

CCRA 5 YEAR REVIEW

PROVISIONS RELATING TO VICTIMS

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This report is part of a series of 24 research/evaluation reports (listed below) that were prepared as background to the Consolidated Report of the Working Group studying the provisions and operations of the Corrections and Conditional Release Act and related Consultation Paper.

The Working Group is composed of representatives from the following agencies:

Correctional Service Canada
National Parole Board
Correctional Investigator
Justice
Department of the Solicitor General

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Information about Offenders
Security Classification of Inmates
Judicial Determination
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CCRA REVIEW

PROVISIONS RELATING TO VICTIMS

INTRODUCTION

Subject

This review addresses the legislative provisions in the *Corrections and Conditional Release Act* (CCRA) relating to victims.

CCRA References

The specific legislative references being examined in this review are the following:

Definitions of victims	Ss. 2(1), 26(3), 99(1), 142(3);
Disclosure of information	Sections 26, 142;
Use of Victim information	paras. 23(1)(e), 101(b), ss. 25(1), 125(3), s.132.

Perceived Intent of the CCRA Provisions Relating to Victims

The overall intent of the *Corrections and Conditional Release Act* provisions relating to victims was to recognize victims formally as an important part of the criminal justice system. The Act does this in two ways:

- CSC and NPB staff must disclose certain information about an offender when victims, as defined in the CCRA, request it; and may disclose other information of a nature which would ordinarily be protected by the *Privacy Act*;
- CSC case managers must ensure that available victim information is obtained and decision-makers in the National Parole Board (NPB) and the Correctional Service of Canada (CSC) must use the information to assist in determining and managing risk.

BACKGROUND - VICTIM ISSUES

In recent years, victims have become the focus of increased attention on the part of the criminal justice system. Some victims and representatives of victim groups are becoming increasingly visible advocates for the interests of victims and articulate critics of the criminal justice system generally, and specifically of the Correctional Service of Canada and the National Parole Board.

The CSC/NPB relationship with victims, if any, begins at the mid-to-end point of the criminal justice process. When victims do make contact with either agency, they frequently feel angry, still frightened of the offender, confused and, on the basis of their participation with police, crown attorney and the courts may feel disenfranchised. Their information needs continue throughout the offender's sentence and are rarely met with one contact.

Both CSC and NPB have increasingly recognized the need to be open and sensitive in their dealings with victims, sharing information they are permitted to share and offering them the opportunity to inform the Board and the Service about their interests in offenders who harmed them. The Mission Statements of both organizations declare their commitment to recognizing that the protection of society includes taking into account the concerns of victims.

With the coming into force of the *Corrections and Conditional Release Act* victims are formally recognized in federal legislation governing corrections and conditional release. For the first time there is formal accountability of the corrections and conditional release system to victims of crime. The Act mandates CSC/NPB officials to release certain information about offenders to their victims. In addition, if they wish, victims can provide information about the offender or about the impact the crime has had on them (emotional, physical, financial, psychological) which may be used in decisions on an offender's placement, transfer, treatment and release, and may be a critical factor in those decisions when the physical security of the victim may be at risk.

CCRA Victim Definitions

The CCRA defines who will be considered a victim for the purposes of the Act. Precise definition is required because the discretionary information which can be released to victims essentially overrides the protections provided by the *Privacy Act*. Three categories of "victim" are defined in the Act.

Part I, section 2, provides two of the definitions. These definitions also apply to the NPB (Part II, subsection 99(1)).

“Victim”

- (a) *means a person to whom harm was done or who suffered physical or emotional damage as a result of the commission of an offence, and*
- (b) *where the person described in paragraph (a) is dead, ill, or otherwise incapacitated, includes the spouse or any relative of that person, anyone who has in law or fact the custody of that person or is responsible for the care and support of that person or any dependent of that person;*

These definitions do not distinguish between individuals who are victims of offences for which the offender is currently serving a sentence, and individuals who were victims of previous offences, sentences and incarcerations.

The sections of the CCRA which direct the disclosure of information to victims provide an additional definition of victim. This third definition is found in subsections 26(3) and 142(3). It permits information on an offender also to be given to a person who is able to satisfy the Commissioner/Chairperson

- (a) *that harm was done to the person, or the person suffered physical or emotional damage, as a result of an act of an offender, whether or not the offender was prosecuted or convicted for that act; and*
- (b) *that a complaint was made to the police or the Crown Attorney, or an information was laid under the Criminal Code, in respect of that act.*

The offender need not have been convicted or even formally charged. Both criteria must be met for recognition.

This definition was added to the Act following consultations that preceded finalization of the CCRA. Some victims, in particular a group of women who had all been the victims of the “Balaclava Rapist”, noted that they would not be included under the first definition because the charges pertaining to their victimization were not proceeded with. In the case of the Balaclava rapist, although the offender was accused or suspected in more than 100 sexual assaults, most of the charges were stayed or withdrawn by the Crown after the offender pled guilty to a small proportion and was sentenced to life imprisonment. The victims argued that their right to offender information was as valid as that of the women whose cases were fully prosecuted, and this was acknowledged by the legislators.

Disclosure of Information to Victims

Prior to the implementation of the CCRA, the CSC and the NPB were able to release information to victims by relying on the provisions of the *Privacy Act* (subpara. 8(2)(m)(i)). That is, information could be disclosed once it had been determined that “the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure”. However, these provisions were not well known or extensively used.

For many years, victim advocates and others had pressed to have victims’ interests formally recognized in law. These groups and individuals considered access to information as their greatest priority and as vital to greater victim satisfaction with sentencing and correctional processes. The public consultation document on proposed amendments to corrections and conditional release entitled *Directions for Reform: A Framework for Sentencing, Corrections and Conditional Release* (1990; page 11), captures the intent of the disclosure of information provisions of the CCRA:

Although individual victims respond in different ways and may have different needs when recovering from the experience of victimization, almost every study has highlighted the need to give victims a more active voice at sentencing and to ensure that they can obtain the information that they need from the criminal justice system, including corrections. Reforms in this area can and do serve the principles of clarity, predictability, and rebuilding public trust.

Victims’ advocates suggest that keeping victims informed throughout the criminal justice process and providing victims with information about particular offenders prevents the sense of being further injured by the process and may contribute to victims’ capacity to deal positively with their experience.

It became clear during the development of the CCRA that reliance on the exceptions available in the *Privacy Act* would not be sufficient to meet victims’ needs. The inclusion of the victim-related provisions of the Act, therefore, recognized that victims continue to have information needs about the offender after sentencing. CSC and NPB are therefore mandated to ensure that victims are kept informed of an offender’s penitentiary and community release status when asked to do so by a victim.

CCRA Provisions for Disclosure of Information

Sections 26 and 142 of the Act distinguish between offender information that must be disclosed, upon request, to eligible victims, and that which may be disclosed at the discretion of CSC or the NPB. They allow that “at the request of a victim of an offence committed by an offender, the Commissioner/Chairperson, or their delegates, shall disclose” certain pieces of information to the victim including basic data such as the offender’s name, offences, court of conviction, sentence commencement, dates and length of sentence, and release eligibility dates. The Act further specifies that the Commissioner/Chairperson, or individuals having delegated authority, may disclose further information requested by victims when it is considered that the victim’s interest clearly outweighs the potential invasion of privacy of the offender. This information would ordinarily be protected by the *Privacy Act*, and includes the offender’s age, location, date of release, destination, date of detention hearing, conditions of release, and whether an offender is in custody, and if not, why not. In cases where federal offenders have been transferred to provincial facilities, there is discretion to provide victims who request the information with the name of the province in which the facility is located.

Information from Victims About the Offence of Victimisation

When an offender is committed to penitentiary, CSC is responsible for obtaining from the province or territory where the offence took place information about the offender, including information submitted by victims through victim impact statements and police reports. CSC must provide this information to the NPB. This information is used by decision-makers from both agencies to determine and to manage risk.

CCRA Provisions for Victim Information

The CCRA recognises the relevance of information from or about victims in two specific areas. The Principles that guide the Service (para. 4(b)) specify that the sentence be carried out with regard to

all available information that is relevant to a case, including the stated reasons and recommendations of the sentencing judge, other information from the trial or the sentencing process, the release policies of and any comments from the National Parole Board, and information obtained from victims and offenders;

A parallel provision with respect to the Principles which guide parole board conditional release decision-making is found in paragraph 101(b).

The CCRA (para.23(1)(e)) requires that when a person is sentenced, committed, transmitted or transferred to penitentiary, the Service shall take all reasonable steps to obtain, as soon as practicable,

any information relevant to administering the sentence or committal, including existing information from the victim, the victim impact statement and the transcript of any comments made by the sentencing judge regarding parole eligibility.

This information is provided to the National Parole Board.

Victims may also contact either CSC or NPB during the offender's sentence and provide any additional information they believe should be considered by these agencies.

SCOPE AND METHODOLOGY OF THE REVIEW

Scope

During the review of the CCRA in 1992 by the Standing Committee on Justice and the Solicitor General, three concerns were raised:

- that victims achieve a role within the corrections and conditional release system;
- whether victim's access to information may be denied or limited and for what reasons; and,
- that information requirements of victims are met by these provisions.

This review will therefore examine these issues by assessing the implementation of the disclosure provisions; initiatives undertaken by both CSC and NPB to enhance the recognition of victims; and by identifying issues that have been raised by victims or others with respect to implementation.

Specifically:

- whether victims have achieved increased recognition within the corrections and conditional release system;
- whether victims are being provided with the information and the notifications they have requested;
- whether access to information has been limited or denied and the reasons;
- whether victims are satisfied with the service they are receiving;
- whether individuals are being recognized as victims under ss. 26(3) and 142(3) of the CCRA;

- whether CSC is seeking victim-related information from the courts and if victim information is being transmitted to NPB; and,
- whether victim representations are taken into consideration by NPB in decision-making.

Data/Information Collection Methods

The approach used in this review will be mainly descriptive. To assess the above-noted issues information was obtained by four primary methods:

A statistical Analysis of Victim Contacts

A significant limitation to this review is the lack of consistent and reliable statistical information relating to victims and their relationship with CSC/NPB.

OMS

Attempts were made to obtain information through the offender management system (OMS). However, for a number of reasons the victim data in OMS was not considered sufficiently complete and accurate to provide reliable statistical data on overall implementation of the victim related provisions of the Act. OMS victim screens were not in place when the CCRA was proclaimed, and when the OMS victim screens did become available they were not compatible between NPB/CSC and victim information was not shared electronically. Further, because staff lacked confidence in the reliability of the victim screens, data entry has been inconsistent, with staff relying on manual systems instead of entering data in OMS. NPB Pacific adopted a different electronic system. As a result, the nature and extent of the information that can be obtained from OMS is limited. Additionally, there is a gap between OMS and the legislative provision relating to victims. For instance, OMS does not distinguish clearly between the various legislative definition of victims. Consequently, information of this nature is not available from OMS, nor can descriptive information about the agency/victim contact be retrieved from the narrative portions of the OMS screens.

The victim screens in OMS are presently under revision and, when released, will address these operational concerns.

CSC

Obtaining information on victim contacts and victim profiles from the CSC perspective is further complicated by the fact that, upon implementation of the Act, CSC operational units were not asked to maintain a separate, standardized, manual record of victim contacts. Consequently there is variation among regions as to the information that has been collected. For example, some operational units have maintained a record of victim contacts, while others have maintained records of the number of offenders with notification flags.

NPB

Following enactment of the CCRA, however, NPB staff were asked to maintain a standardized manual record of contacts and Regional staff report this information to National Headquarters on a monthly basis. This report, therefore, relies almost exclusively on this data for an assessment of the trends with respect to victim contacts. Since NPB and CSC routinely exchange information about victims with whom they have contact, and who want offender information, and since victims typically ask to receive all available information on a continuing basis, it is reasonable to assume that, in general, the same victims are receiving service from both CSC and NPB.

Joint CSC/NPB Review of Services Provided to Victims

At the CSC Executive Committee meeting of September 1993, it was decided that a review of the experience gained from CSC's increased contacts with victims of crime since the implementation of the CCRA in November 1992, would be undertaken in collaboration with the NPB. The review examined the reactions of crime victims to their contact with CSC and NPB as well as the impact of victim participation on CSC and NPB staff and processes. Questionnaires were developed by a joint CSC/NPB Headquarters working group and reviewed by regional victim liaison staff from both organizations. Consultations on the questionnaire to be distributed to victims were undertaken with three victims' organizations: Plaidoyer Victimes, the Canadian Resource Centre for Victims of Crime and CAVEAT (Canadians Against Violence Everywhere Advocating its Termination). Suggested improvements to the questionnaire provided by these agencies were generally incorporated.

Surveys of CSC and NPB staff

The staff component of the review was initiated by CSC and NPB in 1994. It examined the impact of the legislative mandates respecting victims on the operations of the two agencies. Questionnaires were developed for both CSC and NPB regional staff and completed questionnaires were received from 176 CSC and 18 NPB staff. All staff had been in direct contact with crime victims as part of their on-going responsibilities.

The primary NPB staff responding to the survey were Community Liaison Officers/Information officers (9), but responses were also received from Regional Coordinators of Training and Communications (2), hearing assistants (3), secretaries (2), and one Regional Director and one Regional Manager.

In the case of CSC, responses were received from Coordinators, Case Management (28), Case Management Officers, Institution (48), Area Managers/Directors (19), Case Management Officers, Community (54), Other-Institution and Community (6) and unknown (4).

The results of the staff survey were reported to CSC and NPB Executive Committees in June 1994.

Crime Victims Survey - Interaction with CSC and NPB

Approximately 1500 copies of the victim questionnaire were distributed to crime victims beginning in May 1994 from the regional, institutional and community CSC and NPB offices as they made contact with either agency, and by CAVEAT and the Canadian Resource Centre for Victims of Crime which offered to distribute the questionnaires to victims with whom they had contact. Of the 1500 copies distributed, approximately 125 were returned. Because some returns were submitted past the timelines of the review, analysis for the report was conducted on only 104 returns. However, the late returns were reviewed and the comments were found to be consistent with those received earlier.

Based on all these surveys, a report on victims' assessment of their contacts with CSC and NPB and the service provided to them under the disclosure of information provisions was completed and reported to a joint CSC/NPB Executive Committee meeting in April 1995.

Survey of victims' groups and victim service agencies conducted by the Board in 1996.

In summer 1996, in keeping with the National Parole Board's commitment to openness and accountability, a two stage initiative was developed to survey how the Board could better meet the information needs of victims and their families. One of the objectives of this proactive approach was to provide victims and victim groups with the opportunity to design their own products specifically tailored to meet their information requirements.

Collection of information from CSC/NPB staff on policies/procedures, training and other initiatives relating to victims

Additional information has been collected in preparation for the five year review of the legislative provisions. In 1996, to assess the extent to which victims' issues have become an integral component of CSC and NPB operations, National and Regional Headquarters and regional staff were surveyed to:

- determine the extent to which policy/procedural, educational/informational and other related initiatives have been undertaken by CSC/NPB to ensure that victims who request information get valid answers;
- the extent to which individuals with delegated responsibility for disclosing information to victims are trained to deal sympathetically and positively with victims;
- the training provided to NPB Board members about the effects of victimization, victimizing behaviours as risk factors, and the use of information provided by and about victims in decision-making;
- any other victim-related initiatives that have been undertaken since proclamation of the CCRA.

Institutional and regional data for CSC was compiled by regional Accountability and Performance Measurement staff and National Office staff at NPB.

RESULTS

Profile of Victims Using the CCRA Provisions

Information has been provided by NPB and CSC staff dealing with victims about the type of victim requesting information about the offender who harmed them when they initially make contact with either agency, and about the number of contacts with victims. Because CSC did not collect this information in a consistent and national basis, the following statistics represent national NPB statistics. Since information is exchanged between CSC and NPB the information about victim attributes should be valid for both. There are inconsistencies due to manual reporting which cause insignificant variation in total numbers, and due to heavy workload there is believed to be a tendency for under-reporting. However, trends can be derived from the NPB data and these trends are supported by the data from the 1995 victim survey as well as data submitted by CSC Quebec Region.

Tables 1 and 2 provide a national profile of victims contacting NPB.

The majority of contacts in fiscal year 1996/97 were made by the direct victims of the crime (61.1%) while another 27.5% were relatives of a victim who is deceased or incapacitated or the parents of the victim. Victims may, in writing, delegate the responsibility for requesting and receiving information to a third party, typically a lawyer, victim service agency or social service agency. Victims who want to conceal their present location are most likely to do so. A small proportion of contacts (11.3%) were agents acting on behalf of the victim.

Table 1
Individuals contacting NPB
October 1, 1993 - March 31, 1997

Individuals contacting NPB	Oct. 1, 1993 - March 31, 1994		April 1, 1994 - March 31, 1995		April 1, 1995 - March 31, 1996		April 1, 1996 - March 31, 1997	
	#	%	#	%	#	%	#	%
Direct victims	914	56.3	1,766	55.4	1,612	60.0	1,143**	61.1
Families of dead or incapacitated victims	346	21.3	703	22.0	491	18.3	515	27.5
Parents of child victims	183	11.3	447	14.0	333	12.4	*	*
Agents	180	11.1	274	8.6	250	9.3	212	11.3
Totals	1,623	100	3,190	100	2,686	100	1,870	99.9

* 'Families of dead or incapacitated victims' and 'parents of child victims' have been combined for reporting purposes. Staff dealing regularly with victims did not consider this distinction meaningful because the two groups frequently overlapped and arbitrary decisions were made as to which group to use for reporting to avoid double counting.

** Includes 28 victims recognized under ss.142(3).

This data is consistent with the profile of respondents to the victim survey (1995) in which 51.1% of respondents reported that they were the victim of the offence and 45.2% reported that they were a family member of the victim.

Table 2 indicates that victims of sexual offences are especially likely to make contact with CSC/NPB (58% in 1996/97) followed by victims of non-sexual, violent offences (40.2%).

Only 1.8% of victims making contact were involved in cases where the offender was incarcerated for what are considered to be non-violent offences for statistical purposes (but may include robbery, break and enter, etc.).

Table 2
Nature of the offence of victimization
October 1, 1993 - March 31, 1997

Nature of the offence	Oct. 1, 1993 - March 31, 1994		April 1, 1994 - March 31, 1995		April 1, 1995 - March 31, 1996		April 1, 1996 - March 31, 1997	
	#	%	#	%	#	%	#	%
Sexual	859	54.2	1,498	46.8	1,496	56.3	1,122	58.0
Violent (not sexual)	675	42.6	1,572	49.1	1,097	41.3	779	40.2
Non-violent	52	3.2	129	4.0	66	2.5	35	1.8
Totals	1,586	100	3,199	99.9	2,659	100.1	1,936	100

Again this data is consistent with the profile of responses to the victim survey. The results of the survey found that 89.4% of respondents reported being victims of violent offences; 4.8% responded that their case did not involve violence.

Of particular note is that data provided by CSC, Quebec, and reports from CSC, Ontario indicate that of the victims of violent offences (excluding sexual) requesting notification and/or information, approximately 50% are victims of domestic violence.

Victims recognized under subsections 26(3) and (4) or 142(3)

As mentioned previously, during the review by the Standing Committee, it was drawn to the attention of the Committee members that the agreed definition of victims excluded persons believed to have been harmed by the offender but whose cases had not been included in the indictment which led to the offender's conviction. Consequently, provisions were added in subsections 26(3) and (4) and 142(3) to allow the information sharing provisions to apply also to persons who were able to demonstrate that they had been harmed by the offender and had been in contact with officials of the criminal justice system in relation to the offender.

Procedures have been established for formal recognition of individuals who claim to meet these criteria. Supporting information about the victims of previous convictions, or of charges or complaints laid but not proceeded with, may be available on the offender's file.

At other times staff are required to contact local police or court officials to obtain supporting information.

No firm data is available on the number of persons using these provisions although one region estimates two percent of the victims they serve have been recognized using these criteria. A review of 51 recognition reports provided to NPB national headquarters indicated that 21 of the persons applying had been wives or girl-friends of the offender, eight were sisters or daughters, three were witnesses or had notified police about whereabouts of the offender, two were victimized as children, two were sexually assaulted

by an offender they knew, four were police, guards or parole officers, in ten cases no relationship to the offender was specified. In one case recognition was denied because on investigation it was determined that a complaint had never been made, which was acknowledged by the person making the inquiry. Most applicants indicated they are afraid of the offender. Applications specified complaints or previous convictions for assault (14), sexual offences (13), and threats made by the offender (27).

Volume of contacts

Table 3 illustrates that since proclamation, the volume of victim contacts has been steadily increasing. It is unusual for a victim, provided with information about the offender's eligibilities and general information about conditional release, not to ask to be informed on a continuing basis about releases, Board decisions, and any other releasable information. Additionally, some victims apply to attend NPB hearings as observers, and many ask for Board decisions under the decision registry provisions. Consequently, once established, there is likely to be continuing contact with the victim by both agencies.

The following illustrates the volume of victim contacts with NPB between October 1, 1993 and March 31, 1997.

Table 3
Victim contacts and information services
National Parole Board Regional Offices
October 1, 1993 - March 31, 1997

Victim contacts/ information service	Oct. 1, 1993 - March 31, 1994		April 1, 1994 - March 31, 1995		April 1, 1995 - March 31, 1996		April 1, 1996 - March 31, 1997	
	#	%	#	%	#	%	#	%
Atlantic	272	7.3	558	10.0	552	9.3	595	9.1
Quebec	69	1.9	312	5.6	371	6.3	458	7.0
Ontario	2,687	72.4	3,458	61.9	3,335	56.2	2,955	45.3
Prairies	248	6.7	658	11.8	986	16.6	1,215	18.6
Pacific	434	11.7	602	10.8	686	11.6	1,302	20.0
Totals	3,710	100	5,588	100.1	5,930	100	6,525	100

The potential number of contacts could be far greater, since the above figures represent only a portion of victims who could request information. For example, NPB Ontario reported that of approximately 7,000 active files, over 1,000 carry victim notification requests. CSC Pacific reported (March 1996) that there were 424 offenders (14.3% of files) registered with victims who require notification. This does not reflect the fact that there may be more than one victim of the offender requiring notification, for example some sex offenders have many victims.

The demand for victim services from CSC/NPB is likely to continue to increase over time. However, the profile of the offences of victimization of persons wanting to receive information about the offender who harmed them indicates that in the majority of cases (property, drug, non-violent) if there are identifiable victims they do not want to receive information about the offender.

Contacts are virtually always by telephone and/or mail and as illustrated by Table 4, are rarely restricted to one contact.

Table 4
Frequency of Contact by Victims
(source: Victims Survey 1995)

Frequency of contact	Telephone %	Written %	In-person ¹ %
3 or more	53.8	28.8	10.6
several or 2	18.3	26.0	6.7
once	16.3	20.2	17.3
never	1.0	3.8	18.3
no response	10.6	21.2	47.1

Victim Satisfaction - Provision of Information to Victims

The survey of victims of crime who had had contact with CSC and NPB, 1994/95, asked victims to identify the information they asked to receive and their satisfaction with the service. The results were reported in the “Joint Review of Services for Victims, Correctional Service of Canada / National Parole Board, Final Report”.

Information most specifically identified at that time included:

- notification about when and where offenders are to be released and conditions of release;
- how to contact the Board;
- location of the offender;
- general information about conditional release - eligibilities and types of release, decision-making criteria, hearings, supervision. etc.;

¹ The victim survey suggests a higher number of in-person victim contacts than is reported by staff. This may be because victims have had in-person contacts with CSC case management staff who have met with them when assembling information for potential release to the community or for detention reviews, or if they have attended hearings as observers when NPB or CSC staff have been present and provided briefings. The staff survey asked about management of requests from victims for information about the offender.

- how they can provide information for consideration during parole board decision-making, and confidentiality concerns;
- general information about the criminal justice system and corrections; and
- attendance at hearings and the process involved for applying as observers.

Respondents were also asked if they had received what they wanted, whether the information was provided in a timely manner and was understandable. The following provides a brief summary of victims' assessment of their interaction with CSC/NPB:

- 75% reported no difficulty making contact with the CSC/NPB regarding an offender;
- 91.3 % reported that the person they contacted responded in a helpful manner;
- 78.8% reported receiving the information they requested²;
- 71.2% said that the information was provided in a timely manner and 77.9% said it was easy to understand;
- 65.4% said that the information pamphlets met their needs;
- 80.8% of respondents said they provided either the CSC or NPB information about the impact of the offence against them; 35.6% provided an official victim impact statement;
- 19.2% indicated that they wanted some sort of contact with the offender; 25% did not want any form of contact with the offender.

Limits to Information Provided and Denials

Releasable Information

Typically victims ask for and are allowed all releasable information. Of the releasable information set out in the CCRA, the item which staff report is most likely to be denied to victims is specific information about the offender's destination on release. If there is any suggestion that the victim may be at risk from the offender, full disclosure is practiced. However, occasionally, for example when there is evidence that the victim may harass the offender, only general information such as the province may be provided. Additionally, in some cases of temporary absence releases, the Warden may choose not to release some information if there is no potential for impact on the victim due to the release because the offender is incarcerated far from the location of the victim.

² However, comments provided indicated that often victims are frustrated because some information wanted is not releasable (treatment/counseling, details about the personal life of the offender, etc.).

Non-Releasable Information

The 1994/95 victim survey and the 1996 NPB telephone survey, consultations and continuing interaction with victims have indicated that access to offender information, as permitted in the CCRA, is not always considered to be sufficient to satisfy all victims' requests. Some victims have indicated that they want additional information, most particularly, information on offenders' participation in treatment and outcomes.

Victims are told they may request access to the NPB decision registry as a possible source of this type of information.³ However, the fact that on occasion victims may receive a limited amount of this type of information through the decision registry is not a justification for a general expansion of the nature of personal information which may be released.

Victim Recognition Within the Corrections and Conditional Release System

A number of initiatives have been undertaken since enactment of the CCRA in 1992 that demonstrate the commitment of CSC and NPB to recognizing the importance of the role that victims play in the correctional system and to ensuring that the intent of the Act is met.

Initiatives to ensure victims' interests as specified in the CCRA are recognized and fully implemented include the development of necessary policies and procedures, training of CSC and NPB staff and National Parole Board members, and greater collaboration with victims organization at both the national and local levels.

The following summarizes the major initiatives that have been undertaken by CSC/NPB:

Mission Statements

Revised Mission Statements were recently issued by both NPB (September 1995) and CSC (January 1997).

³ Due to the confidential nature of treatment records and the fact that Board members usually only refer to treatment or program participation as it specifically impacts on risk assessment, decisions contained in the decision registry do not typically contain details about treatment provided and outcomes. In their written reasons for a decision, Board members may cite reports on the file, and their assessment of the significance of the report, which could provide victims with some indication of programming being followed by the offender, but ordinarily details would not be provided.

The National Parole Board Mission, Core Value 2, states:

We recognize the specific entitlements provided in legislation to victims of crime. We are sensitive to the needs presented by crime victims and seek opportunities to relate to them in ways that are consistent with our mandate and facilitate the achievement of our Mission.

The subsequent Strategic Objective is:

To ensure that victims who so wish are duly informed and treated fairly and their input are fully considered in the conditional release process.

The Correctional Service of Canada Mission expressly states in Core Value 1 that

We respect the dignity of individuals and the rights of all members of society, and the potential for human growth and development.

The subsequent Strategic Objective states:

to ensure that the concerns of victims are taken into account in discharging our responsibilities. (Mission 1.10)

Initiatives to enhance accessibility of victims to CSC/NPB

Access is a concern that has been voiced by victims, so efforts have been made to facilitate contact of victims with CSC/NPB.

Early experience indicated that the majority of requests were being directed at the NPB. The possible reasons for this are: that most victims are focused on release and, perceiving the NPB as being the releasing authority, want to communicate with the body that controls the release; NPB regional offices are in one location and easier to find than the penitentiaries and parole offices which are dispersed; it is difficult to locate the institution in which the offender is housed. Additionally, NPB had been releasing information about offenders to their victims, when it was justifiable under the *Privacy Act*, before the enactment of the CCRA. This may have led to the Board being perceived as a more accessible source of information.

Public education and outreach activities have been one critical way in which CSC/NPB have endeavored to increase public awareness of initiatives related to victims. These are primarily the responsibility of regional staff: Community Liaison/Information Officers and Regional Managers Community Relations and Training for the Board; and Victim Liaison Officers for CSC. National Offices develop material for distribution, such as pamphlets and fact sheets, and also have a role in public education.

National Parole Board

When the CCRA was implemented, NPB was allocated resources to fund a new position of Community Liaison Officer in each regional office to assist in providing the services outlined in the Act. Very similar duties were already being fulfilled by existing Information Officers but on a much more limited basis. It was recognized that the legislation would greatly increase the demand for service, and this has proven to be the case. One significant problem presently for the Board is that the workload has grown to the point where some staff say that the critical work of responding to victims' requests for information and notifications is crowding out their efforts to reach out through public education initiatives.

CSC Victim Liaison Resources

With implementation of the CCRA, a Victim Liaison Coordinator (VLC) was identified in each regional office, parole office and in each institution. Generally, at the institutional level, this role has been assigned to Coordinators of Case Management. In the community, the assignment of the Victim Liaison Coordinator role may vary. However, generally, the staff authorized in CD 784 to release information to victims, i.e. the District Director or Area Manager also have the role of victim liaison coordinator.⁴ At present the victim-related responsibilities assumed by these individuals are in addition to their regular responsibilities. Although there is some regional variation, the Victim Liaison Coordinator is responsible for implementing the CCRA and policy requirements related to victims and, to a certain extent, have an outreach and liaison role with respect to victim service organizations and the public. The extent to which VLCs should be proactive in this regard requires clarification.

Duties of NPB Community Liaison/Information Officers and CSC Victim Liaison Officers

Core duties of NPB Community Liaison/Information Officers and CSC Victim Liaison Officers are essentially very similar, although some items are specific to one organization or another. The following consolidated summary is presented to avoid repetition. Staff

- receive requests for information from potential victims;
- obtain documentation from police or other sources to ascertain victim status;
- inform victims, in writing, of their status, and provide available information;
- contact victims when significant developments occur;
- liaise with case management officers and other CSC staff;
- liaise with NPB Community Liaison/Information Officers and other CSC victim liaison coordinators (CSC);

⁴ In Atlantic Region, in the community, the victim liaison coordinator is the senior parole officer or a parole officer. The responsibilities for authorizing the release of information to victims are therefore distinct from the responsibilities of the victim liaison coordinator.

- liaise with CSC victim liaison officers and Information/Community Liaison Officers in other regions (NPB);
- maintain information regarding victim contacts on OMS and/or other records and ensure copies of any written information are provided to the partner agency;
- ensure that relevant information provided by victims is forwarded to staff, as required, and is available for decision-making purposes;
- refer victims in need of counseling or other services to the appropriate source of service;
- community outreach and liaison with provincial victims services/support groups;
- provide information to victims about other sources of information and available services such as requesting access to NPB's decision registry or observing a Board hearing.

Communication with other members of the criminal justice system, including victim service agencies at the provincial level and victim organizations, has also been established.

In Atlantic the Joint Committee on Victim Needs and Services has been particularly active in facilitating collaboration between federal and provincial authorities and the private sector involved with victims to establish the best way to cooperate in order to best serve the victim. These relationships provide an important vehicle for reaching out to victims and obtaining feedback on their needs and concerns.

Coordination of Victim Services Between CSC and NPB

In providing services to and receiving information from victims, both CSC and NPB commonly deal with the same people. Given this, it has been incumbent upon the two organizations to ensure a coordinated response to victims. Establishing the best way to serve victims has resulted in the development and coordination of information sharing procedures between the two agencies, and the development of internal file management and flagging systems. Working committees of CSC and NPB staff have been established in most regions and they meet regularly to discuss issues of mutual concern. To avoid duplication, regional staff divide responsibilities as appropriate. For example, NPB notifies about conditional release reviews and decisions, CSC about releases, and decisions made under their jurisdiction.

Joint Services

To simplify victim contacts and information requests and enhance victim access to both agencies, but more particularly CSC, CSC/NPB in Ontario Region established a shared victim information service located at the National Parole Board Regional Office which became operational in November 1995. CSC dedicated a full-time staff member to work

in conjunction with NPB victim liaison staff at the NPB Regional Offices. This was initially a one-year pilot project but has been very effective, and continues. Due to this success, this model was implemented on a pilot basis by CSC/NPB in the Board office in Pacific Region in 1996.

The main objectives of the joint information service are to provide coordinated, timely and accurate information to victims and to eliminate the duplication of effort between CSC and NPB regionally. The service provides victims, their families, and/or representatives with a “one-stop” contact to get information from either NPB or CSC. From the perspective of CSC, the single phone number improves victim accessibility to CSC since it eliminates the need for victims to call individual institutions to determine where their offender is located. The NPB regional office was therefore chosen as the central victim information office for ease of contact for victims, both by phone and personally, (less confusing and intimidating than contacting an institution) and more importantly, because NPB offices house the files of all offenders in the region and information is more accessible. An additional benefit is derived from the presence of several people in one office who are knowledgeable about this service which permits comprehensive coverage despite times a single individual may be absent.

Reports from both agencies suggests that these jointly operated and resourced units have been a positive experience.

Toll-Free Calling

A relatively simple way in which victims’ access to NPB/CSC has been facilitated is through the establishment of toll free telephone numbers. This was suggested in the staff and victim surveys in 1994/95. Toll-free calling is available to NPB offices in all regions except Quebec, where the volume of calls is not high. The service seems to be working well.

These initiatives help the victim to seek information and direction. A toll-free number broadens access to those without the financial resources to assume the expense of long-distance phone calls, and provides an option for those with literacy problems or who are reluctant to make written contact with either agency due to privacy concerns. Typically, the toll free number rings to an answering machine, which is closely monitored, although in Atlantic the number of each Information Officer is provided. Staff review the message and, when such identification is possible, retrieve the appropriate offender file before returning the call to be able to provide requested information promptly. In the case of the joint victim services offices operating in Ontario and Pacific, when information is required of CSC on a continuing basis, after initial contact, victims are directed to the parole office or institution which could most appropriately respond to a request.

The toll-free number in Ontario has been found to be an avenue of communication not only for victims, but also for police agencies, crown attorney staff, and general inquires.

A toll-free number dedicated to serving victims permits prompt and informed response to their requests and is an efficient use of human resources in that the telephone line is operated from one location.

CSC Atlantic has enhanced victims' access to CSC by permitting victims to call the units collect.

Public and Victim Education

Shortly after proclamation of the CCRA, a joint communication strategy was developed by CSC and NPB National Headquarters which included the publication of a series of pamphlets containing information for victims and a questions and answers booklet. The pamphlets generally received wide distribution including to victims groups, hospitals, libraries, courts and other stakeholders. NPB additionally, in 1996, issued Fact Sheets for victims, and the general public, which provide the available toll-free phone numbers.

Since proclamation, establishing liaison with certain victims' groups has become an on-going initiative within both organizations at both the national and regional levels. Senior management and staff members familiar with the issues are meeting with victims' groups who want to participate to discuss their concerns, to clarify the respective mandates of CSC and NPB, and address questions of how, within those mandates, services to victims can be improved. Victims' groups are heterogeneous, with different philosophical perspectives and agendas and some are more interested than others in such meetings.

Public education and outreach is one area where there are notable organizational differences between NPB and CSC. As previously mentioned, before the enactment of the CCRA the Board was providing information to victims similar to that presently permitted, using the authority provided by the *Privacy Act* (para. 8(2)(m)). This was being done by regional Information Officers as part of their regular responsibilities which at that time were focused on responding to general inquiries and providing public education about the Board, community release, and the criminal justice system as it relates to the Board. They were experienced in meeting with members of the public and community groups and in responding to requests from victims. When the CCRA was enacted, an additional staff member in each region (usually designated as a Community Liaison Officer) was provided for the Board to allow them to respond to the anticipated additional workload consequent to the victim-related provisions. Therefore, for NPB staff, dealing with community outreach and public education are part of their responsibilities and they are experienced in delivering such material. Regional Managers Community Relations and Training also play an active role in these matters, and the centralization of NPB activities in a single regional office allows staff to collaborate and support each other in managing these initiatives.

While NPB staff consider this outreach a regular and important part of their duties, they have reported that as the demand for notification services to victims increases and their time is increasingly devoted to providing these services, they have less time to spend on

these programs than they would like. Nevertheless, the work is ongoing, and there have been some notable efforts in this area. In the Atlantic Region staff have traveled to Newfoundland and Labrador to meet with service providers and members of the community. In the Prairies Region there has been a serious effort to reach out to Aboriginal communities to explain the mandate and decision-making criteria of the Board and to inform them about information services available for victims. Most notable was a community education project in August 1994 when communities in northern Alberta, Saskatchewan and Manitoba were visited. Due to the over-representation of aboriginal offenders in the region, particularly considering that NPB deals with both provincial/territorial and federal offenders, the extent of victimization in some of these communities, and their remoteness from major urban centres where agencies providing services for victims are available, initiatives to travel to these communities are meaningful and appreciated by the people. In Pacific Region the Regional Vice-Chairperson and senior staff have also met with aboriginal communities.

Both agencies have established linkages with provincial court based victim services and other partners in the criminal justice system. These are important vehicles for communicating CSC/NPB practices. Most notable are the Joint Committee activities in Atlantic, and CSC Quebec's relationship with La Direction de l'indemnisation des victimes d'actes criminels.

At the regional level, CSC and NPB have established linkages with victim service agencies and victim advocacy groups. In some instances, these agencies have assisted CSC/NPB in providing training to staff. Most notable are the relationships with Plaidoyer Victimes, CAVAC (le Centre d'aide aux victimes d'actes criminels), CALACS (le centre d'aide et de lutte contre les agressions à caractère sexuel), and BAVAC (le Bureau d'aide aux victimes d'actes criminels) in Quebec Region, MOVE (Mediating Offender Victim Encounters), in Atlantic Region, CAVEAT in Ontario, and CUSJ (Citizens United for Safety and Justice) and CAVEAT in Pacific Region. In Pacific Region, victim service representatives are members of the regional victims services committee. In addition, following a sensational case in which the Mother of a young man murdered by an offender on conditional release pressed successfully for a coroner's inquest into the incident, CSC established a Victim Advisory Committee (VAC) composed of the Regional Deputy Commissioner, the woman concerned, representatives of other victim advocacy groups, the NPB Regional Director, other members of the community including an aboriginal community representative, and some staff. The purpose of the committee is to inform themselves about correctional practices and procedures, raise concerns about issues brought to their attention, and to offer constructive input into any future policy development concerning victims.

The way CSC/NPB are reaching victims to inform them of their entitlements can be illustrated by the results of the victims survey. Respondents were asked to identify how they had learned about NPB/CSC. Table 5 summarizes their responses.

Table 5
How victims learned they could
contact NPB/CSC for offender information
(source: Victims survey - 1995)

Source of information	#	%
Police	27	24.8
Courts	12	11.0
Crime Victims' Service Agency	32	29.4
Victim Advocacy Group	10	9.2
Media	6	5.5
Friend or relative	21	19.3
Other government agency	1	0.9
Total	109	100.1

* Double-entries were counted as 104 returns were analyzed.

Most victims reported that they had obtained their information about CSC/NPB from victim service agencies or victim advocacy groups (38.6%), followed by the police (24.8%). Although information about CSC and NPB is provided through the court-based victims services units, this route may not be fully effective. It is noted that only 12 of the respondents to the victims survey had learned through the courts that they could contact CSC/NPB for information. One reason may be that only a small percentage of cases dealt with by these service providers result in a federal sentence.

NPB Survey of Victims' Groups and Victims' Service Agencies, 1996

In Summer 1996, a two stage initiative was developed to survey how the Board could better meet the information needs of victims and their families. One of the objectives was to provide victims and victim groups with the opportunity to design their own product to meet their information requirements.

The first part of the project involved contacting various victims' groups across Canada (e.g. Canadian Centre for Victims of Crime, CAVEAT, MOVE, Plaidoyer Victimes, etc.) as well as several victim service organizations administered through the police, courts, and community groups. Comment was solicited on information to be included on victim-specific fact sheets which were being developed for public distribution.

The nature of the responses from the victims' groups about the type of information they require was consistent with the review of the victim survey conducted in 1994/95. Various Fact Sheets were developed, based on responses by the victims' groups, which inform victims of their entitlements to information, how to provide information to the Board and/or CSC, about being an observer at NPB hearings, and general information about conditional release. The draft copies were then sent back to the groups for their feedback,

to ensure the information was presented to them in a manner that was both comprehensive and complete. At this stage, the second phase of the project was initiated. This involved asking the groups if they would be interested in presentations from Board staff about services available to victims and general information about conditional release.

Response from the groups was positive, and a calendar of 24 speaking engagements was organized across the country. It was clear from these contacts that Regional Community Relations and Training Offices had been providing general information about victims' entitlements and conditional release on an ongoing basis since the CCRA came into effect and that these efforts had resulted in greater victim awareness about the Board and the process of conditional release.

This survey also reinforced the importance of continuing to work with victims' groups and agencies which work with victims, to provide information in order to increase knowledge about the criminal justice process.

Policy/Procedures Development

Correctional Service of Canada

Following proclamation of the CCRA, CSC developed a national policy for victims. Commissioner's Directive 784⁵ and its accompanying Guidelines were promulgated in January 1994.

Commissioner's Directive 784 essentially reiterates the disclosure provisions contained in the CCRA, provides guidance with respect to information received from victims, and is the vehicle whereby the Commissioner's authority to disclose information to victims, under section 26 of the CCRA, is delegated to certain CSC staff. By policy, the Commissioner's authority may only be exercised by the Regional Deputy Commissioner, the Institutional Head, the District Director, the person responsible for case management at Regional Headquarters, the Coordinator Case Management at the institutional and community office, and persons acting in these positions. In locations where the staff person assigned the Victim Liaison Coordinator role is not in one of these positions, this individual must obtain authorization to release information from a staff person with the delegated authority.

The Guidelines outline procedural requirements associated with victim contacts.

Additional policy direction respecting victims, applicable to case management staff is found in CSC's Case Management Manual.

⁵ Note: The Report of the Task Force on Policy Review has recommended that CSC 784 be deleted and that the content and the accompanying guidelines be incorporated into Standard Operating Practices (in all likelihood victim requirements will be incorporated into the Case Management Manual).

Certain key areas in the Case Management Manual address the relevance of victim information, and its role in risk assessment and the management of the offender:

- the intake assessment process and the requirement to gather all relevant information, including victim impact information from police/crown attorney; reports, victim impact statements and other sources, as appropriate;
- post sentence community assessment which is particularly significant in cases of domestic violence;
- an assessment of the impact of the offence on victim(s) is examined at the onset of the sentence, with elaboration on detention criterion in subsections 129(2)(a)(i) and 129(2)(a)(ii) of the CCRA. Victim information is obtained from a wide variety of sources (police reports, crown attorney, and in some cases the victim). The office of the Crown Attorney is the first point of contact for inquiry into harm caused to the victim when the wishes of the victim and/or circumstances of the victim are unknown;
- analysis of risk of family violence in requests for Private Family Visits;
- information provided by victims during the offender's sentence is subject to an analysis to be included in the Progress Summary Report.

Some of the feedback received from CSC staff suggests that while good collaboration exists within Regions, there is still a need for discussion and collaboration among regions of procedures associated with the flagging of offender files requiring victim notification. Each Region has essentially its own system for flagging files. At least one region has identified problems with inter-regional transfers due to differing practices.

Staff have also reported that they believe that there should be greater coverage of victim related responsibilities in the Case Management Manual, particularly with respect to requirements to record victim contacts on OMS.

In addition to national policy direction, CSC, institutional heads and district directors are required to ensure that procedures are established to accord with the Commissioner's Directives and Guidelines. The survey of CSC regions and institutions indicated that Atlantic(draft), Ontario and Pacific Regions have developed Regional Instructions respecting victims. With respect to reported operational units with Standing Orders respecting victims, Atlantic reported one; Quebec, three; Prairies, seven (one is draft); and Pacific, none.

National Parole Board

For the Board victim-related policies are contained in the NPB Policy Manual (Chapter 10.2 - Disclosure to victims, and 10.3 - Information from victims) and the need to consider information from and about victims is addressed in the risk assessment and decision-making policies. Each region is responsible for establishing procedures for management of information disclosure and files. Consistent inter-regional flagging to denote files requiring victim notification has not been adopted.

CSC/NPB staff and National Parole Board Member Training

Both agencies provided training to staff prior to proclamation of the CCRA. Since then training has been on-going within both agencies.

Both agencies have undertaken victim training and sensitization initiatives with essentially similar content. Training includes presentations and discussions relating to issues such as the use of information from victims, information about the impact of victimization, and risk factors pertinent to victims, particularly in cases of victimization within the family. However, NPB training has been more extensive and nationally consistent than that of CSC. This may explain why, for example, NPB staff have expressed a greater degree of confidence in their ability to deliver services to victims than CSC staff.

The variance between the two agencies may be attributable to several factors. As has already been noted, the responsibilities associated with victim contacts was not new to NPB staff. Responsibility for liaison with victims is one of the chief responsibilities for a few regional NPB staff, essentially Information/Community Liaison Officers, and Regional Managers Community Relations and Training. Many of these individuals were dealing with victim related issues well before the CCRA. Because Board offices are located at one site in each region knowledge sharing is facilitated and the logistics associated with the delivery of training are relatively insignificant when compared to the correctional service.

For CSC operational staff (Case Management, Parole Officers, Area Managers/Directors), however, victim liaison is a new responsibility that has been added to their existing workload. Consequently, victim-related training must be managed within this context. These staff are not located at a centralized location in each region but are dispersed across CSC operational units. These factors result in resource and logistical implications for any on-going training initiative.

A greater number of CSC staff, while not necessarily having victim liaison responsibilities, have contacts with victims. Initially training was largely targeted at the victim liaison staff, although there is a recognition that any staff member who deals with victims would benefit from training and case management and parole staff now also participate.

Another factor influencing the delivery of training, and the variance among regions in the amount of training provided to staff subsequent to the proclamation of the CCRA, was the decentralization of staff training as a result of the Long Term Organizational Plan (LTOP).

As a result of LTOP, training needs, priorities and delivery were determined by regional staff training. Consequently, the level of victim training in CSC has not been nationally consistent. Within each region victim training competes for resources (dollars and time) with other regional training priorities. For instance, the period following proclamation of the CCRA was a period of extensive training (initiatives such as risk assessment and intake assessment), and while a national victim training package was developed and disseminated to Regional Coordinators in early 1995, not all regions were able to organize victim training around the other major training initiatives which were being organized at the same time.

Staff from both agencies who responded to the CSC/NPB staff survey reported they would like additional training about certain aspects of the work, such as communication skills, effects of victimization, and family violence issues.

Correctional Service of Canada Training Initiatives

Prior to proclamation of the CCRA, CSC staff received extensive training on the CCRA. The victims training component focused on the newly introduced victims provisions contained in the CCRA.

Further training has been conducted, focusing on CSC's legislative mandate respecting victims, and the use of victim information in decision-making, as well as addressing issues of sensitivity to the impact of crime on victims.

In response to comments from the staff survey in 1994, in which CSC staff reported they wanted further training on victim issues and the legislative provisions, a comprehensive training module was developed under contract by NHQ and provided to Regions in February 1995. It provided a basic tool on which Regions could build their training to meet their own regional training needs respecting victims. Most regions have developed their own training modules and have, to varying degrees, provided training to their staff.

The following provides a cross-section of activities undertaken within CSC to enhance staff understanding of legislative provisions and victim-related issues:

- internal information /discussions sessions/ workshops are on-going, particularly for CCMs;
- staff in most regions have participated in workshops, training, and general sessions to sensitize staff to victims and their role in corrections and conditional release. In most regions victim organizations provide the sessions to sensitize staff to victims' needs;
- joint CSC/NPB victim issues training;
- attendance of staff at workshops and conferences sponsored by victim services, victims' advocate groups or provincial victim services (e.g. MOVE, CAVEAT (Safetynet conference); Plaidoyer Victimes, National Joint Committee, and CAVAC, CALACS, and BAVAC in Quebec. Such forums provide information to staff about how to respond to victims' needs, and services under provincial jurisdiction which are available to victims;
- liaison/brainstorming sessions with other components of the criminal justice system (police, crown attorneys, CSC, NPB, provincial victim services);
- CSC implemented a national family violence training strategy for correctional staff in September 1993. Family Violence Training included three components of varying lengths. As part of this strategy, all new recruits receive the three day intensive training and the half-day basic awareness. The former is for staff with regular contact with offenders;
- carry-over funding in 1994/95 to develop a national training model and to fund regional training. Two regions provided training through these funds.

Some regions indicated that staff (institutional and community) have expressed concern about anticipated increases in victim-related needs/demands, and continue to express frustration regarding perceived insufficient resource allocation and training. More than half the respondents to the staff survey believed they needed more training. While training on the CCRA provisions was identified as a need, as many staff expressed a need for training on techniques to deal with stress resulting from contact with victims, effects of victimization and learning how to communicate more effectively with victims.

National Parole Board Training Initiatives

Training for Board members and staff has focused on the issue of “victims” since the introduction of the CCRA. Sharing of information with victims, accepting information from victims, explaining the decision-making and conditional release process to victims, and preparing, escorting and debriefing victims who attend hearings as observers have all been services extended consequent to the implementation of the CCRA. To provide these services well in a sensitive and professional manner, and to use the information provided by victims or by the courts or other agencies about the offence of victimization effectively in the decision-making process, staff and Board members have received on-going training.

Initially, with the introduction of the Act in 1992, all regions and the National Office received three days of training on the CCRA provisions. Part of this training was dedicated to ‘victims’ rights as defined by the CCRA. Subsequently, victims’ issues have been a standing issue for General Board Meetings and regional workshops. While records were not systematically kept as to all sessions, workshops, guest speakers, in-house sessions, dates of sessions and who attended, the following provides a summary of the types of regional training initiatives on victims’ issues which were undertaken:

- sessions on victims’ issues are presented as part of the orientation training for new Board members and for new employees;
- Board members and staff have also received specific training on topics such as victims of family violence and sex offenders and their victims;
- Information/Community Liaison Officers have met with service providers for victims in all provinces;
- attendance by Board members and staff at various meetings, workshops and conferences sponsored by CAVEAT, COVA (Canadian Organization for Victim Assistance), MOVE, Plaidoyer Victimes, etc.;
- attendance and presenting at police/parole workshops;
- attendance at conferences and workshops such as: Violence and Aggression Seminar; Family Violence Workshops; SafetyNet; Violence: How to Address it in the Aboriginal Communities; Wellness Conferences; Restorative Justice; Victim Services Crime Prevention Symposium; Victims’ Issues; etc.;
- various in-house victim information sessions;
- various regional workshop sessions on management of hearings with observers present, decision documentation specific to victims information, and victim information services; and
- in-house video previews and discussion groups.

Victim-related Information From the Courts

Decision makers may not always have access to information from victims which may be thought to be available. Victim Impact Statements are still difficult to obtain from the courts and are seen in only a small proportion of cases. They are often not sought from, or provided by victims, and when they are provided the Crown Attorney determines whether or not they are submitted to the court.

In the survey conducted of 227 files for the CCRA review project: 'Collection of information about offenders', victim impact statements were received in only 40 cases; 5 of those or 13% were late. There was no indication in the data returns in 190 cases (83%) as to whether such reports had been requested. Staff have no way of knowing if such reports even exist. There is a need, therefore, to develop procedures to determine whether a victim impact statement exists in the case of each new admission.

Federal provincial negotiations on information-sharing have been undertaken to increase the proportion of files where victim impact information is available to decision-makers.

Victim Representations in CSC/NPB Decision-making

CSC respondents report that victim concerns are identified and addressed through community assessments, most commonly in family violence cases. This information would be available to both case management staff and the Board.

With respect to NPB, victims usually write expressing their concerns about the offender and will frequently ask for the imposition of some type of "no contact" condition should there be a release. This information is shared with CSC. The focus on victim-related issues in Board member training has increased awareness of the value of information from victims in assessing risk and of the importance of such a condition, when required.

A review of additional conditions applied to all release types (day and full parole and statutory release) indicates that approximately 49.7% of releases have a condition to avoid certain persons. While in the majority of cases this condition requires the offender to avoid individuals with a criminal record, drug dealers, specific associates and/or specific organizations, in at least 10% of cases, the offender has an additional condition to avoid contact with the victim(s) of his/her offence(s). At least 20% had an additional condition restricting relationships or contact with women and/or children generally.

Resources/Impact on Staff

A significant impact for both agencies of the CCRA provision relating to victims, and the major increase in victim contacts, is the increased workload for staff. The organizational structures of the Board and CSC have resulted in different implementation and resourcing of the provisions. The Board provides victim information services from five regional offices where all the relevant information on the offenders in that region is available. At proclamation of the CCRA, NPB regional staff had been providing victims with information for several years under the provisions of paragraph 8(2)(m) of the *Privacy Act* and most of the staff giving these services were experienced and knowledgeable. Additionally, at proclamation, the Board provided resources for an additional information officer position in each Regional office in anticipation of the increased demand for services. For the Correctional Service, providing information to victims was a new initiative, and the information for victim notification is located in the individual institutions and parole offices. CSC has assigned Victim Liaison Coordinators at each operational unit to assume victim-related responsibilities in addition to existing job responsibilities.

Victim contacts are resource intensive for both agencies and, as illustrated by Table 4, it is unusual for a victim, provided with information about an offender's eligibilities and general information about conditional release and their entitlements under the CCRA, not to ask to be informed on a continuing basis about releases, Board decisions, and any other releasable information. Additionally some victims apply to attend NPB hearings as observers, provisions which are labour intensive for both agencies, involving considerable time for administration, and briefing and escorting observers who attend a hearing. A significant part of CSC Victim Liaison Coordinator duties in some Regions is to deal with victim observers which is a highly time consuming activity. Additionally, for NPB, victims often ask for Board decisions under the decision registry provisions. Consequently, once established, there is likely to be ongoing interaction between the victim and both agencies.

Ontario has by far the highest number of victim contacts (Table 3). Quebec and Atlantic having the lowest number of contacts. There is concern about the present workload for National Parole Board staff, especially in the Ontario and Prairies Regions. Increasing demand will make maintaining the present level of service difficult without additional resources.

For CSC-Ontario, in addition to the full time resource at the joint Victim Information Unit, CSC estimates that on average, the community liaison coordinators spend one-half to two hours per week on victim related matters. On the community side, the workload in Ontario Region is considered manageable by CSC. However, institutional estimates are considerably higher, with up to 6-7 hours per week spent on victim related matters by the victim liaison coordinator at some locations.

CSC Pacific Region has maintained a record of the regional workload impact of victim-related activities. Time spent on victim liaison activities varies from month to month. High profile offender hearings, releases and community concerns can be highly resource intensive. For example, at Ferndale, meetings with one victim took 11.5 hours of the coordinator's time during one month alone. For the month of February 1996, victim liaison coordinators for the Region spent a total of 34 days on victim liaison activities (and 32 and 23 working days for July and August respectively), and this is not considered to reflect the total time spent on these activities. File management is one of the most time consuming activities for victim liaison officers, taking up to half their time.

In addition to the significant workload impacts on CSC staff, interaction with victims has been described by some staff as stressful and emotionally draining, particularly if it is a first contact. Staff, both community and institutional, expressed anxiety with respect to the increases in victim-related information needs and frustration regarding perceived insufficient resource allocation and training in this area.

CONCLUSION

It appears that the overall intent of the *Corrections and Conditional Release Act* provisions relating to victims is generally being realized. Victims are increasingly being recognized, both formally and informally, as an important part of the criminal justice system. Decision-makers in the National Parole Board are using victim-related information to assist in determining risk, and are responding to requests from victims by imposition of additional conditions when the Board members believe they will increase the safety of the victim or other members of the public, and assist management of any risk posed by the offender.

When victims, as defined in the Act, request information about offenders, NPB and CSC staff report it is being provided. This is a complex responsibility under the CCRA, and both the Board and CSC recognize that attention must be addressed to endeavouring to ensure these duties are performed effectively. This is particularly significant for CSC, which has the responsibility of notifying victims about releases of offenders. The victim satisfaction survey, while indicating a fairly high level of satisfaction, did indicate areas of concern with respect to the provision of information, and the timeliness of this service. Issues raised in the course of this review will be reviewed by the appropriate agency.

Significant efforts are being made to increase the knowledge of victims, and victim advocacy and service groups as well as the general public, about these provisions and about corrections and conditional release.