funded community based victim services program that provides a range of services to assist victims in the immediate aftermath of crime or tragic circumstances.

**verdict**

A decision reached by a judge or jury on the guilt of the accused (guilty, not guilty or "not criminally responsible").

**Victim Impact Statement (VIS)**

A written statement to the court that is prepared by a victim of crime for consideration by the judge at sentencing. The statement is submitted to the court after conviction but before sentencing.

**Victim Quick Response Program (VQRP)** A government-funded program that provides emergency funds for certain expenses in the immediate aftermath of a violent crime for victims who have no other financial means or resources available to meet their needs. The program is offered through local victim services organizations.

**victim services** The agencies and programs that offer a broad of services to assist victims of crime and trauma. These services may be provided by the police or through community agencies (e.g., Victim Crisis Assistance Ontario).

**Victim Support Line (VSL)** A province-wide, bilingual, toll-free information line that provides referrals to victim support services in local communities and a notification system regarding the release of offenders in provincial correctional facilities and information about these offenders.

**Victim/Witness Assistance Program (V/WAP)** A government-funded service that provides information, assistance and support to victims and witnesses of certain crimes during the criminal court process.

## W

**warrant** See “arrest warrant”.

## Y

**young person** A person who is between the ages of 12 and 17 at the time of the crime is considered a "young person" under criminal law and falls under the *Youth Criminal Justice Act* (YCJA).

## Ontario Victims' Bill of Rights

### Victims' Bill of Rights, 1995

S.O. 1995, CHAPTER 6

Amended by: 1999, c. 6, s. 65; 2000, c. 32; 2005, c. 5, s. 72.

#### Preamble

The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### DEFINITIONS

#### Definitions

1. In this Act,

“crime” means an offence under the *Criminal Code* (Canada); (“acte criminel”)

“victim” means a person who, as a result of the commission of a crime by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the crime results in the death of the person, includes,

- (a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and
- (b) a dependant or spouse of the person, both within the meaning of section 29 of the *Family Law Act*;

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the crime. (“victime”) 1995, c. 6, s. 1; 1999, c. 6, s. 65 (1, 2); 2005, c. 5, s. 72 (1, 2).



## PRINCIPLES

### Principles

2. (1) The following principles apply to the treatment of victims of crime:
  1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials.
  2. Victims should have access to information about,
    - i. the services and remedies available to victims of crime,
    - ii. the provisions of this Act and of the *Compensation for Victims of Crime Act* that might assist them,
    - iii. the protection available to victims to prevent unlawful intimidation,
    - iv. the progress of investigations that relate to the crime,
    - v. the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid,
    - vi. the victim's role in the prosecution,
    - vii. court procedures that relate to the prosecution,
    - viii. the dates and places of all significant proceedings that relate to the prosecution,
    - ix. the outcome of all significant proceedings, including any proceedings on appeal,
    - x. any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,
    - xi. the interim release and, in the event of conviction, the sentencing of an accused,
    - xii. any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and
    - xiii. their right under the *Criminal Code* (Canada) to make representations to the court by way of a victim impact statement.
  3. A victim of a prescribed crime should, if he or she so requests, be notified of,

- i. any application for release or any impending release of the convicted person, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass, and
  - ii. any escape of the convicted person from custody.
- 4. If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,
  - i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
  - ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
  - iii. any escape of the accused from custody.
- 5. Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.
- 6. A victim's property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system. 1995, c. 6, s. 2 (1).

### Limitations

(2) The principles set out in subsection (1) are subject to the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed. 1995, c. 6, s. 2 (2).

### Regulations

- (3) The Lieutenant Governor in Council may make regulations,
  - (a) Prescribing standards, other than for police services, to be followed in giving effect to the principles set out in subsection (1);
  - (b) Prescribing crimes for the purposes of paragraphs 3 and 4 of subsection (1). 1995, c. 6, s. 2 (3).

**Same**

(4) Standards for police services may be prescribed under paragraph 1 of subsection 135 (1) of the *Police Services Act*. 1995, c. 6, s. 2 (4).

**No new cause of action**

(5) No new cause of action, right of appeal, claim or other remedy exists in law because of this section or anything done or omitted to be done under this section. 1995, c. 6, s. 2 (5)

**CIVIL PROCEEDINGS****Damages**

3. (1) A person convicted of a prescribed crime is liable in damages to every victim of the crime for emotional distress, and bodily harm resulting from the distress, arising from the commission of the crime. 1995, c. 6, s. 3 (1).

**Presumption**

- (2) The following victims shall be presumed to have suffered emotional distress:
1. A victim of an assault if the victim is or was a spouse, within the meaning of section 29 of the *Family Law Act*, of the assailant.
  2. A victim of a sexual assault.
  3. A victim of an attempted sexual assault. 1995, c. 6, s. 3 (2); 1999, c. 6, s. 65 (3); 2005, c. 5, s. 72 (3).

**Regulations**

(3) The Lieutenant Governor in Council may make regulations prescribing crimes for the purposes of subsection (1). 1995, c. 6, s. 3 (3).

**Interpretation**

(4) Nothing in this section shall be interpreted to limit remedies otherwise available under existing law or to preclude the development of remedies under the law. 1995, c. 6, s. 3 (4).

### **Application of section**

4. (1) This section applies to a civil proceeding in which the victim of a crime seeks redress from a person convicted of the crime for harm suffered as a result of the commission of the crime. 1995, c. 6, s. 4 (1).

### **Security for costs**

(2) A judge shall not make an order under the rules of court requiring a victim to provide security for costs unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice. 1995, c. 6, s. 4 (2).

### **Damages**

(3) Subject to subsection (4), a judge shall not consider the sentence, if any, imposed on a convicted person when ordering that person to pay damages in respect of harm suffered by a victim of the crime. 1995, c. 6, s. 4 (3).

### **Exception: punitive damages**

(4) A judge shall take the sentence, if any, imposed on a convicted person into consideration before ordering that person to pay punitive damages to a victim. 1995, c. 6, s. 4 (4).

### **Interest awards**

(5) A judge shall not exercise his or her discretion under clause 130 (1) (a) of the *Courts of Justice Act* to disallow an award of interest to a victim unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice. 1995, c. 6, s. 4 (5).

### **Solicitor and client costs**

(6) A judge who makes an order for costs in favour of a victim shall make the order on a solicitor and client basis, unless the judge considers that to do so would not be in the interests of justice. 1995, c. 6, s. 4 (6).

## VICTIMS' JUSTICE FUND ACCOUNT

### Victims' justice fund account to be maintained

5. (1) The victim assistance fund account referred to in subsection 60.1 (4) of the *Provincial Offences Act*, as it read immediately before subsection 7 (1) of this Act comes into force, is continued as the victims' justice fund account and shall be maintained as a special account in the Consolidated Revenue Fund. 1995, c. 6, s. 5 (1).

### Amounts to be credited to account

- (2) The victims' justice fund account shall consist of,
- (a) fine surcharge amounts credited to the account under subsection 60.1 (4) of the *Provincial Offences Act*;
  - (b) fine surcharge amounts that under section 727.9 of the *Criminal Code* (Canada) the Lieutenant Governor in Council directs be credited to the account;
  - (c) Amounts credited to the account in accordance with an appropriation by the Legislative Assembly of Ontario;
  - (d) donations made by persons to the Crown to be credited to the account. 1995, c. 6, s. 5 (2).

### Special purpose account

(3) The money paid into the victims' justice fund account is money paid to Ontario for a special purpose within the meaning of the *Financial Administration Act*. 1995, c. 6, s. 5 (3).

### Use of victims' justice fund account

(4) The money paid into the victims' justice fund account shall be used to assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise. 1995, c. 6, s. 5 (4).

### Payments out of account

(5) Subject to the approval of Management Board of Cabinet, payments may be made out of the victims' justice fund account for the purpose described in subsection (4). 1995, c. 6, s. 5 (5).

## Expenses

(6) The Lieutenant Governor in Council in each year may authorize the payment out of the victims' justice fund account to the Consolidated Revenue Fund generally of an amount for the payment of expenses in connection with the administration of the account. 1995, c. 6, s. 5 (6).

## Regulations

- (7) The Lieutenant Governor in Council may make regulations,
- (a) establishing criteria that must be met by a program or agency before a payment is made out of the victims' justice fund account to support the program or agency;
  - (b) establishing a formula or other basis according to which money in the victims' justice fund account is to be paid out. 1995, c. 6, s. 5 (7).

## OFFICE FOR VICTIMS OF CRIME

### Office for Victims of Crime

**5.1** (1) There shall be an office to be known in English as the Office for Victims of Crime and in French as Office des affaires des victimes d'actes criminels. 2000, c. 32, s. 1.

### Composition

(2) The Office shall be composed of such number of members as the Lieutenant Governor in Council considers appropriate, each of whom shall be appointed by the Lieutenant Governor in Council. 2000, c. 32, s. 1.

### Chair and vice-chair

(3) The Lieutenant Governor in Council shall designate a chair and vice-chair of the Office from among the members of the Office. 2000, c. 32, s. 1.

## Advisory functions

- (4) The Office shall advise the Attorney General on,
- (a) ways to ensure that the principles set out in subsection 2 (1) are respected;
  - (b) the development, implementation and maintenance of provincial standards for services for victims of crime;
  - (c) the use of the Victims' Justice Fund to provide and improve services for victims of crime;
  - (d) research and education on the treatment of victims of crime and ways to prevent further victimization; and
  - (e) matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization. 2000, c. 32, s. 1.

## Assigned duties

(5) The Attorney General may from time to time assign such duties to the Office as he or she considers appropriate and the Office shall carry out those duties. 2000, c. 32, s. 1.

## Employees

(6) Employees of the Office may be appointed under the *Public Service Act*. 2000, c. 32, s. 1.

## Transitional

- (7) On the day this section comes into force,
- (a) the books and records of the office formerly known in English as the Office for Victims of Crime and in French as the Bureau consultatif pour les services aux victimes d'actes criminels become the books and records of the Office referred to in subsection (1); and
  - (b) the employees of the office formerly known in English as the Office for Victims of Crime and in French as the Bureau consultatif pour les services aux victimes d'actes criminels become the employees of the Office referred to in subsection (1). 2000, c. 32, s. 1.

**6.,7.** Omitted (Amends or repeals other acts). 1995, c. 6, ss. 6, 7.

**8.** Omitted (provides for coming into force of provisions of this act). 1995, c. 6, s. 8.

**9.** Omitted (enacts short title of this act). 1995, c. 6, s. 9.

## Canadian Victims Bill of Rights

**S.C. 2015, c. 13, s. 2**

Assented to 2015-04-23

An Act for the Recognition of Victims Rights

[Enacted by section 2 of chapter 13 of the Statutes of Canada, 2015, in force July 23, 2015.]

### **Preamble**

Whereas crime has a harmful impact on victims and on society;

Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity;

Whereas it is important that victims' rights be considered throughout the criminal justice system;

Whereas victims of crime have rights that are guaranteed by the *Canadian Charter of Rights and Freedoms*;

Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice;

Whereas the federal, provincial and territorial governments share responsibility for criminal justice;

Whereas, in 1988, the federal, provincial and territorial governments endorsed the *Canadian Statement of Basic Principles of Justice for Victims of Crime* and, in 2003, the *Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003*;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:



## Short Title

### Short Title

1. This Act may be cited as the *Canadian Victims Bill of Rights*.

## Interpretation

### Definitions

2. The following definitions apply in this Act.

**offence** means an offence under the *Criminal Code*, the *Youth Criminal Justice Act* or the *Crimes Against Humanity and War Crimes Act*, a designated substance offence as defined in subsection 2(1) of the *Controlled Drugs and Substances Act* or an offence under section 91 or Part 3 of the *Immigration and Refugee Protection Act*. (Infraction)

**victim** means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence. (Victime)

### Acting on victim's behalf

3. Any of the following individuals may exercise a victim's rights under this Act if the victim is dead or incapable of acting on their own behalf:
  - (a) the victim's spouse or the individual who was at the time of the victim's death their spouse;
  - (b) the individual who is or was at the time of the victim's death, cohabiting with them in a conjugal relationship, having so cohabited for a period of at least one year;
  - (c) a relative or dependant of the victim;
  - (d) an individual who has in law or fact custody, or is responsible for the care or support, of the victim;
  - (e) an individual who has in law or fact custody, or is responsible for the care or support of a dependent of the victim.

## Exception

4. An individual is not a victim in relation to an offence, or entitled to exercise a victim's rights under this Act, if the individual is charged with the offence, found guilty of the offence or found not criminally responsible on account of mental disorder or unfit to stand trial in respect of the offence.

## Criminal justice system

5. For the purpose of this Act, the criminal justice system consists of
  - (a) the investigation and prosecution of offences in Canada;
  - (b) the corrections process and the conditional release process in Canada; and
  - (c) the proceedings of courts and Review Boards, as those terms are defined in subsection 672.1(1) of the *Criminal Code*, in respect of accused who are found not criminally responsible on account of mental disorder or unfit to stand trial.

## Rights

### Information

#### General Information

6. Every victim has the right, on request, to information about
  - (a) the criminal justice system and the role of victims in it;
  - (b) the services and programs available to them as a victim, including restorative justice programs; and
  - (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.

#### Investigations and proceedings

7. Every victim has the right, on request, to information about
  - (a) the status and outcome of the investigation into the offence; and
  - (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome.

## Information about the offender or accused

8. Every victim has the right, on request, to information about
  - (a) reviews under the *Corrections and Conditional Release Act* relating to the offender's conditional release and the timing and conditions of that release; and
  - (b) hearings held for the purpose of making dispositions, as defined in subsection 672.1(1) of the *Criminal Code*, in relation to the accused, if the accused is found not criminally responsible on account of mental disorder or unfit to stand trial, and the dispositions made at those hearings.

## Protection

### Security

9. Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.

### Protection from intimidation and retaliation

10. Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.

### Privacy

11. Every victim has the right to have their privacy considered by the appropriate authorities in the criminal justice system.

### Identity Protection

12. Every victim has the right to request that their identity be protected if they are a complainant to the offence or a witness in proceedings relating to the offence.

### Testimonial aids

13. Every victim has the right to request testimonial aids when appearing as a witness in proceedings relating to the offence.

## Participation

### Views to be considered

14. Every victim has the right to convey their views about decisions to be made by appropriate authorities in the criminal justice system that affect the victim's rights under this Act and to have those views considered.

### Victim impact statement

15. Every victim has the right to present a victim impact statement to the appropriate authorities in the criminal justice system and to have it considered.

## Restitution

### Restitution order

16. Every victim has the right to have the court consider making a restitution order against the offender.

### Enforcement

17. Every victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender.

## General Provisions

### Application

18. (1) This Act applies in respect of a victim of an offence in their interactions with the criminal justice system:
  - (a) while the offence is investigated or prosecuted;
  - (b) while the offender is subject to the corrections process or the conditional release process in relation to the offence; and
  - (c) while the accused is, in relation to the offence, under the jurisdiction of a court or a Review Board, as those terms are defined in subsection 672.1(1) of the *Criminal Code*, if they are found not criminally responsible on account of mental disorder or unfit to stand trial.

## Reporting of offence

- (2) For the purpose of subsection (1), if an offence is reported to the appropriate authorities in the criminal justice system, the investigation of the offence is deemed to begin at the time of the reporting.

## *National Defense Act*

- (3) This Act does not apply in respect of offences that are service offences, as defined in subsection 2(1) of the *National Defence Act*, that are investigated or proceeded with under that Act.

## Exercise of rights

19. (1) The rights of victims under this Act are to be exercised through the mechanisms provided by law.

## Connection to Canada

- (2) A victim is entitled to exercise their rights under this Act only if they are present in Canada or they are a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

## Interpretation of this Act

20. This Act is to be construed and applied in a manner that is reasonable in the circumstances, and in a manner that is not likely to
- (a) interfere with the proper administration of justice, including
    - (i) by causing interference with police discretion or causing excessive delay in, or compromising or hindering, the investigation of any offence, and
    - (ii) by causing interference with prosecutorial discretion or causing excessive delay in, or compromising or hindering, the prosecution of any offence;
  - (b) interfere with ministerial discretion;
  - (c) interfere with the discretion that may be exercised by any person or body authorized to release an offender into the community;
  - (d) endanger the life or safety of any individual; or
  - (e) cause injury to international relations or national defence or national security.

**Interpretation of other Acts, regulations, etc.**

21. To the extent that it is possible to do so, every Act of Parliament enacted — and every order, rule or regulation made under such an Act — before, on or after the day on which this Act comes into force must be construed and applied in a manner that is compatible with the rights under this Act.

**Primacy in event of inconsistency**

22. (1) If, after the application of sections 20 and 21, there is any inconsistency between any provision of this Act and any provision of any Act, order, rule or regulation referred to in section 21, the provision of this Act prevails to the extent of the inconsistency.

**Exception – Acts and regulations, etc.**

(2) Subsection (1) does not apply in respect of the Canadian Bill of Rights, the *Canadian Human Rights Act*, the *Official Languages Act*, the *Access to Information Act* and the *Privacy Act* and orders, rules and regulations made under any of those Acts.

**No adverse interference**

23. No adverse inference is to be drawn against a person who is charged with an offence from the fact that an individual has been identified as a victim in relation to the offence.

**Entering or remaining in Canada**

24. Nothing in this Act is to be construed so as to permit any individual to

- (a) enter Canada or to remain in Canada beyond the end of the period for which they are authorized to so remain;
- (b) delay any removal proceedings or prevent the enforcement of any removal order; or
- (c) delay any extradition proceedings or prevent the extradition of any person to or from Canada.

## Remedies

### Complaint – federal entity

25. (1) Every victim who is of the opinion that any of their rights under this Act have been infringed or denied by a federal department, agency or body has the right to file a complaint in accordance with its complaints mechanism.

### Complaint to authority

- (2) Every victim who has exhausted their recourse under the complaints mechanism and who is not satisfied with the response of the federal department, agency or body may file a complaint with any authority that has jurisdiction to review complaints in relation to that department, agency or body.

### Complaints mechanism

- (3) Every federal department, agency or body that is involved in the criminal justice system must have a complaints mechanism that provides for:
- (a) a review of complaints involving alleged infringements or denials of rights under this Act;
  - (b) the power to make recommendations to remedy such infringements and denials; and
  - (c) the obligation to notify victims of the result of those reviews and of the recommendations, if any were made.

### Complaint – provincial or territorial entity

26. Every victim who is of the opinion that their rights under this Act have been infringed or denied by a provincial or territorial department, agency or body may file a complaint in accordance with the laws of the province or territory.

## Status

27. Nothing in this Act is to be construed as granting to, or removing from, any victim or any individual acting on behalf of a victim the status of party, intervenor or observer in any proceedings.

**No cause of action**

28. No cause of action or right to damages arises from an infringement or denial of a right under this Act.

**No appeal**

29. No appeal lies from any decision or order solely on the grounds that a right under this Act has been infringed or denied.

**Related Provisions**

2015, c. 13, s. 2.1

- Review of Canadian Victims Bill of Rights

**2.1 Five years after section 2 comes into force, a committee of Parliament is to be designated or established for the purpose of reviewing the *Canadian Victims Bill of Rights* enacted by that section.**





# Who to Contact





## Who to Contact If You Need General Services in Your Community

### Victim Support Line (VSL) – Telephone Directory of Resources

Description:	Telephone  :	Website  :
<p>There are a wide range of community agencies and resources available in Ontario to support victims of crime in general. Although there are too many to list here, you can be connected (24 hours a day, 7 days a week) to services and supports in your community through the Victim Support Line, a province-wide, bilingual, toll-free information line.</p>	<p>Greater Toronto Area: 416-314-2447 Toll-free: 1-888-579-2888 (Choose the option to speak with someone about services for victims of crime in your community.)</p>	<p>See page 96 – 211 Ontario.</p>

### Ministry of the Attorney General – Ontario's Victim Services Directory

Description:	Telephone  :	Website  :
<p>The Ministry of the Attorney General provides a directory of services for people who have been victimized in Ontario. You can find information on services available and government-funded programs on this searchable directory.</p>	<p>See above – Victim Support Line.</p>	<p>To find services and resources in your community, go to Ontario's Victim Services Directory at: <a href="http://services.findhelp.ca/ovss">services.findhelp.ca/ovss</a></p>

## 211 Ontario – Online Directory of Resources

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### Description:

211 Ontario provides a website that lists contact information for community and social services throughout Ontario.

### Telephone :

See page 95 –  
Victim Support Line.

### Website :

To find services and resources in your community, go to 211 Ontario's website at:

[www.211ontario.ca](http://www.211ontario.ca)

## Victim Crisis Assistance Ontario (VCAO)

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### Description:

Victim Crisis Assistance Ontario is funded by the government and provides a range of services to assist victims of crime. These services are delivered locally by not for profit community agencies, which operate under different names. Services offered include:

- 24/7 assistance and support
- Crisis intervention
- Addressing immediate safety concerns
- Emergency financial assistance
- Safety planning
- The provision of information
- Referrals to counselling and relevant community and government support services.

### Telephone :

To find the Victim Crisis Assistance Ontario organization in your area, call the Victim Support Line at:

Greater Toronto Area:  
416-314-2447

Toll-free:  
1-888-579-2888

(Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To find Victim Crisis Assistance Ontario agencies in your community, go to Ontario's Victim Services Directory at:

[services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)

(Input your location into Step 1, and select "Victim Crisis Assistance Ontario" under "programs" – Step 2.)

## If You Need Services for Specific Populations/Victimization Experiences

### Action Ontarienne Contre la Violence faite aux femmes (AOCVF)

**Description:**

Action ontarienne contre la violence faite aux femmes is a feminist and Francophone group of organizations working to promote action and deliver resources for French-speaking women in Ontario who have experienced violence. A directory of French-language and bilingual services for women throughout Ontario is available on the Action ontarienne contre la violence faite aux femmes website.

**Telephone  :**

613-241-8433

**Website  :**

For more information about Action ontarienne contre la violence faite aux femmes, and to access the directory of French-language and bilingual services for women throughout Ontario, go to their website at:

[www.aocvf.ca](http://www.aocvf.ca)

### Assaulted Women's Helpline

**Description:**

The Assaulted Women's Helpline provides crisis counselling, emotional support, information, and referrals to appropriate services in local communities. This service operates 24 hours a day, 7 days a week, and is free, anonymous, confidential, and available in up to 154 languages.

**Telephone  :**

Greater Toronto Area: 416-863-0511  
 Toll-free: 1-866-863-0511  
 TTY: 416-364-8762  
 Toll-free TTY: 1-866-863-7868  
 Text Message: #SAFE (#7233)

**Website  :**

For information about the Assaulted Women's Helpline and the services they offer, go to their website at:

[www.awhl.com](http://www.awhl.com)

## Fem'aide

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### Description:

Fem'aide offers support, information, and referral to frontline services to French-speaking women in Ontario who have experienced gender-based violence. These services are available 24 hours a day, 7 days a week. Fem'aide can also respond to requests for information made by family and friends of women who are victims of violence. The helpline's main focus is to assist women who have experienced violence in an intimate relationship and women who have been sexually assaulted.

### Telephone :

Toll-free:  
1-877-FEMAIDE  
1-877-336-2433  
TTY:  
1-866-860-7082

### Website :

For more information about Fem'aide and the services they offer, go to their website at:

[www.femaide.ca](http://www.femaide.ca)

## Talk4Healing

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### Description:

Talk4Healing offers support and counselling services to indigenous women living in urban, rural, and remote communities, both on and off reserve all across Northern Ontario (from Manitoba border through to the Muskokas). This free telephone service is available 24 hours a day, 7 days a week with services in English, Ojibway, Oji-Cree and Cree. Talk4Healing incorporates the Medicine Wheel and traditional teachings into its services.

### Telephone :

Toll-free:  
1-855-554-HEAL  
1-855-554-4325

### Website :

For more information, go to Talk4Healing's website at:

[www.talk4healing.com](http://www.talk4healing.com)

## ShelterSafe

### Description:

ShelterSafe is an online resource to help women and their children who are seeking safety from violence and abuse. A clickable map identifies shelters and their corresponding emergency numbers in a specific geographic area.

### Telephone :

N/A

### Website :

To find a shelter using this service, go to ShelterSafe's website at:

[www.sheltersafe.ca](http://www.sheltersafe.ca)

## Sexual Assault/Domestic Violence Treatment Centres

### Description:

Sexual Assault/Domestic Violence Treatment Centres are based in 35 hospitals throughout the province and provide emergency care to women, children and men who are victims or survivors of sexual and/or partner violence 24 hours a day, 7 days a week. Services also include:

- Emergency medical and nursing care
- Crisis intervention
- Collection of forensic evidence
- Medical follow-up
- Counselling
- Referral to community resources.

### Telephone :

To find the Sexual Assault/Domestic Violence Treatment Centre nearest you, call the Victim Support Line at:  
Greater Toronto Area: 416-314-2447  
Toll-free:  
1-888-579-2888

(Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To find the Sexual Assault/Domestic Violence Treatment Centre nearest you, go to the Ontario Network of Sexual Assault/Domestic Violence Treatment Centres website at:

[www.satcontario.com](http://www.satcontario.com)

## Sexual Assault Centres (SACs)

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### Description:

Sexual Assault Centres provide a variety of services to female victims of sexual violence who are 16 years of age or older. These services include:

- 24/7 crisis lines for victims
- Individual counselling
- Group counselling
- Peer support
- Accompaniment to court, a hospital or a police station
- Information and referrals to other services.

### Telephone :

To find the Sexual Assault Centre nearest you, call the Victim Support Line at:

Greater Toronto Area: 416-314-2447

Toll-free:  
1-888-579-2888

(Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To find the Sexual Assault Centre nearest you, go to Ontario's Victim Services Directory at:

[services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)

(Input your location into Step 1, and select "Sexual Assault/Rape Crisis Centres", under "programs" – Step 2.)

You can also visit the Ontario Coalition of Rape Crisis Centres website at:

[www.sexualassaultsupport.ca](http://www.sexualassaultsupport.ca)

## Support Services For Male Survivors of Sexual Abuse

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### Description:

The Support Services for Male Survivors of Sexual Abuse program provides help to male survivors of sexual abuse, both recent and historical. The program is delivered by agencies across the province. Male survivors of sexual abuse have access to a number of specialized services to help them deal with the impact of abuse, including:

- Individual and group counselling
- Peer support
- Telephone and online counselling
- Referrals to other appropriate community support services to meet other long-term needs clients may have.

### Telephone :

For more information, or to access the 24-hour, multilingual, toll-free phone line for immediate crisis and referral services, call:

Toll-free:  
1-866-887-0015

### Website :

To access a service provider nearest you, go to Ontario's Victim Services Directory at:

[services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)

(Input your location into Step 1, and select "Support Services for Male Survivors of Sexual Abuse" under "programs" - Step 2.)

For more information on the Support Services for Male Survivors of Sexual Abuse program, go to the Ontario Ministry of the Attorney General's website at:

[www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)

(Click on "Victims of Crime", then "Programs and Services for Victims of Crime", and then "Support Services for Male Survivors of Sexual Abuse".)



## Seniors Safety Line (SSL)

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### Description:

The Seniors Safety Line is a free, confidential, 24/7 telephone service that is available in over 150 languages. It provides contact and referral information for local agencies across the province that can assist in cases of elder abuse. Trained counsellors also provide safety planning and supportive counselling for older adults who are being abused or at-risk of abuse. Family members and service providers can also call for information about community services.

### Telephone :

Toll-free:  
1-866-299-1011

### Website :

Resources and information relating to seniors' safety, including a directory of programs and services, are also available online through the Elder Abuse Ontario website at:  
[www.elderabuseontario.com](http://www.elderabuseontario.com)

## Kids Help Phone

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### Description:

Kids Help Phone is Canada's 24/7 counselling and information service for young people. Trained, professional counsellors offer free, anonymous service in both English and French to support young people aged five to 20 who are dealing with a wide range of issues, including struggles with relationships, moving to a new environment, cyberbullying, abuse, and mental health concerns. In addition to an array of counselling options, including Live Chat, Kids Help Phone offers young people a wide range of online and mobile resources.

### Telephone :

Toll-free:  
1-800-668-6868  
Mobile App:  
"AlwaysThere"  
([www.kidshelpphone.ca/teens/phoneus/alwaysthere.aspx](http://www.kidshelpphone.ca/teens/phoneus/alwaysthere.aspx)).  
Available for iPhone, Android and BlackBerry.

### Website :

For more information about Kids Help Phone and to access their resources, go to their website at:  
[www.kidshelpphone.ca](http://www.kidshelpphone.ca)

## Child Advocacy Centres (CACs)

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### Description:

Child Advocacy Centres provide a coordinated approach to addressing the needs of child and youth victims and/or witnesses in the criminal justice system. Child Advocacy Centres seek to minimize system-induced trauma by providing a single, child-friendly setting for young victims or witnesses and their families to seek services. Child Advocacy Centres are designed to meet the unique needs of the particular community in which they are located, but they do have some elements in common, including:

- A multi-disciplinary team that includes law enforcement, child protection services, prosecution, mental health services, victim advocacy services and the child advocacy centre
- Child focused setting
- Forensic interviewing
- Victim advocacy and support, including court support
- Specialized medical evaluation and treatment
- Specialized trauma-focused mental health services.

### Telephone :

To find your nearest Child Advocacy Centre, call the Victim Support Line at:  
 Greater Toronto Area: 416-314-2447  
 Toll-free:  
 1-888-579-2888  
 (Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

N/A

## If You Need Financial Assistance

### Victim Quick Response Program (VQRP)

#### Description:

The Victim Quick Response Program provides emergency funds for certain expenses immediately following a crime to victims who have no other financial means or resources available to meet their needs. The Victim Quick Response Program is delivered through victim services organizations in communities across the province.

#### Telephone :

To access the Victim Quick Response Program in your area, call the Victim Support Line at:  
Greater Toronto Area: 416-314-2447  
Toll-free:  
1-888-579-2888  
(Choose the option to speak with someone about services for victims of crime in your community.)

#### Website :

To access your nearest victim services organization delivering the Victim Quick Response Program, go to Ontario's Victim Services Directory at: [services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)  
(Input your location into Step 1, and select "Victim Quick Response Program", under "programs" – Step 2.)

### Criminal Injuries Compensation Board (CICB)

#### Description:

The Criminal Injuries Compensation Board is a government agency that provides financial compensation to victims of a violent crime committed in Ontario.

#### Telephone :

For more information on the Criminal Injuries Compensation Board, to apply and/or obtain specific information about your claim, call:  
Greater Toronto Area: 416-326-2900  
Toll-free:  
1-800-372-7463

#### Website :

To access an online application form, go to the Criminal Injuries Compensation Board's webpage at: [www.sjto.gov.on.ca/cicb](http://www.sjto.gov.on.ca/cicb)  
(Click on the "Application and Hearing Process" tab on the left side of the page.)

## Financial Assistance For Families of Homicide Victims (FAFHV)

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### Description:

The Financial Assistance for Families of Homicide Victims program provides eligible spouses (or common law partners) and/or parents of homicide victims with up to \$10,000.

### Telephone :

For more information on the program, your eligibility or to apply, call:

Greater Toronto Area:

416-212-9164

Toll-free:

1-855-467-4344

### Website :

For specific information on the program, your eligibility or to seek information on how to apply, you can email the Financial Assistance for Families of Homicide Victims Program at:

[info-fafhv-vvpd@ontario.ca](mailto:info-fafhv-vvpd@ontario.ca)

For information about the program, go to the Ontario Ministry of the Attorney General's website at:

[www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)

(Click on "Victims of Crime", then "Programs, Services and Other Initiatives"; and then "Financial Assistance for Families of Homicide Victims Program".)

## If You Need Legal Services

### Legal Aid Ontario

#### Description:

Legal Aid Ontario provides eligible individuals with advice and representation by a private lawyer of their choice or by legal aid lawyers.

#### Telephone :

To obtain more information or to find the legal aid office nearest you, call:  
Greater Toronto Area: 416-979-1446  
Toll-free:  
1-800-668-8258

#### Website :

To learn more about Legal Aid Ontario, go to their website at:  
[www.legalaid.on.ca](http://www.legalaid.on.ca)

### Community Legal Clinics

#### Description:

Community legal clinics provide free legal services to individuals who meet financial eligibility requirements. You can contact a community legal clinic directly to find out if you qualify for their services.

#### Telephone :

To find a local community legal clinic, call Legal Aid Ontario at:  
Greater Toronto Area: 416-979-1446  
Toll-free:  
1-800-668-8258

#### Website :

To find a community legal clinic in your area, go to the Legal Aid Ontario website at:  
[www.legalaid.on.ca](http://www.legalaid.on.ca)  
(Click on "Getting Legal Help" and then "Community legal clinics" on the left side of the page, and then again on "Community legal clinics" and/or "Specialty clinics" on the right side of the page.)

## Law Society Referral Service (LSRS)

### Description:

The Law Society Referral Service can connect you with a lawyer or paralegal who will provide a free consultation of up to 30 minutes. The Law Society Referral Service can also help you find a lawyer or paralegal who meets your specific needs (e.g., fluency in a language comfortable for you).

### Telephone :

To find a lawyer or paralegal who can assist you through the Law Society Referral Service, call the program office at:  
Greater Toronto Area: 416-947-5255  
Toll-free:  
1-855-947-5255 (in Canada only)

### Website :

To access the Law Society Referral Service, go to their website at:  
[www.lawsocietyreferralservice.ca](http://www.lawsocietyreferralservice.ca)  
For more information about this service, go to the Law Society of Upper Canada's website at:  
[www.lsuc.on.ca](http://www.lsuc.on.ca)  
(Click on "For the Public" and then "Law Society Referral Service" in the text of the page.)

## If You Need Court-Based Services or Information

### Courthouses

#### Description:

Should you require contact information for any of Ontario's courthouses, it can be accessed on the Ministry of the Attorney General's website.

#### Telephone :

You can also call the Victim Support Line at:  
Greater Toronto Area: 416-314-2447  
Toll-free:  
1-888-579-2888  
(Choose the option to speak with someone about services for victims of crime in your community.)

#### Website :

To access courthouse information, go to the Ontario Ministry of the Attorney General's website at:  
[www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)  
(Click on "Court Services" and then "Address and Phone Information for Courthouses in Ontario".)

## Victim/Witness Assistance Program (V/WAP)

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### Description:

The Victim/Witness Assistance Program provides information, assistance and support to victims and witnesses of certain crimes during the criminal court process. Victim/Witness Assistance Program offices are located within most courthouses across the province.

### Telephone :

To find Victim/Witness Assistance Program office nearest you, call the Victim Support Line at:  
 Greater Toronto Area: 416-314-2447  
 Toll-free:  
 1-888-579-2888  
 (Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To access your nearest Victim/Witness Assistance Program office, go to Ontario's Victim Services Directory at: [services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)  
 (Input your location into Step 1, and select "Victim/Witness Assistance Program" under "programs" - Step 2.)  
 For information about the Victim/Witness Assistance program, go to the Ontario Ministry of the Attorney General's website at: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)  
 (Click on "Victims of Crime", then "Programs and Services for Victims of Crime"; and then "Victim/Witness Assistance Program".)

## Child Victim/Witness Program

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### Description:

The Child Victim/Witness Program offers support and services to child victims and witnesses during the criminal court process. In areas where a Child Victim/Witness Program is not available, the Victim/Witness Assistance Program provides similar services.

### Telephone :

To find the Child Victim/Witness Program nearest to you, call the Victim Support Line at:  
 Greater Toronto Area: 416-314-2447  
 Toll-free:  
 1-888-579-2888  
 (Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To access your nearest organization delivering the Child Victim/Witness Program, go to Ontario's Victim Services Directory at: [services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)  
 (Input your location into Step 1, and select "Child Victim Witness", under "programs" - Step 2.)



## Family Court Support Worker (FCSW) Program

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### Description:

The Family Court Support Worker Program has family court support workers who provide direct support to victims of domestic violence who are involved in the family court process. A family court support worker will:

- Provide information about the family court process
- Help victims prepare for family court proceedings
- Refer victims to other specialized services and supports in the community
- Help with safety planning, such as getting to and from court safely
- Accompany the victim to court proceedings, where appropriate.

Family court support workers are based in communities across the province.

### Telephone :

To access the Family Court Support Worker Program in your area, call the Victim Support Line at:  
Greater Toronto Area: 416-314-2447

Toll-free:  
1-888-579-2888

(Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

To access your nearest organization delivering the Family Court Support Worker Program, go to Ontario's Victim Services Directory at:

[services.findhelp.ca/ovss](http://services.findhelp.ca/ovss)

(Input your location into Step 1, and select "Family Court Support Worker Program" under "programs" - Step 2.)

For information about the Family Court Support Worker program, go to the Ontario Ministry of the Attorney General's website at:

[www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)

(Click on "Victims of Crime", then "Programs and Services for Victims of Crime"; and then "Family Court Support Worker Program".)

## If You Need Information about an Offender Who is in a Correctional Facility

### Victim Notification For Offenders In a Provincial Correctional Facility Victim Notification System (VNS)

#### Description:

Victims can register with the Victim Notification System to receive automated notifications about an offender who is serving his/her sentence in a provincial correctional facility. Information includes: the offender's scheduled release date, parole hearing dates, and any escapes or transfers.

The first time you call this service, you will need to leave a message on a secure voicemail with the full name of the offender, your full name, and a phone number where you can be reached during the day. A staff person will call you back with information about the offender. Users will also be given the option to register with the automated Victim Notification System for future updates/notifications about the offender.

#### Telephone :

For information about the offender and/or to register for this service, call the Victim Support Line at:

Greater Toronto Area: 416-314-2447

Toll-free:  
1-888-579-2888

TTY:  
1-855-710-8497

(Choose the option for the "Victim Notification System".)

#### Website :

N/A

## Victim Notification for Offenders in a Federal Correctional Facility

### Description:

Victims and their representatives can register with the Correctional Service of Canada or the Parole Board of Canada for the National Victim Services Program, in order to receive information about an offender who is serving his/her sentence in a federal correctional facility. Information includes: the offender's scheduled release date from prison, parole hearing dates, and any escapes or transfers. Victims and their representatives must register with either the Correctional Service of Canada **or** the Parole Board of Canada to receive information from both agencies about the offender who harmed them. The Correctional Service of Canada and the Parole Board of Canada have created a Victims Portal which gives victims and/or their named representatives online access to information and services to which they are entitled. After registering online, victims can go to the Victims Portal to create an account that will connect to their existing files with the Correctional Service of Canada and the Parole Board of Canada.

### Telephone :

For information about the offender and/or to register for this service, call:

#### **Correctional Service Canada (CSC)**

Toll-free:  
1-866-875-2225

#### **Parole Board of Canada (PBC)**

Toll-free:  
1-866-789-4636

### Website :

To obtain victim registration forms online, or to learn more about becoming a registered victim and getting information about the offender, go to:

#### **Correctional Service Canada (CSC):**

[www.csc-scc.gc.ca/victims](http://www.csc-scc.gc.ca/victims)

#### **Parole Board of Canada (PBC):**

[www.canada.ca/en/parole-board](http://www.canada.ca/en/parole-board)

#### **Victims Portal:**

<https://victimsportal-portalvictimes.csc-scc.gc.ca>

## If You Need Information about Parole Hearings

### Parole Hearings for Offenders in a Provincial Correctional Facility Ontario Parole Board (OPB)

#### Description:

The Ontario Parole Board is responsible for conducting parole hearings and making decisions on parole for offenders in the provincial corrections system.

Contact the Ontario Parole Board or visit their webpage for more information about participating in a hearing as a victim, or attending as an observer. Only victims registered with the Victim Notification System will be notified about parole hearing dates and can provide a Victim Statement at an Ontario Parole Board hearing (for information about registering with the Victim Notification System, see "Victim Notification for Offenders in a Provincial Correctional Facility" on page 111).

#### Telephone :

To obtain information about participating in a parole hearing, and/or to raise concerns about the release of an offender in a provincial correctional facility, call the Ontario Parole Board at:  
Greater Toronto Area: 416-325-4480  
(If the parole hearing date has already been set, you can contact your Case Management Officer directly. If you do not know who your Case Management Officer is, contact the mainline (above) and they will connect you.)

#### Website :

For information about the Ontario Parole Board and participating in hearings, go to their webpage at:  
[www.slasto.gov.on.ca/en/opb](http://www.slasto.gov.on.ca/en/opb)

## Parole Hearings for Offenders in a Federal Correctional Facility

### Parole Board of Canada (PBC)

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#### Description:

The Parole Board of Canada is responsible for conducting parole hearings and making decisions on parole for offenders in the federal corrections system. Contact the Parole Board of Canada or visit their website for more information about participating in a hearing as a victim or victim's representative, or about attending as an observer. Only registered victims (including representatives) will be notified about parole hearing dates and can provide a Victim Statement at a Parole Board of Canada hearing (for information about registering as a victim, see "Victim Notification for Offenders in a Federal Correctional Facility" on page 112).

#### Telephone :

To obtain information about participating in a parole hearing, and/or to raise concerns about the release of an offender in a federal correctional facility, call the Parole Board of Canada at:  
Toll Free:  
1-866-789-4636

#### Website :

To obtain registration forms online, or to learn more about the Parole Board of Canada go to their website at:  
[www.canada.ca/en/parole-board](http://www.canada.ca/en/parole-board)

## If You Need Information about a Case at the Ontario Review Board

### Ontario Review Board (ORB)

#### Description:

The Ontario Review Board is an independent tribunal that has authority over individuals who have been found unfit to stand trial or not criminally responsible on account of mental disorder and have been referred by the court to the Ontario Review Board.

#### Telephone :

For general information on the Ontario Review Board, to confirm your contact details, or inquire about notifications for upcoming hearings call the Ontario Review Board at:  
Greater Toronto Area: 416-327-8866  
TTY:  
1-877-301-0889

#### Website :

For general information, go to the Ontario Review Board website at:  
[www.orb.on.ca](http://www.orb.on.ca)

### Victim/Witness Assistance Program's Ontario Review Board (ORB) Victim/Witness Services Worker Office

#### Description:

The Victim/Witness Assistance Program's Ontario Review Board Victim/Witness Services Worker provides information, support and assistance to victims in criminal matters where an accused person has been found not criminally responsible. This assistance includes but is not limited to providing information about board decisions, communicating victims' concerns to the board or Crown counsel, and supporting victims in submitting a Victim Impact Statement.

#### Telephone :



To obtain assistance provided by the Victim/Witness Assistance Program's Ontario Review Board Victim/Witness Services Worker, call:  
Greater Toronto Area: 416-325-8237  
Toll-free:  
1-866-289-1667

#### Website :



N/A

## If You Have a Concern About...

### Concerns About Victim Services Programs and/or Workers

Description:	Telephone  :	Website  :
<ol style="list-style-type: none"> <li>1. Try to resolve the issue informally with the person/ agency involved by speaking with the individual and/or his/her manager.</li> <li>2. If you would still like to pursue the matter, call the Victim Support Line and ask to be directed to someone who can help address your concerns.</li> </ol>	<p>Call the Victim Support Line at: Greater Toronto Area: 416-314-2447 Toll-free: 1-888-579-2888 (Choose the option to speak with someone about services for victims of crime in your community.)</p>	N/A

### Concerns About Police Officers or Police Services

Description:	Telephone  :	Website  :
<ol style="list-style-type: none"> <li>1. Try to resolve the issue informally with the person/ agency involved by speaking with the individual and/or his/her manager.</li> <li>2. If you would still like to pursue the matter, you can contact the Office of the Independent Police Review Director, which oversees the investigation of public complaints against Ontario's police. The Office of the Independent Police Review Director is separate from the government, the police and the public, and is staffed entirely by civilians (non-police officers). You can register a complaint by telephone or online.</li> </ol>	<p>Call the Office of the Independent Police Review Director at: Greater Toronto Area: 416-246-7071 Toll-free (within Ontario): 1-877-411-4773 TTY: 1-877-414-4773</p>	<p>For more information or to make a complaint, go to the Office of the Independent Police Review Director website at: <a href="http://www.oiprd.on.ca">www.oiprd.on.ca</a> (Click on the "Complaints" at the top of the page, and then "Make a Complaint".)</p>

## Concerns About a Crown Attorney

### Description:

1. Try to resolve the issue informally with the person and/or his/her manager.
2. Call the Victim Support Line for information on the process and contact details for the person's manager.

### Telephone :

Call the Victim Support Line:  
Greater Toronto Area: 416-314-2447  
Toll-free:  
1-888-579-2888  
(Choose the option to speak with someone about services for victims of crime in your community.)

### Website :

You can also find the manager through the Ontario Ministry of the Attorney General's website at: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)  
(Click on "Court Services" and then "Address and Phone Information for Courthouses in Ontario". Contact the courthouse where the case was (or is being) heard and ask to speak to the person's manager.)

## Concerns About Ontario Government Services

### Description:

If you do not feel that your concerns have been addressed, or for concerns about other government services, you can contact Ombudsman Ontario, who investigates complaints from the public about services provided by the Government of Ontario. You can register a complaint by telephone or through the office's website.

### Telephone :

Call the Ombudsman Ontario at:  
Toll-free (within Ontario):  
1-800-263-1830  
Outside Ontario:  
416-586-3300  
TTY:  
1-866-411-4211

### Website :

For more information about the Ombudsman Ontario, including the complaints process, go to their website at: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)  
(To make a complaint online, click on "Make a Complaint".)



## Federal Government Resources

### Federal Ombudsman for Victims of Crime

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**Description:**

The Federal Ombudsman for Victims of Crime is an independent resource where victims can learn more about available services, as well as victims' rights in Canada. Victims can also make a complaint about any federal agency or legislation that deals with victims of crime.

**Telephone  :**

Toll-free:  
1-866-481-8429

**Website  :**

For more information about the Federal Ombudsman for Victims of Crime, victims' rights in Canada, and to make a complaint about any federal agency that deals with victims of crime go to their website at:

[www.victimsfirst.gc.ca](http://www.victimsfirst.gc.ca)

## National Office for Victims

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### Description:

The National Office for Victims at Public Safety Canada acts as a central resource offering information and support to victims of offenders under federal responsibility (serving a sentence of two years or more). The office develops informational products for victims of crime and the public on issues specific to the federal corrections and conditional release (parole) systems. In addition, it works closely with federal, provincial and territorial governments and other stakeholders in developing national policy and addressing issues that impact victims of crime in Canada. The office also makes referrals to the Correctional Service of Canada and the Parole Board of Canada for specific enquiries.

### Telephone :

For questions and/or concerns regarding Correctional Services of Canada or the Parole Board of Canada call the National Office for Victims at:  
Toll-free:  
1-866-525-0554

### Website :

For more information about the National Office for Victims, go to their website at:  
[www.publicsafety.gc.ca/nov](http://www.publicsafety.gc.ca/nov)

## Policy Centre for Victims' Issues (PCVI)

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**Description:**

The Policy Centre for Victims' Issues works toward improving the experience of victims of crime in the criminal justice system. The agency's website includes the Justice Canada Victim Services Directory, which lists more than 600 organizations across Canada that provide services to victims.

**Telephone  :**

N/A

**Website  :**

For more information about the Policy Centre for Victims' Issues and to access their Victim Services Directory, go to their website at:

[www.justice.gc.ca/eng/cj-jp/victims-victimes](http://www.justice.gc.ca/eng/cj-jp/victims-victimes)



## User Feedback Form

### Have you been a victim of crime? What's Next... Information and Resources for Victims of Crime in Ontario

Please select your response; 1 = Strongly Disagree - 5 = Strongly Agree

The handbook was a useful resource.  1  2  3  4  5

The handbook helped me to understand the criminal justice process.  1  2  3  4  5

The handbook helped me to understand the types of supports/services that are available to victims of crime.  1  2  3  4  5

The handbook and the directory, "Who to Contact", helped me to find the supports/services that I needed.  1  2  3  4  5

The handbook was easy to understand.  1  2  3  4  5

The information I was looking for was easy to find in the handbook.  1  2  3  4  5

**Comments/suggestions for the handbook:**

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**Where did you get this handbook?**

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**Thank you for your feedback. Please send your completed response to:**

By Regular Mail:

Office for Victims of Crime  
700 Bay Street, 3<sup>rd</sup> Floor  
Toronto ON M5G 1Z6

By Fax:

416-326-4497

By E-mail:

[ovc@ontario.ca](mailto:ovc@ontario.ca)

The Office for Victims of Crime (OVC) would like to hear your feedback about our publications. We also welcome feedback from people who have been victimized about their experiences with supports and services. Please contact us.

From time to time, we ask about specific topics. Please visit the [Ontario Office for Victims of Crime's Provide Your Input](http://www.ovc.gov.on.ca/share-your-thoughts) webpage ([www.ovc.gov.on.ca/share-your-thoughts](http://www.ovc.gov.on.ca/share-your-thoughts)).

Ministry of the Attorney General





