



**Department of Justice *Canadian Victims Bill of Rights*
Complaint Mechanism**

2018-2019 Annual Report

Submitted by the Policy Centre for Victim Issues
at the Department of Justice Canada





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1. Introduction

The *Canadian Victims Bill of Rights* (CVBR) came into force on July 23, 2015. The CVBR created statutory rights at the federal level for victims of crime. The legislation establishes statutory rights for victims to information, protection, participation, and to seek restitution. It also requires that a complaint process be established by federal departments, agencies, or bodies for alleged breaches of these rights.

In July, 2015, the Department of Justice's (the Department's) CVBR Complaint Mechanism (the Complaint Mechanism) was established and its related CVBR Complaint Policy (Complaint Policy) was approved by the Deputy Minister (DM) of Justice Canada. The Complaint Policy was updated in September 2016 (see Section 2) and states that, within six months after the end of the fiscal year (i.e., by the end of September each year), a report will be submitted to the DM that will include:

- the number of complaints made to the Department;
- how these complaints were addressed; and
- the average length of time to address them.

The Complaint Policy also states that the report will be proactively disclosed on the Department's website.

This is the Department's fourth annual report, providing the required information for proactive disclosure on all CVBR complaints received from July 23, 2018 to July 23, 2019. In addition to reporting on complaints, this report also includes information about enquiry resolution.

For the purposes of this report, a "complaint" is any submission that included the Department's CVBR Complaint Form (Complaint Form), which is required by the Department to make an official CVBR complaint. An "enquiry" is any correspondence that did not include an official Complaint Form.

2. Department of Justice CVBR Complaint Policy

The Complaint Policy provides that the Senior Associate Deputy Minister (SADM) act as a first level of response to complaints following an internal review from the responsible Director General (DG). If the complainant is dissatisfied with the first level response, they can request to have the DM review their complaint as a second level of review. The Complaint Policy also provides that, where a victim has exhausted the internal complaints mechanism at the Department and they are dissatisfied with the DM's response, the Department will inform the victim about the option to contact the Office of the Federal Ombudsman for Victims of Crime to express their concerns.

Victims can provide all of the information required to make a complaint using the official Complaint Form, which is available on the Department's *How to Make a Complaint to the Department of Justice Canada* web page. Based on the Complaint Policy, both the web page and the Complaint Form specify that the Department is responsible for the following types of CVBR complaints:



- complaints concerning general information requested by the complainant about the criminal justice system, which relates to the right to information; and
- complaints concerning victim access to the Parole Board Fund to attend parole board hearings, which relates to the right to participation.
- If the complaint does not relate to one of the above, it may not be related to the Department's CVBR responsibilities.

3. Report on CVBR Complaints to the Department of Justice

3.1 Number of complaints and enquiries made to the Department

During the 2018-2019 year of operation, the Department received ten (10) CVBR complaints and one hundred and five (105) enquiries. This compares to 10 complaints and 119 enquiries received in 2015-2016, 6 complaints and 88 enquiries in 2016-2017 and 12 complaints and 114 enquiries in 2017-2018. In short, the overall total of complaints and enquiries to the Department has remained consistent since the development of the CVBR complaint mechanism in 2015 with the exception of a 27% drop in the 2016-2017 year of operation.

3.2 How complaints and enquiries were addressed

None of the complaints or enquiries in 2018-2019 were related to the Department's CVBR responsibilities. As a result, the complaints did not require further review and did not escalate through the official complaints process (i.e., DG initial review, SADM review and response, DM review and response). Nonetheless, all of the complainants received a response from the Policy Centre for Victim Issues (PCVI) explaining why their complaint was not related to the Department's CVBR responsibilities. The PCVI also responded to all of the enquiries received, or forwarded the enquiries to the appropriate section in the Department for response, except in the circumstance where they did not meet the criteria to receive a response (e.g., frivolous, vexatious, or abusive submissions).

In addition, all individuals who sent complaints and enquiries (by email) received an acknowledgement through an automated email response and were informed that, if further action was required, a response would be provided within three (3) business days. Once resolved, limited information from each complaint or enquiry was inputted into an excel database in order to collect the required data for evaluation and reporting purposes.

Since the development of the CVBR complaint mechanism in 2015, only 2 complaints qualified as an alleged infringement or denial of rights under the CVBR by the Department of Justice. Both complaints were received in the 2015-2016 year of operation. In both instances, a letter of response was provided by the responsible DG and neither complaint escalated further through the official complaints process.

Victim complaints and enquiries

In 2018-2019, almost half of the complaints and enquiries received from victims were related to provincial administration of justice matters. In cases of provincial administration of justice matters (for example, complaints against police; the outcome of a case; crown's conduct; provincial family law issues and personal safety concerns) victims were directed to services that may be able to provide them with information or assistance. In all cases, victims were provided with a link to the PCVI's Victim Service Directory to help them locate victim services in their area.

Other Enquiries

Enquiries related to the mandate of the Department were forwarded to the appropriate section of the Department for review and response. For example, where an enquiry was:

- not victim-related, it was forwarded to the Department's General Enquiries line for response;
- primarily related to family justice matters, such as child custody issues, it was forwarded to the Family, Children, and Youth section of the Department for response; or
- addressed to the federal Minister of Justice, it was forwarded to the Department's Ministerial Correspondence Unit for response.

3.3 Average length of time to address complaints and enquiries

The time required to assess and provide an initial response to each complaint or enquiry was 1.9 business days on average. These timelines are well within the time allowance (i.e., three (3) business days) set out in the Complaint Policy. The PCVI aimed to provide a full and substantive response within three (3) business days of receipt for every complaint or enquiry. However, on the rare occasion where the PCVI required additional time to provide a full response, the individual received a notification (within three (3) business days) to inform them that their information was being reviewed and that a further response would be provided as soon as possible.

4. Conclusion

The Department has met its obligations pursuant to the CVBR to manage its Complaint Mechanism during the 2018-2019 year of operation. The complaints received during this fourth year of operation were addressed within the timelines and according to the protocols set out in the Department's Complaint Policy.