



Government of Canada

Office of the Federal Ombudsman
for Victims of Crime

Gouvernement du Canada

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

Heard. Respected. **Victims First.**
Écoutées. Respectées. **Les victimes d'abord.**



2011-2012 ANNUAL REPORT

Office of the Federal Ombudsman for Victims of Crime

Office of the Federal Ombudsman for Victims of Crime
240 Sparks Street, P.O. Box 55037, Ottawa, ON K1P 1A1
Telephone (toll-free): 1-866-481-8429
Fax: 613-941-3498
Email: victimfirst@ombudsman.gc.ca
Website: www.victimfirst.gc.ca

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MESSAGE FROM SUE O'SULLIVAN, FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

It is my privilege to present the 2011–2012 Annual Report for the Office of the Federal Ombudsman for Victims of Crime (OFOVC).

This past year the OFOVC was busy bringing awareness of the needs and interests of victims to numerous venues and forums in Canada and abroad. As part of our work to amplify the voice of victims, it was my pleasure to release a special report entitled *Shifting the Conversation: A look at refocusing Canada's justice system to better meet the needs of victims of crime*. The report highlights the fact that we must shift the conversation and allow victims of crime to be considered and treated as a central part of the criminal justice system, and not just as bystanders. The report, which was presented to the Government of Canada, outlines a series of practical recommendations aimed at addressing the needs of victims in three main areas, namely: information for victims, meaningful participation by victims in the criminal justice system and tangible supports. As we move into the next fiscal year, the theme of *Shifting the Conversation* and the recommendations contained in the report will remain key priorities for the Office in mobilizing positive change on behalf of victims of crime.

I sincerely look forward to building on this momentum by continuing to engage Canadians, informing policy makers and seeking to improve frameworks to better support victims. Thank you to all of those who continue to recognize that victims have a real and important role to play in the criminal justice system and to those who support the work of the OFOVC. Most importantly, a special thank you

"The motto of the Office, 'Victims first,' acknowledges that the Office exists, above all, to support victims of crime, to listen, and to learn more about their needs and how we can help."

to the victims of crime who face immeasurable loss and tragedy, and continue to have the strength to tell their stories and push for change—they are the principal reason for the continued existence and relevance of the Office.

I look forward to continuing my efforts to bring about meaningful and positive change to better address the needs of victims of crime in Canada. Equally, as the Office approaches its fifth anniversary, I am proud to acknowledge and highlight the great work that has been accomplished on behalf of victims of crime, thanks in large part to the commitment of my dedicated team, victim-serving agencies, and the strength and courage of victims.

Sincerely,

A handwritten signature in dark ink that reads "Sue O'Sullivan".

Sue O'Sullivan
Federal Ombudsman for Victims of Crime



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OFOVC A VOICE FOR VICTIMS

MANDATE

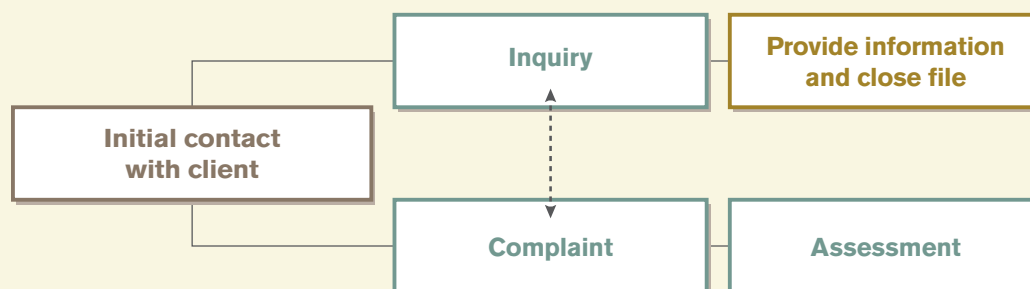
The Office of the Federal Ombudsman for Victims of Crime (OFOVC) was created in 2007 to help victims of crime and their families by providing direct assistance, addressing complaints and ensuring that the federal government meets its responsibilities to victims of crime.

The Office provides assistance to victims both directly, through its toll-free victim-assistance line, and systemically, by pushing for policy and legislative change to enhance victims' rights.

The mandate of the OFOVC relates exclusively to matters of federal responsibility and includes:

- facilitating the access of victims to existing federal programs and services by 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*; and
- identifying emerging issues and exploring systemic issues that impact negatively on victims of crime.

Chart 1
OFOVC case-management process



WORKING DIRECTLY WITH VICTIMS

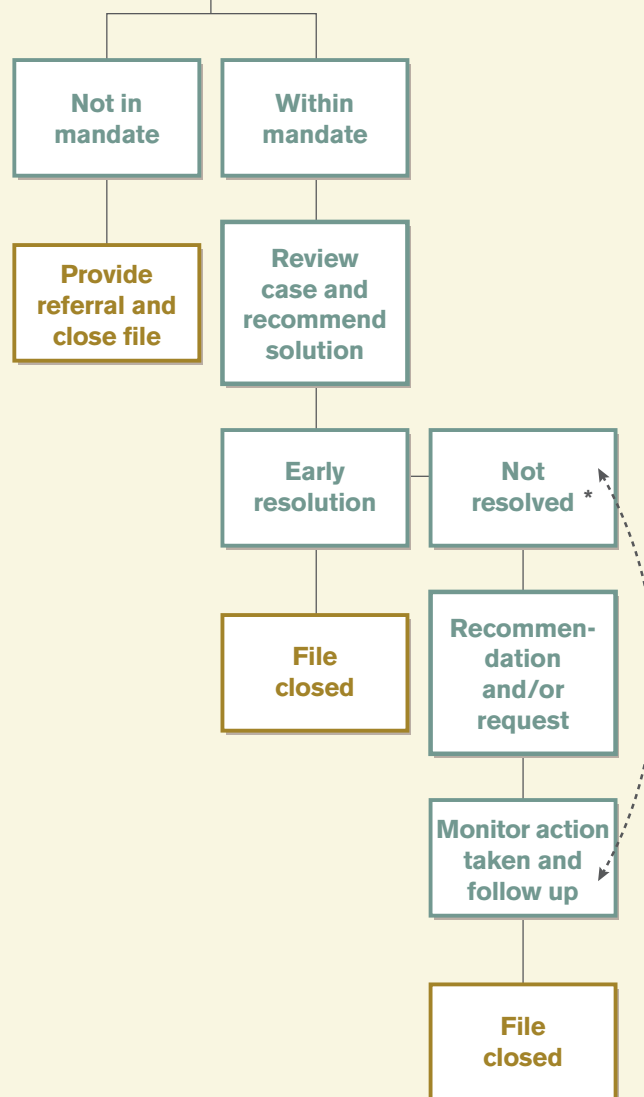
OFOVC's services to victims

The OFOVC helps victims in two ways:

- **Individually**, by helping victims directly every day, answering their questions and addressing their complaints. Victims can contact the Office directly through its toll-free victim-assistance line to speak with a bilingual Complaint Review Officer, or by e-mail, fax or regular mail.
- **Collectively**, by reviewing important issues and making recommendations to the federal government on how to change its laws or policies to better support and assist victims of crime. These types of national, widespread changes ultimately help all victims of crime in Canada.

The OFOVC handles victim inquiries and complaints on a case-by-case basis. If a victim's concern falls outside the Office's mandate, the OFOVC's Complaint Review Officer provides him or her with the names and contact information for the agencies or organizations that would be best suited to assist that person.

For all other cases, OFOVC staff members work closely with the victim to try to find achievable and effective solutions. For each complaint it receives, the OFOVC generally follows an established process, as described in **Chart 1**.



* As required, the OFOVC will monitor and follow up on cases where a specific action has been requested or a recommendation made.

TALKING WITH VICTIMS

As it approaches its fifth anniversary of service, the OFOVC continues to expand its recognition among Canadians, particularly victims, as indicated by the number of inquiries that the Office receives. As a relatively new organization, the Office is working on strategies to increase its public profile and awareness of its services.

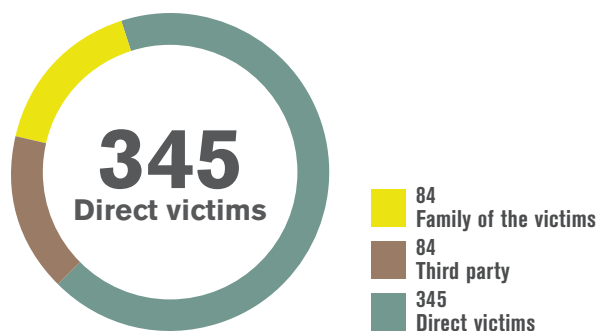
Contact profile

As shown in **Chart 2**, the majority of Canadians who contacted the OFOVC in 2011–2012 were victims, followed by family members of victims and government stakeholders. Stakeholders include victim advocates or service workers calling on behalf of a victim, as well as federal and provincial government partners, and others. **Chart 3** shows the number of files opened at the request of victims, with “victims” being identified as not

only the victims of crime, but also their family members or, in some cases, third parties representing victims directly.

Chart 3

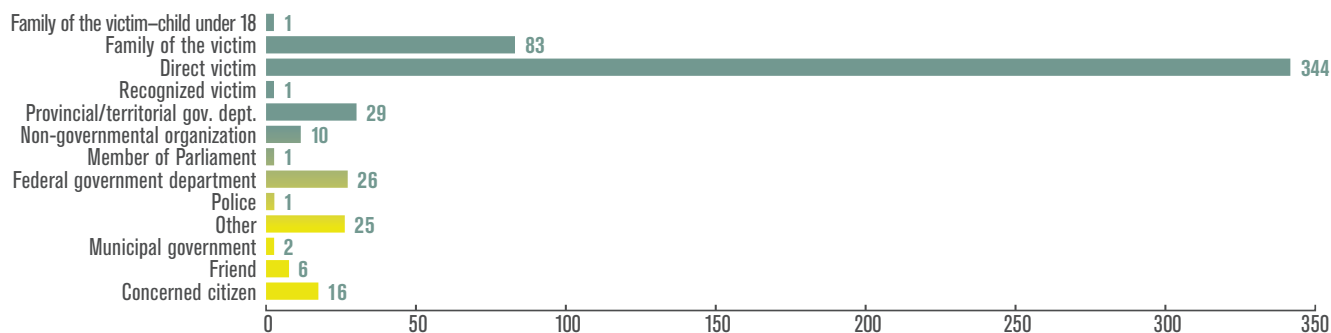
Total files opened, by type of victims, 2011–2012



Note: The total number of victims was 513

Chart 2

Total files opened, by type of individual, 2011–2012



Note: The total number of files opened was 546

In 2011–2012, the OFOVC was able to assist Canadians from across Canada, as shown in **Chart 4**.

LEARNING FROM VICTIMS

Direct contact with Canadians not only provides the Office with the opportunity to help victims; it also offers valuable insight into the issues and challenges they face. The issues they identify and raise can help the Office to select priorities for further review and, in some cases, are the foundation for recommendations made to the federal government. **Chart 5** shows some of the most common issues raised by individuals contacting the OFOVC.

- **Role of OFOVC**—In 2011–2012, as in the previous two years, the Office heard most often from victims and Canadians who wanted to know more about what the Office does, how the OFOVC can help and how victims can make a complaint.
- **Victims' rights (general)**—Individuals wanted to know what rights they had or to express their dissatisfaction with the rights accorded to victims in Canada.
- **Other levels of government**—These individuals had concerns related to issues under the jurisdiction of provincial, territorial and/or municipal governments, as well as legal aid agencies and matters under the jurisdiction of courts.
- **Safety concerns**—These individuals wanted information about measures they could take to protect themselves, or to express concerns in relation to the close proximity of an offender to their home or work.
- **Other issues**—Include concerns about victims being treated with a lack of compassion, dignity or respect; lack of communication among service providers; lack of services; privacy concerns; and barriers to participating in the justice system.

Chart 4

Total files opened, by location, 2011–2012

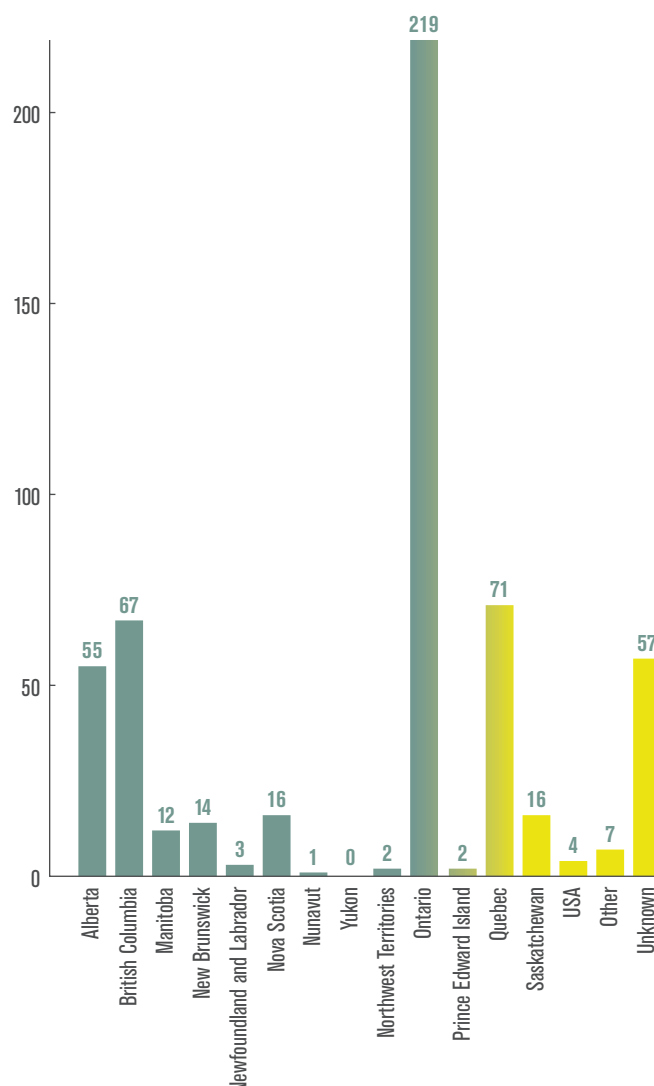
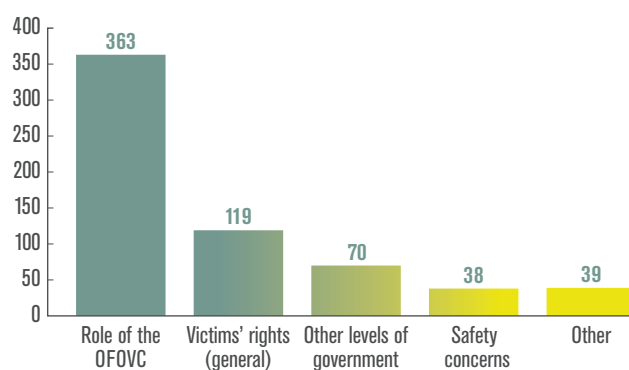


Chart 5

Top five issues* on which the OFOVC provided information to individuals, 2011–2012



* The total number of issues does not reflect the total number of files because a file might deal with more than one issue.

CASE HIGHLIGHTS

The concerns brought to the OFOVC are diverse and sometimes difficult for someone who is not a victim to understand. The cases in this section illustrate some of the challenges that victims face, as well as the measures that the OFOVC has taken to address their concerns.

CASE 1

Equal treatment for Parole Board employees who are registered victims

Mr. C,¹ whose spouse had been murdered, was a registered victim as well as a Parole Board of Canada (PBC) employee. He contacted the OFOVC to express his concern that, as a PBC employee, he had not been treated with the same courtesy, compassion and respect afforded to other registered victims.

The OFOVC contacted the PBC to explore Mr. C's concerns and to discuss whether the Board should have internal policies that specifically address situations where its employees are registered victims. The Office and PBC further explored the issue, and PBC assured the OFOVC that "the PBC believes that all registered victims, whether employed by the PBC or not, should be treated equally and should receive the same notifications and information, in the same timely manner, as every other registered victim," and that this commitment was to be abided by in all regions. PBC also gave a verbal apology to Mr. C.

As well, the OFOVC recommended that the PBC explore options for addressing the possibility of unequal treatment of employees who may also be registered victims of crime. The Parole Board would then have appropriate measures in place, whether in policy, protocol or training manuals, should the Office receive a similar complaint in future.

Officials from PBC responded by meeting with the OFOVC. They expressed a commitment to proper and timely notification of information under the *Corrections and Conditional Release Act* being provided to victims who also are PBC employees, consistent with the service provided to other registered victims. The OFOVC and the victim were satisfied with the proposed resolution.

¹ Throughout this section, some identifiers have been changed to protect the anonymity of the victims.

“I have greatly valued your support throughout this distressing time for me. I want you to know that your kindness helped me get to the point where I was able to finally complete my victim impact statement.”

– An OFOVC client

CASE 2

Clarifying policy and procedures for adjourned hearings

Mr. D experienced considerable confusion about the parole hearing of the man who had assaulted him. According to his PBC Regional Communication Officer (RCO), the offender's post-suspension hearing was originally scheduled for October 2011 but was postponed twice, until December 2011. The RCO then advised Mr. D that the hearing would take place in January 2012. However, the hearing was adjourned when the Board found that it required additional information—and, on receiving this information, decided to hold a paper review instead. While it was still possible for Mr. D to submit a victim statement at that point, the PBC Communications Department failed to communicate this to Mr. D. As a result, he was unable to submit a statement for the Board's consideration.

On January 24, 2012, Mr. D learned that the offender would be released into a halfway house in his community on the following day. Mr. D contacted the OFOVC on January 31, 2012, with concerns about the lack of communication and fears for his own safety.

The OFOVC spoke to the PBC and was advised that Mr. D would receive a letter of apology. The letter of apology listed the following actions that the PBC took as a result of Mr. D's complaint:

- a review of the policy and procedures for handling adjournments at the hearing stage for the purposes of obtaining more information. The processes were clarified and reviewed with all of the hearing officers as a group;
- a review of the relevant policy and procedures with the Regional Vice-Chair responsible for Board members, and a training session with Board members to ensure that they were fully aware of the procedures; and
- a review of the policy and procedures with all RCOs, so that they can be vigilant when hearings are adjourned unexpectedly.



CASE 3

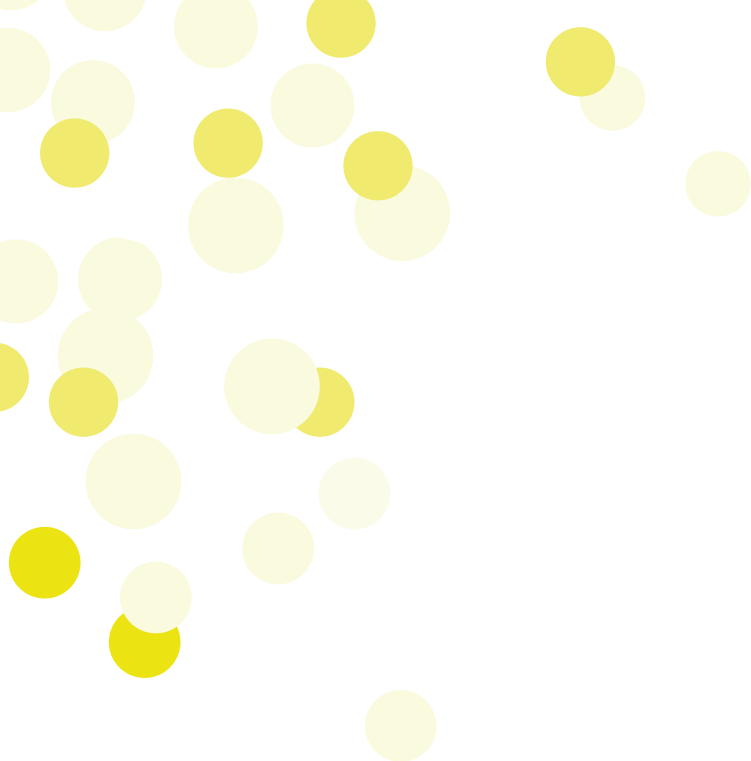
Ensuring timely notification for victims when an offender receives a travel permit

Mr. F contacted the OFOVC with concerns over the notification he received that the man who had murdered his brother would be visiting the province where the murder had occurred on a travel permit. Although Mr. F did not reside in that province, he received the notification after the fact—even though the standard for the Correctional Service of Canada (CSC) is to provide it beforehand.

Upon reviewing the complaint, the OFOVC found that the CSC Victim Services Unit, which was responsible for notifying Mr. F, had not received an e-mail notification from the parole office stating that the offender would be out on a travel permit. As a result, the Victim Services Unit was not able to provide advance notification of the offender's travel permit as stipulated in the policy.

The OFOVC was able to help resolve Mr. F's complaint by sending a request through the CSC to provide Mr. F with a letter outlining where the error had occurred and the corrective measures that were taken to ensure timely notification to victims regarding future travel permits.





PUSHING FOR POSITIVE CHANGE

As part of the Office's mandate, the Ombudsman makes recommendations to the federal government on how to introduce or adapt policies, programs, services or laws to strengthen the rights and improve the treatment of victims of crime in Canada. These recommendations are detailed below, along with the issues that gave rise to them and any follow-up action.

MORE INFORMATION FOR REGISTERED VICTIMS THROUGH THE *SAFE STREETS AND COMMUNITIES ACT*

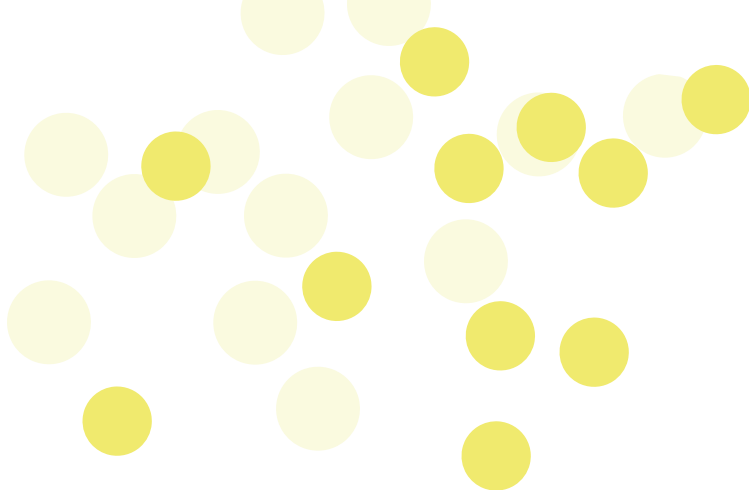
Issue

On September 20, 2011, the Government of Canada introduced Bill C-10, commonly called the *Safe Streets and Communities Act*, as part of its commitment to reform the criminal justice system. Part 3 of the *Safe Streets and Communities Act*, which put forward several amendments to the *Corrections and Conditional Release Act* (CCRA), came into force on June 13, 2012.

Recommendations

On October 18, 2011, the Ombudsman appeared before the Standing Committee on Justice and Human Rights to voice support for amendments to the CCRA, such as removing an offender's right to cancel within 14 days of a parole hearing. She also offered recommendations for further amendments to better respect the rights and meet the needs of victims of crime:

- While Bill C-10 would grant victims the right to present statements at parole hearings, she recommended that victims have a presumptive right to *attend* a hearing, unless there is justification to believe their presence will disrupt the hearing or threaten the security of the institution.
- As a corollary, victims should have the opportunity to listen to recordings of hearings or, where possible, to attend or observe the proceedings in person, by videoconference, teleconference or other remote, real-time technology.



- In recognition of the difficulties and emotional strain that victims face in preparing for and attending hearings, the time between hearings for those serving life and indeterminate sentences should be extended to five years.
- A registered victim should be able to request that a new hearing be conducted if he or she did not receive proper advance notification of the hearing.
- To help victims better plan for their own safety, and for their own peace of mind, they should be given advance notice, whenever possible, of any transfers of the offender to another institution, especially a lower-security institution, along with the reasons for the transfer.
- While the Ombudsman voiced support for some provisions in Part 3 of Bill C-10 which allowed for more information to be made available to victims—including an offender's participation in correctional programming, convictions for serious disciplinary offences and reasons for temporary

absences—she noted that the release of such information currently remains at the discretion of CSC. The Ombudsman recommended that the release of this information should be made automatic, except in cases where it may threaten the safety of an offender, individual or institution.

- Conversely, the Bill did not contain provisions to allow registered victims to see a photo of their offender, which would also help them plan for their safety; the Ombudsman recommended that CSC be allowed to show such a photo, at their discretion.
- Finally, to increase offenders' accountability to their victims, CSC should be authorized to deduct reasonable amounts from an offender's earnings to satisfy any outstanding restitution orders.

The Ombudsman also appeared before, and provided a written submission to, the Standing Senate Committee on Legal and Constitutional Affairs on February 8, 2012, in relation to the same bill. The Ombudsman reiterated the same recommendations.

Status

Bill C-10 was not amended to reflect the Ombudsman's recommendations before receiving royal assent on March 13, 2012. However, when the provisions related to the CCRA came into force on June 13, 2012, she issued a statement reiterating her support, and noted that further measures, detailed in the *Shifting the Conversation* special report, could better meet the needs of victims of crime.

"Thank you so much for forwarding my e-mail to a Complaint Review Officer. She phoned me and was very helpful even though I'm not in her jurisdiction. I appreciate the way you handled my cry for help and I thank you from the bottom of my heart."

– An OFOVC client

LONG-GUN REGISTRY

Issue

In October 2011, the Government introduced Bill C-19, commonly called the *Ending the Long-gun Registry Act*. The bill would amend the *Criminal Code of Canada* and the *Firearms Act* to abolish the requirement for registration of all non-restricted firearms (long guns) with the Canadian Firearms Registry by 2013. The bill would also require the destruction of data collected through the registry of long guns.

Recommendation

The Ombudsman provided a written submission to the Standing Committee on Public Safety and National Security in November 2011. In her submission, the Ombudsman recommended against the passage of Bill C-19, citing the registry's "demonstrated effectiveness in reducing long-gun related homicides" and that it "continues to be a valuable tool in assisting law enforcement in reducing victimization and keeping our communities safer." She also noted that, among the victims and victim-serving agencies she had spoken to, a clear majority had expressed support for maintaining the long-gun registry. She reiterated these points and her recommendation in her appearance before the Standing Senate Committee on Legal and Constitutional Affairs on March 15, 2012.

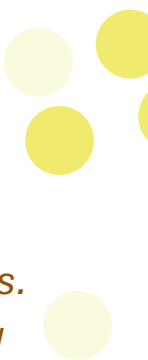
Status

Bill C-19 passed, receiving royal assent on April 5, 2012, ending the long-gun registry.



PRODUCTION OF RECORDS IN SEXUAL-OFFENCE PROCEEDINGS

In 1997, a series of amendments to the *Criminal Code* came into force, restricting access to medical, counselling, therapeutic and other personal records of complainants in sexual-offence prosecutions. These amendments, brought about by Bill C-46 (*Production of Records in Sexual Offence Proceedings*), were aimed at



"I just wanted to take this time to thank you for your hard work on this. I think you have done an awesome job and I feel really good that you did this and for helping me out."

– Voice message from an OFOVC client

addressing victims' reluctance to report sexual offences or testify as witnesses, for fear of having their personal information revealed; and their reluctance to seek counselling or treatment after a sexual assault. The legislation set out a process intended to balance the rights of the accused and the complainant. Some of the requirements of the process were:

- that the accused must establish that the records contain information that is likely relevant to an issue at trial or to the competence of a witness to testify;
- that the trial judge must also consider factors such as reasonable expectations of privacy, and the Charter rights of the complainant and the accused;
- that, if these measures warrant release of the records, they are first released only to the trial judge, who reviews them with the same considerations.

In 2011, the Senate Standing Committee on Legal and Constitutional Affairs undertook a statutory review of the provisions, as required in section 3.1(2) of Bill C-46.

Recommendation

As part of this review, the Ombudsman provided a written submission to the Committee on December 5, 2011, recommending that the personal and therapeutic records of complainants of sexual offences not be disclosed to the

defence. The submission highlights the systemic under-reporting of sexual offences, and cites the possibility of very personal information being divulged to the defence—and potentially to the alleged offender and the public.

While recognizing that a total restriction on disclosure might in effect violate the Charter rights of the accused, the Ombudsman recommended an approach that balances the rights of the complainant and the accused. She recommended that, in cases where disclosure is deemed necessary:

- complainants in sexual-offence proceedings be given increased access to legal representation;
- there be more detailed and specific education and direction for the judiciary as to the intent of the disclosure scheme put in place by Bill C-46; and
- comprehensive research on the functioning of Bill C-46 and the under-reporting of sexual assault be conducted.

Status

As of the drafting of this report, the study remains in progress.

IMPROVING THE EFFICIENCY OF LARGE AND COMPLEX TRIALS

Issue

Growing awareness of the challenges of trials involving many defendants, large numbers of witnesses and complex evidence—notably those related to terrorism or organized crime—led to the Government’s introduction of Bill C-2 (the *Fair and Efficient Criminal Trials Act*) in June 2011. The procedural requirements of such “mega-trials” can involve lengthy delays, leading to the risk of mistrial, with several high-profile examples being widely reported in the news media. Less attention was given to the effect on the victims, who must endure long waits and great uncertainty during the trial period. Also, because of the large number of defendants involved, many of whom may expect to avoid conviction, victims and witnesses may also face increased risk of threats.

The amendments to the *Criminal Code* put forward in Bill C-2 aimed at expediting large-scale criminal trials. These included:

- the appointment of a Case Management Judge, who would be empowered to rule on some preliminary issues on which the remainder of the trial rests;
- reducing duplication of processes, for example, by allowing joint hearings on some issues common to several cases within a given trial; and
- improving procedure, notably including the swearing in of additional jurors and increased protection of their identities.



Recommendation

On June 21, 2011, the Ombudsman provided a written submission to the Standing Senate Committee on Legal and Constitutional Affairs, outlining her support for the passage of the bill, specifying that “increasing the efficiency of criminal procedure in mega-trials will help to ensure that the accused is tried within a reasonable amount of time, reducing the risk of Charter challenges from the accused. Moreover, increasing efficiency may result in a lessened emotional toll for victims who must endure the trial process.”

Status

Bill C-2 passed, receiving royal assent on June 26, 2011.



ENHANCING CONSIDERATION OF VICTIMS WHERE OFFENDERS ARE “NOT CRIMINALLY RESPONSIBLE”

Issue

A great deal of media and public attention has been paid recently to offenders found not criminally responsible for their crimes because of mental disorder. The victim still suffers the effects of the crime—but might not be entitled to the same supports and information as they would be if the offender had been found criminally responsible.

The OFOVC has on many occasions spoken with victims and victim advocates who have brought forward such concerns. Through these discussions, the OFOVC has identified several significant gaps in legislation, policy and programming that carry negative impacts both for the victims directly and, more broadly, for public safety.

These discrepancies have drawn considerable public attention in recent years, and many victims and victim advocates have brought related concerns to the attention of the OFOVC. By discussing these concerns with them, the Office has identified several significant gaps in legislation, policy and programming that affect both the victims and the public at large.

Recommendation

In a letter to Minister of Justice Rob Nicholson, dated June 6, 2011, the Ombudsman recommended that the Government of Canada review section 16 of the *Criminal Code* with an overall goal of responding to victims' needs and improving public safety. She

recommended that the reviewers consider the option that review boards, for the purposes of making decisions on offenders' absences and releases from psychiatric hospitals:

- give paramount consideration to public safety;
- ensure that at least two psychiatric opinions are obtained; and
- ensure that an inquiry is made into the whereabouts of the victims of the offence before making any release recommendations.

She also recommended that the Government identify and eliminate differences in the funding and services provided to victims whose offenders are found not criminally responsible, versus those whose offenders are found criminally responsible. Such a review could consider:

- the provision of federal funding for victims to attend provincial or territorial review board hearings, as is available for victims to attend PBC hearings; and
- notification to victims about the transfer, release or other status changes of the offender through the review board system, as is currently available for victims whose offenders are involved in the federal corrections system.

Status

The OFOVC received a letter of response from Minister Nicholson, to the effect that work is currently underway at the federal-provincial-territorial level to examine principles of public safety in decisions made by review boards. The OFOVC will continue to work for change on this issue.

“The motto of the Office, ‘Victims first,’ acknowledges that the Office exists, above all, to support victims of crime, to listen, and to learn more about their needs and how we can help. By making victims our priority, we can ensure that victims are treated with the respect and dignity they deserve.”

– Ombudsman O’Sullivan, at a presentation to the Ontario Criminal Injuries Compensation Board, April 2011

CONSIDERING VICTIMS’ NEEDS WHILE ATTENDING PAROLE HEARINGS

Issue

The OFOVC received a complaint from a victim about his experience of attending a parole hearing of the man who had murdered his father.

Parole hearings are operated by the PBC, but are held within the premises of institutions operated by the CSC. The victim had felt highly uncomfortable as he encountered the offender while proceeding to the hearing room, was required to walk past members of the offender’s family to access the washroom facilities and could be seen by the offender while waiting to go into the hearing room.

Recommendation

After reviewing the complaint, the Ombudsman recommended on March 16, 2012, that the CSC and the PBC review the measures that are currently in place to address and respect victims’ needs in these circumstances, and to consider what measures could be taken to improve the experience of victims at future Parole Board hearings.

Status

On April 3, 2012, the OFOVC received a letter from CSC Commissioner Don Head, stating that “I am committed to following up with the Chairperson of the PBC in order to review measures that are currently in place and developing guiding principles that would assist our staff in dealing



with victim considerations at hearings.” The OFOVC also received a letter from PBC Chairperson Harvey Cenaiko on April 26, 2012, stating that “my staff have been in contact with CSC to discuss the issues that you have raised and we are exploring ways in which our organizations can implement measures to improve processes at hearings.”

“Victims are more than bystanders in the criminal justice system; we must empower them to play a stronger role. Canada must demonstrate its commitment to victims by ensuring they have the rights and entitlements they deserve to ensure fair and equitable treatment.”

– Ombudsman O’Sullivan, presenting at the March 2012 “Road to Resiliency” conference hosted by the Saskatchewan Association of Police Affiliated Victim Services

MORE INFORMATION FOR VICTIMS ABOUT ELDER-ASSISTED HEARINGS

Issue

The PBC first introduced Elder-assisted parole hearings in 1992 to provide an environment that facilitates a culturally sensitive hearing process for Aboriginal offenders. In this environment, an Elder is available to the offender to offer wisdom, guidance and (if necessary) translation; he or she also guides the Board members in matters of the culture and traditions of the offender. Though Elder-assisted hearings are aimed at meeting the needs of Aboriginal offenders, any offender may opt for the process.

The OFOVC received a complaint from a victim whose offender had chosen to have an Elder-assisted Parole Board hearing. In this case, the victim was not prepared for the different roles and procedures of an Elder-assisted hearing and felt inadequately prepared for several unexpected elements in a situation that was already stressful enough.

The OFOVC reviewed the existing policy and fact sheets that the PBC provides victims about Elder-assisted hearings and found that victims would benefit from more detailed information about the process. The OFOVC found that the fact sheets did not clarify that a non-Aboriginal

offender could apply for an Elder-assisted hearing; nor did they provide relevant timelines, or mention that such a request could be made after the offender’s initial application for parole. As a result, the OFOVC found that victims would benefit from more specific information related to Elder-assisted hearings, in terms of who is eligible and what to expect.

Recommendation

On February 9, 2012, the Ombudsman recommended in a letter that the PBC “increase the level and detail of information for victims related to PBC Elder-assisted hearings.”

Status

The OFOVC received a letter of response from PBC Chairperson Harvey Cenaiko, stating that, “given the unique nature of Elder Assisted Hearings, I agree that it would be beneficial for the Board to enhance the information it provides to victims surrounding these hearings. To this end, the Board will be developing a new fact sheet specific to Elder Assisted Hearings so that victims will have additional information and can better understand the use of these hearings by the Board.”

NOTIFYING VICTIMS OF THE DEPORTATION STATUS OF FEDERAL OFFENDERS

Issue

The process of deporting a person from Canada is often long and complex. Depending on the person's legal status and the type of removal order, there can be numerous appeals and the case may be subject to several jurisdictions. In cases where the offender has committed an offence in Canada, victims often have no way to find out whether the offender has been removed from the country, is being detained by Canada Border Services Agency (CBSA) or is living unsupervised in Canada. This uncertainty can cause emotional stress for victims; conversely, a victim whose offender has been deported could be relieved of this stress if informed about the deportation. Several such victims have contacted the OFOVC.

Recommendation

On February 9, 2012, the Ombudsman met with CBSA officials to discuss victims' needs for information when an offender may be, or is, removed from Canada. The Ombudsman then sent a follow-up letter to CBSA President Luc Portelance, reiterating her recommendation that victims be given the right to stay informed of an offender's deportation status once the offender has been transferred to the custody of CBSA.

Status

CBSA is currently examining the feasibility of providing registered victims with information on the detention and removal of federal offenders.



“Thank you so much for taking the time to talk to me and offer suggestions. It meant more to me than you realize. I met with my lawyer today and we’ve taken a step forward. I’ve also asked the police for protection. With luck, this might be resolved in a week or so.”

– An OFOVC client

UPDATES ON RECOMMENDATIONS MADE IN 2010–2011

In 2011–2012, there was progress in relation to two of the recommendations that the OFOVC had made in the previous year.

Guidelines for victim statements

On December 21, 2010, the Ombudsman wrote to PBC Chairperson Harvey Cenaiko, advising him that victims would benefit from having more detailed instructions on how to write their victim impact statements as well as information on the processes by which the Parole Board reviews these statements. The PBC Chairperson assured the Ombudsman on February 7, 2011, that the issue was under discussion and was scheduled for review at the subsequent meeting of regional and national managers. He also committed to refining the Board’s guidelines and the fact sheet provided to victims who are presenting statements.

On June 9, 2011, the OFOVC received an update from the PBC Chairperson, stating that “plans are to have draft revised guidelines by fall 2011. The PBC will then revise the fact sheet that we provide to victims presenting statements at a hearing, and will update our website accordingly. We will also include these in our revised *Guidelines for Regional Communications Officers*. Please rest assured that a copy of the revised guidelines on videotaped victim statements will be shared with your office once completed.”

Missing-persons index

On February 16, 2011, the Ombudsman wrote to Minister of Public Safety Vic Toews, recommending that the development of a missing-persons index (MPI) and an index of unidentified human remains be given a high priority, for the benefit of victims of crime. These databases would allow comparison of DNA samples to those of relatives and hopefully bring closure to the victim’s loved ones. The creation of an MPI would follow a 2006 agreement in principle by the federal, provincial and territorial Ministers Responsible for Justice, as well as a Parliamentary review of the *DNA Identification Act*, and a 2009 recommendation by the House of Commons Standing Committee on Public Safety and National Security for the creation of such an index. In her correspondence, the Ombudsman also requested an update on the status of the relevant discussions with the provinces and territories.

On August 9, 2011, the Ombudsman received a letter of response from the Minister of Public Safety, stating that the recommendations of the Standing Committee on Public Safety were accepted in principle, and that the Government was “consulting with stakeholders to develop consensus on how best to proceed.” Some considerations of these consultations included privacy issues, jurisdictional responsibilities and restrictions in the current legislation on creation of an additional index. He also noted that “my Department remains committed to working with its partners to ensure that law enforcement is provided with the best tools possible to ensure the safety of all Canadians.”

SPECIAL REPORT: SHIFTING THE CONVERSATION

The past few years have brought an ongoing debate over Canada's criminal justice system into sharper focus—both in Parliament and around kitchen tables. And while this debate is healthy, the focus remains predominantly on offenders: the means of apprehending and trying them, the provisions for corrections and rehabilitation, and their rights. In the past, the needs and rights of victims have often been relegated to being side-issues—though just about any proposed change to the criminal justice system can have a considerable impact on victims.

The OFOVC's mandate is to ensure that victims' voices are heard in both the legislative and public debate. Drawing on four years of complaints and inquiries, a stakeholder survey, a growing body of statistics on victims' concerns, and a variety of both Canadian and international studies on victims' issues, the OFOVC authored a special report, *Shifting the Conversation: A look at refocusing Canada's justice system to better meet the needs of victims of crime*.

The report makes recommendations to the federal government for amending laws and policies to ensure more equitable and supportive treatment of victims in the criminal justice system. The recommendations focus on three main areas:

- **Information for victims**—Victims need more information, not only to navigate the justice system and participate effectively in hearings, but also for their own safety and peace of mind.
- **Meaningful participation by victims in the criminal justice system**—Victims have an important role to play in the corrections and conditional release process. However, their opportunities to participate are sharply limited by current legislation.
- **Tangible support for victims**—The Federal Victim Surcharge, a monetary penalty paid by the offender to his or her victim(s), has been sporadically enforced since its establishment in 1988. Likewise, restitution (a discretionary order imposed by the court and paid by the offender to the victim) is often under-used and under-enforced, and many victims are not aware of the option.







AWARENESS AND PARTNERSHIP BUILDING

OUTREACH

The OFOVC recognizes that it can better fulfil its mandate by continuing to connect with a myriad of organizations that work with victims. These organizations exist at all levels of Canadian society: government bodies, advocacy groups, academics, those who provide services to victims directly, and international organizations. In 2011–2012, the Ombudsman continued to meet with many such organizations, to learn about their programs and their interactions with victims. This allowed the Office to build a stronger network of partners across the country—and even around the world, all in support of change.

Sharing information

There has been a steady increase in people interested in learning about and understanding victim issues and challenges in Canada. This has created many opportunities—such as the “Breaking down the Barriers” conference hosted by the Canadian Criminal Justice Association—for the Ombudsman to attend, participate in and inform various audiences on these issues. As well, the ability to have one-on-one dialogues with various Canadians, government leaders, stakeholders and, notably, victims themselves has provided the Ombudsman with a platform on which to promote the OFOVC’s special report, *Shifting the Conversation*.

There also were opportunities to hear from key international experts in the field—such as at the Victim Support Europe forum—about where they are in terms of moving forward to improve rights and services for victims of crime. These dialogues



have brought forth a lot of discussion with regards to issues compared with those of other countries, new studies and research being done, and developments towards improvements.

Engaging others

Engagement with Canadian Government leaders, law makers and related organization and agency heads continues to be integral in pushing forward the mandate of the OFOVC. The Ombudsman has been able to meet with the leaders of all federal, provincial and territorial victim service groups, facilitated through the Federal-Provincial-Territorial Working Group on Victims of Crime, as well as service agency representatives from Canada's North. Through this continuous and broader network

engagement, the OFOVC is privy to hearing and learning about the challenges that victims face from all areas of Canadian society so that it can better understand how to ensure more rights and better services for victims of crime.

Particularly, in the discussion of victims of crime, the Ombudsman has focused on balancing partnership engagement by amplifying the voices of victims to those who have interest and a need to be better informed. In November 2011, the Correctional Service of Canada (CSC) hosted an Executive Development Symposium for Partners Day at which the Ombudsman was able to talk with wardens, various employees and key leaders of CSC institutions. The voices of victims, their issues and concerns were brought forward in a forum where those responsible for offender management could be motivated to include considerations for the needs of victims within their own offender and correctional planning strategies.

Moving forward, the OFOVC will continue to seek out similar unique opportunities and maintain its ongoing outreach with community leaders, agency representatives, Cabinet Ministers, Members of Parliament, other government departmental stakeholders, international partners and victims of crime.

Chart 6

OFOVC website activity, 2007–2008 to 2011–2012

Website activities	Total growth					Percentage growth			
	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012	2008–2009	2009–2010	2010–2011	2011–2012
Successful hits for entire site	225,189	315,409	546,611	750,540	941,715	40.06%	73.30%	37.31%	25.47%
Home page hits	15,199	16,593	18,264	30,572	33,833	9.17%	10.07%	67.39%	10.67%
Page views (impressions)	60,053	90,484	23,443	259,360	458,802	50.67%	-74.09%	1006.34%	76.90%
Document views	59,560	81,210	165,534	187,203	266,940	36.35%	103.83%	13.09%	42.59%
Visits	24,683	35,869	70,992	83,493	102,351	45.32%	97.92%	17.61%	22.59%
Unique visitors	10,855	14,169	22,477	24,955	31,691	30.53%	58.64%	11.02%	26.99%
Visitors who visited once	7,797	10,548	16,652	18,368	22,493	35.28%	57.87%	10.31%	22.46%
Visitors who visited more than once	3,058	4,890	5,825	6,587	9,198	59.91%	19.12%	13.08%	39.64%

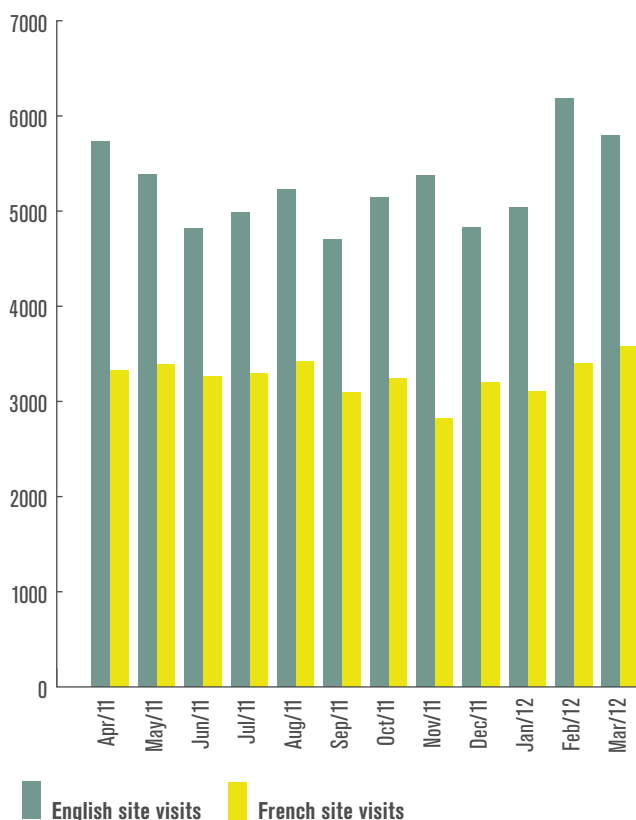
WEB PRESENCE

The web is an increasingly vital component of just about any outreach or media activity. Those who meet the Ombudsman in person or hear about the OFOVC in the news media want easy access to more information. As such, the OFOVC will continue to ensure that the information available on

its website, **www.victimfirst.gc.ca**, is kept relevant, timely, user-friendly and informative in order to meet the changing needs of its users. As a result, the OFOVC is planning to revamp the **www.victimfirst.gc.ca** website and also begin to work on a stakeholder survey that will help shape its redevelopment.

Chart 7

English and French OFOVC website activity, 2011–2012



New tools and initiatives

The OFOVC also adopted the use of new tools to improve its outreach in 2011–2012. The use of new tools allows the Office to remain up-to-date and to engage those who prefer more innovative means of receiving and accessing information. It also allows the OFOVC to reach a larger network of stakeholders and provide online service to those with visual and/or learning disabilities.

Apart from posting its second video, which supports the launch of the OFOVC special report, *Shifting the Conversation*, the OFOVC is also preparing to launch several new web features. For example, the OFOVC will begin to post, on its website, the Ombudsman's remarks and photos from appearances at various news conferences and Parliamentary meetings. The use of various multimedia and web tools through the website will assist in providing more information to users, help increase the profile of the Office, bring more awareness to victim's issues as well as develop new partnerships, both nationally and even abroad.

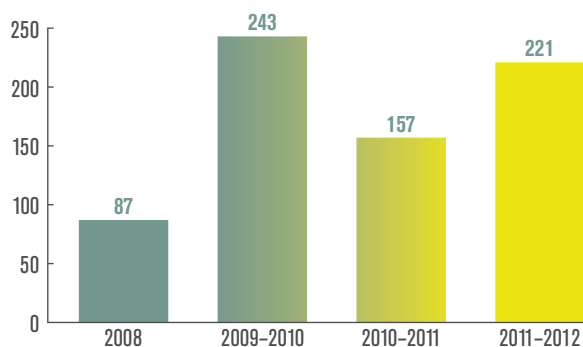
MEDIA RELATIONS

The news media are important vehicles for providing a platform and encouraging dialogue on victim issues. Through the media, all Canadians—including key policy and decision makers—can learn more about the challenges that victims face. This widespread awareness-raising is crucial to bringing about positive change in Canada.

Through media engagement, the OFOVC has been able to increase awareness of its role and services, which is integral to the Office's ability to push for change on the Ombudsman's recommendations and provide support to more victims of crime.

Chart 8

OFOVC media mentions, by year



Overall coverage

Media mention continues to be positive and increased in the past year over the last. Overall, proactive media relations by the OFOVC can be linked to 157 (71.0%) of the media mentions in 2011–2012.

Regional and language factors

The majority of media coverage of the OFOVC was national, including web-based coverage. In provincial and territorial coverage, Ontario predominated, followed by Alberta. OFOVC's media coverage was 92.8% English and 7.2% French in 2011–2012. This represents a continuing increase in French coverage over the previous two years (3% and 6.4% respectively).

Issue-driven coverage

Media coverage of the OFOVC correlated strongly to specific events and issues, notably the release of the *Shifting the Conversation* report, the Ombudsman's testimony on Bill C-10 and her comments on the abolition of the federal gun registry. This issues-based interest also translated into the highest peak in media coverage over the year, in February–March 2012, after the release of *Shifting the Conversation*.

OPERATIONS

In addition to carrying out its mandate, OFOVC took several steps in 2011–2012 to improve its operations.



Organizational review

As a part of its ongoing strategic and business planning process, the Office completed an organizational review in 2011–2012, to assess whether the Office's resources were best aligned to fulfil its mandate. As a result of this review, OFOVC made some adjustments to its staffing complement. By focusing on strategic priorities, these adjustments ensure that the Office retains the greatest possible focus on helping victims.

Data-tracking improvement initiative

In 2011–2012, the OFOVC launched a data-tracking tool that allows for both improved case-management and media-response measurement.

By allowing the Office to capture more specific information about complaints, issues raised, and media and public inquiries, such as demographic or geographic data, the Office is better able to synthesize the information it receives, by analyzing longer periods of data that are collected consistently—ultimately better informing the recommendations that the Ombudsman makes.

Funding renewal

The Government of Canada provided action on its 2012 approval for renewed funding for the OFOVC. The Office received five years of funding as of 2011–2012, which was provided for in the Budget 2011.

The renewed funding remains consistent with prior funding approved in 2007, which provides approximately \$1.5 million in actual spending annually.

FINANCIAL HIGHLIGHTS



The OFOVC is an arm's-length program activity that is part of and likewise funded by the Department of Justice.

In keeping with its commitment to principles of building an effective and cost-efficient organization, the OFOVC shares services such as contracting and human-resources management with the Department of Justice, where appropriate. As such, the OFOVC remains on track and is working within its budget.

Chart 9

Summary of actual expenditures, 2011–2012

Salaries and wages (Employee Benefits Plan)	\$ 1,065,323
Communications and information	\$ 56,685
Professional and special services	\$ 69,131
Rentals	\$ 3,453
Repair and maintenance	\$ 1,128
Utilities, materials and supplies	\$ 9,775
Travel and relocation	\$ 42,624
Other	\$ 320
Subtotal expended by Ombudsman's Office	\$ 1,248,439
Corporate costs (controlled centrally)	\$ 88,086
Total	\$ 1,336,525*

* An amount of funding was sent directly to Public Works and Government Services Canada (PWGSC) to cover the accommodations of the Office of the Federal Ombudsman for Victims of Crime (OFOVC) employees.