



**Multi-Site Survey of Victims of Crime
and Criminal Justice Professionals
across Canada:**

**Summary of Victims of Crime
Respondents**



Policy Centre for Victim Issues



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The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.

These summaries are extracted from the ***Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada***, completed by Prairie Research Associates Inc. on behalf of the Department of Justice Canada.

Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada:

Summary of Victims of Crime Respondents



Table of Contents

Introduction.....	1
Methodology.....	3
Findings from the Victims of Crime Respondents	5
1. Overview of Case and Victim Respondent Characteristics	5
2. Services Received by Victims.....	8
3. Consideration of Victim Safety at Bail	19
4. Experience with Testifying.....	22
5. Victim Impact Statements	25
6. Other <i>Criminal Code</i> Provisions and Restorative Justice	32
7. Victim Respondents’ Overview of their Experiences.....	35
Appendix A: Interview Guide for Victims of Crime	39
For More Information	51



Introduction

The *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* was conducted in 2002 under the direction of the Policy Centre for Victim Issues (PCVI) of the Department of Justice Canada in collaboration with the Research and Statistics Division. The PCVI implements the Victims of Crime Initiative which, through the Victims Fund, legislative reform, research, consultations and communication activities, works to increase the confidence of victims in the criminal justice system and responds to the needs of victims of crime as they relate to the Department of Justice.

The purpose of the *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* is to gather information on a wide range of issues concerning the criminal justice system as it pertains to victims and criminal justice professionals, with a particular emphasis on recent *Criminal Code* provisions, specifically Bill C-79, which was introduced in 1999. This legislation amended the *Criminal Code* in several areas, such as:

- ▶ giving victims the right to read their victim impact statements at the time of sentencing if they wish to do so;
- ▶ requiring the judge to inquire before sentencing whether the victim has been informed of the opportunity to give a victim impact statement;
- ▶ requiring that all offenders pay a victim surcharge of 15% where a fine is imposed or a fixed amount of \$50 or \$100 for summary or indictable offences, respectively, and can be increased by the judge (except where the offender can demonstrate undue hardship);
- ▶ clarifying the application of publication bans and providing discretion to order, in appropriate circumstances, a publication ban on information that could disclose the identity of victims as witnesses;
- ▶ expanding the protection of victims and witnesses under the age of 18 years from cross-examination by a self-represented accused in sexual and personal violence offences;
- ▶ allowing any victim or witness with a mental or physical disability to be accompanied by a support person while giving evidence; and
- ▶ ensuring that the safety of victims and witnesses are taken into consideration in judicial interim release determinations.

To a more limited extent, the survey also explored perceptions regarding amendments recently made to the *Corrections and Conditional Release Act* to provide victims with the opportunity to present prepared victim statements at parole board hearings.

Findings from this study will generate evidence to inform future legislative reforms and policy changes by providing insight on the use and awareness of recent reforms by criminal justice professionals as they pertain to victims of crime, the nature of information provided to victims during the criminal justice process, victims' experiences with the legal provisions and other

services that are intended to benefit them throughout the criminal justice process, and barriers to the implementation of recent reforms for criminal justice professionals.

Given the breadth of findings in the final report the PCVI has prepared seven summary reports based on respondent groups in the survey.¹ This report is a summary of the findings from the victims of crime who participated in the study. Additional summaries are available that speak to the findings of Police respondents, Crown Attorney respondents, Defence counsel respondents, Judiciary respondents, Probation Officers and Parole Officer respondents, and Victim Services providers and victim advocacy groups who participated in the study. See the last page of this report for more details.

¹ The full report and copies of the other summaries are available at:
<http://canada.justice.gc.ca/en/ps/voc/pub.html>. For copies contact the Policy Centre for Victim Issues,
284 Wellington Street, Ottawa, Ontario, K1A 0H8.



Methodology

The multi-site survey was conducted in 16 sites within the 10 provinces in Canada; the territories were not included in this study. The 16 sites represent five regions: Atlantic (Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador), Quebec, Ontario, Prairie (Saskatchewan and Manitoba), and Western (British Columbia and Alberta). Each region included at least three sites of varying size (small, medium, and large), with consideration of diversity in geography (rural, urban, northern) and population (especially cultural and linguistic). A subcommittee of the Federal Provincial Territorial Working Group (FPTWG) on Victims of Crime guided the research team and recommended some of the locations selected for site visits.

Data for this study came from criminal justice professionals and victims of crime. A total of 112 victims of crime participated in in-depth interviews, which were conducted in order to obtain detailed data on each individual victim's experience in the criminal justice system (see appendix A for the interview guides). Victim services providers assisted in contacting victims and obtaining their consent to participate in the study, which may have introduced selection bias into the research.

Criminal justice professionals who participated in the study were from 10 different groups: judges, Crown Attorneys, defence counsel, police, victim services providers, victim advocacy groups, probation officers, and three types of parole representatives (from the National Parole Board [NPB], Correctional Service Canada [CSC], and the provincial parole boards in Quebec, Ontario, and British Columbia). They participated through either self-administered questionnaires or interviews. Relying on two forms of data collection allowed for the most complete method of gathering information on the research questions. The use of self-administered questionnaires ensured that a large proportion of the criminal justice professionals in each site could participate, while the use of interviews meant that more in-depth, qualitative data could also be obtained.

Interviews were conducted with 214 criminal justice professionals from five respondent groups: victim services providers; police; Crown Attorneys; judiciary; and defence counsel. Interview results were captured as part of the quantitative data corresponding to that generated by the self-administered surveys. Self-administered questionnaires were also distributed to all 10 respondent groups. A total of 1,664 criminal justice professionals completed the self-administered questionnaire. Overall (in interviews and self-administered questionnaires), a total of 1,878 criminal justice professionals participated in this survey.



Findings from the Victims of Crime Respondents

This section presents the results from the victims of crime respondents. Unlike the data gathering methodology used with the criminal justice system respondents, all data from victims were gathered through in person interviews only.

1. Overview of Case and Victim Respondent Characteristics

A total of 112 victims of crime took part in this study. Overall:

- ▶ About four-fifths are female.
- ▶ Almost three-quarters are between the ages of 25 and 64.
- ▶ Over half (57%) of victims are from large urban cities. Just over one-quarter are from medium-sized cities, and one-sixth are from small towns and rural areas.
- ▶ For just over one-tenth, French is their first language.
- ▶ Less than one-tenth is of Aboriginal origin.

Table 1 below presents their demographic characteristics.

TABLE 1: VICTIM RESPONDENT DEMOGRAPHICS		
	Victims (N = 112)	
	#	%
Gender		
Female	88	79%
Male	24	21%
Aboriginal identity		
Aboriginal	8	7%
Non-Aboriginal	102	91%
No response	2	2%
Age		
Less than 18	4	4%
18-24	14	13%
25-34	23	21%
35-44	29	26%
45-54	23	21%
55-64	7	6%
65 and over	10	9%
No response	2	2%
Language		
English	92	82%
French	14	13%
Other	6	5%
Size of site where victims located		
Large	64	57%
Medium	30	27%
Small	18	16%

Among these 112 victim respondents, four-fifths (n=92) directly experienced the crime, 16 had family members who were victims of crime, and four were representatives of corporate victims. Of the 16 with family members who were victims of crime, ten were parents of the victim, four were siblings, one was a child, and one was a spouse.

Overall, the victim respondents had experienced a variety of a total of 141 violent and/or property crimes, ranging from uttering threats to murder. The most common were sexual assault (27), common assault (17), assault causing bodily harm (17), and uttering threats (14). While violent crimes predominated, i.e., violent crimes accounted for 74% of all crimes experienced by victim respondents, some respondents were victims of property crimes, such as theft and break and enter. Table 2 provides the complete results of the crimes upon which victim respondents based their experience of the criminal justice system.

TABLE 2: WOULD YOU PLEASE TELL ME WHAT THE CRIME WAS THAT YOU AGREED TO DISCUSS FOR THIS STUDY?		
<i>Type of crime</i>	Victims (N = 112)	
	Number of crimes (N = 144)	%
Sexual assault	27	24%
Assault (common)	17	15%
Assault causing bodily harm	17	15%
Uttering threats	14	13%
Theft	9	8%
Break and enter	9	8%
Criminal harassment	9	8%
Murder or manslaughter	9	8%
Assault with a weapon	8	7%
Fraud	5	4%
Child molestation or interference with a child	3	3%
Impaired or dangerous driving causing death	2	2%
Property damage	2	2%
Other	8	7%
No response	1	1%

Note: Some incidents involved more than one crime; total does not sum to 100%.

Most (75%) victims knew the accused. Almost 40% reported that they had a current or former intimate relationship with the accused, and 8% said that the accused was some other family member. Most of the remaining victims identified the accused as an acquaintance (19%), a neighbour (4%), or a friend (4%). About one-quarter (23%) of victims reported that a stranger committed the crime. Another 2% either did not know or chose not to respond to the question.

Over nine-tenths of victims (93%) discussed a crime that had occurred since 1990, and over half (56%) had experienced the crime since 2001. Thirteen percent of victims reported that they first became involved with the criminal justice system between 1990 and 1998. Most (85%) said that their involvement with the system began on or after 1999 (Bill C-79). Table 3 provides more detailed results.



**TABLE 3:
DURING WHAT YEAR(S) WERE YOU INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM AS A RESULT OF THIS CRIME?**

	Year in which crime first occurred (N =112)		Year first involved with criminal justice system (N =112)	
	#	%	#	%
Pre-1990	7	6%	0	--
1990-1998	16	14%	14	13%
1999	9	8%	12	11%
2000	16	14%	15	13%
2001	24	21%	22	20%
2002	38	34%	44	39%
2003	1	1%	2	2%
Not applicable	0	--	2	2%
Don't know	1	1%	1	1%

Note: Totals do not sum to 100% due to rounding.

About two-thirds of all cases resulted in either guilty pleas (37%) or convictions at trial (28%). In these cases, the most common sentences were jail time (46%) and/or probation (44%). About one-sixth of victims' cases had not yet been concluded at the time of the interview. Complete results are in Tables 4 and 5.

**TABLE 4:
DISPOSITION OF CASES TO DATE**

	Victims (N = 112)	
	#	%
No charges laid	9	8%
Charges dropped	4	4%
Awaiting final disposition	18	16%
Pleaded guilty	41	37%
Convicted at trial	31	28%
Found not guilty at trial	5	5%
Other	4	4%

Note: Total does not sum to 100% due to rounding.

**TABLE 5:
SENTENCE FOR CASES WHERE VICTIM REPORTED THAT THE OFFENDER PLEADED GUILTY OR WAS CONVICTED**

<i>Sentence</i>	# (n=72)	%
Incarcerated	33	46%
Probation	32	44%
Conditional sentence	16	22%
Suspended sentence	2	3%
Restitution	2	3%
Other	5	7%
Don't know	5	7%

Note: Victims could provide more than one response; total sums to more than 100%.

2. Services Received by Victims

Almost nine-tenths (88%) of victims received some form of assistance. Of the 13 victims (12%) who did not receive any type of assistance, six refused the services that were offered to them, five said that they were unaware of the services that were available (one had not reported the crime to police), and two were promised assistance but victim services never contacted them. Table 6 presents these results.

TABLE 6: DID YOU RECEIVE ANY VICTIM ASSISTANCE AS A RESULT OF THIS EXPERIENCE?		
	Victims (N=112)	
	#	%
Yes	99	88%
No	13	12%
Reasons for no support		
Refused the services offered to them	6	46%
Unaware of the services available	5	38%
Promised services but were never contacted	2	15%
Note: Total does not sum to 100% due to rounding.		

Nature of Assistance Received

A total of 99 victims received assistance from a variety of victim services organizations. About one-third reported receiving help from police-based victim services (36%) and another third from community-based victim services (31%). Just over one-quarter were assisted by court-based victim services and about one-fifth by system-based victim services (i.e., services delivered by the province to assist victims throughout their contact with the criminal justice system). Approximately one-fifth received medical assistance (e.g., from hospitals, clinics, private counsellors). As seen in Table 7 below, fewer victims used specialized victim services.



TABLE 7:
DID YOU (OR YOUR FAMILY MEMBER) RECEIVE ANY VICTIM ASSISTANCE AS A RESULT OF THIS EXPERIENCE?
BASE: VICTIMS WHO RECEIVED VICTIM SERVICES (n=99).

	Victims (n=99)	
	#	%
Police-based victim services	36	36%
Community-based victim services	31	31%
Court-based victim services	28	28%
Medical assistance and/or counselling	23	23%
System-based victim services	21	21%
Specialized victim services for domestic violence	13	13%
Victim compensation	8	8%
Specialized victim services for sexual assault	3	3%
Specialized victim services for children	2	2%
Other	2	2%

Note 1: Victims could provide more than one response; total sums to more than 100%.
 Note 2: Some victim services organizations are categorized as more than one type of service (e.g., both community-based and specialized service for domestic violence).

Victims were asked about the types of assistance they received. Most victims (85%) received information in areas such as the police investigation, court procedures, and court outcomes. About half reported receiving counselling (53%) and an equal number reported receiving witness support (53%). Fewer (41%) had help with preparing their victim impact statement. About one-quarter (27%) received medical assistance, and about one-fifth received crisis assistance after the crime (18%), or financial assistance (18%). Table 8 gives the complete results.

TABLE 8:
TYPES OF ASSISTANCE RECEIVED
BASE: VICTIMS WHO RECEIVED VICTIM SERVICES (n=99).

<i>Type of assistance received</i>	Victims (n=99)	
	#	%
Information (e.g., about police investigation, court procedures, outcomes)	84	85%
Counselling	52	53%
Witness support / court accompaniment	52	53%
With preparing victim impact statement	41	41%
Medical assistance	27	27%
Crisis assistance immediately after the crime	18	18%
Financial assistance	18	18%
Referrals	9	9%
Shelter	7	7%
Emotional support	6	6%
Compensation	3	3%
Post-sentencing services	2	2%
Other	6	6%

Note: Victims could provide more than one response; total sums to more than 100%.

When asked to identify what was most helpful about the assistance received, victims most often mentioned counseling and emotional support (36%). Victims believe that this support enabled them to get through the initial shock of the crime and to cope with the subsequent fear and trauma. Victims also said that it was important to have someone objective to talk to.

About a third (31%) of victims considered provision of information to be the most helpful type of assistance. Of these victims, 11 singled out receiving information about the criminal justice system as important. They noted that this information was comforting because it gave them some idea what to expect, and without this assistance, they would not have understood the court process. Eleven victims also mentioned that they appreciated receiving information about the case against their accused.

About a quarter of victims said that assistance received from victim services organizations generally was beneficial. These victims did not identify specific ways in which the services were helpful but, instead, reported that overall, they found the assistance useful. Others did comment on specific aspects of the services they received. Fourteen commented that witness support and court accompaniment gave them the confidence to proceed with the case and testify in court. Nine mentioned that they found the assistance with their victim impact statement helpful because they had trouble discussing the crime and they valued the instruction on what they could include in their statement.

Three or four victims mentioned each of the following types of assistance as being particularly beneficial: the assistance of shelters in providing a place to stay after the crime as well as emotional support; financial assistance through victim compensation funds; and assistance with establishing security measures so that they felt safe returning home. Six victims reported that they did not find any of the assistance useful. Table 9 provides the complete findings.

TABLE 9: WHAT WAS MOST HELPFUL ABOUT THE ASSISTANCE YOU RECEIVED? BASE: VICTIMS WHO RECEIVED ASSISTANCE FROM VICTIM SERVICES (n=99).		
<i>Type of assistance found most helpful</i>	Victims (n=99)	
	#	%
Counselling	36	36%
Information (e.g., about police investigation, court procedures, outcomes)	31	31%
Victim services generally	23	23%
Witness support / court accompaniment	14	14%
With preparing victim impact statement	9	9%
Shelter	4	4%
Financial assistance or compensation	3	3%
Assistance with security measures	3	3%
Other	4	4%
Nothing or was not much help	6	6%
No response	6	6%
Note: Victims could provide more than one response; total sums to more than 100%.		



Informing Victims about Services Available

How Victims were Informed

Victims relied on various referral sources to direct them to available services. Police were the most common source of referrals for all types of victim services. Other sources of referrals were Crown Attorneys, other victim services, community organizations, family or friends, and medical care providers. Several victims cited the service itself as the source of their referral. Table 10 presents the sources of referrals for each type of victim services organization.

TABLE 10: SOURCE OF REFERRALS OF VICTIMS TO VICTIM SERVICES								
<i>Source of referrals</i>	Types of victim services referred to							
	Police-based victim services (n=36)		Court-based victim services (n=28)		System-based victim services (n=21)		Community-based victim services (n=31)	
	#	%	#	%	#	%	#	%
Referred by police	20	56%	12	43%	9	43%	9	29%
Referred by Crown Attorney	0	--	6	21%	1	5%	2	6%
Referred by other victim services	2	6%	0	--	3	14%	5	16%
Referred by community organization	1	3%	0	--	0	--	3	10%
From service itself	7	19%	2	7%	7	33%	1	3%
Medical service provider	0	--	1	4%	0	--	6	19%
Family or friend or co-worker	1	3%	1	4%	1	5%	2	6%
Telephone book	0	--	0	--	0	--	2	6%
Other	2	6%	4	14%	1	5%	3	10%
Don't know	4	11%	4	14%	4	19%	3	10%

Note: Victims could provide more than one response; totals sum to more than 100%.

Fifty-eight organizations initiated contact with victims, and victims initiated contact with 47. System-based and police-based organizations were more likely to initiate contact with victims. About three-quarters of system-based organizations contacted the victim, and two-thirds of police-based victim services contacted the victim. Just over half of the court-based services initiated contact. In community-based victim services it was the victim who usually initiated the contact. Table 11 provides details.

TABLE 11: WAS VICTIM CONTACTED BY VICTIM SERVICES OR DID VICTIM INITIATE CONTACT?								
	Police-based victim services (n=36)		Court-based victim services (n=28)		System-based victim services (n=21)		Community-based victim services (n=31)	
	#	%	#	%	#	%	#	%
Victim services contacted victim	23	64%	16	57%	15	71%	4	13%
Victim initiated contact	7	19%	10	36%	4	19%	26	84%
Don't know	6	17%	2	7%	2	10%	1	3%

When and How Victims should be Informed

Victims were asked their opinions on how best to inform victims about available services. Three-quarters emphasized the importance of giving this information to victims as soon as the crime is reported because they need information during the initial stages of the criminal justice process. Several (n=6) cautioned that while victims need this information quickly, waiting until a few days after the crime provides victims with time to recover from the initial shock and become more receptive to receiving information.² A few (n=4) commented that the imperative for providing information about available services depends on the type of crime. These respondents believe that for major crimes, such as those that are violent and/or cause personal injuries, information provision should be immediate, but for property crimes or more minor crimes against the person, the need for information is not as urgent.

As seen in Table 12, victims suggested many different methods of information provision. The most common suggestion was some form of oral communication, either in person or by telephone. These victims consider this form of contact more personal and preferable to written information, especially if language or literacy is an issue. However, many victims desired written materials, such as brochures or personal letters, because they could refer to this information later. Victims also emphasized the importance of follow-up. They explained that victims are in shock and overwhelmed after the crime and may have difficulty remembering what they were told or where they put written information.

TABLE 12: BASED ON YOUR EXPERIENCE, WHAT DO YOU THINK WOULD BE THE BEST WAY TO HELP VICTIMS FIND THE ASSISTANCE THEY NEED? BASE: VICTIMS WHO RECEIVED VICTIM SERVICES (n=99)		
<i>Best ways to help victims find assistance they need</i>	Victims (N = 112)	
	#	%
In person	56	50%
Telephone	44	39%
Brochure	39	35%
Personal letter	23	21%
Doesn't matter, any of these	13	12%
Other	4	4%
Don't know	2	2%
No response	2	2%
Note: Victims could provide more than one response; total sums to more than 100%.		

Victims provided additional comments on the best way to help victims find the assistance that they need. About one-quarter wanted to receive information from the police; however, several (n=12) preferred to receive the information directly from victim services. All of these victims emphasized that the victim of a crime should not have to look for available services. Several others (n=15) suggested that more public education and outreach about available victim services would assist victims. A few (n=4) pointed out that in certain situations, such as domestic violence, people have difficulty identifying themselves as victims and that public education

² However, one victim wished that victim services had come to the hospital to provide her with information about available services.



would assist these individuals in coming forward and reporting crimes. The most common suggestion for public education and outreach was advertisements, especially on public transport and in places targeted to reach domestic violence victims, such as doctor's offices.

A few victims (n=4) suggested a victim liaison or advocate who would work outside of the government and would assist victims with navigating the criminal justice system. One person would be assigned to the victim and would ensure that the victim is kept apprised of the court case, understands the court procedures, and knows generally what to expect. These victims thought that it would be helpful if the victim advocate had been a victim at one time, as this would ensure both empathy and an understanding of the information that victims want and need.

Victims were asked whether they would prefer to have victim services contact them or to be given a telephone number for victim services, so that they can initiate the contact. About half said that they would prefer victim services to take the initiative and contact them directly. They noted that victims are often too traumatized or embarrassed to call and, therefore, may not receive help unless victim services contacts them. However, about a quarter of victims stated that they would prefer to contact victim services themselves because: it allows them to feel more in control and independent; they do not like being contacted by someone they do not know; and it is less stressful. Several victims (n=6) commented that the decision depends on the individual; some victims might not appreciate unsolicited contact. They suggested that both options be available to victims and that victim services only initiate contact with those who have given consent or after a reasonable period of time has passed without hearing from the victim. The remaining victims did not express a preference.

Waiting Period for Services

About three-quarters of the victims who received victim services said that assistance was generally prompt. Almost one-fifth reported having to wait for services, and less than one-tenth said that the timeliness of the response depended on the service.

Victims were asked to specify how long it took to receive services, but because some initiated contact with victim services and victim services contacted others directly, slightly different questions were asked. Those who initiated contact with victim services (n=47) gave the time between making their request and receiving assistance. One-third reported receiving a response with assistance the same day; just over a quarter were helped between two and seven days; and about one-sixth (13%) waited more than a week. One-quarter could not remember the length of time it took to receive assistance.

Victims contacted by victim services (n=58) also were asked to estimate the time between reporting the crime and receiving assistance. Overall, about one-fifth received service the same day; one-third was helped between two and seven days; and another quarter waited more than a week. About one-sixth could not remember the length of time it took to receive assistance.

Response from community-based victim services was the quickest when the victim made the initial contact. However, police-based victim services were the quickest to respond when it was a services-based initial contact. Table 13 provides the waiting periods for victim services.

TABLE 13: LENGTH OF TIME UNTIL RECEIPT OF ASSISTANCE BASE: VICTIMS WHO PROVIDED THIS INFORMATION (n=105)								
<i>Source of assistance</i>	Victim initiated the contact (n=47)				Service initiated the contact (n=58)			
	Same day	2-7 days	More than 7 days	Don't know	Same day	2-7 days	More than 7 days	Don't know
Police-based victim services	3	3	1	0	10	8	2	3
Court-based victim services	2	2	3	3	2	5	5	4
Community-based victim services	10	7	1	8	1	0	3	0
System-based victim services	1	1	1	1	0	7	6	2
Total	16	13	6	12	13	20	16	9

Information Received by Victims

There were 102 victims involved in a case where the accused was charged. These victims were asked what information they received during their involvement with the criminal justice system, who provided it, and whether they received it in person, by telephone, or in writing. They also were asked to provide feedback on each of these. These results are discussed in more detail below.

General Information about the Justice System

Victims who were involved in a case where the accused was charged (n=102) were asked whether they were informed about their role in court as witness; about the role of the Crown Attorney in handling the case and the Crown Attorney's relationship with them; and about the criminal justice system in general. Seventy percent were told about their role in court as a witness, while about two-thirds (64%) were told about the role of the Crown Attorney, and just over one half (57%) were told about the criminal justice process in general. Table 14a provides details.

TABLE 14A: TYPES OF INFORMATION RECEIVED BY VICTIMS WHERE THE ACCUSED WAS CHARGED BASE: CASES IN WHICH ACCUSED WAS CHARGED (n=102)		
<i>Information received where accused was charged</i>	Number of victims who received information	Percent who received information
The Criminal justice process in general	58	57%
Victim's role in court as a witness	71	70%
Crown Attorney's role	65	64%

Victim services were the main source of information at this stage of the process; more than three-quarters of victims reported that victim services personnel informed them about their role as a witness and about the criminal justice process in general. Victim services also provided information about the Crown Attorney's role in about two-thirds of cases, although in just over one-third of cases, the Crown Attorney handling the case provided this information. Almost all victims were informed in person.



A small proportion of victims who received general information about the criminal justice system were critical of the information they received. About one-tenth reported that they received only minimal information and would have liked to receive more. A few said that the information they were given was vague or inaccurate. Another one-tenth said that they were informed too late or received information only as court proceedings were unfolding, the unpredictability of which they found stressful.

Information about Bail

Victims who were involved in a case where charges were laid (n=102) were also asked several questions about the information they received about bail. Two-thirds reported that they were told whether the accused was released on bail. In cases where bail was granted (n=83), just over half of victims were informed about when the accused was released (55%) and about conditions of release (57%). Table 14b provides details.

TABLE 14B: TYPES OF INFORMATION RECEIVED BY VICTIMS WHERE BAIL WAS GRANTED BASE: CASES IN WHICH BAIL WAS GRANTED (n=83)		
<i>Information received about bail</i>	Number of victims who received information	Percent who received information
When accused was released on bail	46	55%
Conditions of bail	47	57%

Police were the main source of information about bail; they provided information about whether, and when, the accused was released in over half of cases, and information about conditions of release in more than 60% of cases. Victim services provided this information in approximately one-third of cases. Information about bail was relayed to victims by telephone in about 60% of cases.

Approximately one-tenth of victims reported that although they received information about bail, they had to take the initiative to call the police, the court, or the Crown Attorney to request it. A few said that the information they received was insufficient or incomplete (for example, one victim reported having been told about conditions but not what an undertaking was; another said that the reason for the release of the accused was not explained). A small number found out about the accused's release through the news media or through friends or family members, and two reported that they were given information only after the release of the accused.

Information about Pleas

Victims who were involved in a case where charges were laid (n=102) were also asked about the information they received with respect to pleas. About 60% reported having been told whether the accused pleaded guilty; this information was equally likely to have come from the Crown Attorney, the police, and victim services, and was provided by telephone and in person in about 40% and 33% of cases, respectively.

Of the 42 cases where agreements were made with the accused to plead guilty, half of the victims (n=21 or 50%) reported having been told of these agreements. The Crown Attorney was the

most frequent source of information about plea agreements (n=9), followed by police (n=7) and victim services (n=6). A small number of victims were present in court at the time the guilty plea was entered or said that they were informed that the accused would plead guilty just prior to what would have been their own testimony in court.

Information about the Trial

Victims who were involved in a case that went to trial (n=36) were asked several questions about the information they received about the trial. With three exceptions, all were told whether there was a trial and about important trial dates. About two-thirds were told about changes in trial dates and received updates on their case, while all but seven said that they were told the outcome of their case. Table 14c provides details.

TABLE 14C: TYPES OF INFORMATION RECEIVED BY VICTIMS WHERE THE CASE WENT TO TRIAL BASE: CASES WHICH WENT TO TRIAL (n=36)		
<i>Information received about trial</i>	Number of victims who received information	Percent receiving information
Whether there was a trial	33	92%
Important trial dates	33	92%
Changes in trial dates	23	64%
Updates on the case	22	61%
Outcome of the case	29	81%

Victim services were the main source of information about trials, followed by the Crown Attorney; these two agencies provided this information in about 60% and 20% of cases, respectively, with the exception of information about the trial outcome. Information about the outcome of the trial was provided by victim services in almost half of cases. However, almost as many victims found out about the outcome of the trial because they were present in court at the time of the disposition. A small number of victims received trial information through the police, through a subpoena, or through the court registry. Information was provided by telephone in about 60% of cases and in person in about 20%.

Information about Sentencing

Victims involved in a case where the accused pleaded guilty or was convicted (n=72) were asked several questions about the information they received about sentencing. The majority reported that they were informed about the date of the sentencing hearing (78%) and about the sentence (83%). Table 14d provides details. In cases where the offender received probation (n=40), 83% of victims said that they were told whether conditions were placed on the offender.



TABLE 14D:
TYPES OF INFORMATION RECEIVED BY VICTIMS WHERE THE ACCUSED WAS SENTENCED
BASE: CASES IN WHICH THE ACCUSED RECEIVED A SENTENCE (n=72)

<i>Information about sentence</i>	Number receiving information	Percent receiving information
Date of sentencing hearing	56	78%
The sentence	60	83%

In over half of the cases, victim services provided information about the date of the sentencing hearing; in about one-third of the cases, victims learned the date of the hearing because they were present in court. With respect to the sentence itself, about half of the victims were present in court at the time the offender was sentenced, whereas victim services provided this information in about one-third of cases. In cases where the offender received probation, victims were most likely to have been informed about conditions by victim services, although almost as many found out in court. For all three pieces of sentencing information, victims who were not in court were about equally as likely to receive the information in person as by telephone. Two reported that they learned about the sentence in the media.

Information about the Offender’s Incarceration

Victims involved in a case where the offender was sentenced to jail time (n=33) were asked several questions about the information they received about the incarceration. Fifty-eight percent said that they were told where the offender was incarcerated. Two-thirds (67%) were told the date the sentence began, and 82% were told the length of the sentence. Table 14e provides details. In cases where the offender was moved (n=28), 43% were told the offender’s new location.

TABLE 14E:
TYPES OF INFORMATION RECEIVED BY VICTIMS WHERE THE ACCUSED WAS INCARCERATED
BASE: CASES IN WHICH THE ACCUSED WAS INCARCERATED (n=33)

<i>Information about incarceration</i>	Number receiving information	Percent receiving information
Where offender was incarcerated	19	58%
Date sentence began	22	67%
Length of sentence	27	82%

Victims reported receiving information about the offender’s incarceration from a variety of sources. Information on where the offender was incarcerated was most often provided by victim services, but several victims received this information from other sources, such as the police, the Crown Attorney, or the victim liaison coordinator at the correctional institution; a few found out in court. In most instances where the offender was moved and victims were informed about the relocation, a victim liaison coordinator provided the information.

Victims most frequently learned about the date the sentence began and the length of the sentence because they were present in court at the sentencing hearing. However, a few found out from other sources, such as victim services, the Crown Attorney, the police, or a victim liaison coordinator. Except for those who were present in court, most received information about the offender’s incarceration by telephone.

Information about Parole

Of the 25 victims who were involved in a case where the offender was eligible for parole, 11 (44%) received information about the offender’s parole eligibility. Of those who were involved in a case where a parole hearing had been set or had already occurred (n=20), one-third were informed about the dates of the hearing. In instances where parole had been granted (n=18), eight (44%) victims were informed about release dates; six (33%) were informed about conditions imposed on release; and five (28%) were informed about the offender’s destination on release. Table 14f provides details.

TABLE 14F: TYPES OF INFORMATION RECEIVED BY VICTIMS ABOUT THE OFFENDER’S PAROLE CONDITIONS BASE: CASES IN WHICH THE ACCUSED RECEIVED PAROLE (n=18)		
<i>Information on parole conditions</i>	Number receiving information	Percent receiving information
Release date	8	44%
Conditions imposed on release	6	33%
Destination of offender on release	5	28%

Information about parole came from either the victim liaison coordinator at the correctional institution, the victim liaison coordinator attached to the local parole office, or the National Parole Board. The information was provided either by telephone or via a personal letter.

Overall Satisfaction with Information Provided and Suggestions for Improvement

All victim respondents were asked about their overall satisfaction with the way in which information was provided to them. Just over 60% agreed that, in general, they received a sufficient amount and type of information and that they received the information in a timely manner.

Several singled out victim services or police as being particularly helpful in providing information. A few victims said that Crown Attorneys were helpful, and just as many said that Crown Attorneys were unhelpful.

Those who were dissatisfied, most often explained that the information was limited, inaccurate, or confusing. Other sources of dissatisfaction included having to initiate contact with a criminal justice professional or seek out information on their own and receiving inconsistent information because of turnover in the investigating officer, Crown Attorney, or victim services worker dealing with the case.

Victims were also asked how the provision of information could be improved. The most common suggestion was regular contact and follow-up by police and Crown Attorneys to keep victims abreast of developments. Another common suggestion was that information be provided by a single source (such as a designated victim advocate or liaison) throughout the entire criminal justice process; some victims observed that receiving information from a variety of different sources often leads to confusion.

Other suggestions included providing information in a more timely manner; providing more information at the outset of the victim’s involvement with the criminal justice system; and



providing more detailed information or more information in print form. Several victims mentioned a need for counselling and public education.

As shown in Table 15 below, when asked what kinds of information victims of crime most want to receive, victims most often mentioned updates on the status of the police investigation and their court case (mentioned by over 40% of victims). One-third wanted information about the criminal justice system in general, while fewer than one-fifth mentioned each of: information about the accused; information about the victim services available to them; information about possible outcomes and case time lines; and information about safety protections for victims.

TABLE 15: BASED ON YOUR EXPERIENCE, WHAT KIND OF INFORMATION DO YOU THINK VICTIMS OF CRIME MOST WANT TO RECEIVE? BASE: ALL VICTIM RESPONDENTS (N=112)		
<i>Information victims most want to receive</i>	Victims (N =112)	
	#	%
Case updates or information on the status of investigation	49	44%
General information about the criminal justice system	37	33%
Information about the accused	19	17%
Information about available victim services	17	15%
Information about possible outcomes or time lines	15	13%
Information about safety protections for victims	12	11%
Information about victim rights or options	3	3%
Other	17	15%
Don't know or No response	9	8%

Note: Victims could provide more than one response; total sums to more than 100%.

Victims were divided on the best way by which to provide this information; approximately equal numbers prefer to receive it in person and by telephone. Fewer than one-fifth believe that a personal letter or brochure is the best method of providing the information.

3. Consideration of Victim Safety at Bail

The 102 victims who were involved in a case where charges were laid were asked several questions about their experiences at bail. Two-thirds reported that the accused was released on bail in their case, and of these, almost 60% reported that the accused was detained for a period of time before being released.

Just over one-third of victims involved in cases where charges were laid said that they were aware that victim safety must be considered in release decisions, while almost half were unaware. The remaining victims did not feel that they could answer the question. Victims were much more likely to know that conditions of release could be placed on the accused. Three-quarters reported being aware of the possibility of certain conditions being imposed, whereas less than one-fifth was unaware.

Victims in cases where charges were laid were evenly divided between those who found the information they received about release decisions to be clear and complete and those who did

not. Almost all of those who found the information unclear or incomplete explained that the problem was a lack of any information on the subject whatsoever.

Of the 68 victims who reported that the accused was released in their case, more than two-thirds reported that conditions were placed on the accused, although over one-quarter either did not know or gave no response. The most common condition, imposed in two-thirds of cases where the accused was released, was no contact with the victim. A condition to refrain from alcohol was imposed in almost one-quarter of cases, and a condition to keep the peace and be of good behaviour was imposed in about one-fifth of cases. Restrictions on movement were imposed in just less than one-fifth of cases. Twenty-nine (59%) of the victims involved in cases where conditions of release were imposed said that the conditions addressed their safety concerns. Table 16 gives further details on bail conditions.

TABLE 16: BAIL CONDITIONS BASE: VICTIMS WHO REPORTED ACCUSED RELEASED ON BAIL (n=68)		
<i>Bail conditions of accused</i>	Victims who reported accused released on bail (n=68)	
	#	%
Were conditions placed on accused?		
Yes	47	69%
Accused had existing conditions for other offences	2	3%
No	1	2%
Don't know or No response	18	26%
What types of conditions?		
No contact with the victim	45	66%
No alcohol	16	24%
Keep peace and be of good behaviour	14	21%
Curfew	6	9%
No contact with other named individuals	6	9%
No weapons	5	7%
Undergo therapy or treatment	5	7%
Restrictions on movement	5	7%
Other	12	18%
Don't know or No response	22	32%
Note: Victims could provide more than one response for the conditions that were placed on the accused; total sums to more than 100%.		

As shown in Table 17, of the total number of victims involved in cases where the accused was charged (n=102), about 40% believe that their safety was considered in the decision about the possible release of the accused. Just over one-quarter believe that their safety was not considered, while the remainder either had no safety concerns, did not know, or did not respond. Victims who believe that their safety was not considered (n=27) were asked what caused them to feel that way. Most commonly, they explained that the conditions placed on the accused were either insufficient or were not respected (n=16). Of these victims, five reported having accidental contact with the accused after release, and four said that they were harassed or threatened by the accused after release. Two pointed out that the conditions imposed were at odds with pre-existing family law orders (e.g., no contact orders conflicted with access orders).



TABLE 17: WAS THE VICTIM'S SAFETY CONSIDERED IN THE DECISION ABOUT THE POSSIBLE RELEASE OF THE ACCUSED?		
BASE: VICTIMS WHOSE ACCUSED WAS CHARGED (n=102)		
<i>Whether safety considered</i>	Victims in cases where accused was charged (n=102)	
	#	%
Yes	43	42%
No	27	27%
N/A (victim had no safety concerns)	15	15%
Don't know or No response	17	17%
Note: Total does not sum to 100% due to rounding.		

In addition to insufficient conditions, four victims each said that they were not asked about their safety concerns; that the police and/or the court did not appreciate the true extent of the danger posed to them by the accused; that the fact that the accused was released was evidence that their safety was not considered; and that they were not advised of the accused's release.

Among victims who had safety concerns (n=87), almost three-quarters said that they made their concerns known. Table 18 provides complete results.

TABLE 18: DID VICTIMS MAKE THEIR CONCERNS WITH SAFETY KNOWN?		
BASE: VICTIMS WITH SAFETY CONCERNS (n=87).		
	Victims with safety concerns (n=87)	
	#	%
Yes	62	71%
No	16	18%
Don't know or No response	9	10%
Note: Total does not sum to 100% due to rounding.		

A majority of the victims who made their safety concerns known provided this information to police (n=41); relatively few discussed safety issues with the Crown Attorney (n=13) or with victim services (n=3). One or two victims each mentioned their safety concerns in a victim impact statement, wrote a letter to the judge outlining their concerns, or told the judge about their concerns during the bail hearing. Those who did not make their safety concerns known (n=16) most often explained that no one asked them about their concerns.

4. Experience with Testifying

Out of 36 victims whose cases went to trial, 24 reported that they or a family member testified at the trial; eight did not testify; and four did not answer the question. Of the 24 who testified, 20 received help in preparation, most often from victim services (n=17), but also from the Crown Attorney handling their case (n=9).³ The various types of assistance included an explanation of courtroom procedures; an explanation of the respective roles of the Crown Attorney and defence counsel; an introduction to the courtroom; and practice testifying. A small number of victims said that they received other types of assistance, such as a review of basic behaviour in the courtroom and what to expect. Table 19 provides complete details.

TABLE 19: DID YOU RECEIVE HELP IN PREPARING TO TESTIFY? BASE: VICTIMS WHO RECEIVED ASSISTANCE WITH TESTIFYING (n = 20).		
<i>Type of help received</i>	Victims who received help in preparing to testify (n=20)	
	#	%
Explanation of court procedures	15	75%
Explanation of roles of Crown Attorney and defence counsel	14	70%
Courtroom introduction	12	60%
Preparation for testifying or practice testifying	10	50%
Review of basic courtroom behaviour or what to expect in courtroom	7	35%
Other	5	25%

Note: Victims could provide more than one response; total sums to more than 100%.

Just over half of the 24 victims who testified at trial reported that they felt prepared for it. Almost all of them attributed their preparedness to the support they received prior to and during their testimony. Those who felt unprepared for testifying either said that they felt frightened, threatened, or re-victimized or said that they had inadequate time to prepare. Several victims (both those who felt prepared and those who did not) said that they were nervous about testifying but that, in the end, they were able to handle the experience reasonably well.

Eight of the 36 victims whose cases went to trial reported that they did not testify at the trial. The most common reasons for not testifying were that the Crown Attorney had sufficient physical evidence (therefore, their testimony was unnecessary) and that they were not witnesses to the crime. In one case, the accused pleaded guilty at trial, and in one case, the victim reported being too fearful for her safety to testify.

All 36 victims whose cases went to trial were asked to suggest ways to help victims with testifying. The most common suggestions were better explanations of the court process and of what to expect in the courtroom (e.g., preparation for defence tactics) and improved protections or wider availability of existing protections. Other suggestions included preparing for testimony through role-playing and permitting victims of crime to have their own lawyer.

³ Victims could provide more than one response.



Legal Provisions to Facilitate Testimony

While criminal proceedings are generally held in open court, the *Criminal Code* sets out a number of exceptions in order to protect the privacy of victims and to help them in testifying in court.⁴ These provisions are described below.

Publication Bans

- Judges must issue an order prohibiting publication of the identity, or any information that could disclose the identity, of sexual offence victims on application.
- Where deemed necessary for the proper administration of justice, a judge may order a publication ban, upon application, on the identity of a victim or witness of any offence.

Facilitating Testimony

- In sexual offence proceedings, a support person may accompany a witness under the age of 14 years or who has a mental or physical disability. Additionally, a witness of specified offences, including sexual offences, who is under the age of 18 or who has difficulty communicating can provide testimony from behind a screen or by closed circuit television.
- A judge may prohibit personal cross examination by a self-represented accused, of a witness under the age of 18 years in sexual or personal violence offences. The court may appoint counsel for cross examination.
- In proceedings related to specified sexual offences, a victim/witness under the age of 18 years at the time of the alleged offence, or a victim/witness who has difficulty communicating, may provide testimony on videotape.

Victims in this study whose case characteristics fell within these parameters were asked about their experiences with these provisions. A total of nine victims received information about provisions to facilitate testimony. Of victims receiving information, five were under the age of 18 at the time of their involvement in the criminal justice system; three were victims of sexual assault but were over 18 years of age (they were only informed of publication bans); and one was a victim of stalking who was offered several types of protections even though this person was over 18 years of age and did not have a mental or physical disability.

These nine victims received information about different types of protections. More specifically:

- ▶ Eight received information about publication bans.
- ▶ Five received information about the possibility of testifying behind a screen.
- ▶ Five received information about the possibility of a support person accompanying the victim.
- ▶ Two received information about the possibility of testifying by closed-circuit television.

⁴ These exceptions are included in Sections 276.2 and 276.3, Section 486, and Sections 715.1 and 715.2 of the *Criminal Code*.

- ▶ Two received information about section 486 (2.3).⁵
- ▶ One received information about the possibility of testifying by videotape.

Six of the victims were given information about more than one of the protections. One was told about publication bans and screens; one was told about publication bans and support persons; two were told about publication bans, screens, and support persons; one was told about publication bans, screens, closed-circuit television, support persons, and s. 486 (2.3); and one was told about screens, closed-circuit television, videotape, support persons, and s. 486 (2.3). Information was provided by either victim services, the police, or the Crown Attorney. Four victims received information from two sources.

These nine victims were asked if they received information about provisions with enough time to decide whether to use them. Seven of the nine said that they were given the information in a timely manner; two disagreed. When asked what kind of information they received about the protections, victims reported being told that the protection(s) was available (n=6) and the pros and cons of using the protection(s) (n=4). Two reported that they were simply informed that a certain protection(s) would be implemented in their case but that they were not part of the decision whether to use the protection. All nine victims were asked if anything about the information they received was unclear or incomplete. Six said that nothing was unclear or incomplete. The three victims who believe that the information they received was unclear or incomplete reported that they were given only general information about the protections.

Four of the nine victims who received information about protections to facilitate testimony actually received one or more of the protections (the remaining five did not testify, have not yet testified, or declined the aids). Of the four who received protections, three received publication bans, and one was accompanied by a support person and granted a ban on cross-examination by the self-represented accused under section 486 (2.3). The three victims who received publication bans reported different experiences on the effectiveness of the bans in helping them to testify; one reported being more comfortable because the ban was in place, and two said that the ban did not really help and that they were still afraid to testify. The victim who was accompanied by a support person reported being more comfortable because the support person was present, even though they could not communicate during court. This victim was also protected by s. 486 (2.3) and said that she was less nervous and upset than she would have been if the accused had been permitted to cross-examine her.

In addition to the four victims who received information and subsequently received protection(s), one reported not receiving any information but nevertheless receiving a publication ban. This victim said that the ban did not make testifying any easier.

⁵ Subsection 486(2.3) of the *Criminal Code* provides, in sexual and personal violence offence proceedings, generally the self-represented accused shall not personally cross-examine a witness under 18 years of age.



5. Victim Impact Statements

Victim impact statements (VIS) are written statements in which victims can describe the effect of the crime on them and any harm or loss suffered as a result of the crime. The 1999 amendments to the *Criminal Code* allow victims to read their statements aloud during sentencing, require the judge to ask before sentencing whether the victim has been informed of the opportunity to complete a VIS and permit the judge to adjourn the sentencing to give the victim time to prepare the statement.

Victims of crime can submit victim impact statements at sentencing and at parole. At parole, the victim can rely on the victim impact statement from sentencing and/or provide another statement to the parole board. The following discussion considers victim impact statements at sentencing. Because only one victim prepared a victim impact statement for the parole board, those results are not reported.

Information Provided to Victims

Out of 102 victims whose offenders were charged, eighty-one (80%) reported receiving information on victim impact statements. About three-quarters of these victims received this information from victim services and just over one-fifth from the police. Other sources of information were the Crown Attorney (n=6) and the court registry (n=6).⁶ As seen in Table 20, victims received the information in a variety of ways, but the most common was in person, followed by a brochure, a personal letter, and telephone.

TABLE 20: HOW VICTIM RECEIVED INFORMATION ON VICTIM IMPACT STATEMENTS (VIS) BASE: VICTIMS WHO RECEIVED INFORMATION (n= 81)		
<i>How information on VIS provided</i>	Victims who received information on VIS (n=81)	
	#	%
In person	36	44%
Brochure	24	30%
Personal letter	22	27%
Telephone	16	20%
Other	8	10%
Don't know	4	5%
No response	1	1%

Note: Victims could provide more than one response; total sums to more than 100%.

The timing of the information varied. Most victims received the information either within one month of the crime (26%) or just before the final disposition (28%). Table 21 provides the complete results.

⁶ Victims could provide more than one response.

TABLE 21:
WHEN WERE YOU PROVIDED THE INFORMATION ABOUT VICTIM IMPACT STATEMENTS?
BASE: VICTIMS WHO RECEIVED INFORMATION (n=81)

<i>When information provided</i>	Victims who received information on VIS (n=81)	
	#	%
Immediately after the arrest of the accused	9	11%
When first contacted by victim services	5	6%
Within one month of the crime	21	26%
At preliminary hearing	5	6%
Just prior to final disposition (trial or guilty plea)	23	28%
After a finding of guilt	2	2%
Other	8	10%
Don't know	6	7%
No response	2	2%

Note: Victims could provide more than one response; total sums to more than 100%.

The interviews also explored the adequacy of information received by victims. When asked whether the information explained victim impact statements so that they understood what could be included, four-fifths of victims who received information said yes. Seventy percent said that the information explained that their statement would be provided to defence counsel and the accused and that the information provided sufficient detail so that they knew how to complete the statement (what form, if any, to use; where to submit form, etc.). Just over two-thirds said that the information explained how victim impact statements are used in court. Table 22 provides full results.

TABLE 22:
TYPE OF INFORMATION PROVIDED ABOUT VICTIM IMPACT STATEMENTS
BASE: VICTIMS WHO RECEIVED INFORMATION (n=81)

<i>Information provided on victim impact statements</i>	Victims (n=81)	
	#	%
What could be included in a victim impact statement	65	80%
What victim generally needed to do to complete a victim impact statement	57	70%
That once submitted to a Crown Attorney, the victim impact statement has to be provided to the defence counsel and the accused	57	70%
How victim impact statements are used in court	56	69%

Note: Victims could provide more than one response; total sums to more than 100%.

However, a substantial proportion of victims who received information about victim impact statements described it as unclear or incomplete.⁷ Ten victims reported that, in general, they found the written instructions insufficient or confusing, and therefore, they relied heavily on victim services to assist them with their statements. Other victims detailed the ways in which the information was insufficient. Several said that they did not know what information victims can include in their impact statement (n=9), or how the court would use the impact statement (n=8). A few (n=4) said that the information did not make clear the disclosure of the impact statement to defence counsel and the accused; finding out after the fact that the information went to these

⁷ Victims could provide more than one explanation of how information was unclear or incomplete.



individuals was very upsetting. Several victims (n=7) also reported receiving conflicting advice on when to complete the victim impact statement. This seemed to occur because of the concerns about cross-examination on the impact statement; for example, one victim said that the Crown Attorney wanted the impact statement as soon as possible, while victim services said that he should wait.

Victims were asked how best to provide information about victim impact statements. About half of victims liked in-person contact, while 40% said that a brochure would be useful. Victims were equally amenable to contact by telephone or letter. Those victims who preferred oral communication commented that it allows people to ask questions, while those who liked written material said that the ability to refer to the information later was important. Table 23 provides the complete results.

TABLE 23:
WHAT DO YOU THINK WOULD BE THE BEST WAY TO PROVIDE VICTIMS OF CRIME INFORMATION ON VICTIM IMPACT STATEMENTS?
BASE: VICTIMS WHOSE ACCUSED WAS CHARGED (n=102).

<i>How information should be provided</i>	Victims (n=102)	
	#	%
In person	52	51%
Brochure	41	40%
Personal letter	22	22%
Telephone	22	22%
Doesn't matter (any of these)	2	2%
Depends on person or type of case	3	3%
Other	2	2%
No response	4	4%
Don't know	1	1%

Note: Victims could provide more than one response; total sums to more than 100%.

Opinion as to when victims should receive this information varied, as shown in Table 24. Thirty-four percent of victims said that someone should provide this information to victims shortly after the crime is reported, and an additional 15% believe that the victim should receive this information shortly after the arrest of the accused or when charges are laid. However, 19% of victims think that the information should be provided close to the time of final disposition (either just before trial or just after a finding of guilt). Eleven percent of victims warned that the information should not be provided too early; victim services should let enough time pass so that the victim is less overwhelmed by the experience.

TABLE 24: WHEN SHOULD VICTIMS RECEIVE INFORMATION ABOUT VICTIM IMPACT STATEMENTS? BASE: VICTIMS WHOSE ACCUSED WAS CHARGED (n= 102).		
<i>When information should be provided</i>	Victims (n=102)	
	#	%
Shortly after the crime is reported	35	34%
Just prior to the start of the trial or before guilty plea	19	19%
Shortly after the arrest of the accused or charges laid	15	15%
After enough time has passed so victim not overwhelmed	11	11%
Other	10	10%
Don't know or No response	12	12%
Note: Victims could provide more than one response; total sums to more than 100%.		

Preparing and Submitting Impact Statements

About two-thirds of victims in cases where someone was charged with the crime prepared a victim impact statement for sentencing (65 of 102). Close to two thirds (n = 40) of the 65 victims who prepared a statement received some form of assistance. As shown in Table 25, 88% (n=35) were assisted by victim services. The others reported assistance from family or friends (n=3), the Crown Attorney (n=2), and police (n=1).

TABLE 25: WHO HELPED YOU IN PREPARING YOUR VICTIM IMPACT STATEMENT? BASE: VICTIMS WHO RECEIVED ASSISTANCE WITH PREPARING VICTIM IMPACT STATEMENT (n=40).		
<i>Who provided help to the victim</i>	Victims (n=40)	
	#	%
Victim services	35	88%
Family or friends	3	8%
Crown Attorneys	2	5%
Police	1	3%
Other	2	5%
Note: Victims could provide more than one response; total sums to more than 100%.		

Victims received several types of assistance with their victim impact statements. Three-quarters said that the person who assisted them either provided the necessary forms or told them where forms could be obtained. About three-quarters had the kinds of information permitted in victim impact statements and the general instructions on how to complete the statement explained to them. For almost two-thirds of victims, the person who assisted them reviewed their statement and collected the statement for submission to the court or Crown Attorneys. A number of victims received the following: assistance in formulating their thoughts (38%); information about where to send their completed statement (28%); and help with completing their statement (20%) where the person assisting them wrote down what the victim said about the crime's effects. Table 26 provides these results.



TABLE 26:
WHAT KINDS OF HELP DID YOU RECEIVE IN PREPARING YOUR VICTIM IMPACT STATEMENT (VIS)?
BASE: VICTIMS WHO RECEIVED ASSISTANCE (n=40).

<i>Type of assistance received with VIS</i>	Victim (n=40)	
	#	%
Provided with forms	30	75%
Explanation of information that can be included in VIS	29	73%
Instructions on how to complete VIS	28	70%
Review of the completed statement	25	63%
Collection of the completed statement	25	63%
Help with drafting statement (assist victim with formulating his or her thoughts)	15	38%
Informed of where completed statements should be sent	11	28%
Help completing statement (writing what victim says)	8	20%
Informed of where to obtain forms	6	15%
Other	6	15%

Note: Victims could provide more than one response; total sums to more than 100%.

In spite of this assistance, when asked if they had any problems with completing their victim impact statement, 43% of victims said that they did. They mentioned a number of different difficulties: 14 said that they felt unable to describe how the crime affected them and found the process emotionally difficult; six commented that they were uncertain as to what information they could include; four had to revise their statement because it included inappropriate information; and five did not know who to give the completed statement to or when they should submit the statement.⁸

Two-thirds of victims who prepared a statement (45 of 65) submitted it to victim services. Twelve submitted it to the Crown Attorneys. Of those remaining, two gave their statement to the police, one to the court directly, and five could not remember to whom they submitted their statement.

Victims submitted their impact statements at various stages of the criminal justice process. The most common stage was just prior to guilty plea or trial (40%). Their complete responses are presented chronologically in Table 27.

TABLE 27: AT WHAT STAGE DID YOU SUBMIT A VICTIM IMPACT STATEMENT (VIS)? BASE: VICTIMS WHO PREPARED A VICTIM IMPACT STATEMENT (n=65)		
<i>When VIS submitted</i>	Victims (n=65)	
	#	%
Shortly after crime	3	5%
Shortly after arrest of accused	8	12%
Shortly after charges were filed	2	3%
Just prior to guilty plea or trial	26	40%
During trial but before conviction	9	14%
After conviction or guilty plea but before sentencing	10	15%
Other	3	5%
Don't know	4	6%

⁸ Victims could provide more than one response.

Presenting Impact Statements

Starting in 1999, victims could read their impact statement in court. Sixty-three of the 65 respondents who completed a victim impact statement had been victimized since 1999, and, therefore, were eligible to read their statement in court. These respondents were asked whether they were told that they could read their statement in court. Of those victims, 48 (76%) were told that they could read their statement in court; nine of these victims chose to do so. The main reasons for not reading the victim impact statement were: there was no conviction or guilty plea (n = 11 cases); they did not feel emotionally ready to read the statement (n = 10); they felt it was not worthwhile (n = 5); they did not want to read the statement in public (n = 5); or they found the accused intimidating (n = 4).⁹

Of the 72 victims whose offender pleaded guilty or was convicted at trial, about one-fifth said that the judge asked them whether they had been given the opportunity to prepare a victim impact statement. One-third said that the judge already had the statement so the question was not necessary, while one-quarter reported that they were not asked even though they had not submitted a statement. The remaining victims did not remember whether the judge asked them this question.

Satisfaction with Preparing Impact Statements

Before asking victims about their satisfaction with preparing a victim impact statement, the interviews sought insight into their rationale for giving a statement. Over half of the 65 respondents who prepared a statement did so because they wanted the court to understand the effect of the crime (54%); many also wanted the offender to know the crime's full effect (39%). Only 28% of victims who prepared a victim impact statement thought that the statement would affect the offender's sentence. Table 28 presents victims' reasons for preparing a statement.

TABLE 28: WHY DID YOU DECIDE TO PREPARE A VICTIM IMPACT STATEMENT (VIS)? BASE: VICTIMS WHO PREPARED A VICTIM IMPACT STATEMENT (n=65).		
<i>Reasons for preparing a VIS:</i>	Victims (n=65)	
	#	%
Wanted court to understand effect of crime	35	54%
Wanted offender to understand effect of crime	25	39%
Thought statement would affect sentence	18	28%
Felt statement would help victim heal from crime	12	18%
Was asked to or encouraged to give statement	11	17%
Wanted to have a voice	5	8%
Other	5	8%
Don't know	2	3%
No response	4	6%
Note: Victims could provide more than one response; total sums to more than 100%.		

⁹ Victims could provide more than one response.



Of the 29¹⁰ victims who did not prepare a statement, nine either have not yet decided on whether to complete a statement (the case is ongoing) or the charges were dropped. Of the 20 who could have prepared a statement but chose not to, about half (n=9) said that they did not know about victim impact statements. Other reasons included: that the crime was too minor to have an effect on them; they were told they were not eligible to complete a statement; and they felt the statement violated their privacy (i.e., they did not want the offender to receive a copy or did not want the statement read in public).

Fifty-three of the 65 victims who prepared a victim impact statement had the opportunity to submit their victim impact statement to the court for consideration at sentencing.¹¹ Almost two-thirds of these victims reported that they were satisfied with their opportunity to give their statement. Sixteen were dissatisfied and four did not respond.

Most of the 16 victims who expressed dissatisfaction with their opportunity to present their victim impact statement either did not like the restrictions placed on the content of statements (n=6) or wished that they had read their statement (n=7). Those who disliked the content restrictions said that they could not adequately explain themselves and elaborate on the effects of the crime. They also wanted to discuss items such as their history with the offender and were frustrated by not being able to do so. A few said that they wanted to comment on issues like the sentence of the offender (e.g., they wanted to encourage anger management counselling), or their frustration with the criminal justice system. One victim had to substantially revise her victim impact statement because it contained inappropriate information. This person found it traumatic to have to remove information of importance to her.

Seven victims in cases since 1999 wanted to read their victim impact statement but did not have the opportunity. The reasons varied: some were not informed that they could read their statements; others were not allowed to read their statement (either by the judge or the Crown Attorney);¹² and one wanted to read her statement but was too intimidated by the offender's presence.

Victims who prepared a victim impact statement (n=65) were asked whether they were pleased that they prepared the statement. Over four-fifths (n=53) said that they were. As shown in Table 29, they provided several reasons: victim impact statements give victims a voice and are therapeutic; they give victims an opportunity to make the judge aware of the effect of the crime; and they give victims an opportunity to make the offender aware of the affect of the crime.

¹⁰ Of the 102 cases where the accused was charged, there were eight victims who did not respond to the question of whether they prepared a VIS.

¹¹ The other 12 victims who prepared victim impact statements either are involved in ongoing cases or their accused was not found guilty.

¹² One of these victims was told that reading her victim impact statement was unnecessary because the offender was receiving the maximum penalty under the law.

TABLE 29: REASONS WHY VICTIMS WERE PLEASED THAT THEY PREPARED A VICTIM IMPACT STATEMENT BASE: VICTIMS WHO WERE PLEASED THAT THEY PREPARED A VIS (n= 53)		
<i>Reasons victims were pleased they prepared VIS</i>	Victims (n=53)	
	#	%
Gave them a voice and are therapeutic	27	51%
Made judge aware of affect of crime	13	25%
Made offender aware of affect of crime	10	19%
Generally pleased	8	15%
Other	5	9%
Don't know or No response	3	6%
Note: Victims could provide more than one response; total sums to more than 100%.		

The remaining 12 victims who prepared a victim impact statement were about evenly divided between those who did not know how they felt (n=6) and those who were not pleased (n=6). The latter questioned whether victim impact statements have any effect on sentencing. In fact, a few (n=3) who were pleased that they prepared a statement also questioned whether the statement had any real effect on the outcome.

Of those whose victim impact statement was submitted to the court (n=53), about 40% said that they thought the judge considered their impact statement. When asked what led them to believe this, 10 said that the judge mentioned their impact statement, five believed that the judge appeared moved by their statement, four thought that the sentence received by the offender reflected consideration of the impact statement, and two said that either the Crown Attorney or defence counsel commented on their statement's effectiveness. Victims who thought that the judge did not consider their statement (n=19) gave the following reasons for holding that view: the sentence of the offender was not proportionate to the harm described in the impact statement (n=10); the judge did not mention the impact statement or did not appear moved by the statement (n=5); the Crown Attorney commented that the impact statement would not affect the sentence and/or did not submit the statement (n=4).

6. Other Criminal Code Provisions and Restorative Justice

This section briefly discusses victims' experiences with respect to restitution, the victim surcharge, conditional sentences, and restorative justice. Overall, very small proportions of victims had relevant experience with these provisions.

Restitution

Restitution requires the offender to compensate the victim for any monetary loss or any quantifiable damage to, or loss of, property. The court can order restitution as a condition of probation, where probation is the appropriate sentence, or as an additional sentence (a stand-alone restitution order), which allows the victim to file the order in civil court and enforce it civilly if not paid.

Victims who were involved in a case where there was a conviction or guilty plea (n=72) were asked whether the court ordered restitution in their case. Eleven reported that restitution was



ordered in their case. Ten of these respondents answered subsequent questions pertaining to restitution.

Five victims said they were given information about restitution after the crime was committed, and two reported being aware of restitution as a sentencing option. Information about restitution was provided by victim services in three cases and by the Crown Attorney in one case; one victim (speaking on behalf of a corporate entity) received information through her employment. Four out of the five victims who received information said that the information explained restitution so that they knew how to request it. Two of the five victims said that the information they received was unclear or incomplete; in particular, it was not clear what they had to do to collect restitution.

Of the victims who said that restitution was ordered in their case, five reported that the offender did not pay the full amount of the order; three said that the time to pay the order has not expired; and one said the offender did pay the full amount. The remaining victim, speaking on behalf of a corporate entity that had been the target of multiple crimes, reported that the corporation's experience was that offenders sometime pay the full amount of the restitution order.

Victims who were granted restitution mentioned encountering several difficulties with enforcing these orders, including not receiving the payment or the full amount of the payment; waiting longer than expected to receive payment; not knowing what to do to enforce the orders; and not being informed of a payment schedule. The victim representing a corporate entity noted the greater difficulty in collecting payment in cases of stand-alone restitution orders compared to probation orders.

Victim Surcharge

The victim surcharge is a penalty of 15% where a fine is imposed or a fixed amount of \$50 or \$100 for summary or indictable offences, respectively, and can be increased by the judge. It is imposed on the offender at sentencing and used by provincial and territorial governments to fund services for victims of crime. The 1999 amendments to the *Criminal Code* made the surcharge automatic in all cases except where the offender has requested a waiver and demonstrated that paying the surcharge would cause undue hardship.

The 72 victims involved in a case where there was a conviction or guilty plea were also asked if they were aware of the victim surcharge. Nine of these victims reported being aware of the surcharge. Three found out about the surcharge from victim services, two found out through the news media, and one each found out in court, through personal experience, or from a victim advocacy group. One could not recall how she was informed about the surcharge.

Three of the nine victims reported that the offender in their case was ordered to pay the surcharge. Four said the offender was not ordered to pay the surcharge (they did not know why) and two did not know if the offender in their case was ordered to pay the surcharge.

Conditional Sentences

The *Criminal Code* permits judges to order that sentences of less than two years' imprisonment be served in the community instead of in jail. Conditional sentences may be imposed only when the court is convinced that the offender poses no threat to public safety. They are accompanied by restrictive conditions that govern the behaviour of the offender and strictly curtail his or her freedom.

Victims involved in cases where the accused was convicted or pleaded guilty were asked if the offender was given a conditional sentence in their case. Seventeen of these victims reported that a conditional sentence was imposed. Nine of the 17 victims said that they disagreed with the decision to impose a conditional sentence; the remaining eight agreed with the conditional sentence. The majority of the victims (n=14) said that they were informed of the details of the conditional sentence, such as the conditions imposed on the offender. Six learned the details because they were present at court during the sentencing hearing; another five found out about the details of the sentence from victim services, and the remainder found out from the Crown Attorney or from police.

When asked what input victims of crime should have in the conditions attached to conditional sentences, victims said that they should have extensive input as a means of ensuring that the court considers all relevant information when making sentencing decisions, and in order to ensure that victims' safety concerns are considered.

Restorative Justice

In recent years, restorative justice approaches have become more widely used at all stages of criminal proceedings. Restorative approaches seek to restore peace and equilibrium within a community by requiring the accused to accept responsibility for their actions and by reconciling them with whomever they have wronged. Restorative approaches can afford victims of crime greater opportunities to participate actively in decision-making than does the traditional criminal justice system and, in theory, may increase victims' satisfaction with the ultimate outcome of their case.

Victims involved in cases where charges were laid (n=102) were asked if they were given information about restorative justice processes after the crime. Three said that they were given such information. The information was provided by the Crown Attorneys in two cases (in one of these cases, the Crown Attorney provided the information at the request of the victim), and by the victim's parents in the other. One of the three victims was simply told that restorative justice could not be used because the offender did not plead guilty. The second received general information about restorative justice, and the third said that the information explained other ways that the case might be handled.

All victims involved in cases where charges were laid were also asked if whether a restorative justice approach was used in their case. The vast majority (90%) reported that such an approach was not used. The remainder did not know or did not respond.



7. Victim Respondents’ Overviews of their Experiences

To provide an overview of their experiences, all 112 victim respondents were asked how well the criminal justice system considers victims of crime and, at the end of the interview, were offered the opportunity to provide any further comments.

As shown in Table 30, when asked how well the criminal justice system considers victims of crime, about half of the victims said that the criminal justice system does a good job, while just over one-quarter said that it does a poor job. One-fifth said that the system’s consideration of victims of crime falls somewhere in between. The remaining victims characterized the system in some other way or did not provide an answer.

TABLE 30:
OVERALL, WOULD YOU SAY THAT THE CRIMINAL JUSTICE SYSTEM DOES A GOOD JOB OR POOR JOB OF CONSIDERING VICTIMS OF CRIME?
BASE: ALL VICTIM RESPONDENTS (N= 112)

	Victims (N=112)	
	#	%
Good job	51	46%
Poor job	32	29%
In between or depends	19	17%
Other	4	4%
Don't know or No response	8	7%

Note: Total does not sum to 100% due to rounding.

Many victims chose to comment on their experiences with different criminal justice professionals. Thirty (27%) found the police helpful, sympathetic and supportive, and emphasized that the police took their concerns seriously. Sixteen (14%) victims were dissatisfied with their interactions with police. They believe that the police lacked sensitivity and considered their case to be just another file. They also thought that their claims were not taken seriously. A few found it difficult to get information from the police.

Victims were much more divided in their experiences with the Crown Attorney. Thirteen had positive comments to make about the Crown Attorney, and 16 expressed dissatisfaction. Those who were dissatisfied gave a variety of reasons: they did not understand the court procedures and wanted more explanation from the Crown Attorney; they had several different Crown Attorneys; they wanted more contact with the Crown Attorney; or they felt that the Crown Attorney was unprepared. Victims with positive comments usually just said that the Crown Attorney had done a good job. A few provided more details: they appreciated the sympathy shown to them by the Crown Attorney; or the Crown Attorney worked to get a plea so they would not have to testify, which they appreciated.

Fewer victims mentioned victim services or the court. One victim said that victim services did not respond to questions in a timely manner, but 11 victims only had positive comments. They mostly commented that victim services treated them well and gave them the support they needed. While four victims had favourable comments on the court, 10 did not. Those who were

dissatisfied primarily mentioned the inadequacy of the offender's sentence or the related belief that they were not considered or listened to.

When asked if they had any other comments about their experiences in the criminal justice system that they would like to share with those responsible for drafting legislation and developing policy, victims most often mentioned their perception that the system favours the accused (n=24 or 21%). Victims believe that the system does not hold criminals accountable for their actions because the sentences are too lenient. A few commented that they initiate the action but then the law does little to make the effort worthwhile. They also objected to the many rights of the accused compared to victims. In particular, they commented on the fact that the accused receives information about the victim while the victim cannot get details about the accused.

About one-fifth of victims (n=20) believe that the system does not treat victims with respect. They felt ignored by the system and believe that a lack of understanding and compassion permeates the criminal justice process. The words "respect" and "dignity" were often used when describing how victims wished they were treated. A few felt treated as if they were accused, or believed that the system judged them on the basis of their race or what they did for a living.

Fourteen victims addressed the need for financial assistance or additional victim compensation. Most victims simply commented that compensation should be available for economic losses. Several victims specifically mentioned the need for financial assistance with expenses incurred to attend court, such as transportation, parking and meal expenses. A few victims who lived far from the courthouse said that transportation expenses created a barrier to attending court. Relatives of murder victims raised the need for financial assistance with cleaning the murder scene in instances where the deceased's relatives would otherwise have to clean it themselves.

Eleven victims said that they needed more information, in particular about the criminal justice system, while six felt that they were kept informed. Those who wanted more information found the system complex and confusing and said that victims need to both understand the system and know what to expect. In particular, victims need to be prepared for the length of the process and delays involved. Eight victims commented that the process is too lengthy and that the delays are very stressful and disruptive to victims' lives.

Several victims (n=8) spoke in favour of expanding victim services to cover situations where no charges are laid and where the accused is found not guilty. They noted that services do not typically extend to these situations; however, victims still need assistance and support to deal with the aftermath of the crime or the verdict. Victims who had received these services (e.g., telephone call from victim services on the anniversary of the crime) expressed gratitude for the concern and thoughtfulness this displayed. Other victims wanted services to extend beyond sentencing. They wanted information about the offender's activities after sentencing. Given that some services are available for victims; these comments demonstrate a gap in connecting victims with these services. Four victims commented that they believe that parole and probation victim services should offer their assistance to victims; victims should not have to ask.

To summarize, about half of victims rated the job done by the criminal justice system in considering victims as good. This positive impression appears to be largely based on their experiences with particular individuals in the system (i.e., their victim services provider, the



Crown Attorney or the police officer who worked on their case). However, as seen in the above discussion, when asked if they wanted to share any of their experiences in the criminal justice system with those responsible for drafting legislation and developing policy, victims provided more critical comments that covered a range of issues: they perceive the system as favouring the accused; victims need to be treated with more respect; there is a need for more financial assistance and victim compensation; the provision of information to victims could be improved; and victim services should be expanded to cover situations where no charges are laid or the accused is found not guilty.



Appendix A :

Interview Guide for Victims of Crime



INTERVIEW GUIDE FOR VICTIMS OF CRIME

LOCATION OF INTERVIEW (CITY) _____

I'd like to thank you for helping us with this study of victims of crime. The study is funded by the Department of Justice Canada, and its purpose is to gain a better understanding of the experiences of victims of crime in the criminal justice system. The information gathered by this study will help the government learn what types of assistance are helping victims and where improvements can be made.

Before we begin, I would like to remind you that your participation in this interview is completely voluntary. If I ask you a question that you don't want to answer, please let me know and we will move on to another question. Also, you can end the interview at any time.

What you say today will be kept confidential. The report about this study will be a summary of hundreds of interviews and will not contain any information that might identify you.

Before we begin, do you have any questions or concerns?

INTRODUCTION

1. I'd like to begin with a general question about how the police, Crown attorneys, and the courts deal with victims of crime. Overall, would you say the criminal justice system does a good job or a poor job of considering victims of crime?
2. Would you please tell me what the crime was that you agreed to discuss for this study? Was it committed against you personally or against a family member? Who committed the crime?
3. Where did the crime occur (city and province), and in what year?
4. During what year(s) were you involved with the criminal justice system as a result of this crime?

VICTIM SERVICES

The next questions deal with whether you received any assistance from victim services and if so, what was available and useful to you?

5. Did you (or family member) receive any victim assistance as a result of this experience?
[If no, go to Q9]

6. [If yes to Q5] What kind of assistance did you (or family member) receive (e.g., crisis assistance, medical assistance, counselling, financial assistance, assistance with housing or women's shelter, court support, assistance with understanding the criminal justice system, other)? Was the assistance helpful? What was most helpful about the assistance you received?
7. [Under this question, we also coded the type of victim service received] How did you (or family member) find out about the service(s)? Was it offered by, or referred to you by police, prosecutor, court, other victim services, etc.? Or did you find out about it from a friend, from family, or some other way (e.g., Internet, phonebook, pamphlets)?
8. How easy was it go get services? Were you (or family member) contacted by a victim service? Did you (or family member) have to initiate contact? Was assistance available promptly, or did you (or family member) have to wait? How long?
9. [Ask only of those who did not receive victim services] Do you recall why you did not receive any type of assistance from any victim services? (Were services not available, not appropriate, other reasons?)
10. [Ask of everyone] Based on your experiences, what do you think would be the best way to help victims of crime find the assistance they need? (e.g., Would you prefer that you be given a phone number of a service to contact on your own, or would you prefer that your name be given to the services and that the services contact you? And when should this happen?)

INFORMATION FOR VICTIMS

The next questions concern the information a victim of crime might receive about the case. There are several points at which a victim of crime might receive information. Please tell me if you (or family member) received information on the various steps in the criminal justice process and if so, who provided it.

11. Do you know if someone was arrested for this crime? Do you know if charges were laid? Do you know the sentence of the offender?
12. If there was no arrest or no charges were laid, do you know why? Who explained to you why no arrest occurred or no charges were laid?



TO BE ASKED ONLY IF A SUSPECT WAS CHARGED

I'm going to list several areas where you might have received information. Please tell me A) **if you received information**, and if so, B) **who provided you with the information**, and C) **how you were given the information (in person, telephone, in writing, letter, etc.)**.

13. Did anyone talk to you about your role in court as a witness? The role of the Crown prosecutor in handling the case? The Crown's relationship with you? Did anyone give you a general explanation of the criminal justice process?
14. Whether the accused was released on bail? When the accused was released on bail? Conditions of bail, if any? (e.g., non-communication order, etc.)
15. Whether the accused pleaded guilty? Whether there were any agreements made with the accused to plead guilty?

TO BE ASKED ONLY IF THERE WAS A TRIAL

16. Whether there was a trial? Important trial dates? Changes in trial dates? Updates on case? Outcome of the case?

TO BE ASKED ONLY IF THERE WAS A CONVICTION/GUILTY PLEA

17. Date of sentencing hearing? Sentence? If probation, conditions if any?

TO BE ASKED ONLY IF THE OFFENDER WAS INCARCERATED

18. Where the offender was incarcerated? If moved, where moved to? Date sentence began? Length of sentence?
19. (If applicable) Parole eligibility and dates of hearings? Release dates? Conditions imposed on release? Destination of offender on release?

TO BE ASKED OF EVERYONE

20. Were you satisfied with the way in which information was provided to you (at the various levels)? In general, did the information you received meet your needs (e.g., amount and type of information; timeliness of getting the information)? If not, how could providing information to victims of crime be improved?
21. Based on your experience, what kind of information do you think victims of crime most want to receive and why? How would that information best be provided?

LEGAL PROVISIONS

Now, I'd like to talk with you about certain laws that have been designed to benefit victims of crime. Some of these laws have only existed since 1999, and so they might not have applied to your situation.

Consideration of victim safety at bail hearings

TO BE ASKED ONLY IF SUSPECT WAS ARRESTED AND CHARGED

22. What information did you receive about bail decisions? Were you aware that victim safety must be considered in any decision about bail? Were you aware that certain conditions could be placed on the accused, like not having contact with the victim? Was anything about the information you received about bail unclear or incomplete? If yes, what was unclear or incomplete?
23. In your case, was the accused released on bail? Was the accused detained for any period of time before release? Were conditions placed on the accused? What were the conditions? Did the conditions address your concerns?
24. Do you believe that your safety was considered in the decision about the possible release of the accused until trial? If not, what occurred or did not occur that caused you to feel that your safety was not considered? Did you make your concerns with safety known to the police, justice of the peace, judge, or Crown? If so, how? If not, why not?

Provisions facilitating testimony

TO BE ASKED ONLY IF THERE WAS A TRIAL

Some victims are eligible for certain protections. Many of these protections have only been included in the law since 1999 and are intended for only certain crimes and for young victims, so you might not have had the benefit of these provisions. [INTERVIEWER: ASK ONLY WHERE THE PROTECTION SEEMS APPROPRIATE – ANY RESTRICTIONS ON THE PROTECTIONS ARE IN PARENTHESES]

25. Were you given information about any of the following types of protections:
 - A. A publication ban where the identity of the victim cannot be disclosed to the public
 - B. The possibility of testifying behind a screen or by closed circuit television (under 18 years of age or has difficulty communicating because of a mental or physical disability)
 - C. The possibility of testifying by videotape (under 14 years of age or has a mental or physical disability)



-
- D. A self-represented accused cannot cross-examine a victim (under 18 years of age and case is a sexual offence, a sexual assault, or where violence against the victim is alleged to have been used, threatened, or attempted)
26. Who provided that information to you? Were you given this information with enough time to make the decision about using any of these protections?
27. What information did you receive about these protections? Was anything about the information you received unclear or incomplete? If yes, what was unclear or incomplete?
28. Did you testify at the trial of the accused?
29. (IF DID TESTIFY) I'd like to ask you some questions about your experience testifying. Did you receive help in preparing to testify? If yes, who helped you prepare to testify and what help did they give you? Did you feel that you were prepared for testifying? Why or why not?
30. I'd like to ask you whether you (or your child) received certain protections to help you testify. These are the same protections I mentioned earlier. Please remember that many of these protections have only been included in the law since 1999 and are intended for only certain crimes and for young victims, so you might not have had the benefit of these provisions. [INTERVIEWER: ASK ONLY WHERE THE PROTECTION SEEMS APPROPRIATE – ANY RESTRICTIONS ON THE PROTECTIONS ARE IN PARENTHESES] Did you receive any of the following protections?
- A. A publication ban where the identity of the victim cannot be disclosed
 - B. The possibility of testifying behind a screen or by closed circuit television (under 18 years of age or has difficulty communicating because of a mental or physical disability)
 - C. The possibility of testifying by videotape (under 14 years of age or has a mental or physical disability)
 - D. That a self-represented accused cannot cross-examine a victim (under 18 years of age and case is a sexual offence, a sexual assault, or where violence against the victim is alleged to have been used, threatened, or attempted)
31. How did these protections help you in testifying?
32. (IF DID NOT TESTIFY) Did you have concerns about testifying? If yes, why were you reluctant to testify?
33. Do you have any suggestions for helping victims with testifying at trial?

[Please note that some victims mentioned that they received information on protections, even though the case did not go to trial. Their responses are included in the questions on protections]

Victim impact statements

TO BE ASKED ONLY IF SOMEONE WAS ARRESTED AND CHARGED

The next few questions are about victim impact statements. As you may already know, a victim impact statement is a written statement, prepared by the victim that describes the harm done or the loss suffered by the victim as a result of the crime. The court must consider the statement at the time of sentencing the offender. Parole officers must also consider victim impact statements in parole decisions. Since 1999, victims are entitled to read their statements aloud in court if they want to.

34. Were you given information about victim impact statements after the crime occurred? Who provided that information to you? How were you given the information (in person, telephone, in writing (brochures, letters))?
35. When were you provided the information about victim impact statements (immediately following the report to police, immediately after the arrest of the accused, just prior to the start of the trial, other)?
36. What information did you get about victim impact statements? Did the information explain victim impact statements so that you understood what you could include in a victim impact statement? Did the information explain how victim impact statements are used in court? Did the information tell you that your statement, once you submit it to the Crown, has to be provided to the defence counsel and the accused? Did the information explain victim impact statements so that you knew what you needed to do to give a victim impact statement? Was anything about the information you received unclear or incomplete? If yes, what was unclear or incomplete?
37. What do you think would be the best way to provide victims of crime information about victim impact statements (in person, telephone, or in writing (brochures, letters))? When should this be provided?
38. Before the offender was sentenced, did the judge ask you whether you had been given the opportunity to prepare a victim impact statement and provide it to the court?
39. Did you prepare a victim impact statement at sentencing? Did you prepare a victim impact statement at parole? Both?

IF DID GIVE AN IMPACT STATEMENT

I'd like to ask you some more specific questions about your experience in preparing and giving a victim impact statement.

40. At what stage did you submit a victim impact statement?



[AT SENTENCING]

41. Did you have any help preparing your statement? Who helped you? What kinds of help did they give?
42. Did you have any problems completing your victim impact statement? If yes, what were the problems?
43. To whom did you submit your victim impact statement (e.g., victim services, Crown)?
44. Since 1999, changes have been made which allow you to read a victim impact statement aloud. Were you told that you could read your statement? Did you read your statement aloud? If not, why not? Did you present your statement by videotape or any other way? Were you satisfied with how you were able to give your statement? If not, why not?
45. Why did you decide to prepare a victim impact statement? Are you glad that you prepared the statement? Why or why not?
46. What were your expectations of how the victim impact statement would be used by the court? Do you think that the judge considered what you wrote in your victim impact statement? (If yes or no) What leads you to believe this?

[AT PAROLE]

47. Did you have any help preparing your statement? Who helped you? What kinds of help did they give?
48. Did you have any problems completing your victim impact statement? If yes, what were the problems?
49. To whom did you submit your victim impact statement (victim services, parole officers)?
50. Did you read your statement aloud? Did you present your statement by videotape or any other way? Were you satisfied with how you were able to give your statement? If not, why not?
51. Why did you decide to submit a victim impact statement? Are you glad that you gave the statement? Why or why not?
52. What were your expectations of how the victim impact statement would be used by the Parole Board? Do you think that the federal parole officer/parole board considered what you wrote in your victim impact statement? What leads you to believe this?

IF DID NOT GIVE A STATEMENT

53. Why did you decide not to give a victim impact statement? Did you not know about these statements or feel that you did not know enough to feel comfortable giving one? Did you not feel comfortable giving one because of the possibility of being questioned by the defence or accused about your statement or because you knew that the offender would receive a copy of the statement? Did you find out about victim impact statements too late to prepare a statement?
54. Did you give the court information about the crime's effect on you in some way other than in a victim impact statement? If so, please describe how you gave this information to the court. Do you think that the judge considered this information? What leads you to believe this?

Restitution

TO BE ASKED ONLY IF THERE WAS A CONVICTION OR GUILTY PLEA

55. Did the court order restitution in your case?

[If they ask for a definition] In some cases when a court sentences an offender, the court may order the offender to pay restitution (money) to a victim for certain kinds of financial losses as a result of the crime.

56. If yes, were you given information about restitution after the crime was committed? Were you aware of restitution as a sentencing option? Who provided information about restitution? Did the information explain restitution so that you knew how to request it? Was anything about the information you were given unclear or incomplete? If yes, what was unclear or incomplete?
57. Did you receive the full amount of the restitution order? Did you bring a civil suit against the accused to enforce a restitution order? What difficulties, if any, did you have in enforcing the restitution order?

Victim surcharge

TO BE ASKED ONLY IF THERE WAS A CONVICTION OR GUILTY PLEA

The next questions are about the victim surcharge. As you may know, the victim surcharge is imposed automatically (unless it is waived due to undue hardships). The surcharge requires the offender to pay money, and that money is used to help support programs and services for victims of crime in that province or territory.

58. Were you aware of the victim surcharge? Who provided that information to you?



59. Was the offender in your case ordered to pay the surcharge? If not, do you know why not?

Conditional sentences

TO BE ASKED ONLY IF THERE WAS A CONVICTION OR GUILTY PLEA

I'd like to briefly talk about conditional sentences. When a court finds a person guilty of a crime, the person may be sentenced to time in prison or, in certain circumstances, may be allowed to serve the sentence in the community. As you may know, this is called a conditional sentence.

60. Was the offender in your case given a conditional sentence? Did you agree with that decision? Were you informed of the details of the conditional sentence (conditions, requirements, etc.)? Who provided that information?

61. What input should victims of crime have in the conditions attached to such a sentence?

Restorative justice processes

TO BE ASKED ONLY IF THERE WERE CHARGES LAID

I'd like to turn now to restorative justice processes. As you may know, restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

62. Were you given information about restorative justice processes after the crime? Who provided that information to you?

63. What information were you given? (Did the information explain the restorative justice process, what the results of the process might be, what your role would be, what were the other ways that the case might be handled?)

64. Was a restorative justice process used in your case? Did you participate in the process? In what ways did you participate? (Was it direct or indirect participation?) Were you given any support during the process? If so, what kind of support and who provided it? Was the support helpful? Please explain.

65. Was your participation helpful or useful to you? Why or why not? Were you satisfied with the outcome? Why or why not?

CONCLUSION

I have just a few more questions for background purposes.

66. In what year were you/was the victim born?

67. Are you/Is the victim of Aboriginal ancestry?

68. What is your first language?

69. Do you have any other comments about your experiences in the criminal justice system as a victim of crime that you would like to share with those responsible for drafting legislation and developing policy?

Thank you very much for your participation in this research.

De-brief follows with Interviewer.



For More Information

The complete *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* report and the summary reports in this series can be ordered from the Policy Centre for Victim Issues, via mail or fax (see below).

These reports will be available online at <http://canada.justice.gc.ca/en/ps/voc/pub.html>

Summaries Available

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Executive Summary*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Victims of Crime Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Victim Services Providers and Victim Advocacy Group Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Judiciary Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Crown Attorney Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Defence Counsel Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Police Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Probation Officer, Corrections, and Parole Board Respondents*

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