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CANADIAN FEDERAL-PROVINCIAL TASK FORCE ON

# JUSTICE FOR VICTIMS OF CRIME



REPORT

Highlights

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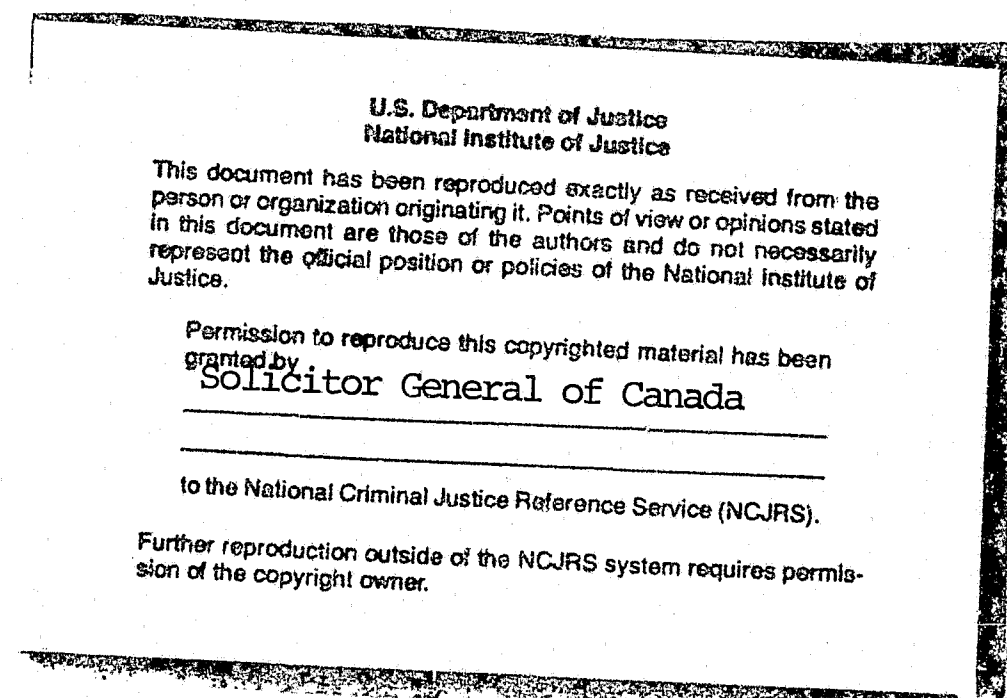
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# TABLE OF CONTENTS ACQUISITIONS

	PAGE
MANDATE OF THE TASK FORCE	1
PART I	
THE ISSUES: AN OVERVIEW	2
PART II	
THE SITUATION OF THE VICTIM OF CRIME	4
PART III	
IMPROVING THE SITUATION OF CRIME VICTIMS	
1. Practices	7
2. Services	10
3. Policy and Legislative Changes	11
4. Costs and Funding	12
CONCLUSION	13
APPENDIX I	
SUMMARY OF RECOMMENDATIONS	15
APPENDIX II	
COMPOSITION OF THE TASK FORCE	35

#### MANDATE OF THE TASK FORCE

Concern for victims of crime has recently been an important focus of attention for criminal justice agencies, as well as for private sector groups in Canada. This concern was given explicit emphasis at the October 1979 Conference of Ministers responsible for Criminal Justice and the June 1981 meeting of Deputy Ministers.

In December 1981 the Federal and Provincial Ministers responsible for Criminal Justice in Canada established a Task Force of officials to examine the needs of victims of crime, to enquire into their experience with the criminal justice system and to recommend action which could be taken to improve present methods of assistance to victims. The work of the Task Force has now been completed and was presented to the Minister's meeting of July 11 and 12 1983.

The Report of the Task Force is divided into four parts. Part I provides an overview of the present situation; Part II deals with how the Task Force defines "victims" for the purposes of the Report, identifies their needs, and describes the legislation directly pertaining to them and the programmes which presently exist to serve them. Part III identifies gaps in services and areas where criminal justice practices could be improved to help victims. This part includes a discussion of some of the problems involved in funding and implementing the proposed initiatives. Part IV contains the Task Force's conclusion and recommendations.

The Report confines itself to the victims of "traditional" crimes and does not deal with victims of corporate and white collar crimes, crimes against the environment, racially motivated crime nor with the victims of false arrest and prosecution. It does, however, recommend that further enquiry be made into these areas.

## PART I

### THE ISSUES: AN OVERVIEW

Increasing concern for the victim has arisen partly from humanitarian reasons such as having regard for the victim's loss or suffering, partly from the view that it is just and equitable that the state owes an obligation to the victim beyond that owed to citizens in general, and partly because the success of any criminal justice system is dependent upon the co-operation of victims and witnesses of crime. It has been a matter of serious concern that, as research and victimization surveys indicate, some victims are reluctant to report certain crimes and witnesses are often reluctant to co-operate with the agents of the justice system in their attempts to apprehend and prosecute offenders.

Not only do the victims of crime suffer physically, emotionally, and financially, they also often suffer discomfort, inconvenience, and sometimes - it must be said - the discourtesy and humiliation through their contacts with the criminal justice system. Even though the system depends on the willing co-operation of victims to report crimes and of witnesses to testify, their treatment within the system often does little to inspire or encourage that co-operation. The victim is often given little assistance to overcome the effects of his victimization and is provided with little, if any, information about the progress of the case; he may receive little or no compensation for his losses and it is unlikely that he will be consulted with regard to any decisions which are made. It is often the case that the victim is twice victimized: once by the offender and once more by the process.

It is common place today, to hear that the victim is the "forgotten" actor in the criminal justice system. The Task Force does not believe that victims are forgotten - or even, as some would have it, ignored - but the Task Force does believe that victims have been neglected. Ours is an adversarial system where the victim is not one of the adversaries. The state, not the victim, is responsible for identifying, prosecuting and punishing the offender; the principal parties are the offender and the state - each represented by others who speak for them. The victim's involvement is almost entirely limited to that of giving testimony.

The Report does not take issue with the fact that the criminal justice system, which is designed to deal with public wrongs, must primarily focus on the public interest. It does express the view, however, that in so doing the criminal justice system has relegated the victim to a very minor role and left victims with the conviction that they are being used, as a means by which to punish the offender that their losses and needs count for little, against the Crown's focus on the public interest and the focus of the offenders's representatives on the interests of their clients.

The Report outlines the social, economic, legal and consitutional background of issues relating to victims and describes the present relationships among the state, offender and victim. It explores both the varied and the common needs of victims and indicates the range of services which could be established to meet those needs. It addresses the questions of the role of victims, their rights, and the extent to which the offender should make restitution to the victim and/or the extent to which compensation to the victim should be provided by the state. It addresses, too, the issues of costs and funding.

## PART II

### THE SITUATION OF THE VICTIM OF CRIME

The Task Force considered the findings of various research studies relating to criminal victimization, to the needs of crime victims and the nature of their encounters with the criminal justice system in Canada. In this regard the Canadian Urban Victimization Survey (1982) was particularly helpful.

It is the view of victims of crime that they need more assistance to deal with their losses and suffering. In addition they believe that they should be compensated adequately for any loss or suffering which they have endured. Many of them also feel that they need to be active participants in the justice process. The need most frequently raised by victims is their need for information.

The provision of more information to victims, in itself, would significantly reduce the sense of bewilderment and confusion that many victims experience in their contact with the system. The information they require is of two kinds: first, information on the criminal justice system and how it operates and why it operates as it does; second, information on the progress of the case in which they are involved. They need to know why their stolen property may not be promptly returned to them when it has been recovered by the police; why a charge was reduced; why a trial had to

be adjourned; why the offender was not ordered to make restitution; about the availability of Criminal Injuries Compensation and other programs and agencies which may be able to assist them; and so forth. At least they need to know how to obtain such information.

Beyond this, the services which would appear to be most widely needed by victims are those which help them in coping with the effects of victimization, for example, the work of transition houses and rape crisis centres, the provision of crisis intervention services, the training of workers within the system to recognize and respond to the needs of victims and, helping the victim financially where loss and suffering have been incurred.

If adequate support services were provided and if every effort were made to keep the victim informed of the various steps taken or decisions made, one could take the view that the system had fulfilled its obligation to the victim; but services of this kind do not affect the extent to which the victim is involved in the process. If victims feel that they are ignored then their claims to participate more fully in the process should be examined.

Although it may appear to be sensible, appropriate and just to encourage the participation of the victim in the process, to achieve this in the context of our present system poses some problems. It has been argued that to do so would cause further delay in the courts, would increase the cost burden on the system, would result in more severe punishments for the offenders, would compromise the procedural safeguards which have been established to ensure

the civil rights of the offender, and so on. It is the contention of this Report that the arguments advanced against any change in this regard are by no means convincing. The question to be addressed is no longer whether the victim should participate in the process or not. The question is rather the extent of this participation.

Closely related to the issue of participation is the question of victims' rights. A number of foreign jurisdictions have delineated certain rights and enshrined them in legislation; however, some of these rights are very general in nature such as the right to be treated with dignity and sensitivity. Moreover, no effective remedies are available when these rights are abused.

### PART III

#### IMPROVING THE SITUATION OF CRIME VICTIMS

##### Proposals for Change

The Report limits itself to those proposals which, after careful consideration, appear to hold promise in terms of ensuring greater justice for victims of crime without damaging the integrity of the criminal justice system. These proposals for reform are grouped under four separate headings: those involving changes to current practices; those which improve existing services; those relating to information needs; and those requiring legislative reform.

##### 1. PRACTICES

The mandate of the justice system to protect society and to deal with the offender, and the limited financial and human resources assigned to this task, have sometimes resulted in practices which neglect the needs of victims of crime. In this context, the Task Force faced the question of how to improve the capacity of the criminal justice system to respond to victims without compromising the basic aims of the system, and hopefully, without creating new bureaucracies.

##### Return of Property

The police or the courts are legally required to hold or seize certain items as part of an investigation or trial. While this is an obvious legal necessity, it can



result in a form of secondary cost to victims who are required to bear a financial or emotional burden while their property is out of their control. Clearly, this victimization is not the same as theft or damage to property as these are defined in the Criminal Code. Nevertheless, from the point of view of the victim, the consequences are much the same: victims endure the temporary loss of control and use of their property, and often may experience frustration and additional costs in obtaining the return of that property (See Recommendations 1 to 4). At present, it would seem that the law has been slow to design procedures which can adapt currently available technologies to the requirements of the criminal justice system and to the needs of victims of property loss.

#### **Restitution in the Sentencing Process**

One of the key concerns of victim advocates is to increase the possibility that victims of crime will receive financial reparation for the losses resulting from criminal activity. This has led to the suggestion that a logical reform would be that of making increasing use of the sanction of ordering the offender to make restitution. This would be a positive step towards dealing with the needs of victims of crime. Based on the premise that wherever possible victims of crime should be restored to the position they enjoyed prior to their victimization, the Report deals in some detail with the concept of restitution made to the victim by the offender (See Recommendations 8 to 11) and the concept of compensation made to the victim by the State (See Recommendations 12 to 20).

#### **Victim Impact Statement**

The sentencing process itself affords little opportunity for the victim's views to be made known. Victims who have followed "their" case from the initial charge, through a preliminary inquiry and trial without having any input may view the sentencing hearing as an appropriate opportunity for involvement.

The potential use of a victim impact statement in Canada could vary between provinces depending on whether it is viewed as a matter of criminal procedure which would require an amendment to the Criminal Code, or as a matter falling within provincial responsibility for the administration of justice. It should be noted that the Young Offenders Act provides that the pre-sentence report shall contain the results of an interview with the victim where appropriate. As the ultimate sentence is in the discretion of the judge, the victim impact statement would be one of the many factors considered in determining the sentence. (See Recommendation 21).

#### **Protection from Intimidation**

Intimidation by the accused or by relatives and friends of the accused may be real in the form of actual threats against the victim or may merely be perceived by the victim. In both cases it may result in the victim not appearing as a witness at trial or not co-operating in the investigation (See Recommendation 22).



### **Trial Procedures**

Many victims are fearful of facing spectators in the courtroom and having their identity or details of their victimization published or broadcast in the media. All victims should have the right to apply for an order prohibiting publication of their identity and the right to apply for an in camera hearing (See Recommendation 23).

Not only victims but many who work within the justice field have been concerned about the delays which occur in many cases before they are brought to trial. Victims and witnesses have complained that often months and sometimes years pass before the trial is held. The Criminal Code should be amended to ensure that trials are held within a reasonable time. (See Recommendation 24).

### **2. SERVICES**

There are two approaches that can be taken to improve the present level of services to victims. One is to create separate victim/witness assistance programmes with staff and resources specifically assigned for this purpose, and the other is to improve existing services by changing the practices and procedures of agencies. These are not mutually exclusive and both approaches would seem to be needed.

The Task Force recommends the development of more services which are intended to meet the needs of victims in regard to information, practical help, emotional support and

counselling, and advice regarding future preventive measures. It also recommends that police be trained to sensitize them to the needs of victims of crime. (See Recommendations 25 and 64 to 74).

The types of victim assistance services so far described in the Report should be designed in as flexible a manner as possible in order to assist as many victims as possible. The Task Force believes in addition that special services must be developed in order to meet the needs of "special" victims. Elderly people, children, battered wives, sexual assault victims, native victims, and families of homicide victims require special attention because of their particular personal characteristics and vulnerability, or because of the special needs created by certain offences (See Recommendations 26 to 63).

### **3. POLICY AND LEGISLATIVE CHANGES**

Wherever possible specific rights should be legislated. Guidelines should be established ensuring that victims are treated with consideration. The Task Force limited the number of recommendations it has made requiring legislation to those where it is believed legislation is essential and where the rights are enforceable (See Recommendations 1, 2, 8, 9, 10, and 21 to 24).

#### 4. COSTS AND FUNDING

The cost of providing additional services to victims is of particular concern at a time when the various jurisdictions within Canada are exercising financial restraint. The Task Force, while accepting that this issue must be addressed, believes that any attempt to forecast the costs and benefits of its recommendations would be imprecise. The Task Force drew upon the experience of others in this area and found that costs need not be excessive, and that the benefits could certainly justify modest cost increases.

The search for sources of funding has led some jurisdictions to develop creative and imaginative ways of providing the essential resources to fund both services and compensation. In particular increasing use is being made in U.S. jurisdictions of what has come to be known as a "fine surtax". This and other forms of funding have been examined and while each has certain attractions, each suffers from one disadvantage or another.

The Task Force believes that despite the concerns which have been expressed regarding its application, the concept of a fine surtax holds promise. Furthermore, it is of the opinion that the present minimum and maximum limits on fines should be adjusted to reflect today's costs. An upward revision could produce sufficient revenue to fund many of the services as long as such revenues are specifically designated for victims services. In addition, the Task Force believes that all jurisdictions should closely examine their present ordering of priorities in an attempt to find additional funding for victim services. (See Recommendations 76 to 79).

#### CONCLUSION

The Task Force identified these factors which could perhaps be responsible for the fact that many practices neglect the concerns of the victim, or compound the consequences of victimization. Suprisingly, although some 'systemic' difficulties could be identified, the difficulties with those practices resulted more often from attitudes, customs and habits, than from the contingencies of the justice system itself.

In examining the success of certain initiatives which have been taken in some areas, it would seem that the keynote of success was the determination of local officials to work together to review their practices and their impact on victims. Furthermore, sometimes to the surprise of the officials who took part in these endeavours, all of these attempts seem to have produced direct benefits not only to victims, but also to the criminal justice agencies themselves, e.g., greater efficiency, cost savings, better co-operation from the victim and/or the public, etc.

The Report indicates that victims have legitimate concerns which are now being addressed. No matter how worthwhile any recommendation may prove to be, what will make it work for victims will be the attitudes of those who bear the responsibility for its day-to-day implementation.

#### APPENDIX I

#### SUMMARY OF RECOMMENDATIONS

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- Prompt  
Return  
of  
Property
1. The Criminal Code be amended to impose a duty on police and court officials to return the victim's property as soon as possible and to impose a maximum period of detention with a procedure for extension of the period of detention only where the property may still be required as evidence.
  2. The Criminal Code be amended to endorse the procedure of photographing stolen property to be used as evidence at trial where possible, so that the property can be returned to its lawful owner.
  3. Police forces should consider the adoption of programmes similar to or modelled on the Edmonton system of early property return to victims of theft.
  4. Victims should not be placed in a position where they must repay pawnbrokers in order to speed the recovery of their property; the remedy of the pawnbrokers is against the accused or the person having sold the property and not against the victim. Similarly the current practice of some police forces of withholding stolen property until the ticket disbursement has been paid by the victim to the pawnbroker should cease.
  5. Police departments should make every effort to minimize the delay which occurs between an insurance company's request for a police report and the receipt of that report. It is acknowledged that an increase in charges for preparing such reports may be necessary to facilitate this proposal.

6. Ministers responsible for supervising the insurance industry should ask the industry to make a concerted effort to ensure that all insurance companies provide detailed information on the actual nature of their policies relating to claims for the theft of property; the co-operation of the Insurance Bureau of Canada should be sought in this regard.
7. Police departments and the insurance industry should further increase their efforts to inform the public of the existence, purpose and methods of Operation Identification and of the ease with which property can be marked for identification; the employment of summer students to mark and identify property appears to hold promise for expanding the use of this service.
8. The Criminal Code s.653 be amended to require judges to consider restitution in all appropriate cases and to provide an opportunity to victims to make representations to the court regarding their ascertainable losses.
9. A provision should be included in the Criminal Code to empower the court to impose a jail term where the accused wilfully defaults in the restitution ordered by the court.
10. The Criminal Code s.388 be amended to cover situations where the damage caused does not exceed \$500, and that compensation could be ordered up to \$500, instead of the present limit of \$50.

11. All Ministers responsible for Criminal Justice examine the extent to which increased support could be given to research enquiring into the various effects of different sentences, and different forms of sentence, upon offenders.
12. An examination of the humanitarian vs. insurance methods of operating and funding Crime Compensation programmes should be undertaken by a Federal/Provincial working group and a full exploration of the costs/benefits of the New Zealand programme should be incorporated into that examination.
13. There should be an increase in the amount of funding provided by federal and provincial bodies to the programmes, since in general the awards only go a modest way to providing full compensation for the losses suffered.
14. In all jurisdictions where maximum limits on awards are imposed, the calculations of loss should follow the procedures of firstly, determining benefits, excepting welfare payments; and thirdly, subjecting the amount to the maximum limit.
15. In all jurisdictions where maximum limits on awards are imposed, those limits should be reviewed regularly to ensure that they keep pace with the cost of living.

16. A campaign should be launched in each jurisdiction to acquaint citizens as fully as possible with the existence of Criminal Injury Compensation Boards and their purpose. The police should be required to provide victims of crime with information on the existence and purpose of the Boards. Hospital and other institutions and agencies should be urged to support the police in doing so.
17. Further efforts should be made to achieve reciprocity between Canadian and other jurisdictions which operate criminal injuries compensation schemes, with particular reference to the U.S.A.
18. Jurisdictions which presently do not encourage and/or welcome the personal attendance of applicants at crime compensation hearings should be requested to re-examine their practice in the light of the experienced benefits for victims of such hearings.
19. The requirement that Good Samaritans be acting "lawfully" in order to claim compensation should be changed to "acting in good faith" in both legislation and practice.
20. Jurisdictions which presently do not make awards for pain and suffering to the primary victim and/or awards for mental and nervous shock to a victim's dependants should be requested to re-examine their rationale for not doing so.
- Victim Impact Statement 21. The Criminal Code be amended to permit the introduction of a victim impact statement to be considered at the time of sentencing.

- Protection from Intimidation 22. S.381 of the Criminal Code which makes intimidating behaviour a summary conviction offence be amended to increase the penalty where such intimidation is practised on a victim or witness by the accused, and that consideration be given to making such conduct an indictable offence in order to reflect its serious nature.
- In-Camera Hearings 23. The Criminal Code be amended to allow all victims to make an application for an in-camera hearing and an order prohibiting publication or broadcast of their identity. The Criminal Code should also be amended to require the judge to advise the victim of this right at the first opportunity; the presiding judge would then assess the circumstances of the particular case and the reasons of the victim before making the appropriate order.
- Trial Within a Reasonable Time 24. The Criminal Code be amended to provide that all criminal trials and preliminary inquiries be commenced within six months from the accused's first appearance in court or the charge be dismissed for want of prosecution; the provision would allow for an extension of that period where the Court believed there to be exceptional circumstances.
- General Services 25. Every effort should be made by the various Ministries involved to meet the needs of victims and witnesses and that particular consideration be given to:

- ° providing practical assistance and advice to victims on such matters as replacing locks, emerging property repair, transportation, and shelter;
- ° providing emergency financial aid which could be available from the police through special arrangements with welfare services;
- ° providing crisis counselling to victims and their families either by responding police officers, other professionals or trained volunteers;
- ° ensuring that police officers minimize the risk of intimidation to victims and witnesses;
- ° providing training programmes for all police officers to sensitize them to the needs of victims and witnesses, and to ensure their awareness of available community services;
- ° assisting victims to minimize the likelihood of the recurrence of the offence by advising them what preventive action could be taken.

- The Elderly
26. The design of all victim services should ensure that special efforts are made to meet the financial, emotional and practical needs of elderly victims (both direct and indirect needs).
27. Services should be offered in a pro-active or outreach manner by contacting elderly victims, rather than

relying on referrals from others or on requiring the victims to request the services.

28. The provision of crime prevention services should be part of any special programme to assist elderly victims since the fear of crime is a major problem for elderly citizens.
- Children 29. Local child welfare, education and justice system authorities should cooperatively and actively promote positive parenting courses and parenting support systems geared to the needs of special target groups such as: abused victims themselves, and former abused victims; teenage parents; children living in homes where wife assault occurs; isolated rural communities, etc.
30. Welfare, education and justice system authorities should cooperate in developing and promoting public education materials which address issues of violence, abuse, and pornography in society at large.
31. Local awareness programs and intervention protocols should be developed and promoted and more use should be made of information kits on child abuse similar to that devised by SPAR/United Way in Vancouver on Child Sexual Abuse which provides highly relevant and practical information for the wide range of workers who are most likely to be involved in the discovery and initial intervention in cases of abuse. This is necessary because children who have been sexually abused are

frequently too afraid or ashamed to tell anyone, do not have the necessary degree of assertiveness which might offer increased personal safety, or are simply not taken seriously.

32. All jurisdictions should ensure that children who are victims/witnesses are represented in those cases where they will be directly affected by any disposition made by the court.
33. Parents, guardians and child protection agencies should be encouraged to apply for monetary compensation in all cases where serious physical or emotional injury has occurred; guidelines should be established regarding payment and legal control of monies paid to child victims as the result of restitution orders, civil action or criminal justice compensation awards.

Assault- 34. Written guidelines should be developed which emphasize  
ed Wives that wife assault is a criminal offence and should be dealt with as such; the guidelines should state the criteria for law enforcement officers and prosecutors to consider deciding whether to lay charges and make arrest in assault cases; the guidelines should advise specifically against basing decisions about charging or arresting on the officers' perceptions of the victims' wishes or the likely action of prosecutors or the courts.

35. A comprehensive police training manual should be produced for use by officers and it should include, but not be limited to, providing police officers with

current information about the nature of wife assault, the needs of wife assault victims, the changing police role in responding to wife assault, relevant sections of the Criminal Code, and the importance of making referrals to community services.

36. Police officers should respond to all wife assault calls by attending the scene and should keep records on all calls regardless of whether they lay a charge or make an arrest.
37. Police record-keeping systems should permit officers responding to each call to know whether there has been a history of assault, the nature of previous incidents, and whether weapons have been involved. The relationship between the victim and assailant should be indicated on all occurrence reports and charge sheets.
38. All Canadian police education and training centres should offer a course on family violence with an emphasis on wife assault and these courses should be developed with assistance from people in the community who provide services to wife assault victims.
39. All current court orders which prevent a man from seeing or harassing his spouse should be enforced by all police forces.
40. Police forces should institute domestic crisis intervention teams in collaboration with social and mental health services. These teams should be used in



addition to, not as a substitute for, laying charges and making arrests where grounds exist for these actions.

41. Police officers should make every reasonable effort to provide or arrange for transportation for assaulted wives and their children when the victims seek shelter outside the family residence.
42. Court orders providing protection for the physical safety of wife assault victims and their children should be obtainable expeditiously.
43. The Ministers responsible for social services in all jurisdictions should:
  - a) Review, with the aid of representatives from transition houses, the kinds of services for assaulted wives and their children which are provided by transition house staff and the funding problems which inhibit the creation and jeopardize the maintenance of emergency shelters for assaulted wives across Canada;
  - b) Draft a funding agreement that would ensure capital and operating costs are adequately met for houses providing emergency shelter for assaulted wives and their children as well as for necessary support services; start-up grants should be available for emergency shelters and second-stage housing where such facilities are required but do not exist.

- c) Review alternative means of providing protection and services to special groups of wife assault victims including rural, native, immigrant women, and women of language minorities.
44. Ministers responsible for housing in each jurisdiction should ensure that wife assault victims and their children have greater access to subsidized housing units as emergency shelters, second-stage housing and permanent housing.
45. Programmes for research and demonstration projects within Health and Welfare Canada, and the federal Departments of Justice and Solicitor General should provide funds for the development and assessment of counselling services for abusing spouses; the services should be available as sentencing options for the Court and for referrals from other court officials.
46. The National Clearing House on Family Violence should continue to provide information on wife assault issues and the kinds of services that community groups may choose to establish to help meet the needs of wife assault victims, children from violent homes and abusing spouses.
47. Police departments should be urged to assist in providing information to the public about wife assault and the legal and social service options available to victims.

48. Provincial Ministries of Education should consider incorporating material on family violence and wife assault into appropriate school curricula.
49. Research should be conducted on decision-making in wife assault cases at various stages in the criminal justice system and on the effectiveness of different dispositions for preventing further violence.
- Sexual Assault Victims 50. All police departments should implement special training programs to sensitize officers to the needs of sexual assault victims.
51. Special training and procedures should be implemented in hospitals to ensure that prompt and sensitive care is provided in order to deal with the possibilities of emotional shock, internal injuries, pregnancy, and venereal disease, and to ensure that reliable forensic evidence is collected to facilitate successful investigations and prosecutions.
52. All hospitals should use a standardized sexual assault evidence kit such as that developed by the Province of Ontario.
53. Responding police officers and hospital staff and other local victim assistance services should make special efforts to ensure that the sexual assault victim's practical and emotional needs for crisis counselling are satisfied.

- should encourage communities through the provision of subsidies to establish 24-hour hotline telephone services in order to provide information and emergency crisis counselling.
55. Police departments should review their procedures for deciding whether cases are "unfounded"; it is important to establish whether this may in some cases be due to inappropriate police investigation practices or to the lack of support services to the victims.
56. Although recent Criminal Code amendments (Bill C-127) should help to reduce some of the humiliation and emotional stress of having to testify in court, prosecution and court practices should be examined at the local level to determine practical steps that might be taken to improve their assistance to sexual assault victims.
- Native Victims 57. The Federal Department of Justice in consultation with provinces and native organizations should develop public legal education and information programs specifically addressed to informing native victims of criminal justice processes.
58. Existing organizations such as Special Constables, Native Friendship Centres, Native Courtworkers and Band Social Workers should be encouraged to develop services for victims with special attention being given to

problems which appear to be more pronounced for natives; it is important that these services should wherever possible be planned and administered by native persons themselves.

59. Special consideration should be given to reducing problems associated with the heavy workloads and time delays of circuit courts in isolated native communities. Time delays and the inability of Crown prosecutors to contact victim/witnesses in advance lead many victims to withdraw their complaints.

60. All jurisdictions should encourage and support the collection of data on the nature and extent of victimization among native people.

Families of Homicide Victims 61. All police departments should develop explicit guidelines and training programmes governing procedures to be used for death notifications to next of kin. Special consideration should be given to having special officer assigned to this duty based on their training, experience and personal suitability. Means should be developed for ensuring that immediate and long-term counselling and support is provided from local victim assistance programmes and/or social and mental health agencies.

62. Police departments in conjunction with local victim assistance programmes should ensure that families of homicide victims are provided information on the availability of services, on criminal justice procedures, and practical help in dealing with the

Coroner's office and in making funeral arrangements. Practical and if necessary, financial assistance also should be considered in these cases where family members have to go to other provinces or countries for court appearances or to bring the body of the victim home.

63. Counselling should be offered to family members.

Families of homicide victims often feel intense anger and frustration with the way the criminal justice system deals with the case. Some of these reactions could be minimized by having the police and judiciary adopt certain practices (e.g., providing more information on the status of the case; having the police personally continue to contact the family to show concern and check for long-term needs; having Crown Counsels brief family members on pleas and court procedures, and discussing in advance in particular evidence which will be upsetting to family members, such as photographs of the victim, is to be presented in court.)

Informa- 64. Criminal justice personnel, victim-related services  
tion and relevant government departments should adopt a uniform and ongoing approach to the provision of information in respect of victims which has as its elements:

- acceptance of a duty by criminal justice personnel and victim-related services to provide relevant information as defined above to victims as a routine and integral function of their ongoing operations;

- ° acceptance of the advantages of communication and co-operation among themselves in respect of this field; and
  - ° acceptance of the need to change internal operations and create mechanisms to achieve the first two elements of this approach.
65. In pursuit of this approach, each provincial and territorial jurisdiction should develop a co-ordinating role to:
- ° identify and reduce gaps and duplication in meeting needs;
  - ° develop common responses to similarly perceived needs;
  - ° provide expertise on information design and distribution;
  - ° ensure ongoing support for meeting victim-related information needs.
66. Information on trial date and adjournments should be made available as the case progresses.
67. Information on the disposition of the case should be provided at the conclusion of the case.
68. Prosecutors, on request, should ensure that victims are informed of the outcome of plea bargaining but retain

- the discretion to not inform as to the reasons for the agreement if in the public interest.
69. Information on property recovery and return should be provided as the victim requests, or in all cases at the conclusion of the case.
70. Information on release from incarceration should be provided to the victims if they have so requested.
71. Information should be provided to victims and witnesses on the criminal justice system including:
- ° description of the system, roles of key players, and the criminal justice process;
  - ° obligation and rights of victims and witnesses;
  - ° explanation of a subpoena;
  - ° enforcement of court orders, such as restitution orders and peace bonds.

To accomplish this, police, prosecutors, and victim-related services in each province should jointly produce and distribute a pamphlet on these items. Further, the pamphlet should be distributed with all subpoenae, and include a tear-off page for presentation by the witnesses to their employers, explaining the obligation to allow the witness to attend the trial.

72. In designing and implementing services/materials for victims, special attention should be given to the following factors:
- ° the effect of victim traumatization, including:  
the need to make the information simple yet sufficient; the need for a pro-active approach in delivery; the need to deliver information over a period of time; the need for an empathetic, supportive approach;
  - ° the development of material which is appropriate and accessible.
73. A federal/provincial study group should be formed to explore the establishment of a National Victims Resource Centre and that the study should examine not only the issue of the types of information which such a Centre would collect but how the information should be accessed, what would be the most appropriate method of funding, and where the Centre should be located.
74. The Canadian Centre for Justice Statistics with the support of the federal Departments of Justice and Solicitor General carry out a National Victimization Study every 5 years.

Private Justice 75. The Federal/Provincial Conference of Ministers responsible for Criminal Justice consider the establishment of a working group of officials to enquire into the extent to which victims have

established their own system of justice to deal with certain offences and the implications of such "private justice" for the publicly controlled criminal justice system. (See Chapter 1).

- Costs and Funding 76. The use of a fine surtax to generate funds for victim services within each province should be explored by Provincial Attorneys General; this would entail a fixed penalty being imposed in addition to the sentence or penalty otherwise imposed by the judge upon conviction for a summary conviction or an indictable offence.
77. All minimum and maximum limits on fines should be upwardly adjusted to reflect to-day's cost of living.
78. The additional revenue collected through the imposition of the two previous recommendations should be earmarked to fund services to victims of crime.
- Monitor- ing and Imple- menta- tion 79. The progress of all jurisdictions in attempting to implement those recommendations in this Report which are accepted by the Federal Provincial Committee on Ministers should be monitored over a period of two years by a small federal/provincial working group which shall report back to the Committee of Ministers.

APPENDIX II

COMPOSITION OF THE TASK FORCE

THE TASK FORCE WAS COMPOSED OF THE FOLLOWING MEMBERS:

Don Sinclair Chairman	Visiting Professor, University of Toronto, Ontario
Robert Adamson	Ministry of the Attorney General, British Columbia
James Blacklock	Ministry of the Attorney General, Ontario
Richard Chaloner	Ministry of the Attorney General Ontario
Yvon Dandurand	Department of Justice, Canada (from December, 1982)
Arthur Daniels	Ministry of Community and Social Services, Ontario
Bonnie Foster	Ministry of Correctional Services, Ontario
Gil Goodman	Department of the Attorney General, Manitoba
Serge Kujawa	Department of the Attorney General, Saskatchewan
Shaun MacGrath	Ontario Police Commission
Christopher Nuttall	Ministry of the Solicitor General, Canada
Padraig O'Donoghue	Yukon Department of Justice
Gerard Phillips	Department of Justice and Public Services, Northwest Territories
Daniel C. Préfontaine	Department of Justice, Canada
Yaroslav Roslak	Department of the Attorney General, Alberta
Michel Vallée	Ministry of the Solicitor General, Canada
Robert Wilson	Department of Justice, Canada (until December, 1982)
Ruth Pitman (Secretary)	Provincial Secretariat for Justice, Ontario

**END**