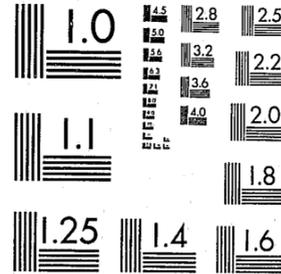


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Report of the Proceedings

**National Workshop on Services
to Crime Victims**

March 23 - 25, 1980

U.S. Department of Justice 80581
National Institute of Justice

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REPORT OF THE PROCEEDINGS

NATIONAL WORKSHOP ON SERVICES
TO CRIME VICTIMS

Ottawa, March 23-25, 1980

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BACKGROUND

This report summarizes the March, 1980 national workshop on services to crime victims which was sponsored by the Ministry of the Solicitor General of Canada.* It is hoped that this summary will increase awareness of and stimulate interest in services to crime victims.

The workshop was prompted in part by concern expressed at a federal-provincial conference of Ministers responsible for criminal justice. At that meeting, the issue of identifying and serving the needs of victims of crime was discussed. It was recognized that most of the system's criminal justice activity and energy is directed towards the offender, while little attention is paid to the needs of the victim.

Attending the workshop was a cross-section of those in Canada responsible for developing policies and programs involving services to crime victims, including representatives from police forces, volunteer groups, and federal and provincial government organizations. They participated** in discussions with experts brought together from the criminal justice and social service fields in Canada and the United States and focused on --

- . recent American experience in the development of victim services;

* This report summarizes the major areas covered during the workshop, but because the subject area is broad and the material available extensive, this report is not intended to present in full each of the subjects considered.

** In addition to participating in formal presentations, panels and discussion groups, those attending the workshop were provided with written background material. See Appendix I - Background Materials and Appendix II - The Workshop Program.

- . the existing crime victim services in Canada and the gaps in those services; and
- . the opportunities for new services and the further development of existing victim services and strategies.

INTRODUCTION

Because the requirements of a crime victim depend on that individual's response to being a victim, assistance programs, to be effective, must be flexible and offer a wide range of services. As André Bissonnette, Deputy Solicitor General of Canada, stated in his opening address at the workshop: "Being a victim is often physically painful, expensive and can produce devastating emotional scars which can last for a long time...we must not forget that even a minor theft can be very traumatic for some people and that those victims are also in need of assistance."

A crime victim whose needs are neglected is more likely to become disillusioned with the criminal justice system and, consequently, less likely to be of assistance to police in the initial investigation of the crime or in the courtroom. Thus, the current tendency to neglect the needs of the victim while focusing on the punishment of the offender hurts the whole criminal justice system, not simply the victim.

Victim assistance programs are fairly new to Canada. However, as Mr. Bissonnette noted, it is already obvious that success in the effort to create more humane, sensitive and effective 'victim justice' will require "the cooperation and coordination of many private and public agencies and of all levels of government." It will also require a considerable commitment by those working in the criminal justice and social services fields.

THE AMERICAN EXPERIENCE

After opening remarks by the Deputy Solicitor General of Canada, the workshop focused on recent American experience in the development of victim/witness services. The National Victim/Witness Program, an important project of the principal federal government body involved in victim services, the Law Enforcement Assistance Administration (LEAA)* of the Department of Justice, was described. This was followed by detailed discussions of the largest local initiative, the Victim Services Agency in New York City, and one of the most successful and mature projects, the Pima County Victim Services Program. This section outlines these American programs, describes the issues raised by their operation and examines the implications of these issues for Canada.

The National Victim/Witness Program of the LEAA

The National Victim/Witness Program was initiated in response to —

- . increased public and professional awareness of the imbalance in energy and activity devoted to the "system" and the offender in relation to the victim of crime;

* Shortly before the workshop, LEAA was reorganizing in an attempt to streamline program implementation and to develop more reliable research capabilities and statistical resources.

Since the workshop there has been considerable change in the form of the American federal government's support for victim services as provided through LEAA. The Agency was restructured and provided with a new mandate in September 1980. With respect to the National Victim/Witness Program, the organization was, in essence, directed to complete what had already been initiated, that is, to continue its administration of existing state and local projects encompassed by the original grant program until their completion. Major government spending cutbacks necessitated reductions in this program. There is some evidence of renewed interest in this field, but up to this point no substantive federal initiatives have been announced.

- . concern over the increasing reluctance of many victims to assist police in investigations, to act as witnesses and generally to participate in the criminal justice system;
- . recognition that cooperative victims are often the key to success in charging offenders and obtaining convictions; and
- . recognition that many victims do not know how to gain access to assistance and services.

The National Victim/Witness program had two main goals -- to enhance the quality of justice by satisfying the emotional and social needs of crime victims and to increase the willingness of victims/witnesses to cooperate with police and prosecutors. It offered funds, technical and consultative support, and statistical resources to states and local organizations interested in developing victim/witness services. The program had provided extensive assistance to local governments, district attorneys' offices, courts, police departments, probation services and other social service agencies.

Because the LEAA program was considered experimental in its initial stages, it did not set out detailed policies and guidelines prior to the implementation of the first projects it supported. In large part, decisions regarding which projects were to be funded and which agencies were to sponsor these projects rested with the specific state governments involved. Consequently, the projects supported varied substantially in their scope, in the range of services provided, and in the size of staff and use of volunteers.

Funding was based on a sliding scale over a three-year period. In the first year of operation, up to ninety per cent of the costs of approved projects are covered. The contribution diminishes each year, with federal support terminating at the end of the third year.

The New York Victim Services Agency

The Victim Services Agency of New York, established in 1978, is the largest victim services program in the United States. It evolved from a pilot project that was in turn the result of collaborative action undertaken in Brooklyn in 1975 by representatives of that community and the LEAA. At that time, local and municipal authorities were primarily concerned about the apparently high failure rate in gaining witness involvement and cooperation in the courts.

The Agency ensures coordination of services for victims of crime and attempts to assist victims through a host of services. These services are outlined below:

1. Victim Services Hotline

This is a telephone crisis intervention and referral service with appropriate follow-up. The bilingual (English and Spanish) service is available seven days a week, twenty-four hours per day.

2. Project Safe

Project Safe is an emergency lock repair service for elderly citizens who have had their homes burglarized, or their keys and identification stolen, and who are worried about the possibility of further victimization.

3. Complaint Room Reception Centre

After an arrest, the victim is assisted by Agency staff and assistant deputy attorneys in making formal complaints, determining appropriate charges, and processing release of his or her property. The victim is also informed about court procedures.

4. Mediation Services

These are undertaken as an alternative to the pursuit of a case in the criminal courts. Mediation is usually suggested where there is a prior victim/defendant relationship and no serious injury has occurred as a result of the offence.

5. Restitution

This approach may be pursued at a judge's order, but it requires agreement of both parties. The Agency assumes responsibility for scheduling payments and collecting monies.

6. Notification

The Agency keeps victims' names on a computer and notifies them of court times by mail or telephone. A transportation service to help elderly and incapacitated witnesses get to court is also available. In a related initiative run jointly by the Agency and the police department, police officers are notified when they are needed to appear in court. This service has resulted in considerable time-saving for police, victims and witnesses.

7. Court Reception Centre

This centre provides comfortable surroundings strictly for use by victims, their family and friends, and witnesses for the prosecution.

8. Children's Centre

Professional supervision for child victims and the children of witnesses and defendants is provided in this centre. Psychological and medical advice or examination are also available.

9. Courtroom Assistance

Assistant district attorneys are briefed on a victim's involvement in a case and that victim's concerns about the process and outcome. This service is provided by courtroom assistants and is intended to increase the sensitivity of the court to the victim.

The Agency has over two hundred staff members and fifty volunteers. Its budget is over four million dollars. It provides services for approximately forty thousand of the roughly one million victims per year. Based on a number of factors, including the time saved by reminding police and witnesses of court appearances and the use of volunteers and paraprofessional staff, the project has been judged cost-effective by the Agency. Staff are paid approximately \$12,000. per year whereas police performing the same service in the course of their regular duties would be paid over \$20,000. per year and might not be able to provide as specialized a service to victims.

Increasingly, the Agency is becoming involved in programs to promote, throughout the whole criminal justice system, and particularly the courts, an awareness of victim's needs. It is also advocating change -- legislative change where possible -- to encourage social service agencies to accept greater responsibility for the needs of the victim.

The Pima County Victim/Witness Program

This Arizona project, funded initially by LEAA, and begun in 1975, has developed with the involvement and commitment of both prosecutors and police. Its goals are --

- . to satisfy the emotional, social and informational needs of victims;

- . to increase cooperation among police, prosecutors and victims after the reporting of a crime; and
- . to relieve the police and prosecutors of much of their social work involvement.

The program now employs ten staff members assisted by approximately fifty volunteers. These individuals are closely screened and provided with extensive training, both in the initial and follow-up stages. The program offers twenty-four hour crisis intervention through an on-call service. This includes staff, available in unmarked cars between 6 p.m. and 3 a.m., who act as a back-up crisis intervention service to police. The program also offers other support services to victims, including social service referrals, trial notification and other court-related services, mediation, crime prevention information, and restitution and compensation referrals.

The Agency provided assistance in over nine thousand cases in 1979. The majority relate to situations involving family violence. Some services, especially support and crisis intervention services, often involve long-term follow-up. Agency staff may also be called in to assist officials within the criminal justice system, especially police, when a crime has not been committed (to counsel the family of someone who has just had a heart attack, for example). However, the Agency realizes that this "gap-filling" role could lead it away from its primary mandate, and is careful to maintain the provision of services to victims as its priority.

Issues Arising From LEAA Sponsored Programs

Workshop discussions of the United States' projects raised various issues that are also relevant to the development of victim services in Canada.

1. Jurisdictional Conflict Over Services

Due to jurisdictional uncertainties, assigning responsibility for the various victim/witness services has sometimes caused concern and occasionally conflict. For example, who should be responsible for crisis intervention or for long-term counselling? Who should provide emergency and longer term financial assistance? Although the appropriateness of victim/witness agencies providing continuing social and mental health-based services is sometimes questioned, and many of the specific services required by victims are often available through other agencies, transferring the victim through a complex and fragmented agency network can increase a victim's frustration and confusion.

2. Specialized or Comprehensive Victim Services?

Tension sometimes exists between those dedicated to the development of comprehensive victim/witness programs and those who maintain that services should be aimed at specific victim groups. (Specialized services exist, for example, to assist women who have been the victims of family violence or rape.) The specialized/comprehensive conflict reflects the wide range of views that exist on the role and responsibilities of the criminal justice system as well as its ability to meet the needs of victims.

3. Availability, Coordination and Use of Services

Partly as a result of the community-based, grass roots approach initially assumed by LEAA, there is a general lack of coordination at a state-wide level in the planning and development of back-up resources for victim/witness services. Where these resources have been developed, they are not always fully used in the projects they are intended to support. Cooperation and sharing of information between projects is

also often inadequate. Mistakes are sometimes repeated because those developing new projects have little access to expert advice, information systems, and training and development resources of established projects.

4. "Ownership" of Victim/Witness Services

Do services provided for the prosecution witness put the defence at a disadvantage? Does the presence of a "witness advocate" undermine the responsibilities of the district attorney? Do services such as the use of mediation and restitution interfere with the criminal justice process? These questions hint at the disagreement among many professionals within the criminal justice system regarding who should "own" victim/witness services. Despite the extensive involvement of major interest groups at all government levels and the experience and expertise of those currently operating victim services programs, the debate over "ownership" of these services continues.

5. Confidentiality of Information

Because the confidentiality of discussions between staff and victims/witnesses is not protected by law, other precautions must be taken to avoid confidentiality problems in the victim-advocate relationship. Project staff are instructed to avoid discussing specific facts of the case with victims. As a result, few problems have arisen.

6. Funding

The most common problem facing local projects is a shortage of funds. The federal funding scheme is designed to rapidly decrease dependency on federal financial support. Unfortunately, alternative sources of funds are becoming more difficult to secure. Charitable organizations have less money

available, private sector support is decreasing and local and state governments are cutting back on spending. More innovative funding mechanisms have had to be developed. For example, California courts now have the power to also "fine" convicted felons, with the proceeds being turned over to victim/witness services in that state.

7. Unsuccessful Projects

Various explanations were offered for the failure of some LEAA sponsored projects. These included --

- . attempts to implement programs that do not match the needs of a community;
- . a vaguely defined client group;
- . a lack of acceptance by the client group of the service provided;
- . a lack of involvement of related local organizations and representatives of the political system;
- . a perception by the general public that a project is too closely aligned with a particular segment of the community (e.g. police or prosecutors); and
- . in general, a lack of public education.

THE CANADIAN EXPERIENCE

The second day of the two-day workshop was devoted to an examination of representative, existing Canadian services and models for potential future services. Generally, Canadian programs are initiated by a non-voluntary body (i.e. the courts, police, corrections and crime compensation boards) but are dependent on voluntary support. Some programs are partially or totally delivered through non-governmental organizations. This section examines non-financial and financial services, as well as services designed to respond to family violence situations. It concludes with a summary of the issues that were raised in the workshop through the examination of existing and potential victim services in Canada.

NON-FINANCIAL SERVICES

Projects under Police Auspices

One presentation on victim services under police auspices in Canada described a major multi-service project developed by the Calgary Police Department. Another focused upon a number of local experimental projects conducted across Canada by the Royal Canadian Mounted Police (RCMP).

The Calgary Victim Services Program

The Calgary Victim Services Program was started in 1977. One of the objectives of the program is to develop a good working relationship with victims of crime in order to encourage their future cooperation with the police in crime prevention. At the time of the conference the program was staffed by two civilians working out of the central records office of the police department. Staff supply

information on case status to all crime victims. For example, regardless of the value of the stolen goods, victims of house or shop-breaking receive a series of five form letters providing detailed information on case progress and the implications for the victim. The Calgary program staff are also working with the insurance industry to develop methods whereby the latter inform the victim services agency about their intended legal actions on behalf of their clients; program staff will then clearly explain these actions to victims. The program is closely allied with local social and health service organizations, including a twenty-four hour multi-service agency providing a wide range of assistance such as emergency finances, crisis intervention and locksmith services.

The program also offers the following services:

1. Any victim's property to be used as evidence is photographed to help ensure that all belongings are returned to their rightful owner.
2. Each victim is given a case file number for easy follow-up by police.
3. Staff provide victims with information about and assistance regarding court procedures.
4. Victims are assisted in repairing damage to their property.
5. While victims are in court, babysitting services are provided for their children.
6. Where appropriate, victims are referred to other agencies for counselling or financial assistance.

There are plans to expand the Calgary program to provide services to sexual and other assault victims and to increase support provided to senior citizens' organizations in Calgary.

RCMP Projects

The RCMP encourages citizens to share crime prevention and law enforcement responsibilities, and to achieve this goal, supports community initiatives in the crime prevention field. The RCMP is responsible for policing large sections of the country and has units in over seven hundred locations in Canada. Each unit attempts to design its services to meet the needs of the particular community it serves. At the workshop, a number of victim services programs supported by the RCMP were identified:

1. Youth volunteers on sixty-eight projects related to crimes such as vandalism assist victims and attempt to decrease the possibility of further victimization.
2. In British Columbia, the "God Squad", made up of local clergy, assists officers in action. This crisis intervention team provides social service assistance and follow-up on referrals from police, primarily in matters of family violence.
3. Multi-professional teams comprising social workers, doctors and police have been formed to investigate child abuse cases and determine what action should be taken. A Winnipeg-based project of this type was given as an example of the kind of collaborative action and the understanding such cooperation can foster among different professional groups.
4. At the time of the conference a project was being developed in Restigouche County, New Brunswick to provide individual support and counselling to victims of crime. This project will have a community development emphasis and will be staffed primarily by local volunteers.

A number of characteristics are common to the various RCMP-sponsored programs, including --

- . a strong belief that community responsibility for the criminal justice system should be fostered;
- . a commitment to using voluntary agencies in the delivery of as many government-sponsored victim services as possible;
- . a belief that initiatives developed by police should not duplicate existing local service systems that could provide victim services; and
- . an effort to initiate projects closely linked to and consistent with crime prevention.

In the presentation and discussion of the Calgary Victim Services Program and RCMP-sponsored projects, a number of observations were made concerning victim services developed specifically under police auspices:

1. Within the criminal justice system, police are often the most aware of and concerned about the plight of the victim. Ironically, the victim often blames the police for his or her plight.
2. There is a need to delineate clearly the respective roles of and relationship between police and social service agencies.
3. Police can play many roles in the development of victim services. They might, for example, maintain local crime statistics, encourage local community groups to become active in the area, train volunteers, and develop specific service models.

4. Victim service programs will likely increase support for the criminal justice system by victims and others. This may be reflected in decreased fear of crime and increased community respect, support for crime prevention, and convictions through more citizen cooperation.
5. A number of financial questions require attention in the development of services. Who should pay for the development of victim services? Should present police resources go to developing and carrying out victim services, or should the contribution of the police be restricted to one or more of initiation, coordination or guidance of projects?

Projects under Correctional Services Auspices

Correctional services staff are often knowledgeable about the criminal justice system in general and local community social development services in particular. Many recent programs -- diversion initiatives, for example -- affect the victim and involve corrections staff resources. These and other factors have resulted in an increasing number of persons working in the corrections field committing themselves to the development of specifically victim-related services. In recognition of this interest in many parts of Canada, a comprehensive service network model in which the Ontario Ministry of Correctional Services plays a major role was presented at the workshop.

Government of Ontario

The Ontario Ministry of Correctional Services is committed to encouraging local non-government agencies to develop and deliver victim services that meet the specific needs of an agency's own community. To meet this goal, the Ministry initiates and supports programs. Approximately twenty-five percent of the Ministry's programs are currently delivered through voluntary agencies.

These agencies' programs have the support of services funded by other Ministries of the Ontario government, including rape crisis centres, transition houses for women in family crisis situations, and the provincial Criminal Injuries Compensation Program.

The following are some of the initiatives supported by the Ministry:

1. Restitution

If an offender agrees to provide monetary compensation to a victim, the amount of compensation will depend on the degree of injury, loss or damage to the victim. This program is applied and enforced through the courts and is part of the probation order. Compliance is monitored by corrections staff.

2. Victim/Offender Reconciliation

The victim and offender meet and with the assistance of a mediator negotiate financial or non-financial compensation for the victim.

3. Community Service Orders

A form of restitution to the community as a whole rather than to one victim is provided through this program. As an alternative to incarceration, a non-custodial sentence is imposed on offenders, requiring that they perform a prescribed number of hours of community work within a determined time period.

4. Victim/Witness Assistance Program

Those involved in this community-based service program coordinate and deliver a series of services to victims and

witnesses. These services include, for example, crisis counselling, disseminating information on the criminal process, and cleaning up vandalized homes.

5. Family and Friends

This program provides services to secondary "victims" such as the family and friends of incarcerated offenders. The programs are located in centres where prisoners' visitors can gain needed assistance such as day care, temporary housing, clothing and counselling.

FINANCIAL ASSISTANCE PROGRAMS

Three presentations on Canadian programs of financial assistance to victims were made at the workshop. These presentations described the federal government's role in this area, the Manitoba government's compensation program administered through the Workmen's Compensation Board, and a Prince Edward Island financial restitution program.

Crime Compensation

The Federal Role

Crime compensation programs are operated on the assumption that society should assume some responsibility to make amends for what a victim has suffered because of a crime. Other related assumptions outlined below also support the concept of publicly funded crime compensation programs:

1. In assuming the primary responsibility for keeping the peace, the state also accepts the obligation to treat the system's failures.
2. Fines and incarceration imposed on the offender reduce or eliminate that offender's capacity to compensate the victim.

3. The state often has a social justice responsibility to protect citizens in need.
4. A victim's need is often measured in strictly financial terms, resulting in overly restrictive criteria for admission to crime compensation programs. The state has an obligation to ensure that, regardless of victims' income, injustices resulting from crime are compensated for, especially when the victim is severely affected.

Program initiation in Canada followed the development of crime compensation programs during the early 1960s in England and New Zealand. The first program in Canada was introduced in Saskatchewan in 1967. At present, eight provinces have crime compensation legislation.

During the late 1960s and early 1970s the provinces that initiated these programs pressed for federal government cost-sharing. In 1973, in response to provincial governments' requests, but also in order to encourage the development of new programs and to create a consistency among existing programs, the federal Department of Justice became involved. At present, in order for the federal government to share part of the cost, provincial government programs must have the following characteristics:

1. The crime committed must be one of the forty specified violent crimes.
2. In order not to discourage citizen involvement in crime prevention, financial assistance is provided to persons injured while attempting to assist in apprehending a criminal.
3. Support is restricted to physical injuries. Property loss other than that on the person of the victim (e.g., glasses and dentures) is not covered.

4. No provincial residential requirement is present as an eligibility requirement of the program.
5. Other benefits such as pensions and insurance take precedence over crime compensation coverage and are considered in determining the amount of crime compensation to be paid to a victim.
6. Provinces are accountable to the federal government for their crime compensation programs.
7. Adequate steps must be taken by participating provinces to make the program known to the public.

Cost-shared programs have evolved to suit their jurisdictions (the size of the population, crime rate, etc.). A province's system of delivery is also optional. For example, programs are administered through workmen's compensation boards, crime compensation boards, the courts and departments of justice.

The Manitoba Government Program

The Manitoba experience provides one example of crime compensation efforts in Canada. That province's compensation program is administered within the existing resources and regulations of the Workmen's Compensation Board. In this case, the administrative process of meeting the financial needs of injured workers has proven adaptable to meeting the needs of victims of crime. While the Manitoba program has developed certain unique benefit guidelines and qualification requirements, it also provides financial support similar to that provided in other provinces. Compensation includes --

- . funeral costs where the victim is killed as a direct result of a crime;

- . payment for replacement of clothing, eyeglasses and similar property of the victim;
- . lifetime provision of prosthetic devices, attendant allowances, clothing allowances and related support services such as wheelchairs and drugs; and
- . other rehabilitation, hospital and health services costs not covered under public or private plans.

Restitution - The Prince Edward Island Model

The workshop included a discussion of a major program in Prince Edward Island. Although this province does not have a crime compensation program, it has developed a comprehensive restitution program. Restitution can refer to a number of forms of repayment made by the offender to the victim. However, within the P.E.I. program, judges can order an offender to pay the victim back in monetary terms only. In this section, then, the term restitution refers exclusively to financial restitution.

Restitution is often the most practical method of ensuring financial remuneration to a victim, especially where the crime is a minor one and the amount of money involved does not warrant the use of other options. These other options -- civil law procedures, crime compensation programs and insurance, for example -- may have a monetary limit below which one cannot apply for payment. Also, the time and expense involved in pursuing reimbursement through these other options may act as a deterrent to victims.

Judges take a number of factors into consideration when determining the amount to be provided in a restitution order, including --

- . an estimate of damage or loss submitted to the court by police or the Crown attorney;

- . an indication of the offender's present and projected ability to pay;
- . a pre-sentence report indicating the victim's response to the restitution option;
- . the financial status of the victim; and, sometimes,
- . the time lost by the victim because of the court process.

Program organizers generally view the program as successful. Over-all, restitution orders are often imposed: more than sixty-five per cent of probation orders have included restitution as a condition. A recent study of the program* indicated that the majority of offenders interviewed believed that restitution was necessary, that it should be paid, and that it could act as a deterrent to the commission of future crime. Most offenders also accepted the fact that they themselves had a responsibility to pay. The majority of victims indicated that the restitution process was acceptable and the amounts of money determined were satisfactory. While the majority of victims did not know the offender, they wished contact and showed little concern about being known to the offender.

In assessing the P.E.I. experience, it is important to note that part of the success of the program may be due to the small population and area of the province. It is a distinct advantage to be able to gather all those with major criminal justice responsibilities in the province -- provincial court judges, crown counsels, police chiefs and probation officers -- into one room for a meeting on restitution.

* See reference to The Study Report on Restitution in Appendix I.

SERVICES TO DEAL WITH FAMILY VIOLENCE AND ASSAULT AGAINST WOMEN

This subject area was discussed by panel groups and was often the primary topic of group discussions. Topics covered included --

- . the need to define the various forms of family violence;
- . the appropriateness of the criminal justice system's response to family violence;
- . the appropriateness of existing services; and
- . what new services are required to reduce the incidence of family violence and to serve victims.

Linda MacLeod, the author of Wife Battering in Canada: The Vicious Circle and Flora McLeod, a representative of the British Columbia task force on domestic violence presented their findings to the workshop audience. Both of these studies challenge the view that appropriate services exist and that decision makers are able to understand the plight of assaulted women and develop appropriate services. These studies also question the development of generalized services for victims within existing networks, charging that this could lessen the attention given to the needs of specific types of victims, including battered wives. Also, it was feared that integrating services for battered wives into existing victim/witness service agencies within the criminal justice system might restrict the freedom of staff to challenge existing institutions and dominant ideologies.

Some of the observations made in the two reports are outlined below:

1. The family environment is often violent. Precise statistics on family violence have not been compiled, but the author of Wife Battering in Canada estimates that at least ten percent of married women have been beaten at least once by their husbands.

2. Beatings are often related to the expected social and legal roles of members of a family, especially to the perceived inequality of the wife.
3. Family abuse patterns appear often to be chronic situations. For example, wife battering is rarely a one-time occurrence. Abused children will, as adults, often demonstrate spouse battering behaviour. Women are most susceptible to beatings during pregnancy. Wife battering appears to cut across socio-economic classes.
4. Battered wives are often not given consistent advice and support by members of both the criminal justice and social development systems. For example, they may be criticized for not charging their husbands with a criminal offence and leaving home, but many would have nowhere to go if they did leave their husbands.
5. Battered women need support and understanding and want protection. They also require assistance in overcoming the isolation, fear, blame, and guilt which often results from being mentally and physically abused.
6. Policy makers and officials within the criminal justice system often do not recognize the distinctive needs of the battered wife. Specialized services are usually required to meet these needs.
7. Wife battering is often not fully recognized by many representatives of the criminal justice and social development systems as being a violent act and a crime. Many stress reconciliation as a solution, or propose treatment as the cure. The matter of legal rights is consequently not given serious consideration and battered wives may be discouraged by institutional and social pressures from exercising their rights.

CURRENT ISSUES FACED IN THE CANADIAN PROGRAMS

At the workshop there was a wide range of opinions expressed on how future victim-related services should be developed. A number of issues were raised consistently in the presentations, seminars and panel discussions. They are outlined on the following pages.

Who is the Victim?

The importance and difficulty of clearly defining the "victim" received considerable attention. Should the term victim include the family of the victim and the family of the offender? When does the offender become a victim of the "system"? If organizations and businesses that become victims of crime require public services, do they have as much right to these services as individual victims? When is society considered the victim of crime and what services should be available as a consequence? What legislation should apply in defining victims of crime? Should "victimization" include only those affected by crimes under the Criminal Code, or should it include those affected by other legislation such as highway traffic acts?

The advantages and disadvantages of grouping victims and victim/witnesses together when considering service needs was also discussed. It was argued by some that the service needs and perceived rights of a citizen in the role of the victim are quite distinct from those confronting the citizen in the role of the witness. It was also pointed out by some that witnesses had a right to and a need for reasonable witness fees, whether or not they are also victims. Finally, it was argued that other citizens involved in the criminal justice system -- jurors and potential jurors, for example -- have needs and rights similar to the needs of witnesses and deserve assistance at least equal to that provided for victims and witnesses.

Financial Restitution/Compensation

Some participants thought victims should be provided with financial remuneration but there was considerable difference of opinion about how this would be accomplished. Some thought that crime compensation programs should be the primary vehicle for assistance. Various suggestions were made concerning modifications to these programs. These included providing coverage of property damage and developing an "insurance" format as opposed to the social welfare character of current crime compensation programs.

Restitution as a specific initiative also received considerable attention. Should the courts be more or less involved in enforcing restitution orders? What roles and responsibilities should be assumed by Crown attorneys, police, judges, and correctional officials in presenting the option of restitution to the offender? How should the amount owed be assessed and the order for payment be enforced?

It was also suggested, based on a number of arguments, that state intervention in crime prevention programs was not justifiable. One such argument was that continued expansion of coverage and increased availability of crime compensation programs could decrease citizens' commitment to and willingness to take responsibility for crime prevention and law enforcement.

The relationship of crime compensation programs to restitution initiatives was also discussed. Should they be considered complementary? Should one precede the other in the sequence of society's response to the victim's needs? It was pointed out that at the present time both types of programs are employed somewhat inconsistently across the country.

Development of Services

The need for further government support in the development of victim services was discussed at length in the workshop. Determining appropriate service models was also a major issue. Should services be developed through separate systems and related to specific victim groups such as abused women? Should separate, comprehensive service systems for victims be developed? Should services be available through existing networks that serve the public at large? Perhaps if they were, victims would be less likely to be unnecessarily "labelled." Would one system overcome possible overlap and duplication of similar services? Can a generalized service system adequately assist victims of certain crimes?

Sometimes specific services are implemented solely on the basis of their popularity with the general public, rather than on the actual needs of a community. It was pointed out in the workshop that local needs, existing resources and target groups must be studied prior to the development of specific local service programs.

There was extensive discussion about who should be responsible for developing and delivering victim services. For example, while there were those who supported the view that police should develop victim services, others believed this was not consistent with their enforcement mandate. The various positions taken on responsibility were based on perceptions of resource availability, the mandate of specific types of organizations, public expectations, and possible conflicts of interest.

The confusion of jurisdictional responsibilities for services to victims was also recognized. This is most evident in those areas where in federal and provincial responsibilities are not legally defined. They include such important activities in the development of new services as initiating and evaluating demonstration projects and research.

Public Responsibility

The need to increase public awareness and acceptance of responsibility in achieving the goals of the criminal justice system was discussed. Some participants felt that the existence of crime is due at least in part to society's changing values and social patterns. Although one of the traditional roles of law is to articulate society's value system, the pace of social change makes this an increasingly difficult task. It was suggested that by reducing the negative effects of crime, victim services reduce the incentive of citizens to combat crime and therefore retard the pace of social change.

Relevant Programs

In considering the future development of services for victims, planners, government officials and other experts within the justice system were cautioned to avoid imposing pre-established service models on a community or transplanting models from one jurisdiction to another. While it was agreed that much would be gained from considering the American experience, it was also generally conceded that distinctive Canadian characteristics must not be ignored. For example, the provision of many social and health care services by the public sector in Canada means that some problems confronting victims in American states do not exist in this country. Furthermore, community characteristics such as the availability of existing services must be taken into account in planning and designing services. The need to recognize community traditions, informal service networks and cultural patterns when planning services was stressed.

CONCLUSION

In closing the workshop, Reeves Haggan, Assistant Deputy Minister, Programs Branch, Ministry of the Solicitor General of Canada, noted the enthusiasm of the participants. He suggested that the most effective follow-up to the meeting might be for participants to attempt to stimulate increased awareness of victims' needs and, where possible, encourage the development of appropriate victim/witness services when they returned to their communities.

APPENDIX I

BACKGROUND MATERIALS

The Study Report on Restitution. A Report by the Department of Justice, Prince Edward Island, 1979.

This report reflects the results of an extensive study of Prince Edward Island's restitution program. It includes a description of research findings for selected programs in operation in North America, an analysis of the use of restitution in the province in 1977, an examination of the legal questions related to the use of restitution, and recommendations on its use in sentencing. The report also includes a bibliography.

Gerry Leger. "The Victim of Crime." A Paper prepared within the Research Division of the Solicitor General of Canada, 1980.

This paper summarizes the past decade of services and research related to crime victims. Areas covered include services designed to meet the social and emotional needs of victims and witnesses, financial and other practical assistance to victims and victimization surveys that collect and use information for victims. The paper includes a bibliography of Canadian and American sources.

Robert H. Rosenblum and Gord Holliday Blew. Victim/Witness Assistance: A monograph. Prepared for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Dept. of Justice, July 1979.

This monograph identifies the main characteristics of four victim assistance programs in the United States and highlights the range of services currently being offered. It provides a preliminary look at the impact of such programs and points out where more information and refinement of programs is necessary.

Emilio C. Viano. Victim/Witness Services: A Review of the Literature. Prepared for the Law Enforcement Assistance Administration, U.S. Dept. of Justice, March 1979.

This report summarizes the major findings, trends and developments in the field of victim-related research. It was designed to present data relevant to policy formulation, program design and management concerns.

Emilio C. Viano. Victim/Witness Services: A Review of the Model. Prepared for the Law Enforcement Assistance Administration, U.S. Dept. of Justice, March 1979.

This report provides a detailed overview of the development of victim/witness services in the United States of America. It discusses the relationship between these services and police and prosecution officials. It also presents guidelines, observations and a detailed sample plan on how to set up a victim/witness program.

Irvin Waller. "Victimization Studies as Guides to Action: Some Cautions and Suggestions." A Paper prepared within the Research Division of the Solicitor General of Canada, 1979.

This paper reviews recent victimization studies and stresses the need for caution in using results of national surveys to explain crimes or to evaluate crime prevention efforts. Waller suggests that a preferable approach is to use more reliable, focused victimization studies.

A number of summaries and other materials were also made available. These included:

1. "Compensation to Innocent Victims of Violent Crime, The Canadian Experience." An unpublished summary of the basic characteristics of the crime compensation programs within Canada, Dept. of Justice Canada, January 28, 1980.

2. A summary of L. MacLeod's, Wife Battering in Canada: The Vicious Circle. Ottawa: Canadian Advisory Council on the Status of Women, 1980.
3. A Law Enforcement Assistance Administration Information Package. A wide range of materials were provided in this information package including guidelines for funding, descriptions of various state-wide networks of services and "Concern", a publication providing information on victim/witness programs.

APPENDIX II

MINISTRY OF THE SOLICITOR GENERAL OF CANADA
WORKSHOP ON SERVICES TO CRIME VICTIMS
THE CONFERENCE CENTRE, OTTAWA, MARCH 23-25, 1980

MONDAY, MARCH 24

- | | |
|---------------|--|
| 8:30 - 9:00 | Opening Remarks
André Bissonnette, Deputy Solicitor General of Canada |
| 9:30 - 10:30 | Overview of American Policies and Strategies for the Development of Victim/Witness Programs and Future Directions

Jan Kirby, Program Manager, Victim/Witness Unit, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, U.S. Department of Justice

Presentation and Discussion of the New York Victim Services Agency and the Pima County (Tucson, Arizona) Victim/Witness Program

Lucy Friedman, Executive Director, Victim Services Agency

David Lowenberg, Office of the Pima County Attorney, Victim/Witness Advocate Program |
| 10:30 - 11:00 | Coffee |
| 11:00 - 12:30 | Continuation of Earlier Session |
| 12:30 - 2:00 | Lunch |
| 2:00 - 3:00 | A Panel Presentation - Exploring the Needs and Issues in the Development of Services to Crime Victims

Jean-Paul Brodeur, School of Criminology, University of Montreal, Montreal
Carl F. Dombek, Director of Legal Services, Ministry of Correctional Services of Ontario, Toronto
Serg Kujawa, Q.C., Associate Deputy Minister, Department of the Attorney General of Saskatchewan, Regina
Hans Mohr, Professor, Osgoode Hall Law School, Toronto
William McGrath, Executive Director, Canadian Association for the Prevention of Crime, Ottawa |

- 3:00 - 3:30 Coffee
3:30 - 5:00 Small Group Discussions
5:00 - 6:30 Reception

TUESDAY, MARCH 25

- 9:00 - 12:30 The Canadian Experience
9:00 - 9:45 Police Programs
Sgt. Bill Hutchinson, Community Services Section,
Calgary Police Service
Sgt. Bob Holmes, Crime Prevention Centre, RCMP
Staff Sgt. Vic Rawlins, Ottawa Police Force
9:40 - 10:30 Family Violence and Assault Against Women
Flora McLeod, Policy Planning Consultant, Social
Planning and Research, United Way of the Lower
Mainland, Vancouver
Linda MacLeod, Senior Researcher, Canadian Advisory
Council on the Status of Women, Ottawa
10:30 - 10:50 Coffee
10:50 - 11:50 Programs for Financial Aid to Victims
Norman J. Hiebert, Registrar, Crime Compensation
Board of Manitoba, Winnipeg
E.A. Tollefson, Director of Programs and Law
Information Development Section, Department of
Justice, Ottawa
Phil Arbing, Director of Probation and Family Court
Services, Charlottetown
11:50 - 12:30 Comprehensive Victim Assistance Programs
Arthur Daniels, Executive Director, Community
Programs, Ministry of Correctional Services of
Ontario, Toronto
Michael Hare, Calgary
12:30 - 1:30 Lunch
1:30 - 3:00 Small Group Discussions
3:00 - 4:00 Panel Reaction to Small Group Discussions
Closing Remarks
Reeves Haggan, Assistant Deputy Minister, Programs
Branch, Ministry of the Solicitor General of
Canada, Ottawa

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