



CORRECTIONAL SERVICE CANADA

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Report

MULTIDISCIPLINARY VICTIMS COMMITTEE

FEBRUARY 2024



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Executive Summary

The Committee deliberated on a wide range of issues relating to victims. In summary, everyone agreed it is important that a victim-centred approach be adopted when engaging victims and survivors of crime – from communications materials to outreach and services provided to them. Given Canada’s ethnocultural diversity, it is essential to consider the needs of these various communities and ensure the accessibility of information and services.

The Committee discussed ways to minimize or eliminate barriers for victims to access their rights under the *Canadian Victim Bill of Rights* (CVBR). This included practical suggestions to improve the user experience of victims across all services.

The **main themes** that emerged included:

1. Victim engagement and education:

- Personal contact with victims is essential, and print and virtual resources are helpful supporting resources. In fact, relationships with Victims Services Officers (VSOs) play a key role in supporting victims. These resources should be examined more closely, including the Victim Portal and Correctional Plan Progress Report, to ensure they meet victims’ needs and are easily accessible (avoiding jargon and technical terms). Any changes should ensure the use of plain and clear language, and language that is trauma-informed and compassionate.

2. Government legislation, policies and processes:

- The Committee discussed the legislative and policy frameworks around what CSC shares with victims. The Committee discussed that the timing, quantity, and quality of information can make a difference in their safety planning. While some changes to policy may help, it was noted that the legislation as it currently stands, creates a barrier to additional disclosure of information. CSC explained how it is working, within the current framework, to implement greater victim engagement for transfers to capture victims concerns earlier in the process. There is a desire for CSC to disclose more information and more often use public interest test (under the *Privacy Act*), as applicable, to disclose more information.
- The Committee would like to see more information provided before hearings in order for victims to better prepare their victim statement and better understand the process. The Committee noted that PBC should ensure that it pays close attention to participation and set up, and avoid/limit rescheduling/postponements, where possible. The Committee noted that it is important to continue soliciting victim input prior to hearing arrangements, seek information from victims on what supports are helpful, and recommended that communications be trauma-informed and timely, using simple, clear language.

3. Achieving better balance:

- There is a perception that the information available to victims is weighted more towards the offender’s rights than the victim’s right to information. This includes the timing of when information may be released to victims at key decision points.
- The Committee thought it would be useful to examine ways to better serve victims throughout the process and examine opportunities for better/more information sharing, such as the Correctional Plan Progress Report, and doing earlier engagement with victims according to the Ministerial Direction of July 20, 2023. Victims participating on the Committee noted that information is helpful in their safety planning and better explanations of sentences, various security levels, and how CSC arrives at its decisions, is extremely helpful. Where information cannot be shared, it is imperative to explain why.

Background

On May 29, 2023, CSC transferred a high-profile inmate from maximum to medium security. To ensure that the law and policies were followed, the Commissioner of CSC asked for a review of the security reclassification and transfer decisions. On July 20, 2023, the Review Committee provided its final report to CSC.

The Committee recommended that, “as soon as possible, the Commissioner establishes a multi-disciplinary working committee”. CSC accepted this recommendation and will report back to the Minister on progress according to the Ministerial Direction issued to CSC on July 20, 2023.

Several **areas of focus** were suggested for review and action by the new committee. These include:

- Consider establishing clear directions surrounding the use of the “exceptional circumstances” clause within CD-784. Assess if a more specific clause is needed to grant the Commissioner discretionary authority to designate certain cases as requiring special protocols with respect to victim notification and engagement. On this matter, it is recommended that consultations are held with the Office of the Privacy Commissioner of Canada on strategies for balancing the Privacy Act with victims’ rights to information.
- Undertake a critical review of existing CSC policies surrounding victim engagement and a review of international ‘best practices’ to identify congruence.
- Review the consistency between existing policies and the spirit of the Canadian Statement of Basic Principles of Justice for Victims of Crime.
- Consider if the current operational definition of “victim” is consistent with section 26(3) of the CCRA, which notes victims include persons who “suffered physical or emotional harm, property damage or economic loss” as a result of the offender’s crimes; identify if there is a need to broaden CSC’s understanding of victims.
- Review existing protocols and guidelines with respect to incorporation of victim considerations into decision-making, and consider if there is a need to implement further directions (e.g., how sensitive dates are to be incorporated in decision-making to enhance sensitivity in the timing of transfers).
- In consultation with the PBC, review protocols that are in place to assist victims who do not reside in the same area as the offender’s institution to facilitate parole hearing attendance (e.g., video-conferencing options), and identify if enhancements are needed.
- Review existing CSC resources that are available to assist victims and identify if enhancements are needed in regard to access, availability, and quality.

In striking the Multidisciplinary Victims Committee, CSC decided to **expand the above** to all areas of the victim services program, including Parole Board hearings, to gather any and all relevant feedback as part of this exercise.

GOAL AND OBJECTIVES

Terms of Reference (see Annex A) guided the time-limited Committee in its work. A schedule for each meeting, covering key themes, was established and circulated to members (see Annex B) with a number of reference documents provided.

The committee met weekly beginning November 17, 2023, for up to 1.5 hours. Given the geographic diversity of the members, meetings were held virtually via MS Teams.

The objectives outlined in the Terms of Reference were:

- Discuss the areas of focus from the Review Committee (see background) and determine their feasibility for implementation;
- Discuss the Ministerial Direction and its implementation; and
- Make recommendations to CSC with the view of enhancing access, availability, and quality of CSC resources available to assist victims.

Committee members were invited to make observations, provide comments, and ask questions in a free-flowing manner. The government representatives in attendance were present to support the committee, present information, and answer any questions on their respective areas of expertise.

MEMBERSHIP

As victims are a shared responsibility within the Government of Canada, in addition to CSC, membership included representatives from other federal departments, at the director general level, from:

- Correctional Service Canada (CSC)
- Public Safety Canada (PSC)
- Parole Board of Canada (PBC)

The Assistant Commissioner, Communications and Engagement, CSC, chaired the Committee.

There were eleven (11) total members, four of whom were victims/survivors of crime including, two of whom are members of the CSC/PBC Regional Victim Advisory Committees or Councils (RVAC), one with expertise in corrections, and two criminologists (one also with expertise in community corrections/services). CSC provided all secretariat support for the Committee.

In addition, the Federal Ombudsperson for Victims of Crime (FOVC) sat on the Committee as a special advisor and participated in all of the meetings.

Summary of Discussions

At every meeting for six weeks, as outlined in the schedule, federal government officials prepared and provided presentations that outlined the areas of interest outlined by the Review Committee. Members of the Committee were then invited to ask questions, provide comments, express concerns or recommendations in a free-flowing manner. The feedback below represents a summary of the discussions and feedback received.

Victim Definition

CSC and PBC both work from the definition of a victim in various sections of the *Corrections and Conditional Release Act* (CCRA). There is also a definition of a victim in the CVBR, which defers from the one in the CCRA.

The discussion was centred on the fact that there are many different definitions of “victim” across Canada’s jurisdictions and levels of government. This creates confusion and inconsistencies in victim services and expectations. The Committee felt like more user-friendly communication products could be a powerful tool in ensuring that victims are aware of what they can expect or receive from CSC and PBC.

Feedback:

- Victims talk about “who is a victim” and what is the best term, including options for different terminology. For many, the term “victim” is the deceased person, or the person directly victimized. Many do not like to be called a “victim”. Others think of themselves as “people who are harmed” by a crime given they may be a family member of someone who was murdered, for example. However, people who have been harmed can really vary and become quite broad, such as the jurors – who could be “harmed” through a court process. Some entire communities may also feel victimized by a crime.
- There are people who may be affected as they are called upon to read a victim statement in court, or serve as a witness, but are not allowed to register because they do not meet the definition of a victim. This may need some consideration.
- We must also be aware that some offenders are also victims, given their past history. The boundary between aggressor and victim can be blurry.
- There was a recognition amongst the Committee that the discussion of terminology is important but there may not be an absolute solution, and some boundaries are needed around the term to make it manageable. There could also be consequences for altering the victim definition.

Victim Engagement

CSC’s VSOs and PBC’s Regional Communications Officers (RCO) offer services both verbally (over the phone), in writing, or through the web-based Victims Portal. Victims are provided the opportunity to decide what information they want to receive, within the scope of what can be provided under the law, how they want to receive information and when. The agencies believe that providing victims and survivors of crime with this choice is a trauma-informed approach.

Feedback:

- Clear information that explains up front what is available is helpful for people processing trauma.
- In terms of timing, quality, quantity, and accessibility of information, it is not as easy for victims to get information as we sometimes think. When someone is stressed and/or traumatized and someone is verbally explaining something, it may be harder for them to retain it. It might also take more time to understand something.
- Communicating information gets complicated given government bodies tend to use acronyms and professional jargon. Products should be looked at from this standpoint.
- VSOs are very helpful – this relationship is key. It would be a good practice to call and introduce themselves to victims, outside of the need to provide offender-related information. It would help build a rapport right away and make it more comfortable when they do have to call victims with offender-related information. When a handover to another VSO occurs, if the offender is transferred (along with the victim’s file), an introductory email and/or phone call would also be a good practice. It would also be useful to consider not transferring a victim’s file to another region and VSO if the offender is transferred.
- No victim is the same in terms of the information they want to receive. While access to information is key, information cannot be imposed. The committee affirmed that victims need the option of choice.
- Healing Lodges do a lot to honour victims in the healing process. Victims could have a role in this process. There was a suggestion to develop a pilot project for Section 81 transfers where victims could see the work being done by staff and offenders to address harm. That would help offenders as well in their healing.
- Similar to the suggestion on the pilot project for healing lodges, victims could be invited to visit halfway houses to see how they work, the rules, services available to offenders, etc. This could also provide victims with peace of mind and help them better understand the transition to the community. Members discussed that they are open to a pilot project to explore this idea.
- Legislative information is not plain language in a way that explains why information is not being shared and the rationale. There should be a better way of explaining the situation to a victim when information is not disclosed.

Communications

All agencies and departments have created and made available information products (e.g., booklets, guides, fact sheets, etc.) in both digital and print format that are shared as widely as possible with victims and survivors of crime, as well as victim-serving agencies and supports. Canada.ca is the central Government of Canada website that tries to provide information at different points in the criminal justice system, to make navigation easier for victims. It continues to evolve as do communications strategies for reaching victims, who are often a hard-to-reach segment of the general public. Recognizing that some communities and individuals may not have access to a computer or may have low levels of digital literacy, products are made available in hard copy.

There is an increasing emphasis on explaining things in plain language, to make them more accessible for all readers including those with disabilities and low levels of literacy. All products are designed to meet accessibility standards. Fact Sheets are also available in multiple languages above and beyond English and French. CSC noted it is in the process of creating a booklet on institutional security levels to better describe them, which will be available to victims.

Feedback:

- All information should be reviewed for clear and simple language and be centralized in one spot. In addition, victims should be provided the opportunity to access information through a variety of methods (e.g., outreach, website, printed products). While websites are a good tool, the information is not always accessible for everyone, depending on their situation. Access and digital literacy were raised as potential barriers.
- While the sentence, eligibility and review dates are provided to the victim from the time they register, and updated as needed and provide at regular intervals, along with a sentence calculation handbook ([Sentence Calculation: An Explanation of the Basics of Sentence Calculation with Examples \(publicsafety.gc.ca\)](#)), a visual timeline for victims on key dates would be a useful tool.
- There is a need for awareness and education with victims on the distinction between maximum, medium, minimum. This is not commonly understood, and the fact that the security level is not reflective of the level of punishment or severity of crimes.
- There is a need to better explain transfers to a healing lodge and their role. It would be useful to look at developing materials that help victims understand the healing component better, including what occurs in the reintegration process and the programs available.
- If there is not a product specifically on parts of the law and what is shared, there should be a communication tool to explain what info shall be released to a victim and what is discretionary.
- Victim Services are delivered at many levels in Canada by differing organizations and different approaches. There is so much good information, it would be ideal if more victims could see these services. It would be good to explore if there is a way to provide a shorter version of the jurisdictional scan of services for the public to better understand and navigate this based on their needs. Perhaps it could be broken down with hyperlinks, like a flow-through infographic.

Correctional Plan Progress Report

Under the CCRA, victims are entitled to updates on the programs that were designed to address the needs of the offender and contribute to their successful reintegration into the community in which the offender is participating or has participated. CSC provides a Correctional Plan Progress Report (CPPR), upon the victim's request (because not all victims would like this level of detail). It is provided annually or every two years depending on the level of activity in terms of where the offender is at in their sentence. CSC also provides victims with a plain-language guide for victims to understand the CPPR, available on line and in print ([The Correctional Plan Progress Report : a guide for victims.: PS84-49/2021E-PDF - Government of Canada Publications - Canada.ca](#)).

Feedback:

- The Committee discussed that this product is provided to give victims updates on the offender's progress towards their correctional plans. It was noted that some sections could be improved to provide additional information, including if an offender is soon up for a potential security reclassification, which could drive a transfer to another location.
- Some victims want to know everything the offender is doing, which can have a bearing on the statement that is provided for a hearing. If they don't know, they can prepare a statement that may seem out of touch with what is currently happening (i.e., the progress the offender is making).
- The offender's security level is not included in the CPPR. A member of the committee noted that they had noticed some information in their report related to changes in the offender's security classification but did not know what that meant or what it would lead to. It would be helpful to provide a better explanation on what the information means as this is an opportunity to educate victims.

Services to Victims

CSC and PBC provide an information service as outlined in the CCRA. Both agencies refer victims to community-based services provided by other levels of government, which can be found on the Justice Canada website [Victim Services Directory \(justice.gc.ca\)](https://www.justice.gc.ca/victim-services-directory). CSC has a 1-800 number that is now registered with 211 services across the country. CSC and PBC do outreach across the country to other victim-serving agencies and actors in the criminal justice system who act as referral agents to federal victim services.

Feedback:

- In terms of accessibility, supports should be available for ethnocultural communities. For example, interpretation and translation services are available in court but, after that, there is a gap in receiving services in languages other than English or French, and literacy may be an issue for victims (they may only be able to read in their first language).
- Testimonial aides for PBC – ensure there are accommodations to assist victims to submit statements if they are choosing to do one in person.
- Some members perceive an inequity of community resources/support services available to victims as compared to offenders, while other members that work with offenders and/or community organizations felt like this is not the case. It would be useful to raise better awareness of the fact that community resources are limited all around, no matter who they serve. For example, organizations in the community have challenges, such as limited funding to support growing needs, especially since the pandemic. This can generate long wait times to access services or mean that those services are difficult to access all together.
- It is hard for victims to find out about the agencies (CSC and PBC) and Office of the Federal Ombudsman for Victims of Crime (OFOVC), so it is essential for victims to access services early in the criminal justice system and know how to navigate the support available.

Victims Portal

CSC manages a web-based Victims Portal for sending and receiving information to/from victims. About a third of registered victims use the portal, where they have a digital repository of all information received about the offender that harmed them. They can also submit victim statements through the portal.

Feedback:

- Members suggested that the Victims Portal could have a document/information repository where key information can be found. The idea was raised to have a visual map to navigate different information and/or services from the homepage.

- It was noted that the Victim Portal is a really great tool, but the look and feel is not visually pleasing, and it could be more user-friendly. It was recommended to focus test this and seek advice from different users on ways to improve it.

Victim Concerns in Case Management

Under CSC policy, victim safety concerns are factored into decision making and recommendations to the PBC. Risk assessments cover the inmate's risk to the public, including victims, along with the following factors (but not limited to):

- history of any known violence, include violent community incidents (consider the seriousness and recency);
- nature and gravity of current and number of previous offences (whether weapons were involved and whether serious harm occurred to the victim);
- whether the inmate meets the criteria of being a high-profile inmate (will only have an impact if in light of the other factors, there is a clear connection between it and public safety);
- notoriety likely to invoke a negative reaction from the public, victim(s) or police and/or to receive significant media coverage (sensational crime, major sexual or drug offence, terrorism, affiliation with organized crime, etc.). In order for notoriety to be a relevant factor, it must be demonstrated that it will have an impact on an inmate's reintegration potential by increasing the risk to re-offend, or the likelihood that they could pose a threat to the safety of any person or the security of a penitentiary; and the public safety risk in the event the inmate escapes.

Feedback:

- The Committee discussed that we cannot lose sight of the fact that while some offenders will never be released back into the community, the majority will because their sentence will be completed or they will have a form of conditional release during their sentence. The current system of having an offender gradually transfer to lower security levels is important because it creates a progression in the way these offenders are reintegrated into our communities. This ultimately increases public safety. Therefore, it becomes about victim safety planning over sometimes a long period of time.
- Some members feel like it is not clear how the categories are weighted. If such information is being provided to victims, it needs to be clearly explained what went into a decision and why.
- It was noted that the halfway houses that take in offenders work closely with them to try and prevent future victims. They have to find a balance but there are concrete examples of situations where the offender was transferred to a different location because of the victim, but the sentence will eventually end, and they will no longer be kept out of the town of the victim. It is important to make victims aware of this so they are not surprised and know what to expect.
- Anything that victims share is shared with the offender (due to the principle of procedural fairness, the offender has a right to know what information is being used in decision-making about them). It was felt that this can create a power imbalance. This is at the core/foundational understanding of where the legislation goes. Victims may limit what they say because they do not want to convey information to the offender. This leads to a perception that the scales are not balanced for victims.
- When there is an infringement on the rights of others, there are things you give up. Offenders lose the right to free movement. That should also extend to privacy. We need to find a way to meet the needs of survivors. They are the ones who were harmed, and we must consider what respect and dignity look like for them.
- With respect to disclosure of information to victims, when balancing victims' rights to information and offenders' right to privacy, one of the criteria for sharing information should be the "safety of victims," which many victims feel should be not only physical but psychological safety as well. This should be top of mind. This would alleviate victims feeling their personal safety is under threat, which makes a difference in their quality of life. To meaningfully exercise their rights, victims need to feel psychologically/emotionally safe to freely express their concerns and the full impact of how an offender has harmed them.

Transfer Decisions

On May 29, 2023, a high-profile federal offender was transferred from a maximum to a medium security institution. In July 2023, the former Minister of Public Safety (PS) issued a Ministerial Direction (MD) to the CSC, with the intent of ensuring that a trauma-informed and victim-sensitive approach is factored into the decision-making process in regard to transfers and security classifications. The MD directed CSC to:

- Gather and consider victim information at the outset of the decision-making process or as soon as a voluntary transfer request is being considered for support by CSC;
- Use their Victim Notification flag system when they begin considering a transfer application that may be supported by CSC to allow victim services officers to proactively collect input from victims in advance of the Assessment for Decision; and,
- Make changes to policy to require all CSC staff to always consider whether any victims live near the institution to which the transfer is being considered, and wherever possible, transfer the offender to another institution.

It was noted that CSC has always considered victim concerns in transfer decisions, consulting all information on file, including Victim Impact Statements, from court, and Victim Statements provided to CSC. CSC explained it will be engaging victims earlier, when a voluntary transfer is being supported, to gather any victim considerations in addition to what is already on file.

Feedback:

- Many victims have sought this change over the years, including the CSC/PBC Pacific Victims Advisory Council.
- With a change in custody from maximum to medium, it would be beneficial for victims to have this information up front in a timely way. It also provides an opportunity for education.
- The Committee agreed that there is a need for victims to have the offender's security level (OSL). This provides greater context when receiving or being asked to submit considerations relevant to transfers and to understand the offender's progress against their correctional plan. CSC does not have authority in the CCRA to disclose the OSL, only the name and location of the institution. The OSL can be inferred with a single security level institution, but not if multi-level site. CSC does, however, notify of a "movement" within a multi-level site (which is considered a transfer).
- Victim members of the Committee were under the impression that the victim would be notified sooner, once the transfer is confirmed, based on how they read the MD. There was a sense that notification of the transfer should happen before it is done in all cases and not just for transfers to minimum. The CCRA provides for advance notification for transfers to minimum security to allow for victims' safety planning, given that minimum institutions have less perimeter control, and the offender has greater opportunities for conditional releases into the community. Members did not see why there is a discrepancy in the law with regards to advanced notification with respect to medium and minimum. If there is no change to the legislation to provide for advance notification for all transfers, the Committee agreed that it is still a positive step to engage them earlier in the transfer decision-making process to gather their input.

Hearings

Prior to the COVID-19 pandemic, victims attended PBC hearings primarily in-person. In response to the pandemic, the PBC swiftly introduced new technology to accommodate secure attendance by victims at hearings virtually. Over the past few years, PBC has made significant investments in improving the audio and video quality for victims' participation in virtual hearings. The current success rate (i.e. no interruption or disconnection due to system capacity or limitations) of hearings via WebEx is at 93%.

PBC makes significant efforts to accommodate victims' preference in hearing attendance, ensuring that victims have the ability to participate. Since November 2022, the PBC has been collecting victims'

preferred method of hearing attendance and has accommodated these preferences where possible. Based on data gathered by the PBC throughout 2022 and 2023, most victims have indicated a preference to participate in hearings virtually rather than in-person as it offers a feeling of more security, provides a clearer view of the offender, and reduces the burden of travelling and taking time off work, away from family, etc. In addition, the Department of Justice Victims Fund, which provides funding for victims to attend hearings, has provided assistance to accommodate virtual hearings.

PBC will continue to ensure a harmonized approach to supporting victims, including camera on/off issues, seating arrangements, to determine where the choice can be given to victims. PBC will continue to ensure that it informs victims in pre-hearing calls to let them know they have a choice on seating, camera, etc. so that they know what options they have. The Board wants to ensure victims know they have the choices and hearing can be arranged accordingly.

The feedback is broken down by sub-theme below.

Scheduling, Postponements and Cancellations

- Scheduling of hearings is a challenge due to a number of factors, such as Board member vacancies and availability, the availability of assistants, completion of an offender's programming, etc.
- For some victims, postponements have been an aggravation. Main postponement reasons may differ from region to region. PBC is continuously trying to address these challenges. It would be helpful for victims to know the reason for the postponement, including any relevant procedures and implications. A few victim representatives suggested that letters indicating that the offender doesn't want to proceed may be difficult to accept.
- A victim representative noted that cancellations were frequent, e.g., 7 in 2 years, and then being told the hearing would take place in 8 days time.. This creates a trauma impact on those victims because they take time to get ready for a hearing, immerse themselves in traumatic details, and can relive the crime. If a hearing is repeatedly postponed or cancelled, this adds up and is cumulative.
- Some victim representatives believe that there should be a limit to postponements. Go or wait until next date. On top of what victims feel, PBC highlighted that scheduling requires a careful balancing of a multitude of factors, including victim preferences. The PBC is continuously looking for solutions within the existing legislative framework.

Virtual Hearings

- It was reported that many victims appreciate the safety of virtual hearings, rather than attending within institutions, especially minimum-security institutions with greater freedom of movement.
- Some victim representatives note that there can be a mismatch between desire for in-person or virtual hearing – seems like offender preference or institutional convenience is prioritized.
- One benefit of virtual hearings is that the victim gets to see the offender. Sometimes offenders speak very quietly and when you're in the room, you cannot hear but virtually you can turn up the volume.
- Technical difficulties and poor Internet can be a limitation – when people miss portions of the hearing, they often want the audio recording or a transcript.
- Some victims feel that watching on a screen can feel unreal and amplify trauma dissociation (feeling disconnected from reality). It can also lead to forced invisibility when the camera and mic are turned off after a victim reads their statement.
- Some victims feel that it would be useful to provide more clarity on the rules. For example, a family was told they could hold a picture of a loved one, but had their camera turned off repeatedly.

- Indigenous cultural practice – many traditions are grounded in space and circle. While the offender can choose an Elder-assisted hearing, the current format does not allow for Indigenous victims' choice for type of hearing.
- Victim representatives of the Committee agreed that the most important thing is that the victim has a choice between in-person hearings and virtual hearings.

Hearing Set-Up

- A comment was raised about the hearing set-up, and to avoid situations where the offender has their back to the audience. This has raised as an issue in the Pacific Region, especially in-person. It was noted as important that the victims can see the offender's face and their reactions.

Hearing Attendance

- A Committee member noted that it would be useful to notify victims of who else might be in attendance, which PBC indicated that it is in practice. Victims do not need the names but having a general sense of the number of people supporting the offender, students, media, etc. would help reduce surprises. If they are reading the statement and there are students in the room, they might not be as comfortable, for example. Any information should be provided as far as possible in advance.

Alternatives to Hearings

- Victim members of the Committee expressed appreciation for the idea of a “healing circle”. Some victims felt that parole hearings are very cold/formal. While a healing circle cannot necessarily be done in parole hearings, some aspects could be incorporated to promote healing for everyone. It was acknowledged that where everyone can come safely together and where everyone is respected, it can be very positive, such as through a Restorative Justice approach.
- It was noted that CSC provides a Restorative Opportunities program where victim/offender mediation is available to them.

Special Conditions

- A member asked if special conditions requested by victims include “follow a treatment plan”. It was noted that this condition is not included in the CCRA. CCRA Section 133(3)(1) allows for victims to ask for conditions in order to protect themselves, including that the offender abstain from having any contact, including communication by any means, with the victim or the person or from going to any specified place. It could be a recommendation (to Parliament) to amend the CCRA.
- Emotional/psychological safety is one that needs to be considered when victims are requesting certain conditions.
- There is a very high rate of substance use among offenders and members discussed that such a condition would be of benefit to them. It was also acknowledged that a big part of treating addictions is having closure with victims.

Reviews

- While timeframes for hearings are prescribed in legislation, it was noted that two years is too short for a hearing and five years would be better. A victim comes out of one review or hearing and then they have to prepare for the next, which can amplify the trauma. In certain cases where the crime was violent and premeditated, it would be useful to look at providing more time between hearings. It was noted that any changes to legislation could explore this.

Victim Complaints

Under the CVBR, every victim who is of the opinion that any of their rights under the Act have been infringed or denied by a federal department, agency or body can file a complaint in accordance with its complaint mechanism. CSC manages this through policy.

Feedback:

- The OFOVC would like to see more compassion in the way complaints are managed. While all agencies are required to have a process, the language is not trauma informed. There is a need to look at processes and how, across the federal government, we can adopt a more human-centered and responsive approach. This means seeking to learn and understand a victim's concerns, and work with them to remedy the situation. Terminology used such as "founded" or "unfounded" is not great language. It feels like the CVBR is used to limit what is deemed admissible rather than responding to the complaint and how the agency could have perhaps done better.

Awareness of CSC/PBC Victim Services

Victims do not automatically receive information about the offender who harmed them. If they have been harmed by an offender serving a sentence of two years or more, victims are asked to register with CSC or PBC to receive information or access services. The registration process allows CSC or PBC to verify that the individual meets the definition of victim, which is required under law before sharing protected offender information. It also supports a trauma-informed approach whereby the victim has the opportunity to specify what information they want to receive, how and when.

However, it remains a challenge to reach victims. CSC does not automatically know who the victims are and does not have their contact information and/or consent to proactively contact them. Bill S12, which received Royal Assent on October 26, 2023, will require the Courts to forward to CSC the name and contact information for any victim who wishes to receive information under the CCRA . This will help to close this gap.

Feedback:

- While information is provided in numerous printed products and on the internet, it is hard for victims to find information, even a number to call, to reach CSC or PBC Victim Services. Police and Crowns do not always know about the victim services available and victims' rights. At the front end of the criminal justice system, training is needed at police colleges or depot. The Committee noted needing to raise more awareness of this.
- A suggestion was raised to work at the local, regional and national levels to equip all individuals interacting with victims who could be referral agents. The annual conference of Crown prosecutors by province was suggested as an option along with a business card that could be handed out to victims.
- It was suggested that judges need education on how to inform victims and survivors of crime about this change in procedures, including how victim information is being passed on, and what they're consenting to if their information is passed on. If the judge explains at the time of sentencing, it is possible that the victim may not be interested because they it is all too fresh and they have not processed everything yet. They may later have an interest.
- Further suggestions included a hyperlink in the Victim Impact Statement form (annex of the *Criminal Code*) with a clear explanation of what it means. There could be a digital PDF tool, with checkboxes, but no explanation in the form itself. There could also be a webpage for Crown Attorneys to assist with their understanding.

Recommendations

Please note the recommendations contained in this report are from external committee members and the Federal Ombudsman for Victims of Crime. The departmental officials are bound by the Public Service Values and Ethics Code and must remain neutral.

Victim engagement and education:

1. To improve the usability of the Victims Portal. Consider a focus group to examine the user experience and ways to make improvements.
2. Promote education of the services and information available through CSC and PBC, ensure the material is easy to find and read, resources are in one central spot, and leverage existing victim groups to examine all communications materials available with a focus on making improvements.
 - This includes looking at making changes to the Correctional Plan Progress Report, including in the “next steps” section so victims are aware of important milestones possible, such as a reclassification or transfer.
 - “Maximum, medium and minimum” are not well understood by victims. If these terms cannot be changed, it would be helpful, and more reassuring, if CSC could better explain the differences between security levels, e.g., “a medium-security institution is similar to a maximum-security institution with a highly secured perimeter, such as fences, with more internal movement within the perimeter”.
3. Look at providing victims with more proactive offers for services. All victims should have one simple and easy entry point. The Child Advocacy Centres (CAC) are truly a one-stop-shop. The Committee recommends that this model is considered for all victim services, whereby a victim could make one call, have one point of contact, and that organization shepherds them through the different services.
4. Ensure the CSC Victim Services Officers and PBC Regional Communications Officers know how important their relationship is with victims, and how meaningful their role is. Provide additional tips and guidance for improving their service. And in turn, raise awareness with all offender case management staff of the importance of an ongoing trauma-informed approach, and making sure victims’ concerns are looked into before they become an issue.
5. Explore launching a pilot project to increase understanding and awareness of healing lodges (and those under Section 81). This could include involving victims in the process that offenders undertake at healing lodges, and the role victims play in their healing journey.
6. Consider looking at whether victim files could stay with the same VSO, where possible, even if an offender is transferred to another region. Relationships with VSOs, which are often built over a number of years, make a big difference in aspects of a victim’s psychological safety and the continuity of service.

Government legislation, policies and processes:

7. Explore whether there could be one victim definition nationally, for all orders of government operating within the criminal justice system. In the meantime, the CCRA definition of a victim is not exactly the same as that of the CVBR, which should be clarified, if not remedied. Those working in this space need to understand that safety is not just about physical safety but also about psychological and emotional safety.

8. The CCRA should be amended to change the balance for victims, including a clear recommendation for consideration of what information is meaningful and important to victims so that there be greater access to it. This would include providing advanced notification to victims of all transfers, and more information related to the offender's security level.
9. Public Safety Canada should assemble a list of all of the positive projects/initiatives being undertaken by Public Safety, CSC and PBC over past months as they were presented to the Committee. It would then be beneficial to identify any gaps and how best to address them (policy, training, processes). It would be useful to tell victims about these and ways they may be consulted or involved moving forward.

In addition, the external members of the Committee asked the PBC to consider providing more information in advance of a hearing in order for victims to better prepare their Victim Statement. They also noted that PBC could provide clearer explanations of hearing processes and consider limitations on postponements. The Committee asked that PBC continue to solicit victim input on hearing arrangements and looks at ways to improve communication with victims using trauma-informed, timely, simple and clear language.

Conclusion

As a next step, CSC is working to finalize its updates to Commissioner's Directive 784 – *Victim Engagement*. In 2023, a revised version was sent out for consultation to victim stakeholders, including the OFOVC, the Canadian Resource Centre for Victims of Crime, and the CSC/PBC RVAC . The revised version is expected to be finalized and promulgated by June 2024.

Commissioner's Directive 786 – *Victim Complaints* is presently open for review. A revised version will be sent out for consultation, anticipated for 2024.

There is an opportunity to ensure that the recommendations of this report are taken into consideration as we finalize these policies, as appropriate.

The OFOVC also made a formal submission to the SECU Committee, which was shared with the Committee for additional consideration. Entitled, "Submission to the to the Standing Committee on Public Safety and National Security on the Rights of Victims of Crime, Reclassification and Transfer of Federal Offenders," it is available on the web here:

- <https://www.victimfirst.gc.ca/vv/2023/NOV-29/index.html>

All of these pieces, including this report, will be looked at by the relevant government departments and ways they can be implemented. In addition to the work of this Committee, CSC and PBC have regular and ongoing opportunities to engage with victims and survivors of crime through the CSC/PBC RVAC, which presents an opportunity for ongoing victim engagement on any new initiatives.

In closing, thank you to all members of this Committee for their participation in this invaluable exercise, and for their time, knowledge, and insights. The discussions were rich and productive and will serve to make improvements to how victims are served.

Annex A - Terms of Reference

Background

On May 29, 2023, the Correctional Service of Canada (CSC) transferred a high-profile inmate from maximum to medium security. To ensure that the law and policies were followed, the Commissioner of CSC asked for a review of the security reclassification and transfer decisions. On July 20, 2023, the Review Committee provided its final report to CSC.

The Committee recommended that, “as soon as possible, the Commissioner establishes a multi-disciplinary working committee”. CSC accepted this recommendation and will report back to the Minister on progress as per the Ministerial Direction issued to CSC on July 20, 2023.

Several **areas of focus** were suggested for review and action by the new committee. These include:

- Consider establishing clear directions surrounding the use of the “exceptional circumstances” clause within CD-784. Assess if a more specific clause is needed to grant the Commissioner discretionary authority to designate certain cases as requiring special protocols with respect to victim notification and engagement. On this matter, it is recommended that consultations are held with the Office of the Privacy Commissioner of Canada on strategies for balancing the *Privacy Act* with victims’ rights to information.
- Undertake a critical review of existing CSC policies surrounding victim engagement and a review of international ‘best practices’ to identify congruence.
- Additionally, review the consistency between existing policies and the spirit of the Canadian Statement of Basic Principles of Justice for Victims of Crime.
- Consider if the current operational definition of “victim” is consistent with section 26(3) of the *CCRA*, which notes victims include persons who “suffered physical or emotional harm, property damage or economic loss” as a result of the offender’s crimes; identify if there is a need to broaden CSC’s understanding of victims.
- Review existing protocols and guidelines with respect to incorporation of victim considerations into decision-making, and consider if there is a need to implement further directions (e.g., how sensitive dates are to be incorporated in decision-making to enhance sensitivity in the timing of transfers).
- In consultation with the Parole Board of Canada, review protocols that are in place to assist victims who do not reside in the same area as the offender’s institution to facilitate parole hearing attendance (e.g., video-conferencing options), and identify if enhancements are needed.
- Review existing CSC resources that are available to assist victims and identify if enhancements are needed in regard to access, availability, and quality.

Considerations

The Committee will take under consideration the *Canadian Victims Bill of Rights*, in addition to the the Canadian Statement of Basic Principles of Justice for Victims of Crime, the *Privacy Act* and the *Corrections and Conditional Release Act*. As well, the Committee will consider the roles of the Federal Ombudsman for Victims of Crime and the Privacy Commissioner of Canada and seek their views as special advisors.

Goal

The Multidisciplinary Working Committee will provide recommendations to the Correctional Service of Canada to enhance policies and practices surrounding victim engagement and notification. Where applicable, recommendations may also be provided to other departments for their consideration if they fall under their purview.

Objectives

- Discuss the areas of focus from the Review Committee (above in the background) and determine their feasibility for implementation
- Discuss the Ministerial Direction and its implementation
- Make recommendations to CSC with the view of enhancing access, availability and quality of CSC resources available to assist victims

Membership

Departmental:

The Assistant Commissioner, Communications and Engagement at CSC will chair the multi-disciplinary committee.

As victims are a shared responsibility within the Government of Canada, in addition to CSC, membership will include representatives from other federal departments, at the director level or above, from:

- Public Safety Canada
- Parole Board of Canada (PBC)

Members of the public:

Members of the public with professional and/or lived experience:

- Victims of crime (up to 3)
- One external expert on victimology
- One expert in communications/news media
- One external expert in criminology
- One expert in corrections/an individual who works with offenders

Special Advisor:

- Federal Ombudsman for Victims of Crime

Member Duties

- Attend meetings, engage in discussions as a committee, and provide advice to CSC
- Review a final report that will be shared with victims of crime and the general the public

Timeframe

The Committee shall be struck for a time-limited period. CSC benefits from the ongoing engagement with victims through the CSC/PBC joint Regional Victim Advisory Committees (RVAC), made up of victims of crime who volunteer to provide advice to both agencies. The timeframe will be for three (3) months, once initiated. Given the geographic diversity of the members, meetings will be held virtually by MS Teams.

Official Languages

The Committee meetings will be held bilingually. All documents will be provided in both official languages.

Administrative Support

CSC will provide all administrative support for the committee, including developing agendas, summaries of discussions. CSC will provide resources to draft a final report that Committee members will review for concurrence. Committee members may be asked to be in attendance to present their findings to CSC senior management and be available for questions of clarification on the report.

Annex B - Schedule of Meetings

Week	Date	Theme	Details	Supporting documents
1	November 20, 2023	<ul style="list-style-type: none"> Overview of CSC's Victim Services Program 	<ul style="list-style-type: none"> Round of introductions Review Terms of Reference Presentation on CSC's Victim Services Program 	<ul style="list-style-type: none"> Presentation – overview of Victim Services Terms of Reference
2	November 24, 2023	<ul style="list-style-type: none"> Information provided to victims 	<ul style="list-style-type: none"> What we provide under Section 26 of the CCRA Review schedule of meetings 	<ul style="list-style-type: none"> Presentation from victims services Pre-read: Victim Services Tools used Schedule
3	December 1, 2023	<ul style="list-style-type: none"> How security classification and transfers work. 	<ul style="list-style-type: none"> Presentation on transfers (how they work, including victim notification) pre and post MD 	<ul style="list-style-type: none"> Presentation from COP Sector (CSC)
4	December 8, 2023	<ul style="list-style-type: none"> Definition of victim and considerations in decision-making 	<ul style="list-style-type: none"> Review of legal victim definition and what is considered by CSC in its decision-making 	<ul style="list-style-type: none"> Presentation from victim services Pre-read of tools
5	December 15, 2023	<ul style="list-style-type: none"> Parole Board Hearings and equipment available for virtual participation. 	<ul style="list-style-type: none"> See recommendation in Review Committee Report Hearings – what has changed since pandemic and CSC video conference 	<ul style="list-style-type: none"> Pre-read: Review Committee's recommendation to review IT infrastructure/equipment Presentation from PBC
6	January 5, 2024	<ul style="list-style-type: none"> Resources for Victims 	<ul style="list-style-type: none"> Federal resources for victims, including Victims Fund, Victims Portal and referrals Presentation of CSC's resources Communications Products Discussion on any others 	<ul style="list-style-type: none"> Presentation (Justice Canada)
7	January 12, 2024	<ul style="list-style-type: none"> Discuss any items covered that require further discussion. Recap & summary 	<ul style="list-style-type: none"> Recap of what has been discussed and confirm any proposed recommendations 	<ul style="list-style-type: none"> Sections as per theme weeks
8	January 19, 2024	<ul style="list-style-type: none"> Report production 	<ul style="list-style-type: none"> Review draft report 	<ul style="list-style-type: none"> Draft report
9	January 26, 2024	<ul style="list-style-type: none"> Final report is discussed 	<ul style="list-style-type: none"> Finalize report and recommendations 	<ul style="list-style-type: none"> Draft report
10	February 2, 2024	<ul style="list-style-type: none"> Final meeting to present findings and recommendations. 	<ul style="list-style-type: none"> Draft circulated for agreement in both official languages. 	<ul style="list-style-type: none"> Report is finalized and translated.