

**REPORT ON FINANCIAL  
ASSISTANCE FOR  
VICTIMS OF VIOLENT CRIME  
IN ONTARIO**

**THE HONOURABLE R. ROY MCMURTRY,  
O. ONT., Q.C.**

**May 2008**

## TABLE OF CONTENTS

	<b>Page</b>
Letter of Transmittal.....	(iv)
Executive Summary .....	1
Chart of Ministry of Attorney General Victim Services and Programs and List of Acronyms.....	5
1. Introduction .....	6
2. Victims of Violent Crime .....	9
(A) Impacts of violent crime .....	9
(B) Needs of victims of violent crime .....	11
(C) Police and crime victims.....	13
3. Legislative Principles .....	15
(A) <i>United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power</i> .....	15
(B) <i>Canadian Statement of Basic Principles for Victims of Crime</i> .....	16
(C) <i>Ontario Victims' Bill of Rights, 1995</i> .....	16
4. Current Financial Assistance Programs.....	17
(A) Policy rationales for financial assistance .....	17
(B) Role of the federal government .....	18
(C) Provincial financial assistance programs .....	19
(D) Operation of the Criminal Injuries Compensation Board .....	20
(E) Ombudsman's Report .....	22
(F) Victim Quick Response Program .....	24
(G) Other financial remedies .....	25
i. Civil litigation .....	25
ii. <i>Civil Remedies Act, 2001</i> .....	26
iii. Restitution.....	26
5. Non-Financial Victim Services and Programs .....	29
(A) Overview of Ministry of the Attorney General's victim services and programs .....	29
(B) Renaming the Ontario Victim Services Secretariat as the Victim Service Division .....	30
(C) VCARS agencies .....	31

(D) Victims' Justice Fund .....	33
(E) Office for Victims of Crime .....	33
(F) Victim-centred approach .....	34
6. Recommendations .....	36
Recommendation 1: Continued Financial Assistance for Victims of Violent Crime.....	38
(A) Victim Quick Response Program as model for early financial assistance.....	39
(B) Financial assistance hearings .....	42
(i) Written hearings .....	43
(ii) Catastrophic injuries .....	43
(iii) Eligible expenses .....	44
(iv) Pain and suffering .....	45
(v) Emotional harm.....	45
(vi) Pattern of abuse.....	46
(vii) Adjudicators to deliver decisions within 45 days. ....	46
(viii) Applications not to await outcome of criminal proceedings. ....	47
(ix) Benefit of the doubt to the victim . ....	48
(x) Offenders and alleged offenders not to participate in the hearing .....	48
(xi) Board decisions.....	50
(xii) Amount of financial assistance .....	50
Recommendation 2: Victim Advocate.....	51
Recommendation 3: Individual Victim Assistance.....	54
Recommendation 4: Single Application Form and Administrative Organization .....	55
Recommendation 5: Police .....	57
(A) Notifying victims of services and programs .....	57
(B) Information sharing on a timely basis.....	58
Recommendation 6: Performance Measures .....	59
Recommendation 7: Annual Victim Services and Programs Report.....	60
Recommendation 8: Regular Review of Needs and Services.....	62
7. Conclusion .....	63
Acknowledgments.....	64

Appendices:

(A)	Recommendations.....	66
(B)	Terms of Reference.....	68
(C)	Consultation paper .....	69
(D)	Meetings.....	78
(E)	Submissions .....	82
(F)	VCARS and other victim service agencies in Ontario.....	84
(G)	Highlights of financial assistance programs in other provinces .....	95



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June 3, 2008

**VIA COURIER**

The Honourable Chris Bentley  
Attorney General of Ontario  
720 Bay Street  
11<sup>th</sup> Floor  
Toronto, Ontario  
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Dear Attorney,

I am pleased to submit my report following a review of the financial assistance for victims of violent crime in Ontario. I look forward to hearing when the report will be released publicly.

Thank you for the opportunity to participate in this process.

Yours very truly,

A handwritten signature in black ink, appearing to read "R. Roy McMurtry".

R. Roy McMurtry, Q.C.  
RRM:jab

Encl.

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## **EXECUTIVE SUMMARY**

Victims of violent crime have five principal needs independent of safety concerns and their need for information and support relating to the criminal justice process: (i) financial assistance, (ii) counselling, (iii) acknowledgment of victimization, (iv) an opportunity to relate what happened to them in a hearing, and (v) individual assistance in navigating through the network of victim programs and services.

Financial assistance to victims of violent crime remains an important component in the spectrum of Ontario's victim services and programs and should not be eliminated. The importance of providing financial assistance to victims of violent crime has been long recognized by the international community through the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. While money can never erase the emotional or physical consequences of violent crime, it can be of invaluable assistance to victims recovering from the impact of such crime. The term "financial assistance" should replace "compensation" as it is a more appropriate phrase that more accurately reflects the purpose of criminal injuries financial programs.

Crime victims are often the forgotten individuals of the criminal justice system and are sometimes treated with less attention, respect and sensitivity than they deserve. The government should appoint an independent Victim Advocate who reports directly to the Legislature and who is mandated to speak out on behalf of victims of violent crime.

The government should adopt the current Victim Quick Response Program (which provides immediate financial assistance for emergency expenses, funeral expenses and short-term counselling) as the model to legislate a permanent administrative early financial assistance program for victims of violent crime.

The government should reconstitute the Criminal Injuries Compensation Board (“CICB”) as the Criminal Injuries Financial Assistance Board (“the Board”), which would adjudicate applications for financial assistance made by victims of violent crime pursuant to a legislative framework similar to the *Compensation for Victims of Crime Act*. Victims should be able to request an oral hearing if that is how they prefer the Board to consider their application, although the final decision with respect to an oral hearing will remain with the Chair of the Board. The Board should be able to continue to make awards for pain and suffering, which serve as an important gesture of societal compassion and acknowledgment of victimization. Victims should be given the benefit of the doubt where the evidence before the Board is equally balanced. An offender or an alleged offender should not participate in a Board hearing. Correspondingly, there should be no right of subrogation in respect of financial assistance given to victims, and the publication of information identifying the alleged offender in cases where there has been no criminal conviction should be statutorily prohibited.

Victims of violent crime often find it overwhelming to navigate through the network of victim services and programs to determine which agency has the services most appropriate to their needs or to make the necessary contacts or complete the necessary

paperwork. Within the spectrum of existing victim services and programs, the government should also provide victims of violent crime with individualized assistance to access appropriate victim services and programs.

The interests of victims of violent crime would also be better served if they could apply to either (or both) financial assistance program by submitting one application form to a single organization such as a newly constituted Financial Assistance Branch within the Ontario Victim Services Secretariat (“the OVSS”). The Ministry of the Attorney General (“the Ministry”) should consider renaming the OVSS as the Victim Services Division, which name better reflects its role within the Ministry.

A Financial Assistance Branch could also centrally administer both financial assistance programs. The CICB appears to have often been treated as an orphan of government. By integrating the provision of administrative support to the Board within a single Victim Services Division, several benefits would be realised. These include encouraging the cross-pollination of ideas and resources, and fostering a consistent approach to the delivery of victim services and victim financial assistance.

The police usually play a very important role in the lives of violent crime victims, and are well situated to provide them with information about various victim services and programs, including financial assistance programs. Police should also provide, on a timely basis, information required by either financial assistance program. The



government should address both these issues through province-wide protocols that should eventually lead to legislative requirements.

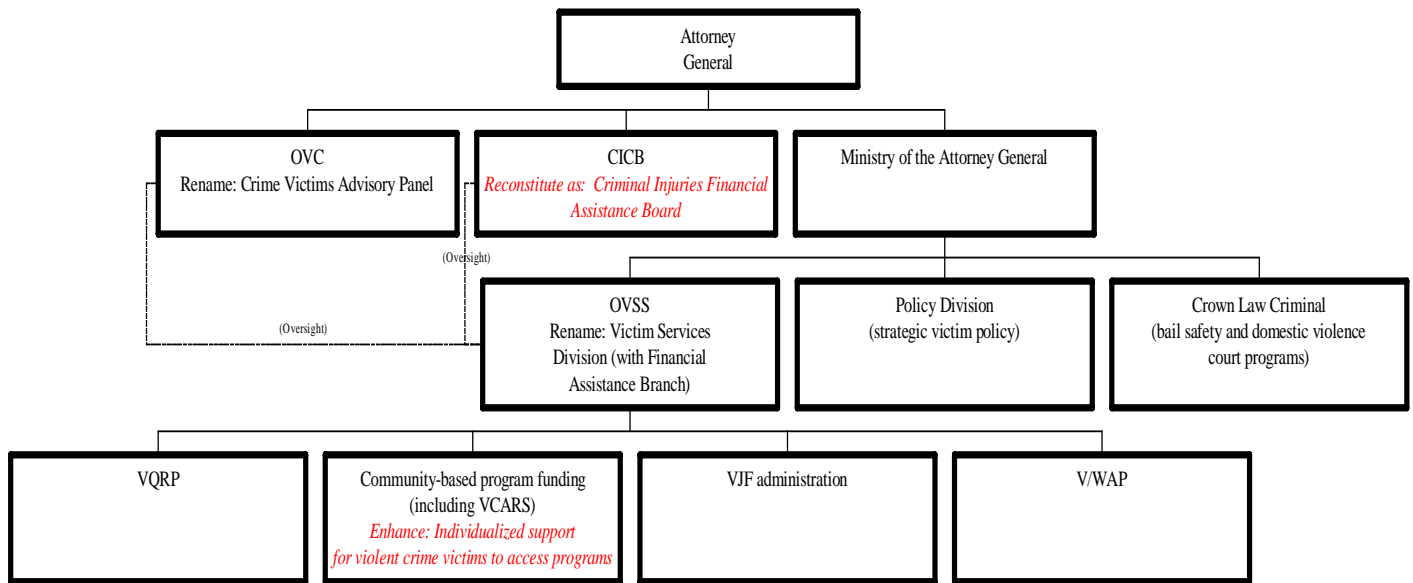
The Ministry should set performance measures for the early financial assistance program and, in conjunction with the Chair of the Board, should do so as well in respect of the Board. These would serve as important tools to identify areas requiring attention before problems spiral to the extent that occurred with respect to the CICB, which led to the Ombudsman's report last spring. The Ministry should also publish an annual report of victim services and programs, including a summary of revenues and expenditures relating to the Victims' Justice Fund. Finally, the Ministry and the Victim Advocate should regularly review the evolving needs of victims of violent crime.

Ontario has been, and continues to be, a leader in providing assistance to victims of crime. Moving away from providing victims of violent crime with direct financial assistance is not consistent with a truly compassionate, fair and responsive approach. Financial assistance is a significant and positive feature of Ontario's victim services and programs and should be continued. Further, as the Ombudsman's report, *Adding Insult to Injury*, makes clear, the Ministry must provide adequate and consistent funding to ensure the integrity of its financial assistance to victims of violent crime.

## MINISTRY OF THE ATTORNEY GENERAL VICTIM SERVICES AND PROGRAMS

- CICB:** Criminal Injuries Compensation Board
- OVC:** Office for Victims of Crime
- OVSS:** Ontario Victim Services Secretariat
- VCARS:** Victim Crisis Assistance and Referral Services
- VJF:** Victims' Justice Fund
- VQRP:** Victim Quick Response Program
- V/WAP:** Victim/Witness Assistance Program

*Appoint: Victim Advocate reporting to Legislature*



**Black: Current**  
**Red Italics: Recommendation**

## 1. INTRODUCTION

I was asked last spring by then Attorney General Michael Bryant to make recommendations after my retirement as Chief Justice of Ontario about the role of financial assistance for victims of violent crime within the spectrum of victim services and programs provided by the Ministry of the Attorney General (“the Ministry”). This request followed the release of the Ontario Ombudsman’s report *Adding Insult to Injury* into the operation of the Criminal Injuries Compensation Board (“the CICB”).<sup>1</sup>

The Ministry currently provides financial assistance to victims of violent crime through two separate programs. The CICB hears applications for financial assistance for expenses and losses, as well as pain and suffering, relating to criminal injuries. The Victim Quick Response Program (“the VQRP”) is an administrative pilot program established by Ministry policy in July 2007 that provides immediate financial assistance for emergency expenses, funeral expenses and short-term counselling.

Over the past few months, I have met with dozens of crime victims, victim advocates and victim service workers and I have received over 40 written submissions. I have also met with senior staff and adjudicators at the CICB, with senior staff with the Ontario Victim Services Secretariat (“the OVSS”), and with the board members of the Office for Victims of Crime (“the OVC”). I hosted a seminar with senior academics who have studied and written about crime victims and criminal injuries financial assistance. I have also

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<sup>1</sup> Ombudsman of Ontario, “*Adding Insult to Injury*” *Investigation into the Treatment of Victims by the Criminal Injuries Compensation Board*, (Ontario: Office of the Ombudsman, February 2007) [Ombudsman’s Report].

consulted with senior criminal injury financial assistance officials in other jurisdictions and have reviewed the relevant literature.

As a result of my review, I have come to the conclusion that the Ontario government should continue providing financial assistance to victims of violent crime through programs that are similar to the CICB and the VQRP. The international community, through the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (“*Declaration of Basic Victim Principles*”), has long recognised the importance of providing financial assistance to victims of violent crime.<sup>2</sup> Ontario is a leader in providing assistance to victims of crime, including financial assistance to victims of violent crime. The financial assistance remains a very important component in the spectrum of Ontario’s victim services and programs. While financial assistance can never erase the emotional or physical consequences of violent crime, it can be of tremendous aid to victims recovering from the impact of such crime.

At this point, I want to reflect on the term “compensation”. This term in the context of a criminal injuries financial program for crime victims is a misnomer since money can never compensate a victim for the trauma inflicted by violent crime. “Compensation” implies damages akin to those in a civil tort action, but the CICB awards were never intended to replicate civil damages. “Financial assistance” is a more appropriate phrase that more accurately reflects the purpose of criminal injuries financial programs.

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<sup>2</sup> GA Res.40/34, 29 November 1985, A/CONF.121/22/Rev.1, s. 12.

I am further of the view that the Ontario government should appoint a Victim Advocate who reports directly to the Legislature. Having worked in the criminal justice system for more than 50 years, including five years as a Chief Justice of the Superior Court of Justice, 11 years as Chief Justice of Ontario, and 10 years as Attorney General for Ontario, I have long had considerable concern about how victims of crime are treated. They are often the forgotten individuals of the criminal justice system, sometimes viewed as third party interlopers in a system that is focused primarily on the criminal trial and the rights of the accused. While Ontario has taken significant steps in the past few decades to assist victims of crime, much of this assistance is linked to supporting victims through the criminal proceedings, and does not address the significant needs faced by victims of violent crime that are unrelated to the prosecution process. A Victim Advocate, consistent with Ontario's public commitment "to ensuring victims of violent crime have a strong voice"<sup>3</sup>, would advocate on behalf of victims of violent crime in Ontario.

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<sup>3</sup> Ministry of the Attorney General, Backgrounder, "Victim Services in Ontario" (March 2, 2007), online: <<http://www.attorneygeneral.jus.gov.on.ca/english/news/2007/20070302-cicb-bg.asp>>.

## **2. VICTIMS OF VIOLENT CRIME**

No group or individual is exempt from the possibility of becoming the victim of a violent crime. Crime victims do not form a static or homogenous group. They are of all ages and gender, and can be found within all social, economic, religious, geographic and ethnic groups. Crime victims also include secondary victims such as the family members of crime victims. Families' lives, particularly the families of homicide victims, are often shattered by the serious victimization of an individual family member.

Understanding the impact of violent crime and the resulting needs faced by victims provides an important foundation for reviewing the role of financial assistance for victims of violent crime.

### **A. Impacts of Violent Crime**

Violent crime can have significant emotional, financial and physical repercussions for victims.

During my meetings, I heard many stories about the emotional suffering borne by victims, including feelings of fear, shame, isolation, and humiliation. As the Canadian Resource Centre for Victims of Crime has written:

Criminal victimization is a frightening and unsettling experience for many Canadians. It is unpredictable, largely unpreventable and often unexpected. Unlike normal life experiences, victimization is not sought

out and never welcomed. It is debilitating and demoralizing. Its effects can be often long-term and difficult to overcome.<sup>4</sup>

In addition to short-term emotional and other suffering, it is undisputed that many victims of violent crime also suffer very significant and long-term psychological harm.

Violent crime can impose many financial burdens on its victims, including property damage, lost wages, and various other out-of-pocket expenses. The federal government estimates that “[i]n 2003, [all] crime in Canada cost an estimated \$70 billion, a majority of which — \$47 billion or 67% — is borne by the victims.”<sup>5</sup>

Violent crime often, of course, results in physical injuries. While some victims of violent crime may suffer relatively minor injuries that require little or no medical attention, the CICB’s decisions reveal that the physical injuries resulting from a single act of violence can, not surprisingly, compromise a victim’s quality of life.

In addition to the direct impacts of violent crime, crime victims may experience secondary victimization following the initial criminal act. Secondary victimization is the insensitive treatment that victims sometimes face in the criminal justice system and elsewhere. This insensitive treatment may occur as early as the initial police investigation and may continue for many months or years as a victim is required to navigate through criminal processes such as the preliminary hearing, the trial and perhaps a parole hearing.

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<sup>4</sup> Canadian Resource Centre For Victims of Crime, *The Impact of Victimization*, online: <<http://www.crcvc.ca/docs/victimization.pdf>>.

<sup>5</sup> Government of Canada. “Cost of Crime in Canada”, online: <<http://www.victimswweek.gc.ca/archive2006/fact-sheets/p2.html>>. The \$70 billion is divided as follows: \$18 billion for violent crimes, \$40 billion for property crime and \$12 billion for other crime.

Often the cause of secondary victimization is simply a lack of training or understanding of victims' needs, or criminal justice processes and programs that are focused on the prosecution of the accused and operate at times without sufficient awareness or sensitivity to victims' needs.

## **B. Needs of Victims of Violent Crime**

Those I met with who work with victims of crime directly, as well as the organizations and individuals who submitted written submissions, consistently identified five specific needs that victims of violent crime often face independent of safety concerns and the need for information and support relating to the prosecution process:

- (i) financial assistance,
- (ii) counselling,
- (iii) acknowledgment of victimization,
- (iv) an opportunity to relate what happened to an official decision-maker, and
- (v) individual assistance in navigating through the network of victim services and programs.

Not surprisingly, early assistance was identified as being most effective, although some victims of violent crime obviously require longer-term assistance and support.

Victims of violent crime very often face expenses in order to ensure their on-going personal safety and to regain a degree of normalcy in their daily lives. The list of these expenses can be quite varied, such as paying for counselling, installing security devices, replacing broken locks and windows, paying for temporary or alternative accommodation, replacing prescription eyeglasses, buying new clothing, etc. For those



with limited financial resources, even minor unexpected expenses can create additional uncertainty and anxiety.

Counselling is also a critical need faced by many victims of violent crime. In order to be effective, such counselling is often best delivered by persons outside the medical profession who have significant experience working with crime victims. Social workers, psychologists and experienced victim support workers appear to provide a great deal of the victim counselling in Ontario. As one victim whose son had been murdered observed during our meeting: “Victims don’t have mental illnesses – we don’t need psychiatrists for our counselling.” The Ontario Health Insurance Plan, however, only covers the costs of psychiatrists. The services of social workers, psychologists and other victim counsellors are not similarly funded.

Victims of violent crime also often desire a formal acknowledgment about what happened to them. The criminal trial process, of course, focuses on determining whether an accused person is guilty or not. Its purpose is not to provide victims with societal acknowledgment of their victimization. In contrast, the issue at a CICB hearing is whether an applicant was a victim of a violent crime. When the CICB grants an application, the written decision that is sent to the victim specifically states that the applicant was a victim of crime, and acknowledges the injustice that individual suffered. For many victims, the CICB decision is the first official acknowledgment of their victimization and the acknowledgment can be very meaningful.

There is also a desire among some victims of violent crime to have the opportunity to relate what happened to an official decision-maker and therefore it is clear that a hearing may be quite therapeutic. For example, a study of the effect that the workers' compensation process in Quebec can have on workers' health noted:

One of the facets of the process that was identified as having a favourable effect on the workers' health was that part of the appeal hearing where the workers could be said to have had their day in court.<sup>6</sup>

There is considerable literature supporting the notion that individuals often highly value the opportunity to be heard by decision-makers and that people are more accepting of outcomes, even negative ones, when they have had an opportunity to participate in the decision making process through a hearing.<sup>7</sup>

Finally, victims of violent crime require individual assistance in navigating through the network of victim services and programs. Most of these services and programs in Ontario are delivered by local community agencies, and it can be confusing for crime victims to determine which agency has the services most appropriate to their needs.

### **C. Police and Crime Victims**

The duties of all police officers in Ontario include "assisting victims of crime".<sup>8</sup> Police officers are often a victim's first contact with the criminal justice system following the commission of a crime. This contact may continue for some time if there is a police

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<sup>6</sup> Katherine Lippel, "Workers describe the effect of the workers' compensation process on their health: A Québec study" (2007) 30 *International Journal of Law and Psychiatry* 427 at 438.

<sup>7</sup> See, for example, E. Allen Lind & Tom R. Tyler, *The Social Psychology of Procedural Justice* (New York: Plenum Press, 1988).

<sup>8</sup> *Police Services Act*, R.S.O. 1990, c. P.15, s. 42(1)(c).

investigation, particularly if criminal charges are laid. Police are therefore well situated to play an important and positive role in the lives of crime victims and to ensure that they are treated with respect and compassion. While many victims of violent crime described very positive experiences with police officers, some individuals described insensitive treatment, particularly in the immediate aftermath of the crime.

Police officers are under tremendous pressure to enforce the law and to investigate crimes, and often face competing pressures at a crime scene. Notwithstanding this, victims must be given a high priority by police services and police officers must receive the necessary training and support so that they are able to convey a sense of societal compassion and sensitivity to crime victims.

### 3. LEGISLATIVE PRINCIPLES

The legislative principles that ought to guide a framework that properly addresses the five identified needs of victims of violent crime are highlighted in this section.

#### A. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

In 1985, the General Assembly of the United Nations adopted the *Declaration of Basic Victim Principles*, which remains an international milestone in the history of victim rights.<sup>9</sup> It sets out a code of conduct that prescribes, among other things, that victims “should be treated with compassion and respect for their dignity” and “should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means”.<sup>10</sup> Section 12(a) specifically provides:

When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes.

The United Nations’ *Handbook on Justice for Victims*, a detailed guide advising countries how to apply the *Declaration of Basic Victim Principles*, reinforces the importance of financial assistance to victims of violent crime:

Crime victim compensation is one of the pillars of victim assistance. For many victims worldwide, it serves as the primary means of financial aid in the aftermath of victimization. [...] While the physical and psychological

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<sup>9</sup> M. Cherif Bassiouni, “International Recognition of Victims’ Rights” (2006) 6:2 Human Rights Law Review 203 at 278.

<sup>10</sup> *Supra* note 2, ss. 4, 14.

impact of crime may be the most obvious and serious toll taken by a crime, the financial impact can also be devastating.<sup>11</sup>

**B. *Canadian Statement of Basic Principles for Victims of Crime***<sup>12</sup>

In 2003, all the federal, provincial and territorial Ministers of Justice endorsed the *Canadian Statement of Basic Principles*, which affirms that the “needs, concerns and diversity of victims should be considered in the development and delivery of programs and services, and in related education and training.”

**C. *Victims’ Bill of Rights, 1995 (“Victims’ Bill of Rights”)***<sup>13</sup>

Ontario proclaimed the *Victims’ Bill of Rights* in 1996. Like the national and international declarations of basic victim principles that preceded it, the *Victims’ Bill of Rights* provides that victims should be treated with courtesy, compassion and respect, and that they should have access to services and information about the prosecution process. The *Victims’ Bill of Rights* also created the Victims' Justice Fund, which is used to “assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise”.<sup>14</sup>

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<sup>11</sup> United Nations Office for Drug Control and Crime Prevention, *Handbook on Justice for Victims* (New York: 1999) at 44, online: <<http://www.uncjin.org/Standards/9857854.pdf>>.

<sup>12</sup> Department of Justice (Canada), *Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003*, online: <<http://www.justice.gc.ca/eng/pi/pcvi-cpcv/pub/03/princ.html>>.

<sup>13</sup> S.O. 1995, c. 6.

<sup>14</sup> *Ibid.*, s. 5(4).

#### 4. CURRENT FINANCIAL ASSISTANCE PROGRAMS

New Zealand established the first modern financial assistance system for victims of violent crime in 1963. A year later, the United Kingdom established a non-statutory tribunal that awarded compensation to victims of violent crime similar to what they could have expected to recover in a successful civil action. The United Kingdom enacted the *Criminal Injuries Compensation Act* in 1995, which provides victims of violent crime with loss of earnings payments as well as compensation for pain and suffering through an injury-based tariff.<sup>15</sup> The British program remains the most generous in the world, and provides awards to crime victims ranging from £1,000.00 for minor injuries to £250,000.00 for quadriplegia or severe brain damage.

In 1967 Ontario<sup>16</sup> and Saskatchewan followed New Zealand and the United Kingdom in providing financial assistance to victims of violent crime, and today all provinces except Newfoundland provide violent crime victims with some form of financial assistance.<sup>17</sup>

##### A. Policy rationales for financial assistance

There are various policy rationales that underlie providing financial assistance to victims of violent crime:

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<sup>15</sup> United Kingdom, Criminal Justice System, *Rebuilding Lives Supporting Victims of Crime* (United Kingdom, The Stationary Office: 2005) at 15, online: <  
<http://www.cjsonline.gov.uk/downloads/application/pdf/Rebuilding%20Lives%20-%20supporting%20victims%20of%20crime.pdf>>.

<sup>16</sup> Ontario's *Law Enforcement Compensation Act, 1967*, S.O. 1967, c. 45 provided criminal injury financial assistance only in relation to injuries suffered while assisting a law enforcement officer to make an arrest or preserve the peace. Ontario expanded the scope of financial assistance to all victims of violent crime in 1971 when it passed the *Compensation for Victims of Crime Act*, R.S.O. 1990, c.C.24.

<sup>17</sup> The territorial governments do not provide criminal injuries compensation programs.

- (a) Criminal injuries financial assistance reflects society's compassion for innocent victims and a collective desire to help those who have been harmed as a result of violent crime.
- (b) Governments fund a number of programs that are designed to promote the welfare of its citizenry and financial assistance for victims of violent crime is a reasonable extension of these kinds of state funded programs.
- (c) Similarly, governments provide several insurance-like programs such as health care insurance, unemployment insurance and workplace injury insurance that spread certain inevitable risks in society. Victim financial assistance is seen, again, as a reasonable extension of these kinds of programs.

## **B. Role of the federal government**

The federal government originally funded all provincial financial assistance programs on a cost-sharing basis, which ended in 1992. At around the same time, the federal government introduced a victim surcharge on *Criminal Code* fines, to be applied to provincial victim services and programs, thereby offsetting the provinces' loss of federal revenue to some extent. Today the federal Department of Justice continues to provide some financial assistance directly to crime victims in strictly prescribed circumstances through a Victims Fund administered by its Policy Centre for Victim Issues.<sup>18</sup> For example, Canadians who are victims of serious violent crimes abroad can apply for

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<sup>18</sup> The federal Policy Centre for Victim Issues engages in legislative reform, consultation, policy development, research, and project funding relating to how to improve the experience of crime victims in the criminal justice system, how to enhance their participation therein, and how to ensure that they are aware of their role and available support services. The Policy Centre for Victim Issues also chairs the Federal/Provincial/Territorial Working Group on Victims of Crime, which consists of all the provincial and territorial Directors of Victim Services who meet twice annually to discuss legislation and policies.

emergency financial assistance with travel and counselling costs where no other source of financial assistance is available. The Victims Fund also helps victims who are registered with the Correctional Service of Canada or the National Parole Board with travel and accommodation costs to attend a hearing related to the offender who harmed them.

### **C. Provincial financial assistance programs**

Victim services and programs are now viewed primarily as a provincial responsibility and the provinces that do provide financial assistance programs for victims of violent crime do so according to their own legislation and procedures.<sup>19</sup>

Generally, the provincial financial assistance programs are available to victims of violent crimes or dependents of homicide or sexual assault victims. The amount of financial assistance can be reduced if the victim contributed to his or her injuries. Limitation periods are usually set at one or two years, with discretion to extend in appropriate circumstances. All provincial programs provide victims of violent crime with some assistance with various crime-related expenses and losses such as dental and eye glasses replacements, counselling, wage losses, funeral costs, or childcare.

The amount of financial assistance paid varies between provincial programs, ranging from \$2,000.00 in Nova Scotia for counselling expenses, to Quebec's program at the other end of the spectrum, which has no maximum limits on what may be paid to crime victims. In Ontario, the CICB may make a lump sum award up to a maximum of

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<sup>19</sup> Appendix G is a chart prepared by the federal Policy Centre for Victim Issues, which highlights the key features of the provincial programs.



\$25,000.00, or a monthly award of up to \$1,000.00, to a maximum of \$365,000.00.<sup>20</sup>  
(Monthly payments constitute about 10% of the CICB's total payments each year.<sup>21</sup>)

#### **D. Operation of the Criminal Injuries Compensation Board**

The CICB is an independent adjudicative tribunal established in 1971 under the *Compensation for Victims of Crime Act*. It is composed of a full-time Chair, one full-time Vice Chair and two part-time Vice Chairs and, currently, 28 part-time adjudicators.<sup>22</sup> The Chairs and the adjudicators are appointed by the Government for fixed terms. The CICB staff are government employees who process applications, prepare files for hearing and arrange for payment of awards.

The CICB receives about 4,000 applications each year.<sup>23</sup> About one-half of the applications that proceed to hearing each year are decided by way of an oral hearing presided over by two adjudicators, while the balance are decided by way of a written hearing in which a single adjudicator reviews the documentary evidence filed in support of an application.<sup>24</sup> The CICB can make awards in respect of reasonable expenses and pecuniary losses relating to the criminal injury, pain and suffering, and support of a child

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<sup>20</sup> The other provincial maximum limits are:

New Brunswick - certain expenses up to \$5,000.00

British Columbia – no global cap but prescribed caps on particular expenses

Prince Edward Island - \$15,000.00

Saskatchewan - \$25,000.00

Alberta –\$110,000.00

Manitoba - \$100,00.00, exclusive of permanent impairment compensation

<sup>21</sup> Ontario, Criminal Injuries Compensation Board, 32<sup>rd</sup> *Annual Report April 1, 2005 to March 31, 2006* at 25 [CICB 05/06 Annual Report].

<sup>22</sup> 14 of the 28 adjudicators were appointed in the past year as part of the Ministry's efforts to reduce the CICB's backlog.

<sup>23</sup> CICB 05/06 Annual Report, *supra* note 21 at 20.

<sup>24</sup> *Ibid.* at 22.

born as a result of rape.<sup>25</sup> About 90% of hearings result in a payment to the victim.<sup>26</sup> Assault offences (including simple assault, assault causing bodily harm, domestic assault, sexual assault, and assault with a weapon) account for about 85% of all the applications in which the CICB awards financial assistance.<sup>27</sup>

The average CICB payment made to victims of violent crime between 2003 and 2006 was about \$8,400.00.<sup>28</sup> This amount has slowly crept up from about \$4,700.00 in fiscal year 1995-1996.<sup>29</sup> No definitive explanation emerged to account for this increase, although CICB adjudicators and Deloitte Inc.<sup>30</sup> (“Deloitte”) identified the Divisional Court’s 1992 decision in *Evoy v. Ontario (Criminal Injuries Compensation Board)*<sup>31</sup> as a contributing factor.

Under the *Compensation for Victims of Crime Act*, the CICB “may deem more than one act to be one occurrence where the acts have a common relationship in time and place”.<sup>32</sup> The practice of many CICB adjudicators prior to the *Evoy* decision was to treat patterns of physical or sexual abuse as a single occurrence resulting in a single payment. In *Evoy*, the court held that the CICB must order a separate award for each assault that occurs in a relationship marked by a pattern of physical or sexual violence if the assaults are

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<sup>25</sup> *Compensation for Victims of Crime Act*, *supra* note 16, s.7(1).

<sup>26</sup> CICB 05/06 Annual Report, *supra* note 21 at 20.

<sup>27</sup> *Ibid.* at 26.

<sup>28</sup> Report dated October 17, 2007 by Deloitte to the Ministry of the Attorney General at 27 [Deloitte October 2007 report].

<sup>29</sup> Ontario, Criminal Injuries Compensation Board, *29<sup>th</sup> Annual Report April 1, 2001 to March 31, 2002* at 40 (Summary of 30 Years of Awards to Victims).

<sup>30</sup> Report dated May 6, 2005 by Deloitte to Ministry of the Attorney General at 34 and Deloitte October 2007 report, *supra* note 28 at 27.

<sup>31</sup> [2001] O.J. No. 2258.

<sup>32</sup> *Compensation for Victims of Crime Act*, *supra* note 16, s. 19(4).

unrelated in time and place, with the result that the total CICB payments in these cases have risen since *Evoy*.

Pain and suffering is the largest component of the CICB's awards, accounting for about 80% of the total payments issued.<sup>33</sup> In deciding the quantum of pain and suffering awards, CICB adjudicators take into account a variety of factors, including the following:

- the nature of the occurrence (e.g. degree of violence, use of weapons, relationship with offender, length of the victimization, age of victim);
- the severity and nature of the injuries (including the degree of emotional trauma);
- the convalescence period and the time for the victim to be able to resume normal activities; and
- any continuing disability.<sup>34</sup>

#### **E. Ombudsman's Report**

The Ombudsman of Ontario, in his report *Adding Insult to Injury*, concluded: "The Criminal Injuries Compensation Board is in deplorable shape".<sup>35</sup>

The Ombudsman traced the slow and arduous journey that some victims of violent crime had to endure at the CICB, starting with the time it took to actually get an application form mailed to them and ending, on average, about three years later. During this time,

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<sup>33</sup> CICB 05/06 Annual Report, *supra* note 21 at 24.

<sup>34</sup> Criminal Injuries Compensation Board, *Manual of Practice for Board Members* (revised October 2007) at 17-18 [*Manual of Practice for Board Members*].

<sup>35</sup> Ombudsman's Report, *supra* note 1 at 1, para. 1.

victims were asked to fill out an “avalanche of documentation”,<sup>36</sup> application forms were routinely returned for minor corrections, and applications sat for months awaiting preparation for hearing by claims analysts. Victims attempting to find out information about their applications were met with suspicion and a lack of compassion and sensitivity.

The Ombudsman found the lack of consistent and sufficient funding by successive Ontario governments over many years to be at the root of the CICB’s “colossal failure”.<sup>37</sup> He also found that the CICB’s bureaucratic and insensitive attitudes and processes exacerbated its funding difficulties. He made 17 recommendations, including that the Ministry immediately start to provide sufficient financial support to the CICB and that the CICB provide victim sensitivity training to its staff and improve its case management processes.

My mandate is to advise the Attorney General on the broad issue of whether the government should continue to provide financial assistance to victims of violent crime and I did not revisit in detail the CICB’s day-to-day operations. I have, however, reviewed the quarterly reports that the Ministry and the CICB provided to the Ombudsman and I have been briefed by senior CICB staff about the efforts taken to reduce its backlog. The Ministry and the CICB have taken significant steps to address the Ombudsman’s recommendations. Further, I am advised that the number of complaints received by the Ombudsman about the CICB has significantly dropped, and that the

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<sup>36</sup> *Ibid.* at 35, para. 128.

<sup>37</sup> *Ibid.* at 1, para. 2.

Ministry and the CICB's quarterly reports have not caused him any concern regarding the implementation of his recommendations.

Following the Ombudsman's report, the Ministry injected additional funds into the CICB and appointed 14 new adjudicators. There are some current indicators of positive results. For example, the time for an application to be assigned to a case analyst, who prepares the file for hearing, has dropped from 15 months to less than five months.<sup>38</sup> As well, the CICB held 40% more hearings in the past year than the year before.<sup>39</sup> It will take time, however, for these additional resources and improved administrative practices to significantly reduce the overall delays. I am advised that the CICB currently has a backlog of about 8,000 applications and victims must still wait over two years before receiving a decision. The CICB estimates that it will take another two years before the CICB is operating without a backlog.

The government should continue to provide financial assistance to victims of violent crime and the adjudicative panel must have sufficient funding and resources once the current backlog is cleared to ensure that the problems identified in the Ombudsman's report do not reoccur.

#### **F. Victim Quick Response Program**

In response to the Ombudsman's report, the Ministry announced the creation of the VQRP to provide victims of violent crime with immediate assistance for emergency

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<sup>38</sup> Joint quarterly report dated March 31, 2008 to Ombudsman of Ontario from Murray Segal, Deputy Attorney General and Marsha Greenfield, CICB Chair [March 2008 Joint Quarterly Report].

<sup>39</sup> *Ibid.*

expenses, funeral expenses and counselling. The VQRP was established on a pilot basis and its original expiry date of March 31, 2008 was very recently extended to March 31, 2009. The VQRP provides victims of violent crime with the following financial assistance: (i) up to \$1,000.00 for certain immediate emergency expenses, including emergency home repairs and emergency accommodation, (ii) up to \$5,000.00 for burial or cremation costs, and (iii) up to \$1,000.00 for short-term counselling.

Victims of violent crime apply for VQRP financial assistance through local community agencies throughout Ontario known as VCARS agencies.<sup>40</sup> The VCARS agencies submit the VQRP application to the OVSS, which decides generally within three days whether or not to grant an application. VQRP monies are paid directly to service providers arranged by VCARS agencies.

## **G. Other Financial Remedies Available to Crime Victims**

### **(i) Civil litigation**

Victims of crime have traditionally been able to sue for damages relating to torts such as assault, battery, false imprisonment, intentional infliction of nervous shock and invasion of privacy. The *Victims' Bill of Rights* creates a statutory presumption that victims of sexual and domestic assault suffered emotional distress, thereby relieving a victim of having to prove this aspect of his or her injury in a civil suit against the offender.<sup>41</sup>

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<sup>40</sup> "VCARS" refers to the Victim Crisis Assistance and Referral Services program that these agencies deliver. I discuss these agencies further on.

<sup>41</sup> *Supra* note 13, s. 3(2).

While civil litigation is a vehicle by which offenders can be held directly accountable to crime victims, the reality is that civil litigation imposes a significant economic burden that many victims are unable to bear and offenders generally do not have sufficient financial resources to satisfy a civil judgment. As well, offenders often cannot be located or are unknown to their victims.

**(ii) *Civil Remedies Act, 2001*<sup>42</sup>**

The *Civil Remedies Act* allows the Attorney General to seek a civil court order transferring title of property or proceeds relating to unlawful activity to the Crown, which the government then uses to compensate crime victims. This remedy, however, is rarely of assistance to victims of violent crime because it would be unusual for proceeds or property to be acquired as a result of the commission of these offences.

**(iii) Restitution**

Offender accountability is an important issue for many victims of crime. It is also an issue of societal interest, which is reflected in the fact that one of the objectives of criminal sanctions is “to promote a sense of responsibility in offenders”.<sup>43</sup> Restitution is one means by which offenders can be made directly financially accountable to crime victims for the harm they inflicted and therefore can contribute to this sense of direct responsibility.

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<sup>42</sup> S.O. 2001, c. 28.

<sup>43</sup> *Criminal Code*, R.S., 1985, c. C-46. s 718(f).

Section 738 of the *Criminal Code* authorizes a court to order that an offender compensate a victim for property damages and financial losses incurred as a result of bodily or psychological harm. Restitution cannot be ordered for non-monetary losses such as pain and suffering. A victim can file a restitution order in a civil court and use civil enforcement methods to collect the money. Like civil litigation, however, restitution is often not an effective remedy for victims of violent crime in Ontario. Crown attorneys rarely ask courts to impose restitution orders in cases involving personal violence. Further, in my experience, judges are reluctant to impose a financial obligation on offenders who often have no financial means to comply with restitution orders.

Some provincial and foreign jurisdictions have taken additional steps to assist victims of crime collect financially from offenders beyond simply informing them how to apply for restitution and having prosecutors make the restitution applications on their behalf. In Saskatchewan, for example, the payment of restitution is part of an offender's probation terms and is monitored through either a victim service program or by the provincial Corrections and Public Safety Department, depending on whether there are other probationary terms. Offenders can be charged with a breach of their probation if they fail to satisfy the restitution order. In Alaska and New Jersey, the state government pursues the collection of restitution orders directly against offenders on behalf of crime victims. California has established the Victim Compensation and Government Claims Board. This Board is fully funded by restitution fines, diversion fees, restitution orders, and penalties paid by offenders and makes restitution or compensation payments to crime victims directly out of these moneys.



The federal Policy Centre for Victim Issues<sup>44</sup> is currently undertaking research with the provinces on the use of restitution and how to best support victims who wish to enforce restitution orders. This research is just underway, however, and no results are yet available.

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<sup>44</sup> See footnote 18 for a description of the mandate of the Policy Centre for Victim Issues.

## 5. NON-FINANCIAL VICTIM SERVICES AND PROGRAMS

In keeping with Ontario's long tradition of local delivery of victim services and programs, virtually all the non-financial services and programs for crime victims in Ontario today are delivered by local organizations funded in whole or in part by the OVSS. These provide crime victims with invaluable assistance and support and serve as a model to other Canadian and international jurisdictions.

### A. Overview of Ministry's victim services and programs

A chronological overview of these non-financial victim services and programs is set out below.

1980	<i>Sexual assault/rape community and hospital based crisis centres</i>  These centres, located in about 30 communities across Ontario, provide a variety of supports for victims of sexual assault and domestic violence, including counselling, public education and advocacy.
1986	<i>Barbra Schlifer Commemorative Clinic</i>  The Ministry funds a legal service for assaulted women at this multi-service agency for female victims of violence.
1987	<i>Victim Crisis Assistance and Referral Services Program</i>  VCARS is a community based program that is delivered by local agencies using trained volunteers who provide immediate on-site crisis intervention as well as community referrals for further assistance.
1987	<i>Victim/Witness Assistance Program ("V/WAP")</i>  V/WAP provides information, assistance, referrals and support to victims and witnesses of violent crime in all court districts across the province.
1991	<i>Child Victim/Witness Centres</i>  The four Child Victim/Witness Centres provide court assistance and preparation to children who are victims or witnesses of violent crime.

1996	<i>Victim Support Line</i>  This is a province-wide information line that provides victims with referrals to community agencies, information on the criminal justice system and access to information about the status and scheduled release date of provincially incarcerated offenders.
1997	<i>Domestic Violence Court Program</i>  This program facilitates the prosecution of domestic assault cases and early intervention in abusive domestic situations through teams of police, Crown Attorneys, V/WAP staff, probation officers, and community agency staff workers.
1998	<i>Support Link Program</i>  This program provides victims of domestic violence, sexual assault and stalking with intensive safety planning and 911-programmed cell phones in 20 Ontario locations.
2002	<i>Bail Safety Pilot Project</i>  This program, found in 10 locations in Ontario, provides for specially trained teams of Crown Attorneys, victim services staff and police to conduct in-depth interviews with victims of domestic violence at the bail stage of criminal proceedings.

The OVSS also provides time-limited community grants each year to organizations across Ontario to support projects that directly benefit victims and address gaps in supports and services to victims. Since 2005, the government has provided \$15 million in grant funding to 247 community organizations. Two examples are the Phoenix Centre for Children and Families in Pembroke, which received a community grant to provide programs for children and youth who are victims of trauma, and the Ininev Friendship Centre in Cochrane, which received a community grant for an art therapy program for children who have been victimized by domestic violence.

**B. Renaming the Ontario Victim Services Secretariat as the Victim Services Division**

Although it also funds several community initiatives and programs administered by other ministries, the OVSS' primary role is to administer or deliver the victim-based programs

and services provided by the Ministry. Renaming the OVSS as the Victim Services Division would have its name better reflect its function within the Ministry and would assist victims and the public to better understand its role.

### **C. VCARS agencies**

The VCARS program, which I mentioned earlier, is a community-based program that provides immediate on-site help to victims of crime, disaster, or other tragic circumstances 24 hours a day, seven days a week. VCARS agencies, through teams of trained volunteers, provide emotional support to victims, accompany victims to shelters or hospitals, assist with arranging for crime scene clean-up, and refer victims to other community services for longer-term assistance. The VCARS agencies were also given the responsibility of delivering the VQRP in their communities.<sup>45</sup>

There are currently 50 VCARS agencies in Ontario, each governed by its own independent Board of Directors. Each VCARS agency enters into a separate funding agreement with the Ministry that prescribes province-wide guidelines and criteria for the delivery of the VCARS program. The VCARS agencies have established a provincial association called the Ontario Network of Victim Service Providers and all but three VCARS agencies are members.

The local service delivery model that is the basis of the VCARS program is advantageous for a number of reasons. A victim receives emotional and practical assistance on-site

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<sup>45</sup> A list of the VCARS and other victim service agencies in Ontario involved in delivering the VQRP can be found at Appendix F.

immediately following an incident, which often helps victims cope more effectively and may also mitigate the impact of a traumatic event. The VCARS agencies are also able to develop relationships with the local police services. The police refer about 95% of the victims assisted by VCARS agencies. Similarly, the VCARS agencies are able to develop relationships with other local community agencies and programs that can provide more long-term assistance to victims of crime.

A very significant and impressive component of the VCARS agencies is the extensive involvement of volunteers. There are about 10,000 individuals in Ontario who volunteer to provide emergency assistance to victims through the VCARS program. These individuals receive 36 hours of training and are on call for up to three 12-hour shifts each month. They respond to about 50,000 victims each year. VCARS volunteers provide an invaluable service to their communities, giving selflessly of their time to assist those in need.

VCARS services are clearly extremely beneficial to crime victims. I met with family members of murder victims who had received assistance from their local VCARS agency. They very eloquently expressed their appreciation for the early support they received and the tremendous difference this support made to them as they struggled to cope with the consequences of the loss of their loved ones. It is important to emphasize, however, that VCARS services, as beneficial as they are, do not provide on-going assistance to victims of violent crime.

#### **D. Victims' Justice Fund**

All of the victim programs and agencies referred to above, including the VCARS agencies, receive funding through the Victims' Justice Fund, which consists of victim surcharges imposed by the courts on provincial and federal fines.<sup>46</sup> The monies in the Victims' Justice Fund must be used to "assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise".<sup>47</sup> The OVSS, which receives about 60% of its budget from the Victims' Justice Fund, has administrative responsibility for the Fund. Subject to approval by the Management Board of Cabinet, the OVSS distributes monies to programs and organizations for purposes that are consistent with the *Victims' Bill of Rights*.

While the CICB's primary source of funding is the government's consolidated revenue fund,<sup>48</sup> I am advised that the Ministry has regularly supplemented the CICB's budgets with funds transferred from the Victims' Justice Fund.

#### **E. Office for Victims of Crime**

The OVC, although not strictly a victim service or program, advances the interests of crime victims in Ontario through its advisory role. The OVC is a statutory body established pursuant to the *Victims' Bill of Rights*.<sup>49</sup> Its members are victims of violent

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<sup>46</sup> Victim fine surcharges are amounts added onto provincial or federal fines pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P.33, s.60.1 and the *Criminal Code*, *supra* note 43, s. 737.

<sup>47</sup> *Victims' Bill of Rights*, *supra* note 13, s. 5(4).

<sup>48</sup> The consolidated revenue fund refers to the "aggregate of all public monies on deposit to the credit of the Minister of Finance or in the name of any agency of the Crown approved by the Lieutenant Governor of Ontario". See Ministry of Finance, "Ontario Budget 2008:Glossary", online:<<http://ontariobudget.ca/english/glossary.html>>.

<sup>49</sup> *Supra* note 13, s. 5.1.

crime or individuals who have worked with crime victims and its mandate is to advise the Attorney General on issues relating to crime victims.

When it was originally formed in 1998, the OVC established a Special Victims Unit with three full-time staff who engaged in victim advocacy by linking crime victims with appropriate community agencies or case managing where a victim's circumstances were particularly difficult or complicated. The Special Victims Unit was disbanded a few years ago and the OVC currently focuses primarily on its legislated advisory mandate.

If the Attorney General continues to receive advice on victims' issues from an expert body such as the OVC, it would be preferable to rename it the Crime Victims Advisory Panel, thereby highlighting its advisory role and reducing confusion with the Victim Advocate (which I recommend further on) and with the OVSS.

#### **F. Victim-centred approach**

The Ministry has the dual responsibility of prosecuting criminal offences, as well as providing or funding the majority of Ontario's victim services and programs. While the Ministry provides many important victim programs, many are related to the prosecution process, rather than addressing the needs of victims that are unrelated to the trial process.

The Ministry's website identifies its five major program areas as: "prosecuting crime and preserving public order and personal safety; *supporting victims of crime throughout the criminal justice system*; providing criminal, civil and family courts and related justice

services that are fair, timely and accessible; providing decision-making and justice support services to vulnerable people; and providing legal advice and services to government [emphasis added].”<sup>50</sup> Similarly, the OVSS’ webpage states: “[The] OVSS works to ensure that victims of crime are treated with respect and receive the information and services they need *throughout the various stages of the criminal justice process* [emphasis added].”<sup>51</sup>

Court-based victim services are extremely important and supportive of crime victims. The trial process can be very emotionally traumatic for victims and these services provide them with information about the court process as well as assistance and support during the various stages of proceedings. However, the majority of victims of violent crime do not report the crime to the police and so court-based services simply do not address their needs.<sup>52</sup> Additionally, victims of crime have many personal needs that are independent of the criminal trial process. It is critical, therefore, that the Ministry shift its current victim paradigm, which views crime victims too often through the relatively narrow lens of the criminal trial process, and move to a paradigm that has victims’ needs at the centre of the lens.

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<sup>50</sup> Ontario Ministry of the Attorney General, Annual Reports, “Ministry Overview”, online: <[http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/mag\\_annual/annual-rpt.asp#O-VIEW](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/mag_annual/annual-rpt.asp#O-VIEW)>.

<sup>51</sup> Ontario Ministry of the Attorney General, Victim Services, “An Overview”, online :< <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/>> .

<sup>52</sup> Statistics Canada, *Criminal Victimization in Canada, 2004* by Marie Gannon and Karen Mihorean, *Juristat* Catalogue 85-002-XPE, vol. 25, no. 7 (Ottawa: Statistics Canada, 2005) at 25.



## **6. RECOMMENDATIONS**

### **Recommendation 1: Continued Financial Assistance for Victims of Violent Crime**

The government should continue providing financial assistance to victims of violent crime. The government should adopt the Victim Quick Response Program as the model to legislate a permanent early financial assistance program for victims of violent crime. The government should reconstitute the Criminal Injuries Compensation Board as the Criminal Injuries Financial Assistance Board (“the Board”). The Board would adjudicate applications for financial assistance made by victims of violent crime pursuant to a legislative framework similar to the *Compensation for Victims of Crime Act*.

### **Recommendation 2: Victim Advocate**

The government should appoint a Victim Advocate who reports directly to the Legislature.

### **Recommendation 3: Individualized Assistance**

Within the existing spectrum of victim services and programs, the government should provide victims of violent crime with individualized assistance to access appropriate victim services and programs and to complete applications for victim services and programs.

### **Recommendation 4: Single Application Form and Administrative Organization**

There should be a single application form for both financial assistance programs. A single organization such as a newly constituted Financial Assistance Branch within a Victim Services Division of the Ministry of the Attorney General should be responsible for the administration of both financial assistance programs.

### **Recommendation 5: Police**

#### **(a) Notifying Victims of Services and Programs**

The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services should develop and implement as soon as practicable a single province-wide protocol requiring police to notify victims of the appropriate local victim services and programs (including financial assistance programs) on a

timely basis, which should lead to this requirement becoming a legislative provision.

**(b) Information Sharing on a Timely Basis**

The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services should develop and implement as soon as practicable a single province-wide protocol requiring police to deliver information required in respect of either financial assistance program on a timely basis, which should lead to this requirement becoming a legislative provision.

**Recommendation 6: Performance Measures**

The Ministry of the Attorney General should establish performance measures for both financial assistance programs and should regularly evaluate the programs against these measures. The performance measures for the Board should be established in conjunction with the Chair of the Board.

**Recommendation 7: Annual Victim Services and Programs Report**

The Ministry of the Attorney General should publish an annual report that is easily accessible by the public that:

- reports on the victim services and programs that the Ministry either funds or delivers,
- identifies the performance measures and evaluations of the Ministry's financial assistance programs, and
- summarizes the revenues and expenditures from the Victims' Justice Fund.

**Recommendation 8: Review of Victim Needs and Services**

The Ministry of the Attorney General, in conjunction with the Victim Advocate, should conduct a review at least every four years of the needs of crime victims, how to best address these needs, and the availability and use of victim services.

### **Recommendation 1: Continued Financial Assistance for Victims of Violent Crime**

Financial assistance remains the most effective way to provide victims of violent crime with practical as well as compassionate assistance. The unexpected expenses that often follow violent crime can create undue financial stresses and strains. Financial assistance can help to alleviate some of these and can also provide victims of violent crime with a greater measure of control over their lives. One victim advocate who has worked closely with victims of crime for many years stated: “Money can’t buy happiness, but it can buy a fresh start.”

The government should continue to assist with the financial needs of victims of violent crime through legislation that permanently establishes an early assistance program similar to the VQRP and an independent hearing process similar to the CICB. While the CICB is rooted in the *Compensation for Victims of Crime Act*, the VQRP is simply a creature of Ministry policy. Providing a legislative foundation for both programs would demonstrate the government’s recognition of the important role financial assistance can play in the lives of victims of violent crime as well as its commitment to continue such programs in the future.

The legislation should contain a clear statement of the government’s purpose in providing victims of violent crime with financial assistance, which purpose is to reflect societal compassion for the pain and suffering of victims of violent crime and to provide some practical assistance with the economic impact of crime. The legislative purpose, which has been curiously absent since the *Compensation for Victims of Crime Act* was enacted

in 1971, would provide a transparent and public context for the design and reform of criminal injuries financial assistance programs, as well as a tool by which to evaluate their on-going operation. Further, victims will have more realistic expectations if the underlying purposes of the financial assistance programs are made clear in the legislation.

Those who work with crime victims have advised me that individuals who receive early assistance and services often will not require financial assistance in the future. It is therefore likely that the vast majority of victims of violent crime will choose to apply for financial assistance through an early VQRP process and the hearing process involving the Board will most likely be pursued by victims who suffer more significant physical or emotional injuries that result in long term needs. However, victims of violent crime should always have the option of choosing to apply for financial assistance through the hearing process and should not be denied access to it because they obtained early financial assistance, as long as there is not a double recovery.

Given that violent crime often has the most significant financial impact on those with already limited means, the legislation should eliminate any claw back or reduction in other social service benefits based on payments received from the CICB (or its successor) or the VQRP.

**(A) Victim Quick Response Program as model for early financial assistance**

There was unanimous praise for the VQRP among those I met, particularly for the expeditious financial assistance that is provided to victims of violent crime. By providing

victims with early financial assistance for counselling, emergency home repairs, and emergency accommodation the VQRP may reduce the impact of the crime and increase the immediate safety of victims. As stated earlier, victims who receive early assistance and services will not often require financial assistance in the future.

The VQRP incorporates various factors that serve the interests of victims of violent crime well, and provides an excellent model for a permanent early financial assistance program.

These factors include:

- Payments are made very quickly, usually within a few days.
- The financial assistance is predictable as the amount of money that will be paid, as well as the expenses covered, are clearly identified.
- Payments are made directly to service providers, reducing the need for victims to attempt to co-ordinate and pay for emergency services themselves.
- Victims can apply for the financial assistance throughout the province through a local VCARS agency, which will often be a victim's first contact with the Ministry-funded victim services and programs.
- The financial assistance includes money for counselling.
- The process is victim-friendly. There are reduced evidentiary burdens on the victim, with the victim's signed statement constituting sufficient evidence of the crime, the reporting of the crime, and the injury.
- In order to be eligible for the financial assistance, victims of sexual or domestic assaults may report the offence giving rise to their injuries to institutions other than the police, such as hospitals, sexual assault centres,

shelters or other agencies dealing with domestic or sexual violence.

However, there are three concerns relating to the VQRP that should be addressed. First, the VCARS agencies expressed concern regarding the limited scope of the eligible expenses. For example, the VQRP covers the cost of boarding up broken windows, but not the replacement costs. Prescription eyeglasses and dental costs are not covered. There is no emergency clothing allowance for victims forced to flee their homes quickly. Counselling funding of up to \$1,000.00 may be insufficient for the immediate counselling needs of some victims of violent crime.

Second, there is also concern about the 14 day time period for applying to the VQRP. This is a very short period, particularly in the context of violent crimes. The period immediately following the crime is very traumatic for victims. Fourteen days is insufficient time within which to expect that victims of violent crime will be in a position to assess their needs or be able to fill out the necessary application forms.

Third, the decision-making responsibility is unclear, although formally it resides with the OVSS.<sup>53</sup> According to the OVSS, it received 641 VQRP applications in the first eight months of its operation, and denied only 39. However, VCARS agencies declared an additional 1,198 applications “ineligible” and therefore they were not received by the OVSS. The OVSS does not appear to monitor these ineligible applications or to have

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<sup>53</sup> Ministry of Attorney General, *Victim Quick Response Program Information Booklet* (January 2008) at 6, online: < <http://www.attorneygeneral.jus.gov.on.ca/english/news/2007/20070713-vqr-bo-en.pdf>>.

detailed information about why they were treated as ineligible by the VCARS agencies, although it is starting to look at this issue.

There will, of course, always be some administrative screening of applications required in any financial assistance program. However, declaring close to two-thirds of all applications to be “ineligible” is a form of decision making, without the review process that would be available if the OVSS had denied the application.

The Ministry developed the VQRP in a very short period following the Ombudsman’s sharp criticism of the CICB and time constraints may have prevented consultation with victim stakeholders at the initial stages of the program development. Meaningful consultation with victim stakeholders and with the Victim Advocate is important on an on-going basis to ensure that any future early assistance program adequately addresses the needs of victims of violent crime.

**(B) Financial assistance hearings**

There was consensus among victim stakeholders that the legislative framework prescribed by the *Compensation for Victims of Crime Act* is generally appropriate and that it is very important that there continue to be an independent hearing process available to victims of violent crime.

The government should reconstitute the CICB as the Criminal Injuries Financial Assistance Board (“the Board”). The Board would adjudicate applications for financial

assistance made by victims of violent crime pursuant to a legislative framework similar to the *Compensation for Victims of Crime Act*. The legislation establishing the Board should address the following matters.

**(i) Written hearings**

The Board hearing should be a written review by an independent adjudicator, but victims should be able to request an in-person hearing and the Chair of the Board should have the discretion to order an oral hearing in appropriate circumstances. This discretion recognizes that some victims would feel revictimized by an oral hearing, but also acknowledges that the opposite is true for many other victims who want the opportunity to relate what happened to them at a hearing.

**(ii) Catastrophic injuries**

One of the reform options that the Ministry has considered is for the CICB to hear applications only from victims of violent crime who have suffered catastrophic injuries. Catastrophic injuries are generally understood to be those that result in permanently life-altering physical or psychological disabilities affecting an individual's capacity to lead a normal life over an extended period of time. Focusing only on these victims would eliminate the vast majority of victims of violent crime. The Board's hearing process should be available to all victims of violent crime who have suffered emotional or physical injury, and not just those suffering catastrophic injuries.



**(iii) Eligible expenses**

The *Compensation for Victims of Crime Act* authorizes the CICB to award “compensation” for expenses, lost earnings, pain and suffering, support of a child born as a result of rape, and any other financial losses attributed to a victim’s injury or death that the CICB determines is reasonable to incur.<sup>54</sup> These are all reasonable items to be considered in assessing a victim’s financial needs and should be continued. It is also reasonable that lump sum or monthly awards continue, depending on the circumstances of each individual victim.

Counselling is recognized to be one of the most important needs of many victims of violent crime and for this reason past and future counselling expenses should be specifically recognized as eligible expenses in any legislation. The CICB currently reimburses previously incurred counselling expenses under its general authority to make awards in respect of reasonable expenses, but often requires victims to bring variation applications if they incur counselling expenses in the future. This procedure imposes unnecessary hardship on victims because they may not have the financial resources to pay for counselling costs, and because it requires them to engage the hearing process more than once.

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<sup>54</sup> *Supra* note 16, s. 7.

**(iv) Pain and suffering**

Pain and suffering, which accounts for about 80% of the total payments issued by the CICB, is clearly a significant component of the Ministry's current financial assistance to victims of violent crime, and should not be eliminated.<sup>55</sup>

In *Arnold v. Teno*, the Supreme Court of Canada acknowledged the challenge decision-makers face in assessing damages for pain and suffering:

The real difficulty is that an award of non-pecuniary damages cannot be "compensation". There is simply no equation between paralysed limbs and/or injured brain and dollars. The award is not reparative: there can be no restoration of the lost function.<sup>56</sup>

While pain and suffering awards clearly cannot compensate victims of crime for their losses, such awards in the context of financial assistance programs for victims of violent crime provide an important gesture of societal compassion and acknowledgment of victimization and should be continued. Many of the people I met or who made submissions specifically raised pain and suffering, advocating for its continuation because it provides victims with much needed acknowledgement of their victimization as well as financial assistance.

**(v) Emotional harm**

The *Compensation for Victims of Crime Act* defines "injury" to mean "actual bodily harm and includes pregnancy and mental or nervous shock".<sup>57</sup> The CICB has adopted the

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<sup>55</sup> CICB 05/06 Annual Report, *supra* note 21 at 24.

<sup>56</sup> [1978] 2 S.C.R. 287 at 322.

<sup>57</sup> *Supra* note 16, s. 1.

common law approach to mental or nervous shock, which requires that victims of violent crime “must establish a psychiatric injury induced by shock relating to the violent occurrence.”<sup>58</sup> It is abundantly clear that victims of violent crime very often suffer significant emotional injury. However, such emotional injury does not necessarily mean that they have suffered the kind of psychiatric injury that mental or nervous shock connotes. “Emotional harm” should replace “mental or nervous shock”.

**(vi) Pattern of Abuse**

The CICB’s current practice, based on the *Evoy* decision, is to treat multiple violent incidents by the same person against the same victim that are unrelated in time and place as separate occurrences, even where the incidents form an on-going pattern of abuse. This situation commonly arises in cases involving domestic violence or child abuse. While laying separate criminal offences in respect of multiple violent incidents makes sense from a criminal justice perspective, in the context of providing financial assistance to crime victims it is reasonable to treat multiple incidents as a single pattern of abuse.

**(vii) Adjudicators to deliver decisions within 45 days**

Lengthy delays in making decisions and in releasing decisions are obviously not in a victim’s interest. It is reasonable to provide clear direction to the adjudicators that they are expected to resolve applications in a timely fashion and to stipulate the timeframe.

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<sup>58</sup> *Manual of Practice for Board Members, supra* note 34 at 29.

**(viii) Applications not to await outcome of criminal proceedings**

Delays also arise when an application is adjourned pending the outcome of any criminal proceeding. The Ombudsman found that waiting for trial outcomes has become the norm at the CICB, and expressed great concern about this.<sup>59</sup> I agree with the Ombudsman that tying financial assistance to the criminal justice process creates unnecessary delays and generally only exacerbates the toll crime imposes on its victims.

Concern was raised that the receipt of criminal injuries financial assistance will provide defence counsel with additional grounds to cross-examine a victim's motivation in the criminal trial and potentially damage his or her credibility, which would only serve to further deter victims from participating in the criminal justice process. It was also suggested that the logical outcome of a more expeditious financial assistance program is that fewer victims will maintain an interest in participating in the trial.

With respect, I do not share these concerns. A victim's application for financial assistance may give rise to a challenge to his or her credibility or motivation regardless of whether the decision to grant the application is made before or after the criminal trial. If the financial assistance application follows the criminal trial, defence counsel would be able to suggest that the victim is testifying in order to ensure that his or her future financial assistance application will be successful. And while I acknowledge that victims of violent crime may be reluctant to testify against an alleged offender in court, particularly in cases of sexual or domestic assault, I do not share the view that victims

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<sup>59</sup> Ombudsman's Report, *supra* note 1 at 43, paras. 153-155.

will abandon the criminal trial process simply because of the earlier receipt of financial assistance.

**(ix) Benefit of the doubt to the victim**

A victim-sensitive hearing process would give victims the benefit of the doubt where the evidence may be equally balanced. The *Workplace Safety and Insurance Act, 1997* provides a useful example in the context of workers' interests:

If, in connection with a claim for benefits under the insurance plan, it is not practicable to decide an issue because the evidence for or against it is approximately equal in weight, the issue shall be resolved in favour of the person claiming benefits.<sup>60</sup>

By enacting a similar statutory provision relating to crime victims, the government would send a clear signal that the hearing process is intended to be sensitive to, and respectful of, victims of violent crime.

**(x) Offenders and alleged offenders not to participate in the hearing**

Victims frequently mention the revictimization that they experience when they confront an offender or alleged offender during the criminal justice process. A victim-sensitive hearing process would reduce the potential for this kind of victimization by precluding the participation of the offender or alleged offender in a victim's application for financial assistance unless the Chair of the Board determines that the circumstances warrant such participation.

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<sup>60</sup> S.O. 1997, c.16, Schedule A, ss. 119(2).

There are two reasons for the current legislative requirement to notify an offender or alleged offender of a hearing relating to a victim's application for financial assistance.<sup>61</sup> First, the subrogation right statutorily granted to the CICB, whereby it can pursue offenders or alleged offenders for any moneys paid to victims, gives an offender or alleged offender a financial interest in the CICB's proceedings. Second, an alleged offender has an interest in protecting his or her reputation given that he or she may not have been convicted of a criminal offence.

Both issues can be readily addressed. With respect to the subrogation issue, the subrogation legislative provision should simply be eliminated, thereby eliminating the offender or alleged offender's financial interest. The reality is that the great majority of offenders or alleged offenders do not have resources to make a subrogated action financially viable. Illustrative of this fact is that the CICB has not in fact pursued any subrogated actions for over a decade.

With respect to the reputation issue, a statutory provision could prohibit the publication of any information identifying the alleged offender in cases where there has not been a criminal conviction. Such a ban, along with the fact that the adjudicator's role is to determine if the victim suffered a criminal injury and not to determine the identity of the person who committed the criminal act giving rise to the injury, would balance the alleged offender's interest in protecting his or her reputation with the victim's interest in not being revictimized.

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<sup>61</sup> Section 9(c) of the *Compensation for Victims of Crime Act* requires the CICB to serve the offender with 10 days' notice of the hearing "if it is practicable to serve him or her".

**(xi) Board decisions**

The CICB does not maintain an indexed database of its decisions nor are they easily accessible. While hard copies can be viewed at its Toronto office, this is not a practical option for many people and also is not particularly helpful in the absence of an indexed database. Indexing and publishing the adjudicated decisions in hard copy and electronically, with appropriate privacy safeguards, would increase the Board's public accountability, and would also serve to assist those appearing before the Board in their preparations.

**(xii) Amount of financial assistance available through a hearing process**

The *Compensation for Victims of Crime Act* authorizes the CICB to order a lump sum payment to a maximum of \$25,000.00, or to order periodic payments of up to \$1,000 per month to a maximum of \$365,000.00.<sup>62</sup> There were submissions that the maximum amounts paid under the *Act* should be increased, noting that the lump sum maximum has not been increased since 1986 and the periodic payment maximum has not been increased since 1990. As well, the lump sum payment is significantly lower than the £500,000.00 that the Criminal Injuries Compensation Authority in the United Kingdom may award and the Au\$50,000.00 that the Victim Compensation Tribunal in New South Wales, Australia may award. A regular review of the legislated amounts that the Board can order would be an appropriate approach to ensure that future amounts remain reasonable.

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<sup>62</sup> *Supra* note 16, s. 19.

## **Recommendation 2: Victim Advocate**

There is no single independent voice in Ontario mandated to speak on behalf of victims of violent crime. There is of course a great diversity amongst crime victims and they do not form an identifiable group. Similarly, there are a very large number of unrelated and diverse community-based victim support organizations. The OVC provides advice to the Attorney General, but does not have a mandate to engage in public advocacy. Even within the Ministry, there is a blurring of responsibility for victims' issues, with the OVSS having responsibility for V/WAP and for funding community organizations that deliver other victim services and programs; and the Ministry's Policy Division having responsibility for long-term strategic victim policy. Further, the OVSS, as an operating division of the Ministry, is not mandated to advocate on behalf of crime victims.

The interests of victims of violent crime would be significantly advanced with the appointment of a Victim Advocate responsible for a Victim Advocate Office and mandated to speak out on behalf of victims of violent crime. A Victim Advocate would have the ability to shine an early, bright and very public light on problems such as those that existed for so many years at the CICB.

It would be essential that the Victim Advocate be independent and for this reason the Victim Advocate should report to the Legislature. Having to report to the Attorney General could put the Victim Advocate in a position of conflict if the interests of crime victims diverge from Ministry policies. Having the Victim Advocate report directly to the Legislature would also reflect the importance of victim issues as well as the inter-



ministerial nature of victim services and programs. While the majority of these fall within the scope of the OVSS, some victim services and programs remain the responsibility of other ministries. For example, hospital based sexual assault centres fall under the Ministry of Health and Long Term Care and shelters for victims of domestic and sexual violence fall under the Ministry of Community and Social Services.

The Office of the Provincial Advocate for Children and Youth (“the Child Advocate Office”) provides a useful advocacy model for a Victim Advocate Office.<sup>63</sup> The Child Advocate Office advocates at three levels. First, it engages in individual case advocacy and acts as a liaison between child and youth services and programs, and individuals who have not been able to locate the appropriate services and programs. Second, the Child Advocate Office provides program advocacy by identifying gaps or deficiencies in programs and services and by working with government departments and community agencies to implement operational reforms to remedy these gaps or deficiencies. Third, the Child Advocate Office conducts policy advocacy by researching systemic issues of concern to children and youth and advocating for policy and legislative reforms to address these issues. Each level of advocacy is linked to the other, with the individual case advocacy informing the program and policy advocacy and the policy advocacy eventually producing results that impact at the individual case advocacy level.

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<sup>63</sup> The statutory mandate of the Provincial Advocate for Children and Youth is to advocate on behalf of children and youth who are seeking or receiving services under the *Child and Family Services Act*, or who are in provincial care or custody pursuant to the under the *Child and Family Services Act*, the *Ministry of Correctional Services Act*, or the *Education Act*, or who are in court holding cells or being transported to and from court holding cells. See *Provincial Advocate for Children and Youth Act, 2007*, S.O. 2007, c. 9, s.15.

The most significant role for the Victim Advocate Office would be to monitor on a systemic basis victim needs and the programs and services available to meet these needs, and, where appropriate, to advocate for program and policy reforms. While there should be individual assistance to victims of violent crime at the local community level, a Victim Advocate Office could also provide useful back up to this local assistance and thereby reduce the likelihood that a victim of violent crime is left wandering alone through the network of victim services and programs. Further, it would be important that the Victim Advocate Office be in contact with local agencies to ensure that it engaged in program and policy advocacy that addressed the issues faced by victims at a local level. Additionally, the Victim Advocate Office could engage in public information campaigns regarding the availability of victim service programs, including financial assistance programs.

While a Victim Advocate Office would have to be adequately funded and staffed, it need not be a large bureaucracy. By way of example, the Child Advocate Office is a streamlined and accessible office that responds to thousands of inquiries every year with a staff of 12 advocates and four administrative staff.

### **Recommendation 3: Individual Victim Assistance**

As stated earlier, victims of crime are often confused about which victim service is appropriate for them and by the volume of different application forms and other documents that must be completed in order to apply for the different victim programs and services. This only compounds the trauma and anxiety victims of violent crime already experience in the aftermath of crime. Victims of violent crime would be much better served by Ontario's extensive network of victim services and programs if they received individualized assistance in accessing them.

Currently, there are various referral services available in Ontario for crime victims. The VCARS agencies provide victims with referrals as part of their early crisis intervention and support work. The Victim Support Line provides telephone referrals to local community agencies. What victims of violent crime often require, however, is for someone to actually link them with the appropriate local community agencies beyond the crisis intervention that they may receive immediately following the offence. This assistance could include making phone calls on their behalf, setting up appointments for them to attend an agency, and assisting them with the necessary paperwork. As the father of a murder victim stated: "I had no experience being a victim. I didn't even know what I needed, let alone where to find it. I needed someone to tell me what was out there, then help me get it."

An additional layer of victim bureaucracy is not required to provide this individualized assistance. There is a wide spectrum of local community agencies currently working with

crime victims throughout Ontario. The Ministry could enhance this work by funding the VCARS agencies, or other appropriate agencies, to provide victims of violent crime with on-going individual assistance. The relatively modest expenditure required would be outweighed by the significant and much-needed assistance to victims of violent crime.

#### **Recommendation 4: Single Application Form and Administrative Organization**

The interests of crime victims clearly would be better served if they could apply to both financial assistance programs through a single organization using the same application form and having to provide their supporting documentary evidence only once. Furthermore, the family members of the victim should be able to submit one application form on behalf of the whole family.<sup>64</sup>

The Ministry should give serious consideration to having both financial assistance programs administered centrally through a newly established Financial Assistance Branch of the renamed Victim Services Division (currently the OVSS). The Financial Assistance Branch would be responsible for receiving all applications for financial assistance and supporting documentation, and would therefore be the main contact point for victims inquiring about their applications. It would be responsible for processing all the applications and arranging for the payments to victims. In respect of the early financial assistance program, it would liaise with community agencies as required and would make decisions to grant or deny applications for early financial assistance.

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<sup>64</sup> The Ombudsman also made this recommendation: See Ombudsman's Report, *supra* note 1 at 77, recommendation 12(a).

In respect of the Board process, some or all of the current CICB administrative staff could continue to provide administrative services to the Board as part of the operations of the Financial Assistance Branch. The oral or written adjudication of such applications would be within the sole purview of the Board, which would remain independent of the Ministry.

I have been left with the impression over the past few months that the CICB has often been viewed as an orphan of government and for this reason it would be useful to integrate the provision of administrative support to the Board with the Ministry's other victim services and programs. While there may be human resource and other operational implications of which I am unaware, this centralization would offer several benefits.

Aligning the administration of the Ministry's victim financial assistance processes with its other victim services and programs would encourage the cross-pollination of ideas and resources. It would also encourage a consistent approach to the delivery of both victim services and victim financial assistance. It would take advantage of the OVSS' existing regional presence throughout the province as well as its strong relationships with local community organizations delivering victim services. Finally, having the administration of all financial assistance programs fall directly within the purview of a single Ministry branch would be a way to ensure that unacceptable application backlogs do not again become the norm in the administration of financial assistance for victims of violent crime.

## **Recommendation 5: Police**

### **(A) Notifying Victims of Services and Programs**

There remains a long-standing concern about public awareness of financial assistance programs for victims of violent crime. For example, in 1985 the federal Ministry of the Solicitor General conducted a study of public awareness of criminal injury financial assistance programs, and discovered that only 13% of crime victims were aware of these programs.<sup>65</sup> The Ombudsman observed in his report that a very small number of victims of violent crime make applications to the CICB and recommended that the Ministry review its outreach initiatives to ensure that crime victims are made aware of their rights under the *Compensation for Victims of Crime Act*.<sup>66</sup> It was apparent during my review that public awareness of both the CICB and the VQRP remains low.

Police are often the first to a crime scene, and will usually meet with the victim at that time or soon thereafter. As the first point of contact, police are well positioned to provide victims of crime with information about victim services and programs. While some police forces in Ontario are already doing this, steps ought to be taken to ensure that all police in the province are consistently providing crime victims with information about the availability of victim services and programs, including financial assistance programs.

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<sup>65</sup> Solicitor General Canada, *Awareness and Use of Crime Compensation Programs* (Ottawa: Ministry of the Solicitor General of Canada, 1984), cited in Department of Justice Canada Policy Centre for Victim Issues, *Criminal Injuries Compensation in Canada – A Status Report* by A. Young (Ottawa: Department of Justice Canada, 2001) at 35.

<sup>66</sup> *Supra* note 1 at 56, para. 201 and 73 (Recommendation 5).

This already occurs elsewhere. For example, Manitoba's *Victims' Bill of Rights* requires police to provide crime victims with criminal injuries financial assistance information.<sup>67</sup>

Almost half of the states in the U.S. require law enforcement officers to inform victims of criminal injuries financial assistance programs.<sup>68</sup>

### **(B) Information Sharing on a Timely Basis**

In deciding whether to grant an application, the CICB relies on information from the victim as well as various other sources, including the police. Where the victim has reported the crime to the police, the CICB will ask the investigating officer to complete and submit a two page questionnaire regarding the alleged incident. The CICB asks that the police officer return the questionnaire within 30 days, but this timeframe is often not met.

The Ombudsman noted that waiting for the return of police questionnaires often further delayed an already delay-plagued process and recommended that the CICB take steps to ensure that the police questionnaires are returned promptly.<sup>69</sup> The CICB is considering a pilot project to speed up the receipt of police information by permitting questionnaires to be shared electronically, with a view to possible province-wide implementation.<sup>70</sup> The receipt of police questionnaires remains, however, a general source of delay.

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<sup>67</sup> *Victims' Bill of Rights*, SM 1998, c. 44, C.C.S.M. c. V55, s. 3(a) and (e)(i).

<sup>68</sup> Susan Herman and Michelle Waul, *Repairing the Harm: A New Vision for Crime Victim Compensation in America*, (Washington, DC: National Center for Victims of Crime, 2004) at 29, online: <  
<http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspxnz?DocumentID=38573>  
>.

<sup>69</sup> Ombudsman's Report, *supra* note 1 at 37, para. 134 and 75 (Recommendation 10b).

<sup>70</sup> March 2008 Joint Quarterly Report, *supra* note 38.

The United Kingdom has developed a *Code of Practice for Victims of Crime* that requires police to respond to similar requests within 30 days.<sup>71</sup> While this has not completely resolved the problem, there have been improvements. Adopting a similar approach in Ontario would be an important step to address the delays caused by waiting for police information.

### **Recommendation 6: Performance Measures**

The Ombudsman reviewed in detail how the CICB processes its applications and made various recommendations for improvement. The CICB has since adopted new case management practices that are intended to speed up the application process and eliminate the existing backlog. What does not yet exist, however, are performance measures to evaluate the CICB's performance or that of the VQRP.

Setting performance measures for both financial assistance programs and conducting regular evaluations against them would be important tools to identify areas requiring attention before problems spiral to the extent that the CICB's did. The key aims and targets for the United Kingdom's Criminal Injuries Compensation Authority provide simple, comprehensive examples. They include targets for timely application processing,

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<sup>71</sup> Criminal Justice System (United Kingdom), *The Code of Practice for Victims of Crime* at 9, ss.5.28-5.29, online: <<http://www.homeoffice.gov.uk/documents/victims-code-of-practice?view=Binary>>. The U.K. Auditor General, in a recent report on the performance of the Criminal Injuries Compensation Authority, identified police reports as a source of delay, but noted that the Authority had been working with the police to reduce this delay. See National Audit Office (United Kingdom), *Compensating Victims of Violent Crime*, (London, The Stationary Office: December 2007) at 36, online: <[http://www.nao.org.uk/publications/nao\\_reports/07-08/0708100.pdf](http://www.nao.org.uk/publications/nao_reports/07-08/0708100.pdf)>.



sensitive and courteous treatment of victims, effective communication and outreach, staff development and training, and accountability for public funds.<sup>72</sup>

### **Recommendation 7: Annual Victim Services and Programs Report**

While the Ministry, through the OVSS, funds or delivers many victim services and programs, it does not produce an easily accessible publication that lists them. A regular report would publicize what is an impressive array of victim services and programs, and give the Ministry some well-deserved credit for initiating and supporting them. By way of example, the Alberta government produces an annual *Victims Programs Status Report* that details the activities of the various community victim programs and provides a summary of the funding allocations for these programs from the Victims of Crime Fund (which is similar to the Victims' Justice Fund).<sup>73</sup> Saskatchewan publishes an annual "Saskatchewan Justice" report that includes a detailed summary of the activities and results relating to victim services.<sup>74</sup> It also publishes an annual audited financial statement for its Victims' Fund (which is similar to the Victims' Justice Fund).<sup>75</sup>

An annual report of victim services and programs could also include the publication of the performance measures and the periodic evaluations for both financial assistance

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<sup>72</sup> The 2007-08 key aims and targets are found at Appendix 4 of the U.K.'s Auditor General's report *Compensating Victims of Violent Crime*, *ibid.* at 53.

<sup>73</sup> Alberta Solicitor General and Public Security, *Victims Programs Status Report 2006/2007*, online: <[http://www.solgps.alberta.ca/programs\\_and\\_services/victim\\_services/Publications/2007/2006-2007%20Victims%20Programs%20Status%20Report.pdf](http://www.solgps.alberta.ca/programs_and_services/victim_services/Publications/2007/2006-2007%20Victims%20Programs%20Status%20Report.pdf)>.

<sup>74</sup> See for example, Government of Saskatchewan, *2006-2007 Annual Report Saskatchewan Justice*, online: <<http://www.justice.gov.sk.ca/JusticeARJuly10.pdf>>.

<sup>75</sup> See for example, Provincial Auditor Saskatchewan, *Victims' Fund Financial Statements for the Year ended March 31, 2007*, online: <<http://www.justice.gov.sk.ca/VictimsFundFS-06-07.pdf>>.

programs. This would inject a measure of public accountability into the provision of financial assistance to victims of violent crime, which is important given the Ombudsman's findings.

Finally, such a report should also summarize the revenues and expenditures relating to the Victims' Justice Fund. Many people have expressed great concern and confusion with the status of the Victims' Justice Fund. There is a widely held belief that the Ministry has allowed the Victims' Justice Fund to carry a significant surplus year-to-year. It is difficult to verify this belief because the Ministry does not provide any easily accessible public accounting of its spending from the Victims' Justice Fund.

The information that the OVSS provided shows that the Victims' Justice Fund has carried forward a surplus of over \$50 million each year since 2001. While the OVSS advised me that these surpluses were "fully committed" each year, this does not address the issue that the expenditures out of the Fund each year were less than the Fund balance at the start of each year. On this subject the Ombudsman concluded: "[The Victims' Justice Fund] is posing as money expended on victims' rights, when in fact it sits, with its large surplus, as a little-used line item on the Government books."<sup>76</sup>

I am troubled by the fact that the Victims' Justice Fund has apparently sat in a surplus position for so long without any real accountability to the constituency it is meant to

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<sup>76</sup> Ombudsman's Report, *supra* note 1 at 71, para. 260.

serve. An annual public accounting for the monies in the Victims' Justice Fund ought to be made easily available.

**Recommendation 8: Regular Review of Needs and Services**

Victim services and programs should be informed by the needs of crime victims and what they find to be most beneficial to address those needs. These should be regarded as evolving matters. The unfortunate upsurge of Internet pornography is an example of why it is important for the government to revisit these questions on a regular basis in order to ensure that victim services and programs remain relevant. A regular monitoring of victims of crime and those who work with them regarding victims' needs and how to best address them would provide a meaningful yardstick to measure any gaps in victim services and programs and how to best address them.

## **7. CONCLUSION**

There was almost unanimous agreement among those I heard from that Ontario should not abolish its tradition of providing direct financial assistance to victims of violent crime through an independent adjudicative process. However, there has been a shift in Canada and elsewhere from providing crime victims with direct financial assistance to supporting them through various non-financial victim programs and services, and from criminal injuries hearings to limited administrative financial assistance schemes without any formal hearings. These shifts are not consistent with a truly compassionate, fair and responsive approach to the needs of victims of violent crime.

The Ministry, in reviewing reform options for the CICB, has used the number of victims served as one measure of assessing these options. The true value of criminal injuries financial assistance, however, lies not in the number of victims who choose to apply for it, but lies in the very significant and positive impact that financial assistance has in the lives of each of the victims who do apply successfully. Government-funded victim services and programs alone may not be adequately responsive to the particular needs of individual crime victims. Financial assistance can enable victims of violent crime to move forward with their lives in the manner they determine to be best for them.

Financial assistance for victims of violent crime remains a very significant and positive feature of Ontario's victim services and programs that should be continued. Further, as the Ombudsman's report makes clear, the Ministry must provide adequate and consistent funding to ensure the success of any financial assistance program.

## **ACKNOWLEDGMENTS**

In the past few months I have met with and heard from numerous victims of crime and those who provide victims with assistance, information, and services. I have benefited greatly from these meetings and submissions and thank these individuals and organizations for the time and opinions they shared with me. I also benefited greatly from my academic meeting with Zahra Dhanani and Professors Julie Goldscheid, Katherine Lippel, Melanie Randall, Lorne Sossin, Joanne Wemmers and Allan Young. Dean Nathalie Des Rosiers gave generously of her time and knowledge, chairing the public meetings as well as the academic meeting.

Government officials with the OVSS and the CICB promptly provided me with any information and data that was requested throughout my review. The Chairs and board members of the CICB and the OVC freely shared their insights. John Twohig, Neil Khanna, and Graham Boswell, counsel with the Policy Division of the Ministry, developed the review website and provided legal and research support, for which I am greatly appreciative.

The Policy Division of the Ministry, as well as Judy Bew and Sandy Prosa at Gowlings, provided able administrative support.

Jill Arthur, my legal counsel for the review, consulted with victims and others and organized my meetings, analyzed submissions, identified themes and issues for my consideration, and assisted with drafting the report. Lynn Mahoney, my partner at

Gowlings, helped ensure that the review and the report remained focused. I am very grateful for their assistance.

While I appreciate all of the assistance and support I received, the views and recommendations expressed in this report are my own.

## **Appendix A: Recommendations**

### ***Recommendation 1: Continued Financial Assistance for Victims of Violent Crime***

The government should continue providing financial assistance to victims of violent crime. The government should adopt the Victim Quick Response Program as the model to legislate a permanent early financial assistance program for victims of violent crime. The government should reconstitute the Criminal Injuries Compensation Board as the Criminal Injuries Financial Assistance Board (“the Board”). The Board would adjudicate applications for financial assistance made by victims of violent crime pursuant to a legislative framework similar to the *Compensation for Victims of Crime Act*.

### ***Recommendation 2: Victim Advocate***

The government should appoint a Victim Advocate who reports directly to the Legislature.

### ***Recommendation 3: Individualized Assistance***

Within the existing spectrum of victim services and programs, the government should provide victims of violent crime with individualized assistance to access appropriate victim services and programs and to complete applications for victim services and programs.

### ***Recommendation 4: Single Application Form and Administrative Organization***

There should be a single application form for both financial assistance programs. A single organization such as a newly constituted Financial Assistance Branch within a Victim Services Division of the Ministry of the Attorney General should be responsible for the administration of both financial assistance programs.

### ***Recommendation 5: Police***

#### ***(a) Notifying Victims of Services and Programs***

The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services should develop and implement as soon as practicable a single province-wide protocol requiring police to notify victims of the appropriate local victim services and programs (including financial assistance programs) on a timely basis, which should lead to this requirement becoming a legislative provision.

***(b) Information Sharing on a Timely Basis***

The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services should develop and implement as soon as practicable a single province-wide protocol requiring police to deliver information required in respect of either financial assistance program on a timely basis, which should lead to this requirement becoming a legislative provision.

***Recommendation 6: Performance Measures***

The Ministry of the Attorney General should establish performance measures for both financial assistance programs and should regularly evaluate the programs against these measures. The performance measures for the Board should be established in conjunction with the Chair of the Board.

***Recommendation 7: Annual Victim Services and Programs Report***

The Ministry of the Attorney General should publish an annual report that is easily accessible by the public that:

- reports on the victim services and programs that the Ministry either funds or delivers,
- identifies the performance measures and evaluations of the Ministry's financial assistance programs, and
- summarizes the revenues and expenditures from the Victims' Justice Fund.

***Recommendation 8: Review of Victim Needs and Services***

The Ministry of the Attorney General, in conjunction with the Victim Advocate, should conduct a review at least every four years of the needs of crime victims, how to best address these needs, and the availability and use of victim services.



## **Appendix B: Terms Of Reference**

The Criminal Injuries Compensation Board is an independent agency of the Ministry of the Attorney General. It is established under the *Compensation for Victims of Crime Act*. Its role is to award financial compensation to victims of violent crimes committed in the Province of Ontario.

The Honourable R. Roy McMurtry shall review Ontario's system for providing direct compensation to victims of violent crime. Mr. McMurtry will examine and make recommendations about the role of direct compensation within the spectrum of victim services provided by the Ministry of the Attorney General and by the offices, agencies, boards and commissions accountable to the Attorney General. This shall include:

- a) Considering whether there are better means than direct monetary awards to serve victims, including recommending service priorities for the diverse range of victims;
- b) Examining the circumstances, if any, where financial awards may be appropriate; and
- c) If some form of financial awards are considered appropriate, advising on the appropriate delivery mechanism.

Mr. McMurtry, with the assistance of government officials, will consult interested parties to determine their views. Mr. McMurtry will also take into account the historical context of victim compensation in Ontario and any initiatives and reforms in other jurisdictions that may be of assistance. Mr. McMurtry's recommendations shall not be directed at the specific funding needs of any particular program. Mr. McMurtry will provide his best advice and recommendations, taking into account the public submissions and his own research.

Mr. McMurtry's advice and recommendations will reflect the following principles, consistent with the *Victims' Bill of Rights, 1995*:

- Victims of crime must be treated with courtesy, compassion and respect for their personal dignity and privacy.
- Assistance provided to a victim of crime should respond to the victim's unique needs and enhance the victim's security, safety and comfort.
- Any compensation awarded to victims should be awarded in a fair, efficient, transparent, and predictable manner.

The Attorney General may on occasion request that Mr. McMurtry provide an update on the progress of the review.

Mr. McMurtry will prepare a final report to the Attorney General summarizing the views that have been expressed and his recommendations and advice. This report will be in a form appropriate for release to the public, pursuant to the *Freedom of Information and Protection of Privacy Act*.

## **Appendix C: Consultation Paper**

*This consultation paper is intended to provide a basis for discussions about improving Ontario's system for compensating victims of violent crime to better serve victims' needs. A discussion needs to take place about the circumstances in which financial awards are appropriate and, where this is the case, how financial awards can be delivered in a way that best responds to victims. These discussions will include considering whether victims' needs may be better served other than by direct monetary awards and, if so, identifying victim service priorities. The paper presents a brief history of the present compensation system, a summary of some of the purposes served by victim compensation, and an overview of the other services currently available in Ontario to assist victims. Four possible options to make the current victim compensation system more responsive to the needs of victims are also reviewed and discussed. Consultation questions are found at the end of the paper.*

### **Introduction**

Ontario was one of the first provinces in Canada to establish a system for the payment of monetary compensation to victims of violent crime. The *Compensation for Victims of Crime Act* was passed in 1971 and provided for the payment of monetary compensation to victims of violent crime. This victim compensation system, which remains in place today, is based on an adjudicative process in which applications for compensation must be individually reviewed by the Criminal Injuries Compensation Board (CICB). It remained the only publicly-funded program available to assist victims in Ontario until 1980, when the province began funding sexual assault and rape crisis centers. Ontario currently provides many different victim services that are designed to meet the various needs of victims. The government either delivers these services directly, or funds community agencies to deliver victim services locally.

Today, most provinces have some system for compensating victims of crime. Ontario's system is one of the most generous and has amongst the largest available maximum awards.

Recently, the Ontario Ombudsman criticized how the Ontario compensation system operates and distributes monetary awards to victims of crime. Even with a current annual budget of \$20 million to support its operation, it is clear that the victim compensation system is no longer working effectively.

1. The government responded to the Ombudsman's report by providing more funding for victims' programs and compensation as follows:
2. The Criminal Injuries Compensation Board received one-time additional funding for direct victim compensation, as well as for hiring additional adjudicators and staff to speed up the compensation process.

The Ministry of the Attorney General developed the Victim Quick Response Program (VQRP), which is a pilot program that provides eligible victims with immediate financial assistance for funeral expenses, counselling services, and emergency expenses.

The Ontario government also appointed the Honourable R. Roy McMurtry to independently review the existing system for providing direct compensation to victims of

violent crime. Mr. McMurtry's mandate is to examine and make recommendations about the role of direct compensation within the spectrum of victim services provided by the Ministry of the Attorney General and by the offices, agencies, boards and commissions accountable to the Attorney General. This shall include:

- a. considering whether there are better means than direct monetary awards to serve victims, including recommending service priorities for the diverse range of victims;
- b. examining the circumstances, if any, where financial awards may be appropriate; and
- c. if some form of financial awards is considered appropriate, advising on the appropriate delivery mechanism.

The terms of reference for the McMurtry Victim Compensation Review ("the McMurtry Review") are attached at the end of this paper.

### **Purpose of Victim Compensation**

A number of rationales have been advanced in the literature relating to victim services to support the proposition that victims of crime should receive public compensation for their injuries. There has also been international recognition that it is desirable to compensate victims of violent crime, particularly where compensation from other sources is unavailable (see United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly Resolution 40/34, 1985)).

The various rationales underlying state funded victim compensation can be broadly summarized as follows:

1. Victim compensation reflects society's compassion for innocent victims and a collective desire to help those who have been harmed as a result of violent crime.
2. The state funds a number of programs that are designed to promote the welfare of its citizenry and compensation for victims of crime is a reasonable extension of these kinds of state funded programs.
3. Similarly, the state provides several insurance-like programs that are intended to spread certain inevitable risks in society such as illness, injury, and unemployment. Examples include health care insurance, unemployment insurance and workplace injury insurance. Again, compensation for victims of crime is seen as a reasonable extension of these kinds of programs.

### **Victim Services Available in Ontario Today**

Apart from the compensation system, publicly funded programs to assist victims of crime now include (see Appendix for dates of key developments in victim services):

1. The **Victim Crisis Assistance and Referral Service (VCARS)**, a community-response program, provides immediate on-site help to victims of crime, 24 hours a day, seven days a week. Its services include emotional support to victims, accompanying victims to shelters or hospitals, crime scene clean up and referrals to community services for longer-term assistance.

2. **Community-based sexual assault centres and hospital-based sexual assault/domestic violence treatment centres** now operate in 30 communities across the province. These centres provide a variety of supports for victims of sexual assault and domestic violence including the conduct of crisis intervention, the provision of trauma counselling for groups and individuals, public education and advocacy.
3. The **Victim/Witness Assistance Program (V/WAP)**, established 20 years ago, helped more than 66,000 Ontarians last year. It provides information, assistance, referrals and support to victims and witnesses of crime involved in the criminal court process in all 54 court districts across the province.
4. **Child Victim/Witness Centres** in four Ontario communities offer court assistance to thousands of children who are victims or witnesses of violent crime each year, and an additional four centres are scheduled to open next year. The centres prepare children to testify in court, help them cope with fears and concerns, familiarize children with court procedures, arrange and attend meetings between children and Crown Attorneys, assist with the preparation of Victim Impact Statements and accompany child witnesses to court.
5. The **Domestic Violence Court Program** facilitates the prosecution of domestic assault cases and early intervention in abusive domestic situations, provides better support to victims and increases offender accountability. Teams of specialized personnel, including police, Crown Attorneys, Victim/Witness Assistance Program staff, probation services, Partner Assault Response program staff and community agencies work together to ensure priority is given to the safety and needs of domestic assault victims and their children. (The Partner Assault Response programs are special counselling and educational programs intended to hold individuals who have abused their partners accountable for their behaviour and to enhance victim safety.)
6. In 10 Ontario locations, the **Bail Safety Pilot Project** provides for specially trained teams of Crown counsel, victim services staff and police to conduct in-depth interviews with victims of domestic violence at the bail stage of criminal proceedings, a time of high risk for victims. The project helps identify high-risk situations, allowing Crown attorneys to make better recommendations at bail hearings to stop the cycle of violence.
7. The **Victim Support Line** is a free province-wide information line providing services in English and French. This program provides referrals to community agencies, information on the criminal justice system and access to information about the status and scheduled release date of provincially incarcerated offenders.
8. The **Barbra Schlifer Commemorative Clinic** is a multi-service agency for female victims of violence. The Ministry of the Attorney General funds a specialized legal service for assaulted women at the clinic.
9. The **Support Link Program** provides victims of domestic violence, sexual assault and stalking with intensive safety planning and 911-programmed cell phones in 20 Ontario locations.
10. Recently, the government announced the creation of the **Victim Quick Response Program (VQRP)**, bringing in three new pilot victim service programs. The

Emergency Expenses Fund will cover a variety of victim needs in the immediate aftermath of a crime. It will pay up to \$1000.00 for costs incurred for crime scene cleanup, emergency costs for the care of dependents, emergency home repairs needed to secure premises for the immediate safety of victims, and transportation costs for a family member to identify a victim of homicide or to support a victim who has suffered a serious injury. The Counselling Certificates Program will assist victims by offering payment for up to 10 sessions or \$1000.00 of a private counsellor's fees for short-term, early intervention trauma counselling. The government will also pay funeral expenses to the families of homicide victims. Under this program, \$5,000 will be available for burial or cremation costs.

11. The Ministry of the Attorney General provides **community grants** that fund time-limited victim service projects across Ontario. These projects must directly benefit victims and must address gaps in supports and services to victims. This year the province is funding 107 community projects across the province.

### **Discussion**

A wide range of public services is available today to address the various individual needs of victims of crime. Despite the addition of many new and more innovative programs to assist victims of crime in Ontario, the compensation system has not changed significantly since it was conceived almost 40 years ago.

The Honourable R. Roy McMurtry is independently reviewing the role of direct victim compensation in the province's range of victim services with a view to improving Ontario's compensation system to better serve victims' needs. A discussion needs to take place about the circumstances in which financial awards are appropriate and, where this is the case, how financial awards can be delivered in a way that best responds to victims. Where financial awards may no longer be appropriate, a discussion is required about whether victims' needs may be better served other than by direct monetary awards and, if so, identifying victim service priorities.

Four possible changes to the current victim compensation system are discussed below. These four proposals are aimed at achieving the goals of quickly responding to the needs of victims, giving special consideration to those most in need of assistance, and using finite public resources available to victims in a manner that is transparent and would achieve the most benefit. These proposals reflect possible approaches to improving the system, and do not preclude consideration of other options for delivering victim compensation that might be raised during the McMurtry Review. As well, while compensation systems outside Ontario feature some elements of one or more of these proposals, there is no favoured model of compensation.

The first two proposals involve replacing the current adjudicative process with a wholly new administrative process. In an adjudicative system, one or more decision makers make the decision about whether to award compensation based on oral and written evidence presented at a hearing. In an administrative system, the government pays compensation to victims based on amounts set out in a fixed schedule or formula. There is no formal hearing in an administrative system, although applicants must file written materials to support their compensation claim.

The first two proposals differ from each other principally based on the kind of benefits that the administrative scheme would provide to victims (i.e. injury-based benefits or expense-based benefits). The third proposal does not involve any change to the current adjudicative process. This proposal would retain the adjudicative process for cases where there is the highest need for individualized treatment. The fourth proposal is a hybrid system in which some forms of compensation are delivered through an administrative process while others are delivered through an adjudicative hearing process.

#### 1. Replace the Current Compensation System with an Administrative Injury Benefits Model

The United Kingdom, Australia and Alberta all employ compensation systems that award benefits through an administrative benefits model instead of one that requires a form of adjudication. In these jurisdictions, applicants are required to provide documentary information to support their claims such as police reports and medical reports. A government body then determines the amount of an award by considering the information provided in the application and a benefits schedule that establishes pre-determined awards based on the injury suffered and other factors. The award may take into consideration the type of offence and the circumstances in which it occurred to ensure that psychological injuries as well as physical injuries are compensated. Utilizing an administrative benefits system appears to allow victims to obtain awards more quickly than adjudicative models. It also appears to be simpler and more accessible for victims.

This option raises a number of considerations:

1. Use of a benefits schedule could lead to a more transparent, efficient and predictable process.
2. A schedule of benefits may be seen as arbitrary or insensitive unless a meaningful connection can be established between the benefits and the injury and the nature of the crime.
3. Strict adherence to a benefits schedule with little room for discretion to allow for some tailoring of an award to fit unique circumstances may be seen as impersonal; however, conferring any discretion would reduce efficiency and the predictability and consistency of awards.
4. Greater efficiencies gained by eliminating the need for hearings may come at the expense of depriving victims who want to tell their stories the benefit of doing so.
5. A pre-established schedule may not cover the actual expenses incurred by a victim of crime, nor appropriately recognize a victim's pain and suffering.

#### 2. Replace the Current Compensation System with an Administrative Expenses Compensation Model

Similar to the administrative benefits jurisdictions discussed above, American jurisdictions now largely employ an administrative process, where no hearing is necessary, to compensate victims. Compensation is paid based primarily on a victim's expenses and losses incurred as a result of a crime. Compensation is generally not provided on the basis of the nature of a victim's injuries.

American compensation programs cover major expenses such as medical and dental care, counselling, lost wages, lost support for dependents, and funerals. Each state sets the scope of coverage, including caps on categories of expenses and the overall award. More recently, some states have begun to include other categories of expenses, such as crime-scene cleanup, relocation costs, rehabilitation services and modifications to homes or vehicles.

While many victims with physical injuries in Ontario would be able to rely on the publicly-funded health care system (as well as their private health plan where they have one) to meet their medical needs, providing compensation to victims for uninsured medical and non-medical expenses would ensure more complete coverage of expenses incurred solely because of victimization. A compensation system could be created whereby victims would be compensated for certain expenses after submitting police reports, medical reports, and other supporting documents establishing that the expenses are directly related to injuries resulting from a violent criminal incident. Eligible expenses could include expenses for:

1. medical and dental care not covered by OHIP;
2. prescription drugs;
3. disability aids;
4. homemaker, childcare and personal care;
5. home or vehicle modification and related expenses;
6. travel for treatment;
7. relocation; and
8. medical reports.

This option raises a number of considerations:

1. Use of a compensation-for-expenses model would lead to a more transparent, efficient and predictable process.
2. Compensation for expenses neither takes into account the nature of the crime that the victim experienced, nor pain and suffering. This approach, however, provides funding for victims' immediate and high-priority needs.
3. Prescribing a cap on expenses may result in cases where the compensation paid represents only a small portion of the expenses incurred.
4. Greater efficiencies gained by eliminating the need for hearings may come at the expense of depriving victims who want to tell their stories the benefit of doing so.

### 3. Retain the Current Compensation System Only in Cases of Catastrophic Injury

Catastrophically injured victims are those who would typically receive periodic payments awards under the current system and would be given at or close to the maximum periodic payments award available, which is currently \$365,000. Catastrophic injuries could be defined as those that result in permanently debilitating life-altering physical and/or psychological disabilities affecting an individual's capacity to lead a normal life over an extended period of time and could include a demonstrated need for on-going care.

Allowing these victims to talk about how their lives have changed as a result of their victimization and to discuss their specific needs through an adjudicative process could allow for more finely crafted compensation awards to be given to those with arguably the greatest need.

The current system makes anywhere from 15 to 30 such awards to victims each year. However, this small group of victims may not be adequately served even where the maximum award available today is made to them. Often victims with this severity of injury will no longer be able to work and may need to retrofit residences and pay for full-time home care at considerable expense.

This option raises a number of considerations:

1. The reduction of cases that would need to be heard, if hearings were restricted to cases involving catastrophic injury, would allow qualifying cases to receive more attention sooner and any resources saved could be utilized elsewhere to provide services to more victims.
2. Establishing a threshold for when hearings may take place (such as defining what constitutes a “catastrophic injury”) may be difficult and lead to appeals or judicial review applications.

#### 4. Replace the Current Compensation System with a Hybrid System that includes Administrative and Adjudicative Processes

This option would allow victims who have suffered particular injuries (for example, catastrophic injuries) to seek compensation through an adjudicative hearing process that is able to make an award that is better fine-tuned to their needs. Other victims of crime may be eligible for more limited compensation (based on either the nature of the crime, or the injury or expenses incurred) delivered through an administrative process.

#### **Consultation Questions:**

##### **Purposes of Compensation**

1. What purpose is served by paying compensation awards to victims?
2. Should any groups or individuals be excluded from receiving victim compensation payments (e.g. persons whose behaviour significantly contributed to their injury or loss, persons whose expenses or losses are compensable through other sources such as disability insurance)?
3. Are there ways other than direct monetary compensation to better serve victims of crime? If so, what are the victim service priorities that the government should consider?

##### **Determining Compensation**

4. Should victim compensation be based on the nature of the injury, expenses incurred, or a combination of both? If injury-based, what criteria should be considered in the development of a benefits schedule (e.g., loss of income, pain and suffering,)? If expense-based, what expenses should be recoverable?



5. Should compensation be based on other factors? If so, what are they?

### **Compensation Delivery Model**

6. In awarding compensation, which delivery model would be more responsive to victims' needs: an administrative model, an adjudicative hearing model; or a hybrid administrative/adjudicative hearing model?

#### *Considerations*

1. What are the victim priorities that the government should address in developing any new compensation system?
2. In which situations would an adjudicative hearing model be preferable (if any)? Is one model preferable for certain kinds of cases, e.g. adjudicative hearings for victims with catastrophic injuries; an administrative system to award expenses?
3. Are there compensation delivery models other than the options mentioned in this paper that would better serve victims' needs?

### **Catastrophic Injuries**

7. How should catastrophic injury be defined?
8. What delivery model should be used to determine compensation claims by victims who have suffered catastrophic injury?

### **Other**

9. Is there anything else relating to victim compensation that the McMurtry Review should consider?

### ***APPENDIX: Key Developments in Victim Services in Ontario***

- 1971 – Establishment of the Criminal Injuries Compensation Board (CICB)
- 1980 – Province begins funding Sexual Assault/Rape Crisis Centres
- 1987 – Creation of Victim Crisis Assistance and Referral Services (VCARS)
- 1987 – Establishment of the Victim/Witness Assistance Program (V/WAP)
- 1993 – Implementation of Victim Impact Statements
- 1994 – Establishment of the Victims' Justice Fund
- 1996 – Enactment of the *Victims' Bill of Rights*
- 1996 – Institution of Victim Support Line and Victim Notification System
- 1997 – Establishment of the first Domestic Violence Court
- 1998 – Creation of the Office for Victims of Crime (OVC)
- 1998 – Establishment of Support Link
- 1999 – Implementation of the Partner Assault Response (PAR) Program
- 2001 – Creation of the Victim Services Division, Ministry of the Attorney General (now the Ontario Victim Services Secretariat)

- 2002 – Establishment of the Community Projects Grants Program
- 2004 – Launch of 4-year Domestic Violence Action Plan that emphasizes prevention and enhanced community support for abused women and their children
- 2006 – Implementation of the Provincial Strategy to Protect Children From Sexual Abuse and Exploitation on the Internet (pilot)
- 2006 – Completion of VWAP expansion to all 54 court jurisdictions
- 2006 – Domestic Violence Court Program is established in all 54 court jurisdictions
- 2007 – Launch of the Victim Quick Response Program (VQRP) (pilot)

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## Appendix D: Meetings

Aboriginal Legal Services of Toronto - Kim Murray, Executive Director
Barbra Schlifer Clinic - MaryLou Fassell, Director of Litigation
Belleville Community Advocacy & Legal Centre - Deirdre M. McDade, Staff lawyer
Canadian Centre for Abuse Awareness - John Muise, Director of Public Safety
Canadian Crime Victims Foundation - Joe and Lozanne Wamback
Canadian Resource Centre of Victims of Crime - Heidi Illingworth, Executive Director - Jenny Love
Compensation for Victims of Crime (Manitoba)* - Elaine Elliott, Manager - Janelle Braun, Policy Analyst
Cornwall Inquiry - Colleen Parrish, Director of Research
Crime Victim Assistance Program (British Columbia)* - Teri Mosher, Director - Grant McKellar
Crime Victim Financial Benefits Program (Alberta)* - Dennis Willner, Manager, Victims Financial Benefits - Cheryl Lemanski, Operations Manager
Criminal Injuries Compensation Authority (United Kingdom) - George Connor, Director of Operations* - Ms. Prakash Bachoo, Director of Legal and Policy
Criminal Injuries Compensation Board (Ontario)
Ms. Priscilla De Villiers
Mr. Jim Dodds

Prof. Judy Finlay  
School of Child and Youth Care, Ryerson University  
Former Child Advocate for Ontario

Kenora Community Legal Clinic  
- Jennifer Carten, Executive Director

Kinna-Aweya Legal Clinic  
- Sally Colquhoun, Legal Services Coordinator

Lake Country Community Clinic  
- Joanne Boulding, Executive Director

Ledroit Beckett Litigation Lawyers  
- Robert Talach

Ms. Louise Marchand

Men's Project  
- Rick Goodwin, Provincial Manager  
- Bill Staubi, Board President

Ministry of Justice, Victim & Witness Unit (United Kingdom)  
- Mr. Richard Thew, Head of the Compensation Team  
- Chris Blairs, Deputy Head of the Victim Support Team

Ministry of Labour, Workplace Insurance Health and Safety Branch  
- John Vander Doeloen, Director  
- Nick Robins, Manager

Nishnawbe Aski Nation  
- David Peerla

Nishnawbe-Aski Legal Services  
- Evelyn Baxter, Executive Director  
- Michelle Donio-King, Victim/Witness Liaison Service Worker  
- Ellaree Metz, Acting Special Projects Manager

Office of the Federal Ombudsman for Victims of Crime  
- Steve Sullivan, Ombudsman  
- Louis Théorêt, Director

Office of the Worker Adviser  
- Jorma Halonen, Director  
- Cindy Trower, General Counsel

<p>Ontario Association of Children’s Aid Societies  - Rory Gleason, Senior Policy Analyst</p>
<p>Ontario Association of Interval and Transition Houses  - Eileen Morrow, Coordinator</p>
<p>Ontario Coalition of Rape Crisis Centres  - Marilyn Oladimeji, Executive Director</p>
<p>Ontario Crown Attorney’s Association  - James Chaffe, President  - Tom Hewitt  - Michael Wabi</p>
<p>Office for Victims of Crime</p>
<p>Ontario Native Women's Association  - Audra Santa, Health Policy Analyst</p>
<p>Ontario Victim Services Secretariat</p>
<p>Parkdale Community Legal Clinic</p>
<p>Rainy River District Community Legal Clinic  - Trudy McCormick, Executive Director</p>
<p>Mr. Jim Stephenson</p>
<p>Toronto Children’s Aid Society  - Juanita Goodwin</p>
<p>United Mothers Against Violence Everywhere (UMOVE)  - Audette Sheppard  - Nadia Beckles  - Marilyn Ortega  - Beverly Stephens  - Gloria Ross  - Nancy Logan</p>
<p>University of Ottawa Community Legal Clinic  - Teresa Dubois, Law Student  - Renee Griffin, Law Student</p>
<p>VCARS: Central Region of Victim Service Providers  - Bonnie Levine, Executive Director, Victim Services of Toronto</p>

VCARS: Eastern Region of Victim Service Providers

- Christine Culham-Keays, Executive Director, Victim Assistance Services of Ottawa-Carleton
- Mirjana Pobric, VQRP Coordinator

VCARS: Northern Western Region of Victim Service Providers

- Janis Cox, Executive Director, Thunder Bay and Area Victim Services

VCARS: Ontario Network of Victim Service Providers

- Lisa Warriner, Chair

Victims Services (Attorney General's Department of New South Wales)\*

- Marianne Curtis, A/Director, Victims Services

Victim Services Program of Toronto

- Bonnie Levine, Executive Director
- Lindsay Upton, Manager

Victims of Violence Canadian Centre for Missing Children

- Sharon Rosenfeldt

Prof. Irvin Waller, Director

Institute for the Prevention of Crime, University of Ottawa

Mr. Colin M. Waters

\* Conference call

Academic meeting:

- Dean Nathalie DesRosiers (Faculty of Law, University of Ottawa)
- Zahra Dhahani, PH.D. Candidate, Executive Director, METRAC
- Professor Julie Goldscheid (CUNY Law School, City University of New York)
- Professor Katherine Lippel (Faculty of Law, University of Ottawa)
- Professor Melanie Randall (Faculty of Law, University of Western Ontario)
- Professor Lorne Sossin (Faculty of Law, University of Toronto)
- Professor Joanne Wemmers (Department of Criminology, University of Montreal)
- Professor Allan Young (Faculty of Law, York University)

## Appendix E: Submissions

The Advocates' Society
B'Nai Brith Canada
Professor Peter Burns, Dean Emeritus Faculty of Law, University of British Columbia
Canadian Centre for Abuse Awareness
Canadian Coalition Against Terror
Canadian Crime Victim Foundation
Canadian Jewish Congress (Ontario Region)
Canadian Resource Centre for Victims of Crime
Children's Aid Society of the County of Simcoe
Children's Aid Society (Toronto)
Clinique juridique francophone de l'est d'Ottawa
Community Advocacy and Legal Centre (Belleville)
Professor Julie Goldscheid CUNY Law School, City University of New York
Mr. John Hoyles (former C.I.C.B. board member)
Mr. Ron Jette
Ledroit Beckett Litigation Lawyers
Mothers Against Drunk Drivers (MADD)
Maggie's Resource Centre of North Hastings
Men's Project
Muskoka Interval House
Ontario Association of Children's Aid Societies

Ontario Bar Association
Ontario Community Legal Clinics, Criminal Injuries Group (presented by Lake Country Community legal Clinic)
Ontario Crown Attorney's Association
Office for Victims of Crime
Ontario Indian Federation of Friendship Centres
Ontario Native Women's Association
Ottawa Rape Crisis Centre
Ontario Trial Lawyers' Association
Police Association of Ontario
Policy Centre for Victim Issues, Department of Justice
Rainy River District Community Legal Clinic
Prof. Susan Sarnoff, Associate Professor and Chair Dept. of Social Work, Ohio University
Survivor Support Program
VCARS: Central Region of Victim Service Providers (presented by Victim Services of Toronto)
VCARS: Eastern Region of Victim Service Providers (presented by Victim Assistance Services of Ottawa-Carlton)
VCARS: Northern Region of Victim Service Providers (presented by Thunder Bay and Area Victim Services)
VCARS: Ontario Network of Victim Service Providers
VCARS: West Region Victim Services
Victim Services of Toronto (submissions from victims of violent crime)
Victims of Violence, Canadian Centre for Missing Children



## Appendix F: VCARS and Other Victim Service Agencies in Ontario

EAST REGION VCARS ORGANIZATIONS	CONTACT INFORMATION
<p>C.C.A.R.E.S. Victim Assistance c/o Napanee OPP 86 Advance Avenue <b>NAPANEE,</b> ON K7R 3Y5</p>	<p>Tel: 613.354.0894 Toll Free: 1.800.328.5246 (Police use) Fax: 613.354.1435 Email: <a href="mailto:warriner@bellnet.ca">warriner@bellnet.ca</a> Toll Free: 1.866.680.9972 (Public use) Email: <a href="mailto:supportlink@bellnet.ca">supportlink@bellnet.ca</a> Website: <a href="http://www.victimservicesccares.org">www.victimservicesccares.org</a></p>
<p>VCARS of Stormont, Dundas, Glengarry &amp; Akwesasne 17383 C South Branch Road <b>CORNWALL,</b> ON K6K 1T3</p>	<p>Tel: 613.938.8900 Toll Free: 1.866.264.8900 Fax: 613.938.8420 E-mail: <a href="mailto:dplourde@vcarsofsdga.ca">dplourde@vcarsofsdga.ca</a></p>
<p>Frontenac VCARS c/o Kingston Police Headquarters 705 Division Street <b>KINGSTON,</b> ON K7K 4C2</p>	<p>Tel: 613.548.4834 Fax: 613.547.6674 Email: <a href="mailto:fvcars@kingston.net">fvcars@kingston.net</a> Website: <a href="http://www.vcarsontario.ca">www.vcarsontario.ca</a> <a href="http://www.info.kingston.ca/search/details.asp">www.info.kingston.ca/search/details.asp</a></p>
<p>Renfrew County VCARS 1766 Barr Line, R.R. #1 <b>DOUGLAS,</b> ON K0J 1S0</p>	<p>Tel: 613.649.2852 Fax: 613.649.2855 Toll Free: 1.877.568.5730 Email: <a href="mailto:rcvcars-lisa@webhart.net">rcvcars-lisa@webhart.net</a> Email: <a href="mailto:rcvcars-faye@webhart.net">rcvcars-faye@webhart.net</a> Email: <a href="mailto:rcvcars@webhart.net">rcvcars@webhart.net</a> Website: <a href="http://www.renfrewcountyvcars.ca">www.renfrewcountyvcars.ca</a></p>
<p>Victim Crisis Assistance &amp; Referral Service (VCARS) – Lanark County 91 Cornelia St. W., Unit 109 Box 23 <b>SMITHS FALLS,</b> ON K7A 5L3</p>	<p>Telephone: 613.284.8380 Fax: 613.284.8058 Cell: 613.285.5768 Toll Free: 1.866.575.0067 Email: <a href="mailto:margaretlapensee@bellnet.ca">margaretlapensee@bellnet.ca</a> Website: <a href="http://www.vcarslanarkcounty.com">www.vcarslanarkcounty.com</a></p>

<p>Victim Assistance Services of Ottawa-Carleton Services d'Assistance aux Victimes d'Ottawa-Carleton VASOC</p> <p>250 City Centre Ave. Suite 600 <b>OTTAWA,</b> ON K1R 6K7</p>	<p>Phone: 613-238-2762 ext. 222 Fax: 613-238-0735 Email: <a href="mailto:ed@vasoc.com">ed@vasoc.com</a> Website: <a href="http://www.vasoc.com">www.vasoc.com</a></p>
<p><b>EAST REGION VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Prescott Russell 520, 9e Concession, <b>Ste-Anne-de-Prescott,</b> ON K0B 1M0</p>	<p>David Sherwood-Brunet Sherwood Consultants  (613) 674-2042 <a href="mailto:sherwood@hawk.igs.net">sherwood@hawk.igs.net</a></p>
<p>Leeds &amp; Grenville VCARS C/o Leeds OPP Box 636 – 4<sup>th</sup> 09 County Rd. #29 <b>BROCKVILLE</b> ON K6V 5T8</p> <p>Leeds &amp; Grenville VCARS C/o Grenville OPP 200 Development Drive <b>PRESCOTT</b> ON K0E 1T0</p>	<p>Tel : 613-802-9331 Fax : 613-345-3202 Email : <a href="mailto:ed@lgvcars.ca">ed@lgvcars.ca</a> assist@lgvcars.ca</p>
<p><b>CENTRAL REGION VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Barrie &amp; Area VCARS 92 Caplin Avenue, Suite 122 <b>BARRIE,</b> ON L4M 8X1</p>	<p>Tel: 705.725.7025 x2120 Fax: 705.727.7970 Ex. Dir. 705.436.2142 x2022 Email: <a href="mailto:barrie.vcars@csolve.net">barrie.vcars@csolve.net</a></p>

<p>Victim Crisis Assistance and Referral Service of Durham Region 480 Taunton Road East <b>WHITBY,</b> ON L1N 5R5</p>	<p>Tel: 905.579.1520 x1846 Fax: 905.721.4293 SupportLink: 905.579.1520 x1846 Toll Free: 1.888.579.1520 (for 905, 416 and 705 areas) Email: <a href="mailto:vcars@drps.ca">vcars@drps.ca</a></p> <p><b>NORTH DURHAM SATELLITE</b> Tel: 905.579.1520 x1846 Email: <a href="mailto:vcars@drps.ca">vcars@drps.ca</a></p>
<p>Kawartha/Haliburton Victim Services c/o Coboconk OPP 2820 Country Rd. PO Box 94 <b>COBOCONK,</b> ON KOM 1K0</p>	<p>Tel: 705.454.1884 Fax: 705.454.9458 Toll Free 1.800.574.4401 Email <a href="mailto:annie-vcars@nexicom.net">annie-vcars@nexicom.net</a> Website: <a href="http://www.victim-services.org">www.victim-services.org</a></p>
<p>Muskoka Victim Services and SupportLink 29 Manitoba St., 2<sup>nd</sup> Floor, Suite 9 <b>BRACEBRIDGE,</b> ON P1L 1S4</p>	<p>Tel: 705.645.5444 Toll Free: 1.877.229.2217 Fax: 705.645.8406 Emerg: 705.646.5944 SupportLink:705.6456117 / 877.229.2217 Email: <a href="mailto:judi@muskokavs.ca">judi@muskokavs.ca</a></p>
<p><b>CENTRAL REGION</b> <b>VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>North Simcoe Victim Crisis Services c/o Orillia OPP 66 Peter Street South <b>ORILLIA,</b> ON L3V 5B1</p>	<p>Tel: 705.325.5578 Fax: 705.326.4126 Second Phone Line: 705.326.3536 x3385 Email: <a href="mailto:nsvcs@encode.com">nsvcs@encode.com</a> SupportLink: 705.323.9260 Team Leader Pager: 705.327.8599 Website: <a href="http://www.nsvcs.on.ca">www.nsvcs.on.ca</a></p>
<p>Peterborough/Northumberland Victim Services, SupportLink 453 Lansdowne St. East PO Box 477 <b>PETERBOROUGH,</b> ON K9J 6Z6</p>	<p>Tel: 705.748.0324 Fax: 705.748.5452 Toll Free: 1.888.822.7729 SupportLink: 705.743.7918 Email: <a href="mailto:support@vcars.on.ca">support@vcars.on.ca</a> Website: <a href="http://www.vcars.on.ca">www.vcars.on.ca</a></p>

<p><b>COBOURG SATELLITE:</b> 1165 Division St <b>COBOURG, ON K9A 4K2</b></p>	<p><b>COBOURG SATELLITE</b> Tel: 905.372.2255 Fax: 905.372.9609</p>
<p>Victim Services of York Region 4981 Hwy 7E., Unit 12A Box 243 <b>MARKHAM,</b> ON L3R 1N1</p>	<p>Tel: 905.881.1221 x7515 905.474.2955 Fax: 905.513.7933 Email: <a href="mailto:victimservices@police.york.on.ca">victimservices@police.york.on.ca</a> Website: <a href="http://www.victimservices-york.org">www.victimservices-york.org</a></p>
<p><b>CENTRAL WEST REGION VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Victim Services of Brant 344 Elgin Street PO Box 1116 <b>BRANTFORD,</b> ON N3T 5T3</p>	<p>Tel: 519.752.3140 Fax: 513.752.3307 Email: <a href="mailto:victimservices@golden.net">victimservices@golden.net</a> Website: <a href="http://www.victimservicesbrant.on.ca">www.victimservicesbrant.on.ca</a></p>
<p>CALEDON\DUFFERIN VICTIM SERVICES</p> <p><b><u>Caledon Head Office</u></b> 18 Mill St. <b>BOLTON,</b> ON L7E 1C1</p> <p><b><u>Dufferin Offices</u></b> 390 C Line <b>ORANGEVILLE,</b> ON L9W 3Z8</p> <p>203 Main Street East <b>SHELBURNE,</b> ON LON 1S0</p>	<p>Tel: 905.951.3838 Fax: 905.951.2772</p> <p>Dorothy: 519.942.1452</p> <p>Elizabeth: 519.925.1001 Website: <a href="http://www.cal-dufvictimservices.ca">www.cal-dufvictimservices.ca</a></p>
<p>Victim Services of Haldimand-Norfolk 15 Alma Street North <b>HAGERSVILLE, ON N0A 1H0</b></p>	<p>Tel : 905.768.2221 Fax: 905.768.2222 Crisis Line: 1.800.264.6671 Email: <a href="mailto:vshn@victimserviceshn.com">vshn@victimserviceshn.com</a></p>

<p>Niagara Victim Crisis Support Services 68 Church Street <b>ST. CATHARINES,</b> ON L2R 3C6</p>	<p>Tel: 905.688.4111 x4492 Crisis Line: 905.682.2626 Fax: 905.682.0880 Email: <a href="mailto:victimcrisissupport@cogeco.net">victimcrisissupport@cogeco.net</a> <a href="mailto:ruthvictimcrisissupport@cogeco.net">ruthvictimcrisissupport@cogeco.net</a></p>
<p>Victim Services of Waterloo Reg. Waterloo Regional Police Service P.O. Box 3070, 200 Maple Grove Road <b>CAMBRIDGE,</b> ON N2G 4G5</p>	<p><b>KITCHENER OFFICE</b> Tel: 519.585.2363 Fax: 519.579.5593 Email: <a href="mailto:kim.clark@wrps.on.ca">kim.clark@wrps.on.ca</a> <a href="mailto:kelly.sheehan@wrps.on.ca">kelly.sheehan@wrps.on.ca</a></p> <p><b>CAMBRIDGE SATELLITE</b> Tel: 519.653.7700 x2264 Fax: 519.740.6362 Email: <a href="mailto:rose.kronschnabl@wrps.on.ca">rose.kronschnabl@wrps.on.ca</a> Website: <a href="http://www.vswr.ca">www.vswr.ca</a></p> <p><b>WATERLOO SATELLITE (Division 3)</b> Tel: 519.653.7700 x3364</p>
<p><b>CENTRAL WEST REGION VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Victim Services Wellington 15 Wyndham Street South <b>GUELPH,</b> ON N1H 4C6</p>	<p>Tel: 519.824.1212 x205 Fax: 519.826.0573 Liz: <a href="mailto:victim@vswguelph.on.ca">victim@vswguelph.on.ca</a> Carol: <a href="mailto:cdaly@vswguelph.on.ca">cdaly@vswguelph.on.ca</a></p> <p><b>MOUNT FOREST SATELLITE</b> Tel: 519.323.9660 Email: <a href="mailto:ysmtfrst@vswguelph.on.ca">ysmtfrst@vswguelph.on.ca</a> Website: <a href="http://www.vswguelph.on.ca">www.vswguelph.on.ca</a></p>
<p>Victim Services of Peel 7750 Hurontario Street <b>BRAMPTON,</b> ON L6V 3W6</p>	<p>Tel: 905.568.8800 Fax: 905.564.2844 Crisis Line: 905.568.1068 E-mail: <a href="mailto:fred@vspeel.org">fred@vspeel.org</a> Website: <a href="http://www.vspeel.org">www.vspeel.org</a></p>

<b>WEST REGION VCARS ORGANIZATIONS</b>	<b>CONTACT INFORMATION</b>
<p>Victim Services of Bruce Grey &amp; Owen Sound 611 - 9<sup>th</sup> Ave. East <b>OWEN SOUND,</b> ON N4K 6Z4</p>	<p>Tel: 519.376.7474 Toll Free: 1.888.577.3111 Fax: 519.376.0865 Emerg: 519.376.9852 Email: - <a href="mailto:annele@victim-services.com">annele@victim-services.com</a> Email: - <a href="mailto:susand@victim-services.com">susand@victim-services.com</a> Email: - <a href="mailto:marykayr@victim-services.com">marykayr@victim-services.com</a></p> <p><b>HANOVER SATELLITE</b> Tel: 519.364.7817 Fax: 519.364.7835 Email - <a href="mailto:heidie@victim-services.com">heidie@victim-services.com</a></p> <p><b>KINCARDINE SATELLITE</b> Tel: 519-396-5000</p> <p><b>PORT ELGIN SATELLITE</b> Tel: 519.389.5000 Fax: 519.389.4257 Email: <a href="mailto:marykayr@victim-services.com">marykayr@victim-services.com</a> Website: <a href="http://www.victim-services.com">www.victim-services.com</a></p>
<p>Chatham-Kent Victim Services 24 - 3<sup>rd</sup> Street, Box 366 <b>CHATHAM,</b> ON N7M 5K5</p>	<p>Tel: 519.436.6630 Fax: 519.380.6028</p> <p>Emerg: 519.355.2003 Email: <a href="mailto:pamelaf@chatham-kent.ca">pamelaf@chatham-kent.ca</a></p>
<p>Victim Services Elgin 146 Centre St. <b>ST. THOMAS,</b> ON N5R 3A3</p>	<p>Tel: 519.631.3182 Fax: 519.631.9879 Email: <a href="mailto:victimserviceselgin@bellnet.ca">victimserviceselgin@bellnet.ca</a></p>
<b>WEST REGION VCARS ORGANIZATIONS</b>	<b>CONTACT INFORMATION</b>
<p>Victim Services of Huron County Huron OPP, Bluewater Highway Box 500 <b>GODERICH,</b> ON N7A 4C7</p>	<p>Phone: 519.524.4108 Fax: 519.524.4150 Email: Shelley: <a href="mailto:shelley@victimserviceshuron.ca">shelley@victimserviceshuron.ca</a> Website: <a href="http://www.victimserviceshuron.ca">www.victimserviceshuron.ca</a></p>

<p>Victim Services of Middlesex County 76 Frank Street, <b>STRATHROY,</b> ON N7G 2R6</p>	<p>Tel: 519.245.6660 Toll Free: Fax: 519.245.6661 <a href="mailto:kelli@vsmiddlesex.org">kelli@vsmiddlesex.org</a> SupportLink – <a href="mailto:donna.s@vsmiddlesex.org">donna.s@vsmiddlesex.org</a> Website: <a href="http://www.vsmiddlesex.org">www.vsmiddlesex.org</a></p>
<p>Victim Services of Perth County 17 George Street West <b>STRATFORD,</b> ON N5A 7V4</p>	<p>Tel: 519.271.9998 Fax: 519.271.7123 Toll Free: 1.866.387.7773 Email: <a href="mailto:cheryl@vsperth.ca">cheryl@vsperth.ca</a> Website: <a href="http://www.vesperth.ca">www.vesperth.ca</a></p>
<p>Victim Services of Sarnia-Lambton 555 North Christina Street <b>SARNIA,</b> ON N7T 7X6</p>	<p>Tel: 519.344.8861 x5238 Toll Free: 1.888.281.3665 x5238 Fax: 519.344.3612 Email: <a href="mailto:victim@ebtech.net">victim@ebtech.net</a> Website: <a href="http://www.victimservices.on.ca">www.victimservices.on.ca</a></p>
<p>Victim Services of Oxford County 615 Dundas Street <b>WOODSTOCK</b> ON N4S 1E1</p>	<p>Tel : 519-537-2824 Fax : 519-421-2818 Email : <a href="mailto:kpeters@vasoc.on.ca">kpeters@vasoc.on.ca</a></p>
<p>Victim Services of Windsor and Essex County [1219 10<sup>th</sup> Concession @ OPP] [Maidstone (Lakeshore) Twp] PO Box 910 <b>ESSEX, ON N8M 2Y2</b></p> <p><b>LEAMINGTON SATELLITE OFFICE</b></p> <p>7 Clark St. West <b>LEAMINGTON,</b> ON N8H 1E5</p>	<p>Tel: 519.723.2711 Fax: 519.723.2010 Emerg: 519.259.6427 Toll Free 1.888.732.6228 Email: <a href="mailto:vcarswec@jet2.net">vcarswec@jet2.net</a></p> <p><b>LEAMINGTON SATELLITE OFFICE</b></p> <p>Tel: 519.322.2331 Email: <a href="mailto:victim.services@bellnet.ca">victim.services@bellnet.ca</a> SupportLink Line: 519.919.2710 Website: <a href="http://www.vswec.ca">www.vswec.ca</a></p>

NORTHWEST REGION VCARS ORGANIZATIONS	CONTACT INFORMATION
Ah-shawah-bin Sioux Lookout/Lac Seul Victim Support Services PO Box 1327 <b>SIoux LOOKOUT,</b> ON P8T 1B8	Tel: 807.737.1700 Fax: 807.737.1701 Email: <a href="mailto:ahshawbin@sioux-online.com">ahshawbin@sioux-online.com</a> Website: <a href="http://www.ahshawahbinvictimservices.ca">www.ahshawahbinvictimservices.ca</a>  <b>LAC SEUL SATELLITE</b> Tel: 807.582.9800 Fax: 807.582.9855 Email: <a href="mailto:s.elliott@sioux-online.com">s.elliott@sioux-online.com</a>
Algoma District VCARS 514 Queen St. East <b>SAULT STE. MARIE,</b> ON P6A 2A1	Tel: 705.945.6905 Fax: 705.945.6864 Toll Free: 1.888.VCARS92 (822.7792) Email: <a href="mailto:robin@algomavcars.ca">robin@algomavcars.ca</a> Website: <a href="http://www.algomavcars.ca">www.algomavcars.ca</a>
Rainy River District Victim Services Program PO Box 683 334 Scott Street <b>FORT FRANCES,</b> ON P9A 3M9	Tel: 807.274.5687 Fax: 807.274.5690 Toll Free: 1.866.484.5687 Email: <a href="mailto:ed@rrdvsp.ca">ed@rrdvsp.ca</a> Website: <a href="http://www.rrdvsp.ca">www.rrdvsp.ca</a>
Greenstone and Area Victim Services 310 Main Street <b>GERALDTON,</b> ON P0T 1M0	Tel: 807.854.4357 Fax: 807.854.0703 Email: <a href="mailto:greenstonevictimeservices@bellnet.ca">greenstonevictimeservices@bellnet.ca</a>
Superior North Victim Services 2 Ontario St, Suite 11, Box 1165 <b>Marathon,</b> ON P0T 2E0	Tel: 807.229.8877 Fax: 807.229.8894 E-mail: <a href="mailto:info@snvs.ca">info@snvs.ca</a> Website <a href="http://www.snvs.ca">www.snvs.ca</a>
Wawa and Area Victim Services 23 Algoma Street <b>WAWA,</b> ON P0S 1K0	Tel: 705.856.7852 Fax: 705.856.7853 Email: <a href="mailto:wavs@shawbiz.ca">wavs@shawbiz.ca</a>



<p>Thunder Bay &amp; Area Victim Services 1200 Balmoral Street <b>THUNDER BAY,</b> ON P7B 5Z5</p>	<p>Tel: 807.684.1051 Fax: 807.625.6502 Attn: VCARS Nicole: 807.684.1374 Email: <a href="mailto:tbavs@tbaytel.net">tbavs@tbaytel.net</a> Website: <a href="http://www.tbayvictimservices.com">www.tbayvictimservices.com</a></p>
<p><b>NORTH REGION VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Cochrane – Smooth Rock Falls VCARS Box 2592 144B - 4<sup>th</sup> ST. W. <b>COCHRANE,</b> ON POL 1C0</p>	<p>Tel: 705.272.2598 Fax: 705.272.2628 Email: <a href="mailto:csrvcars@puc.net">csrvcars@puc.net</a></p> <p><b>SMOOTH ROCK FALLS SATELLITE</b> Tel: 705.338.2188 Email: <a href="mailto:srfvcars@ntl.sympatico.ca">srfvcars@ntl.sympatico.ca</a> Website: <a href="http://www.csrvcars.com">www.csrvcars.com</a></p>
<p>Manitoulin-North Shore VCARS 12 Campbell East PO Box 852 <b>LITTLE CURRENT,</b> ON P0P 1K0</p>	<p>Tel: 705.368.9945 Fax: 705.368.9946 Email: <a href="mailto:leanne@mnsvcars.org">leanne@mnsvcars.org</a> Email: <a href="mailto:sandra@mnsvcars.org">sandra@mnsvcars.org</a> Email: <a href="mailto:mnsvcars@bellnet.ca">mnsvcars@bellnet.ca</a> Website: <a href="http://www.mnsvcars.org">www.mnsvcars.org</a></p>
<p>Near North VCARS PO Box 1532 <b>NORTH BAY,</b> ON P1B 8K6</p>	<p>Tel: 705.472.2649 Fax: 705.472.2836 Email: <a href="mailto:nvvcars@efni.com">nvvcars@efni.com</a> SupportLink Tel: 705.472.8391 Email: <a href="mailto:slvcars@efni.com">slvcars@efni.com</a></p> <p><b>STURGEON FALLS SATELLITE</b> Tel: 705.753.9194 Fax: 705.753.0173 Email: <a href="mailto:wvvcars@efni.com">wvvcars@efni.com</a></p> <p><b>MATTAWA SATELLITE</b> Tel: 705.472.2649 Fax: 705.744.4565 Email: <a href="mailto:mvcars@bellnet.ca">mvcars@bellnet.ca</a></p>
<p>Kapuskasing-Hearst Victim Services (VCARS). 29 rue Byng Bureau 1 <b>KAPUSKASING,</b> ON P5N 1W6</p>	<p><b>KAPUSKASING</b> Tel: Kapuskasing: 705.335.8468 Hearst Satellite: 705.372.1933 Fax: 705.337.6008</p>

	<p>Email: <a href="mailto:hkscounselling_andremarcil@ontera.net">hkscounselling_andremarcil@ontera.net</a>  <a href="mailto:hkscounselling_SteveFillion@ontera.net">hkscounselling_SteveFillion@ontera.net</a>          (there is an underscore before Steve]          Website: <a href="http://www.counsellinghks.ca">www.counsellinghks.ca</a></p>
<p>Sudbury and Area VCARS          190 Brady Street, First Floor  <b>SUDBURY, ON P3E 1C7</b></p>	<p>Tel: 705.522.6970          Fax: 705.522.0169          Email: <a href="mailto:vcarssudbury@bellnet.ca">vcarssudbury@bellnet.ca</a></p>
<p>District of Parry Sound VCARS          25 Church Street  <b>PARRY SOUND, ON P2A 1Y2</b></p>	<p>Tel: 705.746.0508          Fax: 705.746.6379          Email: <a href="mailto:vcars@vianet.ca">vcars@vianet.ca</a>          Email: <a href="mailto:vcars2@vianet.ca">vcars2@vianet.ca</a>          Burks Falls Satellite: 705.382.9778          Website: <a href="http://www.psdvcars.com">www.psdvcars.com</a></p>
<p><b>NORTH REGION          VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Temiskaming &amp; District VCARS          P.O. Box 1312,  <b>NEW LISKEARD, ON P0J 1P0</b></p> <p><b>KIRKLAND LAKE SATELLITE</b></p>	<p>Tel: 705.647.0096          Fax: 705.647.5646          Email: <a href="mailto:temvcars@ntl.sympatico.ca">temvcars@ntl.sympatico.ca</a></p> <p><b>KIRKLAND LAKE SATELLITE</b>          Tel: 705.568.2154          Fax: 705.568.2153          Email: <a href="mailto:vcars@kdhospital.com">vcars@kdhospital.com</a>          Admin: <a href="mailto:vcarsassistant@kdhospital.com">vcarsassistant@kdhospital.com</a></p>
<p>Timmins &amp; District VCARS          185 Spruce St. South  <b>TIMMINS, ON P4N 2M7</b></p>	<p>Tel: 705.360.8700          Fax: 705.360.8702          Email: <a href="mailto:laurav@ntl.sympatico.ca">laurav@ntl.sympatico.ca</a>  <a href="mailto:juliebeavais@ntl.sympatico.ca">juliebeavais@ntl.sympatico.ca</a>          website :  <a href="http://www.city.timmins.on.ca">www.city.timmins.on.ca</a></p> <p><b>IROQUOIS FALLS SATELLITE</b>          Tel: 705.232.4351          Fax: 705.232.6440          Email: <a href="mailto:vcarsif@ntl.sympatico.ca">vcarsif@ntl.sympatico.ca</a></p> <p><b>SOUTH PORCUPINE SATELLITE</b>          705.235.2416</p>

<p>Crime Stoppers  222 Water Street  <b>KENORA</b> ON P9N 1S4</p>	<p>Tel: 807-468-3357  Fax: 807-468-3569  Email: gpotter@kmts.ca</p>
<p><b>TORONTO</b>  <b>VCARS ORGANIZATIONS</b></p>	<p><b>CONTACT INFORMATION</b></p>
<p>Victim Service Program of Toronto  Inc. (VSPT)  40 College Street  <b>TORONTO</b> ON M5G 2J3</p>	<p>Tel: 416-808-7943  Fax: 416-8087104  Email: <a href="mailto:blevine@victimservicestoronto.com">blevine@victimservicestoronto.com</a>  Lindsay@victimservicestoronto.com</p>

**Appendix G: PROVINCIAL COMPENSATION PROGRAMS**

**SUMMARY CHARTS**

**Prepared by**

**The Federal-Provincial-Territorial Working Group on Victims of Crime  
(April 2007)\***

\* Information current to 2006.

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

<b>Prince Edward Island</b>	<b>Legislative Authority:</b> <i>The Victims of Crime Act</i> (1989); amended effective August 7, 1999				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person injured or killed as a result of a criminal act of another person.</p> <p>A person injured or killed assisting a police officer, trying to arrest someone committing an offence or preventing or attempting to prevent someone from committing an offence.</p> <p>Dependants of homicide victims.</p> <p>Parents of a child who is killed.</p> <p>A person who incurs expenses as a result of the death or injury of a victim.</p> <p>Dependants of a victim.</p>	<p>Wages or salary lost because of injury.</p> <p>Pain and suffering.</p> <p>Reasonable funeral expenses.</p> <p>Maintenance of children born as a result of sexual assault.</p> <p>Counselling costs.</p> <p>Financial loss suffered by dependants as a result of a victim's death.</p> <p>Other financial loss resulting from the victim's injury or death.</p>	<p>Minimum: No minimum Maximum: \$15,000 for one victim; \$30,000 to all applicants in respect of one occurrence.</p>	<p>One year from the time of the offence or when injuries become known (may be extended by the Attorney General upon request).</p>	<p>Victims Services staff investigate claims and write a case analysis. All documentation is forwarded to the Provincial Manager of Victim Services who may retain the file for adjudication or forward to a designated lawyer in the Legal Services Section, Office of the Attorney General. The Provincial Manager or the lawyer makes decisions for small claims (under \$1,000). For other claims the Provincial Manager or the lawyer writes a report with a recommendation to the Attorney General who makes the decision. Appeals may be made to the Supreme Court on a question of law.</p>	<p>Provincial and federal surcharges and general revenue (part of Victim Services budget).</p> <p>During the period April 1, 2006 to March 31, 2007, 34 awards were granted totalling \$105,253.</p>

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

<b>Nova Scotia</b>	<b>Legislative Authority:</b> The <i>Victims' Rights and Services Act</i> (1989; amended 1992; amended June 8, 2000 and name changed to Criminal Injuries Counselling				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
An individual injured or family member of a person killed as a result of a personal violence offence, schedule of offences as listed in the <i>Victims' Rights and Services Act</i> .	Counselling to mitigate trauma resulting from the offence.	\$65 per hour up to maximum of \$2,000.  Payment is made directly to the approved counsellor.	Within one year from the date of the offence with exceptions for victims of historical sexual abuse who can file at any time, and for children up to the age of majority (age 19).	Victims' Services Head Office, Policing and Victim Services Division, Department of Justice administers program.  Staff – Criminal Injuries Counselling Program Manager, Secretary.  Decisions made by Director.	Awards are paid for from Consolidated Revenue. Salaries are paid from Victim Assistance Fund (revenue for the Fund is generated through the victim surcharge).  For the period April 1, 2005 to March 31, 2006, the program granted 222 awards totalling \$444,000.  Award expenditures – from April 1, 2005 to March 31, 2006 were \$203,885.

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

New Brunswick	<b>Legislative Authority:</b> New Brunswick <i>Victims Services Act</i> and Regulation 96-81																												
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards																								
<p>Persons eligible for benefits include:</p> <ul style="list-style-type: none"> <li>• Victim of a criminal offence;</li> <li>• The parent or guardian of a child or physically/mentally challenged individual or the person incurring eligible expenses in respect of a deceased victim of crime.</li> </ul> <p>Schedule of offences include the following sections of the Criminal Code of Canada:</p> <p>Section 151                      Section 152                      Section 153                      Section 155                      Section 159                      Section 160</p>	<p>Compensable expenses include:</p> <ul style="list-style-type: none"> <li>• Funeral</li> <li>• Dental</li> <li>• Direct payment for counselling</li> <li>• Medical</li> <li>• Physiotherapy</li> <li>• Medication</li> <li>• Eye wear</li> <li>• Child care</li> <li>• Relocation</li> <li>• Transportation</li> <li>• Miscellaneous.</li> </ul>	<p>The maximum financial award is \$5,000.00.</p> <p>Interim expenses may be paid prior to the conclusion of the case.</p> <p>Short Term Counselling is paid to a maximum of \$1,000.00.</p> <p>Payment is directly made to registered therapists.</p>	<p>An application must be made within one year of the commission of the offence, or in the case of a sexual offence, within one year of disclosure to the police.</p>	<p>Applications for compensation are investigated at the local level by the Co-ordinators. Co-ordinators make a recommendation to the Regional Director who makes a decision on the quantum. Appeals are made to the Minister in accordance with Regulation 96-81 section 10(1) and 10(2).</p> <p>The Victim Services Program Support Manager, reviews cases and makes recommendations to the Minister related to appeals.</p> <p>Payment is issued centrally.</p>	<p>Funding for the Compensation for Victims of Crime Program is provided by the Victim Services Fund.</p> <p>The <b>maximum</b> award in each category is:</p> <table border="0"> <tr><td>Pain and Suffering</td><td style="text-align: right;">\$1,000.00</td></tr> <tr><td>Funeral expenses</td><td style="text-align: right;">\$4,000.00</td></tr> <tr><td>Dental</td><td style="text-align: right;">\$1,000.00</td></tr> <tr><td>Counselling</td><td style="text-align: right;">\$1,000.00</td></tr> <tr><td>Medical</td><td style="text-align: right;">\$ 800.00</td></tr> <tr><td>Physiotherapy</td><td style="text-align: right;">\$ 600.00</td></tr> <tr><td>Medication</td><td style="text-align: right;">\$ 200.00</td></tr> <tr><td>Eye wear</td><td style="text-align: right;">\$ 200.00</td></tr> <tr><td>Child care</td><td style="text-align: right;">\$ 200.00</td></tr> <tr><td>Relocation</td><td style="text-align: right;">\$ 600.00</td></tr> <tr><td>Transportation</td><td style="text-align: right;">\$ 200.00</td></tr> <tr><td>Miscellaneous</td><td style="text-align: right;">\$ 200.00</td></tr> </table> <p>A total award cannot exceed \$5,000.00. This would include financial remuneration and up to 10 sessions of counselling to a maximum of \$1,000.00.</p> <p>A total of \$277,613 was paid out in Compensation Awards in 2006/2007. In addition, \$51,504 was paid out for Short Term Counselling under Compensation for Victims of Crime.</p>	Pain and Suffering	\$1,000.00	Funeral expenses	\$4,000.00	Dental	\$1,000.00	Counselling	\$1,000.00	Medical	\$ 800.00	Physiotherapy	\$ 600.00	Medication	\$ 200.00	Eye wear	\$ 200.00	Child care	\$ 200.00	Relocation	\$ 600.00	Transportation	\$ 200.00	Miscellaneous	\$ 200.00
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**SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS (Cont'd)**

<p><b>New Brunswick</b></p>	<p><b>Legislative Authority:</b> New Brunswick <i>Victim Services Act</i> and Regulation 96-81</p>				
<p><b>Persons Eligible for Benefits</b></p>	<p><b>Compensable Expenses</b></p>	<p><b>Minimum and Maximum Award</b></p>	<p><b>Time Limit</b></p>	<p><b>Program Administration</b></p>	<p><b>Funding Source and Awards</b></p>
<p>Schedule of offences under the Criminal Code of Canada continued:</p> <p>Section 170 Section 231 Section 232 Section 239 Section 262 Section 266 Section 267 Section 268 Section 271 Section 272 Section 273 Section 279 Section 280 Section 281 Section 282 Section 343</p>					



## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Quebec	Legislative Authority: <i>The Crime Victims Compensation Act (1972)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>Victims of violent crimes under the <i>Criminal Code</i>. Exceptions include threats of death or serious injury and criminal harassment.</p> <p>Dependants of homicide victims</p> <p>A person injured or killed while attempting to arrest an offender, assisting a peace officer or preventing or attempting to prevent a crime.</p> <p>Parents of a minor who is a victim of a homicide.</p>	<p>Medical, Pharmaceutical and Dental expenses:</p> <ul style="list-style-type: none"> <li>• Permanent disability</li> <li>• Funeral expenses</li> <li>• Travel expenses</li> <li>• Mental Health/counselling expenses</li> <li>• Temporary disability</li> <li>• Special allowance/death benefit to spouse, dependants, parents</li> <li>• Benefits for spouse and dependants in the form of an allowance on victim's death.</li> </ul>	<p>Minimum: No minimum Maximum: No maximum</p>	<p>One year; may be extended in exceptional circumstances.</p>	<p>Commission de la santé et la sécurité du travail.</p>	<p>Consolidated Revenue</p> <p>Between January 1, 2003, and December 31, 2003, 3,062 applications were accepted, and \$58,469,546.32 in indemnities were paid out.</p> <p>Between January 1, 2004, and December 31, 2004, 3,229 applications were accepted and \$61,527,478.37 in indemnities were paid out.</p>

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Ontario	<b>Legislative Authority:</b> <i>Compensation for Victims of Crime Act R.S.O. 1990, c.C. 24</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person injured or killed as a result of a crime of violence in Ontario.</p> <p>A person injured or killed while lawfully arresting or attempting to arrest an offender, assisting a peace officer or preventing or attempting to prevent a crime.</p> <p>A person who is responsible for the support of the victim.</p> <p>Where the death of the victim has resulted, the victim's dependants.</p>	<ul style="list-style-type: none"> <li>• Expenses, incl. medical, dental and counselling expenses</li> <li>• Wage loss.</li> <li>• Financial loss incurred by dependants as a result of the victim's death.</li> <li>• Pain and suffering.</li> <li>• Support of a child born as a result of rape.</li> <li>• Other financial loss or expense that in the opinion of the Board it is reasonable to incur.</li> </ul>	<p>Minimum: No minimum</p> <p><u>Lump sum awards:</u> Maximum lump sum award to one victim: \$25,000 per incident.</p> <p>Total maximum lump sum award to all victims of one incident of \$150,000.</p> <p><u>Periodic awards:</u> \$1,000 per month to a maximum of \$365,000 for all claimants as a result of one occurrence.</p> <p>Where both lump sum and periodic payments are ordered, the lump sum cannot exceed \$12,500.</p>	<p>Two years.</p> <p>Board has discretion to extend</p>	<p>Criminal Injuries Compensation Board.</p>	<p>The awards are funded through Consolidated Revenue Fund with a small portion \$1.6 million that comes from the Victim's Justice Fund. The Operating Expenses funding including Salaries and Wages and Benefits comes from the Consolidated Revenue Fund.</p> <p>2006-07 Hearings held: 2425 Total amount paid out on an accrual basis is \$22,322,615. This includes periodic and lump sum payments.</p>

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

<b>Manitoba</b>	<b>Legislative Authority:</b> <i>The Victims' Bill of Rights (2001)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person who is killed or injured as the direct result of a criminal act of another person.</p> <p>A person injured while helping a peace officer.</p> <p>Dependants of a victim who is injured or killed as a result of a crime.</p> <p>Immediate family members (spouse, child, parent or sibling) of a homicide victim are eligible for grief counselling, bereavement leave, travel expenses to attend funeral, etc.</p>	<p>Medical and Dental expenses prescription drugs, ambulance costs</p> <p>Impairment awards for permanent injuries, paid in accordance with WC benefits to a maximum of \$85,000 for a 100% impairment.</p> <p>Replacement of damaged clothing.</p> <p>Replacement or repair of eyeglasses, hearing aids or other disability aids.</p> <p>Psychological counselling (\$2,000 per claim) however an additional \$2,000 can be approved in exceptional circumstances.</p> <p>Vocational rehabilitation expenses. Travel costs.</p> <p>Wage loss to a maximum of \$413.00 per week.</p> <p>Physiotherapy and chiropractic treatment not covered by Provincial Medicare plan</p> <p>Funeral expenses up to \$5,400</p> <p>Dependants benefits at \$270 per month child to a maximum of \$1,080 per month</p>	<p>Minimum: over \$150 Maximum: \$100,000 (excluding impairment award)</p>	<p>One year; May be extended in exceptional circumstances.</p>	<p>The program is administered by the Department of Justice Compensation for Victims of Crime Program.</p>	<p>General revenue</p> <p>The program has 4 staff</p> <p>The program paid out \$3,035,011 in awards during the 2006/2007 fiscal year.</p>

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<b>Saskatchewan</b>		<b>Legislative Authority:</b> <i>The Victims of Crime Act 1995</i> (amended 2006)			
<p>A victim of a criminal act of personal violence.</p> <p>A victim who was injured or killed as a result of assisting a peace officer.</p> <p>Dependants of victims in some circumstances.</p> <p>Immediate family members (secondary victims) of homicide victims are eligible to apply for counselling.</p>	<p>Medical and dental expenses including ambulance, prescriptions, optometric, chiropractic, home care, etc.</p> <p>Wages or salary lost because of injury, including potential loss of earnings (reimbursement at net).</p> <p>In the case of a homicide: funeral expenses to a maximum of \$3,500; cleaning of crime scene if occurred in a residence.</p> <p>Counselling up to \$1,000 during the criminal justice process: may be extended to \$2,000 in exceptional circumstances; “counselling” includes “traditional Aboriginal healing methods”.</p> <p>Clothing to a maximum of \$250.</p>	<p>Minimum: No minimum.</p> <p>Maximum: \$25,000 per applicant.</p>	<p>Application deadline is two years after the date of the offence.</p> <p>Minister has the authority to extend the application deadline beyond two years where it is reasonable to do so.</p> <p>For sexual assault victims, the application period begins to run on the date the crime is reported to police.</p>	<p>Administered by Victims Services Branch.</p> <p>Appeals are first considered by Victims Services Branch; Saskatchewan Justice and finally by the Victims Compensation Appeal Committee.</p>	<p>The Compensation Program is solely funded by fine surcharge revenue.</p> <p>The Compensation Program received 418 applications and paid out \$397,108 in awards to 380 victims of criminal acts of personal violence in 2006-2007.</p>

\*Amendments to the *Victims of Crime Act and Regulations* will be proclaimed in the fall of 2006.

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Alberta	<b>Legislative Authority:</b> <i>Victims of Crime Act (1997); Victims of Crime Regulation 2004; Victims of Crime Amendment Act (2001); Victims of Crime Amendment Act (2005)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person who has suffered direct physical or emotional injury as a result of a violent crime. (Secondary victims or witnesses are not eligible.)</p> <p>The survivors of anyone killed as a result of a violent crime.</p> <p>Eligible Criminal Code offences are listed in regulation.</p>	<p>The amount of the financial benefit paid to an individual is based on the sustained. Injury and award values are defined in regulation. The death benefit is \$12,500 and may be paid to one survivor or divided among eligible survivors.</p> <p>The program also administers cases inherited from the former Crimes Compensation Board.</p>	<p>Awards range from \$500 for relatively minor injuries (e.g. sprains, fractured toe, concussion) to \$110,000 (severe neurological injury).</p> <p>Maximum award is \$110,000, maximum number of injuries per award is three.</p>	<p>Two years from the date of incident; May be extended at the discretion of the Director (generally on issues of incapacity).</p>	<p>Administered by the Director as designated under the Victims of Crime Act. The Director may further delegate authority to his employees. Decisions are made by program staff with delegated authority.</p> <p>An applicant may request the Criminal Injuries Review Board to review Director's decision.</p> <p>An applicant may appeal a Board decision to the Court of Appeal on questions of jurisdiction or law. The Minister may challenge, by judicial review, the Board's decision to overturn the Director's decision to dismiss an application or deny benefits.</p>	<p>Federal and provincial surcharges.</p> <p>Awards, including cases inherited from the former Crimes Compensation Board:</p> <p>1998/99 – 752 awards/recipients - \$6,958,014</p> <p>1999/00 – 712 awards/recipients - \$6,978,912</p> <p>2000/01 – 1038 awards/recipients \$7,091,892</p> <p>2001/02 – 900 awards/recipients - \$10,059,474</p> <p>2002/03 – 1222 awards/recipients \$6,544,000.</p> <p>2003/04 – 1079 awards/recipients \$8,620,000</p> <p>2004/05 – 1150 awards/recipients \$8,376,000.</p> <p>2005/06 – 1489 awards/recipients \$8,610,396</p> <p>2006/07 – 1138 awards/recipients \$10,582,914</p>

## SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

<p><b>British Columbia</b></p>	<p><b>Legislative Authority:</b> <a href="#">Crime Victim Assistance Act</a>; <a href="#">Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002)</a>; and <a href="#">Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</a></p>				
<p><b>Persons Eligible for Benefits</b></p>	<p><b>Compensable Expenses</b></p>	<p><b>Minimum and Maximum Award</b></p>	<p><b>Time Limit</b></p>	<p><b>Program Administration</b></p>	<p><b>Funding Source and Awards</b></p>
<p>Victims, Immediate Family Members of injured or deceased victims and certain Witnesses of a prescribed offence:</p> <p><b>Victim:</b> a person who is injured physically or psychologically as a result of a prescribed offence committed in British Columbia or a person who is injured attempting to arrest or assist a peace officer in arresting an offender.</p> <p><b>Immediate family member:</b> A person who at the time of the crime that resulted in the death or injury of a victim was a spouse, child, sibling, step-sibling, half-sibling or parent of the victim and suffered economic loss or psychological harm. Includes a person who was standing in the place of a parent or a child to the victim.</p>	<p><b>Victim Benefits:</b></p> <ul style="list-style-type: none"> <li>• Medical or dental services/expenses;</li> <li>• Prescription drug expenses;</li> <li>• Disability aids;</li> <li>• Counselling services/expenses;</li> <li>• Vocational services/expenses;</li> <li>• Protective measures services/expenses;</li> <li>• Repair/replacement of damaged or destroyed personal property;</li> <li>• Vehicle modification or acquisition;</li> <li>• Home modification, maintenance or moving expenses;</li> <li>• Homemaker, childcare or personal care services/ expenses;</li> <li>• Maintenance for a child born as a result of a prescribed offence;</li> <li>• Income support;</li> <li>• Lost earning capacity;</li> <li>• Transportation and related expenses; and</li> <li>• Crime scene cleaning.</li> </ul>	<ul style="list-style-type: none"> <li>• No minimum award.</li> <li>• No global cap on benefits awarded per claimant.</li> </ul> <p>Some benefits have maximum award levels and conditions as set out in the <a href="#">Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002)</a> and the <a href="#">Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</a></p>	<ul style="list-style-type: none"> <li>• One year. May be extended at the discretion of the director in exceptional circumstances and as follows:</li> <li>• One year after a minor turns 19 years old if the offence occurred while the claimant was a minor.</li> <li>• No time limit with respect to claims involving sexual offences.</li> </ul>	<p>Administered by Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General.</p> <p>Following an original adjudication, further review is available through reassessments or reconsideration. The claimant can request a reassessment if the claimant's circumstances change or new information becomes available after the original decision.</p> <p>The director or delegate can initiate a reassessment at any time.</p> <p>The claimant can request a reconsideration where they believe there has been an error in law, fact or mixed law and fact. A reconsideration is final and conclusive and subject only to judicial review on a question of law or excess of jurisdiction.</p>	<p>Funded through Ministry Budget.</p> <p>In 2006/07, expenditures for benefits and services to victims, immediate family members, and eligible witnesses: \$12 M</p> <p>In 2006/07 2819 original applications were adjudicated with 2107 being accepted.</p> <p>As additional 958 decisions were made on reassessment providing further benefits on 845 claims.</p>

**SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS (Cont'd)**

<p><b>British Columbia</b></p>	<p><b>Legislative Authority:</b> <a href="#">Crime Victim Assistance Act</a>; <a href="#">Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002)</a>; and <a href="#">Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</a></p>				
<p><b>Persons Eligible for Benefits</b></p>	<p><b>Compensable Expenses</b></p>	<p><b>Minimum and Maximum Award</b></p>	<p><b>Time Limit</b></p>	<p><b>Program Administration</b></p>	<p><b>Funding Source and Awards</b></p>
<p><b>Witness:</b> A person, who may not necessarily be related to the victim, but: has a strong emotional attachment to the victim <b>and</b> witnesses the death or life-threatening injury of the victim or comes upon the immediate aftermath of the death of the victim <b>and</b> suffers diagnosed psychological harm as a result.</p>	<p><b><u>Immediate Family Member benefits:</u></b></p> <ul style="list-style-type: none"> <li>• Counselling services or expenses;</li> <li>• Prescription drug expenses;</li> <li>• Vocational services/expenses;</li> <li>• Funeral expenses;</li> <li>• Income support;</li> <li>• Transportation and related expenses;</li> <li>• Loss or parental guidance for a minor child;</li> <li>• Earnings loss due to bereavement leave; and</li> <li>• Crime scene cleaning.</li> </ul> <p><b><u>Witness Benefits:</u></b></p> <ul style="list-style-type: none"> <li>• Counselling services/expenses;</li> <li>• Prescription drug expenses;</li> <li>• Transportation and related expenses necessary to attend counselling; and</li> <li>• Crime scene cleaning.</li> </ul>				

