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July 26th, 2018

The Honourable Caroline Mulroney, Attorney General of Ontario
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON
M7A 2S9

Dear Minister Mulroney,

The Canadian Resource Centre for Victims of Crime (CRCVC) would like to offer our congratulations to you on recently being appointed as the Attorney General for Ontario. We look forward to working with you and wanted to make you aware of our charity and the work we do. The CRCVC is a well-respected, long-standing agency that works nationally to provide a space for all victims of serious crime to be heard and receive support. Located in Ottawa, we provide emotional support over the long-term, information resources and advocacy to persons harmed by violence across Ontario and Canada.

We are writing to you to raise a number of concerns we believe are critically important for your Ministry to address. In our daily work to support victims of many types of violence, the financial impact of crime is clear and devastating. Victims and survivors incur a plethora of expenses and losses as a result of the violence, including: lost wages or total loss of employment, physiotherapy, funeral expenses, counselling/psychotherapy, travel to reach medical treatments, legal fees, measures to increase their safety/security, relocation, property clean up, etc.

The first issue is concerning the right to restitution, as provided by the *Canadian Victims Bill of Rights, 2015 (VBR)*. Under Section 739.2 of the *Criminal Code*, a new element to restitution orders was added, whereby courts must consider a restitution order for all offences and specify a date by which the restitution will be paid or through an alternative payment schedule. In addition, the CVBR outlines that provinces and territories can designate a public body to assist in the collection of restitution orders. At present time in Ontario, it is entirely the victim's responsibility and expense to enforce the collection of court ordered restitution. For many victims, particularly those who have been victimized by financial crimes such as fraud, the reality is their financial resources were stolen from them, and having to spend further in an attempt to recover what they are legally owed, is fundamentally impossible. Victims should not have to track down offenders on their own or hire lawyers to garnish their wages. We implore you to work with your officials to provide a mechanism -- such as a public governing body -- to oversee the enforcement of the order, collection of restitution and complaints when offenders violate. For a Canadian best practice in effective restitution assistance, we suggest you look to the province of Saskatchewan.

A second program of note to consider is in Vermont, where victims of violence are paid restitution from a trust fund using court-ordered fines if the offender does not pay. Vermont's office operates without the need for the victim to be involved in collection. The Restitution Unit was created by Vermont's legislature to address the financial hardship caused to crime victims. They enforce and collect criminal court ordered restitution and direct payments to victims. There are two ways to receive restitution in Vermont. One is an advance payment from the Restitution Fund. The other is in the form of payments from the Restitution Unit as they collect money from the offender. The Restitution Fund receives money from criminal and traffic fines.

It is important to note the vast majority of victims we come into contact with say that they struggle financially because they are not able to collect the restitution that is owed to them. Whether the offenders are not working because they are incarcerated, unable to work upon release, or simply choose not to repay what they owe once released, the situation is not fair to the victims involved. Victims should have help to collect restitution, especially when criminal and civil courts in Ontario have made orders in their favour.

The second issue we'd like to address is financial compensation offered by the Criminal Injuries Compensation Board (CICB) in Ontario. Compensation for victims of crime remains woefully inadequate. What is awarded is a pittance compared to the struggles and expenses the victimization causes. In 2014-15 the CICB processed a total of 3,831 applications. Of these, 3,102 were heard at an oral or written hearing.^[1] In, 2014-15, the Board paid out a total of \$31.2 M to 3,102 applicants, which is an average award of approximately \$10,058. You can see clearly from these numbers that few applications are made in comparison to the large number of violent crimes committed in Ontario annually.

Unfortunately, most victims of violent crime are unaware of the availability of compensation. We, at the CRCVC, believe that CICB should increase outreach efforts to increase awareness and encourage applications. We also believe that eligibility criteria should be simplified, as well as the application processes simplified. The entire application process of overly bureaucratic. Victims/survivors should not have a time limit imposed upon them. While there are a couple of exceptions, for sexual and domestic violence, it is simply not enough. Victims who suffer through a traumatic event such as a crime, are in a state of shock and need time to recover. They need to be able to start processing what has happened, and try to rebuild their lives. This can take a number of years for some survivors and thus their ability to apply for compensation should not be impacted.

We also believe some form of compensation should be available to victims of impaired driving. Impaired driving is the leading criminal cause of death in Canada, wherein an average of 3.5 Canadians are killed

^[1] The 729 applications remaining were disposed of without a hearing in the following manner: 586 were dismissed without a hearing under the Board's Rules of Procedure for various reasons (i.e. the application lacked some aspect of the statutory requirements for bringing an application, there was no reasonable prospect that the application would succeed, the proceeding related to trivial or frivolous matters, the claimant died prior to the commencement of a hearing, etc.); 69 applications that were filed beyond the two-year time limit did not have an extension granted; 31 applications were not accepted since they did not fall within the Board's jurisdiction; and 43 applications were closed administratively since they were found to be duplicate files.

daily because of it. They too require compensation because insurance settlements can take years and years to be completed. At minimum, they should be eligible for funding for counselling support services. Being denied for financial assistance or having to argue for financial help contributes to secondary victimization: and government agencies should to more to reduce these negative impacts on victims and survivors.

Traumatic events fundamentally change the victim's way of life, and healing requires supports that recognize the significant financial burden of violent victimization. Restoring the victim's financial stability through compensation so that they can normalize their lives can be a literal life-saver. We thus stress the importance of such aspects of governmental aid and we strongly encourage you to further explore a restitution assistance office or similar program in Ontario, which will make a meaningful difference in the lives of fraud victims. We would love to see Ontario becoming a leader in this area.

We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heidi Illingworth".

Heidi Illingworth
Executive Director