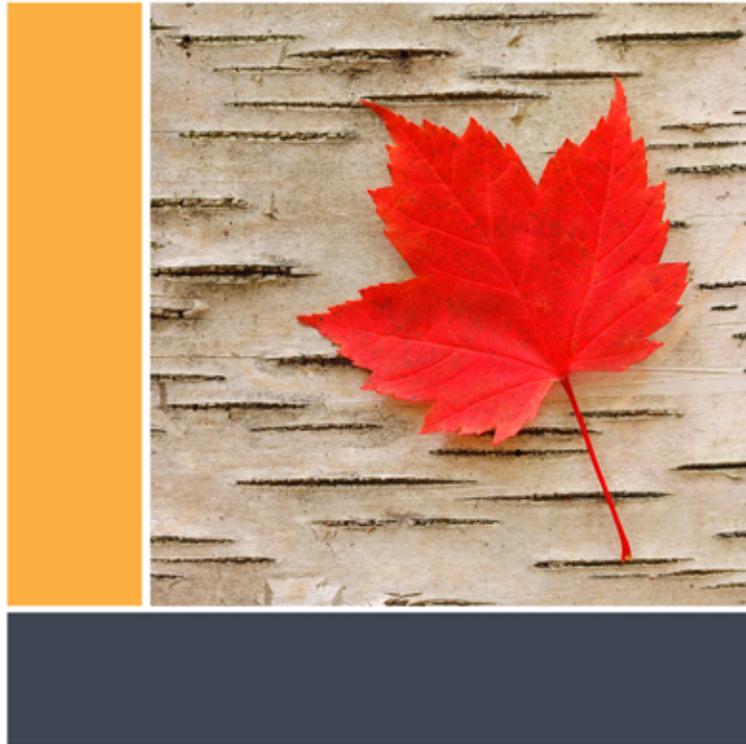




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BUILDING A **SAFE AND RESILIENT CANADA**



Public Safety Canada
National Victims Roundtable
Summary Report

NOVEMBER 2017

Canada



Executive Summary

On July 11, 2017, Public Safety Canada's National Office for Victims (NOV) met with victim stakeholders and non-governmental organizations on the role of victims in the federal corrections and conditional release system and their *right to participation* under the *Canadian Victims Bill of Rights* (CVBR). The roundtable event was divided into two sessions.

The morning session, led by the Corrections Policy Unit of the Corrections and Criminal Justice Division, focused on a review of the *Corrections and Conditional Release Act*, and provided the opportunity to hear from stakeholders on the key stages of the federal correctional process, in particular:

- a) intake assessment of the offender and correctional planning;
- b) penitentiary placement of offender and programing; and
- c) conditional release and community supervision.

The afternoon session, led by the NOV, focused on identifying victims' participation needs, what choice and options could be considered to increase victims' participation and their overall experience, and gaps or barriers that prevent victims' meaningful participation in federal corrections and conditional release.

Presentations and discussions during the roundtable highlighted that while the Government has made progress in ensuring victims' participation in the corrections and conditional release system, opportunities to enable all victims of crime to have a voice in the criminal justice system.

Please note that this report summarizes group presentations as well as multiple breakout sessions which occurred over the course of this daylong event. The issues and recommendations outlined in this report are those within the responsibility of Public Safety Canada's (PS) Portfolio. Any suggestions and recommendations pertaining to activities of provincial/territorial jurisdiction or matters for which other federal departments are responsible for will not be included in this report but instead have been shared with the appropriate partners.



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National Victims Roundtable

Introduction

On July 11, 2017, Public Safety Canada's (PS) National Office for Victims (NOV) hosted a National Victims Roundtable on the role of victims in the federal corrections and conditional release system and victims *right to participation* under the *Canadian Victims Bill of Rights*. The roundtable brought together stakeholders with different perspectives, including those who have experiences of victimization, and those who provide services to vulnerable populations, including Indigenous and LGBTQ2+ communities.

Building upon previous stakeholder engagement sessions meant to encourage participation of victims of crime and those who may experience marginalization by the system and its available services, the objectives of this roundtable were to identify:

- the participation needs of victims of federal offenders,
- what choice and options could be considered to increase their opportunity to participate and improve their overall experience; and
- gaps or barriers that prevent victims from fully participating in the federal corrections and conditional release system.

Overview of PS Portfolio victim services

The roundtable began with federal partners providing a brief overview of current victim programming and services.

National Office for Victims (NOV)

A representative from PS explained that the NOV was established in 2005 to ensure that victims' perspectives were considered in the development of federal corrections policy; to provide general information to victims about corrections and conditional release; and facilitate access to the Correctional Service of Canada (CSC) and the Parole Board of Canada (PBC) staff in order to address complaints. The NOV also plays an important co-ordination function in the Public Safety (PS) Portfolio with a focus on working with victims of federally sentenced offenders (individuals serving a sentence of incarceration of two years or more), service providers and the general public to promote federal measures for victims related to federal corrections and conditional release.

In addition, brief descriptions of the following publications, available in both official languages online¹ and in print, were provided:

- *Canadian Victim Bill of Rights Act* poster outlining victims' rights along the criminal justice continuum;
- *Preparing Victims for the Release of a Federal Offender* pamphlet;
- *Overview of Federal Corrections and Criminal Justice - Victim-Centred Information and Assistance* poster;
- *An Information Guide to Assist Victims: Federal Corrections and Conditional Release*; and
- *Victims of Crime: Staying Informed* booklet (available in 20 languages).

¹ The NOV publications are available online at <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/ntnl-ffc-vctms-en.aspx>



Correctional Service Canada (CSC) - National Victim Services Program

A representative from CSC explained that its mandate is to provide victims with information about the federal offender who harmed them – from the time that a victim requests the information (or registers to receive information) throughout the offender's sentence. CSC aims to empower victims by engaging them in dialogue, answering their questions, providing them with specific information (see section 26 of the Corrections and Conditional Release Act {CCRA}) that they want to receive and giving them an opportunity to express the impacts that the crime(s) has had on their lives.

Parole Board Canada (PBC) - Victim Information

PBC's representative explained that the Board is an independent administrative tribunal that has the authority to make conditional release decisions for offenders in federal custody and provincial offenders (i.e., less than 2 years in custody) in all provinces except Ontario and Quebec. Victims who register with the Board are entitled to obtain certain information about the offender (see section 142 of the CCRA): such as the offender's name, sentence, and eligibility dates for release. Victims are also entitled to participate in the parole process by submitting statements and information to the Board for consideration in decision-making and attending hearings either as an observer or to present a statement. Should they not be able to attend in-person, video conferencing can be made available on a case by case basis or victims can listen to an audio recording of the hearing at a later date.



Session 1: Corrections and Conditional Release Review

PS consulted stakeholders on the role of victims in federal corrections and conditional release, with an emphasis on the key stages of the federal correctional process, including intake assessment of the offender and correctional planning; penitentiary placement of offender and programming; as well as conditional release and community supervision.

The purpose of the roundtable was to:

- obtain the views of participants on the impact changes to legislation, federal correctional policies, procedures and programs/practices has had on public safety;
- the ability of federal corrections to better contribute to a more inclusive Criminal Justice System (CJS) in a manner that is consistent with the objectives of the CJS; and
- seek recommendations regarding legislative changes and initiatives to better address the needs of victims.

CSC's Offender Programs and Reintegration Branch

Intake Assessment and Penitentiary Placement of the Offender

This presentation provided a summary of CSC offender case management and risk assessment in corrections. The presentation explained the main components of the case management process; namely, intake assessment, institutional supervision framework, case preparation and release framework, and community supervision, with particular focus on how an intake assessment is carried out as well the institutional supervision framework.

Offender Programming

The second presentation provided by CSC delivered an overview of the Integrated Correctional Program Model, which combines successful elements of CSC's previous cadre of programs (e.g., substance abuse, anger management, etc.) with more recent innovations in correctional programming. Rather than providing separate theme-based programming, the new programming integrates themes focusing on increasing motivation and awareness of behaviour, as well as examining thinking, beliefs and attitudes and developing self-management and aftercare plans in order to reduce recidivism. It was explained, that under the new model, there are three distinct streams of programming for male offenders: multi-target program, sex offender program and Aboriginal specific program. Women offenders also have specialized programming.

Participants put forward suggestions aimed at offender programming that may better assist in offender reintegration and prevent future victimization by:

- providing offenders with victim impact training or empathy training as a way to assist offenders develop a better understanding of the impact of their crimes;
- having CSC provide more community-based programs to increase successful offender reintegration; and



- reinstating offender reintegration programming such as Lifeline² and providing additional support to the Circles of Support and Accountability³ program.

In addition, some questions were raised regarding legislative amendments made by the previous government in relation to parole review and if these legislative changes were truly victim centred and facilitated the safe reintegration of offenders in society.

Conditional Release and Community Supervision

The third presentation provided by CSC discussed the correctional process, including effective case management, community supervision and the types of conditional releases available to federal offenders. CSC's mandate includes supporting the safe and gradual return of offenders to society through structured and supervised release processes.

Stakeholders raised concerns about their role in the conditional release process including victim impact statements; barriers to participating in this process and communicating with victims regarding the release process.

Victim Impact Statements:

Numerous concerns and suggestions were noted to federal officials regarding the structure for the delivery of victim impact statements:

- Participants noted their concerns with being open about their victimization in their statements as these are shared with their offenders;
- Some participants noted an issue with the current practice of PBC advising offenders not to look at victims during hearings. Although this direction was put into place to avoid possibly intimidating or re-victimizing victims, some victims feel that they are not heard during the delivery of their impact statement at Board hearings since offenders are not looking at them.
- It was suggested that victims be given the opportunity to choose where they sit in the hearing room since not all victims want to be situated behind the offender. In some cases, victims felt that by being automatically situated behind the offender diminishes their role in the proceedings.
- There may be reluctance for victims who reside in smaller or northern communities to provide a victim impact statement since the families of offenders and victims potentially live in close proximity to one another or know each other. In some cases, victims in these situations fear reprisal in their communities.
- One suggestion to increase offender accountability was to legislate a community representative responsible for offenders in small or remote communities where parole officers are not situated full-time but are required to fly in periodically.

² Lifeline was a program created in 1991 by the Correctional Service of Canada to provide support services for offenders serving life sentences. The program helps to rehabilitate offenders by preparing them for reintegration into society when on parole. It employs successfully reintegrated ex-inmates to mentor recently released offenders. The Lifeline program won several awards for its work in successfully reducing the likelihood to reoffend.

³ Circles of Support and Accountability is a reintegration initiative, employing restorative justice principles, that assists individuals, who have served a prison sentence for a sexual offence(s) in their effort to re-enter society. These individuals participate in the program voluntarily.



- Stakeholders noted that there is a lack of awareness about Community Impact Statements and suggested that information be made more readily available.
- Lastly, participants raised discontent with offenders having the ability to review Victim Impact Statements well in advance of the hearing, and enabling to prepare their response since victims are not provided the same opportunity to respond to what the offender says during the hearing.

Barriers to Participation in the Conditional Release Process:

A number of barriers to the effective participation of victims in the corrections and conditional process were also raised during the question and answer session following this presentation:

- Participants noted that the lack of videoconferencing opportunities poses a challenge for victims to attend parole hearings, particularly when they live in remote communities. Further, consistent availability of video conferencing across the country was noted.
- Some stakeholders mentioned that there is a need for translators at parole hearings so victims can be heard and validated, regardless of language barriers.
- One participant stated that offenders currently have the right to change the date of their parole hearing at any point. This is a challenge for victim participation at parole hearings when travelling and can cause undue financial hardship for victims.
- It was also noted that more advance notice of an upcoming parole hearing would be useful to victims to help them prepare to attend and/or present (i.e., "three weeks is not enough time").
- Participants noted that certain populations of victims are currently excluded from participating in the parole process. Children and youth were listed as an example of voices of victims which need to be included.

Information regarding the Conditional Release Process:

Lastly, during this session, participants noted barriers in the communication of information and decisions regarding the conditional release process:

- The overly complicated language of the CJS was noted as a barrier to understanding the information regarding the conditional release process.
- One participant suggested a need for more accountability and information provided to victims when offenders are released into the community.
- Participants noted that the parole hearing process can be very traumatizing for victims and that it can be very difficult to remember the details of it. It was suggested that victims be able to access audio recordings even when they attend parole hearings. Given that this option is available for victims who cannot attend; it was presumed that this would be feasible.
- Stakeholders raised a variety of questions and concerns regarding the training of Parole Board members. It was suggested that more information should be made available to victims regarding how Board members are trained. Additionally, it was suggested that Board members be educated on the needs of victims and provided with sensitivity training (e.g., having a victim present to Board members during their training).
- Victims living abroad should also be able to access information about the offender who harmed them.



- One stakeholder noted that it is upsetting when victims hear that the decision to release an offender was made very quickly; it was suggested that this can be interpreted as Board members not giving much thought to their decision and/or that their victim statements were not being carefully reviewed.
- Further, it was suggested that if victims have attended or presented at a hearing, that decisions should be rendered with them present. In addition, the reasons that led to the decision should be better explained to victims.

In addition to the feedback outlined above, several overarching comments were shared:

- Historical trauma of Indigenous victims and offenders is not recognized by the CJS, especially victims' historical trauma and that the CJS isn't listening to the Gladue reports.
- More government support for victims was required, to reduce the overreliance on non-governmental organizations to provide victim assistance.
- A suggestion was made for increased community supports for offenders when being released from correctional institutions to ensure public safety and reduce the risk of future victimization.

Session 2: Canadian Victim Bill of Rights and the Right to Participation

The *Canadian Victim Bill of Rights* (CVBR), which came into force on July 23, 2015, entrenched into law the following rights for victims:

1. Right to Information;
2. Right to Protection;
3. Right to Participation; and
4. Right to seek Restitution.

As part of the CVBR implementation plan, the NOV, in consultation with its Portfolio partners, has been engaging with non-governmental stakeholders from across the country through a series of roundtables related to victims' rights in the context of federal corrections and conditional release. On February 9 and July 19, 2016, the NOV held its first roundtables on the "Right to Information" with victim stakeholders and non-governmental organizations.

The 2017 roundtable, held in Ottawa, Ontario, focused on federal corrections and the "Right to Participation." The afternoon session focused on three themes at the forefront of victims' right to participate: participation needs, participation format and medium, and reducing barriers to participation. Participants broke out into four groups in order to maximize the opportunity to provide their feedback in regards to these themes.

What we heard about the Right to Participation

Participants raised a number of issues surrounding their participation needs. Suggestions for improvement were provided regarding how information can be better communicated to encourage participation in institutional decisions that also impact victims, as well as victim participation needs in the conditional release process. Additionally, stakeholders noted the need for better communication on how they can participate in corrections and conditional release.



Understanding How to Participate:

- Stakeholders mentioned that having three different victim services branches (NOV, CSC, and PBC) raises confusion for how they can participate in the CJS and where they should go for services. Victims cannot exercise their right to participate if they do not understand how the system works. It was suggested that an increase in public education and awareness would assist victims' understanding of the corrections and conditional release system.
- It was also noted that many victims do not know about the registration process or how it works and thus miss opportunities to participate in the conditional release decision process.
- One suggestion was the creation of a toolkit which would serve as a single, comprehensive orientation kit when victims enter the CJS, providing information on how to navigate the entire process. It was also mentioned that Eastern Canada has a tool kit which could be used as a model. It explains the system in simple terms and explains legal terminology.

Decisions taken at the Correctional Institution Level:

- While registered victims are notified regarding decisions taken at the institution level by the warden, it was raised that the rationale behind these decisions, such as escorted temporary absences, are not communicated to victims. This leads to victims feeling that their safety and concerns are not being considered by CSC.
- In addition, decisions regarding the level of security of the institution in which an offender is being placed are not explained to victims. This can be particularly difficult for some victims, such as victims and survivors of impaired driving offences. Offenders in these cases are often placed into minimum security institutions as they aren't deemed to be a high security risk and are often first time offenders. This said, victims who have lost a loved one to an impaired driving offence, may consider the offence to be homicide, and as such feel that placement in minimum security is inappropriate without further explanation.
- As a solution to both issues outlined above, stakeholders suggested a summary of the decision-making process could be provided to victims, such as the ones for parole decisions taken by PBC, so victims could better understand the factors involved in institutional decision making processes and feel that their concerns are considered.
- Stakeholders also indicated that it would be helpful for CSC to provide more advanced notice regarding changes in offenders' correctional programs. Lack of notice can lead to a lack of confidence in release decisions as victims may not feel the offender's behaviour has truly changed.
- Participants also noted that it would be beneficial for CSC to communicate additional information to victims regarding the offender who harmed them. Examples provided include progress the offender has made towards "changing" and if the offender feels remorse for what they did.
- It was also noted that the correctional plan is very difficult to understand and that a summary of it in plain terms should be provided to victims.



Participation Needs in the Conditional Release Process:

Participants reiterated that parole hearings can be very traumatic. This means that the communication surrounding them is very important. As such, the following recommendations were made:

- more advance notification of parole hearings because it is very difficult for victims to adequately plan and prepare for them;
- more details when providing advanced notification of parole hearings, for example, when victims are just told a hearing will take place in a certain month, this does not provide enough detail to adequately prepare; and
- notify victims immediately when parole hearings are cancelled or dates change.
- Participants also mentioned the importance of having family support during parole hearings, especially for Indigenous communities.
- Parole hearings held in institutions were described as problematic since the environment can be very intimidating for victims, particularly for certain types of crime, such as sexual assault or child abuse. Stakeholders mentioned videoconferencing as a potential solution to this barrier. It was suggested that having the option to attend and/or participate using video conferencing could avoid causing any additional trauma to victims and would allow victims to have multiple support people present.
- Addressing financial needs were mentioned as a way to increase victim participation in conditional release processes. Examples provided include the financial implications to accessing transcripts of parole hearings and the timely reimbursement of travel costs when attending.
- It was also noted by a few stakeholders that victims used to be allowed to have their CSC Victim Services Officer accompany them to hearings and that without notice this was no longer permitted. This was noted as problematic and confusing as no change in policy had been announced.

Reducing Barriers to Participation:

Stakeholders identified two barriers that affect victims' participation in corrections and conditional release decisions: the exclusion of different types of victims and quality of service.

Exclusion of different types of victims:

Participants raised a number of their concerns with certain populations of victims being excluded from participating in corrections and conditional release.

- It was raised that the definition of victim leads to the exclusion of many victims. For example, families of offenders who are often themselves victims since the offender's crime impacts their lives as well, or "street families" or "chosen families" may not be eligible for victim services (e.g., restorative justice).
- The word "victim" was also noted as being exclusionary as many do not identify themselves as victims. "Survivor" was suggested as a positive alternative. Another suggestion was using "those impacted by crime or violence."
- It was noted that more options should be made for the participation of Indigenous people in the corrections and conditional release process. Examples mentioned were sentencing circles and elder assisted hearings that are both offender and victim focused.



- A lack of translation services at parole hearings was noted as problematic for victims whose mother tongue is a language other than English or French(i.e., in various Indigenous communities).
- One of the participants explained that within Indigenous communities some individuals are not as verbal or articulate, so having someone to help them communicate is essential for their participation in parole hearings.
- Another participant noted the need to be more inclusive of different voices in the corrections and conditional release process. For example, children and youth are excluded from participating.
- Further, it was noted that a one size fits all approach to corrections and conditional release was not effective in gaining the participation of groups such as the LGBTQ2+. Participants noted the need for particular programs to ensure the participation of all victims. It was suggested that tailoring programs for the LGBTQ2+ population could increase participation.
- Lastly, it was also noted that victims who have a criminal record, may be discouraged from participating in the criminal justice system (e.g., sex workers). As such, special attention should be paid to ensuring these individuals will not face stigmatization if they choose to participate and that they feel adequately supported in order to exercise their participation rights.

Quality of Service:

Lastly, participants reiterated the importance of having choice and options to ensure positive experiences and services from federal institutions to encourage victim participation in the corrections and conditional release system. These included:

- ensuring notification of pertinent information always happens (e.g., missed notifications when co-residents answer a call);
- ensuring that victims are properly educated about what to expect of the CJS. In this way, they will have an improved understanding of the CJS and can better manage their expectations of it (i.e., their role in the CJS, how the offender will serve their sentence and what information they will receive automatically and what information is discretionary);
- addressing technical challenges with the Victims Portal to ensure victims are properly notified and not blocked from accessing the information;
- ensuring consistency when providing federal victim services, which could include one single complaint form;
- ensuring correctional staff are respectful and compassionate with victims so they are encouraged to participate in corrections and conditional release decision-making;
- a more simplified registration process (i.e., fewer demands for information when registering); and
- ensuring that victims can reach services directly. For example, needing to leave a voicemail in order to be called back with information was noted as a barrier to receiving proper service. Some stakeholders noted difficulty in receiving responses from CSC and PBC.



Moving forward on Understanding Victim Needs in Corrections and Conditional Release

The roundtable wrapped up with a commitment from PS to host a roundtable the following year on the Right to Protection and that the recommendations made during this roundtable will be examined and considered.

Participants were asked if it would be useful to conduct a victim survey. Feedback was mixed. Some felt that this would not be of use given that there is no guarantee that the outcome would improve services for victims while others felt that learning more about the needs of victims and responsiveness of the system could influence change. This said, participants suggested a number of research ideas aimed at better understanding victim needs in corrections and conditional release. These include:

- evaluating Warden's decisions and how often geographic restrictions for victim safety are applied;
- studying how often victims support decisions taken by the Board;
- evaluating federal victim service communications with victims to determine if the information provided is clear and consistent across different regions;
- studying the impacts of participation on victims when they are asked to make impact statements numerous times for hearings;
- learning more about the needs of family members attending parole hearings; and
- examining if information provided to victims is beneficial for them or if it causes them additional trauma or victimization.