



St. Leonard's Society of Canada | Société St-Léonard du Canada

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Registered charitable organization | organisme de bienfaisance reconnu # 12894 6829 RR0001

Name of policy: Victims Policy

Date of Revised Policy Adoption: *SLSC Annual General Meeting, June 17, 2017, Ottawa, ON*

Historical Policy Adoption Date(s): *SLSC Annual General Meeting June 3, 2006*

Mission and Mandate: St. Leonard's Society of Canada is a membership-based, charitable organization dedicated to community safety. The mission of SLSC is to promote a humane and informed justice policy and responsible leadership to foster safe communities. It:

- a. Endorses evidence-based approaches to criminal and social justice.
- b. Conducts research and develops policy.
- c. Supports its member affiliates; and
- d. Advances collaborative relationships and communication among individuals and organizations dedicated to social justice.

Purpose of SLSC Policies: Policies of SLSC are developed in collaboration with affiliate agencies, SLSC's Board of Directors and members, and are ratified at the Annual General Meeting with the express purposes of:

- Identifying criminal justice and related issues relevant to its membership,
- Reflecting SLSC organizational values and social justice goals;
- Articulating SLSC approaches, practices and standards to achieve these goals; and
- Ensuring the good governance of SLSC on matters of legal, administrative and organizational relevance.

Background:

Criminal victimization can have a serious, profound and sometimes long-lasting impact on individuals directly affected, as well as on loved ones, caregivers and communities by extension. The total system cost of victimization in Canada, in one year, was estimated at \$14.3B in a 2008 study by Justice Canada, inclusive of health care costs, productivity losses, and stolen or damaged property. Related third-party costs such as lost productivity of family members, law enforcement administration and shelter for victims also totaled in the billions. In its 2014 study of criminal victimization in Canada, Statistics Canada reported that violent victimization was 28% lower than 10 years earlier. Likewise, the rate of household victimization was 42% lower than 10 years earlier. However, troubling findings remain such as: women are at higher risk of being victims of violent crime than men; age and mental health are key factors in violent victimization; and, certain demographic factors are far more pronounced in the representation of victimization (e.g., Indigenous Canadians, LGBTQ, women).

In all cases, whether violent or non-violent, victims of criminal acts bear the after effects whether physical, psychological, financial or emotional. The Federal Ombudsman for Victims of Crime has called for meaningful integration of assistance and supports for victims of crime into community safety strategies that also achieve cost savings, improved public health results, and confidence in the criminal justice system.

In 2015, the Government of Canada adopted the Canadian Victims Bill of Rights (CVBR), introducing the first stand-alone federal statute to specifically address the rights of victims of crime. In it, the CVBR outlines four broad categories of rights:

- Information;
- Protection;
- Participation; and
- Restitution

The CVBR specifies that a **victim** is defined as: *an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.*

With some exceptions, the CVBR permits other individuals to act on behalf of a victim, if the victim is dead or incapable of acting on their own behalf. This can include spouses or common law partners, relatives or dependants, or caregivers who have in law or fact custody of the victim or their dependants.¹

Victims services in Canada is a shared jurisdiction between the federal and provincial governments, as well as through networks of local, regional and national not-for-profit organizations, sometimes making it challenging for individuals to navigate and locate resources and services specific to their needs and circumstances. Moreover, because the experiences of victims of crime are all unique, key factors required to succeed in meeting victims' needs include services and programs that emphasize accessibility, adaptability, confidentiality, and coordination. Specific victims' needs may include a desire for victim-offender reconciliation or mediation, or could include a clear desire to refrain from any involvement or communication with the offender, with any number of points in between and the potential for shifts in these perspectives over time.

Issues/Scope

Seeking common understanding of what constitutes a "victim of crime" can be a challenging endeavor. Multiple definitions, conceptions and attitudes abound. Whether narrowly or broadly constructed, a lack of responsivity by the criminal justice system to meet the needs of victims can contribute to a sense of revictimization when the system is disproportionately focused on the accused person. Others debate who speaks for victims, as not all victims choose to speak and thus the question, do victim-serving organizations fully encapsulate the lived experience of those they represent? Additionally, clients of St. Leonard's agencies may be doubly implicated as the victim/offender distinction is well known to include substantial overlap, a concept itself controversial from some points of view. Ultimately, a balanced approach to victims policy requires a principled focus aligned with the objectives of the criminal justice system, including the achievement of rehabilitation, reparation and responsibility supported by individual risk assessment.

Resolutions:

SLSC recognizes the direct and indirect harm caused to victims of crime by offenders, as well as collateral harm to victims' families, loved ones and communities. As such, SLSC supports a balanced victims' policy that seeks to reduce harm caused by criminal victimization through:

¹ For more information please see the *Canadian Victims Bill of Rights. S.C. 2015, c. 13, s.2. An Act for the Recognition of Victims Rights.* <http://laws-lois.justice.gc.ca/eng/acts/C-23.7/page-1.html>.

- recognition of diverse forms of victimization;
- recognition that individuals involved in the criminal justice system – as victims or offenders – bring certain lived truths to their experience;
- promotion of sentencing alternatives, correctional policies and resources that facilitate victim-offender reconciliation, where it is desired;
- collaborative and respectful dialogue with victims of crime and their representatives; and
- safe, humane and timely community integration of eligible offenders through the use of evidence-informed supports.

Additional information

SLSC Reports/Publications

Bill C-479 Factsheet. SLSC 2013.

Bill C-479 Summary. SLSC 2014.

Letter to the Senate Committee on Legal and Constitutional Affairs Re: Bill C-479 - *An Act to amend the Corrections and Conditional Release Act (fairness for victims)*. 2014.

Report to the Senate Standing Committee on Justice and Human Rights Re: Bill C-32- *Canadian Victims Bill of Rights*. 2014.

Bill C-32 *Federal Victims Bill of Rights- Updated Concerns*

Submission to the Department of Justice on Victims' Rights Canada Re: *Consultation on the Federal Victims' Bill of Rights*. 2013.

External Reports/Publications:

[Public Safety Canada Brochure: Preparing Victims for the Release of a Federal Offender](#).

[Navigating the Canadian Criminal Justice System: A Guide for Victims](#). 2016.