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National Associations Active in Criminal Justice
Associations nationales intéressées à la justice criminelle
55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

NAACJ STUDY SESSION

June 27 & 28, 1984

VICTIMS OF CRIME

NANGOR

Westmeath, Ontario

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

PARTICIPATING ORGANIZATIONS

Association of Social
Rehabilitation Agencies
of Québec

Canadian Association for
Adult Education

Canadian Association of
Elizabeth Fry Societies

Canadian Association for
the Mentally Retarded

Canadian Association of
Native Courtworkers

Canadian Association of
Provincial Court Judges

Canadian Bar Association

Canadian Criminal
Justice Association

Canadian Mental Health
Association

Canadian Psychiatric
Association

Canadian Psychological
Association

Seventh Step Society

Church Council on
Justice & Corrections

John Howard Society of
Canada

National Association of
Friendship Centres

Native Council of
Canada

Saint Leonard's Society
of Canada

The Salvation Army

Brian A. Crane
CHAIRMAN

Ben Hoffman
SECRETARY

STATEMENT OF PURPOSE

Add Jan 19. 4.

① The National Associations Active in Criminal Justice (NAACJ) is a coalition of voluntary agencies established in 1975 for the purpose of exchanging information and taking joint action on matters of mutual concern.

② NAACJ serves as one channel of communication with government on behalf of its member organizations. Thus, NAACJ assists members to respond effectively to government requests and to advocate improvements in legislative policies and practices. However, NAACJ is not intended to inhibit the independent voice of member organizations.

or ③ NAACJ conducts its activities in such a way as not to infringe upon the autonomy of member organizations or to assume any of their responsibilities or functions.

or ④ It is contrary to these basic purposes for representations to government be made by NAACJ unless such representations are supported by a significant number of member organizations.

or ⑤ Membership in NAACJ is determined by the following criteria:
-a member organization must be a national organization;
-a member organization must be active in the field of criminal justice.

⑥ NAACJ activities are guided by a Planning Committee which is composed of one (1) representative appointed by each organization.

NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

STUDY SESSION: Victims of Crime

June 27 & 28, 1984

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NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

Study Session: Victims of Crime

June 27 & 28, 1984

PROCEEDINGS OF THE SESSION

In December 1983, NAACJ formed a Working Group, chaired by Mr. Frank Miller, to prepare a brief on the Federal-Provincial Task Force Report on Victims of Crime. Mr. Miller's working group submitted its brief to the Department of Justice, copy to the Planning Committee of NAACJ. The Committee's work was completed in a short turn around time in order to provide Justice with a position for a February federal provincial discussion. However, the brief was considered very preliminary in nature and the sub-committee resolved to carry out appropriate follow-up action.

Through the sustained impetus of Professor Irvin Waller, resource person to the Working Group, and the active encouragement of a number of NAACJ members it was determined that NAACJ would host a major session on Victims. The planning group chose an informal atmosphere for the session and planned it in advance of the Canadian-hosted U.N. Interregional meeting on Victims. Invited as participants were members of the Federal-Provincial Task Force, representatives from the Department of Justice, Health and Welfare and Solicitor General, victims/victims' advocates and NAACJ member representatives.

The purposes of the Study Session were:

- to provide an experiential study session to follow-up NAACJ Working Group's paper of January, 1984;
- to raise an awareness of victimization and victims issues; and
- to review more fully the Federal-Provincial Task Force Report.

LIFE AFTER CRIME
Panel, Videotape, Case Studies & Workshops

Workshop Leaders: *Lorraine Berzins*
Dave McCord
Dave Worth

This half-day session was designed to raise everyone's awareness of victimization providing participants with direct personal contact with victims present and victim's experiences as told on videotaped interviews between victims and Roy Bonisteel.

Case studies were handed out in advance of the workshop and provided a discussion focus by raising questions such as:

1. Think of one victims experience you or someone close to you experienced - were there similarities to what has been presented.
2. What are the victims' needs? the offender needs? the state's needs?
3. Who can respond to those needs?

Lorraine Berzins, herself a victim of a hostage taking event (and one of the interviewees on the videotape) shared some of her experiences with the group. She stated that years after the event she is still left with the feeling of "unfinished business" with the police who had handled her case - a resolution had been achieved between herself and the offender.

Dave Worth of the Mennonite Central Committee said he is involved in a ten-year-old program which has tried to bring victims together with the churches to heal the wounds caused by crime. He also runs a victim offender reconciliation program (VORP) primarily for property crimes. VORP has been an encouraging and discouraging experience for him in that many victims refuse to deal with offenders, while those who participate in the program find it a positive experience. Dave believes VORP and other services are useful in helping victims deal with trauma, but the programs do not address the fundamental issue of a criminal justice system that promotes adversarial relationships between victims and offenders rather than reconciliation. Declaring that crime is a conflict between people, the state's role should be to facilitate its resolution. When the state intervenes in conflicts between people, it assumes ownership by assuming the role of arbiter of the conflict, treating people as opposing "parties" or "pawns". The criminal justice system's code of laws often restrict a humane or flexible response to the complex behaviour of individuals. Dave stressed that it's time that victims and offenders take centre-stage and ownership of their conflicts.

Dave stressed, however, that before this fundamental change takes place we need to examine assumptions about crime and justice. The court's involvement in solving problems through an adversarial process rather than mediation is due partly to the public's apathy and preference for the state to resolve conflict. In effect, individuals and communities have abdicated responsibility for crime. Our concept of justice, developed over two thousand years, has stressed punishment of the offender: if a law is broken, inflict pain on the perpetrator. We have also maintained a Roman concept that justice is achieved by applying the right rules at the right time. The success of a justice system should not be judged solely on the best punishment for broken rules but by the fruit it produces. Can our system of justice help repair the damage and suffering of the victims; has it examined the reasons for conflict and how it can be prevented in the future; and has it facilitated the reconciliation of the victim and offender?

WORKSHOPS

The individual workshops took their own direction, stemming largely from the emotional element in addressing victims as people rather than as victims "as an issue". Accordingly, some groups empathized with victims' trauma, alienation and anger; others attempted to resolve a succinct yet meaningful definition of victims. Victims present shared their personal experiences and made attempts to ensure that the participants were shifting their focus from an "offender-concerned" bias of perspective to a "victim-aware" one. This process included a period of finding "middle ground", of participants attempting to see the victim and offender as persons intricately related through a criminal event (see Appendix for a workshop report).

It was apparent to all that the choice of an informal setting for this process had been most appropriate; many people continued to "work through" the morning's session during the lunch period.

Federal Provincial Task Force on Victims of Crime

Speaker: *Chris Nuttall*

Respondents: *Prof. John Hagan*
Don Sullivan

Mr. Chris Nuttall provided the group with a comprehensive review of the report itself, sharing his unique insight as a Task Force member on a number of deliberations which led to specific recommendations. Chris assured the participants that follow-up to the report was well underway in principle; practicalities of working sub-committees and implementation are also taking place.

Professor John Hagan responded by key-noting the need that research in the social sciences be educated in a way which ensured that programs implemented were sound in methodology and outcome. A remark from the floor supported the role of research in criminal justice (the Doob Study once again raised by way of example). A further suggestion was that research be concurrent "action" research to close the gap between implementation and research.

Mr. Don Sullivan encouraged the group to continue recognizing the victim's legitimate role and place in both the philosophical and practical considerations at hand. He reviewed briefly the Canadian Victims Advocate movements, citing a proliferation of victims groups. His presentation was somewhat critical of the Task Force Report by way of urging recognition of the rightful place of victims in the criminal justice system and appropriate action. He acknowledged the support of the Department of Justice in some of his own advocacy work.

WORKSHOP I: Services to Victims of Crime

Leader: *Ben Hoffman*

Resource Persons: *Sgt. Tom Cadieux*
Carolina Giliberti
Paul Sonnichsen

This workshop began with an overview of victims assistance/victims services models and programs, outlined by Ben Hoffman and Paul Sonnichsen; Carolina Giliberti reviewed research studies underway in the Department of Justice, with reference to police victim-assistance programs.

Mr. Hoffman explained that the brief prepared by the NAACJ Working Group had given support to the role of police in the identification and referral of victims as in the Edmonton Police Victim-Assistance Program. This model emphasizes the role of police and is predicated on a policy decision by the police that they will give equal importance to the concerns/needs of victims as to the apprehension-enforcement mandate. Crisis intervention workers, in concert with the police and/or special units within the police are deployed to carry out the victim-referral/victim service.

Paul Sonnichsen pointed out that many models of crisis intervention and victim assistance are available and that the emphasis should be upon the characteristics and service availability in the local community. Efforts to sensitize local agencies to victim needs and have police forces willing to co-operate are a necessary first in victim-assistance and victim service development.

A critical question raised in this workshop was whether it is appropriate for agencies which are typically offender program service agencies to develop and provide victim services. This point raised historical questions about agency mandates and roles, philosophical concerns such as propriety of service, fundamental conflict in principles of justice and practical matters such as staff training and funding.

The general consensus was that victim-offender reconciliation is a very desirable outcome and in all but exceptional cases (perhaps violence) should be sought. One participant who works in Native communities noted that this is an inevitable aspect of work on reserves and with Natives; both parties are in need, both usually have a relationship and both require assistance.

Accordingly, the group resolved it appropriate to explore with their agencies the possibility of expanding and/or modifying their service role to include victims.

WORKSHOP II: Victim Input into the Criminal Justice System

Leader: *Judge Guy Goulard*

Resource Persons: *Catharine Kane*
Brenda Coles

Mrs. Brenda Coles, speaking as a victim, felt everybody in the judicial system did what they thought should be done in her case. She was, however, very disappointed and felt frustrated about how the case was handled. One aspect of the trial which was difficult for Mrs. Coles was the insensitivity of the media in their reporting of the case.

She said the police treated the victim's family as if they were suspected of the crime. They took evidence from the family's home without telling them what they were taking. The courts did not permit the family of the victim any input into the case. They could not say anything about the evidence that was presented or to give their thoughts on the victim's character. It is important to add that crisis intervention support was offered, but Mrs. Coles felt this service was available too late to be of any positive value.

Mrs. Coles suggested a resource person should be available to help victims and their families to cope with the media, the police and legal matters. Since the effect of crimes may be felt by more than victims and their immediate families, there should be an attempt to deal with other people indirectly affected by a specific crime. If a child is a victim, for example, classmates may experience feelings about the crime.

Ms. Catharine Kane suggested that victims be involved in the case through victim impact statements which contribute to sentencing. Mrs. Coles acknowledged the importance of these statements but stressed that continuous support of the victim throughout the process could be of greater value. Other ideas discussed by participants were that victims should have some input into the laying of charges against the accused and that crown attorneys should be sensitized to the needs of victims.

Those present agreed that a lawyer acting on the victim's behalf could be the most important means of achieving justice for victims, since the justice system's complexity necessitates the use of highly trained people to help victims prepare their cases. In some cases, however, lawyers may act as a complicating factor in a simple case. It was agreed that support for the victim in the court and outside of the court (the police and the media) is needed and is long overdue.

Reconciliation of Victims' Attitudes & An Objective Criminal Justice System

Leader: *Marlene Koehler*

Resource Persons: *Réal Jubinville*
Josh Zambrowsky

The second morning's session was led by Réal Jubinville, Marlene Koehler and Josh Zambrowsky. They noted although victims' services are long overdue and their rights have been ignored, a full consideration of victim impact on the criminal justice system must precede establishment of rights. They cautioned against an imbalanced view that would jeopardize, at the least or negate at worst, all the strides forward made on behalf of offenders. It was noted some victim advocacy groups claim the accused have too many rights, and when convicted, receive lenient sentences. Réal Jubinville stressed that exercising victims' rights, should not mean removing the accused's rights that protect all citizens, innocent and guilty, from unjust treatment under the law. Josh Zambrowsky said better public education about crime would challenge misconceptions about the justice system, particularly the public's mistaken belief in the high degree of violent crime and short length of sentences. Research, he said, indicates offenders are now serving longer sentences.

Mr. Jubinville and Mr. Zambrowsky were prompting a reasoned view of the victims movement as it presents itself at this stage of development and in the context of the criminal justice system. The initial reaction to their presentation was vocal and some participants were indignant. Mr. Zambrowsky stressed his personal concern and empathy with individuals but maintained his thesis at the level of system response to the victims advocacy movement. This reiteration of his position gave rise to a "brainstorming" session lead by Marlene Koehler.

Ms. Koehler raised the following questions:

1. Can something be done to prevent victimization?
-in terms of treatment/punishment?
2. What fundamental aspects of the criminal justice system which we value may be at risk because of victims' expressed needs, attitudes or wishes?
3. What financial and human resources are required to assist victims? How will they be provided? What, if anything, will be cut back in the criminal justice system and in other systems?

The group then created a set of lists categorizing groupings of problems and solutions ranging from "valued aspects of the Canadian criminal justice system to Achievable Expressed Victim Needs".

VALUED ASPECTS OF THE CANADIAN CRIMINAL JUSTICE SYSTEM

- freedom of assembly
- humaneness
- openness
- right to criticize
- presumption of innocence
- concept of equality under the law
- impartiality of judiciary
- the appeal process
- restitution
- competent police
- protection of public
- retribution
- the assumption that the offender can become
a good citizen

PERCEIVED WEAKNESSES IN THE EXISTING CRIMINAL JUSTICE SYSTEM

- is there justice?
- retribution?
- no one listens to victims; doesn't get "truth"
- efforts at rehabilitation weakened? ineffective?
- misunderstandings: about various interests; and perceptions of each other
- inadequate services

PRACTICAL PROBLEMS IN MEETING VICTIM NEEDS

- vested interests; resistance to change
- attitudes, mistrust, misunderstanding
- money
- getting answers
- accessibility: who to approach; how to get them to act; and referral "syndrome"
- preserving the offender's rights
- which government will have primary mandate for victims
- providing services for special needs - rural areas
- inadequate research

ACHIEVABLE EXPRESSED VICTIM NEEDS

- social and psychological services
- information - accessibility & verifiability
- financial support
- victim participation
- protection from the press
- reconciliation
- a victim ombudsman
- victim advocates
- better public information and awareness
 - re: myths of victimization
 - re: criminal justice statistics and facts, etc.

International Activities on Victims

Speaker: *Micheline Baril*

Canada's progress, in terms of its place in a global community and historically, was the context of Ms. Baril's presentation.

The field of victimology started in Europe in the 1940's and was primarily led by defense lawyers, psychiatry and legal professionals. Stating that it therefore took criminology 100 years to recognize the victim, Ms. Baril pointed out that the early focus in victimology was on the victim's guilt and victim precipitation. Victims needs, however, eventually received attention: women's groups warred against victimology's onesidedness; researchers ultimately met victims in the course of their research work and became aware of victims' concerns; the criminal justice system itself noticed a loss of input from victims of crime since victims no longer had any faith in the system.

VICTIM SERVICES: Self-help groups vary from country to country, but tend to serve both an advocacy and mutual support function. Some countries have no self-help groups at all and since the distribution is sporadic, groups, where they exist, spend considerable time "re-inventing" the wheel, often spending 50% of their time seeking funds and not delivering Services.

In establishing and operating victim services the question of who the real client "is" arises: is it the victim or the offender or the system? This leads to disjunctive responses. There is a lack of trained personnel in victim services; in psychiatry the emphasis is on crime trauma but there is little private practice service for victims. Since little research/evaluation is conducted agencies don't know how well or poorly they are doing.

ADVOCACY: Ms. Baril asked the question: is there the need for a national victims organization? She acknowledged they serve an information exchange role, they lobby and do provide valuable dialogue in the criminal justice system and community. She suggested that social science and victims groups should be linked and said that the U.N.'s readiness to consider an international declaration of victim's rights is a sign of public respect for victims.

RESEARCH: Greatly lacking, it was emphasized that we must examine what has been done and establish a commitment to ongoing research and evaluation.

SUMMARY & PLAN FOR FUTURE ACTION

Session Chairperson: *Eleanor McDonald*

Ms. McDonald remarked that the Study Session had been productive and had appeared to meet its goals. Considerable consciousness raising and dialogue had come out of events. Agency representatives were encouraged to take the issue up with their respective boards and staff.

An NAACJ action plan specifically to follow-up on the session was drawn up, outlined below:

NAACJ ACTION PLAN:

- A. NAACJ will prepare the Proceedings
- B. Independent agencies/organizations will work with their boards and staffs to formulate respective positions regarding Victims and Victims service delivery
- C. NAACJ will keep sub-committee on Victims (Frank Miller, Chairman) - to maintain links with the Federal Inter-departmental Committee on Victims of Crime.
- D. Responses from NAACJ agencies/organizations will be in by December 1st as regards objective "B".
- E. A position update on victims by NAACJ will be completed by January, 1985 and will include:
 - a policy approach; and
 - mediation and restitution as per current Correctional Law Review Consultation.

NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

STUDY SESSION: Victims of Crime

Nangor, near Westmeath Ontario

June 27 & 28, 1984

TUESDAY, JUNE 26

7:30 - Light Buffet Supper
10:00 pm

4:45 pm Report from WORKSHOP LEADERS

5:15 pm BREAK

WEDNESDAY, JUNE 27

8:15 am Breakfast

9:00 am Welcome & Introduction to the Working
Session by Eleanor McDonald, Session
Chairperson

9:30 am Life after Crime: Panel, Videotape,
Case Studies & Workshops

Workshop Leaders: Lorraine Berzins
Dave McCord
Dave Worth

10:30 am BREAK

NOON LUNCH

1:30 pm Federal Provincial Task Force Report
on Victims of Crime

1. Speaker: Chris Nuttall
Task Force Member
2. Respondents: Prof. John Hagan
Don Sullivan
3. Discussion

3:15 pm BREAK

3:30 pm WORKSHOP I: Services to Victims of Crime
Leader: Ben Hoffman
Resource Persons: Sgt. Tom Cadieux
Carolina Giliberti
Paul Sonnichsen

WORKSHOP II: Victim Input into the
Criminal Justice System

Leader: Judge Guy Goulard
Resource Persons: Catharine Kane
Brenda Coles

6:30 pm Reception with Cash Bar & DinnerTHURSDAY, JUNE 28

8:15 am BREAKFAST

9:00 am Reconciliation of Victims' Attitudes &
An Objective Criminal Justice System

Leader: Marlene Koehler
Resource Persons: Réal Jubinville
Josh Zambrowsky

Discussion

10:30 am BREAK

NOON LUNCH

1:30 pm International Activities on Victims

Speaker: Micheline Baril

2:30 pm Summary and Plan for Future Action

Session Chairperson: E. Macdonald

4:00 pm ADJOURNEMENT

Number of Participants: 32 people

Number of Participating Member Organizations:
10 out of 18 groups

Study Session: *Victims of Crime*

Nangor, near Westmeath Ontario
June 27 & 28, 1984

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National Associations Active in Criminal Justice
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NAACJ RESPONSE TO

THE FEDERAL-PROVINCIAL TASK-FORCE REPORT

ON VICTIMS OF CRIME

March, 1984

NAACJ Working Group on Victims of Crime

Chairman: Frank Miller

Resource Person: Irvin Waller

Bill Kenward (Canadian Association for the Prevention of Crime)

Bill McGrath (St. Leonard's Society of Canada)

Jim MacLatchie (John Howard Society of Canada)

Dr. Hans Mohr (Church Council on Justice and Corrections)

David Worth (Mennonite Central Committee)

Josh Zambrowsky (Canadian Association for the Prevention of Crime)

Ben Hoffman (Secretary)

Mr. Miller explained that in a recent meeting with the NAACJ's Department of Justice "liaison", officials requested that NAACJ attempt to provide the Department with a brief on the Federal Provincial Task Force on Victims by mid-January, 1984. Ministry officials are requesting this early, preliminary brief as one of their background documents for consultation with the provinces in February.

The Working Group agreed to meet this request as best as possible, given the time constraints and the amount of substance of the Federal Provincial Task Force Report.

Distribution: This report of the Working Group will be presented to NAACJ, copy to the Department of Justice.

Professor Irvin Waller

Professor Waller gave a summary and critique of the Report, with two general level recommendations:

- i) letters from NAACJ and member organizations should be forwarded to the Department of Justice and also to general Welfare ministries. Professor Waller stated that the Report clearly - if recommendations for action are to be implemented - embraces the social welfare field and is considerably broader in its impact upon society than simply within Justice.
- ii) efforts taken at NAACJ and member organization level should be designed to get funding, to mobilize resource allocation toward implementation of recommendations of value.

In examining the Report, Professor Waller noted that of the 79 recommendations, 12 concern themselves with "property return" and many are relatively minor in terms of detail. The most important one, #25, has been given insufficient detail, that is, jurisdictional/ administrative responsibility for implementation of #25 is not spelled out. Therefore, the Committee should devote adequate time to #25.

Concerning "omissions" in the Report, Professor Waller noted that:

- i) Crime Prevention does not get enough attention;
- ii) Mediation is not addressed adequately, although there is some related (ie formal-procedural) content.

In general response to Professor Waller's comments, the Committee acknowledged the need to gear its activity toward strategies which will encourage implementation and to proceed first with an examination of the most relevant recommendations to the members:

#8, 9, 10 - RESTITUTION

8. The Criminal Code s. 653 be amended to require judges to consider restitution in all appropriate cases and to provide an opportunity to victims to make representations to the court regarding their ascertainable losses.
9. A provision should be included in the Criminal Code to empower the court to impose a jail term where the accused wilfully defaults in the restitution ordered by the court.
10. The Criminal Code s. 388 be amended to cover situations where the damage caused does not exceed \$500, and that compensation could be ordered up to \$500, instead of the present limit of \$50.

Comments

i) the process should be less "fine-like" than that set forth in the recommendations. Instead, restitution should tend more toward "conflict resolution" with offender input allowed, and the victim should be brought into the process. The text currently suggests the victim be included but this is not cast in hard terms within these recommendations.

ii) A "pre-trial" execution of restitution efforts is endorsed, even though the Working Group recognizes problems such as ensuring due process.

iii) it is recommended that there be a consolidation of Criminal Code material pertaining to restitution. Furthermore, if sentencing guidelines are to be cast in law, then restitution should be built into these guidelines.

iv) all terms related to restitution should be clarified in the process of consolidating the material in the code. Definition of "restitution" - vis "property loss", and "victims" are examples.

v) within #8, the question of how to get an accurate statement of loss (\$) is implied. Victim Impact Statements, endorsed in principle, are seen as the means of doing this. Ultimately, it is felt, the decision in matters of amounts and terms of restitution are to reside with the Judge.

#22 PROTECTION FROM INTIMIDATION

22. S. 381 of the Criminal Code which makes intimidating behaviour a summary conviction offence be amended to increase the penalty where such intimidation is practised on a victim or witness by the accused, and that consideration be given to making such conduct an indictable offence in order to reflect its serious nature.

Comments

i) Sec. 127 of the Criminal Code, obstruction of justice, is seen as a better approach, increasing the penalties associated. However, as per Rec. #22, an increase in the penalty is endorsed.

ii) It is submitted that the problem of intimidation can be dealt with in large part by improving the quality of service of persons who work with victims. Also, ensuing "trial within a reasonable time" (Rec. #24) will also assist in ameliorating intimidation.

New Recommendation: In the case of a "real" threat to victims, both investigative and protective powers of the police should be increased.

#21 VICTIM IMPACT STATEMENT

21. The Criminal Code be amended to permit the introduction of a victim impact statement to be considered at the time of sentencing.

Comment

There is agreement in principle providing the opportunity to appeal content; that there is opportunity to cross-examine.

#25 GENERAL SERVICES

Every effort should be made by the various Ministries involved to meet the needs of victims and witnesses. Particular consideration should be given to:

-providing practical assistance and advice to victims on such matters as replacing locks, emergency property repair, transportation, and shelter;

-providing emergency financial aid which could be available from the police through special arrangements with welfare services;

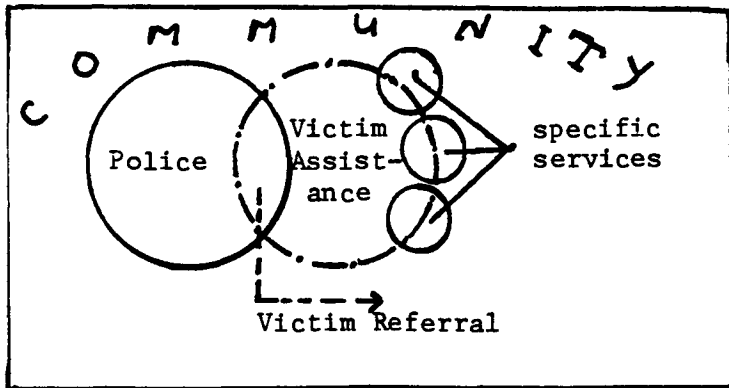
-providing crisis counselling to victims and their families either by responding police officers, other professionals or trained volunteers;

-assisting victims to minimize the likelihood of the recurrence of the offence by advising them what preventive action could be taken.

Comments (on #25)

As noted earlier, insufficient detail concerning implementation is provided here. Our recommended IMPLEMENTATION STRATEGY includes

1. a focus on the Police as a key mechanism for victim services. Police should be trained to recognize that victims are as important as offenders, with police assistance to victims right at the scene of the crime. Police are in the most immediate position to provide "tender loving care" and "referral" to victims. Police-victim assistance service networks need to be established, along the line of a model such as:



NOTE: i) the police must identify a victim service unit and/or policy to provide care and referral

ii) Victim assistance should be linked to the police but primarily a community-based service providing:
a) information and referral to other agencies
b) some direct service.

iii) Community service agencies need to be tied to an identification referral mechanism.

2. Public Education concerning victim issues and services must be encouraged by government departments.

3. Funds to implement this strategy must be allocated by governments.

4. Expertise and technical assistance should emanate from and/or be consolidated and provided by Government

RECOMMENDATION #73

73. A federal/provincial study group should be formed to explore the establishment of a National Victims Resource Centre and that the study should examine not only the issue of the types of information which such a Centre would collect but how the information should be accessed, what would be the most method of funding, and where the Centre should be located.

Comments (Recommendation #73)

1. It was felt by those present that a study group may be unnecessary, since this idea has been discussed sufficiently over the past few years.

2. Priority in early funding efforts should go to direct victim services, but some percentage should be set aside for a centre which would be maintained by a non-government organization.

3. The relationship of the Centre to victim services would be to stimulate the development and improvement of services. Functions of the Centre could include:

- to offer technical assistance in the establishment of victim services;
- to help with the development and training of personnel;
- to be a resource centre;
- to distribute a national newsletter; and
- to organize seminars and conferences.

RECOMMENDATION #76

76. The use of a fine surtax to generate funds for victim services within each province should be explored by Provincial Attorneys General; this would entail a fixed penalty being imposed in addition to the sentence or penalty otherwise imposed by the judge upon conviction for a summary conviction or an indictable offence.

Comments

Various models for the generation of funds are possible, none of which are addressed in the recommendation. For example:

a) a re-alignment of funding allocation within the existing criminal justice system budget is possible and is predicated upon a systemic review of service and service priority.

b) a provision to recognize funds from "tax" dollar-bases is possible.

While it is recognized that funds must be found for VICTIM programs and services, there is non support for the recommendation which imposes a double jeopardy situation on offenders - they are required by law to pay for their crimes and then by "surtax" to fund services to a broader group. Crime is recognized by this Committee as a societal problem and other fund-raising methods are recommended including drawing from general revenue.

RECOMMENDATION #77

77. All minimum and maximum limits on fines should be upwardly adjusted today's cost of living.

Comments

Not supported in this context (it related to #78) but could be endorsed in the context of the Sentencing Consultation where NAACJ has addressed this issue.

RECOMMENDATION #78

78. The additional revenue collected through the imposition of the two previous recommendations should be upwardly adjusted to reflect to-day's cost of living.

Comments

Non-support as per #76.

RECOMMENDATIONS # 75 & #11

75. The Federal/Provincial Conference of Ministers responsible for Criminal Justice consider the establishment of a working group of officials to enquire into the extent to which victims have established their own system of justice to deal with certain offences and the implications of such "private justice" for the publicly controlled criminal justice system.
11. All Ministers responsible for Criminal Justice examine the extent to which increased support could be given to research enquiring into the various effects of different sentences, and different forms of sentence, upon offenders.

Comments

It was agreed that the "private justice" system and sentencing need to be addressed, but it would be advisable to have a high degree of private sector involvement in the investigation.

It was noted that private security companies are acting increasingly as intermediaries between the police and offenders. The fairness of this type of justice was questioned.

Concerning Recommendation Eleven, it was noted that the report has sidestepped the whole aspect of vengeance, and whether it has any sort of place in the criminal justice system.

It was felt that both recommendations could be addendums to the report.

RECOMMENDATIONS #29 & 30

29. Local child welfare, educations and justice system authorities should cooperatively and actively promote positive parenting courses and parenting support systems geared to the needs of special target groups such as: abused victims themselves, and former abused victims, teenage parents; children living in homes where wife assault occurs; isolated rural communities, etc.
30. Welfare, education and justice system authorities should cooperate in developing and promoting public education materials which address issues of violence, abuse, and pornography in society at large.

Comments

It was agreed that both of these recommendations should receive high priority. It was felt that "positive parenting" (Rec. 29) should be highlighted.

It was agreed that there should be a group formed to review all the options of these recommendations. "Crime prevention" is a particularly difficult concept; it can mean better locks to broader societal concerns.

RECOMMENDATION #17

17. Further efforts should be made to achieve reciprocity between Canadian and other jurisdictions which operate criminal injuries compensation schemes, with particular reference to the U.S.A.

Comments

It was agreed that the first priority should be to see whether reciprocity could be achieved between provinces before examining reciprocity between Canada and the U.S.

RECOMMENDATIONS #12 & #20

12. An examination of the humanitarian vs. insurance methods of operating and funding Crime Compensation programmes should be undertaken by a Federal/Provincial Working Group and a full exploration of the costs/benefits of the New Zealand programme should be incorporated into that examination.
20. Jurisdictions which presently do not make awards for pain and suffering to the primary victim and/or awards for mental and nervous shock to a victim's dependants should be requested to re-examine their rationale for not doing so.

Comments

It was agreed that the Task Force must examine existing social services in every province. This has not been included in the detailed report.

It was agreed that victims of crime should receive some level of compensation based on need, comparable to Workmen's Compensation.

It was agreed that Quebec's and Manitoba's system was better than Ontario, which offers a token sum to victims. Quebec reimburses victims for lost wages, and in some cases they may receive a monthly payment. There are rehabilitation services for rape victims in Quebec.

It was agreed that all provinces should meet the level of compensation for Quebec crime victims.

RECOMMENDATION #32

32. All jurisdictions should ensure that children who are victims/witnesses are represented in those cases where they will be directly affected by an disposition made by the court.

Comments

It was agreed that the NAACJ sub-committee would reserve judgement pending the release of the Badgely report on sexually abused children, which will appear early 1984. It was agreed, however, that children should be represented by independent counsel to protect their interests.

RECOMMENDATION # 34

34. Written guidelines should be developed which emphasize that wife assault is a criminal offence and should be dealt with as such; the guidelines should state the criteria for law enforcement officers and prosecutors to consider deciding whether to lay charges and make arrest in assault cases; the guidelines should advise specifically against basing decisions about charging or arresting on the officers' perceptions of the victims' wishes or the likely action of prosecutors or the courts.

Comments

It was agreed that #34 does not adequately address the complexity of the issues of spousal assault.

The recommendation omitted any reference to mediation as a possible means to settle disputes.

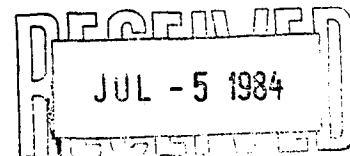
The sub-committee concurred with an Ontario report from the Attorney General, Solicitor General and the Ministry of Community and Social Services that more research must be done in this area.

NAACJ Study Session on Victims of Crime

Life After Crime

Workshop leader: Dave M^CCord

Present: Beckett, Lynne
Coles, Brenda
Duncan, John
Howell, David
Kane, Catharine
Koehler, Marlene
Goulard, Brigitte



Summary:

The experience of Mrs. Brenda Coles, a victim, was discussed in relation to different issues affecting all victims.

- 1) The treatment of the victim in our system
 - 2) The drama of the courts
 - 3) The importance of the rights of the offender in our system
 - 4) The role of the media
 - 5) Prevention was also briefly discussed as a way of identifying could be offenders.
-
- 1) The treatement of the victim in our system
 - a) Mrs. Brenda Coles felt that everybody in the judicial system did what they thought should be done, she was however very disapointed and frustrated on how the case was handled.
 - i) The crown attorney never got in thouch with her to discuss the case or tactics she intended to use.
 - ii) The police got hold of some information that did not surface until it was presented in court.

It was suggested that the crown attorney keep in contact with the victims.
 - 2) The drama of the courts was briefly discussed and some suggestions were then made to humanize the court system.
 - i) Eliminate legal jargon
 - ii) Deformalize the court procedures
 - 3) One item that was discussed at some lenghts was the importance placed on the rights of the offender in our system and whether that importance is misplaced.

The emphasis placed on the rights of the offender diminishes the quest for truth that the system should pursue; it also enables

offenders to go free without punishment. Following these last two points we examined an important principle of our system: the importance of letting a guilty person go free rather than punishing an innocent one. Most people in our group felt this was a basic element of our system and should stay that way even if it entails that people go free.

Other issues that were discussed

- 1) The lack of sensitivity of the media toward the victim
- 2) Prevention: there should be a greater awareness of the public concerning the prevention of crime.

Conclusion

It was concluded that our system in a whole is good even if certain parts of it are imperfect. Changes to ameliorate the system could focus on the following points.

1. Treatment of the victim in the system
2. Humanizing the drama of the courts
3. Making the media aware of the feeling of the victims
4. Programs of prevention should be established

Brigitte Goulard
July 5, 1984

FROM Mrs. Brenda Coles

NAACJ Study Session: Victims of Crime
June 27-28, 1984
Nangor, near Westmeath Ontario

I am a victim. I wasn't the victim of a crime but I feel every bit as violated as if I had been. I was a victim of the media and the police and the legal system. Our son was killed on October 31, 1983. Here are some of the things that happened to my family.

ACCUSED

- home searched with a search warrant otherwise invalidates evidence, defense lawyers know what evidence is taken
- no media because name was not published
- invalidates any statement made by accused if they are held a long time or are interviewed without parents
- guaranteed legal representation once accused
- evidence that the accused had exhibited violent behaviour before this, not admissible in court. Why not. WITNESSES WERE INTIMIDATED BY ACCUSED'S VIOLENT NATURE.
- accused not forced to make statements that might incriminate him
- accused asked to tell the truth was considered inducement under the law

that makes every parent, teacher and anyone dealing with youths, guilty of violating a youth's right to remain silent

- onus is taken away from accused being responsible for his actions

VICTIM

- no search warrant
- home searched while we were at the funeral
- weren't told what was taken nor to take the stand to defend ourselves
- media coverage and harassment, right to privacy invaded
- 13 year old witnesses who found my son's body were held 5½ hours at the police station without parents
- victims not allowed to be represented by own lawyers and were allowed no input into actual scenario put forward by Crown Attorney's office
- could have, and did, provide character witnesses which would have discounted Crown's speculation
- if witness refuses to testify can be charged with contempt of court
- witness has to take an oath to tell the truth
- system make victims responsible for their own plight
- what she was wearing
- what she was doing

ACCUSED

-everyone from police to legal profession in the system is protective of the rights of the accused (beyond reasonable expectations)

-when people see how well an accused is protected they don't fear committing a crime

VICTIM

-victims don't have the right to life, liberty and security

-people who are victims or know victims are left with a feeling of distrust, fear and lack of respect for the law.

-victim was branded by accused's psychiatric profile

-instead of making people take responsibility for their actions, we excuse them

-children who knew my son told me that the accused wasn't going to live long

-these children also told me they would protect themselves - they didn't feel the law offered them protection - THIS IS DANGEROUS

-two children became suicidal and when I asked the police to intervene they told me that they couldn't interfere.

-several young boys had minor brushes with the law because if were good like my son - you died

RECOMMENDATIONS

1. Get back to seeking the truth. If that means violating the accused's rights then so be it.
2. Past behaviour of both victim and accused should be admissible at the trial stage. If your behaviour is prejudicial at this stage then your behaviour needs changing. It may help the judge and jury to know what happened during the crime.
3. I believe that there are social problems that contribute to CRIME but this is not the sole factor - some overcome social problems.
 - i) Better training for teachers, social workers and police, etc., to diagnose social problems and prevent crime
 - ii) Punishment that fits the crime because you are creating more social problems if you don't punish it.
4. Better training for police - stop tying the hands of peacekeepers.

5. Services for victims (not associated with police). Protection from the media and to deal with immediate decisions and legal assistance.
6. Give victims same legal protection under the law as the accused has.
7. Keep victim informed of all information. This was not done in our case.
8. Input into the legal system by victims
 - i) right to protect their reputation or that of the deceased victim
 - ii) right to take part in conversations with the Crown Attorney when deciding how to take the case
9. If we are going to use psychiatric witnesses in assessing behaviour, perhaps we should have a more comprehensive psychiatric profile to include emotional and behavioural problems.

I personally feel that the Charter of Rights has been used as a wholesale endorsement of criminal activity. We as victims have not had the same protection under our new charter. The law should be protecting social values but instead they protect the accused's rights. Justice implies a balance, a fair appraisal of the facts and we don't have a system designed to do this.

The sense of betrayal that you feel by the crime is compounded by the Betrayal by the media, the police and the legal professionals involved. I am not the only one - the ripple extends far beyond me. It is time we made the judicial system responsible to the society it serves. It is time that innocent citizens are protected and the criminals guilty of violating society's rules are punished.

Brenda Coles
June 27, 1984

National Associations Active in Criminal Justice

Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

NAACJ STUDY SESSION: Victims of Crime

June 27 & 28, 1984

From Mr. & Mrs. Norman Willett
R.R. #3,
Manotick, Ontario KOA 2N0

Our apologies for being unable to attend in person!

We were attacked in our home while we were sleeping the morning of August 1st, 1982. It was 5:00 a.m. and I awoke to my husband's screams and to see Gus, our long time friend and soon to be brother-in-law punching Norman. I then saw the knife shine in the moonlight and yelled at our attacker to stop several times. I realized that if Norm was powerless to stop him, so much more was I.

I ran for help and made it as far as the front door. I was also stabbed several times and had a finger severed.

Eventually our assailant fled.

We told the police who the attacker was and where he would go. The police acted as if they knew more than we did! We felt used by the system and became even more a victim.

We lay in the local hospital separated and alone except for periodic visits by doctors and nurses. Four and a half hours later the surgeon arrived in our room. No one came to feed us.

We were terrified and had nowhere to go. Obviously not home - until an old acquaintance of Norm's from church opened up their home to us.

We were not informed of the Salvation Army's Victim Witness Program until much later. We had to arrange by phone from the emergency room shelter for our children 2½ years and 11 weeks. We were expected to make our own way downtown to fill out papers to initiate disability benefits from the Government when we couldn't even walk up and downstairs! The police made very little effort to inform us of the progress of the case. We felt like we were badgering them for information.

The neighbours were very kind at first, cutting the grass for us etc., but eventually the suspicions of what we had done to cause this got the better of them. They really couldn't understand. We were totally innocent, just victims of a deranged person.

Our little girl was excluded from birthday parties and when the mothers got together to go to the Dairy Queen or whatever, we were somehow forgotten. A block BBQ was held near our kitchen window and we ate and watched from inside, uninvited.

We tried to sell our house, the real estate asked the prospective buyers if they wanted to see the house where the stabbing was.

Yes, we have had a hard time, but let's all hope that we can do something together to help victims of the future. We can't stop crime but we can stop the humiliation and degradation that victims feel.

Our recommendations:

- be with the victims at the start of the trauma. Never let them be alone until you are satisfied that they are stable both physically and mentally.
- tend to their needs:
 - e.g. -ensure the children are protected
 - personal belongings are secured e.g. house, car, clothes.
 - if the person is hospitalized - bring them clothes to go home in - we didn't!
- arrange transportation if required for subsequent hospital and doctors' visits
- inform the victim of everything pertaining to their case - explain again and again. Trauma has a way of dulling the memory.

- be with the victim in court, before and after. Explain procedures and sentences and what they mean.
- try to set up an information bureau accessible by victims as to the whereabouts and release dates of the offenders - have they seen psychiatrists in prison, are they cured, etc.
- try to return the property of the victim held by the courts as evidence as soon as possible (we still don't have ours).
- don't ostracize victims in your neighbourhood. They need more support than others.
- let the victims talk about the crime if they wish. It may help them.
- as a service agency member: be a friend and never stop calling and saying "hello" - drop by for an unexpected visit with a coffee cake or whatever and then stay and share it with them.
- remain as a contact if the victim should need you. It will take a personal commitment on your behalf.

Do you really want to get your hands dirty?

I hope this will help - it's people like you who make the difference.

Thanks.

CANADIAN CRIME VICTIMS ADVOCATES (CCVA)
'Care & Share'

A GUIDE TO STARTING A VICTIMS ACTIVIST GROUP.

By, Don Sullivan Executive Director C.C.V.A.

- Headings; 1 . The start of a Victims Group.
2 . The executive and the spokesperson.
3 . Membership.
4 . Fundraising.
5 . Getting politicians and other influentials involved.
6 . Changing laws.
7 . Meeting your opponents in public debate.
8 . Sustaining public interest.
9 . Moving on to new goals.
10. Your greatest enemies.

This guide was drawn up in response to the numerous requests made to CCVA by concerned citizens who wanted help in starting their own group(s). The ten basic steps outlined are by no means inflexible, but, they have been designed to show how to start up. These steps are based on the experience of CCVA. We had to start from scratch in Canada. Why? Because we did not have anyone to advise us. All Victims Groups in Canada in the early eighties had to learn on their own, through trial and error. This is why some groups fell by the wayside. This guide is based upon my own experiences in starting Victims of Violence and the problems that befell this group. The problems were of such magnitude that quite a few of us left VOV and formed CCVA.

It is hoped that those who start a Victims Group can learn by our errors and, of course, by our successes. The successes far outweigh the failures. Witness how powerful the movement has become in Canada. CCVA are in the forefront of the battle now.

If you want any further or more detailed information please do not hesitate to contact us. Good luck in your endeavours and welcome to the Victims Movement. Remember, the key is simplicity.

Don Sullivan
Executive Director CCVA

Chapter One. The start of a Victims Group.

You must have a cause. Most Victims Activists Groups (VAs) are started by Victims or surviving Victims. The majority are started by those who have lost a loved one to an act of violence. Thus the criminal act is the reason. The cause is prevention.

The most common causes are those that deal with Justice Department inefficiencies, such as parole board decisions, lenient sentences, pleabargaining, violent repeat offenders, offences against children, inadequate or no compensation, etc.

The media is always in attendance at trials of violence. The time to get a VA started is then. Contact the reporter who seemed most sympathetic to your feelings. Tell him/her that you think it would be a good idea to start a support group for families and Victims such as those involved in this particular trial. Reporters like to make news, not just report it. Suggest the reporter mention this idea in an article and ask to have your Post Office Box # included (always get a P.O. Box # first). Check back with the reporter and keep him/her up to date.

The next step is to hold a meeting, in a home, of those who have replied to the original article. Arrange a committee or executive. Always have Victims involved from the beginning. They lend credibility and remind all members why they are involved.

Now you are ready to hold a general meeting. Again, contact your friendly reporter, who by now will feel like an integral part of the group. Prepare Public Announcement releases for radio, TV and newspapers. Contact your local Board of Education, Service Clubs, Library, Community Centre etc., and arrange a free meeting hall. Contact a local supermarket and find out if they have coffee urns for use by volunteer organizations. They often will supply coffee, tea and sugar.

Once you hold your first general meeting you are a viable VA. Draw up an initial list of goals and objectives and stick to them. Get registered as a non-profit organization.

Enclosed; A typical Public Announcement.
A typical set of goals and objectives.

A Typical Public Announcement.

Justice For Victims Of Crime (JVC) will be holding a general meeting on Wed. June 6th., at 7.30pm in the Gold Room of The Travellers Motel. 11 Cadillac Rd., Windsor, Ont. Guest speaker will be Don Sullivan of Canadian Crime Victims Advocates. His topic will be 'WHY VICTIMS RIGHTS? Refreshments will be served. For further information call 712-1537.

A Typical Set Of Goals And Objectives.

Canadian Crime Victims Advocates will have as their stated aims and objectives;

1. To help Victims of crime cope with their personal tragedies.
2. Assist Victims through the various steps of The Criminal Justice System.
3. To educate the public, media, various levels of government, the police and the social services agencies as to the needs of Victims.
4. To advocate Victims Rights legislation such as; Victim Impact Statements. The opportunity to speak at bail hearings. The right to appear at Advisory Review Board Hearings re persons found 'Not Guilty' due to insanity. Get Federal and Provincial reps. involved.
5. Distribute literature regarding the parole system, the prison system, the courts and crime statistics re violent offenders.
6. Distribute at intervals a newsletter regarding Victims Rights and the above stated aims and objectives.

To help all existing Victim organizations in any way that we may.
To help co-ordinate a National Forum of Victim Groups that are run by Victims for Victims.

To advocate a National Victims Week.

To supply speakers to any organization re the above.

To supply literature regarding Post Traumatic Stress Syndrome.

Chapter Two. The executive and the spokesperson.

The makeup of your executive and the acceptability of your VA will depend on your spokesperson. This should always be one of the founders, and preferably a Victim or surviving Victim.

Try to keep your executive small and clearly define the roles of its members. They can form sub-committees. Your spokesperson is the one who will make your group grow. This person will become synonymous with the group and vice versa. Thus he/she will have to become a self taught expert in the laws regarding your cause. Do not worry if they appear to be poor speakers and hesitant. Expertise and familiarity with the job will soon come. You must have one and only one spokesperson. You must have one and only one stand on all issues. Do not try to 'shotgun'. That is, don't be all things to all people. Stick to your particular interest. Carefully weigh each other, when starting the formation of your executive. Nip trouble in the bud, not two years later. Some will become jealous of your spokesperson because this person will be in the media spotlight constantly. It may be advisable to rotate your spokesperson, but it may be hard for a new person to develop the trust and respect the first person created. Watch for 'burn out'. The strain of being a spokesperson is enormous.

Draw up a simple set of rules, the simpler the better.

You should operate a self-help part of your VA, if you have Victims involved. Always separate these meetings from the business ones. Self help or peer counselling is a very touchy area and you must have professional guidance and help. Only Victims should be allowed to attend self-help meetings. It is advisable to collect literature on 'Post Trauma Stress'. In the U.S.A. this can be obtained from N.O.V.A. In Canada contact C.C.V.A.

Ideally your spokesperson should be your president. The spokesperson will have to be firm, a no-nonsense type. Too much rests on their ability. Your spokesperson will have to be strong in order to keep repeating a deep personal tragedy every time they speak in public or to news media. The spokesperson must have 100% support from the executive.

See Chapter Ten for more on this subject.

Enclosed; A typical makeup of an executive.

A Typical Makeup Of An Executive.

PRESIDENT - spokesman and media contact.
VICE -PRES. - membership chairperson, chairs meetings.
TREASURER - book-keeping, fundraisine.
SECRETARY - minutes of meetings, correspondence.
PR. DIRECTOR- public announcements, arranges speeches and interviews.
PAST PRES. - assists and takes place of President when required.

LET SOMEBODY DO IT

There once was an organization that had four members, - EVERYBODY, SOMEBODY, ANYBODY AND NOBODY. One day an important job had to be done. EVERYBODY thought that SOMEBODY would do it. ANYBODY could have done it but NOBODY did it. NOBODY was mad at ANYBODY and EVERYBODY was mad at SOMEBODY.

Anon.

Chapter Three. Membership.

There are five basic ways to increase your VA membership. they are not necessarily the only ways. You may find other means.

1. Word of mouth; Always stress that members tell their friends and business contacts and encourage them to pass on your newsletter and literature to others.
2. By media exposure; When you do any media insist that your P.O.Box be printed or listed in any articles that are printed about the group. When doing radio always mention your Box. For TV get your group's name and address flashed on the screen.
3. By reaching out; Whenever you hear or read of a Victim of a crime that falls into your area of concern contact the media and/or the local police. Tell them who you are, that you want to help the Victim and ask for the phone number or address of the Victim. Or, ask them to pass on your name and phone number. Contact the Victim and let them know that you are there to help in any way. Another good and considerate way is to have cards printed up. Mail them to the Victim. This is particularly beneficial in cases of Homicide. After two weeks or so send your literature to the Victim, DO NOT FORCE YOURSELF ON THEM; but be ready to advise and help.
4. Letters to the editor; I have enclosed a copy of the letter that my wife sent to every newspaper in Canada - over two hundred of them. The results will surprise you. In surveys run by newspapers the 'letters to the editors' section is very high on the list of best-read sections. Being on or near the editorial page helps.
5. Speechmaking; Send speakers to every civic, home and school assoc. and professional group that you can. Develop a talk to fit each group.

At each general meeting pass around a book and announce that you would like people to sign it so they can get on your mailing list. DO NOT LEAVE IT BY THE DOOR ON A TABLE. People tend to ignore the book when it is placed by an exit.

Enclosed; Copy of letter to the editor.

VICTIMS OF VIOLENCE

P.O. Box 86
 Ajax, Ontario.
 L1S 3L2
 416-683-2639

Dear Sir:

I am the father of a young girl, Pamela Patricia Sullivan, who was murdered in the Town of Ajax, on Oct. 23, 1980. She was killed by a parolee from Collins Bay Pen., who had been on Mandatory Supervision for 13 days. His release was not reported to the local police as required by both Parole Board and Mandatory Supervision regulations. I have repeatedly written to Ottawa trying to find out why this was not done. I have been ignored by Ottawa and have not even received a form letter in reply from the Prime Minister, the Justice Dept. the Solicitor General or the National Parole Board. The more that I dug into the workings of these depts the more concerned I became. I finally co-founded our group ----- VICTIMS OF VIOLENCE-----. We are from all political parties, religions and ethnic origins.

We would like to hear from other Canadians that feel as we do, so we are requesting you print the following letter from us.

Thank you very much and God bless you.

Spokesman-Donald Sullivan
 VICTIMS OF VIOLENCE

CONCERNED CANADIANS

We are a group that have had enough of the violence in our Country. Our founders are parents and loved ones of murdered children. We want action on the following proposals and want to hear from you if you share our beliefs and would like to join us in our struggle.

- 1 A NATIONAL REFERENDUM ON CAPITAL PUNISHMENT FOR ALL 1ST DEGREE MURDER
- 2 ABOLISMENT OF THE MANDATORY SUPERVISION PROGRAMME AND OF SEC 672 OF THE CRIMINAL CODE THAT ALLOWS 1ST DEGREE MURDERERS PAROLE AFTER 15 YEARS.
- 3 OVERHAULING THE JUSTICE SYSTEM WITH MORE EMPHASIS BEING PLACED ON THE VICTIMS AND THEIR NEEDS AND LESS ON THE CRIMINALS AND THEIR NEEDS.
- 4 OVERHAUL OF THE PRESENT SYSTEM AND WAYS OF GRANTING PAROLE. REMODELLING OF THE NPB AND CSC WITH REPRESENTATION OF THE AVERAGE CITIZEN ON ALL LOCAL AND NATIONAL BOARDS.
- 5 RESPONSIBLE GOVERNMENT OFFICIALS, BOTH ELECTED AND APPOINTED, WHO WILL ANSWER CITIZENS QUESTIONS AND HELP US WITH OUR PROBLEMS EG PM TRUDEAU, MR CHRETIEN, MR KAPLAN AND THE NPB AND THE JUSTICE DEPT.

If you would like to know more about us please write to:

VICTIMS OF VIOLENCE
 P.O. Box 86
 AJAX, ONTARIO.
 L1S 3C2

Chapter Four. Fundraising.

In Canada very few VAs are eligible for a Federal Tax Number, because the regulations governing such numbers stress that no organization that lobbies for law changes is eligible. Thus, we have had to develop means of getting sufficient funds without corporate donations. If you can get Tax Numbers, this will enable you to give receipts for tax purposes. If you use our means you should have no trouble attracting enough donations to meet your goals. I have set up and organized two National Groups and have never needed much money. Your largest expenses will be for postage and the occasional conference.

Always be up front with people and tell them if you cannot give them a receipt for tax purposes. At each general meeting pass the hat or collection plate. This will give you enough money for stamps each month. Tell the audience that the money is for operating expenses. Most food chains have a public service department and they will lend you a coffee urn and supplies. In many cases they will give you food vouchers which you can raffle off. Flea Markets are another good source of income; one man's garbage is another's treasure. Have draws for such articles as quilts and sports equipment. Go to local manufacturers and some will give you manufactured goods that will give them public relations and advertising. Sell chocolate bars and have your name and P.O. Box # printed on them. Bingos. Solicit donations from your mailing list "to defray expenses". Contact manufacturers of stationary products for donations. Go to your local library and get a list of Foundations that allocate funds for good purposes. Write to them and ask for help.

Money is not really that important to a VA. Use your greatest asset, the dedication of your members, to it's fullest. Use their abilities i.e. artists, those with access to photo copiers, those who work in printing shops, food stores etc. The possibilities are endless. Using imagination is essential. Remember **YOU ARE NOT IN THIS TO MAKE MONEY**. You are in this battle to effect changes and to improve the lot of Victims.

Chapter Five. Getting politicians etc. involved.

Everybody loves a cause. It is surprising how many influential people, such as politicians, civil servants etc., agree with Victims' goals. Contact your local elected representatives Federal, Province/State and Municipal. Sound them out. Write to every politician in your Province/State. Ask your own Federal Rep. for help and suggestions. Politicians love to be asked for advice. Watch in your local papers for those who make statements that you agree with and contact them. Yours may be the cause they have been looking for.

The Canadian Victims Movement has adopted what may seem a cold and calculating tactic, but, it makes common sense. Stated simply; for decades, elected officials have come to us for votes. They then have appointed those who reflect their views, thus they have used us, the voters, to further their goals. Now we use them to further our cause. We firmly believe that our cause is a good one and is beneficial to all.

Chapter Six. Changing laws.

By persistent pressure. By letter writing. Remember, to a politician, each letter represents ten potential voters. Petitions have proven of little concrete use in our field. Don't be afraid to ask your local Representative to help you draft a law or bill. Most are backbenchers who have time to help their constituents and they all like to see their names in print. Lobby others who may have a say in getting a bill out of committees and onto the floor or your Federal or Provincial/State Legislature.

Play on the unknown voter strength of your VA. Be vague about your exact membership numbers. Poll all politicians on how they stand in regards to your aims and goals. Ask how they would vote on an issue. Let them know that you will be tabulating the results of your polling and will be releasing such results to the media and other Victims.

Chapter Seven. Meeting your opponents in public debates.

This is the simplest to do. Become an expert in your field of law or concern. Do not deviate from this concern. Be calm and concise. Do not read but memorize. This is where your spokesperson will shine. REMEMBER ALWAYS, you are speaking because you are a Victim and are doing this out of concern. Inevitably, your opponent is being paid to state his beliefs i.e. Civil Libertarian, Parole authority, civil servant, lawyer, etc. Sincerity and Integrity always shine through. BUT, do your homework and research your opponent. Never suggest tearing down without offering something better to replace it. It may be difficult, but try to think of something good to say about your opponent and/or the cause he espouses. When on TV look into the camera and imagine that you are talking to a fellow Victim. On radio talk to this Victim. When replying to a direct question look the questioner in the eye. Never be condescending. Honest emotion is nothing to be ashamed of.

Chapter Eight. Sustaining public interest.

By media. Short and sweet. The more you and your VA are in the media, the more you become known. Always be considerate of the media. They have deadlines. Your spokesperson must be available when the media wants your opinion. Don't be afraid to ask them to call back at a more appropriate time. This will be beneficial when you are not too sure of the background of a particular occurrence i.e. they may ask what you think of 'so and so' getting early parole. By asking them to call back you will be able to make inquiries re that case. This is where a filing system, cross-referenced, will come in handy. Clip every article that pertains to your cause. Have members do this too. Have them send their clippings to your home base. Do not be afraid to ask the media person for some background material. Eventually you will become a recognized 'resource' for all the media. You will soon become the 'voice' of Victims and concerned citizens. Your recognition will encourage new members to join the cause.

Chapter Nine. Moving on to new goals.

By starting a VA and listing specific goals and objectives, you have already become involved in new goals, without actually listing them. For you are seeking Justice for Victims. This is, in effect, Victims Rights. So it will become a natural and progressive step to become a group that champions Victims Rights, needs and services. By the time you move wholeheartedly into this field you will have gained acceptance as a viable group with integrity. The media and the public will readily and naturally accept your new goals.

Chapter Ten. Your greatest enemies.

As a group grows it becomes strong and no external force will be able to destroy you. You have met and overcome financial problems, skeptical media and those who opposed your goals. This has been accomplished because of the solid work done by your committees and those who work behind the scenes: organizing meetings, raising funds, writing and answering letters, manning the phone and all the painstaking, but important, chores. Your spokesperson has been accepted as a sincere person, with integrity. If this person is a Victim they have won the compassion and admiration of the media. Your spokesperson will overcome his or her own personal tragedy and fights for others.

Sometimes this can create resentment on the part of other executive members. The stronger your VA becomes, the more your spokesperson is featured in the media and public eye. Remember, you are dealing with people who have suffered. They may resent the fact that the spokesperson's suffering is well known while theirs is not. A psychiatrist could probably explain it better than I. That is why I earlier suggested having professional advice or help, to give input into your self-help meetings or your executive meetings. The professional may see the signs and detect some early trouble brewing, and maybe the executive can be alerted in time.

However if dissension breeds, the rift may become fatal, as far as the VA is concerned. This is where a strong leadership is so essential. The first signs of dissension should be brought to the attention of the leadership. Once they are informed they should call an executive meeting, lay down the law and ask either the resignation of the dissenter(s) or else give them one last chance. If necessary, expel them from the group. Such a course of action isn't easy. You must weigh all the factors and decide which is more important, the group or individual(s). Someone may be hurt. But, any VA that allows dissension to disrupt its mission is weak. The executive must choose between the group remaining intact or the feelings of some dissenters.

If the dissension is directed at your spokesperson and the spokesperson resigns and leaves the group it will be almost impossible to recover because the spokesperson is synonymous with the VA and vice versa. If your spokesperson leaves and forms a new group the original VA is left without its established identity.

Hopefully this guide will help you. I had never belonged to any organization until my daughter Pamela's murder, so everything that I have suggested has been learned through setting up two National VAs in Canada.

Enclosure. Twelve ways to kill an organization.

CANADIAN CRIME VICTIMS ADVOCATES (CCVA)

'Care & Share'

Twelve ways to kill an organization.

1. Don't attend meetings.
2. Be sure to leave before the meeting is over.
3. Next day find fault with the officers and committees.
4. Be sure to sit in the back so you can talk to a friend.
5. Never ask anyone to join the organization.
6. If a new member joins the organization, don't ask him to sit beside you.
7. Get all the organization will give you, but give nothing in return.
8. If asked to help on anything, always say 'I'm too busy'.
9. Never accept an office since it's easier to criticize than do things.
10. If appointed to a committee, never give any time or service to the committee.
11. Talk co-operation, but never co-operate.
12. Never do more than you have to, and when others willingly and unselfishly use their ability to help the cause, complain because the organization is run by a 'clique'.

If you carefully follow the above twelve steps you will be able to destroy any group you belong to. But if you don't you'll survive.

Anon.

Canadian Crime Victims Advocates (CCVA) 'Care & Share'

Will have the below as their stated aims and objectives.

1. To help Victims of crime cope with their personal tragedies.
2. Assist Victims through the various steps of The Criminal Justice System.
3. To educate the public, media, various levels of governments, the police and the social services agencies as to the needs of Victims.
4. To advocate Victims Rights legislation such as; Victim Impact Statements. The opportunity to speak at bail hearings. The right to appear at Advisory Board Hearings re persons found 'Not Guilty' because of 'Insanity'. Get Federal and Provincial reps. involved.
5. Distribute literature regarding the parole system, the prison system, the courts, and crime statistics, violent offenders etc.
6. Distribute at intervals a newsletter regarding Victims Rights and the above stated aims and objectives.

To help all existing Victim organizations in any way that we may.

To help co-ordinate a National Forum of Victim groups that are run for Victims and by Victims.

To advocate for a National Victims Week.

To supply speakers to any organization re the above.

To supply literature regarding Post Traumatic Stress Syndrome.

In short CCVA will advocate for Victims. Our founders helped found VOV.

In the past two years we have built up a respected integrity with over three hundred media contacts, many elected officials at all levels of government and with the police forces in Canada.

We are affiliated with N.O.V.A. in the U.S.A. and with Victims Rights organizations in Australia and The U.K.

We can draw upon many for advice such as Professor Waller of University of Ottawa, The Hon. Gordon Walker, Jerry Amernic author of Victims; Orphans of Justice and the writer of a national newsletter. and many more.

If we may be of any help to you at all please do not hesitate to contact us.

P.O. BOX 86,
Ajax, Ont.,
L1S 3C2.

IF AN APPEAL IS WANTED OR INFORMATION ON APPEALING A SENTENCE

Douglas Hunt QC - Att. Gen's Office (Court of Appeals)
16 King St. E, Toronto M5C 1C5

The Hon. Roy McMurtry QC - Attorney General of Ontario,
16 King St E Toronto M5C 1C5

The Hon. Gordon Walker QC - Justice Secretary of Ontario, Rm 1344
Whitney Block, Queens Park, Toronto

Your M.P.P. - Name, Riding, c/o Queens Park, Toronto, Ont.

Your M.P. - Name, Riding, House of Commons, Ottawa, K1A 0A6

To register a complaint, a fear of early parole, including, day passes, day parole, full parole, temporary passes etc.

State that you fear for your safety, the communities, let whoever you contact that if this person commits any crimes whilst on any form of Conditional Release then you will let the media and your MP know that you have expressed your fears via this letter and you, personally, will hold them responsible.

WM Outerbridge - Chairman of The National Parole Board of Canada,
340 Laurier Ave W, Ottawa, Ont. K1A 0R1

Donald Yeomans - Commissioner of Correctional Services Canada,
340 Laurier Ave W Ottawa, Ont., K1A 0R1

Robert Kaplan QC - The Hon. Robt Kaplan QC Solicitor General of Canada
Room 507, Confederation Bldg. House of Commons, K1A 0A6

Marc MacGuigan QC - The Hon. Marc MacGuigan, Minister of Justice, House
of Commons, Ottawa, K1A 0A6

Your M.P.P. - same as above for Appealing a sentence

Your M.P. - same as above for Appealing a sentence

To register a complaint of police treatment, eg lack of or no information way you were notified, handling of case ..
Outside of Metropolitan Toronto Police Dept.

Police Commission of Ontario - 25 Grosvenor St, 9th Floor,
attention Mr Hampson, Toronto M7A 2H3

In Metro Toronto Boundaries -

Office of The Public Complaints Commission - 157 Bloor St W Toronto M5S1P7

Besides the above all complaints should go to the following

The Hon. George Taylor QC - Solicitor General of Ontario, 25 Grosvenor ST
Toronto Ont. M7A 1Y6

The Hon Gordon Walker QC - as listed above

Your M.P.P. - as listed above

Your M.P. - as listed above

CANADIAN CRIME VICTIMS ADVOCATES (CCVA)
PO Box 86, Ajax, Ontario, L1S 3C2
I-416-683-2639

The Attorney General of Ontario	listed earlier
The Justice Minister of Canada	" " " " " " " "
The Chief Justice of Ontario	Care of The Attorney General of Ontario
The Solicitor General of Canada	listed earlier
The Justice Secretary of Ontario	" "
Your M.P.P.	" "
Your M.P.	" "

for eg
CC Att Gen of Ont
CC Sol Gen of Can
CC ~~██████~~ C.C.VA
CC M.P.P. _____
CC M.P. _____

CANADIAN CRIME VICTIMS ADVOCATES (CCVA)
'Care & Share'

P.O. Box 86,
Ajax, Ont.,
L1S 3C2.

In cases where a verdict of Not Guilty By Reason Of Insanity.

If you have any concerns re pending release or if you wish to make either a personal appearance or have a letter of concern filed with the authorities etc.,

Write to: Honourable Edson L Haines,

1. Chairman,
Advisory Review Board,
700 Bay St., 24th., Floor,
Toronto, Ontario,
M4E 1S5.
2. Honourable R. Roy McMurtry Q.C.
Attorney General of Ontario,
18th., Floor, 18 King St., East,
Toronto Ontario,
M5C 1C5
3. Honourable George Taylor,
Solicitor General of Ontario,
14th., Floor,
25 Grosvenor Street,
Toronto, Ontario,
M7A 1Y6.
4. Your M.P.P. (if not sure of his address and/or name
look up the Chief Electorate Officer in the Blue Pages
of your phonebook, under the heading Ontario, this office
will be able to tell you.)
5. C.C. Don Sullivan, C.C.V.A. (we will keep all these on file
and if the authorities let someone out and they committ a
further offence then we will have some real damaging info-
rmation to pass on to those who need to know)

For information on other people to contact re other problems with the Justice System contact us and we will send you the appropriate information.

Instruction sheet for COURTWATCHERS.

Listen for any statement by any court official re a ban on publication. If this occurs you may be asked not to take notes.

Always show your ID card when asked, after awhile the court officials will learn to recognize you as a COURTWATCHER.

Running accounts of cases heard. Look for the following
NAME of accused, of def. att. of Crown Att. CHARGE(S) On Parole? MS? Probation? Bail? was accused on any of the aforementioned when the charge(s) were committed? Allowed to plead guilty and other charges dropped?(This is Plea Bargaining.) Any discussion re number of remands?

Sentence, past criminal record, if any.

Look for the following.

Decorum of the court. Judge, Dignified? friendly with lawyers? Reserved? Crown Att. Mumbler? Unsure? Hesitant? Inexperienced? Capable? Experienced? Def Att. Respectful of the court? Disrespectful? Arrogant? Demanding? Insulting? Badgering? Polite? Dignified? Accused Attitude, remarks, appearance. Police Neat? Professional manner? Unbiased? Unkempt? Sloppy presentation of evidence? Witnesses Appeared coached? Sincere? Honest?

Did court appeared hurried? Too slow? Did name attorney appear? was he treated deferentially?

Was any concern shown for the Victim? By who?

How was the Victim or the Victim/Witness (usually the complainant) treated? i.e badgered, insulted, respected, any consideration shown?

In other words your general impressions. Is this the way that you think courts should be run? Were you pleased or displeased? Why? Any thing that you think can or should be done to change the way courts are run?

If asked explain that you are present to observe the courts and will be giving your impressions of the proceedings. Show your COURTWATCHERS card to any court official who asks for it. If you are harassed or slighted in any way ask and demand the name of whoever does this and tell him you will be passing this info on to us and we will be in turn passing it on to their superior(s).

Look on court calendars outside each courtroom for days cases and try to pick ones of crimes of Violence,

Attached is COURTWATCHER fact sheets.

THANK YOU very much for helping us and thus all Victims and law-abiding taxpaying citizens. If the criminal has no respect for the court then how can we expect them to have any respect for the laws and the police?

CANADIAN CRIME VICTIMS ADVOCATES (CCVA)

PO Box 86, Ajax, Ontario, L1S 3C2

I-416-683-2639

COURTWATCHERS fact sheet.

DATE _____ COURT _____ COURTROOM # _____ JUDGE _____

CROWN ATT. _____ Time court started _____ Recesses _____

Time court restarted _____

How much time actually spent in court and how much spent in recesses.

Victim Assistance Program

Ottawa Police Station
474 Elgin Street
Ottawa, Ontario
K2P 2J6

Telephone (613) 236-0311

The Victim Assistance Program (V.A.P.) is jointly funded by the Solicitor General of Canada, the Ottawa Police Force and the Salvation Army. Financial assistance from these agencies has been granted from April 13, 1983 - May 31, 1984. If the Program is successful during this time period, funding will be extended through May 31, 1985.

The main goal of the V.A.P. is to provide emotional and practical support to victims of crime. The Victim Assistance office, located in room 126 of the Ottawa Police Headquarters, is open from the hours of 8:00 a.m. - 5:00 p.m. Monday - Friday. Office staff consist of a full time police coordinator (holding the rank of sergeant), a full time civilian coordinator and a clerk typist. Through the use of trained volunteers, the V.A.P. is able to provide 24 hour coverage, every day of the week, to meet the needs of crime victims.

All V.A.P. volunteers, prior to taking active duties, must attend and participate in a six week training program covering such topics as crisis intervention, police and court procedures, community resources and victimology. Upon completion of the training program, volunteers are assigned to an on call schedule in teams of two. Volunteers are on call in their homes in the following shift periods: 8:00 a.m. - 5:00 p.m., 5:00 p.m. - 12:00 a.m., 12:00 a.m. - 8:00 a.m.

Through V.A.P. staff and volunteer workers, the following services to victims are provided:

- referrals to community resources for assistance re:
emergency housing, legal and financial aid, counselling
- information and assistance regarding the criminal justice system, courtroom and police procedures
- information and assistance regarding application to the Criminal Injuries Compensation Board

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- referrals to Ottawa Police Force Crime Prevention Unit
- act as liaison between the victim and the investigating officer
- crisis intervention counselling at (or following) time of occurrence
- assistance in return of property

In cases of domestic violence (eg. wife assault) the V.A.P. staff, when requested, attend the scene of the occurrence and provide crisis intervention counselling, information on obtaining legal advice (re: restraining and custody orders, separation agreements) and make referrals to women's shelters (eg. Interval House, Amity House), women's self help groups and groups for men who batter.

Referrals to the V.A.P. come from the following sources: police officers at the scene of an incident, investigating officers involved in follow up of a case, the victims themselves and through various community agencies. In addition, as police occurrence reports (in the areas of assault, break and enter, domestic disputes) are routinely forwarded to the V.A.P. office, many victims are contacted as a standard procedure and given case information and an opportunity to utilize other V.A.P. services.

U.N. INTERREGIONAL PREPARATORY MEETING
ON VICTIMS OF CRIME

July, 1984

In July, a U.N. Interregional Preparatory Meeting of seventeen international experts in Ottawa drafted resolutions on victims of crime, the third of five agenda items of next summer's 7th U.N. Congress on the Prevention of Crime and the Treatment of Offenders.

Through the efforts of the Solicitor General's international relations co-ordinator Georges Paquet, NAACJ received observer status. I attended on behalf of NAACJ, a coalition of 18 national voluntary groups, with other observers from federal government departments and Canadian and international voluntary organizations. Fred Gibson, Deputy Solicitor General of Canada, chaired the meeting.

My first impression of the meeting was of the praise and recognition accorded Canada in the areas of victims' rights and services. However, as Minoru Shikita, Executive Secretary of the Congress, said in his opening statement this visibly growing concern about victims has highlighted the magnitude of work to be done. He emphasized the need to promote a basic change in disturbing contemporary socio-cultural attitudes towards victims: in the case of victims of abuses of power, massive victimization, torture, persecution of minorities, and of severe economic abuses. Mr. Shikita said improved access to channels of redress is necessary and he hoped this meeting would formulate a "Magna Carta" for victims to guide governments anxious to help and to act as a catalyst to effective, co-operative action at the transnational level.

One of the most positive consequences of the U.N. meeting for me personally was the maturation of my thinking and awareness of victims, especially in a global context where social and legal heritages differ so much from the Canadian experience. The U.N. meeting was a contrast to our own NAACJ Study Session held a week earlier. I felt the NAACJ meeting was a valuable experience that gave me a greater understanding of the alienation of victims and their frustration with a system that simply has not helped them enough. The Interregional meeting took me a step beyond the experiences of victimization within families and through conventional

crime in Canada to the persecution of groups of people throughout the world through the abuse of power. The strongest sense I had of the U.N. meeting, however, was that the world is composed of a community of communities, where all victims feel oppressed and violated by crimes committed against them with little recourse to redress.

In attempting to define crimes against victims, experts agreed on five types of victimizers: four in the category of abuse of power, and one for conventional victimization. They are: institutional victimizers; ideological (i.e. terrorists, revolutionaries); economic (i.e. industrial complexes destroying the environment); the penal system itself; and individual victimizers involved in common crime.

Discussing mechanisms "to ensure justice and redress for victims", various experts emphasized victims should be on an equal footing with all other parties in the criminal justice process. Redress mechanisms include provisions for making good immediately the damage inflicted and justice mechanisms include "victim impact statements". It was noted the victim's involvement in all stages of the criminal justice process was essential, but the victim should not play a role in the court's sentencing of the offender.

Compensation and restitution for acts of abuse of power was considered at length: for example, collective victimization by pollution might be compensated by a corresponding insurance obligation imposed on companies, while schemes like the new Voluntary Fund for Victims of Torture need to be developed within the context of coordinated UN efforts for victims. The speed of compensation was considered of the utmost importance.

Experts agreed that victims require assistance to recover financially, emotionally, medically and socially from crime. The use of community resources to help victims, some experiencing "post traumatic stress disorder" was emphasized. Strategies for the reduction and prevention of victimization were also considered, including public education; legislative improvements; and bringing political and economic abuses of power within national and international law.

A drafting committee formed at the beginning of the meeting to work parallel to the general meeting spent long hours and was untiring in its effort to develop the Resolution and Declaration on Justice and Assistance to Victims. The declaration, unanimously endorsed, states its purpose and scope as: 1. to recognize the rights of victims and to establish ways and means of ensuring their protection, redress of wrongs and humane treatment; and 2. the provisions within the declaration shall be applicable to all persons.

The declaration is comprehensive and based on general principles (which recognize victims' rights) developed from the meeting. It will be reviewed by the U.N. member states and presented with revisions at the 7th U.N. Congress on Crime Prevention and the Treatment of Offenders next summer in Milan

BEN HOFFMAN
NAACJ Secretary

August 17, 1984

