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The Office of the
Federal Ombudsman
for Victims of Crime

Le Bureau de
l'ombudsman fédéral des
victimes d'actes criminels

ANNUAL REPORT

APRIL 2007 - MARCH 2008

Canada

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Message from the Federal Ombudsman for Victims of Crime



In April 2007, I was appointed Canada's first Federal Ombudsman for Victims of Crime by the Minister of Justice and the Minister of Public Safety. This Annual Report summarizes what has been accomplished in our first year and forecasts the work ahead.

It has been a challenging year – setting up a new, unique office while directing our energies to the essential mandate of responding to calls and enquiries from victims of crime across the country.

At the heart of this office's work is the historic *Canadian Statement of Basic Principles for Victims of Crime*. When federal, provincial and territorial ministers embraced the document twenty years ago, they dedicated their governments to consider the needs of victims of crime in developing new policies and legislation. Quite simply this means listening to victims, providing information while protecting their privacy and security and, above all, showing basic respect and compassion.

There has been a lot of progress for victims in Canada, but there is still much work to do. Over the last year, we have been successful in resolving a number of serious complaints from victims of crime. In other cases, we have helped victims find the assistance they need, by putting them in contact with someone in their community or a program in their province to help with the financial impact of crime.

The stories we hear from victims are too common.

Victims have called our office concerned that the person who victimized them was back in the community. Many of these callers were unaware they could register with the National Parole Board or the Correctional Service of Canada to find out when the offender was being considered for release or that they could take part in federal parole hearings. We have consulted with interested advocates and groups on how to better inform victims of their right to register. This issue will be part of a comprehensive report we are preparing for the Government regarding the *Corrections and Conditional Release Act*.

Victims of many different kinds of crimes tell us they suffer financial impacts as a result of these crimes, whether it is loss of wages, costs of counselling or loss of retirement funds. We have recommended that the federal government reform legislation to hold offenders financially accountable to their victims.

Victims have also told us they live in fear of when the offender is going to be released. One woman wrote to

say she is worried that she may not be informed if the man who attacked her is not deported. Over the next year, we will work with the Minister of Citizenship and Immigration to enhance the rights of victims in the deportation process.

Law enforcement officers have told us of their frustrations in trying to get information to track sexual predators on the Internet and identify and rescue child victims. We have recommended the Government address this information gap to help police better identify child victims. We will release a report in the near future recommending that the Government develop a national strategy to identify child victims in sexual abuse images, improve treatment for victims and regulate the role of Internet Service Providers to prevent revictimization.

And there are many more areas we need to address. For instance, the rates of victimization in Aboriginal

communities and the challenges these victims face are alarming. The treatment of victims within the justice system, despite the progress that has been made, is still not good enough.

Over the next year, our office will continue to respond to enquiries from victims. We will continue to make recommendations to the Government to identify systemic and emerging issues that impact negatively on victims. And we will work harder to make more victims aware of our office and the important services we provide.

Steve Sullivan
Federal Ombudsman for Victims of Crime

The family of a homicide victim was notified shortly before Christmas that the offender was granted a travel permit to visit his/her family over the holidays. The victim's family and offender's family live close to one another and the victim's family has seen the offender on other visits. Given the time of year, the victim's family was concerned about the impact the visit may have on their ability to celebrate Christmas. Although this office has no mandate to review the appropriateness of travel permits, we contacted the Correctional Service of Canada to let them know of the family's concern. The travel permit was changed and CSC officials agreed to meet with the victim's family to discuss their concerns.

Description of the Office of the Federal Ombudsman for Victims of Crime



Steve Sullivan, presenting the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, with a framed copy of the *Canadian Statement of Basic Principles of Justice for Victims of Crime*

Overview

The Office of the Federal Ombudsman for Victims of Crime was created in March 2007 to play a central role in the Government of Canada's commitment to assist victims of crime. The Ombudsman and his staff possess a solid knowledge of the federal justice system which ensures that victims of crime have both a greater voice and access to available services.

Mandate

The Office of the Federal Ombudsman for Victims of Crime is an arms length organization within the Department of Justice. The mandate of the OFOVC relates exclusively to matters of federal jurisdiction.

The Ombudsman has the mandate of:

- promoting and facilitating access by victims to existing federal programs and services and providing them with information and referrals;

- addressing complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision and providing an independent resource for those victims;
- enhancing awareness among criminal justice personnel and policy makers of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*;
- identifying emerging issues and exploring systemic issues that impact negatively on victims of crime.

Authority

Addressing the needs of victims of crime in Canada is a shared responsibility among all levels of government.

"An office like this is long overdue. Keep up the good work."
(Victim of Crime)

For the most part, delivery of victim services is undertaken by the provinces and territories as they have responsibility for the administration of justice. The Ombudsman will not encroach on the jurisdiction of the provinces or territories nor require them to implement or expand programs. The Ombudsman complements but does not replace the work of the federal Departments of Justice and Public Safety, including the National Parole Board and the Correctional Service of Canada.

A request for review may be brought to the Ombudsman by:

- A registered victim regarding their rights under the *Corrections and Conditional Release Act*; or
- Any victim, victims' service organization or victims advocate regarding other matters within federal responsibility.



Steve Sullivan, speaking at the official launch ceremony of National Victims of Crime Awareness Week

The Ombudsman must commence a review at the request of the Minister of Justice or the Minister of Public Safety. Additionally, the Ombudsman may commence a review on receipt of a request for a review or on the Ombudsman's own initiative.

Matters that occurred before the Office was established in March 2007 can be reviewed only upon request from the Minister of Justice or the Minister of Public Safety.

Individuals must have exhausted all other avenues for resolving their complaint (including, if applicable,

mechanisms offered by the National Parole Board and the Correctional Service of Canada) before contacting the Office.

The Ombudsman may issue reports, including recommendations on specific matters, to the Minister of Justice or the Minister of Public Safety, depending on the issue.

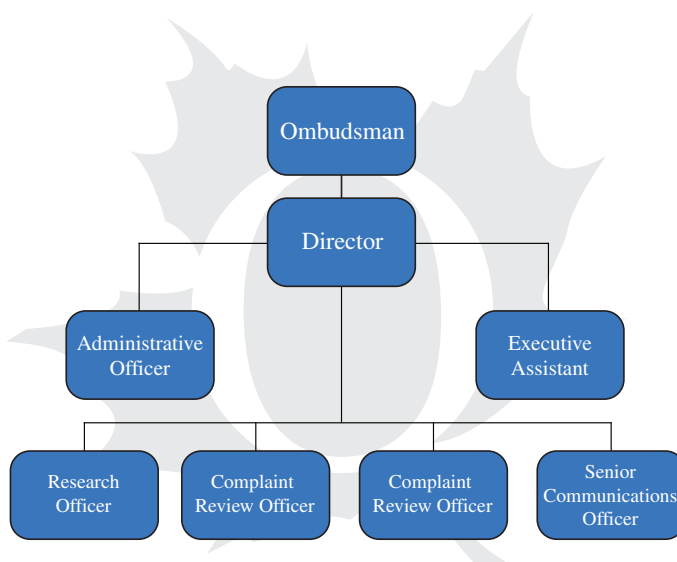
Although the Ombudsman's recommendations will not be binding, the Government will seriously consider the recommendations. The Ombudsman may request a response from the responsible department that indicates what action is contemplated or being taken with respect to the report's recommendations or explains why the recommended action will not be taken.

Human Resources

The Office was launched in 2007 and during the first year of its tenure, a core team of dedicated individuals was established to ensure that the Ombudsman would fulfill his mandate and respond to the concerns of victims. These professional and knowledgeable individuals came to the Office on secondments, interchanges, and casual work terms. While all positions have yet to be filled on a permanent basis, the staffing process is underway and is expected to be completed soon.

While maintaining its independence, the Office enjoys the Department of Justice's technical and administrative support services, and is grateful for their assistance.

Organization Chart



Highlights



Steve Sullivan, presenting the Honourable Stockwell Day, Minister of Public Safety, with a framed copy of the *Canadian Statement of Basic Principles of Justice for Victims of Crime*.

During the Office's inaugural year, the Ombudsman made several key recommendations to federal government departments on issues that impact negatively on victims of crime.

a) Correctional Service of Canada Review

On April 20, 2007, the Honourable Stockwell Day, Minister of Public Safety announced the appointment of an independent panel to review the operations of the Correctional Service of Canada (CSC) as part of the Government's commitment to protecting Canadian families and communities. The Ombudsman provided a written submission and met with the Review Panel.

The Ombudsman recommended:

- More information about offenders for victims of crime
- Serious consideration of Aboriginal victims' voices
- Greater care in sharing victim information with offenders to ensure utmost safety

The Review Panel released its report in October 2007 and said it had, "reviewed CSC's proposed implementation plan to ensure that it was responding to the Government's initiatives to support victims of crime and develop the human resource infrastructure required to deliver timely, accurate information to meet the needs of victims. An important part of the review was consultation with the recently appointed Federal Ombudsman for Victims of Crime, Steve Sullivan."

This Office is pleased to note that the Review Panel incorporated all of the Ombudsman's recommendations.

b) Internet-facilitated Child Exploitation

The Ombudsman participated in two government consultations to highlight the need for legislative reform that would enhance law enforcement abilities to identify victims seen in child sexual abuse images found online. Unlike other countries, Canada does not have legislation requiring Internet Service Providers (ISPs) to assist police to identify and rescue victims of Internet-facilitated sexual exploitation. Children are left vulnerable to future abuse if police cannot identify Internet users.

- i) In the fall of 2007, the Department of Public Safety released a consultation document entitled *Customer Name and Address Information Consultation*, and the Ombudsman provided a written brief and met with the Panel. The Ombudsman recommended that the Minister of Public Safety introduce legislation requiring ISPs to provide customer name and address information to law enforcement agencies investigating Internet facilitated child sexual abuse cases.
- ii) The Minister of Industry released a consultation document in response to the Fourth Report of the Standing Committee on Access to Information, Privacy and Ethics on the *Personal Information Protection and Electronic Documents Act* (PIPEDA). The Ombudsman noted that PIPEDA permits organizations, such as ISPs, to disclose personal information without consent – but they are not required to. The Ombudsman recommended that the Minister of Industry proceed immediately to amend PIPEDA to require ISPs to provide the names and addresses of customers in investigations involving the abuse of children. The Minister made a commitment to amend PIPEDA to clarify that ISPs can legally share the information.

c) Restitution for Victims of Crime

In 2003, crime in Canada cost an estimated \$70 billion – and the majority of those costs - \$47 billion, or 67% – was borne by victims. A sentencing option called restitution – which promotes a sense of responsibility in offenders and their acknowledgement of the harm done to victims – is underutilized and poorly enforced in Canada. The Ombudsman has called on the federal government to review potential restitution options so that more offenders are held accountable to more victims. The Ombudsman has also made a concurrent recommendation that members of the judiciary become better informed about the challenges victims of crime

face and the importance of both restitution and victim fine surcharges. The Ministers of Justice and Public Safety established a working group to examine the Ombudsman's recommendations.

d) National Sex Offender Registry

The National Sex Offender Registry (NSOR) was created in 2004 to assist police investigations of child abductions and sexual offences. The Ombudsman's office expressed concerns to the Minister of Public Safety about its effectiveness and made several recommendations in order to strengthen its capacity as a useful tool for law enforcement to prevent crimes, protect children, and identify suspects.

Currently, in order to access the NSOR, law enforcement personnel must first determine if a specific crime is of a sexual nature. However, time is of the essence in many cases (for instance, in child abductions by strangers) and it is unreasonable to expect that this determination be made before the NSOR is accessed. The Ombudsman believes that access to the registry be enhanced so that frontline law enforcement personnel can access it on a timely and proactive basis, without having to wait for a formal determination whether the crime was sexually motivated. The Ombudsman recommended that the legislation governing the NSOR be reviewed by the relevant Parliamentary Committee in order to improve its capacity as a public safety tool. The Minister of Public Safety requested that the Standing Committee on Public Safety and National Security review the legislation.

The Ombudsman also noted that the Correctional Service of Canada did not always alert the Royal Canadian Mounted Police when registered sex offenders were released from prison. The Minister of Public Safety provided assurance that the Government was taking appropriate steps to improve the NSOR and that there is now an administrative agreement between the CSC and the RCMP to share information on the release of sex offenders.

Complaints



Sheldon Kennedy, former National Hockey League player and author of “Why I Didn’t Say Anything”, with Steve Sullivan at the official launch ceremony of National Victims of Crime Awareness Week.

The Office only addresses matters of federal responsibility and provides a thorough, impartial and independent review of complaints. The Ombudsman has the power to review, make recommendations to government and report publicly.

The Office of the Federal Ombudsman gives all parties in a dispute the opportunity to be heard and treats all individuals, government departments and agencies fairly, with dignity and respect.

Some examples of complaints the Office may review are:

- A registered victim was not provided with information as set out in the *Corrections and Conditional Release Act*;
- A victim was not treated with respect by a federal agency;
- A registered victim was not notified of the release of an offender;

- A registered victim was denied funding to attend a federal parole hearing;
- A Canadian victimized in another country was denied emergency funding.

Some examples of complaints the Office cannot review are:

- Decisions made under provincial jurisdiction such as provincial compensation, police investigations, and violations of provincial victims rights legislations;
- Decisions of the National Parole Board (i.e. releasing an offender);
- A decision made by a prosecutor regarding prosecution and/or a decision made by a judge pertaining to an offender’s sentencing;
- A recommendation and/or decision made by the Correctional Service of Canada pertaining to an offender.



The Office has provided assistance and referrals to victims across the country.

Types of complaints received

During its inaugural year, the Office received more than 500 telephone calls and e-mail messages, many of which resulted in victims receiving information and referrals to appropriate agencies.

A large number of these contacts involved issues related to federal institutions such as the National Parole Board and the Correctional Services of Canada.

"I would like to thank your office for all the assistance you provided...when you are dealing with a system that generally just gives you the run around and passes the buck onto someone else until you feel like giving up, it is a refreshing change to deal with someone who gives you answers directly, speaks with sympathy and treats you like a human being."

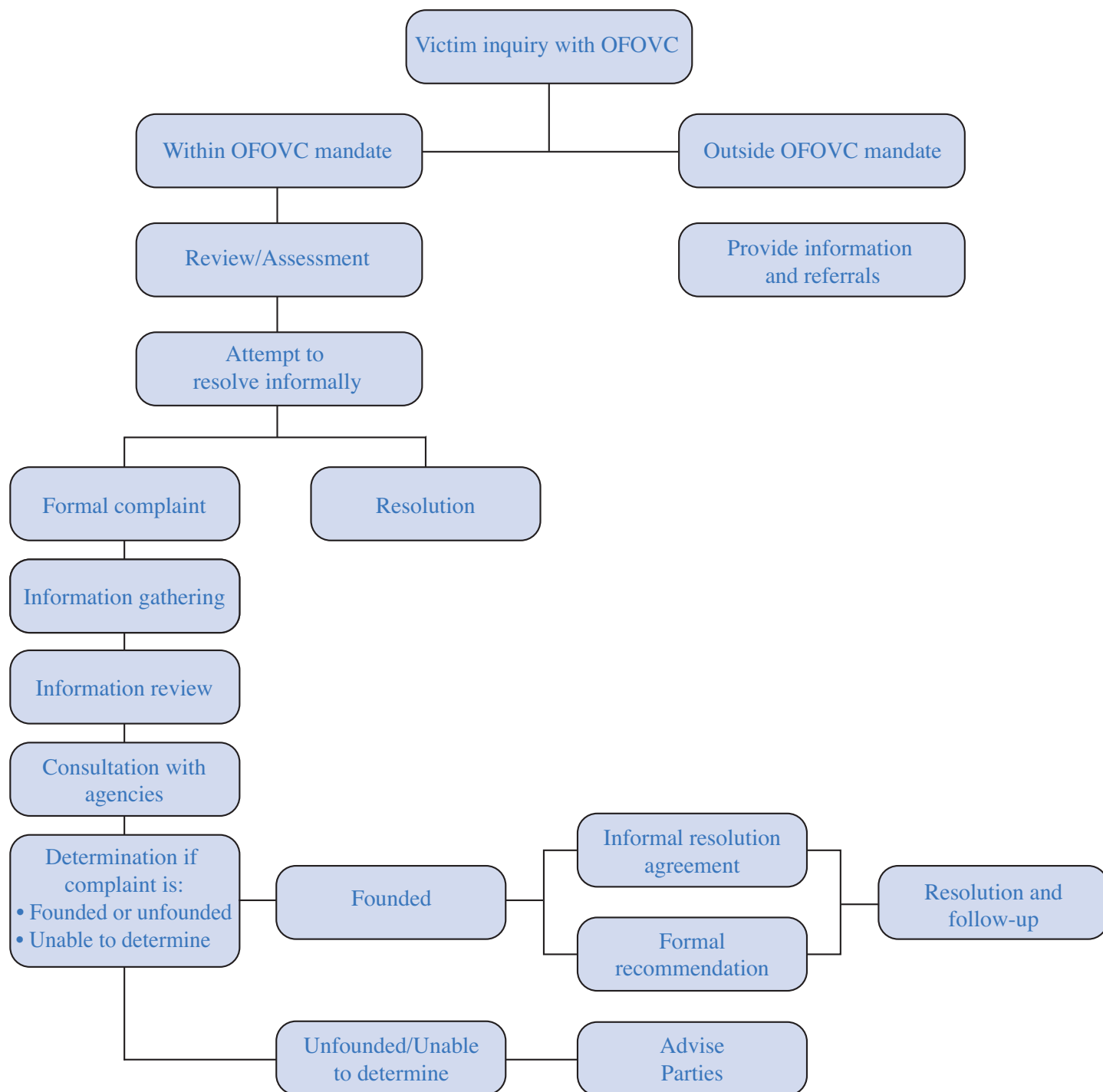
(Victim of Crime)

Logic Model 2007-2008

The following chart describes how the Ombudsman's Office operates and what outcomes are achievable.

How?	What do we want?		Why?
Key Activities/Outputs	Immediate Outcomes	Intermediate Outcomes	Final Outcomes
- Establish and promote the Office of the Federal Ombudsman for Victims of Crime and the services available to victims of crime and their families, and those who support them - Provide victims of crime and their families with support and information about victim services available to them and their role in the criminal justice system, and make referrals to appropriate offices and contacts - Review complaints from victims of crime and their families and make recommendations that will make federal government legislation, regulations, standards, policies, procedures and programs more responsive to the rights, needs and concerns of victims of crime and their families - Educate federal government departments about the rights, needs and concerns of victims of crime and how to be more responsive	- Victims of crime and their families, and those who support them, are more aware of Office of the Federal Ombudsman for Victims of Crime and its services - Victims of crime and their families are more aware of the services and assistance available to them and their role in the criminal justice system - Increased awareness and understanding of changes needed to federal government legislation, regulations, standards, policies, procedures and programs to make them more responsive to the rights, needs and concerns of victims of crime and their families - Increased awareness and understanding of how to better address the rights, needs and concerns of victims of crime and their families within the federal government	- Victims of crime and their families are able to make better informed decisions about accessing services available to them - Federal government legislation, regulations, standards, policies, procedures and programs are more responsive to the rights, needs and concerns of victims of crime and their families	- Victims of crime are better served and supported by the federal government - A fair, relevant and accessible justice system that reflects Canadian values

Inquiry and investigation process



Communications and Outreach

The Ombudsman feels it is important that Canadians, and especially victims of crime, be aware of the Office and the services it offers. During this first year of operation, important steps were taken in this direction.

Awareness

The Ombudsman travelled extensively across Canada to meet with victims and victim services providers to build relationships and to hear their stories. Productive meetings were held with community-based and police-based victim services providers, Aboriginal groups such as the Native Women's Association of Canada, and governmental partners such as the Department of Justice's Policy Centre for Victim Issues.

Communications

Information packages were provided to victims and services providers as well as federal partners such as the Correctional Service of Canada, the National Parole Board, the Royal Canadian Mounted Police, the Canada Border Services Agency, Indian Residential Schools Resolution Canada, and the Department of Foreign Affairs and International Trade.

Web Site and Logo

The Website and logo respect the Government's common look and feel, eye-catching and easy to navigate.

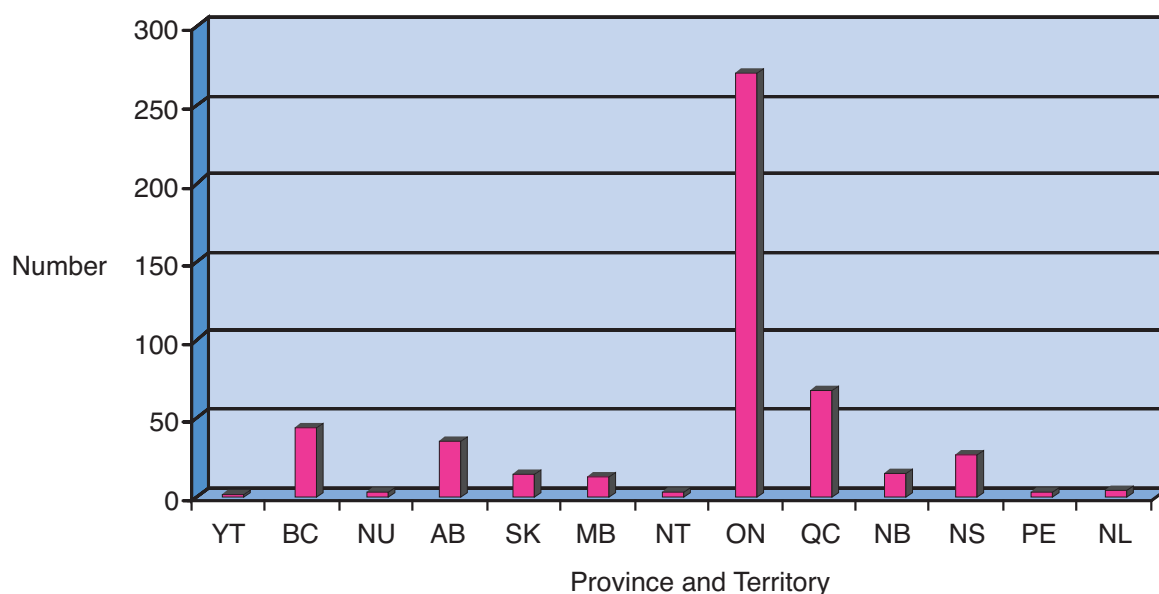
Events

The Ombudsman took part in activities surrounding the National Victims of Crime Awareness Week and other conferences and roundtables to promote the role of the Office and its services.

Networking

Presentations were made to share information on Canada's victim services strategies and to compare international best practices. Valuable links and connections were established with other service providers located outside of Canada.

Contacts by Province and Territory



Total # of Contacts: 555*

*Several complainants raised more than one issue.

A victim was left with severe physical challenges as the result of a vicious attack. This hampered the victim's ability to attend the offender's parole hearings, which were taking place in another part of the country, and to present a victim impact statement. The victim contacted our office to see if we could provide assistance. By working collaboratively with the National Parole Board, this office is very pleased to note that the victim was given the opportunity to attend the parole hearing through videoconferencing, a first for victims of crime in Canada. As a result of this case and our intervention, the NPB is working towards making videoconferencing an option for more victims.

About the Ombudsman

Steve Sullivan, a long-time advocate for victims of crime, was named by Order in Council to the position of the first Federal Ombudsman for Victims of Crime and took office in April 2007.

Mr. Sullivan began working in the victims' rights movement in 1993 as Director of Research with Victims of Violence, a national non-profit organization dedicated to the prevention of crimes against children. He held the positions of Executive Director, President, and Chief Executive Officer during his tenure with the Canadian Resource Centre for Victims of Crime, which is devoted to advocacy for victims and survivors of violent crime in Canada.

Mr. Sullivan has advocated on behalf of individual victims at different stages of the criminal justice system

including the corrections system, and has worked with various levels of government for increased victims' rights and services. He has appeared before several government committees examining issues such as parole reform, legislation regarding the protection of children, sentencing reform, DNA evidence and victims' rights.

Mr. Sullivan holds a B.A. Honours in Law with a concentration in Criminal Justice from Carleton University.

A victim made an official complaint to the Office after realizing that his/her personal information (address and contact information) was accidentally shared with an offender through a Victim Impact Statement that he/she had provided for sentencing purposes. This victim was concerned enough for his/her safety that he/she was considering moving from their residence. The Office assisted the victim by liaising with the Correctional Service of Canada. The victim was satisfied with the resolution and the Correctional Service of Canada reviewed all of their files in order to minimize the risk of this happening to another victim.

Financial Statement

Summary of Expenditures (April 1, 2007 to March 31, 2008)

	ACTUAL
Salaries and employee benefit plan contribution	\$320,283.00
Travel Expenses	\$ 49,831.00
Training and professional dues	\$ 12,285.00
Communication and public Outreach	\$ 5,534.00
Office Set up	\$ 29,736.00
Office furniture	\$ 4,401.00
Professional and special services	\$111,208.00
Rentals	\$ 9,229.00
Materials and Supplies	\$ 9,473.00
Acquisition of Computers and other equipment	\$ 6,659.00
Miscellaneous	\$ 271.00
Total	\$558,910.00



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