

victims of crime

Victims of Crime

VICTIM SERVICE WORKER HANDBOOK



INFORMATION + RESOURCES FOR VICTIM SERVICE WORKERS



Ministry of
Public Safety
and Solicitor General

Victim Services and Crime Prevention Division
Ministry of Public Safety and Solicitor General

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whom this handbook is for

□ ■ ■ intro

This handbook is for people who work with victims of crime. For assistance in working with special groups of victims, including women and children who have been victims of violence, see the other handbooks in this series. If you work with specialized groups of victims, you will also find information in this handbook useful, as some sections that apply to all victims of crime are discussed in greater detail here.



As a service provider using this handbook, you may be:

- A victim service worker in a police-based victim service
- A victim service worker in a community-based victim service
- A worker in an agency that serves a specific cultural community
- A worker at any other agency or institution that serves victims of crime.

why this handbook was developed

Victims of crime need information, respectful treatment, emotional support, and practical assistance as they make their way through a difficult and emotional process following their victimization. This process may be even more difficult for a victim who is very young, is elderly, is poor, is an immigrant or Aboriginal, has disabilities, is gay or lesbian, or is a member of any other diversity group.

When offering support to victims of crime, it is important that you understand and respect the diversity of cultures or lifestyles with which victims identify. This handbook will assist you to provide the best service possible to all victims of crime.

In addition to the support that you can provide to victims of crime, you will need to help them make use of the justice, health, and social service systems and other community resources. This handbook will help you to provide the kinds of assistance that victims need in accessing these other services.

While this handbook addresses the full range of a victim service worker's role in assisting victims, it is not intended to be used alone to prepare workers for that role. It is intended to be used in conjunction with specialized training.

Efforts have been made to minimize repetition between this handbook and the other handbooks in this series. This handbook is the central resource in the series,

intro ■ ■ ■ □



intended to provide an overview of what any victim service worker needs to know regardless of the kind of crime victim they are assisting. Therefore, in order to cover all the relevant topics, there is some overlap with the other four handbooks. This is particularly true where the topic is a crucial component of any victim service worker's knowledge or skill set, such as working with diverse populations or services available for victims. Where greater detail on a topic is provided in one of the specialized handbooks, reference is made to that handbook.

how this handbook is organized

This handbook is divided into two parts:

- *Part 1* (Sections 1 to 4) deals with the context of victim service workers' work with victims of crime.
- *Part 2* (Sections 5 to 8) deals with the work itself.

There are eight sections:

- Section 1 explores the nature, dynamics, social context, extent, and impact of criminal victimization.
- Section 2 discusses the needs of diverse communities in seeking support after criminal victimization.
- Section 3 describes the range of societal responses to victimization, including legislation, policy, services, and community coordination.
- Section 4 provides a description of the justice system.
- Section 5 covers the needs of victims and the role, characteristics, and skills of the victim service worker.
- Section 6 deals with addressing the immediate safety needs of victims.
- Section 7 covers the victim service worker's role in assisting victims through the criminal justice process.
- Section 8 lists resources for information, practical assistance, and support, and provides information on how to obtain them.

Four other handbooks have been developed to assist and support those who work with victims of crime:

- *Violence Against Women in Relationships*
- *Sexual Assault*
- *Violence Against Children and Youth*
- *Abuse and Neglect of Older People*

guide to using this handbook

□ ■ ■ guide

The following icons are used throughout each section of the handbook to help you navigate the material:



resources This icon appears when a book, journal article, policy or other publication is referenced in the handbook.



mouse This icon appears when a website is noted on the page.



phone This icon indicates a key phone number, like the toll-free, 24-hour VictimLINK.



house This icon appears when helpful organizations, programs, ministries are noted.



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the context



Part 1 (Sections 1 to 4) of this handbook deals with the context of victim service workers' work with victims of crime.

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1.1 what kinds of victims are covered by this handbook?

This handbook covers the kinds of victims who are primarily served by victim service programs. Victims may be primary or secondary victims of crime. These victims may or may not be witnesses in the court case. The handbook may also be useful for those who are providing services to victims of other kinds of trauma, but these victims are not the focus of this handbook.

primary victims of crime

A primary victim of crime is a person against whom a crime has been committed or attempted. A crime is an act defined by the *Criminal Code of Canada* and is punishable by law. A person may be a victim of a personal crime, such as assault, sexual assault, or robbery. Or, a person may be a victim of a property crime, such as theft or break-and-enter, if he or she is the owner of the property that has been stolen or is a resident in a home that has been broken into.

The crime does not have to be reported to police, proceed to charges, or result in a guilty verdict for the victim to be considered a victim of crime. It is the act itself that defines a victim.

secondary victims of crime

Secondary victims are those who are related to the primary victim and so are also significantly affected by the crime. A secondary victim may be a parent or sibling of a person injured in an assault, for example, or the child of a woman who is a victim of violence in her intimate relationship.

A secondary victim may also be someone who witnessed a crime but was not directly victimized. This may include, for example, a friend who was present when a person was assaulted, or a customer in a bank during a robbery.

Secondary victims who are family members or close friends may themselves suffer traumatic reactions to the crime, or may also require support because they are part of the informal support system of the victim. In either case, secondary victims may require the same kind of information, support, and referral as primary victims of crime.

who is not covered by this handbook

Victims of traumatic events that are not criminal in nature are not specifically covered in this handbook. These might include accident victims, victims of

natural disasters, or survivors of sudden death that is not a result of crime.

While such victims may sometimes be served by victim service programs, they are not the primary subjects of this handbook. However, because victims of trauma may have certain reactions and needs in common, and because some of these traumatic events may also result in a police response or legal proceedings, some of the information in this handbook may be applicable to those victims. Nevertheless, service providers should be cautious about applying all the information in this handbook to those who are victims of traumas other than crime. (See Section 8 for resources that address the needs of victims of traumatic events other than crimes.)



use of the term “victim”

There has been controversy over the years about the use of the word “victim” of crime, as opposed to “survivor” or identifying the person by gender or age, that is, “woman,” “man,” or “child.” Concern over the use of the term “victim” centres on the belief that it emphasizes the negative rather than the positive, focusing on the process of becoming a victim of a crime rather than the process of becoming a survivor.

However, the term “victim” is used in this handbook for the sake of clarity and consistency. The term “victim” is used in the *Criminal Code*, in British Columbia’s ***Victims of Crime Act***, and in much of the literature on criminal victimization. In the literature and for purposes of this handbook, the term “victim” is used in a technical sense, focusing on the factual, descriptive nature of the term. No negative connotations are implied by its use.



Other terms are used for specific purposes in the literature and in official publications. In the *Criminal Code* and elsewhere, the term “complainant” refers to a person who is making a legal complaint against another person, whether or not that complainant is the victim of the alleged offence. The term “survivor” is used in some of the feminist literature in order to avoid any connotation of women as victims and to emphasize the positive rather than the negative aspects of the experience of surviving a crime. The term “survivor” is also used in the sexual assault literature when referring to adult survivors of historical sexual abuse.

1.2 the crime victim and the criminal justice system

For all crimes that target a specific victim or victims, the crime victim is one of the most important components of the criminal justice system. For most crimes of this nature, without a victim who is willing to come forward, no charges and no prosecution would be possible.

Nevertheless, in Canadian law, a crime is considered to be committed against the state – the Crown – as opposed to being committed against the individual victim. This does not mean that the government or the criminal justice system does not take seriously the impact of the crime on the individual victim; it does mean, however, that, within the formalities of the criminal justice system, the role of the individual victim is limited.

While the role of the victim in the Canadian¹ criminal justice system is still first and foremost that of witness, this role has expanded dramatically in recent decades to reflect a renewed focus on victims' rights. The role began to change in the late 1960s, when the women's and the victims' movements began to pressure governments not only for enhanced services for victims of crime but also for an enhanced role for victims in the legal process.

evolution of BC and Canadian responses to victims of crime²

Until relatively recently, victims did not have a strong voice in the criminal justice system. Historically, victims were responsible for seeking redress from the offender. Redress often took the form of monetary compensation or a fine. In an effort to minimize private retribution, the state increased its responsibility for bringing offenders to justice and reduced the role of victims.

By the late 1960s and 1970s, new social and criminal justice trends in Canada influenced a renewed and growing concern for victims' rights. The following is a list of some important developments since the *Criminal Code of Canada* was enacted.

□ ■ ■ footnotes

¹ The role of the victim in the criminal justice system varies from country to country, depending on the type of justice system. In the British and American systems, however, this role is similar to that in the Canadian system.

² This list has been adapted and updated from material prepared by Linda Light for Victim Services Division in April 2000. For additional events relating specifically to violence against women, children, or youth, see the specialized handbooks in this series.

1892	The <i>Criminal Code of Canada</i> is enacted, determining what behaviour is considered criminal.
1893	The <i>Canada Evidence Act</i> is enacted to regulate rules of evidence.
1908	The <i>Juvenile Delinquents Act</i> is enacted, requiring that children who committed delinquencies be dealt with not as offenders but as requiring help, guidance, and supervision.
1968	Victim impact statements (VIS) begin to be used on a limited basis in Canada.
1971	Restitution is used by the courts as a sentencing option.
1972	The first services for victims of crime open in BC in the form of a transition house and a sexual assault centre. The BC government passes the <i>Criminal Injury Compensation Act</i> , allowing victims of crime who have suffered personal injury to apply to the Workers' Compensation Board for compensation.
1973	BC's <i>Child and Family Services Act</i> is implemented to protect children from physical and sexual abuse.
1974	Victim/offender reconciliation programs and compensation programs for victims are established across Canada and funded through federal/provincial cost-sharing agreements. The first police-based victim services begin operating in BC.
1979	BC's <i>Criminal Injury Compensation Act</i> is amended and the name slightly modified.
1981	The Federal/Provincial Task Force on Justice for Victims of Crime is established to examine the needs of victims of crime, to inquire into their experience with the criminal justice system, and to recommend action to improve methods of assistance to victims.
1982	The first major victimization survey in Canada, the <i>Canadian Urban Victimization Survey</i> , is conducted, looking at the nature and scope of victimization in terms of eight categories of property and personal crime.
1983	Bill C-127 is enacted, including <i>Criminal Code</i> amendments that substantially change laws on sexual assault and child abduction.
1984	The <i>Young Offenders Act</i> is enacted, taking the position that young persons should be held responsible for their acts but should be treated differently from adults. The Solicitor General of Canada provides funding to select police agencies across Canada for police-based victim assistance programs, including those in Vancouver and New Westminster.

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<p>1984 cont.</p>	<p>The BC Ministry of Attorney General <i>Wife Assault Policy</i> is implemented, the first of a series of BC policies guiding justice system responses to violence against women and children.</p> <p>The Badgley Report of the Committee on Sexual Offences Against Children and Youth is submitted to the Ministers of Justice and National Health and Welfare.</p>
<p>1985</p>	<p>The United Nations General Assembly adopts the “declaration of basic principles of justice for victims of crime and abuse of power” and a resolution on domestic violence.</p>
<p>1986</p>	<p>The first provincial victims legislation is implemented in Canada, in Manitoba, addressing many of the recommendations of the Federal/Provincial Task Force and the <i>UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power</i>.</p> <p>The BC Ministry of Attorney General introduces victim impact statements.</p>
<p>1987</p>	<p>The Victims Assistance Fund is established by the Department of Justice to be used to help provinces and territories develop information, education, training, and coordination programs to assist victims of crime.</p> <p>The BC Victim Assistance Program is established, incorporating existing programs. Police-based programs are increased from 15 to 42; 20 community-based programs are funded to serve women and children who are victims of violence; and one Crown-based program is established in North Vancouver.</p> <p>The BC Victim/Offender Reparation Program is established.</p>
<p>1988</p>	<p>The federal government, provinces, and territories endorse the <i>Canadian Statement of Basic Principles of Justice for Victims of Crime</i>.</p> <p>The Crown’s own victim assistance program in BC is funded to include programs in six Crown counsel offices.</p> <p>BC’s <i>Victims Rights/Services Act</i> is passed but not proclaimed.</p> <p>Bill C-15 is proclaimed, amending the <i>Criminal Code</i> and the <i>Canada Evidence Act</i> to facilitate prosecution of child sexual abuse cases by allowing the use of screens, videotaped interviews, or closed-circuit television for child witnesses who may have difficulty testifying in court, and allowing children who do not understand the nature of an oath to “promise to tell the truth.”</p>
<p>1989</p>	<p>Bill C-89 is proclaimed, allowing a victim surcharge and legislating victim impact statements in the <i>Criminal Code</i>.</p>
<p>1991</p>	<p>Victim assistance programs are expanded in BC as a result of the Law and Order Initiative.</p>
<p>1992</p>	<p>An <i>Act to Amend the Criminal Code</i> (sexual assault) restores protections for sexual assault complainants by restricting questioning on sexual activity (rape shield), defines consent, and restricts the defence of honest belief in consent.</p>

<p>1992 cont.</p>	<p>The <i>Federal Corrections and Conditional Release Act</i> is proclaimed, giving victims greater input into National Parole Board (NPB) hearings and greater access to information on custody status of offenders.</p> <p>BC's Stopping the Violence Initiative increases funding for community-based victim service programs, counselling programs, and other anti-violence initiatives.</p>
<p>1993</p>	<p><i>Anti-stalking legislation is incorporated into the Criminal Code.</i></p>
<p>1994-1995</p>	<p>The Protection Order Registry is introduced, including certain types of civil and criminal orders. Access is restricted to police.</p>
<p>1995</p>	<p><i>Criminal Code</i> amendments are proclaimed that make peace bonds easier to obtain and more effective, and increase maximum penalties for breaches.</p> <p><i>Criminal Code</i> amendments are proclaimed that clarify that intoxication is not a defence in sexual assault and assault.</p> <p>The <i>Criminal Injury Compensation Act</i> is updated to include criminal harassment, uttering threats, criminal injuries at work, and support for immediate families of deceased victims.</p>
<p>1996</p>	<p><i>An Act to Amend the Criminal Code</i> (sentencing) is proclaimed, including requiring the court to consider a victim impact statement and providing that abuse of a spouse, child, or position of trust shall be considered an aggravating factor in sentencing.</p> <p><i>Criminal Code</i> s. 718.2 is proclaimed, stating that evidence that an offence was motivated by bias, prejudice, or hate should be taken into account in sentencing.</p> <p>The <i>Victims of Crime Act</i> is proclaimed in BC, codifying certain rights for victims, including the right to be kept informed of the progress of their case if they so request.</p>
<p>1997</p>	<p><i>An Act to Amend the Criminal Code</i> (child prostitution, child sex tourism, criminal harassment, and female genital mutilation) is proclaimed, and includes testimonial provisions for young victims and witnesses and strengthening of stalking provisions.</p> <p><i>An Act to Amend the Criminal Code</i> (production of records in sexual offence proceedings) is proclaimed, restricting the production to the accused of irrelevant personal records.</p>
<p>1998</p>	<p>The report of the House of Commons Standing Committee on Justice and Human Rights, <i>Victims Rights: A Voice Not a Veto</i>, is introduced and the federal government's response is tabled.</p>
<p>1998-1999</p>	<p>Enhancements to the BC Protection Order Registry (POR) facilitating victim notification are approved. The definition of protection order is expanded, and protected parties can confirm the entry of their protection order on the POR and provide and update contact information so they can be notified of a release.</p>

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<p>1999</p>	<p>Bill C-79 introduces <i>Criminal Code</i> amendments to increase the victim surcharge, remove judicial discretion regarding the reading of victim impact statements in court, and introduce additional protections and supports to victims when they appear in court (including, for example, protection for victims of sexual or violent crime up to the age of 18 against direct cross-examination by self-represented accused).</p> <p>The High Risk Offender Community Notification Advisory Program is established to assist justice agencies to determine whether an offender’s presence in the community merits restrictions on offender behaviour or public notification.</p>
<p>2000</p>	<p>The Department of Justice Policy Centre for Victim Issues opens, to develop and coordinate federal policy and legislation on victims of crime and implement the federal victim strategy.</p> <p>The report of the Sub-committee on the <i>Corrections and Conditional Release Act</i> of the Standing Committee on Justice and Human Rights, <i>A Work in Progress: The Corrections and Conditional Release Act</i>, is released. Six of 53 recommendations focus on victims’ rights.</p>
<p>2001</p>	<p>Victims are permitted to provide oral impact statements at federal parole hearings.</p>
<p>2002</p>	<p>The <i>Crime Victim Assistance Act</i> comes into effect in BC, replacing the Criminal Injury Compensation Act and shifting the program administration from the Workers’ Compensation Board to the then Victim Services and Community Programs Division of the Ministry of Public Safety and Solicitor General.</p> <p>Crown Victim/Witness Services are eliminated in BC.</p>
<p>2003</p>	<p>The federal <i>Youth Criminal Justice Act</i> is enacted to enhance consistency and fairness in the youth criminal justice system.</p>
<p>2004</p>	<p>Bill C-250 adds sexual orientation to the four other identifiable groups protected against hate speech on the basis of their “colour, race, religion or ethnic origin.”</p>
<p>2005</p>	<p>Bill C-10 introduces <i>Criminal Code</i> amendments requiring that victims receive notice of Review Board hearings upon request, and ensuring that victims are advised of their right to submit a victim impact statement and, should they choose to do so, be permitted to read their victim impact statements aloud in court.</p> <p>Bill C-2 introduces <i>Criminal Code</i> amendments expanding testimonial aids and protections for vulnerable witnesses.</p> <p>A fund is created to help victims attend National Parole Board hearings.</p> <p>A National Office for Victims of Crime is created by the Correctional Service of Canada and the National Parole Board to serve victims of offenders under federal jurisdiction.</p>
<p>2007</p>	<p>The BC Board of Parole is disbanded and its role is assumed by the National Parole Board.</p>

1.3 societal beliefs and values

The social context of crime provides one of the keys to understanding the nature of criminal victimization. A number of factors affect the victimization experience, including the social context of the victim, the offender, and the criminal justice system.

Gender, class, age, race, colour, immigrant status, sexual orientation, ability, and lifestyle are all factors that affect the commission of crime, vulnerability to victimization, and how cases are processed through the criminal justice system. Despite ongoing efforts to recognize, understand, and address social inequalities in our society, power imbalances between the so-called haves and have nots, between women and men, and between various diversity groups and members of the dominant social groups continue to play a role both in the commission of crime and in how crime is perceived and addressed.

The media's role is one of the key elements in shaping societal beliefs and values about crime and victimization. While the media's role in minimizing some crimes and sensationalizing others is often criticized, the media also have an important role to play in stimulating discussion about these issues.

Societal beliefs and values about crime and victimization vary among social and cultural groups and from individual to individual, and do not remain constant over time. As our society changes, so do our belief systems. Public discourse will always play a crucial role in helping us participate in and educate ourselves about these continuously evolving beliefs and values.

public perceptions of various types of crime and victims

Public perceptions about certain types of crime or certain types of victims may mean that some crimes are taken more seriously than others and that some victims evoke more sympathy or social concern than others.

For example, crimes that are perpetrated against particularly vulnerable or defenceless groups of victims, such as children, the elderly, or people with disabilities may evoke more public outrage than crimes perpetrated against able-bodied young men. On the other hand, crimes within the home or the family may be taken less seriously than those between strangers, because crimes behind closed doors are less visible and because the private domain of the family may be considered no one else's business – particularly when the victim is a woman and therefore not considered in need of the special protection that is considered necessary for a child.

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Property crimes may appear to be taken more seriously by the justice system than personal crimes because of the values our society places on material possessions and wealth, or because the damages may be more easily ascertainable than the effects of personal crime. On the other hand, a break-and-enter, particularly where little of value was stolen, may be dismissed as a minor crime requiring little in the way of recovery for the victim. However, the violation of the security and privacy of one's home may be profoundly disturbing to a victim, and may require a good deal of support to restore a sense of equilibrium and personal safety.

Corporate crime is a particularly complex area, not only in terms of who the victims are and how they should be compensated but in terms of public perceptions of its nature and seriousness. Technical complexities, lack of transparency and public accountability, and public cynicism about the “inevitability” of corporate wrongdoing combine to make this type of crime especially challenging to understand and address.

Hate-motivated crimes, relatively recently identified as such in the *Criminal Code*,³ are sometimes difficult to identify and may present particular challenges in terms of public perception and understanding. What may appear to some groups to be clearly a hate crime may not be so clear to another group or may not meet the criteria for such a crime in the eyes of the law. In addition, hate-motivated crimes, by their very nature, evoke strong emotions, which add another layer of complexity to any discussion of these crimes.

Gang-related violence evokes strong societal reaction. This reaction may result from a number of factors, including the fact that:

- Gang-related violence is often the subject of media focus.
- Such violence is often accompanied by speculation about its links to particular cultural communities.
- Some gang members and some victims of gang-related violence are very young.
- Some elements associated with criminal gangs are highly visible on the streets.
- The issue of criminal gangs may be associated with other controversial issues such as immigration, youth violence, bullying, and alternative lifestyles.

■ ■ ■ footnotes

³ See “Evolution of BC and Canadian responses to victims of crime” in Section 1.2 for historical notes on this legislation, and Section 3.1 for a brief description of the legislation.

- The high level of violence associated with some gangs often evokes fear, both within and outside particular cultural communities.

Distinguishing between victims and offenders may also be complicated in these situations, adding to the complexity of these crimes.

So-called victimless crimes, such as prostitution involving consenting adults, or the use of marijuana, constitute controversial areas of law, and ones that are, for a number of reasons, particularly subject to shifts in public perception. One component of the controversy around these crimes is whether or not such crimes are, in fact, without victims.

victim blaming

In some cases, victims may be held directly or indirectly responsible for their own victimization. In some cases, this victim blaming may be overt; in other cases, it may be implied. In either case, such victim blaming often indicates a lack of understanding of the dynamics of certain kinds of crimes, as well as a lack of recognition that no criminal victimization is ever justified and that offenders are always responsible for their own criminal behaviour.

Victim blaming in the context of violence against women is discussed in the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks*. Other crimes, too, are sometimes subject to victim blaming. Break-and-enter victims may be criticized for not taking appropriate security precautions in their home. Elderly or other vulnerable victims may be judged for being “too trusting” of those who set out to embezzle their funds. Those who live on the street may be held responsible for their own victimization because their lifestyle is considered “irresponsible” or “high-risk.” Young people may be blamed for their victimization because they were out late at night, because they “hang out” in groups, or because they were drinking alcohol. Gay men may be blamed for others’ violent behaviour because of beliefs that they “asked for it” by being gay or by being in an area known to be frequented by gay people. Members of cultural or immigrant groups may be blamed for their victimization because of stereotypical views about what is acceptable behaviour within those cultural groups.



1.4 some statistics

Crime statistics in Canada are based on police statistics and on victimization surveys. Police statistics represent only those crimes that have been reported to police. These numbers, therefore, significantly under-represent the number of

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crimes actually committed. Police reporting rates vary from crime to crime, so the degree of under-reporting will also vary significantly.

Fortunately, in Canada, national victimization surveys have been conducted periodically since 1988, providing statistics about the number of people victimized by crime. In spite of its limitations, the *General Social Survey (GSS) on Victimization* presents the most accurate data available on victimization in Canada.⁴ The data presented below were reported in *Criminal Victimization in Canada, 2004* (Gannon & Mihorean, 2005). Comparisons are made to data gathered through the 1999 *GSS on Victimization*.

incidence

- According to the 2004 GSS, 28% of Canadians aged at least 15 years were reportedly a victim of crime at least once in the preceding year.
- The most frequent offences were household victimization (34% of incidents), followed by violent offences (29%), and thefts of personal property (25%).
- Rates of violent victimization were highest among those aged 15 to 24. In addition, those who were single, living in an urban area, and had an annual household income under \$15,000 were most at risk of violent victimization.
- While women and men reported similar levels of violent victimization (102 incidents per 1,000 for women, compared with 111 for men), these rates obscured significant differences. Men were physically assaulted more often than women (91 incidents per 1,000 population compared with 59 for women), while women were sexually assaulted five times more often than men (35 per 1,000 compared with 7 for men).
- Self-identified Aboriginal respondents reported being violently victimized at three times the rate of non-Aboriginal respondents.
- Immigrants reported lower rates of violent victimization (68 per 1,000 population) than did non-immigrants (116 per 1,000).
- Gays and lesbians were 2.5 times more likely to be victims of violent crime than heterosexuals.

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⁴ The 2004 GSS is based on interviews conducted with about 24,000 people aged at least 15 living in the 10 provinces. This GSS was conducted by telephone with non-institutionalized people, and therefore does not include those who do not have a home telephone or have only a cell phone. These limitations combined equal about 4% of the population. The survey was conducted in English or French and therefore excludes those who do not speak either of these languages. Data were collected from the territories on a pilot basis and were not included in the report. Population percentages cited in the 2004 GSS are expected to be within 0.8 percentage points of the true proportion 19 times out of 20. (Gannon & Mihorean, 2005)

- Unlike violent victimization, those in higher-income households were most at risk for household victimization and theft of personal property.
- Victims believed the crime to be hate-motivated in 4% of incidents, the same percentage as was reported in 1999. In 2004, 65% of these incidents were thought to be related to the victim's race or ethnicity, 26% to the victim's sex, 14% to the victim's religion, and 12% to sexual orientation.
- Half of all violent crimes were committed by someone known to the victim. Rates varied from crime to crime: 64% of sexual assaults and 49% of physical assaults were committed by someone known to the victim.

reporting to police⁵

- The 2004 GSS asked victims whether they reported the crime to police.
- The 2004 GSS confirms that most victims of crime do not report the incident to the police. The overall reporting rate decreased from 37% in 1999 to 34% in 2004.
- Victims of household crime reported to police in 37% of incidents, while 31% reported theft of personal property.
- For violent victimization, the reporting rate was 33%. Of the violent offences, sexual assault was least likely to be reported (8%) compared with robberies (46%) and physical assaults (39%).
- The reason most often cited for reporting violent crime to police was that respondents felt it was their duty (83% of violent incidents). In 74% of incidents, victims reported because they wanted the offender arrested or punished, and 70% of victims reported because they wanted the violence stopped or wanted protection.
- When victims were injured, they were 1.5 times more likely to report the crime to police (47% reporting rate, compared with 28%). Use of a weapon more than doubled the chances of a crime's being reported to police (53%, compared with 25%). The same was true if victims had to take time off from their daily activities as a result of the crime (51%, compared with 27%).
- The most common reasons for not reporting violent incidents to police were that the victim dealt with the incident in another way (approximately 60% of those who did not report); did not feel that the incident was serious enough (53%); did not want police involved (43%); felt that it was a personal

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⁵ These figures do not include incidents of spousal assault because information on individual incidents is unavailable.

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matter (39%); did not feel that police could do anything (29%); felt that police would not help (13%); and feared retaliation by the offender (11%).

- As in 1999, victims of violent crime aged 15 to 24 were the least likely to report to police (24%).
- Women were less likely to report violent incidents to police than men (26% of incidents, compared with 38%). This rate may be driven partly by sexual assault, a crime for which women are far more likely than men to be the victims and the violent crime for which the reporting rate is lowest.

The 2004 GSS noted the following highlights specifically related to the reporting of household crime:

- Victims were more likely to report to police when there was a significant financial loss associated with the crime, as most insurers require a police report in order to process a claim. Victims reported approximately 80% of incidents to police where the loss was valued at \$1,000 or more. They reported 32% of incidents where the loss was \$200 to \$499, and only 15% of incidents when the loss was worth less than \$100.
- Break-and-enter and theft of automobiles⁶ had the highest reporting rates (54% and 49%, respectively), and these rates rose dramatically when the losses were valued at \$1,000 or more (84% and 89%, respectively).
- As in the case of violent offences, most victims of household offences who reported to police said that they did so out of a sense of duty (84%). Sixty-two percent said that they wanted the offender arrested or punished, 51% said that they wanted compensation, and 41% said that they reported in order to stop the incident.
- Two-thirds of victims of household incidents who did not report to police said that they did not report because the incident was not serious enough. Almost as many (60%) said that they did not report because they did not think the police could do anything.

1.5 power-based crimes

Many crimes are power-based crimes. Typically, power-based crimes occur where there is some form of power imbalance, when the perpetrator has a need to impose power or abuse the power that he or she already holds over the victim

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⁶ Theft of automobiles includes automobile parts.

and the victim feels powerless to stop the crime. Most often, perpetrators have a sense of entitlement in relation to their victims that enables them to justify their controlling and abusive behaviour. This sense of entitlement may be based on gender, age, social position, or the nature of the relationship. Issues related to gender, age, race, culture, poverty, ability, and/or sexual orientation combine with the abuse of power to produce power-based crimes.

what kinds of crimes are power-based crimes?

Many crimes have characteristics that identify them, at least in part, as power-based crimes. Crimes in which the offender knows the victim often involve abuse of power as a central factor of the crime. Crimes in which the offender has more social power or status, through being a member of a dominant social group, for example, or by having some form of authority over the victim, or through gender or age, may be called power-based crimes.

Most crimes of sexual or domestic assault are gender-based. Crimes against gays or lesbians, visible minorities, or those with a disability may be based on other sources of power, such as membership in a dominant group, whether that dominant-group membership is based on sexual orientation, colour, culture, religion, or ability.

far-reaching impacts of power-based crimes

Victims of all crimes feel that as a result of the experience, their ability to act or make a free choice has been denied. Victims of power-based crimes often feel that their ability to act and make choices in every aspect of their lives has been undermined. Because of the ongoing nature of the violence or abuse, this is particularly true where crimes occur in the context of an intimate or family relationship, within a caregiving relationship, or within an ongoing relationship where the offender has authority over the victim, such as a school or workplace.

1.6 the impact of crime

Crime has a pervasive impact on society as a whole, including all of its institutions. It also impacts the individuals who are directly involved, including victims, offenders, and their families and close friends. No part of society and no individual who lives in that society is unaffected by crime, whether directly or indirectly.

For more information on the impact of sexual and domestic violence, see the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks* in this series.



impact of crime on society

The impact of crime on society in general is widespread and profound. The financial impact of crime includes the direct costs of crime, including the cost of operating the criminal justice system, the value of property lost as a result of crime, the insurance costs associated with claims for that stolen property, health care and associated costs resulting from injuries sustained as a result of crime, and time lost from work. Indirect costs include time and money spent on preventing crime, including public education, community development, and urban design initiatives, as well as individual lifestyle changes made as a result of fear of crime and efforts to prevent crime.

The overall economic costs to society are difficult to determine but there is no doubt that they are enormous. In 2000/01 in Canada, over \$11 billion was spent on the criminal justice system alone, including policing, courts, legal aid, criminal prosecutions, and adult and youth corrections (Taylor-Butts, 2002).

The trickle-down effects of the impact of crime on already overloaded health and social services are significant for all users of those systems as well as for the overall economy.

While both women and men may make lifestyle decisions as a result of fear of crime (such as choice of home location, job, and mode of transportation), the fear of crime impacts women more than men. The threat of victimization restricts the freedom of movement and economic opportunity available to all women. Women report that fear of victimization affects their social activities, the way they dress, their relationships with men, their choice of home and employment, and the way they use public space and community facilities.

The 1999 GSS on Spousal Violence found that 65% of women worried about their safety after dark while using or waiting for public transportation, compared with 29% of men. Significantly more women than men felt unsafe walking alone at night or being at home alone at night.

direct impact of crime on victims

Crime impacts victims in widely differing ways. In general, however, it affects them:

- **Physically**, through injury or physiological reactions to stress. This may range from scratches and bruises to life-threatening injuries or death. Physiological reactions can range from sleeping or eating too little or too much to digestive problems and headaches.
- **Financially**, through direct losses or subsequent expenses. This may include property loss or damage, lost wages, medical or counselling expenses, child care expenses, or funeral expenses.

- **Emotionally or psychologically**, through personal suffering due to anxiety, fear, anger, or grief. These effects of crime include the initial emotional crisis and subsequent long-term effects.

Each victim's reaction to a crime is that person's own, and what may be experienced as a minor crime by one person may be a highly traumatic event for another. Similarly, victims who may appear on the outside to be strong, self-sufficient, and resilient may, in fact, be highly vulnerable and "putting on a good show" to hide their pain and fear.

Cultural or religious factors may also play an important part in the significance of a crime to specific victims, their family, or their community. For example, sexual assault within a specific cultural community may have an even more devastating impact on a victim and family members because of the cultural implications of sexual assault within some communities.

Hate crime, including assaults motivated by hate or the disturbing of cultural or religious icons or space, may profoundly affect a victim or group of victims far beyond the injuries inflicted or the material value of any damage. The symbolism of such an event may spark not only emotional trauma and fear but also profound anger that may require a great deal of support and intervention. This is true whether the crime is based on cultural or religious factors or on other factors that identify a community, such as sexual orientation.

Some of the statistics reported in the 2004 GSS provide a picture of the impact of crime on victims (Gannon and Mihorean, 2005).⁷

Impacts of violent victimization include the following:

- About a quarter of the victims said they had difficulty carrying out their main activity as a result of the violent crime, particularly after a robbery. Thirty-five percent of robbery victims said they found it difficult to carry out their main activity, as opposed to 25% of sexual assault victims and 22% of victims of physical assault.
- About a quarter of victims of violence said that the incident did not affect them very much.
- Of the emotions that the crime evoked, the most common were anger (32%); feeling upset, confused, or frustrated (20%); and fear (18%). Nine percent said that the experience made them more aware or cautious. The great

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⁷ These figures do not include incidents of spousal assault.

majority of victims (90%) sought help from their informal support system, including friends, neighbours, family, and co-workers; 9% sought help from a formal helping agency, most commonly a counsellor or psychologist; about 10% told a medical practitioner about the incident and about 5% told a lawyer.

Impacts of household victimization include the following:

- In 41% of household victimizations, victims reported feeling angry; 22% of victims felt upset, frustrated, or confused; 12% said they felt annoyed; and 20% said they felt no emotional impact.
- Break-and-enter into a home resulted in more negative reactions than other types of household victimizations. Break-and-enter was almost four times more likely than other household victimizations to cause victims to feel fear (19% compared with 5% for household thefts and 6% for vandalism and vehicle theft). Vandalism was more likely to make victims angry (46%).
- Property was lost in eight out of 10 theft-related incidents. In only 12% of these cases was property recovered. This rose to 21% for stolen vehicles. Loss of property, especially when it is never recovered, can be very upsetting for victims, particularly when items lost have sentimental value or are irreplaceable. The inconvenience of procedures to replace stolen property can be frustrating and time-consuming.
- The economic value of losses resulting from household victimization was under \$500 in 63% of cases. This figure increases to 81% when insurance payments and other forms of compensation are taken into account. In 10% of cases, household victimization did not result in any financial loss. The fact that 28% of break-and-enter cases and 43% of motor vehicle thefts were unsuccessful attempts may explain these relatively small loss figures. It is important to remember, however, that victims' reactions may not always be proportional to the value of property lost. It may be the experience of victimization itself that is upsetting, particularly in cases where the safety and privacy of their home is violated.

impact of responses to the crime

The impact of victimization may be a result of the crime itself or of the added stress of the justice system response or receiving of inadequate treatment from service providers. "Revictimization" after a crime is rarely intentional. It may stem from the acts of a system that has historically focused its attention on the offender rather than the victim, and from acts of a society that has been unaware of or has misunderstood the needs of victims. As legislation and the criminal justice system continue to take more account of victims, "revictimization" by the system may become less common.

coping with the aftermath of a crime

After a crime, most people rely on everyday coping mechanisms that enable them to feel secure and in control of their lives. The way people cope with the aftermath of a crime may be affected by a wide range of factors, including:

- **The nature and seriousness of the crime**, including whether it was a property or personal crime, whether the crime involved physical injury or psychological injury, and the degree of that injury.
- **Personal attributes of the victim**, including: the victim’s individual personality and psychological makeup and other personal attributes or circumstances, such as gender, age, ability, sexual orientation, race, culture, language, immigration status, lifestyle, and whether or not the victim has any mental or physical health issues.
- **The victim’s previous experiences**, including whether or not the victim has have any history of prior criminal victimization, prior experience with violence, or prior contact with the criminal justice system. Those who have experienced previous losses or crises may have developed coping mechanisms that help them now. Or, they may not have developed such coping mechanisms and this event could be the “last straw.”
- **Responses to the victim**, including the immediate and ongoing responses of members of the victim’s personal support system and of the criminal justice, health care, and social service systems; and the social and cultural expectations experienced by the victim, which may be related to family, gender, or cultural community. Victim blaming or lack of support may cause further distress and make it difficult for victims to cope with impacts of the crime.

stages of victim trauma response

During the attempt to regain control of their lives after a crime, victims may find their normal coping methods inadequate because the event is so shocking and disturbing. As a result of being unable to control their environment and deal with the stress, they may enter into a state of crisis called the victim trauma response. In cases where a crime has resulted in a death, these stages may be called the stages of grief and those requiring support and assistance will be the survivors or “secondary” victims.

The stages of victim trauma response or grief do not have set boundaries. Victims proceed through the stages in unique ways and there is no set time-frame to start and finish the process. Victims may shift back and forth and suffer relapses until the effects diminish.

impact

In this state of initial disorganization, the first reaction may be a defensive one, allowing the victim to disassociate from the event and temporarily avoid painful emotions. The victim may feel overwhelmed and unable to make even the simplest decisions. Feelings or reactions may be expressed at the time or days later. The victim may be in denial, or may appear outwardly calm but be consciously or unconsciously suppressing inner emotional turmoil. A victim may have only partial recall of the incident at this time, or may have extreme and sometimes irrational fears of further victimization.

A victim of assault may appear jovial and in control while receiving medical assistance in the hospital. A victim who was attacked may recall an attack, but temporarily forget that a sexual assault was part of the attack. Bank tellers who were confronted with a weapon and verbal threats may be convinced that the perpetrator will find them to eliminate them as witnesses.

Typical feelings at this stage include shock, disbelief, anger, fear, guilt, helplessness, confusion, anxiety, numbness, and irritability. Nightmares and crying spells are common reactions. Physiological reactions may include nausea, vomiting, stomach pains, loss of appetite, muscle soreness, insomnia, headaches, and fatigue. At this stage, victims may miss or quit school or work, withdraw from family and friends, or, alternatively, cling to family and friends.

Where the trauma has been severe or a death has occurred, these symptoms can persist for a long time. The feeling that a deceased person is not really gone and is going to return can persist for many months, or occasionally even for years.

recoil

This period of struggle to regain balance is also called the false recovery phase. During this stage, victims tell themselves that the stress is over and it is time to get back to normal life. Victims may appear to pretend that the event never happened. They may move forward and backward in the process and may be able to verbalize feelings of anger and revenge to the offender. Conflicting emotions and mood swings are common. For those who have lost a loved one, this may be the most painful stage, as the shock and numbness wear off and they begin to realize the full impact of their loss.

Typical feelings at this stage include fear, anxiety, anger, guilt, sadness, depression, self-pity, and blame. Loss of appetite and sleep disturbances may continue or begin. Behaviour may be defensive and include rationalization or denial. The need to put the experience or the loss into a meaningful context is common, with such questions as “Why me?” or “Why her/him?” Victims may start to accept what has happened, and may also undertake lifestyle changes

at this stage. The storeowner who was robbed may take steps towards self-protection, such as changing locks and telephone numbers. Victims of break-and-enter may move apartments; victims of street robbery may change their schedules so that they do not have to go out in the evening.

reorganization

In the reorganization phase, the victim puts events into perspective and returns to normal activities. Negative effects of the crime diminish or disappear. Victims typically experience a return of self-confidence and sense of autonomy. They experience some sense of relief and less rage and fear, although they may still feel anger about the event. Most of those who have lost someone finally accept the loss and begin to “let go” of the deceased and the feelings of guilt and self-blame, and accept that life can be unfair. For some, however, acceptance may never come. For all those who have been victimized, a return to earlier phases of trauma response reactions may still be triggered by certain events or moods. These will typically diminish over time.

The trauma or grief process may be prolonged if there are legal proceedings because there is a tendency to put feelings on hold until the trial is over. The time from a police investigation to the completion of a trial can be as long as two years or more. This is a very difficult time for victims and family members. When a trial finally does take place, victims and family members may be overwhelmed anew by feelings of unfinished grief.

**1.7 crime prevention:
reducing opportunities for crime**

The United Nations Economic and Social Council developed *Guidelines for the Prevention of Crime*, which were approved by the UN in 2002. The guidelines define crime prevention as strategies and measures that seek to reduce the risk of crimes’ occurring and their potential harmful effects on individuals and society by intervening to influence their multiple causes.



The guidelines emphasize that effective crime prevention requires that communities actively participate as partners with governments to address the root causes of crime. The UN guidelines were based on evidence that well-planned crime prevention significantly reduces crime and victimization, promotes community safety, and contributes to the sustainable development of nations. The guidelines also recognize that crime prevention is often more cost-effective than traditional criminal justice responses to crime.

Several different conceptual models have been identified through research and practice as valid approaches to crime prevention. While these models all share the objectives of lowering crime rates and victimization as well as fear of crime, each relies on different approaches to achieve these objectives. Many approaches can be placed in three main categories, as discussed next.

situational crime prevention

Situational Crime Prevention approaches stem from the belief that crime is opportunistic in nature and that crime prevention can be achieved by implementing measures that:

- Reduce opportunities to commit crime (for example, “hardening the targets” of perpetrators of crime)
- Increase the risk of being detected while committing a crime (for example, surveillance)
- Reduce the potential rewards of crime (for example, property marking)

Situational Crime Prevention approaches have proven effective in reducing certain types of crime, such as violence in public places, burglary, vandalism, auto theft, and fraud.

crime prevention through environmental design (CPTED)

CPTED is an approach to crime prevention that utilizes construction design, structures, and environmental mechanisms to make it more difficult to access potential targets of crime. Four key strategies associated with CPTED include:

- Improving natural surveillance (for example, maximizing visibility in an area by keeping landscaping and shrubbery cut low, or using see-through barriers such as glass walls or picket fences)
- Constructing territorial reinforcements (for example, installing reinforced garden planters at storefronts)
- Adding structural elements to spaces to control natural access (for example, building fences or planting dense vegetation such as hedges)
- Installing visible physical security mechanisms to discourage breaches (for example, installing stanchions or concrete barriers)

CPTED guidelines for space and facility planning have proven effective in making an environment feel safer and reducing the probability of criminal activity in that space.

crime prevention through social development (CPSD)

CPSD aims to prevent crime by addressing the individual, relationship/family, community, and societal risk factors considered to contribute to crime and victimization. CPSD measures focus on fostering the “protective” factors that may mitigate the pressures that can induce individuals to engage in criminal activity. The well-accepted theory underlying this approach is that individuals who have decent living conditions and are enabled to succeed in society will be less prone to engage in criminal activity and violence. CPSD takes a holistic approach to crime prevention and is most in keeping with the UN guidelines.

CPSD approaches involve the identification and assessment of a crime or victimization issue, the factors contributing to that issue (risk factors), and the identification and development of program and policy responses that address those factors. The response often utilizes a strengths-based approach that promotes the development and fostering of protective factors.

an integrated approach to crime prevention

Most experts on crime prevention agree that the most effective approach will adhere to the international guidelines established by the UN and involve the integration of the various crime prevention models.

In BC, a great deal of emphasis is placed on CPSD approaches. Victim Services and Crime Prevention Division works with its criminal and social justice partners to support CPSD approaches to crime and victimization issues in BC communities.

consideration when working with victims of crime

Victims of crime should be empowered and encouraged to explore available options that contribute towards maintaining their safety and security. It is important, however, not to blame victims for a crime committed against them by implying that it occurred because they did not take enough responsibility for preventing it.



■ ■ diversity as a factor in
□ victims' responses to crime

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2 section



section 2



In recent decades, there has been a growing recognition of the diverse and varied experiences and perspectives that make up Canadian society. Diversity – based on culture, race, colour, immigration status, religion, gender, sexual identity and orientation, age, ability, or lifestyle – affects victims’ responses to victimization. Victims’ identity and experiences as members of a particular diversity group affect their initial reactions to victimization, whether they disclose the incident to police or anyone else, whether they seek support or not, and the choices they make as they move through their recovery process.

Victims who belong to any of the groups described below will likely experience some of the vulnerabilities and barriers discussed. Victims who are members of more than one of these groups will likely experience multiple vulnerabilities and barriers.



For issues specifically related to sexual and domestic violence, see the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks* in this series.

2.1 significant diversity within social or cultural communities

This chapter attempts to describe the most important social and cultural factors in a range of diversity groups that may be relevant to a crime victim’s experience. In considering these factors, it is essential not to form a new set of stereotypes. While there are shared values, beliefs, and experiences within cultural or other diversity groups, there is also significant diversity within each community or group. Social class, religion, education, urban or rural origin, and work experience are just a few examples of this diversity.

For example, one victim’s experience within an extended family or close-knit community may be one of support and protection. Another’s may be one of isolation or denial. The reaction of a gay man to an assault may depend in part on how public he has been about his sexual orientation. The response of an elderly person to a home invasion may depend on that person’s mental or physical health and degree of independence in terms of daily living. Workers may find that reactions of victims to certain types of crime are similar across cultures or communities but vary in intensity depending on circumstances.

2.2 Aboriginal people

Many Aboriginal victims are wary of accessing services because they have experienced discrimination and racism by social and legal institutions. If the offender is Aboriginal, these victims may also be reluctant to report the crime to a system that has historically discriminated against Aboriginal people. As a result, Aboriginal victims may minimize the incident when speaking with a mainstream service provider.

Some Aboriginal victims will want to access and use traditional approaches and culturally specific strategies as part of their support and healing process, while others will not. Some Aboriginal victims may welcome alternatives to the mainstream legal system, such as healing or sentencing circles, but others may consider that such alternatives minimize the seriousness of the crime that has been committed against them.

As a result of the following barriers, Aboriginal people may not want to disclose the crime to police or other authorities, may minimize the incident, or may not want to seek help:

- Stereotypical attitudes towards Aboriginal people
- Distrust of “white institutions” because of their own negative experiences or the system’s historical discrimination against Aboriginal people. This may be particularly true if the offender is Aboriginal and the victim does not want to expose the offender to a system that may discriminate against him or her.
- Family or community denial of the criminal behaviour if the offender is Aboriginal
- Fear of being isolated or shamed by the community for reporting the crime, particularly if the offender is Aboriginal
- Lack of confidentiality within the community
- Lack of services and support in remote communities
- Lack of phones and other forms of communication
- Illiteracy



section 2 ■ ■ ■

Factors related to victims' lifestyle or history may present further barriers to reporting a crime or seeking help, particularly if the incident was related in any way to lifestyle or was a crime similar to previous victimization. These factors might include:

- History of residential schools, for themselves or family members
- History of other forms of victimization, including intimate partner violence, sexual assault, or child sexual abuse
- Substance use, mental health issues, or use of violence towards peers or children, often arising out of their own victimization
- Involvement in the sex trade
- Fear or history of apprehension of their children

Aboriginal victims' service needs vary. Some may prefer to obtain services from an Aboriginal organization or agency, while others have indicated that they prefer to access mainstream services for reasons of confidentiality. Some may prefer "one-stop shopping" rather than being referred to different organizations and agencies, each with unique boundaries and mandates. Some may prefer to receive services in their homes instead of having to set up an appointment in the community. The extended family or elders may also play an important role in providing assistance and support to victims, particularly if the crime happened within their own community.

2.3 immigrant and refugee victims⁸

Immigrants and refugees experience a significant set of challenges in leaving one country and adapting to a new country. While these challenges are more acute during the first few years of the immigrant experience, for many the adaptation process goes on for many years and some of the challenges of melding two cultures will never truly leave them. Culture shock, lack of English language skills, poverty, changes in status and occupation because of lack of recognition of professional qualifications and inability to find appropriate employment outside the home, intergenerational conflict, unavailability of supportive relationships, challenges to traditional family roles, and racism are added burdens for immigrant or refugee victims. Besides all the other burdens

■ ■ ■ footnotes

⁸ Parts of this section have been adapted from the *Violence Against Women from Diverse Cultures* curriculum developed by the Justice Institute of British Columbia (2002).

they must carry as newcomers, if immigrants or refugees are victimized by crime, the result can be overwhelming.

If the crime was committed by a member of the dominant culture or by someone not of their own community, victims may feel that they were singled out because they were immigrants. They may feel rejected by their new country or lose faith that their adopted country is willing or able to protect them. If, on the other hand, the offender is someone from their own cultural community, they may feel rejected and isolated within their community, and may feel conflicted about whether or not to report the crime to police because of fear of being disloyal or fear that the accused may not receive fair treatment from the justice system. They may also fear disclosing to others within their own community because of feelings of shame or a belief that they will be blamed.

For immigrant or refugee victims, barriers to seeking assistance may include:

- Lack of English language skills
- Social isolation, compounded by distance from family and friends or by shame and blame experienced within their family or community
- Lack of appropriate, confidential interpretation services
- Lack of immigrant or refugee status
- Fear of discrimination and racism, particularly if they are persons of colour
- Lack of knowledge about social infrastructure and available services
- Lack of culturally appropriate counselling and support programs in their own language
- If a person was victimized by a sponsor, dependence on that sponsor for financial and emotional support (a problem that is more prevalent for women than for men)
- Fear of contacting police or other authorities if their experience with authorities in their country of origin was a negative one
- Lack of child care services for women who are victimized and must attend appointments or court, compounded by lack of extended family to help

2.4 people of colour

It is important to differentiate between people of colour who are Canadian-born and immigrants and refugees who are relatively new to Canada. While clearly not all people of colour are immigrants and not all immigrants are people of colour, assumptions to the contrary are common. Furthermore, people of colour represent many different cultures, regions, and religions, and it is important not to assume, for example, that all black immigrants are from the West Indies or Africa.

Many people of colour report experiencing discrimination and racism by social and legal institutions. As a result, they are wary of accessing services. If the offender is a person of colour, these victims, like Aboriginal or immigrant victims, may be caught in the dilemma of not wanting to expose offenders to a system that has historically discriminated against them. As a result, victims who are people of colour may be reluctant to disclose the full extent of the incident to a mainstream service provider.

Many Canadian-born people of colour have also experienced being treated as though they were uneducated, did not speak or understand English, or were not familiar with customs and traditions of the dominant Canadian culture. Years of being treated as “different,” as inferior, or as invisible may make it difficult for these victims to come forward and believe that they will be helped by the system.

2.5 victims from faith communities⁹

For many people from faith communities, spirituality is an important part of life. Practising their faith creates hope and helps them maintain a belief that life has meaning and purpose. For victims in these communities, their faith or spirituality may be something constant and predictable, something that enables them to remain optimistic and feel supported and comforted.

Acceptance of one’s fate is a common aspect of many faiths, and this view can prevent some victims from disclosing what has happened and seeking help. This may be particularly true if they have been victims of abuse within their family or within their community, especially if that abuse has been ongoing. Victims of this type of crime from faith communities may fear that they will be ostracized by their family or their community if they disclose the abuse.

Victims who are from faith communities need to feel that their beliefs and traditions are valued and respected and that their need for prayer, meditation, or reflection is incorporated into whatever assistance is provided.

Whether victims are involved in organized religion or follow their own personal spiritual path, they may need time to integrate what is happening to them in

■ ■ ■ footnotes

⁹ Parts of this section have been adapted from the *Integrating Difference in Transition House Work* curriculum developed by the Justice Institute of BC (2003).

the secular, material world with their religious or spiritual beliefs. As with all victims, allowing victims from faith communities to move at their own pace and reach the necessary conclusions within their own context is critical to their ability to recover from their victimization.

Individuals from faith communities may have not only different belief systems but different emotional makeup. For some, forgiveness may be a central component of their faith, and they may want to incorporate forgiveness into their recovery process. For others, their grief or anger may be too strong for them to want to consider forgiveness at this point or at some time in the future.

Victim/offender reconciliation programs may be espoused or operated by some faith groups and may be an appropriate course of action for some victims in their healing process. It is important, however, to avoid any assumption that because a victim is a member of a faith community, he or she will want to follow a path of victim/offender reconciliation.

2.6 people with disabilities

Some disabilities are visible, others are not. Disabilities can be physical or mental, and can include learning disabilities that may not be immediately noticeable but may, for example, impact a victim’s ability to absorb information.

For some victims with disabilities, their disability may make them more vulnerable to victimization, such as abuse by a caregiver or theft by someone who is taking advantage of a victim’s inability to see or hear or understand what is happening. On the other hand, in some situations, the victim’s disability may be incidental to the crime, such as a random break-and-enter or credit card fraud conducted over the phone.

In either case, a victim’s disability may make it more difficult for him or her to deal with the consequences of the crime. The nature of that difficulty will depend on the nature of the disability. A person who is mobile but deaf, for example, has a very different set of challenges from a person who is confined to a wheelchair. A person who is not mentally capable has very different needs from one who is in good mental health but cannot see.

A victim’s dependence upon a person who has victimized him or her, whether that victimization was a one-time event or ongoing, makes dealing with the aftermath of the situation more difficult, both emotionally and practically. The emotional impact of being betrayed by one on whom the victim depends for care, whether or not that person is an intimate partner, family member, or simply a staff person, adds a significant dimension to the victimization

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experience. The practical aspects of victimization may also be overwhelming, as the victim will be faced with finding alternative care arrangements, including possibly a new home. If victims are faced with moving from a home that has been specially adapted to their disability, moving from a care facility, or exploring new care options, the recovery process will be particularly challenging.

Many people with disabilities have been isolated from typical sources of social support and assistance. Some may not be aware of what is available to them or may not be able to make the necessary phone calls. Some may feel that an able-bodied person would not understand or empathize with them.

The specific needs of victims who have a disability may include:

- Physical access to services
- Information materials that are accessible to those who are sight-impaired, hearing-impaired, developmentally disabled, or non-verbal
- A victim support person or interpreter who understands the specifics of that person's disability and is able to communicate with him or her about the victimization and its impact
- Information not only specific to the victimization and its direct aftermath but also covering the availability of broader services and options of which they may not be aware
- An advocate or representative to look out for their best interests if they are not able to do that for themselves because of their disability

All people with disabilities have a need to be treated as individuals, quite apart from their disability. They are not their disability. It is also important to treat adults with disabilities as adults, and not to make the mistake of talking down to them because they have a disability. Finally, it is important not to confuse one disability with another, or to assume, for example, that because a person is in a wheelchair or has a mental disability, he or she cannot hear well and needs to be spoken to in a loud voice.

2.7 people from the deaf community

It is important to understand that some deaf people may identify being deaf as belonging to a specific culture and speaking a specific language, and *not* as having a disability.

The specific needs of deaf victims may include:

- Availability of sign language interpreters for interviews and hearings

- TTY/TDD (Teletypewriter/Telecommunications Device for the Deaf) to enable them to make and receive calls
- Referrals to services and programs that have experience working with people who have disabilities and with deaf people in particular
- Respect for how they define themselves and their deafness

2.8 victims who are gay, lesbian, bisexual, or transgender¹⁰

People who are visibly lesbian, gay, bisexual, or transgender (LGBT) often experience abuse or abandonment by family, friends, and communities of origin. Out of fear of discrimination and internalized stigma, some LGBT people remain “closeted,” choosing not to reveal their gender identity publicly. This is particularly true of trans people, who may experience less understanding on the part of mainstream society than do other LGBT people. For these and other reasons, LGBT people experience a disproportionately high incidence of depression, HIV infection, poverty, alcohol and drug abuse, suicide, high school dropping out, and likelihood of becoming street-involved.

Some LGBT victims may have been victimized specifically because they are gay, lesbian, bisexual, or trans. These crimes are sometimes referred to as hate-motivated crimes. Some may have been sexually victimized or victims of violence in their intimate relationships. These kinds of victimization are covered in the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks*. Other kinds of victimization may have occurred randomly and have no direct relationship to a victim’s sexual orientation or sexual identity.



When reporting incidents of violence to a police officer, health care worker, or therapist, LGBT victims may be faced with a decision about whether they will disclose their sexual orientation or identity. If they have not publicly disclosed this before, this decision will be a particularly traumatic one. Even if their sexual

□ ■ ■ footnotes

¹⁰ One of the first responsibilities in providing services to transgender or transsexual victims is to understand terms used by the trans community. “Trans” refers to people who break away from one or more of society’s basic expectations about sex and gender, including the expectation that everyone is either a man or a woman, that gender is fixed, that gender is rooted in physiological sex, and that our behaviours are linked to gender. An example of a trans person would be someone who is biologically male but who thinks of himself as a woman. *Intersex* people have physical characteristics of both sexes. Gender identity may be male, female, or a blend of both.

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orientation or identity is relevant to the crime, however, and even if they are “out” with their sexual orientation or identity, the decision to disclose this to law enforcement or other authorities may be difficult because of fears or past experience of homophobic or other discriminatory reactions.

LGBT people may face some of the following barriers to accessing services:¹¹

- Emotional barriers, such as their own denial, minimization of the incident, embarrassment, or shame
- Fear of reprisal if the victimization took place within their own community or was perpetrated by someone they know
- Fear of reporting because of past negative experiences with systems, a perception that the justice system is unjust, fear of being ridiculed by police, a belief that there is nothing the police can do to protect them, or fear that if they report a crime, their status as LGBT will be made public by the perpetrator or through the legal process
- Discomfort with using a service that has no history of being open or supportive to LGBT people or that does not appear to be inclusive

LGBT victims of crime need service providers who:

- Do not make assumptions that all victims are heterosexual or are either women or men
- Understand and respect that it is completely up to individual victims to choose whether or not to disclose their sexual orientation or identity
- Take their lead from victims, acknowledge their sexual orientation or identity, and let them know they accept and respect it, or, alternatively, do not make an issue of sexual orientation or identity if the victim chooses to ignore or minimize the issue
- Are aware of the silence that is maintained about abuse in LGBT relationships, both within and outside of LGBT communities

2.9 child and youth victims

Children and youth may be victimized by family members, other persons in positions of authority, their peers, or, less often, by strangers. Peer violence or

footnotes

¹¹ Some of these barriers may be more extreme for trans people compared with gay, lesbian, or bisexual people because society has made less progress in terms of understanding and accepting trans people.

crime may take the form of bullying, petty criminal acts such as stealing, gang-related violence, or random violence. Children and youth may be specifically targeted for sexual crimes. The dynamics of power-based crimes, such as the abuse or exploitation of children and youth, depend on exploiting those who are less powerful for the benefit of those who are more powerful.

For more on the victimization of children and youth, see the *Sexual Assault and Violence Against Children and Youth Victim Service Worker Handbooks* in this series.



2.10 older victims¹²

Older victims of crime may be targeted specifically because they are older and considered to be more frail, less aware, and therefore more easily victimized than younger people. Abuse may also be perpetrated by a caregiver who may be taking advantage of his or her position as caregiver to financially exploit or steal from an older person. Abuse by a caregiver may, in some cases, be a result of caregiver burnout, or, where the caregiver is also elderly, a result of the caregiver’s own physical or mental health problems. Violence against older people in the context of their intimate relationships, on the other hand, may be a continuation of intimate partner abuse that has been going on for years. For more on abuse of older women within an intimate relationship, see the *Violence Against Women in Relationships Victim Service Worker Handbook* in this series.



Older victims may face some of the following barriers to service:

- Difficulty in accessing medical care and assistance because of chronic health conditions or functional limitations
- Difficulty accessing services because of social and physical isolation, including lack of English language skills or an inability to use, or fear of using, the telephone
- Transportation problems
- Fear of disclosing abuse because they feel embarrassed or “stupid” for

□ ■ ■ footnotes

¹² Parts of this section have been adapted from *Silent and Invisible: A Report on Abuse and Violence in the Lives of Older Women in British Columbia and Yukon*, by Jill Hightower, M.J. (Greta) Smith, and Henry Hightower (Vancouver: BC/Yukon Society of Transition Houses, 2001); and *Silent and Invisible: What’s Age Got to Do with It? A Handbook for Service Providers on Working with Abused Older Women in British Columbia and Yukon*, by Jill Hightower and M.J. (Greta) Smith (Vancouver: BC/Yukon Society of Transition Houses, 2002).

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having been “taken in” by fraud, or because they fear that authorities or family members will consider them incapable of managing their own affairs

- Reluctance to access services that they think are meant for younger people
- Not being believed when they speak about their victimization. Sometimes disclosures are discounted or attributed to confusion or onset of dementia

When abuse is within a caregiving relationship, the victim may face additional barriers to reporting the abuse or seeking help:

- The stigma or shame of being abused by a family member
- Feelings that they have coped with the abuse or violence for so long that it is not worth making difficult changes at this point in their lives
- Embarrassment about having put up with the abuse or violence for so long that they minimize or trivialize what is happening to them
- Lack of awareness of the dynamics of abuse and violence on the part of many organizations and agencies that work with older adults. Service providers may come up with solutions that either put the victim at greater risk or give the abuser even more control.
- A high degree of dependence on their abusers as a result of physical impairments, deteriorating health, or disabilities. Disclosing the abuse may leave victims without the supports they need.
- Discomfort with the language used to describe what is happening to them, including words that are not consistent with those they use to refer to themselves or their situation

For a discussion of issues that may also be relevant to older victims if they are frail or in declining physical or mental health, see section 2.6, “People with disabilities.” For more information about the nature and dynamics of abuse of older persons, see the *Abuse and Neglect of Older People Victim Service Worker Handbook* in this series.



2.11 street-involved young people

Street-involved young people are particularly vulnerable to victimization because of poverty, lack of safe housing, drug and alcohol use, and often a history of sexual, physical, or emotional abuse.



For more discussion of this group, see the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.

■ ■ responses to victims of crime:
□ legislation, policy, and services

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3.1 legislation

Included in this section is information about key federal and provincial laws that provide a framework for the delivery of victim services. (See Section 8 for details of applicable documents and websites.) Details of applicable documents and websites are provided in Section 8.

Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms* establishes fundamental legal rights and freedoms. It is part of the Canadian Constitution and applies equally to everyone, including the victim and the accused. Federal and provincial laws must not violate *Charter* guarantees. Also, the actions of justice system personnel and the policies they apply must be consistent with *Charter* principles.

Although all *Charter* rights are important, the following can have a direct impact on both the accused and the victim:

- **Section 7** – The right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. (*Security of the person has been interpreted to include protection of the victims' privacy in court cases.*)
- **Section 9** – The right not to be arbitrarily detained or imprisoned
- **Section 10** – The right on arrest or detention to be informed promptly of the reasons, to retain and instruct counsel without delay, and to be informed of that right
- **Section 11** –
 - (a) The right of a person charged to be informed of the specific offence without unreasonable delay
 - (b) The right of an accused to receive a trial within a reasonable time
 - (c) The right to remain silent (persons charged with an offence have the right not to be compelled to be a witness against themselves)
 - (d) The right to be presumed innocent
 - (e) The right not to be denied reasonable bail without just cause



- (f) Except for offences under military law, the right to a trial by jury where the offence carries a punishment of five or more years of imprisonment
- (g) The right not to be found guilty unless a person’s actions were considered a crime at the time the person performed them
- (h) The right not to be tried or punished for the same offence twice
- (i) If the penalty for a particular crime has changed before sentencing, the right to be punished according to the lesser punishment
- **Section 15** – The right to equality before and under the law and equal protection and benefit of law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. (*Laws must be interpreted and applied in a way that does not show bias.*)
- **Section 28** – All rights and freedoms are guaranteed equally to men and women. (*Laws must be interpreted and applied in a way that does not reflect bias based on gender.*)

*Criminal Code of Canada*¹³ and *Canada Evidence Act*

In recent years, the *Criminal Code* has been amended in a number of important ways. These amendments are a response to changing social values and changes in technology. They also reflect the need to ensure that procedures and practices do not unnecessarily retraumatize victims.



The *Criminal Code* clauses outlined below apply to victims in general. For information on *Criminal Code* sections and other legal matters regarding crimes related specifically to violence against women in relationships, sexual assault, and violence against children and youth, see the specialized handbooks in this series.

testimonial aids for vulnerable victims/witnesses

In 2005 and 2006, the *Criminal Code* and the *Canada Evidence Act* were amended to help encourage greater victim participation in the criminal justice system. Reforms were instituted to accommodate the needs of particularly vulnerable victims/witnesses, including children and youth under 18, adults

□ ■ ■ footnotes

¹³ Greenspan & Rosenberg, 2006.



with a disability, and adult victims of spousal abuse, criminal harassment, and sexual assault. These changes include:

- **Providing for greater use of screens, closed-circuit television, video recording, and support persons**
 - The amendments allow for greater use of videotaped statements in lieu of in-court testimony where the victim or witness is a child or someone who has a mental or physical disability.
 - The amendments support children’s in-court testimony by better enabling the use of testimonial aids, including screens, closed-circuit TV, and support persons.
 - Related amendments apply to vulnerable adult victims, including victims of spousal abuse, criminal harassment, and sexual assault. These are discussed briefly in the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks*.

- **Easing of rules about competency of children to give evidence**
 - The amendments allow children under 14 to give evidence without a competency hearing, provided they are able to understand and respond to questions.
 - **Section 16.1** of the *Canada Evidence Act* states that a person under 14 years of age is presumed to have the capacity to testify and shall not take an oath or make a solemn affirmation despite a provision of any Act that requires an oath or affirmation. It goes on to state that no proposed witnesses under 14 years of age shall be asked any questions regarding their understanding of the nature of the promise to tell the truth for the purpose of determining whether the child’s evidence will be received by the court. If a party challenges the capacity of the child, the party has the burden of satisfying the court that there is an issue as to capacity. If a judge is satisfied that there is a capacity issue, then the judge can conduct an inquiry to determine whether the child is able to understand and respond to questions.

- **Broadening of restrictions on when the accused can personally cross-examine the victim/witness**
 - The amendments prohibit the accused from personally cross-examining the victim/witness in any proceedings if the witness is under 18 and the Crown makes an application to the judge.
 - The amendments prohibit the accused from personally cross-examining the adult victim/witness if it is a criminal harassment case.
 - The amendments make it possible for a victim/witness of *any* age in any

case, or the Crown, to apply for a similar prohibition if it is necessary to obtain a full and candid account from the witness. The court will consider the age of the witness, the presence or absence of mental or physical disabilities, the nature of the offence, the nature of any relationship between the witness and the accused, or other relevant circumstances.

privacy protections for vulnerable victims/witnesses

The *Criminal Code* contains safeguards designed to make the trial process less traumatic for the victim/witness. These include important privacy protections strengthened by amendments enacted in 2006.

- **Publication of victim’s name or identifying information during trial.** Under the *Criminal Code*, the court can prohibit the publication or broadcast of information that would have the effect of identifying a witness; for example, the person’s job title or place of work. Generally speaking, the victim/witness or prosecutor must apply for this order before the court will order it. In cases involving certain listed offences, mostly sexual offences, the court can make the order without an application’s being made [ss. 486(3), 486(4.1), 486(4.3)].

For more information on the 2006 amendments, see the *Sexual Assault and Violence Against Children and Youth Victim Service Worker Handbooks* in this series.



- **Trials held in open court.** Generally trials are held in open court. In other words, members of the public who are not witnesses in the case are permitted in the courtroom. In certain situations, the judge can exclude members of the public if it is in the interests of “the proper administration of justice” [s. 486(1)]. As of 2006, the definition has been broadened to include safeguarding the interests of witnesses under 18 in *all* proceedings, not simply those involving sexual offences or violence.

Other important changes contained in Bill C-2 include: a new offence of voyeurism; changes regarding publication of a victim’s sexual history or personal records, sexual exploitation, and child pornography; and increased penalties for offences against children. These are discussed in the specialized handbooks in this series..

hate-related legislation

Two types of hate/bias-related legislation included in the *Criminal Code* relate to hate propaganda and crime with hate/bias motivation. In 1996, the *Criminal Code* was amended to include a provision that evidence that an offence was motivated by bias, prejudice, or hate based on race, national or ethnic

origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any similar factor should be taken into account in sentencing [s. 718.2(a)(i)]. Hate propaganda crimes include advocating genocide [s. 318], including a definition of “identifiable group,” and public incitement of hatred [s. 319]. In 2004, “identifiable groups” were expanded to include groups distinguished by sexual orientation as well as by colour, race, religion, or ethnic origin.

victim impact statements

For the purpose of determining the sentence to be imposed on an offender, the court will consider a victim impact statement (VIS). The VIS must be prepared in accordance with s. 722(2) of the *Criminal Code*. It must be in writing and filed with the court. The victim is entitled to read the VIS or present it in another manner that the court considers appropriate. In cases where the victim is dead, ill, or otherwise incapable of making the statement, the victim’s spouse, common-law partner, or relative may provide the VIS. (For details on the VIS process, see “Victim impact statement” in Section 4.4. For VIS provisions, see “*Victims of Crime Act*” in this section.)

alternative measures

In 1996, the *Criminal Code* was amended to give statutory recognition to alternative measures or diversion programs [s. 717]. Alternative measures are defined as measures other than judicial proceedings used to deal with someone over 18 who is alleged to have committed an offence [s. 716]. In these cases, the accused will accept responsibility for the offence and there will be enough evidence to proceed, but the matter will not be taken to court. Instead, Crown counsel will refer the accused to an alternative measures program, where the accused may be required to complete a program of community service or undergo treatment.

The *Criminal Code* provides that alternative measures may be used only if it is not inconsistent with the protection of society and where certain conditions are met. Alternative measures cannot be used if the accused denies involvement in the offence or wishes to have the case dealt with in court.

If an accused is referred for alternative measures, charges are not laid and the accused will have no criminal record. If the accused does not complete the requirements of the program, he or she can still be prosecuted in court for the original offence. The court must dismiss these charges if the accused has complied with the terms and conditions of the alternative measures imposed, and may also decide to dismiss charges where there is only partial compliance.

restitution

Section 738 of the *Criminal Code* authorizes that, in imposing a sentence, the criminal court may, in addition to any other measure it imposes, order the offender to make restitution and compensate a victim for the cost of actual losses or pecuniary damages, including property loss or damage; losses or expenses resulting from bodily harm or threats of bodily harm; loss of income; and reasonable living expenses for the victim, victim’s spouse, child, or other household member resulting from the offence or arrest. A restitution order does not prevent the victim from also seeking civil damages.

victim surcharge

In addition to any other punishment, the court can impose a victim surcharge. The surcharge is 15% of any fine imposed. Where a fine is not imposed, the surcharge is \$50 for summary conviction and \$100 for indictable offences. In some cases, the court may order payment of a greater amount. Monies from the surcharge are to be paid into a fund to provide assistance to victims [s. 737].

Youth Criminal Justice Act

The *Youth Criminal Justice Act* (YCJA) replaced the *Young Offenders Act* (YOA) on April 1, 2003. Offenders aged 12 to 17 are subject to the same *Criminal Code* offences as adults. When a *Criminal Code* offence is alleged, however, they are dealt with under the *Youth Criminal Justice Act*.



The YCJA provides different principles for dealing with young offenders than those for adults. It focuses on:

- Preventing crime by addressing the circumstances underlying a young person’s behaviour
- Rehabilitating young offenders and reintegrating them into society [s. 3 YCJA]

Specific sections also provide that parents be notified when a young person is arrested or detained.

The YCJA has special privacy protections, including a restriction on publishing a young person’s identity and special provisions for dealing with a young person’s criminal record.

youth court

Under the YCJA, a special Youth Court (part of Provincial Court) deals with young offender cases [s. 13]. Youth Court is generally open to the public. If there is no

publication ban, the media may report on the proceedings, but they cannot identify the young person charged or any other young person involved, such as a victim or witness [s. 110]. The publication ban does not limit public access to the courtroom.

In some cases, where a young person was at least 14 years old at the time of the crime, a youth who is charged with a violent crime may be tried in adult court and may receive an adult sentence. Unless a Youth Court judge orders otherwise, a person aged 16 or 17 who is charged with murder, attempted murder, manslaughter, or aggravated sexual assault will be tried in adult court.

non-court approaches

The YCJA establishes a preference for dealing with young offenders outside the youth justice court system in the case of non-violent offences, particularly for a first non-violent offence. Youth Court is intended to be used only for serious offences.

Non-court approaches are called extrajudicial measures and sanctions (“alternative measures” under the former YOA). These include an informal warning or formal caution or referral to a community program by police, or a caution or referral to an extrajudicial sanction program by the Crown [ss. 4-10]. The police or Crown may also call a conference to obtain advice on an appropriate extrajudicial sanction. Conference participants will vary and may include the young person’s parents, the person who was a victim of the offence, or professionals from the community.

victim involvement

The YCJA recognizes the victim’s right to be kept informed of proceedings, to have the opportunity to participate, to be informed of extrajudicial measures imposed, and to have access to Youth Court records. Specific points at which a victim may be involved in the process include participation in an extrajudicial conference, providing input into a pre-sentence report, and submitting a victim impact statement.

Corrections and Conditional Release Act



The *Corrections and Conditional Release Act* (CCRA) governs federal corrections and parole. The following major provisions relate to victims:

- Upon written request, the Correctional Service of Canada (CSC) and the National Parole Board (NPB) will share information with victims.
- After offenders are sentenced, victims may continue to be involved. If they

wish, they may provide information, obtain certain information, and observe a hearing of the offender.

- Information that a victim may obtain includes:
 - Offender's name
 - The offence for which the offender was convicted
 - Sentence start date and duration
 - Notification of release, transfers, or escapes
 - The date of any hearing concerning possible detention of the offender
 - A copy of NPB decisions (including parole release conditions)
 - Contact information for the parole officer
- Additional information may be available on request and after victims' interests have been weighed against offenders' rights to privacy, including:
 - Whether the offender is in custody and, if not, why not
 - Location of offender
 - Offender release dates, whether on temporary absence, work release, parole, or statutory release
 - The offender's destination and whether the offender will be in the victim's vicinity

Victims of Crime Act

The *BC Victims of Crime Act* (VOCA) provides significant rights to all victims of crime, including the right to be treated with courtesy and respect and without discrimination by all justice personnel. Under VOCA, the spouse, sibling, child, or parent of the person against whom the offence was committed are also considered victims.



Rights granted under VOCA include:

- The right to be given a reasonable opportunity to provide victim impact information for presentation to the court before sentencing
- The right to receive independent legal representation, provided free of charge where victims cannot afford it, regarding the disclosure of their personal records

VOCA helps to ensure that victims obtain critical information about key components of the justice system and developments in their case. Under VOCA, justice personnel must offer a victim general information about:

- Structure and operation of the justice system
- Victim services

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- *Freedom of Information and Protection of Privacy Act (FOIPPA)*
- *Crime Victim Assistance Act*
- VOCA

In general,¹⁴ upon request, justice personnel must arrange for a victim to be given other pieces of information regarding the offence, including:

- Status of the police investigation
- Specific crimes the offender is charged with or convicted of
- Reasons for the charging decision
- Name of the accused
- Date, location, and reasons for each court appearance that is likely to have an impact on the final disposition, sentence, or bail status of the accused
- Outcome of each court appearance that is likely to have an impact on the final disposition, sentence, or bail status of the accused
- Length of the sentence and date the sentence began
- Means for the victim to report breaches of the offender's release conditions
- Means to contact agencies that may govern the conditions of parole or authorize release of the offender
- Eligibility and review dates relating to the offender, and how to contribute to proceedings that could change the custodial status or release conditions of the offender

Justice system personnel must also, upon request, arrange for a victim to get copies of court orders with conditions for the accused or offender that are relevant to the victim's safety.

The following information must be provided to victims if the interests of the victim outweigh the privacy interest of the accused or offender:

- Whether the accused is in custody and, if so, the name and address of the custodial institution
- When an offender is going to be released, the length of the release, and the supervision terms of the release
- Any changes to the supervision terms and the date of any changes

□ ■ ■ footnotes

¹⁴ This right to information is subject to the Youth Criminal Justice Act and on condition that it does not prejudice an investigation or prosecution.

- Where the offender may be while on supervised probation, parole, or temporary absence, and whether the offender will be in the victim’s vicinity en route to that location

Crime Victim Assistance Act

Under BC’s *Crime Victim Assistance Act* (which replaced the *Criminal Injury Compensation Act*), victims injured as a result of certain crimes, immediate family members of an injured or deceased victim, and some witnesses may be eligible for financial assistance and/or benefits. The provisions of the *Crime Victim Assistance Act and Regulations* are carried out and managed by Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General, through the Crime Victim Assistance Program (CVAP).



Child, Family and Community Service Act

The *Child, Family and Community Service Act* (CF&CS Act) is BC’s child protection legislation. It includes a duty to report where a person has reason to believe that a child needs protection. Under s. 14 of the act, anyone who has reason to believe that a child needs protection must report the circumstances to a child protection worker at the Ministry of Children and Family Development (MCFD). Refer to s. 13 of the act for a complete list of situations where protection is needed. For more details on these provisions, see the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.



freedom of information and protection of privacy legislation

Three acts specifically address information and privacy issues and set out rules for collection, protection, and disclosure of personal information:

- The federal *Privacy Act* regulates federal government agencies. It covers all federal departments and agencies, including the RCMP.
- The *BC Freedom of Information and Protection of Privacy Act* (FOIPPA) regulates access to information held by provincial government ministries, agencies, boards, commissions, Crown corporations, municipalities, school boards, and hospitals. Under this act, individuals are entitled to request information in records held by these public bodies. The act also prevents public bodies from inappropriately using or releasing personal information.
- The *Personal Information Protection Act* (PIPA) contains safeguards to protect the privacy of personal information that is collected by private businesses and non-profit organizations in BC.



Whether your program is covered by FOIPPA or PIPA will depend on the wording of your contract with the funding ministry. If the contract wording suggests that

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your records are under the custody or control of your agency or program, then PIPA rules apply.

For a discussion of confidentiality and information-sharing issues, see Section 5.4, “Understanding policies, procedures, and ethical standards.” For additional resources on these issues, see Section 8.

laws dealing with consent for mature minors

In BC, case law and legislation provide that minors (anyone under 19) can consent to treatment or health care if:

- They understand the nature and consequences of treatment and the benefits and risks.
- The care is in their best interests.

If the victim service worker determines that the young person is capable of consenting, the client is considered a “mature minor” and involving the parents in decision making is not required. (For more detail on mature minors, see the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.)



law dealing with consent for adults who lack the mental capacity to make their own decisions

Adults with a mental disability or elderly clients who require victim services may not have the legal capacity to consent to receive services. They are likely to have someone appointed to act as their legal representative. It could be a committee appointed under the *Patients Property Act* or a representative authorized to make decisions under the *Representation Agreement Act*. In these cases the victim service worker should request copies of the documents authorizing the legal representative to make decisions and obtain the written consent of the legal representative.

other relevant legislation

The mandate of victim service workers is to support and assist victims involved in the criminal justice process. When you are providing service, other legislation may also be relevant.

- When you are working with older victims, you may need to know about the provincial adult guardianship legislation. For an introduction to this legislation, visit the website of the Office of the Public Guardian and Trustee at www.trustee.bc.ca.



- When you are working with victims in cases involving young offenders, you may need to know about the provincial *Youth Justice Act*. This act applies to young offenders charged with a provincial offence, including driving offences. A copy of the legislation can be found at www.qp.gov.bc.ca/statreg/
- When you are working with victims in cases involving adult offenders charged with provincial offences, you may need to know about the *Offence Act*. A copy of the legislation can be found at www.qp.gov.bc.ca/statreg/
- When you are working with members of the lesbian, gay, bisexual, and transgendered (LGBT) community, you may need to know about federal and provincial human rights legislation and hate crimes legislation. A good place to start is the website of the BC Human Rights Coalition: www.bchrcoalition.org. Other resources can be accessed through The Centre, an LGBT community centre in Vancouver: www.lgtbcentrevancouver.com; and through the Trans Alliance Society: www.transalliancesociety.org.
- When you are working with victims who are on pensions or welfare, you may need to know about the legislation that governs these benefits. A good place to start is with the plain language publications *When I'm 64* and *Your Welfare Rights*, by the Legal Services Society. See the Legal Services Society website for details: www.lss.bc.ca. For links to provincial welfare legislation, go to the PovNet site at www.povnet.org.
- When you are working with victims who are separating or divorcing, you may need to know about the provincial *Family Relations Act* and the federal *Divorce Act*. A good place to start is the Family Law website of the Legal Services Society: www.familylaw.lss.bc.ca. The *Family Law Manual for Community-based Advocates* produced by the BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP) can be found at www.endingviolence.org.
- If you are working with Aboriginal victims, you may need to know about the Indian Act and the policies of Indian and Northern Affairs Canada (INAC). For INAC, see the website www.inac.gc.ca.
- If you are working with people with disabilities, you may need to know about the BC Ministry of Housing and Social Development legislation as it affects persons with disabilities (go to www.gov.bc.ca/eia/). The BC Coalition of People with Disabilities may also be able to assist you: www.bccpd.bc.ca.
- If you are working with immigrants or refugees, you may need to know about the *Immigration and Refugee Protection Act* and about what happens when someone has been abused by a sponsor. The BC Institute Against Family Violence website has useful resources: www.bcifv.org.



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Note that even if you become familiar with these acts, only a lawyer can give legal advice. Contact one of the above organizations or a lawyer if the victim requires specific legal information or advice.

3.2 policy

The policy described in this section includes policy specific to victims of crime and policy that is considered to be particularly relevant to victims and to victim service workers. Specific references to these policy documents or information on how to obtain them can be found in Section 8.

For more detail on policies on sexual offences, violence against women in relationships, and violence against children and youth, see the specialized handbooks in this series.



cross-disciplinary policy

BC's *Violence Against Women in Relationships (VAWIR) Policy* is part of the *Policy on the Criminal Justice System Response to Violence Against Women and Children* (Ministry of Attorney General, 2004).

The policy directs the justice system to emphasize the criminality of violence within relationships and to take the necessary measures to ensure protection of women and children who may be at risk. For detailed information, see the *Violence Against Women in Relationships Victim Service Worker Handbook*.

policy for BC victim service programs

Victim service programs are guided by their program contracts and by the policies of the agencies or police departments/detachments within which they work. Policy and protocols guide information sharing, protection of privacy, referral, and coordination with other victim service programs. Further guidance is provided in the *Police-Based Victim Assistance Standards and Specialized Victim Assistance Standards*.



Records Management Guidelines: Protecting Privacy for Survivors of Violence, produced by the BC Association of Specialized Victim Assistance and Counselling Programs, provides guidance for community-based victim service programs and transition houses. This policy document helps ensure compliance with provincial information and privacy legislation and basic ethical requirements. All agencies and programs will also have policies or guidelines dealing with confidentiality and information management.

Policy on provision of services to mature minors. Guidance on provision of victim services to mature minors was sent to victim service programs by then Victim Services Division in the form of an information sheet, *When is it legal and appropriate to provide assistance to children and youth in the absence of parental consent?* The central message is that the “mature minor rule” contained in case law applies to victim services, and that services may therefore be offered to some minors without the consent or involvement of parents. In general, though, it is preferable for a non-abusive parent or guardian to be aware of the youth’s involvement with victim services and to participate in key decisions.

For more information, see Section 3.1, “Legislation,” and the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.



police policy

Police release guidelines are contained in an information bulletin from the Ministry of Public Safety and Solicitor General, *Police Release: On a Promise to Appear with an Undertaking in Violence against Women in Relationships Cases*. These reflect a *Criminal Code* amendment that allows police to release an accused on conditions similar to those of a Justice of the Peace (JP) without the necessity of taking an accused before a JP. These guidelines encourage:



- Thorough risk assessment
- Appropriate protective conditions
- Appropriate documentation
- Referral to victim services
- Police to give copies of the release conditions to victims

Police policy on victim service referral for victims of power-based crimes is outlined in *Referral Policy for Victims of Power-based Crimes: Family Violence, Sexual Assault, and Criminal Harassment*, distributed to police and victim service programs by BC Policing and Community Safety Branch. This document reiterates:



- that community-based victim services programs are the contracted primary service providers for victims of violence in relationships, sexual assault, criminal harassment, child abuse, and child witnesses of family violence
- appropriate referral procedures for police, police-based victim services, and community-based victim services

municipal police

Municipal police in BC may have specific policies addressing treatment of victims of crime. Municipal police across BC are directed to follow the provincial VAWIR policy. They may also have individual operational policies dealing specifically with victims, VAWIR, sexual assault, children and youth, specific diversity groups, or other issues or types of victims of particular concern to police. Contact your local municipal police department for further information.

RCMP “E” Division

RCMP “E” Division Operational and Administrative Policy Manuals include several policies relevant to victims of crime. These policies apply to the RCMP in British Columbia.

RCMP “E” Division’s (British Columbia) Operational Manual. Victim Assistance/ Victim Services Program Policy provides operational direction to RCMP members, victim services personnel, and support staff on:

- VOCA
- The structure of victim services in BC
- The mandates of police-based victim services programs and community-based victim services programs
- The structure and administration of victim services programs operating in RCMP detachments
- The role of victim services in RCMP investigations
- How best to deliver services to victims of crime and trauma
- Access to and release of information to victims
- Victim notification regarding offender status, including the roles of federal and provincial bodies
- Victim impact statements
- The Crime Victim Assistance Program

RCMP “E” Division’s (British Columbia) Operational Manual. Violence in Relationships (VIR) applies to the RCMP in British Columbia, in conjunction with the BC VAWIR policy. See the *Violence Against Women in Relationships Victim Service Worker Handbook* in this series.

RCMP “E” Division’s (British Columbia) Operational Manual. Sexual Offences is the RCMP’s policy on sexual assault, applicable to RCMP throughout BC. See the *Sexual Assault Victim Service Worker Handbook* in this series.

RCMP “E” Division’s (British Columbia) Operational Manual. RCMP Specialized

Techniques: Polygraph policy outlines RCMP policy on the use of polygraphs. Of interest is that this policy states that “victims of crime will not normally be polygraphed.”

Crown counsel policy

A number of Crown counsel policies are relevant to victims of crime. These policies are presented here in the same order in which they are presented in the Crown Counsel Policy Manual.

Alternative Measures for Adult Offenders ALT 1 establishes guidelines for use of alternative measures in cases involving adult offenders. This policy states that:

- In cases that Crown counsel believes to be appropriate, Crown will make a recommendation to Corrections.
- Corrections will screen these cases, using specified criteria and, based on their risk assessment, will make a recommendation to Crown counsel about the defendant’s suitability.
- The final decision rests with Crown counsel.
- If alternative measures are approved, the defendant will be required to follow certain conditions.
- Any defendant who does not agree will be brought back before the court and tried on the original offence.
- Special considerations apply in sexual offences (involving either adult or child victims) and spousal assault.
- ALT 1 refers to alternative measures programs “which recognize the traditional values and customs of aboriginal communities.”

Abduction of Children – Section 282 and 283 Criminal Code ABD1. For reference to public interest factors in favour of prosecution, see Charge Assessment Guidelines below. See also the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.



Charge Assessment Guidelines CHA 1 applies to all cases. Before charges are approved, Crown counsel must determine whether there is a substantial likelihood of conviction and, if so, whether a prosecution is required in the public interest. Of particular interest is the list of “Public Interest Factors in Favour of Prosecution.” Included in this list is “(e) the victim was a vulnerable person, including children, elders, spouses and common law partners (see policies ABD 1, CHI 1, ELD 1 and SPO 1).”

Children and Vulnerable Youth – Crimes Against CHI 1. For reference to public interest factors in favour of prosecution, see Charge Assessment Guidelines. See

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also the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.

Criminal Harassment CRI 1 establishes guidelines for prosecuting stalking cases. Victim safety is identified as a priority, “given the intimidating and volatile nature of this offence.” Use of alternative measures is generally not appropriate and should be considered only in exceptional circumstances, and not without consultation with the victim.

Disclosure DIS 1 outlines the need for full, frank, and fair disclosure by Crown to defence, in order to protect the constitutional rights of an accused to a fair trial. Disclosure must also be timely to avoid unnecessary trial delays.

Disclosure of Information to Parties Other than the Accused DIS 1.1 states that subject to policy DIS 1 and FOIPPA, Crown files are generally confidential in order to protect, among other factors, the safety of witnesses and third-party privacy needs. In general, release of information by Crown is governed by this policy, FOIPPA, and Crown responsibilities under the *Criminal Code* to protect informants, witnesses, and third parties. The policy is cross-referenced with VIC 1 to cover release of information to victim assistance programs. The policy:

- States that Crown should not release information concerning the identity or location of a witness, except in certain specified circumstances
- Directs Crown to provide the Crime Victim Assistance Program, upon request, with an objective explanation of the reasons for the outcome of the prosecution
- States Crown’s responsibility, under the *CF&CS Act*, to release information to child protection workers for purposes of child protection
- States Crown’s responsibility, under FOIPPA, to provide reasons for a decision not to prosecute to anyone who knew of or was significantly interested in the investigation, or to anyone else after the investigation has been made public
- Provides guidelines, including conditions and safeguards, for release of this information

Elder Abuse – Offences against Elders ELD 1 recognizes the potential vulnerability of older adults and difficulties inherent in recognizing and reporting elder abuse. (For reference to public interest factors in favour of prosecution, see *Charge Assessment Guidelines*. See also the *Abuse and Neglect of Older People Victim Service Worker Handbook* in this series.)



Hate-Motivated Offences and Hate Propaganda HAT 1 emphasizes the seriousness of criminal activity motivated by bigotry and intolerance for others and describes Crown’s role on the BC Hate Crime Team. The policy describes the nature of hate-motivated offences and directs Crown that:

- Where there is a likelihood that the court will determine at sentencing that an offence was motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor, Crown should introduce evidence that the motivation should be treated as an aggravating factor at sentencing.
- It is almost always in the public interest to prosecute hate-motivated crime.
- Alternative measures should be used in these cases only in exceptional circumstances. In cases of hate propaganda, a referral to alternative measures requires written consent of the Assistant Deputy Attorney General. For offences motivated by bias, prejudice, or hate, referrals require consultation with senior management in Criminal Justice Branch. If there are individual victims, their wishes should be considered.
- The written consent of the Assistant Deputy Attorney General is required for prosecuting under s. 319(2), “Wilfully promoting hatred against an identifiable group.” For offences motivated by bias, prejudice, or hate [s. 718.2], referrals require consultation with Regional or Deputy Regional Crown counsel.
- Information should be exchanged with the BC Hate Crime Team.
- Other possible avenues may be used for addressing these matters, including the *Human Rights Code*.

Dangerous Offender and Long Term Offender Applications DAN 1 sets out Crown requirements and procedures in high-risk or dangerous offender cases, including sexual assault and serious personal injury cases. The primary concern is for safety of the public. The policy states that:

- A dangerous offender application should be made when:
 - An offender meets one of the definitions in s. 753 of the *Criminal Code*.
 - There is no reasonable possibility of the risk’s being controlled in the community.
 - The public would not be sufficiently protected by a determinate sentence followed by a long-term supervision order.
- A long-term offender application may be made when:
 - The criteria of *Criminal Code* s. 753.1 are met.
 - There is a reasonable chance of the offender’s eventual control in the community.
 - The public would be sufficiently protected by a determinate sentence and a long-term supervision order.

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Recognizances to Keep the Peace – Section 810 Criminal Code REC 1 establishes guidelines for the use of peace bonds and discusses ways to respond to concerns about the safety of victims, including:

- Ensuring that appropriate conditions are imposed
- Consideration of a weapons prohibition
- Opposing mutual peace bonds unless the complainant has received independent legal advice and wishes to proceed in that manner

Resolution Discussions¹⁵ RES 1 explains the reasons for use of resolution discussions, including more efficient use of the system and the fact that resolution discussions often result in a guilty plea. The policy:

- Outlines conditions and safeguards for requesting or agreeing to resolution discussions
- In cases involving serious injury or severe psychological harm, instructs Crown to inform victims or victims' families and provide opportunity for Crown to hear their concerns
- Instructs Crown not to conclude a resolution discussion if a victim or the victim's family indicates a wish to seek a review of the proposed resolution
- Instructs Crown to note in the file the reasons for a stay of proceedings



Spouse Assault SPO 1. For reference to public interest factors in favour of prosecution, see *Charge Assessment Guidelines*. See also the *Violence Against Women in Relationships Victim Service Worker Handbook* in this series.

Sexual Offences SEX 1. See the *Sexual Assault Victim Service Worker Handbook* in this series.

Victims of Crime VIC 1 outlines Crown responsibilities under the *BC Victims of Crime Act*. It includes provisions on:

- Providing information about the *Victims of Crime Act*
- Use of victim impact statements
- Providing information to victims on request, including keeping them updated about the progress of the case
- Providing assistance to victims

□ ■ ■ footnotes

¹⁵ Resolution discussions are sometimes known as plea discussions.

- Court preparation
- Meeting with victims and their families in very serious cases in order to help them understand the prosecution process
- Crown’s role where there is an application for production of personal records, including referral of victims to Legal Services Society
- Funding of independent legal counsel for all complainants and witnesses in sexual assault cases where there is a defence application for production of personal records

Victim Assistance Programs – Providing Information to VIC 2 states:

- The importance of working together with victim assistance programs
- The importance of providing programs with information considered necessary to assist victims
- In general, consent of a victim given to a victim assistance program is sufficient for Crown to provide information to the program; if in doubt, Crown should consider getting an assurance that written consent has been given. A consent form is provided if Crown wishes to expedite the matter.
- If the victim agrees, Crown may give the victim assistance program the victim’s contact information.
- Crown files are not to be made available to the victim. Requests for copies of Reports to Crown Counsel are to be referred to headquarters.

Youth Criminal Justice policies include separate Crown counsel policies on *Serious Violence Offences*, *Adult Sentences*, *Continuation of Custody Hearings*, *Conferencing*, and *Extrajudicial Measures*.



corrections policy

Release of Information. Disclosure of Information to Victims policy in the *Community Corrections Policy Manual* states that victims are to be provided with as much information as possible within legislative limits. Policy on provision of information to victims is found in section 16.3 of the *Community Corrections Policy Manual*, as well as in victim notification sections of other chapters of the manual.



Legal authority for provision of information by Corrections Branch comes from VOCA. At the victim’s request, Corrections staff provide the following information:

- Length and start date of offender’s sentence
- How to report breaches

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- How to contact agencies that grant or amend conditions or authorize release
- Eligibility and review dates of offender's custody status
- Victim's role in such proceedings

Upon request, Corrections staff provide the following information if the offender's privacy interests do not outweigh the victim's interests:

- Location of correctional centre where offender is serving a sentence
- Release dates, length of release, and supervision terms
- Change in release conditions, if offender is released under supervision
- Where in BC the offender will live if on a supervised post-sentence order, and whether the offender will be in the victim's area in transit



Sex Offenders and **Spousal Assault** policy in the *Community Corrections Policy Manual*. See the specialized handbooks in this series for discussion of Corrections policies regarding spousal assault and alternative measures, including use of alternative measures in sexual assault and spousal assault cases and supervision of sexual offenders and spousal assault offenders.

Alternative Measures policy in the *Community Corrections Policy Manual* sets out the requirements that must be met for alternative measures to be recommended, including:

- Safety considerations for victims
- That the offence was not serious enough to threaten the "safety or tolerance of the community"
- That the accused takes full responsibility for the crime

Community Corrections screening policies on alternative measures in cases of sexual offences and spousal assault set out screening requirements for staff when determining whether an alternative measures referral from Crown counsel will be recommended as suitable. See also the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks* in this series.



Ministry of Children and Family Development policy

A number of relevant policy initiatives have been developed by the Ministry of Children and Family Development (MCFD). Check with the MCFD website (see Section 8) for current information about publications on child abuse and neglect. For information on relevant MCFD policy documents, see the *Violence Against Children and Youth* and *Violence Against Women in Relationships Victim Service Worker Handbooks* in this series.



health policy

Policy on collection of evidence from unconscious victims, developed by the Sexual Assault Service (SAS) at BC Women’s Hospital and Health Centre may or may not be adopted by other hospitals in BC. For more information on this policy, contact the SAS. See Section 8 for contact information.

Policy on mature minors and independent minors evolved in response to issues about the right of an individual to consent to medical treatment. (For more information on legislation and common law in this area, see the section 3.1, “Legislation,” above or contact the Ministry of Health. See Section 8 for contact information.)

For other policies guiding a health care response to sexual assault, see the *Sexual Assault Victim Service Worker Handbook* in this series.



3.3 legislation and policy evolve

Legislation and policy affecting victims of crime continue to evolve. It is important to ensure that your agency has the most up-to-date version of relevant laws and policies.

Crown policies are operational policies that are revised periodically. Check with Criminal Justice Branch of the Ministry of Attorney General to confirm you have the most up-to-date version. Updates of Crown policy are available from the branch and on the Internet. See Section 8 for contact information.

Corrections Branch policy updates are posted generally yearly, to the intranet only, so victim service workers are advised to ensure that they have the most current policy from the branch from year to year.

3.4 services for victims

Services for victims of crime are provided and funded through several government departments as well as hospitals and community agencies. Victim Services and Crime Prevention Division of the BC Ministry of Public Safety and Solicitor General provides victim services through the major programs described below. See Section 8 for contact information for programs serving victims of crime in general or specific groups of victims.



victim service programs

Victim Services and Crime Prevention Division funds a network of over 150

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victim service programs across the province to ensure that victims have access to the services they need. These programs are operated by non-profit agencies and local police detachments. They may be stand-alone victim service programs or may constitute a specialized service within a multi-service agency. They provide victims of crime with information, emotional support, practical assistance, court orientation and accompaniment, and referral to other services.

police-based victim service programs

There are 90 police-based victim service programs across BC. These programs serve victims of all types of crime and also assist the police and community in situations where there are multiple injuries and deaths. In communities where the population is under 20,000, police-based programs provide services to victims of sexual assault, child sexual abuse, and domestic violence, as well as a wide range of other crimes. In communities of 20,000 or more, police-based programs will not normally provide services to victims of family and sexual violence as these victims will be served by community-based programs. Police-based programs may provide services to these victims under certain circumstances if protocols have been developed between police-based and community-based victim services.

Based on local protocols, police-based programs will sometimes refer victims of family or sexual violence to community-based programs. Where police-based programs operate outside of normal business hours or operate a crisis service, and community-based programs do not, a local coordinated approach will likely mean that police-based programs provide initial services to victims of family and sexual violence and refer them to community-based services for ongoing service.

community-based victim service programs

In communities of 20,000 or more, over 60 community-based victim service programs address the unique needs of victims of family and sexual violence. These include women who are victims of violence in intimate relationships, victims of sexual assault, child and youth victims of violence, and male victims of sexual abuse. There are also community-based victim service programs designed to respond to the needs of Aboriginal peoples or victims from other culturally diverse communities. Where they exist, community-based programs are the primary service provider for victims of family and sexual violence. Community-based programs will refer victims who do not fall within their mandate to police-based programs.



Victim Services and Crime Prevention Division also funds two provincial associations: Police Victim Services of BC and the BC Association of Specialized

Victim Assistance and Counselling Programs (BCASVACP). Both associations work closely with the division to address the issues and concerns identified by the staff and volunteers of victim service programs.

VictimLINK

VictimLINK (1-800-563-0808) is a 24-hour, toll-free, multilingual province-wide telephone service that provides support and information to all victims of crime. The service is accessible by TTY/TDD (Teletypewriter/ Telecommunications Device for the Deaf) and provides interpretation services for all the major languages spoken in BC. VictimLINK provides information and referral services to all victims and immediate crisis support to victims of family and sexual violence. It also provides information to victims about the status of their protection orders and after-hours notification of offender releases, in collaboration with the Victim Safety Unit (VSU) in Victim Services and Crime Prevention Division. VictimLINK does follow-up on selected files, with the victim’s consent, to determine whether victims accessed and were appropriately served by the organizations to which they were referred.

Crime Victim Assistance Program

If a victim has been physically or psychologically injured from a violent crime or while trying to prevent a crime or arrest a person, he or she may apply for benefits from the Crime Victim Assistance Program (CVAP). Immediate family members of victims, or witnesses to a life-threatening or fatal crime against someone with whom they have a close emotional attachment, may also apply for benefits.

CVAP replaces the Criminal Injury Compensation Program previously administered by the Workers’ Compensation Board of BC. The program is governed by the *Crime Victim Assistance Act* and its regulations.

The program was developed in response to the changing needs of victims, who may require both financial support and various services and supports to aid in their recovery from the physical and psychological effects of their victimization. The benefits offered through CVAP are intended to help victims, their immediate family members, and some witnesses recover from the effects of violent crime so that they may participate fully and safely in their communities.

Benefits provided by CVAP may include:

- Counselling
- Replacement or repair of damaged personal property that the victim was wearing during the incident, such as clothing, dentures, prescription glasses, or hearing aids



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- Maintenance of a child born as a result of sexual assault
- Income support where a victim is rendered unemployable as a result of the offence
- Expenses related to medical, surgical, hospital, nursing, and other care or treatment; transportation; and medicines, crutches, prostheses, and other rehabilitative measures to victims of crime if these expenditures are not covered by other means
- Child care and homemaker services
- Protective measures
- Vocational services
- Crime scene cleaning

Benefits for immediate family members include counselling, prescription drugs, transportation, and crime scene cleaning. In fatality cases, benefits also include funeral expenses, bereavement leave, compensation for loss of support or guidance incurred by dependents as a result of a victim's death, and other benefits to support spouses, children, and financially dependent family members.

Additional benefits may be available to victims who have sustained serious disabilities from the crime.

The following types of losses are not covered by CVAP:

- Compensation for pain and suffering
- Losses related to stolen items or money. Some of these losses may be recovered through insurance claims, small claims court, or, if the case goes to criminal court, restitution.
- Incidents that occur in the workplace, if workers' compensation is payable
- Motor vehicle accidents
- Services or payments available from other benefits programs or insurance plans

Eligibility criteria for CVAP include the following:

- The criminal offence must have occurred after July 1, 1972 (no exceptions).
- The crime must have taken place in British Columbia (regardless of where the victim resides).
- A police report is not required; however, other supporting documentation must be available to support the claim. Victims are still eligible to apply if the accused is never identified or found, if the police report does not result

in charges, or if the accused is acquitted.

- Benefits are available only in relation to violent as opposed to property offences and must be one of the offences contained in the regulations.

A CVAP claim may be denied for a number of reasons, including:

- Insufficient evidence
- The victim indirectly or directly contributed to the crime
- The victim failed to cooperate with the criminal investigation or prosecution

If a victim's claim is denied, benefits are not available to immediate family members or witnesses.

victim safety unit

The Victim Safety Unit (VSU) of Victim Services and Crime Prevention Division provides two main services with which victim service workers must be familiar:

- Victim notification
- Administration of the Victim Travel Fund

In addition, the VSU works with local victim service programs to ensure that victims are aware of and have access to services for their safety, including the Priority Response Partnership Cell Phone/Home Alarm Program.

victim notification

When information is provided to victims about the status of the accused person, the offender, or the court file, this is referred to as victim notification. The VSU provides information to victims and victim service workers when the accused or offender is supervised by BC Corrections, either in jail or in the community. Some information may also be provided to persons protected by a *Family Relations Act* restraining order.

Victims who are registered with the VSU will be automatically notified – by phone or mail, depending on the victim's circumstances and preferences – about the status of the accused or offender. Victims can also be notified through a third party, such as a victim service worker. VictimLINK will notify VSU-registered victims of after-hours releases from custody, such as releases at court, parole releases that happen during a weekend, or escapes from custody.

Different factors determine what information can be provided and when. The *Victims of Crime Act* sets out what information may be provided to victims, including:



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- Whether the accused or offender is in jail
- When the accused or offender may get out of jail
- The name and location of the offender's probation officer
- Whether the accused or offender is in the community
- What conditions the accused or offender has to follow

Persons protected by a *Family Relations Act* restraining order may receive information about when the offender will be released from jail.

VSU staff have access to the Protection Order Registry, JUSTIN (the Ministry of Attorney General's Justice Information System), and CORNET (the BC Corrections database). Victims and victim service workers may call the VSU to request information, regardless of whether the victim is registered with the VSU.



victim travel fund

The Victim Travel Fund provides funds, up to a maximum amount per victim, for travel to criminal court proceedings¹⁶ in BC for victims who have suffered significant physical or emotional trauma as a result of a serious criminal offence. It also provides travel funds for one support person required by the victim in order to attend and participate in the justice proceeding, and immediate family members of deceased victims who are not eligible for travel assistance through CVAP.

Applicants must also meet the following criteria:

- Applications should be made prior to the justice proceeding.
- The person must travel more than 100 kilometres one way to attend the proceeding.
- The proceeding will take place in BC and is expected to impact the outcome, disposition, or results of the proceeding or hearing.
- Travel and related expenses are not being covered by any other source.

Application forms and a list of the eligible offences are available from the VSU (see Section 8).

■ ■ ■ footnotes

¹⁶ For parole hearings, contact the federal Department of Justice. See Section 8.

protection order registry

The Protection Order Registry (POR) was first established as an initiative under the VAWIR policy. It was designed to enable police to access information on registered protection orders 24 hours a day, seven days a week through a dedicated 1-800 number. Originally, only civil restraining orders and criminal peace bonds were entered in the registry.

The POR has since expanded to include all orders containing a condition that affords safety and security to a specific (named) person. In addition to peace bonds and civil restraining orders, POR now includes judicial interim release (bail) orders, conditional sentence orders, psychiatric assessment orders, disposition orders, and officer-in-charge releases.

legal services society

The Legal Service Society (LSS) is the organization responsible for providing legal aid to eligible persons in BC in both criminal and civil (family law) matters. LSS will provide legal aid for victims of spousal abuse if they are financially eligible and the legal problem is covered by LSS guidelines.



LSS also provides other legal information and assistance in the province, including LawLINE, the Family Law website, Family Law Duty Counsel, and resources for unrepresented litigants (see Section 8).

services for women who are victims of violence

A range of services are available in BC for women who are victims of violence, including transition houses and safe shelters, Stopping the Violence counselling programs, and enhanced support for women in life-threatening situations. For more details, see the *Sexual Assault and Violence Against Women in Relationships Victim Service Worker Handbooks* in this series.



services for children and youth

Services for children and youth, or for children and their mothers, include Children Who Witness Abuse programs, child protection services, parenting programs, family places, and school-based child support programs. Other services for youth who have been victimized by crime include school-based anti-bullying programs, programs addressing the issue of gangs, community and youth centres, and programs for street-involved youth. For details, see the *Violence Against Children and Youth Victim Service Worker Handbook* in this series.



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services for older adults

Services specifically geared towards older adults who are victims may include seniors' centres or seniors' programs that are part of community centres, health centres, hospitals, legal clinics, or Aboriginal or multicultural programs.

Fifty Community Response Networks (CRNs) have been established in BC to create coordinated responses to adult abuse, neglect, and self-neglect. CRNs have two interrelated goals:

- To develop protocols to help ensure that adults in need of assistance get it
- To work towards prevention by undertaking educational initiatives to build the community's capacity to recognize abuse and neglect, to know where to go for help, and to ensure that as many people as possible know their rights and how to protect themselves so they will not be at risk

CRNs do not replace but rather incorporate agencies and processes already in place to address the concerns of older people who are abused or neglected. (For more information about CRNs, contact the BC Association of Community Response Networks or the Public Guardian and Trustee of British Columbia; see Section 8.) For more information on the needs of older adults who are victims of crime, see also the *Abuse and Neglect of Older People Victim Service Worker Handbook* in this series.



services for Aboriginal victims



Services for Aboriginal victims may be found within band service structures and in Native Friendship Centres, Aboriginal health centres, legal clinics targeted to Aboriginal people, or programs designed specifically for Aboriginal people that are housed within mainstream multi-service agencies.

services for diverse cultural groups

Services for members of diverse cultural groups who have been victimized may include translation and interpretation services; stand-alone multicultural services, serving a range of cultures, usually offering services in a number of languages; stand-alone ethno-specific or culture-specific services, offering services to one specific cultural or language group; or multicultural or ethno-specific services within larger, multi-service organizations.

Unless the court orders otherwise, Court Services Branch provides spoken language interpreters for witnesses and parties to an action in:

- Court proceedings at both Provincial and Supreme Courts for criminal and youth matters
- Court proceedings at Provincial Court only, for family matters and traffic and municipal bylaws

Interpreters for family law proceedings at Supreme Court are not provided. For more information regarding interpreter services in the context of family matters, go to the family justice website at <http://www.ag.gov.bc.ca/family-justice/help/interpreters/need.htm>.



Court Services Branch will pay the interpreter's fees for in-court interpretation service only. The service does not apply to court registry activities, including speaking to court registry staff or filling out court forms.

services for people with disabilities

Services specifically for victims with disabilities may be found in agencies targeting persons with a range of disabilities or targeting persons with specific disabilities, such as people who are blind or who have hearing impairments. In addition, programs accessible to victims with disabilities may be provided by victim-serving agencies. Increasingly victim-serving programs are becoming accessible to victims with disabilities. Programs that are not generally accessible may make special efforts to provide services to victims with disabilities if they know that a victim with disabilities is in need of service.

Court Services Branch provides visual language interpreters for every type of court proceeding in BC, at both the Provincial Court and Supreme Court levels.



services for LGBT victims

Services specifically for LGBT victims may be found in LGBT centres where they exist or through specifically targeted programs within women's or multi-service agencies or through health centres. Services may target LGBT persons in general or may specifically target gay, lesbian, bisexual, or trans victims.

3.5

coordination of services for victims

Experience and research tell us that a coordinated approach at the community level is the most effective way to address victims' needs for safety and security and the needs of an efficient criminal justice system. Research by Russell (2002) identifies an integrated approach as one of the underlying components of an

section 3 ■ ■ ■

empowering response to women who are victims of violence. Although the research was conducted on such women, it is equally relevant to victims of crime in general.

what a coordinated response looks like

A coordinated approach involves all relevant players working together to ensure that a victim's needs are met in the most effective way possible. A coordinated response to a victim's needs will involve all components of the justice system, including victim services, as well as related health and social service systems. These may include health care personnel, child protection, counsellors, schools, Aboriginal-serving agencies, disability organizations, immigrant-serving organizations, and other organizations serving victims from specific diversity groups.

Many communities have coordination committees focusing on community safety, crime prevention, or violence against women and children, which will include victim services.

Principles and benefits of coordination in relation to violence against women and children are discussed in the specialized handbooks in this series. These principles and benefits also apply to victims of other kinds of crime.

written coordination procedures

A key to successful coordination is the development of written protocols. A protocol is a formal agreement that documents all procedures for providing a service and is signed by all relevant agencies.

A written protocol:

- Provides an agreed-upon and consistent, coordinated process that will be used by agencies when responding to cases
- Ensures that victims receive all possible information and assistance from those agencies best equipped to meet their needs
- Identifies and reduces gaps in and duplication of services to victims
- Improves inter-agency relations, which in turn enhances the referral process and provides higher-quality service to victims
- Ensures that all participating organizations are aware of one another's mandates and methods of operation
- Provides a more cost-effective and efficient service to victims of crime

- Ensures that services provided by victim service programs are coordinated in the most efficient and effective manner so as to minimize any confusion for the victim
- Builds confidence and establishes trust between referring agencies
- Enhances cooperation and accountability between programs
- Provides a structured process to help resolve misunderstandings or problems between participating agencies

All victim service programs funded through Victim Services and Crime Prevention Division are expected to have written protocols to guide coordination between funded victim service programs within their community, including both police-based and community-based programs. For information on effective referrals, see the backgrounder *Victim Service Referrals* (2006) on the BC Association of Specialized Victim Assistance and Counselling Programs website and *Referral Policy for Victims of Power-based Crimes* (2007) on the Victim Services and Crime Prevention Division website (see Section 8).



other services accessible to victims of crime

Other services accessible to victims of crime may include health care services, including mental health programs; private or agency-based counselling programs; addictions services; services to deal with loss and grieving; legal services; income assistance; and social housing services.

For more information on services specific to women, children, or youth who have been victimized by crime, see the specialized handbooks in this series.

■ ■ overview of
□ the Justice System

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4 section



4 section



The justice or legal system is the primary system that many victims of crime will have deal with as a result of their victimization. It is especially important, therefore, that all those working with victims of crime have a good understanding of the criminal and civil justice systems in order to help victims understand and navigate these systems.

4.1 criminal law versus civil law¹⁷

civil law

Civil law usually refers to the disputes that arise between individuals or groups. Both family law and small claims courts are included in the civil justice system, as are civil actions taken by one party against another. Examples include custody disputes, divorces, lawsuits involving insurance companies, lawsuits involving injury or loss resulting from alleged negligence, wrongful dismissal suits, and financial claims of one individual against another. Both sides are parties in the dispute.

criminal law

Criminal law refers to actions considered offences against society rather than just against an individual victim. The victim is considered to be a witness in the proceedings. Society is represented by the Queen, whose representative is Crown counsel.

Two important factors must be proven for a crime to have been committed:

- The accused must have done something prohibited by the Criminal Code
- The accused, for most offences, must have intended to commit the criminal act



In Canada, criminal law is described primarily within the *Criminal Code of Canada*, as well as the *Canada Evidence Act* and the *Youth Criminal Justice Act*.

footnotes

¹⁷ Some of the materials in this section are adapted from: *A Crime Victim's Guide to the Criminal Justice System*, produced by the Policy Centre for Victim Issues, Department of Justice Canada; *Your Voice in Criminal Court. A Guide to Court Orientation for Adult Witnesses*, produced by the BC Ministry of Public Safety and Solicitor General; the Department of Justice Canada website; and the BC Ministry of Attorney General website.



For a description of criminal laws relevant to victims of crime, see “*Criminal Code of Canada and Canada Evidence Act*” in Section 3.1.

In BC, offences under the *Criminal Code and Youth Criminal Justice Act* are investigated by the RCMP or municipal police forces and are prosecuted by provincial Crown counsel.¹⁸

The differences between civil and criminal procedures are summarized in Table 4.1.

TABLE 4.1. civil versus criminal procedure

Civil	Criminal
One party versus another, i.e., plaintiff versus defendant (e.g., Smith versus Jones)	State versus individual or group, e.g., Regina (meaning the state) versus Jones
Goals are regulation and compensation	Goals are punishment, rehabilitation, and restitution
Police and Crown are usually not involved	Police and Crown are involved
A “plaintiff” (a wronged party) initiates a lawsuit against a “defendant”	Crown counsel starts the court action, usually preceded by a police investigation
Process starts with a writ, petition, or application	Process starts with an “information”
Outcome is based on a balance of probabilities (i.e., the act more probably than not occurred as the plaintiff claims)	Outcome is based on proof beyond a reasonable doubt
Outcome involves financial judgement (money is paid to one party by another), child custody order, divorce, injunction, etc.	Outcome involves fine (money goes to the court, not the victim), probation, electronic monitoring, restitution paid to the victim, court-ordered conditions, prison, or discharge

□ ■ ■ footnotes

¹⁸ Offences under the *Controlled Drugs and Substances Act* are usually prosecuted by federal Crown counsel.

4.2 civil justice system in brief

The civil justice system includes the family justice or family law system as well as Small Claims Court. If a victim chooses to sue an alleged offender for damages resulting from the crime, he or she would use the civil system to do this.

small claims court

Small Claims Court can be used by victims to sue their offender for claims worth up to \$25,000. This court is designed as a court where ordinary people can handle their own cases and do not need to hire a lawyer. Court filing fees are less than at other court levels. (To obtain more details on Small Claims Court, see Section 8 for contact information.)

civil action in supreme court

A civil action for compensation and damages can also be taken by a victim against an offender in Supreme Court. There is a limitation period for bringing most civil actions, generally two to 10 years. For a small number of exceptions, however, including sexual assault, there is no such limitation. Generally, a lawyer is necessary if a victim intends to take civil action (unless the victim chooses to use Small Claims Court for claims worth up to \$25,000). If a victim wins a civil suit, the judge can order the offender to pay the victim a sum of money to compensate for the pain, suffering, property damage, loss of earnings, or other expenses incurred because of the offence.

A claim in civil court may succeed even though the accused was found not guilty in criminal court, because the standard of proof in criminal court is higher than it is in civil court. In criminal court, a case must be proved “beyond a reasonable doubt,” whereas in a civil action a case is decided on a “balance of probabilities.”

family justice system

The family justice system is based on family law, which includes federal and provincial legislation dealing with separation, divorce, guardianship and custody of children, access to children, child support, and division of property.

Family law matters can be dealt with either outside of court, through mediation processes, or through court. If a family law case is resolved through mediation, a family court counsellor, working out of a Family Justice Centre, will be responsible for assisting both parties. Cases are screened for the presence of violence or power and control dynamics, however; in general, if either is present, mediation will not be considered appropriate.

Family law cases are heard by both Provincial Court and BC Supreme Court. In some cases, because the courts’ responsibilities overlap in some areas, couples can go to either court. In other cases, including divorce and the division of property, responsibility lies solely with the Supreme Court.

Generally, lawyers are necessary to handle family law cases where the couple cannot come to an agreement outside of court. However, cuts to legal aid over the past few years have limited the availability of legal aid lawyers. The availability of duty counsel, websites, and printed materials has been enhanced in order to partially address the limited availability of legal assistance and legal representation through legal aid.

To obtain more information about BC’s family law system, see Section 8.

4.3 levels of court

In British Columbia, there are trial courts and an appeal court. Trial courts include Provincial Court and BC Supreme Court. These courts hear evidence and make decisions on cases. The Court of Appeal reviews decisions made by trial courts. There are no jury trials in Provincial Court. At the federal level, courts include the Federal Court of Canada, the Federal Court of Appeal, and the Supreme Court of Canada.¹⁹

provincial court

BC Provincial Court is the first trial court level in the provincial court system. It deals with most court cases in BC. It consists of the following divisions:²⁰

- **Criminal Division** deals with such crimes as mischief, theft under \$5,000, and assault. Persons charged with more serious crimes, such as break-and-enter, kidnapping, or manslaughter, can choose between Provincial Court and Supreme Court. If a person chooses or “elects” to have a trial in Supreme Court, Crown counsel must convince a Provincial Court judge that there is enough evidence for a trial to be held in Supreme Court. This is done at a preliminary inquiry at Provincial Court.

□ ■ ■ footnotes

¹⁹ Federal courts with a more specialized focus, the Court Martial Appeal Court of Canada and the Tax Court of Canada, are beyond the scope of this handbook.

²⁰ Traffic Court is a provincial-level court that is beyond the scope of this handbook.

- **Family Division** deals with problems arising from a family break-up, including custody or guardianship of children, child apprehension, maintenance payments, visiting rights, and access to children. Provincial Court does not deal with divorce and division of family property. These matters are dealt with only in Supreme Court.
- **Youth Court** deals with criminal trials of persons aged 12 to 17, except for some violent offences committed by those aged 14 or over.
- **Small Claims Division** deals with civil disputes worth \$25,000 or less.

BC Supreme Court

BC Supreme Court is the province's superior trial court. It hears both civil cases, such as divorce, libel, and disputes worth over \$10,000, and serious criminal cases, such as murder, manslaughter, aggravated assault, bank robbery, and major drug cases. The accused may be able to choose trial by judge alone or by a judge and jury. The Supreme Court may also hear some Provincial Court appeals.

court of appeal

The BC Court of Appeal is the highest court in BC. It hears both criminal and civil appeals stemming from the trial courts.

federal courts

The Federal Court of Canada is Canada's national trial court. It deals with legal disputes arising in the federal domain, including claims against the federal government, civil suits in federally regulated areas, and challenges to decisions of federal tribunals.

The Federal Court of Appeal deals with appeals from the Federal Court. It may also review decisions or orders of federal boards, commissions, or tribunals.

The Supreme Court of Canada is Canada's highest court. It is the final general court of appeal and the last resort for litigants. Decisions made at the Supreme Court of Canada are binding on all lower courts, including Provincial Courts.

4.4 the criminal justice system

The criminal justice system will be of primary concern for most victims of crime and for those who are assisting them.

role of police

Policing in British Columbia is done by the RCMP on contract to the provincial government, or by independent municipal police forces responsible to local police boards.

Police are responsible for emergency response in crisis situations, doing everything possible to ensure the immediate and ongoing safety of victims, arresting suspects, releasing accused persons under certain circumstances, investigating crimes, preparing Reports to Crown Counsel (RCCs), recommending charges, and referring victims to appropriate victim services and other services that they may require.

police response and arrest

If a police officer determines that the alleged criminal act took place, the officer has the authority to compel or bring the suspect to appear in court. This does not mean that the individual has been formally charged.

Not every person who is charged with a criminal offence is arrested. Police may simply give a person an appearance notice (AN) at the scene of the crime, or, at a later date, may give the person a summons requiring him or her to appear in court.

Arrest occurs when police take a suspect into custody for the purpose of having them charged with a criminal offence. An accused can be arrested only if there are legal grounds to do so. Legal grounds for arrest exist if police think that the accused might not otherwise appear in court or if they think that the accused is likely to commit other crimes, destroy evidence, or threaten witnesses.

Police release is the release of an accused person without having to wait for the accused to appear before a justice of the peace (JP) in court. If an accused person is arrested, he or she may be released:

- **By police on an appearance notice or a summons.** The accused must appear in court at the date and time specified; no conditions apply.
- **By a police member or officer-in-charge on a promise to appear and undertaking with conditions.** The *Criminal Code* empowers the police to release an accused on conditions similar to those that could be imposed by a JP or a judge.

Police detention is another option for police. After arrest, the police may hold the accused for a bail hearing. The *Criminal Code* provides that police should not release the accused if they believe on reasonable grounds that it is necessary to detain the accused in the public interest, having considered the need to identify the accused, to preserve evidence, to prevent further offences, to ensure the

4 section ■ ■ □

safety of victims or witnesses, and to ensure that the accused attends court. If detained by police, the accused is held in jail until he or she can appear in court for a bail hearing within 24 hours.

If the accused is not held for a bail hearing, the time period between the date of the incident and the date of the first appearance will vary.

investigation

A police investigation may be undertaken immediately, at the scene of the crime by the responding general duty member, or at a later time, by a police investigator. Or, the investigation may be commenced by the member who first responds to the call or receives the complaint at the police station, and may be continued by a specialist when the initial responding member learns more about the nature of the incident. Depending on the crime, the police specialist may be an investigator from a serious crimes unit, a sex crimes investigator, a commercial crime investigator, or another kind of specialist.

recommending a charge

If police are satisfied that there are reasonable grounds to believe that the suspect committed the offence, they submit an RCC to Crown counsel for a charging decision. In other provinces, police lay the charge, but in British Columbia only Crown counsel can lay a charge. The RCC contains the results of the police investigation, including all the information that the police think is relevant to the charging decision.

Generally Crown counsel prepares an Information – the document formally charging the accused – based on the RCC provided by police. If an arrest occurs outside of normal office hours, however, police may prepare the Information for Crown’s review. In either case, the police attend to swear the Information. Usually court liaison officers swear the Informations for their jurisdiction.

Swearing an Information is the way that police formally accuse a person of committing a specific offence, if there is enough evidence to support a charge. Swearing an Information may be done with or without the accused’s being arrested.

police processing of youths



Police dealing with young people must follow procedures laid down in the *Youth Criminal Justice Act*. This act defines a young person as someone who is at least 12 but under the age of 18. Offenders under the age of 12 cannot be charged with or prosecuted for committing an offence. The act establishes a special Youth Court that has exclusive jurisdiction to deal with young people charged with committing an offence.

Criminal Code procedures governing arrest and bail apply to young persons. The parents or guardians of the young person are to be notified as soon as possible to enable them to attend any hearing. Specific rules govern the admissibility of any statement that a young person makes to a police officer.

role of Crown counsel

Crown counsel is the lawyer for the government, which represents the Crown. In BC, Crown counsel act as agents for the Attorney General. Crown counsel is not the lawyer for the victim but is the lawyer who represents the community as a whole and presents, or prosecutes, the case against the person charged with breaking the law.

It is the role of Crown counsel to make a decision whether or not to charge the accused, based on the information included in the RCC. Sometimes, even if police recommend charging the accused, Crown counsel may disagree or may require more information from police. In order to approve a charge, Crown counsel must be satisfied that there is a substantial likelihood of conviction and that a prosecution is in the public interest.

If Crown counsel has not prepared the Information, Crown counsel will review the document and may amend it. Charges are considered laid once the Information is sworn. This is viewed as the beginning of the court process. The Information informs the court and the accused of the criminal offence that is being alleged. It also helps the accused decide what plea to enter in response to the charge.

Crown counsel also has a central role to play in opposing or supporting an accused person's release on bail and in all aspects of the legal proceedings that follow. Crown counsel decides whether to proceed with a hybrid offence summarily or by indictment; makes disclosure to defence counsel; and prepares the case by researching the law; gathering and reviewing evidence, exhibits, and paperwork for court; deciding what witnesses to call; and interviewing witnesses. In court, Crown counsel leads witnesses through their direct examination and tries to prove, beyond a reasonable doubt, that the accused committed the offence. At sentencing, Crown counsel makes submissions and decides how best to use the victim impact statement.

role of defence lawyer

It is the role of the defence lawyer, the lawyer who represents the accused, to ensure that the accused's rights are protected throughout the criminal process. Accused persons have a right to know exactly what the case is against them, or full disclosure of the case against them. This includes what evidence will be

produced in court and statements of victims and witnesses. The defence lawyer may negotiate to have charges withdrawn, to allow the accused to plead guilty to a lesser charge, or to have alternative measures applied. See below for more discussion of these processes.

During the trial, the defence lawyer's role is to question evidence put forward by Crown counsel, examine its importance or relevance, and suggest other interpretations of the evidence. However, the defence lawyer must do this within the limits of the law and ethical standards.

protection orders

A protection order is an order containing a condition that affords safety and security to a named person or persons by imposing certain conditions, such as prohibiting contact with that person. A protection order may be imposed at different stages of a criminal case; for example:

- As part of a peace bond after a report is made to police
- As part of an officer-in-charge release shortly after arrest
- As part of a bail order after a bail hearing
- After a discharge where the accused is found not criminally responsible due to mental disorder
- After the trial verdict, as part of a recognizance pending appeal
- At sentencing, as part of a probation order or conditional sentence

A protection order may also be part of a civil or quasi-criminal case. For example, protective conditions may be part of:

- A civil restraining order in a family law case
- A protective intervention order in a child protection case

There are many different kinds of orders and protective conditions that can help keep a victim safe if the accused is arrested and released by police or released by the court on bail or after serving a sentence. The information on protection orders is complex and can be confusing. For more detailed information on protection orders, refer to the specialized handbooks in this series. You can also refer to *Peace Bonds and Other Criminal Protection Orders: Issues for Discussion* (Ruebsaat and Turner, 2001); to the Victim Services and Crime Prevention Division pamphlet *For Your Protection: Peace Bonds and Restraining Orders*, and to the *Protection Order Enforcement Matrix* prepared by the Division and Community Coordination for Women's Safety (CCWS). Included below is brief information on the more common types of protection orders.



peace bonds

Peace bonds are orders made under the *Criminal Code* or, rarely, the common law. They are designed to prevent a criminal offence from occurring by requiring the defendant (the person against whom the bond is made) to adhere to certain protective conditions such as keeping the peace and being of good behaviour, not making contact with the victim, not using alcohol or drugs, and not attending the family home or victim's place of work. *Criminal Code* peace bonds are sometimes referred to as s. 810 Recognizances.

The accused does not get a criminal record if he or she enters into a peace bond. Although the proceedings are in criminal court, a peace bond is not a criminal charge. If the accused disobeys any of the conditions, however, he or she may be charged and convicted of a criminal offence: a breach of a peace bond.

restraining orders

Restraining orders are used in cases involving abuse of spouses or children and are discussed in the appropriate specialized handbooks in this series.

other protection orders

Other types of protection orders include:

- Bail conditions of release, used when the offender is released on bail by a judge or a JP prior to a court date
- Probation orders, used as part of a sentence that includes probation
- Protective intervention orders contained in child protection legislation. These can be used to prohibit contact between a child and an adult where contact might cause the child to be in need of protection.

While many of the same protective conditions may be attached to these orders as may be attached to other protection orders, some differences exist. As with any protection order, the strength of these orders to keep the victim safe depends on their consistent, proactive, and coordinated enforcement.

protection order registry

All kinds of protection orders can be registered on the Protection Order Registry (POR). The POR provides police and other justice system personnel with up-to-date, easily accessible information about the existence of protection orders and the conditions they include. This can help assess the risk posed by a particular defendant and to enforce any reported breach of conditions. If the police are called to an incident at any time of the day or night, they can quickly find out what orders currently exist and obtain a copy with the protective conditions.



To ensure that the registry has the latest order and current information, victims can call the registry themselves through VictimLINK (see Section 8).

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alternative and extrajudicial measures

The term “alternative measures” refers to formalized programs, other than judicial proceedings, that are offered to adult offenders pre-charge or post-charge, and that are designed to balance society’s right to protection with the needs of those in conflict with the law.²¹ Alternative measures are used with adult offenders, generally in low-risk cases. Extrajudicial measures are used for low-risk young offenders, and extrajudicial sanctions are used for higher-risk young offenders. Special provisions exist for the exceptional use of alternative measures in cases of spousal or sexual assault. See the specialized handbooks in this series for more information on the use of alternative measures in these cases. Many alternative measures and extrajudicial measures or sanctions are based on restorative justice (RJ) approaches.

Alternative measures are an alternative to charging and conviction and carry no criminal record. If cases are referred by police and do not proceed to Crown counsel, no further action is taken by the justice system. If cases are referred by Crown counsel, they may proceed to charges if the accused does not comply with the restorative justice agreement, although the Crown rarely proceeds with charges in these cases. (For details about Crown and Corrections policy on alternative measures and their roles in operationalizing alternative measures in BC, see Section 3.2 “Policy.”)



Certain conditions are specified in the Criminal Code for the use of alternative measures, including appropriateness of alternative measures in terms of the needs and interests of the accused, society, and the victim, and the accused’s acceptance of responsibility for the alleged offence. (For more information on alternative measures, see “*Criminal Code of Canada and Canada Evidence Act*” in Section 3.1.)



Alternative measures and extrajudicial measures programs in BC are delivered through Community Accountability Programs (CAPs), for low-risk offenders, or through designated programs or Corrections Branch Aboriginal justice contractors for higher-risk cases. If a restorative justice approach is taken by



□ ■ ■ footnotes

²¹ This definition of alternative measures is adapted from *Alternative Measures in Canada – 1998*, produced by Statistics Canada.

police, police may either refer to a CAP or designated program or simply send a warning letter to the offender. If a restorative justice approach is taken by Crown counsel, they will always refer the offender to a program for supervision.

summary versus indictable offences

The *Criminal Code* specifies whether an offence is to be prosecuted as a “summary” or an “indictable” offence. Summary conviction offences are generally less serious offences. The usual maximum penalty is a \$2,000 fine or six months in prison. Indictable offences are more serious offences, and maximum penalties are greater than for summary conviction offences. Court procedures also differ, depending on whether the offence is a summary or indictable offence.

Many offences can be prosecuted as either a summary or an indictable offence. These are called “hybrid,” “dual,” “dual procedure,” or “mixed” offences. It is the role of Crown counsel to decide whether a particular hybrid offence will be prosecuted as a summary or an indictable offence. Crown counsel usually choose to prosecute the less serious of these offences as summary conviction offences. They may prosecute them as indictable offences when, for example, the circumstances of the offence make it more serious or the accused has a criminal record. Few *Criminal Code* offences are summary conviction offences only; however, many dual offences are prosecuted summarily.

For summary conviction offences, the case is heard in Provincial Court, there is no choice of court, and the accused does not have the right to have the case heard by a jury. A person must be charged with a summary conviction offence within six months of the offence, and is not usually arrested but is given a notice to appear in court at a certain date and time. Unless the judge has asked the person to appear personally in court, a person charged with a summary conviction offence does not have to appear in person. A lawyer, friend, family member, or a paid person may appear on behalf of the accused.

There is no limitation period in terms of charging someone with an indictable offence. A person can be charged years after the offence occurred. Accused persons charged with indictable offences must appear in court personally. Court procedures vary for indictable offences, depending on their seriousness. Some must be tried by a Provincial Court judge and no jury trial is available for these offences. Other indictable offences, such as murder or very serious offences against the state, must be heard in Supreme Court and tried by judge and jury unless both the accused and the Attorney General agree to a trial without a jury. For all other indictable offences, accused persons have a choice. They can choose, or elect, trial by a Provincial Court judge, a Supreme Court judge, or a

Supreme Court judge and jury. If the accused chooses Provincial Court, the case will proceed in the same way as a summary matter.

4 section ■ ■ □ the pre-trial process

bail hearing

A bail hearing is necessary if the accused was arrested and held. Usually this occurs the next day. This is a court hearing where a JP, a magistrate, or a judge decides whether to release the accused before the case is dealt with in court, and with what conditions.

At the bail hearing, sometimes called the “judicial interim release” hearing, the Crown counsel and the defence lawyer summarize the evidence against the accused. The judge will consider such matters as whether the accused person has a criminal record, the seriousness of the charge, whether violence was used, and any evidence concerning the safety of victims or witnesses. Generally, the accused will be released unless it is believed that custody is

necessary to ensure, for example, that the accused comes to court or that the public, including victims, is safe.

Accused persons may be released on a “bail order” or an “undertaking.” If accused persons are released on their own “recognizance,” it means that they promise to return to court on a certain day. In more serious cases, someone may be required to sign for the accused that the accused will follow the release conditions, or to put up cash or “surety” as part of bail. A surety is an amount of money that the accused must deposit with the court and that is forfeited if the accused does not follow the conditions or return to court as ordered.

If the accused is released, there may be specific conditions attached, such as requiring the accused to report to: a bail supervisor; remain in the jurisdiction; not communicate in any way with the victim or witnesses; remain a specified distance away from the victim’s place of residence or work; refrain from using alcohol or drugs; or not be in the presence of anyone under 18. If the alleged offence involved violence, a weapon, or criminal harassment, the order *must* include a condition prohibiting possession of weapons.

Under certain circumstances, the accused may be held or “remanded” in custody until court. When advising the court about judicial interim release, Crown counsel will consider whether the accused, if released, will appear for the set court date and whether the accused might reoffend. An accused who is held in custody will have appearances in court either in person or through video-conferencing from the remand centre (jail). The regular court process will be expedited to acknowledge the presumed innocence of the accused while protecting the safety of the public. Even if the accused is held in custody,

the accused may still be ordered not to communicate in any way with victims, witnesses, or any other identified person. When release of the accused is denied, a detention order is made. A detention order can be reviewed under certain circumstances, such as if new evidence becomes available.

initial appearances

Initial appearances prior to the trial are required in some cases. During the initial appearances, the accused is given information on the court process, told how to apply for legal aid, and advised to seek legal counsel. If it is a summary offence, the accused will be expected to plead guilty or not guilty at one of these initial appearances. If it is an indictable offence and there is a preliminary inquiry, the accused will generally enter a plea after that inquiry.

The accused may be informed of the Crown's initial sentencing position in the event of a guilty plea. The accused or defence lawyer will also be provided with a copy of the police report, the witness statements, and copies of any other evidence. This is called "disclosure" and reflects the legal right of the accused to see all the evidence that the Crown has against the accused.

In some communities, the initial appearance happens in a smaller separate courtroom. Although these courtrooms are still considered open to the public, in reality they are usually very small and it is often not comfortable for the public to attend.

case flow management rules

Criminal Case Flow Management Rules were implemented in 2000 to streamline the court process by reducing the number of appearances per case, achieving speedier case disposition, improving the accuracy of trial scheduling, and avoiding the unnecessary subpoenaing of witnesses. The rules changed some aspects of the court process and enabled the accused to make initial appearances in front of a JP instead of a Provincial Court judge.

Victim service workers should familiarize themselves with these procedures. An annotated summary of the rules is contained in the BCASVACP paper *Provincial Court of British Columbia Criminal Case Flow Management Rules: A Guide for Specialized Victim Assistance Programs and Other Anti-Violence Advocates* (Braha, 2000).



plea discussion

Plea discussion is a process of negotiation between defence counsel and Crown counsel. In return for a guilty plea, the Crown may stay (meaning "not proceed with") some of the charges against the accused, reduce the charge to a lesser offence, or ask the court for a lighter sentence. Plea discussion, sometimes

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called plea negotiation or plea bargaining, is not used in every case, but may be used where the administration of justice and the public interest require that it be considered. If it is used, plea discussion may begin at the earliest stages of the process and go on until the trial.

In plea discussions, particular care is taken to balance:

- The rights of the accused
- The protection of the public
- The cost of the prosecution
- The length of the prosecution
- The number of witnesses involved
- The benefit derived from proceeding
- The interests of the victim
- Concerns related to the protection of the victim
- The administration of justice

A number of options are open to Crown counsel. Crown counsel might:

- Accept the proposed guilty plea
- Reduce the number of charges
- Proceed summarily rather than by indictment
- Make recommendations regarding the sentence
- Refuse the plea and proceed to trial on the original offence charged

The judge is not included in these discussions and is not bound by any recommendations made by Crown or defence counsel regarding sentence.

pleading guilty or not guilty

When the accused pleads guilty or not guilty, this is called answering the charge. This done by the accused in court, either immediately after being accused or, if the case is going to a preliminary inquiry, after the preliminary inquiry. If the accused pleads guilty, no trial is necessary. The judge will decide on a sentence either immediately or at a later date. If the accused pleads not guilty, the judge will set a date for a trial and, if necessary, for a preliminary inquiry.

preliminary inquiry

The preliminary inquiry is a court hearing, in cases of indictable offences only, to determine whether there is enough evidence to justify the case's going to trial. It also gives the defence counsel a chance to hear the Crown witnesses

and to listen to their testimony and ask questions. The accused is not expected to testify. Crown counsel presents critical pieces of the evidence against the accused. Witnesses, including the victim, are usually called to give evidence. Defence counsel will usually not call evidence.

If the judge finds that there is not enough evidence for the case to go to trial, the judge will dismiss the charge. For the judge to find that there is enough evidence for the case to go to trial, the judge must believe that, based on the evidence, a reasonably instructed judge or jury could deliver a finding of guilt. If the judge finds that there is enough evidence to go to trial, the judge will commit the accused to trial, ask the accused for a plea, and, if the plea is not guilty, set a trial date. There may be significant time between the preliminary hearing and the trial date. Even if the case is going to be tried in a higher court, the Provincial Court judge will preside over a preliminary inquiry.

setting a court date

The length of time until the trial varies depending on whether the accused is in custody, the anticipated length of the trial, the type of offence, the availability of witnesses and counsel, and the availability of court time. If the accused is charged with an indictable offence, there may be a longer delay.

who will be in the courtroom?

The **judge** sits on a raised bench at the front of the court and is in charge of all the proceedings. The judge is required to remain impartial and unbiased throughout the court proceedings. As the judge is given no information about the case prior to the proceedings, the judge makes a decision entirely on the basis of the evidence that is presented in court.

In most cases – where there is no jury – the judge is both the “finder of fact” and the “finder of law.” As the finder of fact, the judge determines what actually happened during the events in question, such as who were the parties involved, the extent of the injuries, etc., and decides whether, on the basis of the evidence, the accused is legally guilty or not guilty. As the finder of law, the judge determines which evidence is admissible at trial, instructs the jury on matters of law (such as which verdicts are open to the jury, the elements of the offences charged, the burden of proof needed to find guilt, etc.), and decides on a sentence if a guilty verdict is delivered. In jury trials (where the jury is the finder of fact), the judge is the finder of law.

In Provincial Court, the judge is addressed as “Your Honour.” In Supreme Court, the judge is addressed as “My Lady” or “My Lord.”

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A **jury** will be present only if the accused has chosen trial by judge and jury in Supreme Court. A jury is a group of 12 people who listen to evidence at a trial, make findings of fact, and decide whether or not the accused is guilty. Juries are instructed by judges on matters of law.

Lawyers will be in court to represent both the accused and the government, which is prosecuting the case against the accused. These lawyers are called the **defence counsel** (or defence lawyer, or simply defence) and the **Crown counsel** (or Crown prosecutor, or simply prosecutor or Crown). Sometimes the accused person will choose to defend himself or herself, in which case there will be no defence lawyer in the court.²² The roles of these lawyers have been discussed above. Both lawyers are officers of the court and are therefore obligated to help the court – the judge or the judge and jury – to reach a just decision. In court, these lawyers refer to each other as “my friend.”

Occasionally, circumstances require the victim to have legal representation, so there may also be a lawyer for the victim in court. Such circumstances may include cases where a victim’s personal records are being requested by the defence. (For more information about such situations, see “*Criminal Code of Canada and Canada Evidence Act*” in Section 3.1.)

The **sheriff**, a uniformed officer who is responsible for the safety and security of everyone in the courtroom, including the accused, will always be present.

The **court clerk** calls court to order, reads the charges against the accused, swears in witnesses, tape-records the proceedings, and keeps track of exhibits.

The **accused** is the person who has been accused of the offence. The accused person is sometimes called the defendant because the person has to answer to the charge and defend himself or herself against it. If an accused pleads guilty or is found guilty, he or she is then referred to as the offender.

Witnesses are those who know something about the facts of the case that the court must hear. For example, they may have actually seen what happened or may know something about the actions of the accused or the victim before or after the incident in question. For purposes of a criminal proceeding, the victim is a witness in a case. Victims may be the only witness to a crime, and are

■ ■ ■ footnotes

²² There are some restrictions on the role of an accused person who is defending himself or herself in court, particularly with respect to the accused’s ability to question the victim. See Section 3.1 for a discussion of these restrictions.

always critical witnesses. When victims or witnesses tell the court about what happened to them or about what they know, this is called “testifying,” and what victims or witnesses tell the court is called their “testimony.” Witnesses must take an oath or solemnly affirm or swear to tell the truth.

Bill C-2 resulted in changes to the *Canada Evidence Act* regarding the testimony of children. (For more information about these changes, see “*Criminal Code of Canada and Canada Evidence Act*” in Section 3.1.)



the trial

The burden of proof is upon Crown counsel to show that an accused is guilty beyond a reasonable doubt. Accused persons are presumed to be innocent until they plead guilty or are proven guilty beyond a reasonable doubt. A reasonable doubt is one that a reasonable person might have and for which that person could give a reason. Accused persons do not have to show that they are innocent. To convict an accused person, the judge or jury must believe that the only sensible explanation, considering all the evidence, is that the person committed the crime.

The proceedings begin with the court clerk’s calling the court to order and asking everyone to rise as the judge enters. Once the judge is seated, everyone may sit. The court clerk then gives the judge a document stating the charges. This is called the Information in Provincial Court and the Indictment in Supreme Court. The lawyers introduce themselves so that it will be recorded on the court record. The court clerk reads the charges aloud after receiving the document back from the judge. The reading of the charges can be omitted at the request of the defence. The judge asks the accused how he or she pleads if a plea has not already been entered, and the accused must respond. The Crown will then ask for an order excluding all witnesses. At the judge’s order, all witnesses in the case leave the courtroom and may not return until it is their turn to testify. This is so that their testimony will not be influenced by other testimony they would hear if they stayed in the courtroom.

The purpose of a trial is to discover, on the basis of the evidence, whether an accused person is, according to law, innocent or guilty of the offence with which he or she is charged. The Crown counsel must present evidence to prove the accused person’s guilt, and the defence counsel must try to discredit this evidence. Witnesses, including the victim and the police, provide evidence by personally testifying in court. Expert witnesses, such as doctors, psychiatrists, and psychologists, may be called by either side to present information. Crown may also present physical evidence in the form of “exhibits.” These may consist of, for example, crime scene photographs, tissue samples or fingerprints found at the crime scene, or objects allegedly used in the commission of the crime.

Crown counsel begins. When Crown or defence counsel asks questions of their own witnesses, it is called “examination-in-chief” or “direct examination.” When they examine the other counsel’s witnesses, it is called “cross-examination.” As the burden of proof is on Crown counsel, defence counsel does not have to “call a case,” which means they do not need to present any evidence or call any witnesses. The judge may ask questions of any witness or of either counsel at any time.

Even if there has been a preliminary inquiry, witnesses must testify in a trial and may be cross-examined. Cross-examination is a way to test the truth of testimony that the witness has given. An accused person does not have to give evidence at trial. This is called the “right to remain silent.” However, if they choose to give evidence, accused persons may be cross-examined and must answer Crown counsel’s questions. Information about the accused’s previous criminal record can be raised at the trial only if the accused is a witness.

After all witnesses have testified, both Crown and defence counsel present closing arguments, summarizing evidence that has been presented. If there is a jury, the judge will instruct the jury to make a decision regarding the guilt or innocence of the accused. The jury will meet until they make the decision. If there is no jury, the judge will review all the evidence and make a decision regarding the verdict. If the judge or jury believes that Crown counsel successfully proved the case against the accused beyond a reasonable doubt, the accused will be found guilty, or convicted. If not, the accused will be found not guilty, or acquitted. The judge may either make a decision right away or take several days or weeks to reach a decision. This is called reserving judgement. The trial is then over. If the accused is found guilty, sentencing may take place immediately or at a later time.

exclusion of the public

Exclusion of the public from court occurs only rarely. Generally, court proceedings are open to the public. Judges have the power, however, based on the *Criminal Code*, to exclude the public or certain members of the public when they feel it is absolutely necessary. Exclusion from all or part of the proceedings may be ordered when it is in the “interest of public morals, the maintenance of order, or the proper administration of justice.” This may include protecting the security of victims or witnesses. According to the *Criminal Code*, this may include situations when it is necessary to protect the privacy of victims, including in sexual offence cases.

publication bans

Publication bans can protect the privacy of victims and witnesses and enable them to participate more fully in the proceedings, even if the public is not excluded from the court. Publication bans can prohibit the public and media from broadcasting the identity of victims and witnesses in all court proceedings, including preliminary inquiries.

A judge may order a publication ban after considering several factors, including:

- The right of the accused to a fair and public hearing
- Whether there is a real and substantial risk that the victims or witnesses would be significantly harmed by disclosure of their identity
- The availability of effective alternatives to protect the identity of victims or witnesses
- The impact of the proposed order on freedom of expression

The following factors also apply:

- A victim or witness must request the ban in writing and give reasons.
- The accused and anyone else affected must be notified of the application.
- The judge may hold a hearing to determine whether the ban is necessary for the proper administration of justice.
- The judge must be satisfied that there is enough evidence to support the ban.

special protections for victims or witnesses

Special protections for victims or witnesses in court apply in sexual assault cases, in cases involving victims or witnesses under the age of 18, or in cases where witnesses may have difficulty communicating because of a mental or physical disability. In these circumstances, witnesses may testify from outside the courtroom, behind a screen or other privacy device, and/or in the presence of a support person.

In a sexual offence or violent offence case where an accused person chooses to represent himself or herself, the accused may not personally cross-examine a witness under the age of 18 unless the judge is satisfied that it is necessary. The judge must appoint legal counsel to conduct the cross-examination.

For more details, see “*Criminal Code of Canada and Canada Evidence Act*” in Section 3.1 and the appropriate specialized handbooks in this series.

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completion of the court process

the verdict

The verdict is the decision made by the judge or jury as to whether, on the basis of the evidence presented, the accused is legally guilty or not guilty. If the verdict is not guilty, the accused is acquitted and is free to go. If the verdict is guilty, the accused is convicted and will be sentenced.

victim impact statement

A victim impact statement (VIS) is a written statement that describes the harm or loss suffered by the victim or surviving family members, including the emotional, psychological, physical, and financial effects of the crime. For purposes of possible restitution from the offender, the VIS can list readily discernible financial impacts of the offence.

In BC, information about the impact of the offence does not necessarily have to be in writing in order for it to be presented to the court. The information can also be presented orally by Crown counsel on behalf of a victim or family member.



A VIS is written by the victim but becomes a court document. If a VIS has been submitted, the *Criminal Code* requires the judge to consider it at the time of sentencing.

Offenders will be provided with a copy of the VIS, and Crown counsel and the defence lawyer may question the victim about it in court. The Crown can even call the victim to the stand to make an oral submission to the judge about the impact of the offence. In some cases, the Crown or the judge may read excerpts aloud in court during sentencing. It is also possible for defence counsel to question the victim on parts of the VIS during the trial as well as during the sentencing hearing.

This document is used for sentencing purposes only, if the accused pleads guilty or is found guilty at a trial. Even if a statement is prepared, the witness will be expected to testify at the trial.

pre-sentence report

A pre-sentence report provides more information to the judge before sentencing, particularly where there is a consideration of a jail term or some other special circumstance. In Youth Court, these are called pre-disposition reports. As a pre-sentence report is requested in only a minority of cases, it should not be depended upon as a way of telling the judge about the effect of the crime on the victim.

A probation officer will interview the victim in the preparation of the report in order to hear the victim’s version of the offence; obtain information about the impact of the offence on the victim and others affected; convey the victim’s fears about the offender’s reoffending; discuss possible court recommendations vital to the victim’s safety; and advise the victim of available community resources.

sentencing

Sentencing under the *Criminal Code* is intended to contribute to respect for the law and maintenance of a just, safe, and peaceful society. A sentence for a crime should accomplish at least one of the following objectives:



- Denouncing the conduct
- Deterring the offender and others
- Separating offenders from society
- Assisting in rehabilitation
- Providing reparation to the victim and community
- Providing the offender with a sense of responsibility for the crime

Sentencing may be done by the judge immediately after the verdict or guilty plea or at a later date. A sentencing hearing may be set at the time of the trial. The judge must choose from a range of sentences set by law, determining an appropriate sentence based on a number of factors, including:

- The nature and seriousness of the crime
- The circumstances surrounding the crime
- The defendant’s criminal record, if any
- The defendant’s personal history
- The impact of the crime on the victim
- Sentences for similar crimes and circumstances across the country

The *Criminal Code* specifies certain factors that a judge must consider when deciding on an appropriate sentence and that may result in a harsher sentence. These are called “aggravating factors.” For example, if an offender took advantage of a position of trust or authority in committing the crime or if the offence involved bias or hate, the sentence could be harsher.

The *Criminal Code* also sets out the maximum sentence for each offence. For some offences, there is also a minimum sentence. Sentences for indictable offences range from short periods to life imprisonment.

In most cases, both the Crown and defence counsel recommend a sentence to

the judge. Crown counsel may also request that the offender pay restitution to the victim if there was a readily discernible expense arising out of the offence. Details on readily ascertainable financial losses can also be provided in the VIS. In some Aboriginal communities, a sentencing circle is conducted by a judge with members of the community, to discuss possible sentences. In such a case, the emphasis is on the offender’s accountability to the community.

Types of sentences vary widely. There are many types of sentences or combinations of penalties that a judge can choose from, including:

- **Absolute discharge** – This is a conviction that results in no conditions, no sentence, and no criminal record. The judge can “discharge” the accused only if the offence has no minimum sentence and the maximum sentence is less than 14 years in prison. A discharge also has to be in the best interests of the offender and not be contrary to the public interest.
- **Conditional discharge** – This type of discharge is similar to an absolute discharge but has conditions attached. The offender must agree to a probation order, with conditions, for a specified period of time. If the offender follows these conditions, there will be no criminal record. If the offender does not follow the conditions, the Crown may apply to have the discharge revoked.
- **Suspended sentence and probation** – If there is no minimum sentence specified in the *Criminal Code*, the judge may suspend a sentence and release the offender on a probation order with conditions attached, for a specified period of time. A suspended sentence cannot be given without a minimum condition of “keep the peace and be of good behaviour.” The judge may also attach another disposition to a probation order, such as a conditional discharge, a fine, or imprisonment. The judge has broad discretion regarding what conditions to attach to a probation order, which may last for up to three years. Probation conditions may include, for example, performing community service, successfully completing a counselling program, or providing restitution to a victim, as well as standard reporting and protective conditions. An offender who is convicted of another charge, including “breach of probation,” could lose the suspended sentence and serve the remainder of the sentence in custody, but this rarely occurs.
- **Fine** – The offender pays a fine to the court registry within a specified time period. A fine may be combined with another penalty, such as prison or probation. A fine will appear on a criminal record. Failure to pay a fine may result in a civil judgement against the offender or a jail term. A judge must be satisfied that the offender will be able to pay a fine, however, before a fine is imposed.
- **Conditional sentence order** – The offender is sentenced to a jail term of

less than two years that is served in the community under supervision instead of in prison. The offender must live at a specific location, usually the offender’s own home. Conditional orders usually include strict conditions, such as house arrest or a curfew, along with conditions normally found in a probation order. If the offender does not follow the conditions, the Crown can apply to revoke the conditional sentence and have the offender serve the rest of the term in custody. A probation order can follow a conditional sentence order. Before imposing this sentence, the court must decide that a sentence of imprisonment is justified, be satisfied that a conditional sentence will not endanger the public, and consider a firearms prohibition.

- **Jail** – If the offence was serious or the offender has committed other offences, the sentence may be jail. An offender who is sentenced to jail will be taken into custody from the court and transported to the nearest correctional facility. Jail terms under two years are served in a provincial facility and jail terms of two years or more are served in a federal facility. Many inmates become eligible for early release and thus will serve only a portion of the jail term in custody. Parole conditions or a probation order with conditions may follow a jail term.
- **Intermittent sentence** – Where there is a custodial sentence of 90 days or less, the judge may order the sentence to be served intermittently, such as on weekends. This allows the offender to be released for a specific purpose, such as work, school, or caring for a child with special health problems. A probation order will accompany an intermittent order. The probation order will include conditions, such as reporting to a probation officer, abstaining from alcohol or drugs, or staying away from a certain person or place. If the offender does not obey the conditions, the offender can be charged with a “breach” of probation and may have to serve the rest of the sentence in prison full-time.
- **Indeterminate sentence for dangerous offenders** – Based on a specific application and hearing, an offender who commits a violent offence may be declared a dangerous offender and sentenced to an indeterminate period of time in prison. This means that the judge does not specify when the sentence will end. The case is reviewed by the National Parole Board (NPB) after seven years and every two years thereafter.
- **Restitution order** – In addition to any other measure, a judge may order the offender to pay compensation to the victim to help cover the cost of property loss or damage as a result of the crime or pecuniary damages, which could include loss of income and reasonable living expenses. A restitution order does not prevent a victim from seeking civil damages.
- **Victim surcharge** – A victim surcharge is added to all sentences. This surcharge is paid into a provincial assistance fund for programs and services for victims of crime. The surcharge is 15% of any fine that is imposed or, if

the sentence did not include a fine, \$50 for a summary conviction or \$100 for an indictable offence. This may be increased in some situations if the judge is satisfied that the offender is able to pay. The surcharge may also be waived if the judge is satisfied that it would cause undue hardship to the offender or the offender’s family.

- **Youth Court dispositions** – Sentences in Youth Court are called dispositions. For youth who are dealt with through court, sentencing may include a judicial reprimand, an intensive support and supervision order, or custody. A custodial sentence is generally only for those who commit violent offences or who are serious repeat offenders. The maximum penalty for most offences is two years, but the maximum for first-degree murder is 10 years. Alternatives must be considered and specific criteria must be met before a youth is sentenced to custody. A youth offender may be required to offer restitution to the victim in the form of money or labour, perform community service, pay a fine, serve a term of probation or in custody, or some combination of these.
- **Youth Criminal Justice Act – adult sentences** – A young person who is convicted of a very serious offence, or who has demonstrated a pattern of serious offences, may receive an adult sentence upon successful application to the court by the Crown [s. 64]. Serious offences include murder, attempted murder, manslaughter, or aggravated sexual assault.

Aboriginal offenders

Aboriginal offenders are subject to special consideration at sentencing. The Supreme Court ruled in the *Gladue* case²³ that sentencing judges must pay particular attention to the circumstances of Aboriginal offenders because of their uniqueness and difference from non-Aboriginal offenders. As a result, imprisonment may be a less appropriate sanction for Aboriginal offenders.

accused who are mentally disordered

Accused who are mentally disordered may be found to be unfit to stand trial, or they may be fit to stand trial but ask the judge to find that they are not criminally responsible because of a mental disorder. An accused person must be able to understand the purpose and consequences of criminal proceedings and be capable of instructing counsel. When these issues are raised, the judge will order a psychiatric assessment of the accused. A specific hearing will be held to

■ ■ ■ footnotes

²³ R. v. Gladue, [1999] 1 S.C.R. 688.

decide whether the accused is fit to stand trial or was suffering from a mental disorder at the time of the offence and is therefore not criminally responsible.

Every person is presumed in law to be fit to stand trial and not to suffer from a mental disorder that would make him or her not criminally responsible. Therefore, either the defence or the prosecution must raise the matter and prove that the accused is unfit to stand trial or is not criminally responsible.

An accused who is found unfit to stand trial may be placed in a psychiatric institution or released into the community under supervision. The person will be reviewed annually and the case must be brought to the court's attention by the Crown every two years. If the person becomes fit to stand trial at a later date, he or she may be tried at that time.

If because of a mental disorder accused persons are found to be unable to understand the nature and consequences of their actions or that their actions were wrong, they will not be held criminally responsible for their crime.

When either of these findings is made, the court or a review board may hold a disposition hearing to decide what course of action to take, considering:

- The need to protect the public
- The mental condition of the accused and the needs of the accused
- The reintegration of the accused into society

A number of options are open to the court or review board in these situations:

- The accused may receive an absolute discharge if there is considered to be no significant threat to public safety
- The accused may be discharged subject to appropriate conditions
- The accused may be kept in custody in a hospital, subject to appropriate conditions

Victims may submit a written statement regarding harm or loss suffered as a result of the offence, which may be considered in determining conditions.

appeals

Appeals of verdicts or sentences can be launched by either Crown or defence counsel. In Canada, defence counsel has a wider scope to appeal than Crown counsel. While both can appeal on grounds of either an error in fact or an error in law, only the defence can appeal on the grounds of an error in both law and fact. Appeal courts exist to make sure that courts do not make mistakes applying the law. A case cannot be appealed simply on the basis of a disagreement with a verdict. In some cases, the defence or the Crown must have a judge's permission to appeal. This is called "leave to appeal."

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Summary appeals are heard in BC Supreme Court, the next level of court, while indictable appeals go to the Court of Appeal. The Supreme Court of Canada hears appeals from provincial appeal courts when leave is granted or when the *Criminal Code* gives a right of appeal.

If a verdict is appealed, the trial transcripts and the decision go to the appeal court, which decides whether or not the trial judge made any errors. Usually, the appeal court does not hear the evidence again, so witnesses are seldom called to appear at an appeal.

The appeal court can agree or disagree with the trial court decision, change the sentence, or order a new trial. If the appeal court agrees with the original verdict, it will dismiss the appeal. If it disagrees, it can set aside the verdict. If there is a new trial, the victim will probably have to testify again.

corrections

The corrections system is the system that manages offenders after they have been sentenced. There are two correctional services, provincial and federal. Both correctional services include the management of non-custodial sentences and prisons. The federal service manages the parole system.²⁴

provincial corrections



The provincial correctional service is responsible for administering sentences of probation and custodial sentences of less than two years, as well as sentences under the *Youth Criminal Justice Act*.

If an offender receives a condition of probation, the probation officer will inform the victim of the terms of the order or certificate, and will provide the victim with a copy of the order or certificate as well as advise the victim on how to report any breaches of the protective conditions.



Once a victim is registered with the Victim Safety Unit (VSU) in Victim Services and Crime Prevention Division, the VSU is responsible for keeping victims of provincial offenders informed about the status of the offender. (See Section 8 for contact information).

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²⁴ As of April 1, 2007, the BC Board of Parole was disbanded and its responsibilities assumed by the National Parole Board. The NPB now makes parole decisions for all offenders and supervises all parolees, including provincial parolees already on parole. Some NPB policy differs from the provincial policy that applied when the BC Board of Parole was responsible for provincial offenders. For more information, visit the NPB website (see Section 8).

federal corrections

The Correctional Service of Canada (CSC) administers custodial sentences of two or more years and supervises offenders on conditional release in the community.

On rare occasions, federal offenders may be transferred to a provincial correctional centre if it is in their best interests or if there is no current capacity in the federal facility to accommodate a particular offender. Federal offenders may also be temporarily housed in provincial institutions for a variety of administrative reasons.

Under the *Corrections and Conditional Release Act*, each federal jail has a victim liaison coordinator who is responsible for providing information to victims and getting information from them.

parole

Parole allows some offenders to serve part of their sentence in the community, with court-ordered conditions and supervision by a parole officer. Conditions might include no contact with the offender's victims or victims' families. With the exception of dangerous offenders and those who receive a life term, offenders are eligible for full parole after serving one-third of their sentence. Offenders are eligible for day parole after serving one-sixth of a sentence. Day parole means that an offender must return to the institution every evening.

The NPB makes decisions about whether to release offenders on parole, including offenders serving either federal or provincial time. Decisions to release on parole are made after a hearing or a "paper" review. By law, the NPB must release without a hearing offenders serving their first federal term for a non-violent offence if it believes that it is unlikely that the offender will violently offend before the completion of the sentence. Only offenders serving custody terms of at least six months are eligible to apply for parole. Provincial offenders must apply for parole. The cases of federal offenders will be automatically reviewed when their date of parole eligibility comes up.

Parole is not automatic but granted only after consideration by parole board members. The purpose of parole is to assist offenders to reintegrate into the community with the aid of conditions and supervision. If the offender does not follow the imposed conditions or if the level of risk rises to unacceptable levels, parole can be revoked and the offender will have to spend the rest of the sentence in custody. Offenders who must serve a term of probation after their jail sentences will be supervised provincially once parole is completed.



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statutory release or earned remission

Statutory release applies to federal offenders only. There is an important distinction between parole and statutory release. Parole is discretionary, based on assessment by the NPB. Statutory release is a legal entitlement for most federal offenders to serve the final one-third of their sentence in the community if full parole has not already been granted. Offenders not entitled to statutory release include, for example, those serving life sentences or indeterminate sentences. Offenders on statutory release are under the supervision of a federal parole officer, subject to specified conditions.

However, if the CSC believes that an offender is likely to commit an offence causing serious harm to another person, a child sexual offence, or a serious drug offence, these offenders may be referred to the NPB and release may be denied. Offenders can also be returned to jail if they do not follow release conditions.

Provincial offenders are eligible to earn remission for demonstrating good behaviour and compliance with correctional centre rules. In most cases, this means they will be released after serving two-thirds of their sentence. Unlike statutory release in the federal system, provincial early release is not subject to supervision in the community unless the offender is subject to an order for community supervision (probation or conditional sentence order) that will follow the jail sentence or that remains active after the offender's release. Some provincial offenders do not choose to apply for full parole release, because if they are released early on good behaviour, they will not be supervised in the community, unlike if they are on parole.

victim compensation/reparation

There are a number of ways in which a victim may receive compensation for the harm done by the crime.

restitution

See "Sentencing" earlier in this section.

civil suit

See Section 4.1, "Criminal versus civil law," and Section 4.2, "Civil justice system in brief."

Crime Victim Assistance Program

See "*Crime Victim Assistance Act*" in Section 3.1 and "Crime Victim Assistance Program" in Section 3.4.

4.5 barriers to proceeding in the criminal justice system

Many victims of crime choose not to use the criminal justice system. Some of these reasons are discussed in Section 1.4, “Some statistics,” in relation to victims’ reluctance to report the crime to police. In other cases, victims may choose to report to police in order to ensure their immediate safety, but may choose not to proceed any further in the criminal justice system. Barriers to proceeding in the criminal justice system vary depending on the victim’s age, the victim’s belonging to a specific diversity group, and the crime itself.

the criminal justice system is intimidating

The criminal justice system is designed so that participants in the process will take it very seriously. While the formality of court proceedings vary depending on the level of the court and sometimes on its location, court proceedings are always somewhat intimidating. It is not surprising, therefore, that some victims choose to avoid it if possible. Already stressed by their victimization, many victims choose to “leave well enough alone” or put the experience behind them, rather than subject themselves to the further stress of going through a police investigation and court process.

age-related barriers

Victims who are very young or who are elderly face particular barriers in going through the justice process. The barriers faced by children and youth, including socio-emotional as well as legal barriers, are addressed in the *Violence Against Children and Youth Victim Service Worker Handbook*. The barriers faced by the elderly are discussed in the following section.



barriers related to membership in a diversity group

Membership in a diversity group can act as a barrier to proceeding in the criminal justice system in a number of ways.

Victim who cannot speak English may be intimidated by a system conducted in English and may be reluctant to put themselves in a position where they feel that the outcome may be affected by the fact that they cannot speak the language. Interpreters are not available at every court level,²⁵ and even in those

□ ■ ■ footnotes

²⁵ Interpreters can be made available in most courts in BC, but are not available in Supreme Court for family matters. In those situations, as well as when conducting court-related business outside of court, victims must bring their own interpreters.

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courts where interpreters are available, the lack of English language skills puts victims at a disadvantage.

In addition, some victims from diverse cultures may feel a sense of shame in being a victim of crime, or they may feel that by going to court they are betraying the honour of their family or their culture, particularly if the offender is also from the same culture. This may include Aboriginal victims, who may feel a sense of loyalty towards members of their own culture and may therefore not want to report a crime committed by an Aboriginal person or testify against an Aboriginal offender.

Some groups may have had negative experiences with police or the criminal justice system that discourage them from using the justice system.

Some groups may avoid the justice system out of fear of retribution from their offender or from members of their community who may support the offender.

Older victims, especially those who are mentally or physically frail, may feel that they will not be taken seriously by police, or that they do not want to upset the status quo by involving the police. They may feel that it is more important for them to continue living in their current situation with a family member or caregiver than to seek justice for abuse committed by that family member or caregiver. Abuse committed by staff members in an institution may also never be reported to police or go to court for other reasons, such as lack of a system for accountability within an institution. Victims who have communication impairments may be unable to report to police or proceed through the justice system because of a lack of facilities to accommodate their disabilities.

These issues are discussed further in Section 2, “Diversity as a Factor in Victims’ Responses to Crime.”

crime-specific barriers

A number of barriers to proceeding through the criminal justice system are related to the crime. Victims of violence in intimate relationships and sexual assault face particular barriers, including fear of further violence from the offender, fear of retribution from members of their families or communities, or a desire to remain in a relationship with the abuser. These barriers are discussed in the appropriate specialized handbooks in this series.

Victims of gang violence may fear retribution from other gang members if they report to police or testify against another gang member. This may also be true in cases of school bullying, even if it does not involve gangs. Fear for their safety may also be involved when victims of property crime such as break-and-enter are reluctant to testify against an alleged offender in court.



Part 2 (Sections 5 to 8) of this handbook deals with victim service workers' work with victims of crime.

2 PART

5 section

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5 section



The work of the victim service worker is to support and assist victims of crime as they proceed through the justice process and related social and health care systems. This role is central to how well the victim copes with and recovers from the experience of victimization.

5.1 what victims of crime need

Considerable research has been done on what crime victims need (Gannon and Mihorean, 2005; Hill, 2004; Prairie Research Associates, 2005; Russell, 2002; Light, 2007). While certain victim needs, such as information, practical and emotional support, respectful treatment, and timely responses, are common to most victims of crime, the extent to which each of these factors is crucial to victims' healing will depend on the nature and seriousness of the victimization and trauma, victims' previous experiences, and victims' ability to manage their own recovery.

The following is a summary of what victims of crime need:

- **Safety.** Victim safety is paramount. This can take the form of safety planning or crime prevention strategies.
- **Inclusion in the decision-making process.** Victims' views should be actively solicited and their comments taken into account.
- **Respectful treatment.** Validation of victims' experience and ability to cope are crucial elements in empowering them to deal with victimization.
- **Practical, accurate, and comprehensive information.** Timely information, presented in plain language, is one of the most basic needs of victims of crime.
- **Timely responses.** Timeliness of police response, the charging and court process, and provision of support services and referrals are all essential for victim safety and successful utilization of the justice system.
- **Access to a range of resources.** Workers should be aware of supports in their communities, the services they provide, and how to refer effectively.
- **Support throughout the legal process.** Victims need emotional and practical support from police report through to post-sentencing.
- **Advocacy.** Victims may need an advocate if they are not able to access the services they need or if the system is not working for them as it should.



- **Culturally appropriate services.** Victims from different cultural backgrounds need services that are not only accessible in terms of language but also sensitive to various cultural pressures and conflicts.
- **Services that meet their special needs.** A basic need of all victims is sensitivity to their particular circumstances. Victims from all diversity groups have distinct needs.
- **A sense of security.** As much as possible, victims need to have their sense of security restored. Workers need to be aware of community resources that can help meet this need.
- **Closure.** It is important to keep the victim informed of the final outcome of the case and to debrief on the outcome and the process.
- **Follow-up.** It is important to check in regularly with victims to see how things are going and let them know what is happening with the offender.

5.2 the role of the victim service worker

Victim service workers, in collaboration with justice partners, health and social services, and community agencies throughout the province, ensure the provision of support to victims. Victim service workers provide this support to victims throughout their involvement with the justice and related health and social service systems. For a list of effective victim-centred principles that may help guide your work with victims, see the *Violence Against Women in Relationships Victim Service Worker Handbook*.



meeting victims' needs

Specifically, victim service workers:

- Respond to the immediate crisis by helping a victim deal with emotional, health, safety, and practical issues
- Provide general information and keep victims informed about the progress of their case
- Provide emotional support, practical assistance, advocacy, and referral throughout the process
- Assist with safety plans and crime prevention strategies
- Prepare victims for the court experience

5 section ■ ■ ■ □

- Assist victims with victim impact statements
- Provide accompaniment to appointments and to court wherever possible and appropriate
- Wherever possible, provide additional assistance to those who have special needs or require transportation or child care
- Provide information and referral regarding custody and access, maintenance, or other family law matters
- Communicate and liaise with other community-based and system-based service providers, as necessary and appropriate

Some victims need support and information before they even enter the justice system, during their period of immediate crisis and sometimes in order to make the decision whether or not to go to police.

A primary goal of victim service work is to facilitate the empowerment of victims so that they can cope with the victimization experience, make effective use of the criminal justice and related health and social service systems, keep themselves safe, and move on with their lives. Victim service workers must also ensure that their actions never jeopardize the safety of the victim or violate confidentiality requirements.

variations in victim service worker roles

The role of victim service workers may vary depending on the type of program, the size and nature of the community in which they work, whether the police force is RCMP or independent, what other services exist in that community, and working relationships among local service providers.

While the services for which police-based and community-based victim service programs are contracted are the same, they are contracted to provide services for different groups of victims. In practice, there are often some differences in the services provided by police-based and community-based programs.

Police-based programs may operate on a 24/7 basis, for example, and therefore provide crisis services for victims of family and sexual violence even when there is a specialized victim service in the community. In those cases, police-based programs should make an immediate referral to the community-based program to follow up with services. Police-based programs generally have access to police files and to JUSTIN, the BC Ministry of Attorney General's Justice Information System. They may therefore sometimes be in a better position than community-based programs to proactively contact victims to offer service.

On the other hand, because of their location in the community, community-based programs may, in some cases, be in a better position to advocate for



victims than police-based programs, which may at times be constrained by their location within a police force.

Local protocols should cover referrals and other ways in which police-based and community-based victim services will work together to provide the best possible services to victims.

The extent to which either police-based or community-based programs have direct access to police or Crown systems, or receive effective referrals from police or Crown, may depend not only on legislative and policy factors but also on the working relationships that have been established in that community.

In other ways, the role of victim services will also vary from community to community. These differences may include information provision to victims, court orientation and accompaniment, and advocating on behalf of the victim. In any case, definitions of roles and relationships among victim services, police, Crown, corrections, and other services in a community are ongoing. An effective victim service will be continually addressing and finding ways to improve and coordinate these roles, responsibilities, and working relationships.

Whatever the differences, the key is working together. It is the contracted responsibility of every victim service program to adhere to coordination protocols among victim services and to develop these where they do not exist.

preventing revictimization

As a victim service worker, your primary concern must be for the victim's safety. Depending on the crime, the mandate of your program, and the stage at which you become involved in assisting the victim, your role may be one of ensuring the victim's safety on an urgent basis or helping a victim learn about strategies for crime prevention after the initial crisis has passed.

Your role in assisting a victim with safety planning or crime prevention is to help the victim identify risks and to present some possible strategies or options for reducing or eliminating these risks. It is important to understand that "safety" is a relative term and that victims' lives are complex. Victims cannot barricade themselves in their home after an assault or a break-and-enter in order to keep themselves safe. Part of your job will be to help them balance their need for safety with their need to carry on with their lives.

If an offender is known to the victim, this presents a very different set of risk factors than if the offender is unknown. For further information about assisting with safety planning for a victim of sexual assault or violence within an intimate relationship or a child who is a victim of violence or abuse, see the specialized handbooks in this series.

If the crime was not random but was motivated by hate, strategies for safety planning will also be different. For example, victims may wish to involve their communities in crime prevention and safety strategies if the crime was motivated by racism or homophobia.

Racism, poverty, lack of education, language barriers, mental and physical disabilities, sexual orientation, and geography all place barriers in the way of effective safety planning. Many victims from marginalized populations have experienced systemic discrimination or mistreatment at the hands of various government systems, which may make them skeptical about your offers of assistance. Be respectful of their reluctance and let them know that you are there to help should they need you.

meeting victims' needs for information

Research on victimization consistently tells us that a victim of crime needs information more than anything else. Giving information empowers victims by helping them make informed decisions. You will need to provide victims with information about the justice and related systems that they will need to navigate, the progress of their case through the system, what to expect in terms of “normal” reactions to being victimized and in terms of a system response, and additional resources they can access. Depending on victims’ circumstances, you may also need to provide them with information about their rights and responsibilities regarding other systems, such as the health care, child protection, or immigration system.

In providing information to victims, you can make use of a wide range of resource materials listed in Section 8. Victims also need some of this information orally, to highlight points that are most important and relevant to where they are in the system.

support and assistance throughout the process

As a victim service worker, you will provide information, assistance, and support to victims as they proceed through the justice process, from the initial police report or before, through the court process and beyond. This may include court orientation and, where appropriate, accompaniment to appointments and to court. Victim services should assist victims with safety planning and revisit safety plans as necessary, as victims may be particularly vulnerable during this time. Victim service workers may be able to help coordinate other assistance for victims with particular needs, such as transportation, child care, special access needs, or language interpretation.

An important role for victim services is to assist victims, where necessary, to complete documents and forms, including preparing a victim impact statement (VIS); completing Crime Victim Assistance Program (CVAP) application forms; filling out applications for notification; and completing application forms for other services, such as subsidized housing.

empowerment

Empowerment means helping individuals take control of their lives and make decisions in their own best interests. Victims of crime often lose a sense of autonomy and control. A large part of your job is to help them re-establish their sense of control and direction, even in the face of a system that sometimes adds to their sense of disempowerment. It is important that you always check with a victim first to make sure that they want the help you are offering. Foisting assistance on a victim without checking first is not empowering, nor does it provide effective advocacy.

other roles of a victim service worker

Other roles of a victim service worker may include accompanying a police officer making a death notification, supporting victims of traffic accidents, supporting those who have attempted suicide, supporting victims of a community emergency such as a natural disaster, or supporting victims as they proceed through the family justice system or health care system.

The same principles apply in these cases as in your primary work as a victim service provider. You may find that in these cases, which often involve other agencies in the community such as health care facilities, mental health agencies, or emergency preparedness agencies, you will be aided by the work you have done in building coordinated community networks.

Besides directly supporting victims of crime, as a victim service worker you may play an important role in the community, helping to improve responses to victims or raising awareness about issues of victimization or crime prevention. If there are community coordinating committees working on responses to victims of crime, you will be expected to participate.

5.3 characteristics and basic skills of a victim service worker

A successful victim service worker is:

- Able to communicate clearly
- Caring, empathetic, and sensitive to the needs of individuals
- Non-judgemental and respectful of diversity and individual differences
- Trustworthy
- Willing to accept responsibility
- Able to exhibit a positive attitude about life
- Flexible
- Able to handle conflict constructively
- Self-confident, with a high level of self-knowledge
- Able to work cooperatively and collaboratively
- Friendly and enjoys working with people
- Knowledgeable about the dynamics of victimization
- Knowledgeable about helping skills and the dynamics of the helping relationship
- Knowledgeable about the criminal justice system
- Knowledgeable about community resources

As a victim service worker, you must have the ability to listen, understand, and comfort another person on a basic human level. You must also be able to convey appropriate, accurate information that a victim will need in the aftermath of a crime. Specifically, you must be able to:

- Create a relationship of trust with the victim
- Listen effectively
- Respond sensitively to cultural differences that may affect how the victim reacts to the crime and to you
- Respond sensitively to any special needs of a victim with a disability
- Respond sensitively to the needs of a victim who is a member of any other diversity group
- Allow victims to assume responsibility for themselves by making their own decisions rather than trying to “rescue” them
- Maintain a current knowledge of the justice system and other systems that victims may have to use as they deal with the effects of victimization

communication strategies

There are verbal and non-verbal strategies that will help you communicate effectively with your clients.

active listening

There are three components to active listening:

- **Attending** – giving your full attention to the speaker so that you receive the full message; being aware of *what* the person is saying and how that person *feels*; not preparing your answer mentally while the person is still talking
- **Responding non-verbally** – showing that you are paying attention by maintaining eye contact, nodding, leaning forward, responding with “mms” and “uh-huhs”
- **Remaining non-judgemental** – not drawing premature conclusions, evaluating what is being said, or judging

Active listening keeps you focused on victims’ concerns and feelings rather than your own. It demonstrates respect for victims and makes them feel accepted. If active listening is *not* used – that is, if you are not totally focused, such as when you allow interruptions in your phone calls or meetings or watch the clock – victims may feel “like a number” and that they are not being taken seriously.

paraphrasing

Paraphrasing involves stating back to victims what you think they said. This lets victims know they have been heard and allows them to confirm your understanding of their message and to correct you if necessary. It also allows you to interpret complicated messages, such as putting legal language into plain language if necessary. If paraphrasing is *not* used, you can waste time acting on assumptions, only to discover later that neither of you understood the other.

questioning

Questioning is used to get information from the victim. There are two types of questions – closed and open. Both types of question include who, what, where, when, or why, but they are used for different purposes.

Closed questions involve content rather than feeling and can be answered with “yes” or “no” or by a short, factual statement: “What is your name?” “What time is your appointment?” “Do you have a copy of the application form?”

Open questions usually involve both content and feeling and cannot be answered by “yes” or “no”: “How are you feeling now?” “What kinds of fears have you been having about going to court?” “What are your concerns?”

Questioning enables you to gather information and help a victim explore emotions, needs, and decisions. If you do *not* use a mixture of open and closed questions, you will not encourage smooth-flowing, open communication. The victim may feel interrogated and may respond by becoming closed and defensive. In order to encourage communication, you should avoid too many closed questions. In order to avoid implying wrongdoing or a mistake on the part of the victim, be careful when using the word “why”. Questions such as “Why did you do that?” or “Why don’t you want to have charges laid?” may convey curiosity or judgement rather than concern.

giving permission

Permission giving “allows” the victim to express emotions freely. This technique is used in two types of situations:

- When the victim’s feelings appear blocked (this may be seen in a tight voice, quivering lip, facial tension, lack of eye contact, rigid body, etc.)
- When the victim is expressing strong feelings (this is seen in crying, shaking, etc.)

In these cases, you could give verbal permission to express feelings by saying something like, “It’s okay to cry” or “It’s natural to feel shaky.” To help victims to make sense of an internal struggle, you might say something like, “I think many of us have been taught that it’s not okay to cry [or be angry] and that we should bury our feelings. But sometimes what we need to do to get through the pain is to let ourselves cry [or be angry].”

Giving permission allows victims to explore their feelings and to have their feelings acknowledged. However, you must be careful not to push or pressure – respect victims’ own timetables and boundaries about expressing feelings that may still be too frightening. Never suggest that they “should” express their feelings. They simply may not be ready to do so. And never touch someone unless that person reaches out for you. Offering a hug may distract the victim from feeling and could be experienced as a violation.

providing information effectively

It is important to remember that your job is to *give information, not advice*. Also remember that being under emotional stress makes it difficult to absorb new information. Offer only information that is clear, relevant, in manageable amounts, and in language that is appropriate for the victim’s level of understanding. It is important not to overload them, to give victims information as they need it, in “chunks” that they can digest. They do not need to know everything. Use straightforward, simple language. Avoid jargon and language that is legalistic or ideological. You may find that you have to explain something

several times or offer the same information at various times in the process. Also allow victims to say how they feel about the information.

summarizing

Summarizing involves pulling together the information and the feelings that victims have conveyed to you. It allows you to check that you have fully and accurately understood what they have said to you. It also helps victims focus on the important elements of the situation from their point of view. It can also help you both tidy up loose ends and fill in any gaps.

non-verbal communication

As you are assisting victims in often difficult emotional situations, you need to be aware of both your own and the victim's body language. Always convey interest, attentiveness, and caring by maintaining eye contact, leaning forward, and nodding. Victims' body language can emphasize what they are saying and may point out inconsistencies. If what they are saying does not reflect how they appear to be feeling, you may want to use techniques to encourage them to open up. If they are frequently shifting positions, tapping fingers, yawning, or looking tense, these may be signals that your message is not being heard or is unwelcome. If you do *not* respond to their body language or do *not* signal that you are paying attention, they may feel that they are not being heard.

support strategies

Victims' reactions to crime vary widely. Your role is to understand what is occurring for them, help them understand it, reassure them that what is happening is a normal response to trauma, and help them find ways to cope.

responding to common victim reactions

Sometimes victims seem calm when in fact they are very upset. External calm does not always mean internal calm. Victims may be in shock. Try to assess the real emotional impact victims may be experiencing. Indicate that it is okay for them to be upset and that you will be available when they need you.

Victims may be visibly upset and need soothing. Hysteria and tears are common to all types of victims. Be reassuring, patient, and non-judgemental, and allow time for physical reactions to diminish and the victim to regain control.

Victims are often afraid even after help has arrived. A common and not unreasonable fear is that the offender will come back. This is a concern especially if the offender is known to the victim. Reassure victims of their immediate safety. Plan for continued protection if fears are not overcome at the end of your session or if there is a real danger.

Victims tend to blame themselves and may expect you to blame them as well. Place the blame clearly on the offender. Do not ask questions that suggest blame. If the issue of an unlocked door is raised, for example, you could respond that they had a right to be safe in their own home, whether or not the door was locked.

Victims may feel humiliated, feeling that they are “stupid” for “letting the crime happen” to them or that they “could have done better” in reacting to the criminal. This is a common reaction to feeling a loss of control. Help restore the victim’s dignity through courtesy and respect. Reassure the victim that whatever he or she did was right.

Victims often express unwillingness to bother anyone and expect helpers to be in a hurry. Communicate patience and a willingness to spend whatever time is necessary to help. Reassure victims that the purpose of your program is to assist people like them, and that you are doing exactly what you should be doing when you are spending time with them.

responding to the victim’s trauma

“Stages of victim trauma response” in Section 1.6 describes how victims may react to their victimization experience. This section deals with how you, as a victim service worker, can help victims cope with these responses.

During the impact stage of trauma response, in the hours and days immediately following the event, you can help by doing the following:

- Initiate a supportive and helping relationship with non-judgemental understanding.
- Express your concern. Ask, “Are you all right?” You may be the first one who has asked this important question.
- Focus on the victim and listen carefully to any expression of needs. Respond to that expression without imposing your own perceptions.
- Reduce anxiety about the unknown by providing information. You may have to review and expand on this information at a later date because the victim’s ability to absorb details at this time is limited. Provide pamphlets to look at during a calmer time.
- Reassure victims at this time and throughout the process that their reactions are common in this situation. Victims often feel anxiety over their behaviour, sometimes inadvertently caused by comments from family or friends.

- Assist victims to use their support systems. You might offer to meet with their family or friends to explain how they can best respond in a supportive manner.

During the recoil stage, you can help by doing the following:

- Be reassuring and supportive. Pay close attention to a victim’s expression of needs. Encourage family and friends to be especially nurturing.
- Understand that victims may divert anger towards those who are trying to help. Do not respond with anger. Acknowledge that they are feeling angry.
- Acknowledge the ups and downs of the recovery process and encourage the resumption of the move towards resolution when the victim feels ready. Accept victims wherever they are in the recovery process.
- Assist victims to identify their own strengths, weaknesses, and coping mechanisms. Help them see how these strengths can be applied to a resolution of the current crisis.
- Suggest specific tasks to help victims regain control over their lives, such as completing the application form for criminal injury compensation or contacting their insurance agency.
- Carefully consider the tasks you do for victims. Encourage them to maintain control over their lives and not develop a dependency on you.
- If victims choose to terminate contact with you, set the tone for future contact. Ask their permission to make a follow-up call within a reasonable time (perhaps a month) if that seems appropriate.
- A victim may ask, “When will I start feeling better?” Reassure them that there is no specific time-frame for recovery; it varies with each individual.
- A victim may ask, “When will I get over this?” Reassure victims that, while it is unlikely that they will ever totally forget the traumatic event, they will eventually feel better. In most cases, the process does have an end.

During the reorganization stage, your helping relationship will be coming to a natural conclusion. Your role now will be to do the following:

- Be aware of the difficulties that some victims and some victim service workers may have in “letting go.”
- Emphasize the victim’s accomplishments and do not delay the ending of the relationship.
- Keep in mind, however, that you need not cease all contact. Reassure the victim that you can be contacted should the need arise. Again, you may wish to seek permission from the victim for a follow-up call.

empowering victims

You can help victims empower themselves in a number of ways:

- Be supportive. This will enable victims to start regaining their trust in people.
- Keep victims informed. Information is power. But do this in ways that build rather than diminish power, giving information that they can understand and absorb.
- Refrain from giving advice. Giving advice puts the victim service worker in control and takes power away from the victim.
- Give the victim as many opportunities as possible to make decisions.
- Remember, you cannot empower a victim. Victims have to do that for themselves. You can help victims to help themselves.

being an effective advocate

An advocate is someone who helps victims find out what their rights are, accompanies them to appointments or court, helps them get their needs met, and helps them find resources. An advocate can be a friend, relative, victim service worker, or other specialized worker. Advocacy may involve supporting a victim from behind or promoting a victim's rights in a more direct way.

There are two kinds of advocacy that you may provide for victims: individual advocacy and community or system advocacy.

You will be providing individual advocacy for victims when you:

- Provide them with accurate information about the criminal justice system, their rights, and the resources that are available to help them
- Promote their rights and interests in the justice system and other systems that they will use
- Provide emotional support for victims that helps assure them that they are deserving of the very best treatment
- Ensure that they are treated with respect by all who are involved with them

If you see barriers to effective service for a victim in the system or in the community, the appropriate way to promote change is through community advocacy. For example, if you are working with an assault victim who feels that she has been misunderstood or mistreated by a government agency and has written letters to those concerned, an effective way to assist this victim, as well as future victims, is to provide education to the staff of that agency.

Community advocacy is as important as individual advocacy. The more staff

are educated on the dynamics of victimization, the less likely they are to unknowingly revictimize victims as they proceed through the system, and the more able the system will be to meet victims' needs. Community advocacy is enhanced by building informal social networks with other agencies, training service providers on the dynamics of victimization, developing and using community protocols, and working collaboratively.

In providing effective advocacy, it is important to stay within protocols and procedures established by your program, and to respect those of others.

avoiding pitfalls

In your role as a victim service worker, you can help build victims' self-esteem, and play an effective role within the criminal justice system by avoiding the following pitfalls:

- Avoid being moralistic or judgemental. Do not make comments that could be perceived as critical or imply that their behaviour led to their victimization. Judgemental comments will add to a victim's feelings of helplessness and destroy their trust in you.
- Avoid being intrusive. Let victims tell you their story in their own time. Imposing what you think victims want or need can add to their sense of violation and lack of autonomy.
- Avoid being a rescuer. This is a common error. By doing "for the victim" what you think is best, you are removing control from the victim, creating a climate where you become the "fixer" and the victim becomes dependent.
- Avoid becoming angry or impatient. Be patient if the victim does not seem able to express clear and coherent thoughts. This is likely only a temporary state. However, there are also individual personality differences to which service providers must adjust.
- Avoid discussing evidence, testimony, or the court case with the victim, as this may seriously jeopardize the case.

supporting diverse victim populations

It is important to have enough knowledge and understanding – both of diversity issues and of yourself – to serve victims of all ages and backgrounds effectively. (For information about a range of diversity groups, see Section 2, "Diversity as a Factor in Victims' Responses to Crime.")

understanding privilege

An important step in understanding and respecting the diversity of cultures and lifestyles that shape victims and their responses to victimization is to

understand how the dominant culture grants privileges to some groups above others. The term “dominant culture” refers to the culture created by the group that controls key institutions, including politics, religion, education, and media. The dominant culture in Canada has generally viewed white, Christian, heterosexual, able-bodied males as the norm by which to judge all others.

No matter what a victim’s social or cultural context, a victim’s experiences of victimization will be directly influenced by any experiences of discrimination, oppression, or exclusion. Equally important, no matter which group or groups you yourself are part of, in order to enhance your effectiveness with victims from all social groups, you need to understand how your attitudes and feelings have been influenced by racism, sexism, heterosexism, homophobia, classism, ageism, and ableism.

working with diverse groups

Above all, it is important to remember that the needs of victims who are members of any diversity group are the same as those of other crime victims: to be heard, to feel accepted, to be respected, and to be safe.

Follow the general guidelines for working with victims, but also be aware of the specific ways in which victims’ membership in a diversity group may affect the way they respond to victimization and, consequently, their needs. The following additional guidelines may help you respond effectively to victims from diverse groups:

- Treat people as individuals with their own history and personal experiences. With sensitivity and respect, find out how victims’ values and beliefs have shaped and influenced their experiences and needs.
- Be aware of how your own beliefs and biases affect your relationships with those from social groups other than your own. If you sense that these feelings might interfere with your ability to provide support, refer the victim to another worker.
- Do not make assumptions about what people from “cultures” other than your own believe and value. Educate yourself about various forms of diversity, for example, by asking questions and clarifying your perceptions.
- Educate yourself about the appropriate language to use regarding various diversity groups. This language changes periodically and it is respectful to keep up-to-date about how to refer to certain aspects of diversity.
- Be aware that a victim who is part of a particular diversity group may be more traumatized by the victimization experience than other victims, for reasons detailed in Section 2, and respond with sensitivity.
- Ensure that interpreters are available for those who do not speak English or who have communication impairments.

- Do not patronize victims. Because a person is elderly, has a disability, or does not speak English does not mean that person should be treated like a child.
- Do not speak loudly to victims such as persons with disabilities, unless their specific disability or age means that they are hard of hearing.
- Encourage victims to talk about their extended family, friends, and community members to assist in determining whether they will be supportive in the recovery process, and discuss alternatives if necessary.
- Reassure victims that you will be as discreet as possible with information they share with you. As for all victims, however, you must also make them aware of the limits of confidentiality.
- Work with victims’ strengths rather than their weaknesses. For example, focus on the physical and cognitive strengths of people with disabilities, rather than on what they are not able to do.
- Acknowledge your own limitations in assisting a victim and be prepared to consult with or refer to specialized agencies. Educate yourself about services to support diverse groups in order to make effective referrals.

dealing with difficult clients

As a victim service worker, you may have to deal with difficult clients. As a representative of “the system” you may find yourself the target of anger resulting from frustration, shock, and despair. Difficult clients may include:

- **Drug/alcohol abuser.** This kind of victim may be genuinely distressed and need to talk, but it is usually not possible to provide emotional support to people who are under the influence of drugs or alcohol. Determine whether they are coherent and whether the interaction is of any value by focusing on specific concerns. If victims are incoherent, suggest that they contact you later. Encourage them to seek professional counselling and to return to you for information and support when not under the influence of drugs or alcohol.
- **Excessive talker.** Such victims may be avoiding responsibility for their actions or decisions, or avoiding intense emotions. Refocus the conversation on the matter at hand in a gentle but firm manner.
- **Over-demander.** This kind of victim constantly phones, drops by your office, and takes up an unreasonable share of your time. It is especially important to set service boundaries by prearranging telephone calls and personal appointments, and by following up with information by a specified date and time. Use a direct approach. Do not agree to meet or talk outside of set times.

- **Inappropriate client.** This kind of victim has difficulties that are beyond the capacity of the service you provide or outside the mandate of your agency. For example, if your agency deals only with adults, victims of child abuse would be inappropriate clients. Provide courteous assistance in redirecting them to a more appropriate agency.
- **Victim with a criminal record.** This kind of client is a victim in one circumstance but also has a criminal record or is known to be involved in illegal activities. Consult with your supervisor or the police on the appropriateness of your program's involvement.
- **Violent victim.** This kind of victim is known to be violent. Your safety must be your first concern. For guidelines for your safety, see Section 5.5, "Caring for the caregivers."
- **Client with questionable status.** This kind of client claims to be a crime victim without any evidence that the crime actually occurred. You should work closely with your supervisor to determine a course of action.

As with any clients, your approach should be caring, open, and accepting. This can be hard, however, when you are dealing with an angry or otherwise difficult person. Often you will need a great deal of strength and patience. Your agency should provide training and guidelines to help you deal with difficult clients. Here are some general guidelines:

- Remain calm and collected. Remind yourself that you are not the cause of the person's anger. Remember that the person will calm down in time.
- Refuse to be drawn into an argument. Remain neutral. Validate how the person is feeling without agreeing with the cause.
- Use a neutral tone of voice and non-aggressive body posture.
- Encourage the person to focus on the positive and to let go of the anger.
- Recognize when to quit. Be prepared to talk to your coordinator if you feel that you are not making progress with a particularly difficult victim.
- Recognize that not all workers are a good fit with all victims. Without blaming yourself, there may be times when referring the victim to someone else for service is the best service you can provide.

making effective referrals

Making effective referrals and helping other service providers to make effective referrals to victim services is a crucial skill for victim service workers. An effective referral means knowing the nature and practical details of the service you are referring to, providing the information to the victim in a variety of ways, offering to proactively make the contact or accompany the victim to the service, and



following up with the victim or the service to make sure that the referral was effective. For information on effective referrals, see the backgrounder *Victim Service Referrals* (2006) on the BC Association of Specialized Victim Assistance and Counselling Programs website and *Referral Policy for Victims of Power-based Crimes* (2007) on the Victim Services and Crime Prevention Division website (see Section 8).

Victim service workers should be able to give information or referrals to victims concerning legal counsel; counselling; culturally specific services; services for people with disabilities; services specific to the crime, such as violence against women or children; or any other assistance or advocacy they may require. See Section 8 for links to relevant services.

death notification

Death notification is an extremely agonizing event, for both the survivor and the messenger. Victim service workers should receive training in crisis intervention and dealing with a death. The following guidelines may be helpful:²⁶

- Always make the death notification in person.
- Try to be accompanied by someone the survivor knows and trusts.
- Speak to the closest relative(s) of the deceased.
- Never transmit the notification to a child alone.
- The police member will take the lead and will usually ask to enter the home. Seat the survivors and yourself.
- Be direct. State the information simply and clearly and do not provoke anxiety by building up to the idea of death. Do not leave room for doubt or false hope.
- Be aware if the survivor has any particular medical condition that could provoke a severe physical reaction, such as high blood pressure, a heart condition, or asthma. Be alert for serious physical reactions and be prepared to give first aid and call for an ambulance.
- Be tactful but direct in answering any questions.
- Focus on the immediate needs of the survivors.

□ ■ ■ footnotes

²⁶ This material has been adapted from National Organization for Victim Assistance literature.

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- Ask whether you can help the survivor contact relatives and friends. Do not make assumptions about whom the survivor would like called or would like to be with – ask the survivor.
- Never leave a survivor alone after a notification, unless he or she insists.
- Do not judge immediate reactions. All requests should be honoured if possible. Many survivors will immediately want to see the deceased.
- Respond with care and concern. Be empathetic, but not intrusive.
- Survivors of an unexpected death will need ongoing support. Some will have a strong support system of loved ones; others may not. Repercussions are usually long-lasting. Explore with the survivor, both immediately and over the next few days, the areas where you can assist – for example, making funeral arrangements, assisting with insurance claims, or obtaining information from the coroner.
- Let the survivor know that you will be available to provide follow-up help.



You may want to provide a copy of Victim Services and Crime Prevention Division's information sheet called *Help is available for those dealing with Sudden Death*, or refer the victim to the Chief Coroner's Office or Public Guardian and Trustee. These are listed in Section 8.

5.4 understanding policies, procedures, and ethical standards

You need to have a clear understanding and up-to-date knowledge of the policies, procedures, and ethical standards that govern you in your role. These exist to ensure your safety as well as the quality of services provided to victims. Failure to adhere to these policies, procedures, and standards could result in serious consequences for you, for the victim, for the court case, and for your program.

As a victim service worker, you must at all times adhere to your agency's established guidelines in the following areas.

notification on the status of the case

It is important to be aware of who is responsible for notifying victims about information to which they are entitled as their case proceeds through the criminal justice system, and what role victim services will play. Written protocols may guide victim services' coordination with other justice system personnel to ensure that victims are notified appropriately. Understanding and adhering to these protocols is an important part of your professional work as a victim

service provider. Under the *Victims of Crime Act* (VOCA), victims have rights to notification upon request at any point in the process.

For victims’ rights under VOCA, see Section 3.1, “Legislation.” For a description of the victim notification function of the Victim Safety Unit (VSU) of Victim Services and Crime Prevention Division, see Section 3.4, “Services for victims.” For details on how you can assist with victim notification, see “Working with other justice system personnel to keep victims informed” in Section 7.2.

coordination and referral

Victim Services and Crime Prevention Division contracts with victim service programs contain a number of clauses relating to coordination and referral. The division mandates that all victim service programs in a community establish and maintain working relationships with local community, government, justice, health, and other service providers to facilitate coordination, minimize service duplication, and maximize effective referrals.²⁷

Contracts also direct all victim service workers to consider victims’ individual circumstances when assessing an appropriate referral, including the victim’s age, gender, ability, and cultural needs; the necessity of the timeliness of an effective referral; and local protocol procedures. In communities with both community-based and police-based victim services, guidelines regarding appropriate referrals between the two types of programs are also included.²⁸

In communities with both types of victim service programs, programs are also directed to develop and adhere to a local victim service program protocol, including regular meetings with other local victim service programs, consistent referral procedures, and detailed procedures for handling disputes.²⁹

privacy and confidentiality

The need to protect the privacy of victims is a fundamental concern. Another serious concern is the need to guard against further violence. Balancing these two needs can be a challenge.

footnotes

²⁷ Appendix A of the victim services program contract with Victim Services and Crime Prevention Division, clause 2(f).

²⁸ *Ibid.*, clause 2(g).

²⁹ *Ibid.*, clause 2(h).

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With few exceptions, it is necessary to get permission from victims if you are going to talk with anyone else about their situation (for example, police, Crown counsel, or other support workers). This will ensure that trust between the victim and you is not violated.

It is also critical that other people within your agency or service maintain a high degree of confidentiality. For example, workers should not talk about the victim or the victim's case where anyone else might overhear. This helps to maintain the credibility of the agency and to ensure that trust is maintained.

Legislation, policy, and ethical standards provide direction in handling confidentiality issues. Agencies that are seeking accreditation will also have to consider applicable standards set by external accreditation bodies. Which information and privacy act applies to your agency will depend on a number of factors, including the nature of your funding contract and who has custody or control over agency records. Police-based victim services should direct questions to their local municipal police department or RCMP detachment. In the case of community-based victim services, the funding ministry's Information and Privacy Branch should be able to answer questions about which act applies. (For an overview of relevant legislation, see "Freedom of information and protection of privacy legislation" in Section 3.1.)



You should familiarize yourself with legislation that applies to your program, and with your agency/program policies or guidelines regarding information management and confidentiality. Most community-based programs use the *Records Management Guidelines: Protecting Privacy for Survivors of Violence* (Ruebsaat, 2006) (see Section 8). This policy document helps ensure compliance with provincial legislation and basic ethical requirements.

basic confidentiality principles³⁰

- The safety and well-being of clients is the primary obligation of agency staff and board members.
- Agencies are primarily accountable to the people they serve.
- Clients have the right to be informed regarding the nature of the service they receive and the contents of any documentation of that service. They have the right to request corrections of errors or omissions contained in the personal information they have provided.

■ ■ ■ footnotes

³⁰ Ruebsaat, 2006.

- Agency staff should inform clients of the general limits to confidentiality at the time the person requests service.
- Agencies will protect the privacy of all professionally acquired information. Such information will be disclosed only with the client’s consent or where there is a clear legal obligation to release it.
- Agency staff may disclose client information to other staff who, by virtue of their responsibilities, have a need for it.
- Client information should be disclosed to board members only in exceptional circumstances, where there is a critical need for them to know.
- Information should be collected from the individual concerned (i.e., the client), unless the client authorizes collection from another source.

exceptions to the basic principle of confidentiality

There are important exceptions to the basic principle of confidentiality. You must explain to victims under what circumstances the information they give you may not be confidential. If you are subpoenaed to testify in court, you may have to reveal to the court the information the victim has told you. If you are given information about a child who may be at risk of abuse, you are required to report the matter. Other exceptions relate to victims’ dangerousness – to themselves or others.

child protection – the duty to report

A person who has reason to believe that a child needs protection must report the circumstances to a child protection worker at the Ministry of Children and Family Development. This may be done by calling the Helpline for Children (310-1234 – no area code required) or the local MCFD office (for legislation, see “*Child, Family and Community Service Act*” in Section 3.1; for assistance in this process, see the *Violence Against Children and Youth Handbook* in this series).



suicide

In cases where a victim is suicidal, failure to report or to take appropriate steps to intervene may leave the agency vulnerable to civil liability if the victim does commit suicide and relatives launch a civil suit.

if you have reason to believe that the victim is dangerous

Both ethical and legal considerations come into play here. If you are a member of a professional body that has a code of ethics, you should consult the ethical guidelines and follow them. If you are a professional subject to the *Health Professions Act*, different considerations come into play.



Both the provincial *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* permit the sharing of personal information for health or safety reasons, so if you decide to share information about the danger the victim poses to others, you will not be in breach of provincial privacy laws.

Apart from ethical considerations, in Canada there is no positive legal requirement to warn others about or to protect them from the risk the victim poses. If you make a decision not to disclose such information, however, you may leave yourself or your agency open to a civil suit alleging negligence or a failure to exercise due care.

special privacy rules for sexual offences



The *Criminal Code* contains additional privacy safeguards for sexual offence cases. (For details, see the *Sexual Assault Victim Service Worker Handbook* and the *Records Management Guidelines: Protecting Privacy for Survivors of Violence* [Ruebsaat, 2006] listed in Section 8.)

release of personal information

To obtain specific direction about when it is appropriate to share victim information with third parties and how the release should be handled, refer to applicable information and privacy laws and agency/program policies. As a general principle, subject to limited exceptions, the victim's consent should be obtained before information is shared with other agencies or professionals.

If you work in a police-based program and victim records also form part of the police file, you should inform the victim of this practice, including any steps that are taken to protect a victim's privacy.

discussion with others about the case

To maintain your credibility and the trust of the victim, you and other workers must not discuss any case outside your work environment. That is, you should discuss the case only within the confines of your office or in other private areas such as a witness room, victim services office, police office, or Crown counsel office. It is not appropriate to have a friend with you in the victim services office or while on a case in the community.

rules of confidentiality

Following strict rules of confidentiality will protect the victim and reduce the possibility of jeopardizing the prosecution of the accused.

in the office

- Keep all files locked.
- Do not allow victims' files to leave the victim services office.
- Do not leave victims' files on your desk when conducting victim interviews.
- Ensure victims' privacy while they are in your office.

outside the office

- Do not wear your ID badge or other identifying insignia in public.
- If your program's vehicle is marked, do not park directly in front of the victim's home. For police--based programs, remove the magnetic shield.
- Do not discuss your cases with family or friends.

when telephoning a victim

- Do not identify yourself to anyone other than the victim.
- Ask for the victim by full name to avoid confusion with other family members.
- Once you are speaking with the victim, clearly identify yourself and your affiliation, and clarify your role. Ask whether it is convenient to talk; if it is not, find out the appropriate time to call again. Do not contact victims at work or school unless you have their permission to do so.
- Do not leave a message on an answering machine unless the victim has given permission.

discussion of evidence

In your role as a victim service worker, you must be aware of what you can and cannot discuss with victims. You can jeopardize a case by discussing evidence with a witness. A witness is anyone who testifies in court, including the crime victim. Evidence includes the information in the witness statement to the police and any information in the police Report to Crown Counsel.

what a victim service worker can and cannot discuss with the victim

In order to avoid jeopardizing a possible prosecution or breaking the law, victim service workers must be aware of what they can and cannot discuss with victims. The following rules of conduct will assist you:

- Do not discuss the case with anyone except your supervisor, the police, Crown counsel, or others as required by law.
- Remain impartial in discussions of criminal justice issues with the victim.

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- Never say or do anything that may influence a witness's testimony.
- Never discuss victims' evidence or suggest what they should say as a witness.
- Never discuss the evidence of other witnesses with the victim.
- Report any additional evidence to police or Crown counsel in accordance with your agency's protocols. If you are unsure how to handle new information provided to you by a victim, consult with senior staff in your program/agency.
- Do not release the following information to a victim or to others:
 - The name of the suspect, unless a charge has been laid against that person, making the information part of the public record
 - The name or any information that might identify a young offender (a person between the ages of 12 and 17). You can, however, explain that the *Youth Criminal Justice Act* restricts the release of this information, and you can state that a young person has been charged. (The name of the offender may be released to the victim under certain circumstances. Check with police or Crown counsel.)
 - A case file or any part of a case file that is the property of the police (e.g., the Report to Crown Counsel). The Crime Victim Assistance Program, insurance companies, and civil lawyers can contact the police department or Crown counsel directly for any information they require.
 - Information about the criminal background or absence thereof of any suspect or charged person
 - Information about any case other than the case in which the victim was the victim/witness

If you are uncertain whether information is confidential, always check first with police or Crown counsel.

Witnesses may be asked in court by defence counsel whether they have discussed their evidence with a victim service worker. There is the chance that the victim service worker will then be called as a witness.

The following information would not fall under the category of evidence and so can be provided to the victim:

- Police file number
- Name of investigating officer
- Court file number
- Name of Crown counsel

- How to claim property that has been recovered
- Name of accused if charges have been laid³¹
- Information concerning the status of the case: court dates, whether the case is still under investigation, whether the case has been concluded, and the case disposition

Persons other than victims or witnesses should be referred to the court registry for information about the status of the case once charges have been laid. For example, if a neighbour of a victim wants information on the court case, and the neighbour is neither a witness nor a support person for the victim, you should refer this person to the court registry.

keeping records

Community-based victim services will use their 2006 *Records Management Guidelines* (see Section 8) to inform their day-to-day recordkeeping practices. Police-based programs will use standards that apply to them. In general, the following guidelines are recommended:



- Record any action taken on a case file, including telephone calls or meetings with victims, Crown counsel, police, social workers, doctors, witnesses, family, or teachers. Also make a record of court accompaniment, court orientation, court observation, transportation assistance, and assistance with Crime Victim Assistance Program (CVAP) applications.
- Include forms and victim impact statements in the file.
- Record dates and times of phone calls made or received. Indicate busy signals, no answer, and messages left.
- Record dates and times of meetings with victims.
- Record names of persons you have called or met.
- Keep a case file updated with phone numbers and addresses of victims. (It is not uncommon for victims to move frequently.)

footnotes

³¹ While the *Youth Criminal Justice Act* (YCJA) generally prohibits publication of the name of the young offender, the act provides that while a matter is being investigated or dealt with by the police, the courts, or some extrajudicial process, the victim *must* be given the name of the offender if it is in a court record, and *may* be given the name by police or any government agency, including Crown counsel. After a concluding event (for example, a stay or expiry of the appeal period), the victim has a further period of access to this information, ranging from two months to five years, depending on circumstances.

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- Keep a case file updated with court appearance dates, adjournments, and other court dates.

It is very important to keep your records as simple and as clear as possible – something that is more difficult than it sounds. It is also important to keep the information free of personal opinions. Records should be written in such a way that other staff members within the victim services office can provide continuity of service to the victim based on the information in the file.

5.5 caring for the caregivers

The work you are doing carries both physical and emotional risks. You must be attentive to your own physical and emotional safety and be aware of your own limits and needs.

worker safety

All responsible agencies that provide support services to victims will place the safety of their workers over the needs of a victim. Be familiar with and always follow your agency's policies and procedures on safety, including when to go and when not to go out in response to a request, what to do as an alternative, and safety procedures while out on a crisis call. Keep the following general safety guidelines in mind:

- If your agency provides on-the-scene response, always advise your office of the address and telephone number of your destination and your expected return time. If you work in a police-based agency, notify dispatch of this information and let them know of any change in your plans.
- Travel only in teams of two.
- Never attend a crime scene without the police.
- Always trust your instincts. If something seems peculiar, leave immediately. Your personal safety is the first concern.

setting limits

You may be reluctant to set limits on your services to victims, but you must do so. By setting personal boundaries, you can show victims how to do the same in their own lives.

To define your role, familiarize yourself with the formal job description provided by your organization, and then consider the following questions:

- What work will you do with victims?

- Is there a time limit for sessions with victims? If so, what is it?
- Do you have a limit on the number of meetings you will have with a victim? If so, what is it?
- What types of clients should you refer to other services? (Suicidal clients? psychotic clients? drug or alcohol abusers?)
- Are there services to which you should be referring victims?
- Does your agency have a policy about giving out your home telephone number and accepting calls at home?
- Do you attach any other conditions to your services to victims?

If a victim makes inappropriate demands on you, such as dropping by your office frequently without an appointment or phoning you at home, you can discontinue service. In this way, you can let clients know that they must be willing to take more responsibility for themselves. (For more information, see “Dealing with difficult clients” in Section 5.3.)

self-care

Dealing with crimes or tragedies that are particularly violent or disturbing is bound to provoke strong reactions on your part. You may experience rage, shock, fear, grief, or a sense of powerlessness. Since it is not appropriate for you to deal with your feelings while with the victim, you must have

somewhere else to express your own feelings and get support without violating the confidentiality between you and the victim. A formal support system within your program can provide an important outlet. Supportive colleagues can help you deal with your feelings before you leave the office at the end of the day.

impact of trauma on the victim service worker

A victim service worker who attends a particularly disturbing call may experience critical incident stress syndrome. A worker may also experience vicarious traumatization or the psychological consequences of working with victims. Just as victims of a traumatic incident need an opportunity to express feelings and discuss reactions with supportive persons, so do workers.

If you repress these feelings and reactions, they may manifest themselves as anxiety and cause long-term effects and delayed stress reactions. Some of the early warning signs are sleep disturbances, recurrent thoughts of the event, irritability, headaches, gastrointestinal problems, and a variety of other negative emotional, physical, and cognitive effects. If you continue to ignore or repress your feelings and reactions, you may ultimately experience a more profound impact, such as burnout or cumulative stress reactions.

stress management strategies

Signs of stress may include sweaty palms, headaches, elevated blood pressure, restlessness, worry, anxiety, depression, and feelings of inadequacy. Some people show they are under stress when they try to “escape” by using alcohol, drugs, or cigarettes. Some people exhibit signs of stress when they become withdrawn and unsociable because they cannot bear the added stimulation of social interaction. Watch for signs of stress and help yourself by regular debriefing and by adopting a healthy lifestyle that includes stress management techniques. It is important to treat stress as a challenge to be overcome and not as something awful that controls your life.

The following measures will help reduce the impact of the trauma you may experience in working with victims.

Debriefing is a way for victim service workers to describe the critical incidents and their feelings and reactions to the incidents in a safe and supportive situation. Discussing and working through these feelings and reactions is an important part of keeping healthy while doing the intense work of supporting victims of crime. Consult with your program to determine whether and what formal or informal mechanisms are in place for debriefing.

Debriefing someone involves demonstrating sensitivity, trust, and caring in a non-judgemental way. It also involves the following steps:

- ***Ventilation of feelings and assessment of the degree of stress.*** Ask questions that will help to get their feelings out. If the worker is in shock, ask questions that will help to alleviate the shock, such as: What has been happening? What thoughts were you having while working? What were your perceptions of what was going on? What was the hardest part of the task? What are you feeling now? What other feelings are you having? What are the strongest feelings?
- ***Sharing with the worker the signs and symptoms of stress responses and offering support and reassurance.*** Sharing details of stress response normalizes the situation. The goal is to provide support by educating and reassuring the worker that the responses are normal in the circumstances, even though the circumstances themselves may be abnormal.
- ***Mobilizing the inner and outer resources of the worker and helping to plan next steps.*** Most people know which coping mechanisms will work best for them (exercise, rest, a warm bath, talking to friends, etc.). Help the worker move towards what works.

Physical care is just as important as emotional care in providing effective support to others.

- **Diet.** Take the time to eat properly. Avoid excess caffeine, sugar, alcohol, fats, and salts.
- **Exercise.** Take the time to exercise regularly. People who exercise have more stable emotional states and are less anxious, depressed, and angry. The body's stress response has been designed for physical activity. Regular exercise uses up the excess energy produced by stress in a beneficial, productive way.
- **Rest and relaxation.** Acknowledge and respect your body's rest requirements and give yourself permission to take a break. Remember that relaxation is not the same thing as rest – it is a more purposeful quieting of the mind and body that stimulates the production of chemicals that can neutralize the chemicals produced by the stress response. Some proven relaxation techniques include deep breathing, progressive muscle relaxation, biofeedback, and visualization.
- **Recreation.** Balance the stresses of your life with hobbies, entertainment, visits with friends, and anything that provides replenishment of energy, peace, and fun. You need a life beyond your job.
- **Positive thinking.** Maintain a positive mental attitude to help combat stress. Concentrating on any positive aspect of a critical incident, such as positive people or actions, helps individuals derive meaning from chaos.

■ victim
□ safety

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9 section





6.1 crisis intervention

You may be called by a victim who is in a crisis situation. Or you may be asked by the police to call a victim or to accompany them to attend to a person who has just been victimized. If police are involved, they will assess the immediate danger and take steps to ensure a victim's safety. If the victim calls you directly and police are not involved, you will need to make that assessment and ensure that the police are called if necessary.

assessing the immediate situation

The following sections list questions you can use to assess the immediate situation. Always consider the particular circumstances of each victim, including any special needs, such as language or mobility requirements. When assessing the immediate situation and ensuring victims' safety, always consider the safety of any other potential victims at the scene.³²

Do not overwhelm victims with questions; focus only on the information you need in order to help ensure their safety. At the same time, you need to create a relationship of trust and respect so that the victim will accept your help. (For information about ensuring the safety of children and youth or victims of family or sexual violence, see the specialized handbooks in this series.)

Begin by listening carefully to victims' descriptions of what happened and what they need. Ask whether they are in any danger or need medical attention. For legal reasons, it is important not to ask leading questions or to "put words in their mouth" about what happened.

Provide emotional support immediately. Reassure victims that you believe them. Do not attempt to define the situation for them unless you believe them to be unaware of the danger they are in.

■ ■ ■ footnotes

³² For the sake of simplicity, throughout this section reference is made only to "the victim." Remember, however, that you must also always consider the safety of anyone else who may be in danger, such as a victim's children or other family members.

is the victim physically safe right now?

To find out immediately if the victim is safe, you can ask:

- Where are you calling from?
- Are you safe? Is anyone else in danger?
- Do you know the offender? Where is the offender?
- What did the offender do to you? Did the offender make any threats?
- Were there weapons involved? Does the offender have access to weapons?

If a victim is in immediate danger, get his or her name and address and phone the police immediately! Tell the police if the victim needs an interpreter. Some police departments may have bilingual officers who can attend. Ask the police to contact you after they have answered the call. You need to know what action they have taken in order to follow up.



does the victim need medical attention?

Find out immediately whether the victim needs medical attention. You can ask:

- When did the incident occur? Do you have any injuries (bruises, cuts, aches, cracked or broken limbs, headaches, dizziness, blurred vision)?
- Have you had any medical attention yet? Do you need medical attention?
- Do you need an ambulance or transportation to the hospital?

If there have been any physical injuries, encourage victims to go to the emergency room or a doctor, even if the injuries are slight. There could be injuries they are unaware of. Also, a doctor can document injuries for evidence in a legal action. Offer to go with them or meet them at the hospital.

what resources does the victim need at the moment?

Try to determine the practical resources victims have at their disposal at that moment. They may be calling from a payphone and be too frightened to return home. They may be safe at a neighbour's house but have no money or transportation. They may not speak English fluently and have difficulty making people understand what is happening. They may have mobility issues and have difficulty getting around. They may need help thinking through how to get access to cash or important papers.

If victims are alone, ask whether they would like to call a friend or family member. If they want you to be there and it is within your agency's mandate, let them know you will be there as soon as possible. Ensure that it is safe for you to meet them, and check your agency's safety procedures before leaving.

establishing trust and respect

To create a relationship of trust and respect with victims, there are a number of things you can do:

- Assure them that you believe what they are telling you.
- Let them know that there are people who will help them.
- Inspire confidence. Let them know you have the experience and resources to find help.
- Validate their feelings and experience.
- Do what you say you will do, and do it in a timely manner.
- Validate a victim's cultural experience. Acknowledge that it may be hard for them to seek help, especially if the offender is part of the same culture.
- Help victims mobilize their inner resources to deal with the immediate crisis. They may be overwhelmed and have difficulty thinking clearly.
- Keep your message clear and simple – their safety and the reassurance that help is available.
- Your role is to help victims figure out what they need to do, to help them become empowered to make their own decisions, not to push them.
- Stay calm. Even if you think a situation is horrendous, do not show it. Victims need to believe in your strength and your reassurances.
- Listen carefully. Every situation is unique. Do not assume you know what is going on.
- Be careful. Sometimes you may be the one initiating the call because you have been given a victim's name and number. You do not want to increase the danger for a victim. Do not leave a message. Have a plan in place for what you will do if it is not the victim who answers the phone.

working with police

If police are not involved, they should be called if a victim is in immediate danger. If police are at the scene, you must respect the police role in managing the crime scene and investigating the incident. Never interfere with a police investigation. If police do not appear to understand your role, tactfully explain that your role is to support victims and ensure that their needs are met.

how the police can help

The police role will vary depending on the circumstances: the nature of the incident; whether victims are still in danger; whether the victim knows the suspect; whether the suspect is still in the vicinity; what the victim needs; how a victim would like to proceed; and whether police believe charges should be laid. If police believe that a crime may have occurred, they will conduct a thorough investigation. If they believe, on reasonable and probable grounds, that a crime has taken place and a suspect has been identified, they may recommend that charges be laid.

Victims should tell police if they fear they will be victimized again. If police arrest the suspect, a victim can ask that the accused be released only on a no-contact order. A no-contact condition can be part of an order if the accused is released from police custody, or can be requested by police if an accused is held for a bail hearing. (For a description of protection orders and how you can assist victims, see “Protection orders” in Section 4.4, and Section 6.4, “Assisting victims with protection orders.”)

when police are not involved

There will be some cases where, for a variety of reasons, victims do not want to report the incident to police. You must follow your program’s policy regarding reporting to the police, which will always require reporting to police if either the victim or anyone else is in immediate danger. Policies regarding involving the police will vary among programs and it is important that you thoroughly understand your program’s policy. While remaining consistent with program policies and respecting, as far as possible, the victim’s decision not to report a crime to police, you should always be alert to changes in the safety status of the victim or anyone else, and remind the victim of the importance of the protection that police may be able to offer.

taking care of children

If victims have children who are in danger or who need care, you must ensure that they are safe and cared for if victims are not able to do that themselves. (For more information about care for a victim’s children in situations of violence against women, or about care for children and youth who are victims of violence, see the specialized handbooks in this series. On children in need of protection, see “*Child, Family and Community Service Act*” in Section 3.1.)

finding emergency housing

It may not be physically safe or feel emotionally secure for a victim to remain at home. The following questions will help you assess the situation:

- Are you in danger if you stay in your own home?
- Could you stay with friends or family?
- Would that be safe for you and for them?
- Would that be a good situation for you?



For information about transition houses, see the *Violence Against Women in Relationships Victim Service Worker Handbook* in this series.

ensuring victim service worker safety in crisis situations

It is particularly important that your agency have safety procedures for staff responding to victims in crisis. See “Worker safety” in Section 5.5 for suggestions.

6.2

ongoing support and follow-up

If you are a police-based victim service worker and there is a specialized victim service program in your community, you should inform victims of family or sexual violence about those specialized services and what they can provide. Victims’ permission should be sought to make referrals proactively.

If you provide support to victims in the days following the incident, encourage them to talk about their feelings. You can ask:

- How are you feeling?
- What are you going to do today? Tomorrow?
- What kinds of things have you done before when faced with a crisis?
- Do you have some support systems? What are they?
- What can I do to help?

Help victims understand the importance of taking care of themselves, and assist them to identify their strengths. Helping them regain self-esteem and control over their lives can be done by working with them on specific tasks – for example, arranging with a landlord to change the locks or investigating the possibility of an unlisted phone number. Encourage victims to plan for their immediate future and for their support and safety needs. Explore ways in which victims might be able to find support from the people in their lives.

Discuss a victim's possible reactions to the crime in both the short and long term. Explain that counselling is available, and discuss how the victim would like a referral to be made (see "Making effective referrals" in Section 5.3).

Let victims know what help your agency can provide when they deal with the police and the court system. Make sure they know how you can be reached, and make arrangements for the next contact if appropriate. Also tell them about other resources they can contact for additional support. (For contact details, see Section 3.4, "Services for victims," and Section 8.)

6.3 helping to prevent revictimization

preventing revictimization of victims of property crime

Immediately after a crime and during the period following a crime, it is important to work with the victim to find ways to reduce the possibility of future victimization. Depending on the nature of the crime, this may include changing locks, installing more secure window fasteners, installing new outdoor lighting, acquiring a dog, or becoming aware of and altering daily routines that may increase vulnerability to crime. Help may be available through the crime prevention section of your local police department or detachment. See Section 8 for crime prevention resources available through Victim Services and Crime Prevention Division.

preventing revictimization of victims of personal crime

In addition to the strategies described above to decrease vulnerability to property crime, there are a number of steps that victims can take to decrease their vulnerability to personal crime. Risk assessment, risk management, and safety planning for women and children who are vulnerable to violence are discussed in the specialized handbooks in this series.

In general, commonsense precautions – such as avoiding high-risk areas at night; walking with companions; never accepting rides from strangers; parking in well-lit, well-populated areas; checking cars and entryways before approaching them; having keys ready for speedy access to cars and homes; never meeting privately with acquaintances met through the Internet; and self-defence courses that increase victims' physical confidence – are all helpful strategies to reduce the possibility of personal victimization. Victim service workers should share these strategies with victims and provide victims with, or refer them to, crime prevention materials available from local police.

Victim services workers are reminded, however, that women and children are generally most at risk from offenders within their own homes, families, and

circle of friends and acquaintances. Refer to the specialized handbooks in this series for specific steps that may be taken to help reduce risks for victims of family and sexual violence.

6.4 assisting victims with protection orders

enforcement of protection orders

Effective enforcement of protection orders is critical to victims' safety and to their confidence in the justice system. There is a high degree of risk associated with any breach of a protection order. The victim's awareness and knowledge and a coordinated response are keys to effective enforcement. Victim services play a central role in providing information and support to victims about their protection orders.

- Ensure that victims have a copy of the order or release document.
- If neither you nor the victim has a copy of the documents, obtain the victim's consent to obtain it from the police, court registry, Crown, or bail supervisor, depending on the nature of the order.
- Explain its terms to victims more than once. Specifically, review what terms such as "no contact" mean.
- Explain the purpose of the Protection Order Registry (POR) and how they can access it and make sure the order has been registered, which should have been done automatically.
- Make sure victims register with the Victim Safety Unit (VSU) so that the VSU will keep them informed about the offender's status.
- Ask victims whether the terms of the order address their safety needs.
- Help victims develop a safety plan, if appropriate.
- Reinforce the idea that the order is meant to control the behaviour of the person subject to the order, not the victim's own behaviour. However, if the victim initiates or permits contact with the defendant in contravention of an order, it may make it difficult for the police or other justice system personnel to enforce a breach of the order.
- Explain how to report a breach. Stress the importance of documenting the circumstances of the breach in writing if possible. Outline the option of using *57 if the defendant is calling the victim. (Pressing *57 after hanging up from a harassing call stores the caller's information for Telus to pass on to police. For more information, visit www.telus.com.)



- Outline the procedure that will be followed if victims wish to vary the terms of the order. Explain what will happen if the defendant makes an application to vary the terms.

In some communities, police provide information relating to the above. In other communities, victim services or Corrections provide it. Be aware of the procedures in your community and be ready to answer the victim's questions. Coordination is key to problem solving. Such an approach can create a culture of enforcement that greatly increases the chances of timely and effective enforcement responses to breaches.



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■ ■ assistance through the □ criminal justice process

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7.1 working together to support the victim

The task of assisting a victim through the criminal justice process is complex. As a victim service worker, you have a key role in assisting victims as they proceed through this process. Other justice system personnel and community-based workers also have important roles. In order to ensure the best possible situation for victims, and to ensure that victims access all the help they can get, one of your primary roles is to help coordinate the assistance available to victims and help make sure that people are working together effectively.

Sometimes this will mean sharing information with others helping the same victim (within the limits of confidentiality). Sometimes this will mean referring victims to other, more specialized services and following up to make sure they received the services they needed. (See the backgrounder *Victim Service Referrals*, produced by the BC Association of Specialized Victim Assistance and Counselling Programs, and *Referral Policy for Victims of Power-based Crimes*, produced by Policing and Community Safety Branch, listed in Section 8.) Sometimes this will mean working collaboratively with other services to help victims decide on a course of action or get their needs met.

Victim service workers should participate in any relevant local coordinating committees or protocol development committees and case management committees. See also Section 3.5 “Coordination of services for victims.”



7.2 assisting victims to access other justice system services

working with other justice system personnel to keep victims informed

You should inform victims about their information rights based on the *Victims of Crime Act*, the *Crime Victim Assistance Act*, the *Criminal Code of Canada*, and the *Youth Criminal Justice Act* (see Section 3.1, “Legislation”).



At various stages, police, Crown counsel, a bail supervisor, a probation officer, the Victim Safety Unit, VictimLINK, the Correctional Service of Canada (CSC), or the National Parole Board (NPB) may provide information or notification to the victim. You need to know what local protocols say about who notifies the victim

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of what information, and follow these. You can act as a liaison with other justice system personnel to share information and help monitor the victim's safety.

You should ensure that victims understand that they must register for the provision of some of the information to which they are entitled. Encourage them to register with the VSU as soon as Corrections is involved so they can be located for notification about the status of the offender and can receive support, information, and referral. Victims do not have to wait until there is a conviction in order to be notified of the accused's status. You can tell victims that if they are not registered, the VSU will still attempt to contact them when the offender is about to be released from jail at the end of the sentence, but it is often difficult to locate unregistered victims. Unregistered victims are also not notified of other types of releases, such as parole and releases from court. Unregistered victims can still phone the VSU to ask for specific information.

You can assist the victim to download the registration form from the VSU's website and complete and submit the form by mail or fax. Victims can also contact the VSU directly (see Section 8 for contact information) and can register by telephone. An information sheet for victims entitled *Information on Victim Notification* is available as part of the *Help Starts Here* series listed in Section 8.

If the offender is sentenced to a federal institution, tell victims they can write to the CSC for information and can register for notification of the offender's status. You can also assist victims by contacting the appropriate federal institution directly and speaking to the victim liaison coordinator.

You can also help victims apply to the NPB to be notified of parole board hearing and release dates (see Section 8 for contact information). Although the NPB is now responsible for parole for offenders in both provincial and federal institutions, the VSU will continue to notify victims that a provincial offender has applied for parole. At that point, victims must also register federally. However, victims who are registered with the VSU do not have to complete a separate federal registration form. If the offender applies for parole, the VSU will forward the completed VSU registration form to the CSC/NPB, and it will then be used for federal registration. While the offender is on parole, CSC/NPB will provide notification directly to registered victims, unless victims have assigned either the VSU or another individual to act as their agent. Check with the VSU to ensure that you have the most current information about victim notification requirements.



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Tell victims that most courthouses in the province have computer terminals that members of the public can use to access information from JUSTIN, a Crown counsel database. Information available through JUSTIN generally includes case updates as well as an offender's pending charges, convictions, and previous convictions in BC going back to approximately 2000. A victim will need the full name of the accused or offender to access this information.

For information about special notification requirements for victims of spousal violence, see the *Violence Against Women in Relationships Victim Service Worker Handbook* in this series. For details about information that victims are entitled to under VOCA, see “*Victims of Crime Act*” in Section 3.1.

assistance through the Crime Victim Assistance Program



You should provide victims with information about this service, including eligibility requirements and services provided. An information sheet for victims entitled *Financial Assistance for Victims of Violence* is available as part of the *Help Starts Here* series listed in Section 8.

Victims should apply to CVAP as soon as possible after the crime. They do not have to wait until charges are laid or the accused is convicted. In most cases, an application for benefits must be received within one year of the date of the crime. Minors have until they turn 20 to submit an application. There is no time limit for applications from victims of sexual offences. Late applications may be allowed in exceptional circumstances.

You can help a victim access an application form online and assist him or her in filling it out. There are separate application forms for victims, immediate family members, and witnesses. While many victims are able to complete these applications based on the instructions provided, others may have questions or require more intensive assistance because of special needs. Remind the victim to sign the application form wherever indicated and to enclose original receipts for expenses related to the crime. If you physically assist a victim in filling out a CVAP application, you do not need to indicate this on the form. Only those completing applications on behalf of an applicant in the capacity of a legal guardian or legal representative are required to indicate this on the form.

Remember not to make any guarantees to the victim about assistance or length of time to process the claim. Once the victim has sent an application to the CVAP, the victim will receive a letter of acknowledgement. Before the claim can be adjudicated, more information is gathered by CVAP staff based on the information in the application. Reports to Crown Counsel are obtained from the police where the report of the crime was made. Depending on the injuries and losses suffered by the claimant, reports may also be collected from

doctors, counsellors, and/or therapists. All of this takes time, but it is in the best interest of the claimant in order to ensure that the adjudicators have sufficient information to make an appropriate decision. Remind victims to provide CVAP with their new contact information if they move.

Tell victims that they should inform CVAP staff as soon as possible about any changes in their circumstances, such as the deterioration or improvement of an injury, their leaving or returning to the workforce, or additional expenses. This can include any evidence that was not previously available. The new information will be reviewed to see whether it affects their eligibility for benefits. Victims will be notified in writing of the outcome.

If there is no new information but a victim believes that a significant error was made in the decision, the victim must submit a written request for review within 60 days. The request must specify what error was made. The decision will be reviewed and the victim will be notified in writing of the outcome.

Victims or victim service programs with questions about a victim's eligibility may contact CVAP directly. See Section 8 for contact information.

Legal Services Society/legal aid

You should familiarize yourself with eligibility requirements for and benefits provided by legal aid, as well as the other services offered by the Legal Services Society (LSS), particularly in the area of family law. Services offered by LSS and eligibility requirements change periodically, so you should keep yourself up-to-date by regularly checking the LSS website. Victims applying for legal aid will be asked to provide financial information and explain their situation. When necessary and appropriate, you may offer to accompany victims to legal aid appointments. Check with your program regarding any policies or guidelines in this area. You should establish contact with lawyers in your area so that you can recommend a lawyer to victims who require legal assistance.



interpreters

As a support worker, you can ask police and Crown counsel to provide personnel who speak the victim's language or interpreters for interviews that a victim may have with them. Crown counsel should advise Court Services Branch to arrange for an interpreter for criminal court proceedings. You should also make sure that police and Crown know when interpretation services are required for the deaf or hearing-impaired.

Language interpretation can be a complex issue. Wherever possible, help a victim access the services of a professional interpreter who understands the

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need for accuracy, objectivity, and confidentiality. Because members of cultural communities are often known to one another, there may be sensitivities around privacy issues. A woman or man may feel intimidated by the thought of discussing intimate details with an interpreter of the opposite sex. Always check with the victim first that a proposed interpreter is acceptable.

Do not assume that a staff person who speaks the victim's language or an interpreter in one situation will be able to serve a victim in other situations. For example, at the police station, a police officer may be able to speak a victim's language and translate for the victim, but that officer will not be able to offer interpretation in an ongoing way. Wherever possible, avoid using a family member as an interpreter. If such a situation cannot be avoided in a crisis, work with other justice system personnel to arrange for another – if possible, professional – interpreter at the earliest opportunity. This is particularly important for official interviews and meetings, such as with police or Crown counsel.

If you are serving as an advocate or support person as well as an interpreter, check with victims whether they concur with this arrangement. Often this arrangement will be most comfortable for the victim. If you are unable to provide interpretation services and such services are not routinely provided by the service that the victim is accessing, the victim may need your advocacy to ensure that an interpreter is available. You should develop and maintain a list of language interpretation services in your community.

Lawyers or family members who will not also be appearing as witnesses are not entitled to an interpreter paid for by the court, and it will be their responsibility to arrange for, retain, and pay for interpreter services. Victims will need to either bring along a friend or family member or arrange and pay for a professional interpreter to assist in the registry process.

7.3 if the referral to victim services is not through police

If you do not know already, find out whether the victim reported the crime to police.

if the police are not already involved

If the police are not already involved, find out whether the victim would like to report to police. There is no legal obligation to do so. However, you should tell victims that a report to police may help the police ensure victims' safety by helping them apprehend the accused and prevent such an offence from



happening again, to them or to someone else. (For information about the duty to report to child protection authorities if you have reason to believe that a child needs protection, see “*Child, Family and Community Service Act*” in Section 3.1.) A report to police in cases of property crime is usually necessary for insurance purposes. Early reporting increases the chances of police apprehending a suspect and finding and preserving evidence.

Most people do not understand how the criminal justice system works. They are puzzled by legal terminology and by police procedures. The information you provide may help victims decide whether to report the incident to police and may help them understand police procedures if they decide to report. Whatever the victim’s decision, your role is to provide information and support. If a victim decides to report to police, you can offer to accompany him or her to the police station and throughout the process.

if the police are already involved

If police are already involved, ask the victim what the police response was. Did they arrest the accused? Remove the accused from the scene? Release with conditions? Recommend a charge? If the victim does not know, you can phone the police and ask whether the accused was released with conditions and whether the responding member recommended charges.

The responding member, whether at the scene or at the police station, should have provided the victim with a referral card containing information on legal and social services, the police file number, and the member’s name, number, and telephone number. If the victim did not receive such a card, help him or her contact the police station and ask for the police file number and the name of the member(s) involved. If the member is reluctant to give you case information, you may need to help the victim make the inquiry himself or herself.

7.4 police procedures: victims’ roles, rights, and responsibilities

initial police response

After an incident is reported to police, a number of events may occur, depending on the circumstances:

- Police will meet with the victim to investigate the complaint.
- If necessary, police will take steps to meet a victim’s language needs or other special requirements.

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- Police will take an initial report from the victim and any other witnesses, recording exactly what happened.
- Police may gather physical evidence at the site of the incident for forensic examination.
- If there are physical injuries, police may advise the victim to go to the hospital, may call an ambulance, or may take the victim there right away.
- Police may arrest the suspect, if there are legal grounds to do so.
- Following any medical examination, police will ask the victim to come to the police station to make a formal statement or, if the victim is not able to go to the police station, will make other arrangements.
- Police should inform victims of their rights under VOCA, including rights to notification about the status of their case.
- Police should make a referral to victim services. Generally, referral will be to police-based victim services, except for victims of family and sexual violence, who should be referred to specialized, community-based victim services where they exist.

the police investigation

The victim's statement to police will include everything the victim can remember about the incident, including:

- What happened
- Where and when it happened
- Whether the suspect is known to the victim
- Whether a weapon was used
- What the victim said and did
- What the suspect said and did
- A description of the suspect, including height; weight; skin, hair, and eye colour; smell; accent; speech pattern; and any unusual features

Some questions may be embarrassing for the victim. The police will need to know all the details of what happened. If the victim does not know the suspect, seemingly unimportant details may help police identify the person.

After hearing what happened, the police will generally ask victims to write out what they told them, or the police will write out the statement themselves. In either case, the victim will be asked to read the written statement and sign it.

Before leaving the police station or before police leave the victim's home, the victim should ask for the names and telephone numbers of the member(s) who

took the statement, if the police have not given them that information. The victim may contact the member if he or she later remembers additional details of the incident or has any questions. If a referral to victim services has not already been made, police should make a referral at this time.

If the suspect is not known to the victim, police may ask the victim to:

- Look at photos of people (referred to as mug shots)
- View a line-up of people whose features may be similar to those of the suspect as described
- Describe the suspect's features to an artist who will make a composite drawing from the description (usually only in major cities)

The police may want to take pictures of the victim's injuries. In that case, a police photographer will take photos of the victim at either the hospital or the police station. This process may further upset the victim. However, the photos are important because long after the injuries have healed, they will provide evidence. After taking a statement at the police station, the police may want to go with the victim to the scene of the crime.

If the investigation continues, the police may:

- Apprehend the suspect, obtain a warrant for the suspect's arrest, or otherwise compel the suspect to appear in court
- Contact the victim again to determine whether any relevant information was overlooked and to review the initial report
- Contact people who may have relevant information or be able to provide further corroborating evidence

liaising with police

Once an initial report has been made and a statement taken, there may be a long period when nothing seems to happen. During this time, victims may feel frustrated with the system. They may feel that things are not moving fast enough; for example, the police have not picked up the suspect or they have not contacted all the witnesses. It is the victim service worker's role to explain the process and communicate with the police where appropriate.

If police decide that there is not enough evidence to pursue an investigation or to recommend a charge, you need to make sure victims understand that just because police are unable to find sufficient evidence, it does not mean that the police do not believe their statements or accept the validity of their experiences.

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If the police do not investigate thoroughly or do not recommend a charge where there appear to be grounds for a charge and the victim wants to proceed, you may need to advocate for the victim. You will need to use all the skills you have learned as a victim service worker to advocate for the victim without losing the respect and confidence of the police. The complexities of this role as a victim's advocate constitute a central component and a particular challenge for victim service workers. This is where your good relationship with your local police is crucial.

7.5 the charging decision and beyond: victims' roles, rights, and responsibilities

To find out whether charges have been laid, have the victim call the Crown office. If charges have not yet been laid, try to find out when they will be.

if charges are not laid



If charges are not going to be laid, the victim has a right to meet with Crown counsel to find out why. The *Victims of Crime Act* gives the victim the right, upon request, to be told the reasons why a decision was made regarding charges.

Victims may find it helpful to understand that in order to lay charges, the Crown must determine that it is in the public interest to prosecute and that there is a substantial likelihood of conviction. If they do not approve charges, it does not necessarily mean that they think the incident did not happen; rather, they feel that there is not enough evidence to successfully prosecute the case. It is important for the victim to work with Crown counsel in this process, but if a victim is not satisfied with the decision, the victim can contact the Deputy Regional Crown counsel or Regional Crown counsel to discuss the situation.

victim support when restorative justice approaches are used



As a victim service worker, you may need to explain alternative measures, extrajudicial measures, or extrajudicial sanctions to the victim and provide information and support, particularly if the victim feels frustrated by the lack of criminal charges. A victim in these situations is entitled to all the information mandated through VOCA and may still be eligible for benefits from the CVAP. Victim service workers should work with staff from Community Accountability Programs (CAPs) and designated programs and with Corrections Branch Aboriginal Justice contractors to help ensure that victims' needs are met throughout the restorative justice process.

when a charge is laid

Victims need to know that once the charge has been laid, they become key witnesses. Victims are not required to attend court sessions unless the case is set for trial or preliminary hearing. In serious cases, Crown counsel may request the victim to testify at a bail hearing when they are seeking the accused's detention in custody.

When a trial date is set, Crown counsel will arrange for police to serve a subpoena on the victim and any other required witnesses. The subpoena will give the trial date and time, and at least one charge from the case. The victim's employer may need to see the subpoena in order to grant permission for the victim to miss work.

The victim's contact with Crown counsel may begin with a pre-hearing interview. The purpose of this interview is to help Crown counsel prepare the case and to help prepare the victim for being a witness at the trial. During the interview, Crown counsel may:

- Review the victim's statement, discussing any points that are unclear
- Ask the victim to repeat the details of the occurrence in order to assess the victim's ability to convey the facts to the court and to prepare the victim for having to describe these details in a courtroom
- Explain courtroom procedures and acquaint the victim with the types of questions and questioning styles of both the Crown and defence counsel
- Answer any questions the victim may have
- Ask victims questions regarding their life before and after the incident to determine the full impact of the incident

assisting victims with victim impact statements

You should explain to victims their right to provide information to the court on the impact the crime has had on them and how the victim impact statement may be used in court (see "Victim impact statement" in Section 4.4).

The VIS form and brochure are usually mailed to the victim shortly after the charge has been approved. If the victim did not receive a form, one can be provided by victim services. The VIS should be completed as soon as possible in case the accused pleads guilty on a first appearance. In some cases, if the matter is set for trial, the victim may later wish to include an addendum if there has been a further impact after the first form was submitted.

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While many victims are able to complete these statements based on the instructions provided, others may have questions or concerns, and still others may require assistance because they lack English language skills, have communication disabilities, or cannot read or write. If victims or family members do not wish to prepare a written statement but want to let the judge know how the crime has affected them, they will need to contact Crown counsel to provide this information and Crown will present it in court. In cases involving death or serious injury, victim impact information may be obtained through an interview with Crown rather than through a written statement.

Completing a VIS can be a complex process, especially for very serious crimes. It is therefore important to ensure that victims can complete a VIS without being under time pressure. You may assist victims by answering their questions about completing a VIS and asking them questions about the impact of the crime. You should also tell victims what a victim impact statement or victim impact information should *not* include; that is, it should not be used to describe the crime or how it occurred or include comments about the accused or the sentence. You may also assist by writing down what a victim says if the victim has problems with writing. But it is essential that the VIS be written in the victim's own words. If you physically assist victims by writing out the statement for them, you must explain to the Crown the reason why they could not complete the VIS and indicate that you have completed it.

Victims are not required to submit a VIS but are encouraged to do so. If a VIS is not completed, note the reasons in the file.

assisting a victim by liaising with Crown

You can assist victims by helping them set up appointments with Crown, attending appointments with them, and debriefing their feelings before and after interviews. You can also assist by keeping the victim up-to-date on the accused's appearances and the reasons for each appearance. It is important to familiarize yourself with practices in your local courthouse as these may vary.

It is also important that you develop and maintain a good working relationship with Crown counsel so that you are in the best position to support victims during this time. The more comfortable Crown counsel is with you in your role as victim service worker, the more comfortable they will be with your accompanying a victim to Crown interviews and acting as liaison between Crown and the victim. If Crown is comfortable keeping you informed about the progress of the case, you will be in a better position to provide information and assistance to the victim in a timely fashion.

Never interfere with Crown counsel’s case (for example, by discussing evidence with the victim), and let Crown counsel know the ways in which your support of the victim can make their work easier (for example, by reducing stress and anxiety for the witness or assisting a victim in filling out forms). Talk to Crown counsel about what information you are allowed to discuss with a victim. There could be legal issues at stake, so make sure that your plan of support is approved by Crown counsel.

7.6 preparing a victim for court

Appearing as a witness in a criminal trial can be a difficult experience for the victim. The more information victims have about court procedures and what will be asked of them, the better prepared and more confident they will be. Preparing victims for their court experience is a key component of your role as victim service worker. This is called “court orientation.”

The more familiar you are with the court process, the better able you will be to prepare victims. A good way to become familiar with the court process is to observe cases in progress. Ask questions afterward about anything you do not understand.

Court orientation involves providing basic information about the justice system, the roles people play within the system, court procedures, and the victim’s responsibilities as a witness. It also involves being able to identify and provide services specific to the needs of the individual victim. This preparation will reduce the anxiety of victims and help them function well as witnesses.

The five components of court orientation are:

- Providing information about the criminal justice process
- Providing information about the role of the witness
- Court tour
- Court observation
- Court accompaniment

See Section 8 for materials that are available to help you in this process and that you can provide directly to victims. If court orientation in your community is provided by another victim service program, make sure that the referral you make is an effective one, including following up with victims to ensure that they received these services.

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Two vital components of court orientation are providing information to victims about the court process and interpreting the court process for victims – that is, helping them to understand what is going on and why. In providing court orientation to a victim, remember that the victim does not need to know everything that is going on – telling the victim *everything* you know about the court process may only overwhelm them. (For some useful tips on providing information to victims most effectively, see “Communication strategies” in Section 5.3.)

Remember to give victims information about the meaning of legal terms or acronyms that they may not understand. There is a glossary of terms at the back of *Your Voice in Court* (see the list of pamphlets in Section 8). A glossary of terms is contained in Appendix I, which can be photocopied for victims who want a more complete list. Appendix II contains a list of common acronyms used in the justice system.

providing reassurance and support

Because the court process may take place many months after a crime, victims often feel that they do not want to go through with the process. The intense feelings experienced after the crime may subside, and victims may begin to “get on with their life.” They may fear that if they go through with the court process, memories will come back and begin to disrupt their life again. Depending on the crime, they may also fear dealing with such a personal experience in a public forum. Because of these feelings and reactions, it is imperative that you support a victim throughout this process. One way you can help is by scheduling regular appointments with the victim in the time leading up to the court date. Focus on the victim’s feelings and fears about being in court, as well as on providing information.

The court process itself can be alienating. The victim may have gone through a life-threatening experience, yet the court process seems cold and impersonal. You can provide a human element and assist the victim through another stage in the recovery process.

Sometimes intense feelings of anger will surface at this time. This anger may have several different targets. Two obvious targets are the accused and the accused’s defence counsel. Support the victim by validating these feelings and by offering a sympathetic ear. At the same time, clarify the roles of the court personnel involved and reiterate that everyone in the system – including the defence counsel – is working for justice and fairness for all parties.

concerns victims may have about the process

In providing court orientation, you may find that some aspects of the criminal justice process concern the victim. You may need to explain the most complex parts of the process more than once. Remember, it is perfectly acceptable to say, “I don’t know ...” as long as you follow it up with “... but I’ll find out for you by our next meeting.”

Depending on the question, you may advise your client to contact police or Crown counsel. You can arrange the meeting. A meeting is particularly appropriate when a victim is asking you legal questions – questions you are not mandated or qualified to answer. You can assist the victim in drawing up a list of these questions for Crown counsel.

victim as witness

One of the difficult things for victims to understand is that they are “only” a witness in the court process. It may seem that the Crown and courts should be working on their behalf, yet the criminal justice system takes responsibility for charging and prosecuting the accused on behalf of the state, not on behalf of the victim. You should carefully explain this and the reasons for it to victims, and assure them of the crucial importance of their role as witness.

fear of testifying

The victim will likely be fearful about testifying. Victims may fear that they will have to give their address in court, which may make them feel vulnerable to the accused or family members or friends of the accused. Tell victims that if they do not want their address revealed in court, they can let Crown counsel know this before the trial begins. An order to “restrict or prohibit publication or broadcast” can be requested by Crown counsel to protect the victim or any other witness involved.

The victim may also be afraid of being in the same room as the accused. Reassure the victim about the security precautions taken in courtrooms. Emphasize the option of your accompanying the victim to court if that is a possibility. Encourage victims to look at the judge or jury while they are testifying, rather than at the accused. Focusing on a spot just beyond the judge or jury is a strategy that helps some victims who are uncomfortable about looking directly at the judge or jury.

presumption of innocence

This is probably one of the least understood issues you will deal with in court orientation. Victims often feel that the system has failed to protect them

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and that it now appears to favour the accused. You must emphasize “the presumption of innocence” of the accused again and again.

rights of the accused versus rights of victims

An accused’s rights are often difficult for someone who has been victimized to accept or appreciate, particularly if the victim is also feeling frustrated with the constraints placed on a victim’s role in the proceedings. While it is important to acknowledge a victim’s frustration in this respect, it might also be helpful to talk with a victim about the important role that the rights of the accused play in a fair and just system, and that for the system to work effectively and for justice ultimately to be done, the accused’s rights have to be respected. Making sure that victims know what their rights are and helping them to realize these rights are also key to helping them experience the justice system as balanced.

seriousness of the offence

Victims may be upset when Crown counsel decides to proceed by summary conviction offence rather than by indictable offence, or when a plea negotiation results in a guilty plea to a lesser offence than was originally proposed. Victims may feel that this minimizes what happened to them or is “letting the accused get away with something.” Explaining the possible reasons behind such decisions and arranging a meeting with Crown counsel may help victims better understand and deal with such events.

election and preliminary hearing

The victim may be surprised at the process of election, by which accused persons choose how they will be tried. Emphasize that this is one of the rights of the accused. The choice made by the accused will determine whether or not there is a preliminary hearing. It is important to let victims know that they may have to testify in court twice: once at the preliminary hearing and once at the trial. If victims know about these possibilities beforehand and feel prepared, these decisions may be easier for them to accept.

change in Crown counsel

Let the victim know that the same Crown counsel may not be able to work on the case all the way through. It can be difficult to adjust to a change in Crown counsel at a time of stress, and being prepared may help. Try to be reassuring to the victim as you explain the reasons for such changes.

helping a victim deal with stress

Each person reacts differently to the stress of testifying in court. Try to find out in advance how the victim reacts under pressure. Some people experience nervous laughter; others turn red; some want to run, and do. These actions in

the witness box can be misinterpreted. It is therefore important that you advise Crown counsel of the victim's possible reactions when under stress, so that Crown counsel can address this in the courtroom to avoid misunderstanding.

Ask victims what might help them reduce their stress or anxiety, and suggest that they do that. For example, it may be helpful to suggest that a witness take a face cloth or something similar into the witness box. Many witnesses find this useful for keeping their hands busy and helping reduce their anxiety. Children can take a stuffed animal or doll with them into the witness box.

In some cases, particularly with children or victims with mental disabilities, it may help to increase the amount of court orientation. For example, if they are particularly nervous, you might take them on more than one court tour so they become more comfortable with the courtroom environment.

explaining the role of the witness

After you have given the victim information about the criminal justice process, the next step is to explain what the witness's role will be in court. You should explain the order in which the preliminary hearing or trial will progress and the witness's responsibilities and rights.

the witness's responsibilities and rights

Tell victims that there are some things they will be expected to do:

- Appear in court when called
- Swear an oath or an affirmation
- Stand when giving the oath, unless they are unable to stand
- Understand the question before replying
- Answer the question asked
- Speak clearly
- Tell the whole truth
- Take time when answering
- Indicate if they do not remember or do not know the answer to a particular question

Tell victims to take their time answering questions, to breathe deeply, and to speak loudly enough for everyone to hear. Witnesses should *not* argue with Crown counsel, defence counsel, or the judge. Witnesses should also *not* discuss their testimony or the testimony of others with other witnesses.

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You should also let victims know that, as witnesses, they have the right to:

- Sit or stand in the witness box when testifying
- Ask for a glass of water
- Ask for a tissue
- Ask for a break if they are feeling too traumatized to continue or if they need to go to the washroom
- Ask to have a question repeated or reworded if they do not understand. (Counsel may be talking too fast or too softly or may have asked two questions in one, or asked an unclear question. It is counsel's job to ask the questions clearly so that the witness can give the required information.)
- Take a purse, family picture, or other reassuring object with them into the witness box

Tell victims that certain kinds of behaviour are not unacceptable in court:

- Laughing out loud
- Hand gestures
- Smoking in the courtroom
- Talking out loud
- Making faces
- Being in front of the bar (a physical barrier, usually a low wall, that separates courtroom personnel from the public gallery) unless they are testifying as a witness
- Wearing a hat
- Chewing gum

Explain to victims that, as observers sitting in the public gallery, it is acceptable for them or their family or friends to make notes, whisper quietly, and leave or enter the courtroom quietly, as required.

helping a victim be a better witness

In addition to preparing witnesses with the information they need and familiarizing them with the court, you can help victims be better witnesses by using a positive approach. While it is important to acknowledge their fears, it is best not to dwell on them but to move forward to positive action to help them prepare. Reinforce their strengths. Witnesses tend to do better when they think they are doing well. A negative approach creates a fearful witness. A positive approach builds a confident witness. Focus on what they can do, not on what they cannot do. Watch for and encourage the witness's positive traits, such as being a good listener, speaking clearly, and making eye contact.

court tour

A court tour gives the victim an opportunity to see an actual courtroom and to begin to place some of the criminal justice information within a specific context. Understanding the physical layout of a courtroom helps reduce anxiety caused by fear of the unknown and reduces the possibility of embarrassing mistakes. You can arrange to have access to an empty courtroom by contacting a court registry or sheriff's office.

You can assist victims by arranging for them to view the video *Let's Go to Court* (for child and youth witnesses) or *Your Voice in Criminal Court* (for adult witnesses) before taking them on a court tour. See Section 8 for information on accessing these videos and accompanying booklets.

When visiting the courtroom, discuss the roles of all the courtroom players. Show victims where they will sit and where the other players will sit. Encourage victims to sit in different chairs to get a perspective on all the players' roles. This is particularly useful with children, who usually enjoy exploring the courtroom. It helps them remember who will be in the courtroom when they testify, and why those people are there.

It is very important that you do not indicate where the accused will be sitting, unless you have had prior approval from Crown. This is particularly crucial in cases where the identity of the accused is an issue. In these cases, it is likely that defence counsel will ask the Crown witness if anyone, including anyone from victim services, has advised them where the accused will be sitting. If it has been discussed, there is potential for the trial to be declared a mistrial.

court observation

Court observation involves the victim's actually observing another court case in progress. It gives the victim an opportunity to see the criminal justice process in action and to observe the behaviour of those involved, such as the court personnel and other witnesses. It also gives the victim an opportunity to watch other people giving testimony and may help alleviate anxiety and confusion about the role of the witness.

It is important that the court case that victims observe *not* be similar to their own case. For example, an assault victim might observe an impaired driving case but should not observe another assault case. Observing a similar case might only increase anxieties or cause confusion for the victim, and could jeopardize the prosecution. It may also set up false expectations that the victim's case will be handled in the same manner or have similar results.



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In some cases, you may not need to accompany victims to a court observation. Some of the people you are helping will need less support than others, and will be quite capable of observing a court case without you. This decision will depend on the needs of the victim and on the seriousness of the case.

If you do not accompany a victim to a court case observation, you should still prepare the victim by providing information on the criminal justice system and doing a courtroom tour. You should make yourself available at a specified time to answer questions that may come up as a result of the observation.

court accompaniment

Court accompaniment is a way of providing support to victims when they are testifying, and to victims' families if they attend the proceedings. Depending on your program mandate, staffing levels, and the victim's needs, you may not always accompany victims to court. If you do accompany victims to court,

you will wait at the courthouse with them before they testify, attend court with them, answer any questions that may arise, and otherwise provide whatever support they require in their role as witness. Review with victims and their family and friends what is acceptable and unacceptable behaviour in a courtroom.

If you do attend court with the victim, it is acceptable for the victim service worker to draw something to Crown counsel's attention by passing a note to the sheriff, with the understanding that defence may ask to see it.

In more serious cases, representatives of the media may be in the courtroom. You can act on the victim's behalf in advising the media that the victim and family members do not want to speak to them. Simply state that the family has "no comment." Remember that you cannot speak to the media about the case. If media representatives have questions, refer them to Crown counsel. There is nothing to prevent family members from talking to the media if they wish to do so.

If there are times when you will not be available but the victim needs support in court, arrange for another worker to be present. Make sure that the victim is prepared for such a change, then brief your replacement on the details of the case and on the assistance required by the victim. Check with your program coordinator or manager regarding your own office protocol.

Make sure you prepare yourself before accompanying a witness to court. Ask yourself the following questions:

- Who am I accompanying – a victim, one of several victims, a witness, a family member?
- Do I know the name of the accused? Do I know what the accused elected?
- Do I know the bail status of the accused, including any terms of release?
- Do I know the stage of the proceedings of this case and the court level?
- Do I know who the Crown counsel is and who the defence counsel is?
- Has the person I am accompanying had some court orientation? By whom? Does the person clearly understand the role of the witness?
- Am I familiar with the courthouse – location of interview rooms and courtrooms, washrooms, parking, food outlets or nearby restaurants?
- Where and when am I meeting the person I am accompanying?
- Am I ready to be non-judgemental and impartial?
- Do I understand what the person I am accompanying expects of me?
- Does the person I am accompanying understand how long I can stay, and that I cannot discuss evidence?

If the court accompaniment is to a preliminary hearing, your support will be required again at the trial – if the case is committed for trial. As the trial date approaches, many victims find it useful to receive additional court orientation.

Your support may again be required if the case is appealed to a higher court. Although the victim will not have to give evidence again, it will be important to keep the victim advised of what is happening with the appeal.

While you are accompanying victims to court, they may ask questions about the testimony of other witnesses or about their evidence. Family and friends of the victim who are present in the courtroom may also be tempted to discuss with the victim the evidence of other witnesses. *It is very important that you remind both victims and their family and friends that neither the victim's evidence nor the evidence of other witnesses may be discussed outside the courtroom.*

ensuring a comprehensive job of court preparation

Throughout the court orientation process, remain familiar with the file and the people involved. If your program has procedures, guidelines, or checklists to guide you when doing court orientation, be sure to follow these. Keep detailed notes in the file about what you have done and what you have told the victim, for your own records and to help anyone who must take over the file for you.

7.7 assisting victims through the pre-trial process

As a victim service worker, you are responsible for keeping the victim informed of court dates and the progress of the case, from the first appearance through to sentencing. If police or the Crown counsel’s office has not been in touch for a while and the victim is concerned about trial or other hearing dates, you should help the victim obtain the information.

The victim should be prepared for the fact that the accused may have a number of initial appearances before entering a plea. You should become familiar with the usual time it takes for each part of the court process in your region.

A victim may have a strong reaction to a plea of either “guilty” or “not guilty.” If victims were looking forward to having “their day in court,” they may be frustrated if an accused pleads “guilty,” eliminating the need for a trial. Or, if an accused pleads “not guilty,” they may be angry that the accused is denying commission of the crime, or frightened that they will have to testify at trial. And if an accused pleads guilty to a lesser offence as a result of a plea negotiation, a victim may feel angry that the accused is “getting off easy.” In these situations, your role is to acknowledge the victim’s feelings and explain not only the rights of the accused but also how these processes work and why.

Victims do not have to be present at the first appearance unless they wish to. However, they usually must appear as a witness at a preliminary hearing in order to explain to the judge what happened. The victim will receive a subpoena to be at court for this hearing. Crown counsel should also notify victims when to appear and will explain what they will be required to do.

Victims should be informed about this preliminary process and may have questions about their role and their rights. You may need to explain that the role of the victims/witnesses is different from that of the accused and that victims are entitled to a copy of their own witness statement only. Tell victims that, unlike at a trial, witnesses are not able to listen to the remainder of the hearing after they have testified, but must leave the courtroom after being excused from the witness stand. Victims may also be concerned about safety when they realize that the accused will read their account of what happened.

You should prepare victims for the possibility that the preliminary inquiry may not go ahead as planned, either because the accused is going to plead guilty or because the defence lawyer has decided not to hear evidence at a preliminary hearing and the Crown has agreed to go directly to trial.

The victim is the Crown's key witness, so a victim's testimony is a very important part of the Crown's case against the accused. The victim will receive a subpoena before the court date, saying when and where to go to court. Victims cannot refuse to go to court once they have received the subpoena. If victims disobey or refuse to testify, they can be charged with contempt of court and put in jail (although this rarely happens). If there is a serious reason why they cannot be in court on that date, victims should contact Crown counsel immediately.

You should prepare victims for the fact that the trial may be adjourned, meaning it will not go ahead as planned. There are many reasons for delays: an earlier case could be taking longer than expected, an important witness may be absent, or defence may have requested an adjournment for some reason. The trial will be rescheduled for another day and possibly to another courtroom.

Let victims know what testimonial aids may be available to make giving evidence easier for them. If a victim has a mental or physical disability that makes it difficult to communicate, or was under 18 at the time of the offence, or if the victim or prosecutor makes an application, the judge may order that the victim testify outside the courtroom, using video links, or behind a screen, so the victim does not have to see the accused in the courtroom. Check with Crown counsel what might be available for this victim. See "*Criminal Code of Canada and Canada Evidence Act*" in Section 3.1.

If defence counsel makes an application for personal records in a sexual assault case, the victim may be entitled to legal representation through the Legal Services Society. See Section 8 for contact information. See the *Sexual Assault Victim Service Worker Handbook* for more information.



at the courthouse

When victims arrive at the courthouse, they will usually go to the Crown counsel office to be advised where to wait and in which courtroom the case will be heard.

In most cases, witnesses must leave the courtroom at the beginning of the trial or preliminary hearing and wait to be called to testify. This is to ensure that their evidence will not be influenced by what other witnesses say. In some communities, there is a waiting room right outside the courtroom. Witnesses will be shown where to wait and will be paged when it is their turn to testify. Be aware that the victim may need your company because the accused and the accused's family may be waiting in the same area prior to court or when a recess is taken during the trial.

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in the courtroom

the victim's role in court

When victims are called into the courtroom to testify, they will be directed to the witness box and asked to swear or affirm to tell the truth. If victims want to affirm (not swear on any religious book), they should tell Crown counsel before the trial starts. If victims want to swear on any religious book other than the Bible, they should bring it with them or speak with Crown in advance so that they can arrange to have the religious book available in court on the day they testify. Victims will be asked to state their name, address, and occupation.

If a victim needs an interpreter, this must be arranged in advance. The interpreter will be sworn in first and will undertake to provide accurate interpretation of what is being said. The interpreter will then translate for the victim once the victim is sworn in.

After victims have been sworn in, Crown counsel will ask them questions, some of which may have been discussed before the trial. Some examples are:

- Tell the court what happened. When? Where? What did you say? What did you do?
- What did the person look like?
- What happened then? What did you do?

Once Crown counsel has finished asking the victim questions, defence counsel may cross-examine the victim. Cross-examination can be an unsettling experience, even for experts. Questions may focus on the victim's truthfulness and any changes in the victim's story. It may take a long time and involve difficult-to-answer questions about things that the victim does not remember. The defence lawyer may shout and get angry or ask a lot of questions one after the other without giving the victim enough time to answer. Remind victims that defence lawyers are just doing their job and that victims should not take this as a personal attack. If a victim is being inappropriately harassed or intimidated by defence counsel, Crown counsel, as an officer of the court, may intervene to object and ensure that questions are relevant to the issues in the case. It will be up to the judge to decide whether the victim must answer a question.

Following the cross-examination, Crown counsel may want to ask the victim a few more questions in order to clear up any confusion that arose during the cross-examination.

When the victim's testimony is completed, the judge will excuse the victim. If it is a trial rather than a preliminary hearing and the victim wishes to remain

in the courtroom to hear the other witnesses, it is best to consult with Crown counsel beforehand.

your role as a victim service worker in the courtroom

It is possible that you, in your role as victim service worker, may be asked to testify and be excluded from the courtroom. This is because anyone who has information bearing on the case may be called as a witness. If this happens, the same rules and procedures will apply. In this case, you should ensure that another victim service worker is available to provide support to the victim in the courtroom while you are excluded.

Normally, however, your role in court will be limited to supporting victims before and after they testify, listening to victims' comments and feelings after their testimony, and staying with them in the courtroom afterward if they decide to listen to the remainder of the trial. Support a victim's decision to remain in the courtroom even if staying appears to be upsetting.

During the trial, you must stay with victims at all times. You may be interested in what is happening in the courtroom but your role is to support victims wherever they have to be. This may mean keeping victims company in the court waiting area. You must be available to listen to victims' feelings and provide information that will help them understand the process.

7.9 assisting victims during completion of the court process

helping a victim deal with a “not guilty” verdict

If the accused is found not guilty, it is important to remind the victim that it does not mean that the judge or jury thought that the crime did not occur, that it was wrong to go forward with charges, or that the whole process was useless. It means that there was not enough evidence to convict the accused. Criminal trials follow strict rules of evidence, and the law requires a finding of guilt to be “beyond a reasonable doubt.” Simply being brought to trial may tell the accused that what occurred is a serious crime; it can have a deterrent effect on the accused and others.

victim input into sentencing

If the accused is found guilty, a pre-sentence report may be requested in a minority of cases. In these cases, you should let victims know that they will be interviewed by a probation officer. (For a description of that process, see “Pre-sentence report” in Section 4.4.)

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Crown counsel can convey the victim's views, fears, and requested probation terms to the judge if Crown has that information from the victim or from the victim service worker. Crown counsel may submit a VIS or give the sentencing judge information about the physical, psychological, social, or financial effects of the crime on the victim. You should tell victims that it is possible that they may be asked questions about the crime or its impact on them, in court at the time of sentencing, whether or not a VIS has been submitted. If victims have any questions about this process, advise them to contact Crown counsel. (See also "Victim impact statement" in Section 4.4 and "Assisting victims with victim impact statements" in Section 7.5.)

providing victims with information about compensation

You should make sure victims know about the variety of ways in which they might obtain compensation. There are time deadlines for proceeding with a civil suit, so tell victims to consult a lawyer as soon as possible. It is not necessary to wait until the criminal trial is over to see a lawyer. (To find a lawyer, victims can contact their local Legal Services Society or Lawyer Referral Service; see Section 8.)



A victim does not need a lawyer in order to apply for assistance under the Crime Victim Assistance Program. If a victim has already received monetary assistance under CVAP and then gets a settlement in civil court, the victim may have to pay back some of the CVAP assistance.

Restitution ordered as part of sentencing does not prevent a victim from also seeking civil damages. For purposes of possible restitution from offenders, let victims know that they should list in their VIS readily discernible losses resulting from the crime.

7.10 assisting victims after sentencing

victims' rights in the provincial correctional service

Victims' rights in the provincial correctional service are guided by VOCA. Information to which victims are entitled is listed under "*Victims of Crime Act*" in Section 3.1. Victims can be notified of court, probation, and institutional decisions that affect their safety. Depending on the crime and offenders' circumstances, provision of information to victims is upon request or proactive.

When offenders are in custody, information is generally provided to victims on request, except for cases of violence in intimate relationships, where victims are



provided with information proactively. When offenders are in the community, victims of violent offences are also provided with information proactively. This includes any offence for which protective conditions have been put in place. Corrections will provide victims with information about protective conditions and about victim services, and will invite victims to contact the probation officer if they have questions or concerns.

For details about how you can help with victim notification at the provincial level, see “Working with other justice system personnel to keep victims informed” in Section 7.2.

victims’ rights in the federal correctional service

Victims’ rights in the federal correctional service are guided by the federal *Corrections and Conditional Release Act* (CCRA). Information to which victims are entitled is listed under “*Corrections and Conditional Release Act*” in Section 3.1. This act gives victims the right to information and the opportunity to continue to be involved in the case. For details about how you can help with victim notification at the federal level, see “Working with other justice system personnel to keep victims informed” in Section 7.2.



Victims may submit information to the Correctional Service of Canada or the National Parole Board either in person or in writing for consideration if an offender applies for early release, or regarding steps that the CSC might take to best serve the offender and the community. This may include a VIS or any other information, such as:



- How the crime affected them at the time
- How the crime continues to affect them
- Suggestions for conditions that would address community safety if the offender were granted parole

This information will be used to help assess:

- Whether the offender should be released
- Whether additional conditions beyond those imposed on all offenders are necessary to manage risk, especially if the offender will be near the victim
- Whether an offender understands the effect of the offence
- Whether that person is likely to reoffend
- What programs might be appropriate to help rehabilitate the offender

The NPB encourages victim participation at parole hearings. Victims have been permitted to attend NPB hearings as observers since 1992. It is now possible for victims, upon application, to read a written statement at an NPB hearing, either in person or via video or audiotape. The NPB is required to share with the offender any information used to make the parole decision, including any information provided by the victim, with the exception of personal information about the victim, such as contact information.

The NPB bases its decisions on community safety and reintegration and rehabilitation of the offender. Upon written request, the NPB will provide victims with a copy of the parole decision and an explanation of the conditions of parole.

Victims who want to attend parole hearings must apply to the Victims' Travel Fund of the Department of Justice. If victims want to be accompanied by a support person, such as a victim service worker or family member, the provincial Victim Safety Unit may cover travel expenses for that person.

7.11 after the court process is over

You must be sensitive to the intense emotional pressures the victim may be feeling after the stressful and disruptive experience of being in court.

debriefing with the victim

Even though the trial is over, the victim's support relationship with you may not end. Having to testify about the crime may have brought up feelings of anger, fear, or grief. The victim may have difficulty dealing with the outcome of the trial. The sentencing decision may have brought up feelings of anger (if the sentence seemed light) or guilt (if the victim knew the accused). Whether the accused was acquitted or sentenced, the victim may have questions or may need to talk about the trial experience. At this point, especially if the accused has been sentenced, victims may allow themselves to express fully the emotions that they have not yet faced.

Being a witness is exhausting. At the end of the day, ask victims what they want to do. They may want to go back to your office to talk about the trial, or they may just want to go home. Either way, be aware that the process is not over for them. Encourage them to express their feelings about the crime itself or about the outcome of the trial. Listen, validate their feelings, and encourage them to reach out for further assistance if it seems appropriate.

Whether or not the victim wants to talk immediately after the trial, you should follow up in a few days to make sure that everything is all right, or arrange for someone else to do this.

ending the relationship with the victim

After you have provided whatever immediate post-trial support is needed, you should try to ensure that victims continue to pursue activities and services that will provide ongoing support as they integrate the experience into their lives in a constructive and healthy manner. Depending on the nature and seriousness of the crime, victims may have to learn once again to trust others or, most importantly, to trust and have confidence in themselves.

A victim's adjustment may be slow and may take many months. Once you feel that your part in a victim's recovery has ended, you can help the victim to end the relationship with you by recommending community resources and groups that can be of ongoing benefit – support groups, peer counselling networks, personal and family counsellors, mental health centres, women's centres, seniors' centres, Native Friendship Centres, or cultural centres.

It may be a difficult task for both of you to break the bonds that have formed during the weeks or months that you have worked together.

A victim may feel a sense of regret, loss, or abandonment at the prospect of the relationship's ending. You can assist by acknowledging these feelings, putting them in context, and reinforcing the victim's sense of competence and ability to change. It is important that the victim leave the helping relationship with a sense of accomplishment. The victim may also need encouragement to express any disappointments and fears for the future.

Ending the relationship may also be personally difficult for you. You may have trouble letting go because of strong bonds that have formed between the two of you. On the other hand, you may be ready for the relationship to end and, if a victim is not, you may be struggling with the feeling that you are abandoning the victim. Be aware of your own feelings and assess carefully whether continued work is really needed or whether you are both delaying saying goodbye.

As you decide when and how to end the relationship with the victim, remember that your central goal as a victim support worker is to help victims become empowered to stand on their own and to be in charge of their own process of recovery.

■ ■ resources for working
□ with victims of crime

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These resources will be useful in all aspects of your work with victims. It is important that you become familiar with these resources so you can keep current, both in your knowledge and understanding of the needs of victims of crime and in your awareness of what exists to help you to help them.

More information on resources specific to violence against women in relationships, sexual assault, and violence against children and youth is available in the relevant specialized handbooks in this series.

The telephone directories for many larger BC communities have one or more pages in the front that list phone numbers for community services. These include crisis lines, other emergency services, and services for non-English-speaking people, seniors, and people with disabilities.

TELUS RELAY SERVICE

Telus Relay Service (TRS) enables persons who are deaf or hard of hearing, who have difficulty with speech, and who use a TTY/TDD (Teletypewriter/Telecommunications Device for the Deaf) to converse with those using a standard telephone, and enables a hearing person without a TTY/TDD to call a TTY/TDD user.

- Call **1-800-855-0511** (voice to TTY/TDD).
- Call **7-1-1** (TTY/TDD to voice) for local or long distance calls.
- Call **1-800-855-1155** (TTY/TDD to TTY/TDD) for operator assistance in billing a long distance call to another TTY/TDD.

8.1

government services

Province of British Columbia

SERVICE BC

If you or the victim need help finding a program, service, or person within the BC government, call Service BC at:

- **604-660-2421** (Lower Mainland)
- **250-387-6121** (Greater Victoria)
- **1-800-663-7867** (toll-free outside Lower Mainland)
- **604-775-0303** (TTY/TDD for hearing-impaired)

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

Web: www.gov.bc.ca/pssg

Victim Services and Crime Prevention Division

302 – 815 Hornby Street

Vancouver, BC V6Z 2E6

Telephone: 604-660-5199 | Fax: 604-660-5340

E-mail: VSDVictimsServices@gov.bc.ca

Web: www.pssg.gov.bc.ca/victim_services

To view the Victim Services and Crime Prevention Division publications, including forms, go to:

www.pssg.gov.bc.ca/victim_services/publications/index.htm.

- *VictimLINK*

Telephone: **1-800-563-0808**

TTY: **604-875-0885**

To call TTY/TDD collect, call the Telus Relay Service (TRS) at 7-1-1.

VictimLINK provides interpretation services for all major languages in BC.

- *Victim Services*

Telephone: 604-660-5199 | Fax: 604-660-5340

E-mail: VSDVictimsServices@gov.bc.ca

Web: www.pssg.gov.bc.ca/victim_services

For a list of all victim services in BC, go to:

www.pssg.gov.bc.ca/victim_services/directory/index.htm

- *Victim Safety Unit*

Telephone: **604-660-0316** (Lower Mainland)

1-877-315-8822 (toll-free from anywhere in Canada)

Fax: 604-660-0335

Web: www.pssg.gov.bc.ca/victim_services/index.htm

To register for victim notification go to:

www.pssg.gov.bc.ca/victim_services/notification/index.htm

- *Crime Victim Assistance Program*

Telephone: **604-660-3888** (Lower Mainland)

1-866-660-3888 (toll-free outside Lower Mainland)

To access CVAP Counselling Guidelines and Application Forms, go to:

www.pssg.gov.bc.ca/victim_services/publications/index.htm



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- *Protection Order Registry*

Victims can call VictimLINK at 1-800-563-0808 to verify the status of their order.



Corrections Branch

Telephone: 250-356-9596 | Fax: 250-387-1753

Web: www.pssg.gov.bc.ca/corrections/index.htm

Policing and Community Safety Branch

Telephone: 250-387-1100 | Fax: 250-356-7747

Web: www.pssg.gov.bc.ca/police_services/

BC Parole Board

Telephone: 604-660-8846

Web: www.gov.bc.ca/bcparole

MINISTRY OF ATTORNEY GENERAL

Web: www.ag.gov.bc.ca

Court Services Branch

Telephone: 250-356-1550 | Fax: 250-356-8152

Web: www.ag.gov.bc.ca/courts/index.htm

Criminal Justice Branch

Telephone: 250-356-9596 | Fax: 250-356-2213

Web: www.publications.gov.bc.ca/search.aspx

This website provides access to the *Crown Counsel Policy Manual*.

Public Guardian and Trustee of British Columbia

Telephone: 604-660-4444 | Fax: 604-660-0374

Web: www.trustee.bc.ca

Chief Coroner's Office

Telephone: 604-660-7745 | Fax: 604-660-7766

Web: www.pssg.gov.bc.ca/coroners

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Web: www.mcf.gov.bc.ca/contact_us.htm

MINISTRY OF COMMUNITY SERVICES

Web: www.gov.bc.ca/mcaws

MINISTRY OF HEALTH

Web: <http://www.healthservices.gov.bc.ca/cpa/1-800.html>

Or call the Health and Seniors' Information Line at 1-800-465-4911 (in Victoria, call 250-952-1742).

Government of Canada

DEPARTMENT OF JUSTICE CANADA

Web: <http://canada.justice.gc.ca>

CORRECTIONAL SERVICE OF CANADA

Web: www.csc-scc.gc.ca/victims-victimes/index-eng.shtml

This website provides information about notification of status of offenders sentenced to custody terms of two years or more.

NATIONAL PAROLE BOARD

Telephone: **1-888-999-8828** (toll-free in BC)

Web: www.npb-cnrc.gc.ca/victims/victims_e.htm

Victim Information Line: **1-866-789-INFO (4636)** (toll-free in Canada)

This Victim Information Line does not replace existing regional toll-free numbers, which provide victims who have already registered with easy access to NPB regional offices for ongoing contact. The new information number provides new victims with a single number for initially contacting the NPB.

INDIAN AND NORTHERN AFFAIRS CANADA (INAC)

Web: www.inac.gc.ca

STATISTICS CANADA, CANADIAN CENTRE FOR JUSTICE STATISTICS

Web: www.statcan.ca

STATUS OF WOMEN CANADA

Web: www.swc-cfc.gc.ca

PARLIAMENT OF CANADA

Web: <http://www.parl.gc.ca>

Provides copies of bills before Parliament.

8.2

provincial and regional organizations

Affiliation of Multi-Cultural Societies and Service Agencies

Telephone: 604-718-2777

BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP)

Telephone: 604- 633-2506 | Fax: 604- 633-2507

E-mail: bcasvacp@endingviolence.org

Web: www.endingviolence.org

Represents and supports BC community-based victim service programs, sexual assault centres, and Stopping the Violence Counselling Programs.

BC Coalition of People with Disabilities

Telephone: 604-875-0188

Fax: 604-875-9227

TTY: 604-875-8835

Web: www.bccpd.bc.ca

Provides advocacy to raise public and political awareness of issues of concern to people with disabilities.

BC Coalition to Eliminate Abuse of Seniors (BC CEAS)

Telephone: 604-437-1940 (Lower Mainland)

1-866-437-1940 (toll-free outside Lower Mainland)

Fax: 604-437-1929

Web: www.bcceas.ca

Promotes education, research, services, and advocacy regarding the abuse of older adults.

BC Association of Community Response Networks

Telephone: 604-660-4482

E-mail: crns@telus.net

Web: www.bccrns.ca

Supports communities in their responses to adults who are experiencing or are at risk of abuse, neglect, or self-neglect.

BC Institute Against Family Violence

PO Box 74640 Kitsilano RPO

Vancouver, BC V6K 4P4

Justice Institute of British Columbia

Community and Social Justice Division

Telephone: 604-528-5608 | Fax: 604-528-5640

E-mail: csjd@jibc.ca

Web: www.jibc.ca/csjd

Provides training and educational resources for victim services, justice, health, and social services personnel and conducts research on victimization issues.

LGTB Centre (“The Centre”)

Telephone: **604-684-6869** (Lower Mainland)

1-800-566-1170 (toll-free outside Lower Mainland)

Web: www.lgtbcentrevancouver.com

Provides information, referrals, and peer support for lesbian, gay, bisexual, and trans people, 7:00 p.m. to 10:00 p.m., seven days a week.

Police Victim Services of BC

Telephone: 604-299-2502 | Fax: 604-299-2503

E-mail: info@policevictimservices.bc.ca

Web: www.policevictimservices.bc.ca

Provides information, resources, and support to police-based victim services across the province.

Trans Alliance Society

Web: www.transalliancesociety.org

Provides resources to promote knowledge and understanding of trans culture and remove barriers that negatively impact the trans community across BC.

8.3 legal information and advocacy

Dial-a-Law

Telephone: **604-687-4680** (Lower Mainland)

1-800-565-5297 (toll-free outside Lower Mainland)

Web: www.bccba.org/Guest_Lounge/dial-a-law.asp

Plays pre-recorded tapes with information on over 130 law-related topics in BC.

To find text versions of some tapes go to: www.bccba.org

Free Legal Clinics

There are legal clinics that provide some legal advice free of charge. Sometimes the legal clinic is called a “pro bono” (free) clinic. To find out whether there is a free legal clinic in your area, ask the LawLINE. You can look for a free legal clinic by going to www.probononet.bc.ca. Click “Directory” and look under “pro bono programs.”

Law Courts Education Society

Telephone: **604-660-9870**

Fax: **604-775-3476**

E-mail: info@lawcourtsed.ca

Web: www.lawcourtsed.ca

Provides educational programs, services, and resources about the justice system in Canada and BC to help the public understand how the justice system works and help those people working within the system to better understand justice-related issues that different people face.

Lawyer Referral Service

Telephone: **604-687-3221** (Lower Mainland)

1-800-663-1919 (toll-free outside Lower Mainland)

Provides referrals to lawyers who will give an initial interview of up to 30 minutes for a fee of \$25 plus taxes to determine whether or not the client has a legal problem and assistance in finding a lawyer at the lawyer’s regular rate. Out-of-province and country requests can be sent by e-mail.

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Legal Services Society

Telephone: 604-601-6000 | Fax: 604-682-7967

Web: www.lss.bc.ca

- *Legal Aid*

Telephone: **604-408-2172** (Lower Mainland)

1-866-577-2525 (toll-free outside Lower Mainland)

Web: www.lss.bc.ca

This site has information about legal aid eligibility and coverage. It also contains many useful legal information resources. Victims can apply for legal aid by phone by calling the Legal Services Society Call Centre above. To apply in person, victims can visit the LSS website or look in the white pages of the phone book under “Legal Aid – Legal Services Society” to find the office closest to them.

- *LawLINE*

Telephone: **604-408-2172** (Lower Mainland)

1-866-577-2525 (toll-free outside Lower Mainland)

A free legal advice and legal information telephone service for anyone who is not eligible for legal aid and cannot afford a lawyer.

- *LawLINK*

Web: www.lawlink.bc.ca

An extensive legal information service that consists of a website and public access computers. The site provides details of the computer locations.

- *Family law website*

www.familylaw.lss.bc.ca

Provides useful information for victims dealing with family law issues.

People’s Law School

Telephone: **604-331-5400**

Fax: **604-331-5401**

E-mail: info@lawcourtsed.ca

Web: www.publiclegaled.bc.ca/section.asp?catid=144

Provides public legal education in BC through written resource materials, community events, and the Justice Theatre troupe.

This is a selected listing of organizations that provide useful resources for those working with victims of crime and other traumatic events.

Centers for Disease Control and Prevention

Web: www.bt.cdc.gov/mentalhealth/

Has prepared a series of resources on “Coping with a Disaster or Traumatic Event.”

American Psychological Association

Web: www.apa.org/practice/ptresources.html

Has compiled a listing of resource information on “Coping with Traumatic Events.”

BC Human Rights Coalition

Web: www.bchrcoalition.org

Provides assistance and representation to those who need help with a provincial human rights complaint, as well as information and education on human rights issues.

Canadian Association of Elizabeth Fry Societies

Web: www.elizabethfry.ca

Works with and for women and girls in the justice system, particularly those who are or who may be criminalized.

Canadian Women’s Health Network

Web: www.cwhn.ca

Provides information, resources, and strategies to improve women’s health.

DisAbled Women’s Network Canada (DAWN Canada)

Web: www.dawncanada.net

Provides resources for and about women with disabilities.

Kettle Friendship Society

Web: www.thekettle.ca

Vancouver-based organization that provides resources for people dealing with mental conditions.

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National Organization for Victim Assistance (NOVA)

Web: www.trynova.org

US organization promoting rights and services for victims of crime and crisis events, and providing resources for victims and victim service providers.

Outlook

Web: www.auto-graphics.com/cgipac/mmx/bvaj/Access

Allows access to BC's public, college, and institute (including the Justice Institute of BC) libraries.

Pacific Association of First Nations Women

Telephone: **604-873-1833**

Assists Aboriginal women and their families with health, education, and social service issues.

PovNet

Web: www.povnet.org

An Internet site for advocates, people on welfare, and community groups and individuals involved in anti-poverty work in BC. If you need an advocate to assist a victim, click "Find an advocate."

Public Health Agency of Canada

Web: www.phac-aspc.gc.ca/publicat/oes-bsu-02/

Has provided a series of resources entitled "Responding to Stressful Events."

Shelter Net

Web: www.shelternet.ca

Helps a victim to find a shelter Canada-wide.

8.5 print resources

books and journal articles

Greenspan, E.L., & Rosenberg, M. (Eds.). (2006). *Martin's Annual Criminal Code 2007*. Aurora, ON: Canada Law Book.

McDonald, P. Lynne, et al. (1991). *Elder Abuse and Neglect in Canada*. Vancouver: Butterworths Canada.

Williams, Mary-Beth, & Poijula, Soili. (2002). *The PTSD Workbook*. Oakland, CA: New Harbinger.

manuals, reports, and discussion papers

Advocacy Access. (2002). *Advocacy without Burnout: A BC Benefits Advocacy Manual*. Developed by Advocacy Access, a program of the BC Coalition of People with Disabilities. To obtain a copy, go to: www.bccpd.bc.ca/advoacc.html.

Besserer, S., Brzozowski, J.-A., Hendrick, D., Ogg, S., & Trainor, C. (2001). *A Profile of Criminal Victimization: Results of the 1999 General Social Survey*. Ottawa: Statistics Canada.

Braha, A. (2000). *Provincial Court of British Columbia Criminal Case Flow Management Rules: A Guide for Specialized Victim Assistance Programs and Other Anti-Violence Advocates*. Vancouver: BC Association of Specialized Victim Assistance and Counselling Programs. Available online at: www.endingviolence.org/publications/98/CriminalCaseFlow.doc.

Brennan, D. (1992). *Advocacy Techniques*. Information for workers who are supporting clients to access services, first published in *Community Law Matters*, newsletter of Legal Services Society. Available online at: www.endingviolence.org/articles/39/Advocacy_Techniques.doc.

BC Association of Specialized Victim Assistance and Counselling Programs:

- (2004). *Family Law Manual for Community-Based Advocates Assisting Women Dealing with Violence Issues*.
- (2004). *Personal Information Protection Act: An Overview for BC Association's Member Programs (PIPA Overview)*.
- (2005). *BVictim Service Referrals*. www.endingviolence.org/publications.

BC Human Rights Coalition. (2003). *Responding to Incidents of Racism and Hate. A Handbook for Service Providers*. Prepared in partnership with Ministry of Community, Aboriginal and Women's Services, Settlement and Multiculturalism Branch; and the Ministry of Public Safety and Solicitor General, Victim Services Division. Available online at www.ag.gov.bc.ca/sam/publications/pdf/BCHRC_handbook.pdf.

BC Ministry of Community, Aboriginal, and Women's Services, Anti-Racism and Multiculturalism Unit. (2003). *Building Safe Communities. Critical Incident Response Model*. Available online at www.ag.gov.bc.ca/sam/publications/pdf/community_kit.pdf.

Canadian Resource Centre for Victims of Crime. *Advocacy for Victims of Crime*. Focuses on lobbying advocacy rather than client advocacy. Available online at www.crcvc.ca/Downloads/advocacy.pdf.

Currie, S., Lalibertie, N., Bird, S., Rosa, N., & Spring, C. (1995). *Assessing the Violence Against Street Involved Women in the Downtown Eastside/Strathcona Community*. Report of a study initiated by a coalition of agencies in Vancouver, BC. BC Ministry of Women’s Equality; Downtown Eastside Youth Activities Society (DEYAS); Watari Research Association.

Department of Justice Canada. (2004). *A Handbook for Police and Crown Prosecutors on Criminal Harassment*. Revised ed. Originally prepared in 1999 by the Federal/Provincial/Territorial Working Group on Criminal Harassment, Ottawa. Available online at: <http://canada.justice.gc.ca/en/ps/fm/harassment.html>.

Federated Anti-Poverty Groups of BC. (2002). *Guide for Advocates: Knowing Your Rights*. An advocacy guide originally developed by the Federated Anti-Poverty Groups of BC in 1996, updated by PovNet in 2002. Available online at: www.povnet.org/resources/fapgmanual.pdf

Gannon, M., & Mihorean, K. (2005). *Criminal Victimization in Canada, 2004*. *Juristat*, Canadian Centre for Justice Statistics 25:7.

Goldberg, Joshua M. (2003). *Trans People and the Criminal Justice System: A Guide for Criminal Justice System Personnel*. Prepared for the Women/Trans Dialogue Committee and the Justice Institute of BC, Vancouver.

Hightower, J., & Smith, M.J. (2001). *Silent and Invisible: What’s Age Got to Do with It? A Handbook for Service Providers Working with Older Abused Women*. Vancouver: BC/Yukon Society of Transition Houses.

Hightower, J., Smith, M.J., & Hightower, H. (2001). *Silent and Invisible – A Report on Abuse and Violence in the Lives of Older Women in British Columbia and Yukon*. Vancouver: BC/Yukon Society of Transition Houses.

Justice Institute of BC, the Women/Trans Dialogue Planning Committee, and Trans Alliance Society. (2003). *Trans People in the Criminal Justice System: A Guide for Criminal Justice Personnel*. A manual and brochure for people working in policing, court services and corrections. Available online at www.transalliancesociety.org/education/documents/04crimjustmanual.pdf.

Legal Services Society. (2006). *Public Legal Education and Information Resource Catalogue (BC) 2006/2007*. Produced by the Legal Services Society for the BC Public Legal Education and Information Working Group. Vancouver, BC.

LGBT Centre (“The Centre”). (2004). *Removing Barriers and Building Access: A Resource Manual on Providing Culturally Relevant Services to Lesbian, Gay, Transgendered and Bisexual Victims of Violence*. Available from The Centre by phone at 604-684-6548.

Light, Linda. (2007). *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships*. New Westminster, BC: Justice Institute of British Columbia.

Masuda, S., & Riddington, J. (1991). *Meeting Our Needs: Access Manual for Transition Houses*. Vancouver: Press Gang.

Ministry of Public Safety and Solicitor General, Police Services Division. (2004). *Police and Crime, Summary Statistics, 1994-2003*. Available online at: www.pssg.gov.bc.ca/police_services/publications/index.htm#police_crime_stats

Pacey, K. (2003). *Assisting Immigrant and Refugee Women Abused by Their Sponsors: A Guide for Service Providers*. Available from the BC Institute Against Family Violence, Vancouver.

Pacific Association of First Nations Women, BC Women's Hospital and Health Centre, BC Association of Specialized Victim Assistance and Counselling Programs. (2003). *The "Start of Something Powerful": Strategizing for Safer Communities for BC Aboriginal Women*. Available from the Pacific Association of First Nations Women by phone at 604-873-1933.

Prairie Research Associates Inc. (2005). *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada: Summary of Victims of Crime Respondents*. Policy Centre for Victim Issues, Research and Statistics Division. Ottawa: Department of Justice.

Pressman, B. (1984). *Family Violence: Origins and Treatment*. Guelph, ON: Office for Educational Practice, University of Guelph.

Ruebsaat, Gisela. ((2006). *Records Management Guidelines: Protecting Privacy for Survivors of Violence* (5th ed.). Vancouver: BC Association of Specialized Victim Assistance and Counselling Programs and BC/Yukon Society of Transition Houses.

Ruebsaat, Gisela, & Turner, Diane. (2001). *Peace Bonds and Other Criminal Protection Orders: Issues for Discussion*. Vancouver: Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General. Available on request.

Russell, M. (2002). *Measures of Empowerment for Women Who Are Victims of Violence and Who Use the Justice System*. Vancouver: Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General. Available on request.

Statistics Canada:

- (1999) *Alternative Measures in Canada – 1998*. Ottawa: Statistics Canada. Available online at <http://dsp-psd.tpsgc.gc.ca/Collection-R/Statcan/85-545-XIE/0009885-545-XIE.pdf>.

- (2005). General Social Survey: Victimization. *The Daily*, July 7, 2005. Ottawa: Statistics Canada.

Taylor-Butts, Andrea. (2002). *Justice Spending in Canada, 2000/01*. Juristat, 22 (11). Ottawa: Statistics Canada. Available online at <http://www.statcan.ca/bsolc/english/bsolc?catno=85-002-X20020118430>

Toppings, P. (2004). *Removing Barriers and Building Access: A Resource Manual on Providing Culturally Relevant Services to Lesbian, Gay, Transgender and Bisexual Victims of Violence*. A Manual for Victim Service Workers and Other Service Providers. Vancouver: The Centre.

United Nations, Economic and Social Council. Commission on Crime Prevention and Criminal Justice. (2002). *Guidelines for the Prevention of Crime*. New York: United Nations, Economic and Social Council, Office for Drug Control and Crime Prevention.

Women/Trans Dialogue Planning Committee and the Trans Alliance Society. (2003). *Trans Inclusion Policy Manual for Women's Organizations*. Available online at: www.endingviolence.org

pamphlets booklets, and online information resources

Canada's System of Justice. Information on the civil and criminal justice systems in Canada prepared by Department of Justice Canada and available online at www.justice.gc.ca/en/dept/pub/just/08.html.

Courts of BC. Pamphlet produced by Law Courts Education Society. Available online at www.lawcourtsed.ca.

Courtwatcher's Manual. A general introduction to the operation and structure of the courts. Available from the Law Courts Education Society, 604 660 9870. Can be ordered online at www.lawcourtsed.ca/courtwatchers_manual/.

A Crime Victim's Guide to the Criminal Justice System. Booklet produced by the Policy Centre for Victim Issues, Department of Justice Canada. Available online at www.justice.gc.ca/en/ps/voc/guide/index.html.

Dealing with the Aftermath of a Serious Crime. Pamphlet produced by Victim Services and Crime Prevention Division. Available from the division or order online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Dealing with Breaking and Entering. Pamphlet produced by Victim Services and Crime Prevention Division. Available from the division or order online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Dealing with Sudden Death – Information for Survivors. Pamphlet produced by Victim Services and Crime Prevention Division. Available from the division or order online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

For Your Protection: Peace Bonds and Restraining Orders. Pamphlet produced by Victim Services and Crime Prevention Division. Available from the division or order online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Guidelines for Writing Victim Statements. Available from the National Parole Board by calling the Victim Information Line at 1-866-789-INFO (4636) or 1-888-999-8828 or online at www.npb-cnrc.gc.ca/victims/guidelines_e.htm.

Help Starts Here. Series of information sheets for victims of crime produced by Victim Services and Crime Prevention Division. Available at the division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm. Titles in this series include:

- *Financial Assistance for Victims of Violence*
- *Help is available for those dealing with Sudden Death*
- *Help is available if you are a victim of Break and Enter*
- *Help is available if you or someone you know is a victim of Domestic Violence*
- *If Your Child is a Victim of Crime*
- *Information for Victims of Crime*
- *Information on Abuse and Neglect of Older Adults*
- *Information on improving the experience of victims and witnesses in court*
- *Information on making it easier for young victims and witnesses to testify*
- *Information on Sexual Assault*
- *Information on Victim Notification*
- *Information on Youth Dating Violence*

History of the Victims' Movement in Canada. Produced by the Government of Canada to mark National Victims of Crime Awareness Week 2007. Available online at www.victimsworld.gc.ca/p4.html.

If You Are Being Stalked. Pamphlet providing a number of suggestions for increasing women's safety. Available online from www.mcaws.gov.bc.ca/womens_services/stalking/toc.htm.

An Information Guide to Assist Victims – Federal Corrections and Conditional Release. Booklet providing information about victims' legal entitlements and services from the Correctional Service of Canada and the National Parole Board.

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Available from the NPB by calling the Victim Information Line at 1-866-789-INFO (4636) or 1-888-999-8828, or online at www2.psepc-sppcc.gc.ca/publications/corrections/InfoVictims_e.asp.

Justice and the Law. Information on justice and the law in Canada, including levels of court, prepared by Department of Justice Canada. Available online at www.justice.gc.ca/en/jl/index.html#court.

Keeping Canadians Safe. Information on crime prevention through social development, prepared by Public Safety and Emergency Preparedness Canada. Available online at www.publicsafety.gc.ca/prg/cp/cpsd-en.asp.

Let's Go to Court. A Guide to Court Orientation for Child and Youth Witnesses. Booklet for victim service workers and other professionals, produced by Victim Services and Crime Prevention Division in partnership with the Law Courts Education Society of BC. Available from the division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Overview of the Crime Victim Assistance Act. Available from Victim Services and Crime Prevention Division or online at www.pssg.gov.bc.ca/victim_services/cva/overview/index.htm.

Parole: Contributing to Public Safety. Booklet for victims available from the National Parole Board by calling the Victims Information Line at 1-866-789-INFO (4636) or 1-888-999-8828, or online at www.npb-cnrc.gc.ca/infocntr/parolec/contribe.htm.

Responding to the Needs of Victims of Young Offenders. Available from Victim Services and Crime Prevention Division.

Small Claims Court. Series of booklets or guides produced by Court Services Branch, BC Ministry of Attorney General, available online at www.ag.gov.bc.ca/courts/civil/smallclaims/. Titles include:

- 1 *What Is Small Claims Court?*
- 2 *Making a Claim*
- 3 *Replying to a Claim*
- 4 *Serving Documents*
- 5 *Getting Ready for Court*
- 6 *Getting Results*
- 7 *Mediation Programs for Claims up to \$10,000*
- 8 *Mediation for Claims between \$10,000 and \$50,000*

Stalking Is a Crime Called Criminal Harassment. A pamphlet for victims, available from the Department of Justice Canada.

Victims of Crime. Staying Informed. Booklet for victims about what they are entitled to know, how to obtain that information, and the role victims can play in providing information that may affect Correctional Service of Canada or National Parole Board decisions about offenders. Available from the NPB by calling the Victims Information Line at 1-866-789-INFO (4636) or 1-888-999-8828, or online at <http://justice.gc.ca/en/ps/voc/stayinform.html>.

The Victims Fund. Financial Assistance for Victims to Attend National Parole Board Hearings. Fact sheet available from the NPB by calling the Victims Information Line at 1-866-789-INFO (4636) or 1-888-999-8828, or online at www.justice.gc.ca/en/ps/voc/funding/factsheet.html.

When I'm 64. A Guide to Benefits and Services for People Aged 60 and Over. Available from Legal Services Society or online at www.lss.bc.ca/assets/resources/pubs_w/wi64.pdf

Your Welfare Rights: A User's Guide to BC Employment and Assistance. Available from Legal Services Society or online at www.lss.bc.ca/resources/pubs_subject_welfare.asp.

Your Rights if You Are a Victim of Crime. A pamphlet in English, Chinese, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese. Available from Victim Services and Crime Prevention Division or online at www.pssg.gov.bc.ca/victim_services/publications/guides/YourRights.pdf.

Your Voice in Criminal Court. A Guide to Court Orientation for Adult Witnesses. Booklet for victim service workers and other professionals, produced by Victim Services and Crime Prevention Division in partnership with the Law Courts Education Society of BC. Available from the division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

legislation, policies, and guidelines

BC CORRECTIONS BRANCH:

(2004). *Community Corrections Policy Manual.* Available from Corrections Branch, Ministry of Public Safety and Solicitor General.

BC CROWN COUNSEL:

(2003). *Crown Counsel Policy Manual: Spouse Assault.*
Crown Counsel Policy Manual: Victims of Crime.

Crown Counsel Policy Manual: Youth Criminal Justice Act – Serious Violent Offences.

Crown Counsel Policy Manual: Youth Criminal Justice Act – Adult Sentences.

Crown Counsel Policy Manual: Youth Criminal Justice Act – Continuation of Custody Hearings.

Crown Counsel Policy Manual: Youth Criminal Justice Act – Conferencing.

(2004). *Crown Counsel Policy Manual: Abduction of Children – Section 282 and 283 Criminal Code.*

Crown Counsel Policy Manual: Dangerous Offender and Long Term Offender Applications.

Crown Counsel Policy Manual: Elder Abuse – Offences Against Elders.

(2005). *Crown Counsel Policy Manual: Alternative Measures for Adult Offenders.*

Crown Counsel Policy Manual: Charge Assessment Guidelines.

Crown Counsel Policy Manual: Children and Vulnerable Youth – Crimes Against.

Crown Counsel Policy Manual: Criminal Harassment.

Crown Counsel Policy Manual: Disclosure.

Crown Counsel Policy Manual: Disclosure of Information to Parties Other than the Accused.

Crown Counsel Policy Manual: Hate Motivated Offences and Hate Propaganda.

Crown Counsel Policy Manual: Recognizances to Keep the Peace – Section 810 Criminal Code.

Crown Counsel Policy Manual: Resolution Discussions.

Crown Counsel Policy Manual: Sexual Offences.

Crown Counsel Policy Manual: Victim Assistance Programs – Providing Information to.

Crown Counsel Policy Manual: Victims of Crime.

Crown Counsel Policy Manual: Youth Criminal Justice Act – Extrajudicial Measures.

Available from Criminal Justice Branch, Ministry of Attorney General, or online at www.publications.gov.bc.ca/search.aspx.

BC Policing and Community Safety Branch, Ministry of Public Safety and Solicitor General. (2007). *Referral Policy for Victims of Power-based Crimes: Family Violence, Sexual Assault, and Criminal Harassment*. Available from Victim Services and Crime Prevention Division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

GOVERNMENT OF BRITISH COLUMBIA:

Copies of provincial legislation are available from Queen's Printer online at www.qp.gov.bc.ca or the Canadian Legal Information Institute at www.canlii.org:

- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Crime Victim Assistance Act*
- *Family Relations Act*
- *Freedom of Information and Protection of Privacy Act*
- *Offence Act*
- *Patients Property Act*
- *Personal Information Protection Act*
- *Representation Agreement Act*
- *Victims of Crime Act*
- *Youth Justice Act*

Copies of provincial legislation are available from Queen's Printer online at www.qp.gov.bc.ca or the Canadian Legal Information Institute at www.canlii.org.

GOVERNMENT OF CANADA:

- *Canada Evidence Act*
- *Canadian Charter of Rights and Freedoms*
- *Corrections and Conditional Release Act*
- *Criminal Code of Canada*
- *Divorce Act*
- *Immigration and Refugee Protection Act*
- *Indian Act*
- *Privacy Act*
- *Youth Criminal Justice Act*

Copies of federal legislation are available from the Department of Justice Canada online at <http://laws.justice.gc.ca> or the Canadian Legal Information Institute at www.canlii.org.

Copies of bills are available at www.parl.gc.ca:

- Bill C-2, Section 32, An Act to amend the *Criminal Code* (protection of children and other vulnerable persons) and the *Canada Evidence Act*.

section 8 ■ ■ ■

Ministry of Attorney General. (2004). *Policy on the Criminal Justice System Response to Violence Against Women and Children. Part 1: Violence Against Women in Relationships Policy*. Available from Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General, by fax at 604-660-5340 or online at: www.pssg.gov.bc.ca/vawc/vawir2000.pdf

Ministry of Attorney General, Victim Services Division; and Ministry of Health, Women's Health Bureau. (1999). *Payment for Medical Forensic Evidence in Sexual Assault Cases Where the Victim /Patient Has Not Involved the Police*. Available from Victim Services and Crime Prevention Division, Victim Safety Unit, by phone at 604-660-0316 (Lower Mainland) or 1-877-315-8822 (toll-free).

Ministry of Public Safety and Solicitor General. Police Services Division. (2005). *Police Release on a Promise to Appear with an Undertaking in Violence Against Women in Relationships Cases*. Available from Victim Services and Crime Prevention Division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Rolls, Andrea. (1999). *When Is It Legal and Appropriate to Provide Assistance to Children and Youth in the Absence of Parental Consent?* Vancouver: Ministry of Public Safety and Solicitor General, Victim Services Division.

Royal Canadian Mounted Police, "E" Division.

(2001). "E" Division Operational Manual. Sexual Offences.

(2005). "E" Division Operational Manual. Violence in Relationships.

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(2008). "E" Division Operational Manual. RCMP Specialized Techniques: Polygraph.

Vancouver: Author

Victim Services and Crime Prevention Division. *Crime Victim Assistance Act (General) Regulation, Protective Measures (Section 12), and Counselling Benefits (Section 11)*. (2002). Available from Victim Services and Crime Prevention Division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

training

Victim Services and Crime Prevention Division funds and supports the participation of victim service workers in a range of training initiatives. To find out more about this training, contact the division.

To find out more about training offered through the Justice Institute of BC's Community and Social Justice Division or about curricula publications, telephone 604-528-5604 or go to www.jibc.ca/csjd.

Parts of this handbook were adapted from the following curricula developed by the Justice Institute of British Columbia:

- *Violence Against Women from Diverse Cultures* (2002)
- *Integrating Difference in Transition House Work* (2003)

8.6

videos

Let's Go to Court. A Guide to Court Orientation for Child and Youth Witnesses.

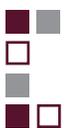
Video for victim service workers and other professionals produced by Victim Services and Crime Prevention Division in partnership with the Law Courts Education Society of BC. Available from the division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

Your Voice in Criminal Court. A Guide to Court Orientation for Adult Witnesses.

Video for victim service workers and other professionals produced by Victim Services and Crime Prevention Division in partnership with the Law Courts Education Society of BC. Available from the division or online at www.pssg.gov.bc.ca/victim_services/publications/index.htm.

1 APPENDIX

glossary
of terms



1 appendix ■ ■ □



The following terms are ones that victim service workers need to be familiar with in order to understand the processes and procedures of the criminal and civil justice systems and to assist victims as they navigate those systems. For a description of various levels of court, see Section 4.3, “Levels of court.” For a description of possible sentences, see “Sentencing” in Section 4.4.

Accused – a person who is charged with a crime.

Acquittal – a court judgement that an accused is not guilty of the charge.

Adjournment – postponement of a court hearing to a later time or date.

Affirmation – a legally binding promise to tell the truth, made by a person who does not want to swear on a religious document to tell the truth.

Alternative measures – formalized programs other than judicial proceedings, which may be at the pre- or post-charge stage and which are an alternative to a criminal charge and conviction and carry no criminal record.

Answering the charge – when an accused pleads guilty or not guilty to a charge.

Appeal – a form of review by a higher court of a trial decision.

Appearance notice – a notice that tells the accused to go to court at a specific time to answer charges that have been laid.

Assault – the intentional or threatened use of force against another person without that person’s consent.

Bail – money or property deposited with the court to guarantee that the accused will come back for a hearing or trial. See also **Judicial interim release**.

Beyond a reasonable doubt – the level of proof needed to find a person guilty of having committed a crime.

Breach of probation – non-compliance with conditions attached to a probation order.

Case law – reported decisions of appeals courts and other courts that make new interpretations of the law and can therefore be cited as precedents.

Charge – a formal accusation that a person has committed a specific crime. See also **Information**.



Common law – the law embodied in judicial decision. Originally it was the law based on the customs “common” to all England.

Compensation – money given to victims of crime to make up for loss caused by property damage or physical or emotional injury.

Complainant – the person against whom an alleged offence has been committed and who provided a statement to the police; sometimes used instead of “victim.”

Confession – statement made by an accused admitting guilt, which may be allowed as evidence in court.

Contempt of court – ignoring the rules of the court or interfering with the administration of justice.

Conviction – a judgement by the court that the accused is guilty of the charge.

Corroborating evidence – evidence that confirms or strengthens evidence already given in court.

Counsel – the lawyers involved in the court proceedings.

Court clerk – the assistant to the judge, who swears in witnesses and marks and keeps track of exhibits during a trial.

Courtroom accommodations – also called “testimonial aids,” to facilitate the testimony of children and other vulnerable witnesses.

Cross-examination – questions asked of the witness by the lawyer for the other side (or, very occasionally, by an accused defending himself or herself), following direct examination.

Crown or Crown counsel – prosecutors, or lawyers who work for the Attorney General’s office, whose job is to present the Crown’s case.

Defence counsel – lawyers who defend the accused person.

Defendant – the accused in a criminal case; in the case of a peace bond, the person who is subject to the terms of the order; in a civil case, the party who is required to answer the complaint of the plaintiff, including someone subject to protective conditions in a restraining order or other protection order issued under provincial legislation.

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Direct examination – the first questions asked of the witness, by the counsel who called the witness. Also called **examination-in-chief**.

Disclosure – a process that may form part of legal proceedings whereby parties inform other parties of the existence of any relevant documents that are, or have been, in their control. In the criminal context, Crown will make full disclosure to the accused of records Crown has that will form part of the case against the accused.

Disclosure or production of personal records – in a sexual offence case, full disclosure to the accused of records that are in the possession of third parties and that contain personal information about the victim.

Examination-in-chief – see **Direct examination**.

Extrajudicial measures – a range of measures other than Youth Court proceedings for responding to youth crime.

Extrajudicial sanctions – sanctions that may be authorized by the Attorney General in accordance with the *Youth Criminal Justice Act*.

Finder of fact – the judge in a trial where there is no jury, and the jury in cases tried by jury, who are responsible for determining what actually happened during the events in question, including who did what to whom and whether or not the accused is guilty.

Finder of law – the judge, in all trials, who is responsible for determining which evidence is admissible at trial, instructing the jury on matters of law (such as which verdicts are open to the jury, the elements of the offences charged, the burden of proof needed to find guilt), and determining sentence after the verdict is delivered.

Forensic – describing medical procedures or scientific testing for use in court.

Hearing – a proceeding for presentation of evidence in court, such as a preliminary hearing, a trial, or a sentencing hearing.

Hearsay – information given to a witness by another person, which the witness did not experience first-hand.

Hybrid offence – a criminal offence that may be proceeded with as summary or indictable upon a decision made by Crown, often on the basis of its seriousness. Also called a **dual, dual procedure**, or **mixed offence**.



Indictable offence – the more serious of two kinds of *Criminal Code* offences. See also **Summary conviction offences**.

Indictment – a formal procedure used to deal with more serious charges, requiring judgement in a high court and granting wider protection for the accused.

Information – the written charge, prepared by a police officer or Crown counsel, that accuses a person of an offence.

Instruct the jury – after all evidence has been presented, the judge explains to the jury the laws that apply to the case.

Judge – person with the authority to hear evidence and decide cases in court.

Judicial interim release – the legal procedure releasing an accused from custody until trial, unless Crown can “show cause” why the accused should be kept in custody. See also **Bail**.

Jurisdiction – the type of case and the physical area in which a court has legal authority or the power to act.

Jury – a group of 12 adults selected by Crown and defence counsel from a pool of eligible ordinary citizens to listen to the evidence and to the judge’s instructions, make findings of fact, and decide whether the accused is guilty.

Justice of the peace – an officer of the court who has some of the powers of a judge.

Lay charges – to formally accuse someone of committing a criminal offence.

Legal aid – legal services provided free to people who cannot afford a lawyer. Each province/territory has a legal aid plan subject to different eligibility rules.

Leading question – a question that contains or suggests an answer, permitted during cross-examination. In examination-in-chief, leading questions are allowed only for non-controversial matters.

Leave to appeal – permission or authorization from a judge to appeal a case on the basis of an error in law and/or an error in fact. Leave to appeal is required in some cases but not others.

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Mistrial – when a judge ends a trial because some irreparable damage has occurred; for example, if a member of the jury indicates that he or she is associated with an accused, victim, or witness and has discussed this with other jurors. The trial is then rescheduled and has to start all over.

No-contact order – a court order preventing the accused from seeing or speaking to someone.

No-go order – a court order preventing an accused from going to certain areas.

No-publication order – a court order preventing anyone from making certain information public (often the identity of the victim).

Oath – a legally binding promise to tell the truth, sworn on a religious document.

Offence – in this context, a crime as set out in the *Criminal Code*.³³

Parole – the release of an offender from prison before the end of the sentence. The person continues to serve the sentence outside prison but under supervision, and must obey specific conditions or be sent back to prison.

Pecuniary damages – damages designed to compensate the victim for actual loss as a result of the wrongdoer’s actions rather than to punish the wrongdoer.

Perjury – to lie in court after having sworn to tell the truth, which is a serious offence.

Plaintiff – the party that initiates the action in a civil case.

Plea – the answer of “guilty” or “not guilty” given by an accused when charged with a criminal offence.

Plea negotiations – negotiations between defence and Crown counsel about the charges against the accused and the plea. Sometimes counsel will agree to a lesser charge in return for a guilty plea. Also called “plea bargaining.”

footnotes

³³ For a list of relevant legislation and *Criminal Code* offences, see Section 3.1, “Legislation.”



- Preliminary inquiry** – a hearing to determine whether or not there is enough evidence against an accused to justify holding a trial.
- Pre-sentence report** – a description of the offender’s background and personal situation, prepared by a probation officer, which the judge has requested and uses to help decide on an appropriate sentence.
- Police release** – power granted to police by the *Criminal Code* to release an accused with or without conditions, pending a first court appearance.
- Promise to appear (PTA)** – a legal document signed by the accused in which the person promises to appear in court on a named date.
- Prosecute** – to conduct legal proceedings against someone charged with a crime.
- Protection order** – a court order setting conditions on an accused’s behaviour or movements, naming a specific person or persons as a protected party.
- Psychiatric assessment** – a description of the accused’s state of mind, prepared by a mental health professional, which the judge uses to help decide whether the accused can stand trial or for other purposes.
- Quasi-criminal offences** – provincial offences, not covered under the Criminal Code, such as offences under the *Liquor Act* and *Motor Vehicle Act*.
- Recognizance** – the accused’s promise to pay a specific amount of money (in addition to any further charges for failing to appear) if he or she fails to comply with certain conditions set by the court.
- Re-examination** – questions asked by counsel who called the witness, after cross-examination by the other counsel. This happens if new facts emerged as a result of cross-examination or something was unclear in cross-examination.
- Remand in custody** – to recommit an accused to custody after a preliminary proceeding such as a bail hearing.
- Reserve judgement** – when a judge decides to take some time to do research, study the law, or review the evidence presented before making a decision.
- Restitution** – an order issued as part of a sentence, requiring an offender to repay a victim for losses or damages that resulted from the crime.

1 appendix ■ ■ □



Restorative justice – a form of criminal justice that emphasizes reparation to the victim or the affected members of the community by the offender.

Secondary victim – someone who is close to the victim, provides support to the victim, and often develops the same reactions to the crime as the victim.

Secondary victimization – relates to events following the initial crime, resulting from inadequate response to the victimization on the part of the system.

Sentence – a formal judgement imposing a punishment upon conviction for a criminal offence.

Sentencing hearing – a hearing held after the accused has been found guilty, where the judge can hear evidence to help decide an appropriate punishment.

Sheriff – person with responsibilities to ensure that the courtroom is safe for everyone present.

Show cause hearing – hearing in which Crown must “show cause” why the accused should be held in custody or have certain conditions imposed upon the accused’s release. Also called “bail hearing.” See also **Judicial interim release**.

Statement – a description of events by an accused or a witness, given to the police, either written and signed or audio- or video-taped.

Statute law – laws enacted by legislation as opposed to common law.

Stay of proceedings – a Crown decision to not proceed with charges, which may be reinstated within one year if the situation changes.

Subpoena – a court order requiring a witness to appear in court to give evidence, and directing the witness where and when to appear.

Summary conviction offence – an offence where the usual maximum penalty is a \$2,000 fine or six months in prison or both. See also **Indictable offence**.

Summons – a legal document ordering an accused to appear in court.

Surety – a person who enters into a bond for certain amount of money, before a court, taking responsibility to ensure that an accused person appears in court and follows other conditions imposed by the court.

Testimony – statements made in court by a witness or accused under oath.

Testimonial aids – see **Courtroom accommodations**.

Transcript – a written copy of court proceedings.

Undertaking to appear – a document signed by an accused promising to appear in court at a specified time and place.

Verdict – a finding of guilty or not guilty made by a judge or jury.

Victim – a person against whom a crime has been committed.

Victim impact statement – a court document completed by a victim that explains the effects that the crime had on the victim.

Voir dire – a trial within a trial, in which evidence is introduced and discussed to allow the judge to decide whether it is admissible in the trial.

Warrant for arrest – an order of a justice of the peace or judge giving the police permission to arrest someone.

Witness – a person who testifies in court because he or she has some information about the case. A victim is a witness in the court proceedings.

Witness notifier – a person whose job is to inform witnesses about trial dates.

Warrant – a court order authorizing police to arrest a person or search a place.

Young offender – a young person 12 to 17 years of age who is charged and convicted of a criminal offence.



2 APPENDIX



appendix 2



BCASVACP	BC Association of Specialized Victim Assistance and Counselling Programs
CAP	Community Accountability Program
CCRA	Federal <i>Corrections and Conditional Release Act</i>
CORNET	BC's automated Corrections Network System
CPSD	Crime Prevention through Social Development
CPTED	Crime Prevention through Environmental Design
CRN	Community Response Network
CSC	Correctional Service of Canada
CVAA	BC's <i>Crime Victim Assistance Act</i>
CVAP	Crime Victim Assistance Program of Victim Services and Crime Prevention Division
JUSTIN	BC's integrated Justice Information system
JP	Justice of the Peace
LGBT	Lesbian-Gay-Bisexual-Transsexual
LSS	Legal Services Society
NPB	National Parole Board
POR	Protection Order Registry of the BC Ministry of Public Safety and Solicitor General
PTA	Promise to appear
RCC	Report to Crown Counsel
RJ	Restorative justice
SAS	Sexual Assault Service at BC Women's Hospital and Health Centre
TRS	Telus Relay Service for the deaf and hearing-impaired
TTY/TDD	Teletypewriter/Telecommunications Device for hearing-impaired users
UTA	Undertaking to appear
VIS	Victim impact statement
VOCA	BC's <i>Victims of Crime Act</i>
VSU	Victim Safety Unit of Victim Services and Crime Prevention Division



Ministry of
Public Safety
and Solicitor General

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