



Public Safety
Canada

Sécurité publique
Canada

Canada

Building a **safe and resilient** Canada

Public Safety Canada Portfolio Report (2020-2021): Victim Complaint Resolution Mechanisms

Canadian Victims Bill of Rights

October 2022





Read this publication online at:

<http://publicsafety.gc.ca/cnt/rsracs/pblctns/2022-vctm-cmplnt-rsltn-mchnsms/index-en.aspx>

This is the fourth Public Safety Portfolio Report: Victim Complaint Resolution Mechanisms since the coming into force of the CVBR. The report includes a brief description of victims' rights, the mandates of Public Safety Canada and its victim serving Portfolio agencies; a statistical overview of CVBR complaints submitted in fiscal year 2020-2021, a summary of complaints received and how they were resolved, and any improvements to complaints processes.

Aussi disponible en français sous le titre : Rapport du portefeuille de la Sécurité publique (2020-2021) - Mécanismes de règlement des plaintes des victimes.

To obtain permission to reproduce Public Safety Canada materials for commercial purposes or to obtain additional information concerning copyright ownership and restrictions, please contact:

Public Safety Canada, Communications
269 Laurier Ave West
Ottawa ON K1A 0P8 Canada

communications@ps-sp.gc.ca

© His Majesty the King in Right of Canada, as represented by the Ministers of Public Safety and Emergency Preparedness, 2022.

Cat. No.: PS1-17E-PDF
ISSN: 2562-637X

Table of Contents

Introduction..... 4

Section I: Public Safety Portfolio Victim Services 5

Section II: Victim Complaint Resolution Mechanisms 7

Section III: Profile of Victim Complaints 8

PS Complaints Overview..... 11

CSC Complaints Overview 12

PBC Complaints Overview 14

RCMP Complaints Overview 16

Section IV: Looking Ahead – Policy / Process Considerations 18

Appendix A 19

Glossary 20

Introduction

The *Canadian Victims Bill of Rights* (CVBR) was enshrined in law in July 2015, which identified four statutory rights for victims of crime in the criminal justice system (CJS):

- right to information,
- right to participation,
- right to protection, and
- right to seek restitution.

To ensure these rights are upheld, a federal complaint resolution mechanism was established as a remedy to alleged infringements of victims' rights and to take corrective action. Victims of crime may file a complaint if they are of the opinion that their rights have been infringed or denied by a federal department or agency during their interaction with the Canadian CJS. Public Safety Canada (PS) and its Portfolio agencies continue to implement the CVBR with the aim to improve victims' experience with the CJS.

This report summarizes complaints received and responded to by the PS Portfolio agencies within the 2020-2021 fiscal year. This report also includes how the complaints were resolved, any improvements that were made to the complaint process by each agency, data from previous fiscal years for comparison purposes and reports on actions taken to address concerns raised by victims.

Section I: Public Safety Portfolio Victim Services

PS provides strategic advice and support to the Minister of Public Safety and Emergency Preparedness on legislation and policies governing federal policing, border security, corrections and conditional release and shares some criminal justice responsibilities with the Minister of Justice, including upholding the rights of victims of crime. Below are the agencies that make up the PS Portfolio and that provide services for which the CVBR must be considered:

- ❖ **Canada Border Services Agency (CBSA)** interacts with victims during criminal investigations of offences under the *Immigration and Refugee Protection Act* (IRPA), at which point CBSA must consider victims' rights to information, participation and/or protection under the CVBR. In addition, the CVBR legislation allows Correctional Service Canada (CSC) to notify registered victims when the offender in their case is removed from Canada before their sentence expires. To facilitate this work, the CBSA will advise the CSC with all relevant removal information.
- ❖ **Correctional Service of Canada (CSC)** provides registered victims with information about the offender who harmed them, as set out in the *Corrections and Conditional Release Act* (CCRA). Registered victims can also submit a victim statement, should they choose, for consideration in recommendations and decisions that CSC makes throughout the management of an offender's sentence. CSC also offers a Correctional Plan Progress Report to victims who want to receive information about the offender's progress in meeting their correctional plan. Lastly, CSC provides general information about restorative justice programs, including CSC's victim-offender mediation services.
- ❖ **Parole Board of Canada¹ (PBC)** provides registered victims with certain information about the offender who harmed them, as defined in the CCRA. Registered victims can also submit a victim statement for consideration by the Board, including requesting special conditions to be imposed on an offender's release; request to observe a hearing, including presenting their victim statement at the hearing; request to listen to the audio recording of a hearing; and request written decisions from the PBC's Decision Registry².

¹ <https://www.canada.ca/en/parole-board/services/victims.html>

² Since November 1, 1992, the *Corrections and Conditional Release Act* requires the PBC to maintain a registry of its decisions along with the reasons for those decisions in order to contribute to public understanding of conditional release decision making and to promote openness and accountability. More information on the decision registry can be found here: <https://www.canada.ca/en/parole-board/services/decision-registry.html>.

Public Safety Canada's National Office for Victims (NOV)³ acts as a central resource working with Portfolio agencies to improve victims' experience with the federal corrections and conditional release system by coordinating and engaging with partners and stakeholders, applying a 'victims lens' on correctional policy development and developing and disseminating information to help victims better understand and navigate federal corrections and conditional release.

- ❖ **Royal Canadian Mounted Police (RCMP)** interacts with victims when responding to calls for service and investigating crime. When doing so the RCMP provides referrals⁴ to Victim Services Programs across Canada, who in turn work to:
 - lessen the impact of crime and trauma on victims and their families while assisting them in their recovery;
 - enhance victim safety and help reduce the risk of further victimization;
 - increase victims' participation in the CJS; and
 - prepare victims acting as witnesses for court proceedings.

³ <https://www.publicsafetycanada.gc.ca/nov>

⁴ <http://www.rcmp-grc.gc.ca/ccaps-spcca/vic-eng.htm>

Section II: Victim Complaint Resolution Mechanisms

Each federal department and agency with responsibilities under the CVBR has developed a complaint resolution mechanism. The diagram below was developed as an overall summary of the PS Portfolio CVBR complaint resolution process, and is not intended to reflect the level of detail contained in each department's/agency's process.

An Overview of the Public Safety Portfolio Complaints Process under the CVBR

Step 1 - Complaint submitted and received

A confirmation of receipt is sent to the complainant. If necessary the victim may be contacted to request additional information before an assessment is made.

Step 2 - Complaint assessed under the terms of the CVBR

A complaint is considered admissible if it meets the definitions and conditions (referred to below as criteria) set out in the CVBR and falls under the organization's mandate.

Meets Criteria - Founded	Meets Criteria - Founded in part	Meets Criteria - Unfounded	Does Not Meet Criteria
Victim's rights were found to have been infringed or denied.	Some, but not all, issues identified in the complaint were found to infringe or deny a victim's rights.	The organization followed all relevant policy and legislation.	The complaint is inadmissible.

Step 3 - Written response

A written response is sent that explains:

Meets Criteria - Founded	Meets Criteria - Founded in part	Meets Criteria - Unfounded	Does Not Meet Criteria
<ul style="list-style-type: none"> • results of the complaint, • actions taken, and • provides relevant referrals. 	<ul style="list-style-type: none"> • results of the complaint, • actions taken, and • provides relevant referrals. 	<ul style="list-style-type: none"> • results of the complaint and • provides relevant referrals. 	<ul style="list-style-type: none"> • the complaint does not meet the criteria and • provides relevant referrals.

Step 4 - Follow-up

Satisfied - The complaint process is completed and the file is closed.

Not Satisfied - Contact information for the Office of the Federal Ombudsman for Victims of Crime (OFOVC) is provided⁵. The complaint process is completed and the file is closed.

⁵ If unsatisfied with the outcome of a complaint submitted directly to the RCMP, a victim may contact the [Civilian Review and Complaints Commission for the RCMP](#).

Section III: Profile of Victim Complaints

Each year there are a number of complaints that while received in one fiscal year (April 1st of one year to March 31st of the following year) are responded to in the subsequent fiscal year. For the purposes of this report, complaints are reported based on the fiscal year in which they were received even if responded to in the following fiscal year (with the exception of CSC's statistics).

As is standard practice, in addition to addressing formal complaints, efforts are also made by PS and its Portfolio agencies to address a variety of informal rights-related inquiries and concerns where no formal complaint has been submitted. These efforts are not captured in the statistics contained within this report.

Of the 35 complaints received by Portfolio Agencies in 2020-21, 31 were admissible and four were inadmissible (see Table 1). Although the overall number of complaints was down from the previous year, there were 10 more admissible complaints in 2020-21 than the year before.

Table 1: Portfolio-Wide CVBR Complaints (April 2020 – March 2021⁶)

PS Dept. or Agency	Admissible	Inadmissible*	Total Received
PS	-	-	-
CSC	9**	1	10
PBC	20	1	21
CBSA ⁷	-	-	-
RCMP	2	2	4
Grand Total	31	4	35

* Inadmissible also includes complaints referred to another department or agency.⁸

** 3 of CSC's admissible complaints were responded to in fiscal year 2021-2022 but results are included in this report.

Admissible Complaints

Based on the initial assessment once a complaint is deemed admissible, the responsible department or agency further assesses it to determine whether it is **founded, founded in part, or unfounded**. A founded complaint refers to instances whereby a victim's right was

⁶ All categorization of complaints in this report are determined by the receiving agency, which is not always congruent with how they were categorized by the complainant.

⁷ To date, CBSA has not received any CVBR complaints while leading criminal investigations into offences under the *Immigration and Refugee Protection Act*.

⁸ Where a complaint falls outside the scope of a federal department's/agency's mandate, with the victim's consent, the complaint is forwarded to the appropriate federal department/agency for follow-up.

denied or infringed and/or there was non-compliance with law and/or policy. Founded in part refers to instances where a victim indicates that multiple rights were infringed or identifies multiple issues however the agency determines that one or more, but not all, rights were infringed or denied. Unfounded complaints refer to instances whereby the department or agency is deemed to have complied with all relevant policy and legislation and a victim's right was not denied or infringed.

In 2020-2021, CSC received 10 complaints of which one was deemed inadmissible (n=9 admissible). Of the nine admissible complaints, CSC responded to six in 2020-2021; three were responded to in 2021-2022; however, the results are reported herein. Similarly, of the 21 complaints to which PBC responded one was also inadmissible (n=20 admissible). The RCMP responded to four complaints, two of which were inadmissible (n=2 admissible). Both PS and CBSA did not receive any complaints this fiscal year.

Table 2: Portfolio-Wide CVBR Admissible Complaints by Right (April 2020 – March 2021)

PS, Dept. or Agency	CVBR Rights	Admissible Founded	Admissible Unfounded	Admissible Withdrawn	Total
CSC	Information	1	2	-	3
	Participation	-	-	-	-
	Protection	2*	3**	-	5
	Restitution	-	-	-	-
	Multi-rights	-	1	-	1
PBC	Information	-	-	-	-
	Participation	1	12	-	13
	Protection	-	1	-	1
	Restitution	-	-	-	-
	Multi-rights	-	6	-	6
RCMP	Information	2	-	-	2
	Participation	-	-	-	-
	Protection	-	-	-	-
	Restitution	-	-	-	-
	Multi-rights	-	-	-	-

* In one of the founded complaints, the victim alleged their rights to protection and participation were infringed. CSC's review determined that only the victim's right to protection was infringed and the complaint was founded in part.

** CSC found that the victims' rights were infringed in two unfounded complaints despite CSC's actions being in compliance with law and policy. In one of the unfounded complaints, the victim alleged their rights to information, participation and protection were infringed. CSC's review determined the complaint was unfounded though the victim's right to protection was infringed. See further explanation on pages 12 and 13.

Figure 1 below illustrates the percentages of Portfolio-wide admissible complaints by CVBR right in 2020-2021. Unlike past years where the number of admissible complaints were most often regarding a victim's right to information (2017-18) or right to protection (2018-19 and 2019-20), in 2020-2021 the largest proportion of admissible complaints were regarding a victim's right to participation (42%).

Multi-rights accounted for 23% of Portfolio-wide admissible complaints, followed closely by the right to protection (19%) and information (16%). As in past years, no complaints were received related to the right to seek restitution.

At the end of the previous fiscal year, in March 2020, and continuing into 2020-2021, the COVID-19 pandemic impacted victims' access to federal penitentiaries due to public health restrictions. As a result, PBC's ability to facilitate victim and observer attendance at in-person hearings was impacted.

Figure 1: Percentage of Portfolio-wide Admissible Complaints by Right under the CVBR (April 2020 – March 2021)

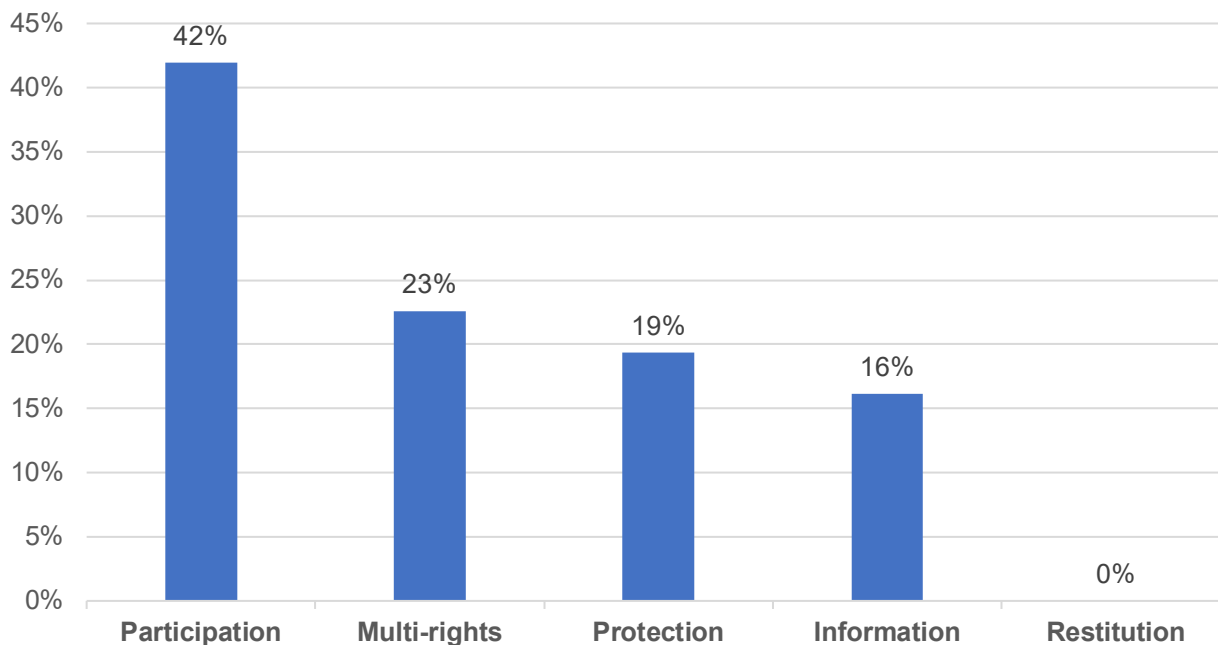
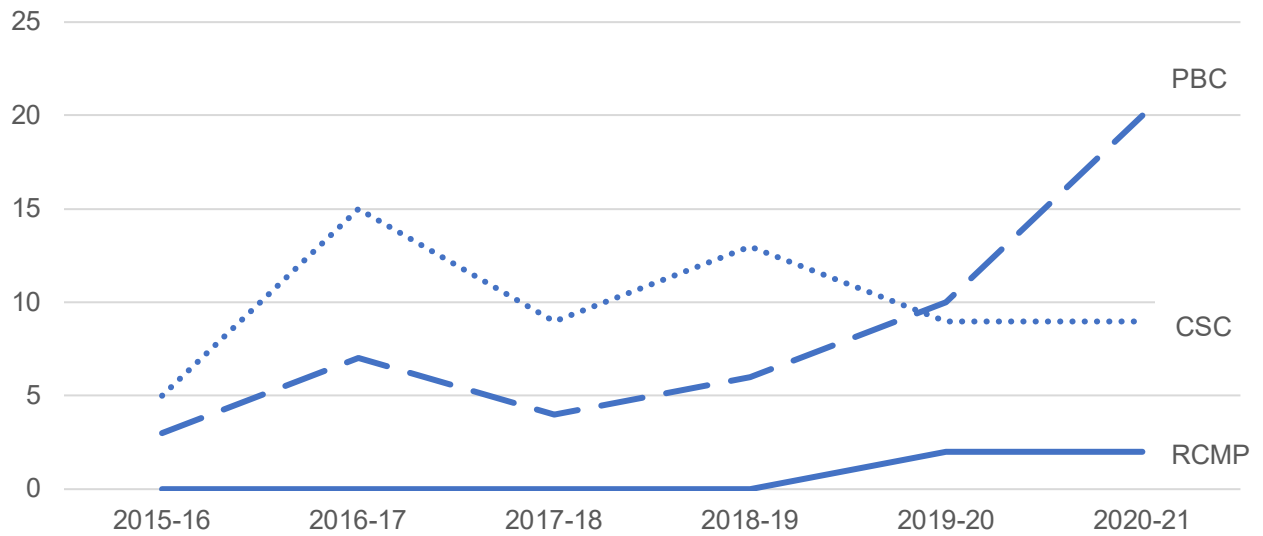


Figure 2 illustrates the fluctuations in Portfolio-wide admissible complaints by fiscal year. For example, in 2015-16, there were a total of seven admissible complaints while in 2016-17, 22 admissible complaints were received. Subsequently, in 2017-18, 13 admissible complaints were received and in 2018-19 there were 19 admissible complaints. A similar number of admissible complaints were also received in 2019-20 (n= 20). Finally, in 2020-21 there were 31 admissible complaints Portfolio-wide.

Figure 2: Portfolio-wide Admissible Complaints by Fiscal Year (July 2015 – March 2021)



PS Complaints Overview

Since NOV's mandate is to act as a central information resource, it deals with complaints concerning general information, victims' requests about the federal corrections and conditional release system and the victims' role in it. NOV did not receive any complaints in fiscal year 2020-2021.

Table 3: PS Complaints by Fiscal Year (July 2015 to March 2021)

Fiscal Year	Inadmissible*	Admissible	Admissible in Part**	Outcome for Admissible
2015-2016	-	-	N/A	-
2016-2017	1	-	N/A	-
2017-2018	2	-	N/A	-
2018-2019	2	-	N/A	-
2019-2020	1	-	N/A	-
2020-2021	-	-	N/A	-

* Inadmissible includes complaints referred to another department/agency.

** NOV does not categorize complaints as admissible in part.

PS Complaint Process Developments

No changes were made to NOV's CVBR complaints resolution process⁹.

⁹ <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/ntnl-ffc-vctms-mk-cmplnt-en.aspx>

CSC Complaints Overview

Table 4: CSC Complaints by Fiscal Year (July 2015 to March 2021)

Fiscal Year	Inadmissible	Admissible	Admissible in Part*	Outcome for Admissible or Admissible in Part
2015-2016	2	4	1	2 Founded 2 Unfounded 1 Founded in part
2016-2017	4	15	-	5 Founded 8 Unfounded 2 Founded in part
2017-2018	7	7**	2	5 Founded 4 Unfounded
2018-2019	5	13	-	11 Unfounded 1 Withdrawn 1 Founded in part
2019-2020	6	8	1	7 Unfounded 2 Founded in part
2020-2021	1	9	-	2 Founded*** 6 Unfounded*** 1 Founded in part

* Admissible in part includes complaints in which several issues are raised, but only some fall within CSC's jurisdiction.

** The original data for 2017-2018 in the Public Safety Canada Portfolio Report: Victim Complaint Resolution Mechanisms erroneously reported 9 CSC admissible complaints. The correct number of CSC admissible complaints is 7 and is being corrected by way of this report.

*** The two founded complaints and one of the unfounded complaints were received in 2020-2021, but were not resolved/responded to until 2021-2022.

Admissible Complaints

In 2020-21, CSC received nine admissible complaints. The issues raised by victims in these complaints can be summarized as follows:

- gaps in continuity of services between federal and provincial jurisdictions after the offenders' federal sentences had expired;
- timeliness of sharing offender-related information and the accuracy of that information;
- consideration of victim concerns within case management processes/decisions; and
- offender-related concerns (i.e., programming, access to technology).

CSC's review found that there were areas of non-compliance in three of the admissible complaints. Two admissible complaints were founded (rights to information and protection infringed), and one admissible complaint was founded in part (right to protection infringed but right to participation was not). In all three instances, CSC took corrective measures to address the identified issues.

CSC determined that it had complied with law and policy in the other six admissible complaints, meaning that they were unfounded. However, of those six unfounded complaints, it was determined that the victims' rights were infringed in two of the complaints, despite CSC's actions being in compliance with law and policy. These were similar, complicated, multi-jurisdictional situations that challenged current definitions. CSC chose to address these complaints in this way in order to honour the challenges faced by the victims and took a number of measures to address the issues. Additionally, NOV and CSC undertook discussions with Provincial/Territorial Directors of Victim Services to strengthen communication and collaboration between the jurisdictions to improve continuity of services for victims.

Inadmissible Complaints

CSC determined that one complaint was inadmissible because the offender, who was the subject of the complaint, was not under CSC jurisdiction.

CSC Complaint Process Developments

In 2020-2021, CSC took more time than in previous years to finalize responses to victims. These delays were due in part to the COVID-19 pandemic and the requirement for detailed consultations with institutions/community sites, regions, and with policy holders at National Headquarters. Some of these led to broader changes in practice. While consultations were case-specific, CSC hopes that this increased collaboration within operations will serve to raise awareness about the Agency's obligations to victims in the future.

As a result of the two unfounded complaints where CSC determined the victims' rights had been infringed, CSC is currently working with partners in the Public Safety Portfolio to determine how best to define complaint findings, in future, where law and policy were followed but the victim's rights were found to be infringed or denied. CSC is also reviewing definitions used in the complaint process in general to ensure findings are clearer.

CSC is dedicated to a culture of ongoing self-reflection and continues to review its policies and practices within an evolving environment. In support of continuous quality improvement, in 2020-2021, a National Task Team on Victim Engagement brought together victim services and case management to address issues raised by victims, such as concerns about travel permits. CSC intends to implement various activities and changes beginning in 2022-2023 related to the findings of the Task Team.

PBC Complaints Overview

Table 5: PBC Complaints to date by Fiscal Year (July 2015 – March 2021)

Fiscal Year	Inadmissible*	Admissible	Admissible in Part**	Outcome for Admissible
2015-2016	1	3	-	3 Unfounded
2016-2017	4	7	-	4 Founded in part*** 3 Unfounded
2017-2018	2	4	-	1 Founded 1 Founded in part 2 Unfounded
2018-2019	1	6	-	1 Founded 1 Founded in part 3 Unfounded 1 Withdrawn
2019-2020	6	10	-	1 Founded 9 Unfounded
2020-2021	1	20	-	1 Founded 19 Unfounded

* Inadmissible also includes complaints referred to another department/agency.

** PBC does not categorize complaints as admissible in part.

*** Partly founded refers to cases where not all issues identified in the complaint are considered founded.

Admissible Complaints

Of the 20 admissible complaints, the PBC determined that it complied with law and policy in 19 of them, and therefore these complaints were deemed to be unfounded.

The 19 unfounded victim complaints related to the following:

- eight related to the PBC suspending/limiting victim and observer attendance at hearings due to COVID-19 public health restrictions;
- six related to concerns regarding geographical restrictions on offender release decisions;
- two related to victims not being able to present statements at an offender's file review;
- two related to victims who claimed to have not received the information PBC sent to the verified addresses on file in advance of the offenders' hearings; and
- one related to a disagreement with the outcome of a PBC decision granting day parole.

In each of these 19 cases, although the PBC followed legislative requirements, responses were provided to victims explaining the reasons why the complaints were determined not to be founded. Specifically, responses contained relevant information about the issue(s) being raised and rationales regarding the decision-making process, in an effort to provide the victims with clarity and ensure transparency.

One (1) admissible complaint was deemed to be founded, as the victim's right to participation was infringed upon. This occurred due to the offender's parole review date being changed without the new date being communicated to the victim. As a result, the victim did not have the opportunity to present their statement at the hearing.

In its response, the PBC apologized to the victim and explained that the established operational processes were not followed in this case. The response also explained how the PBC had taken remedial action to address the issue, which included additional staff training and the implementation of new internal notification systems and processes.

It is relevant to note that access to in-person PBC hearings was temporarily suspended at the outset of the COVID-19 pandemic in mid-March 2020 due to public health restrictions. At that time, the PBC was forced to shift to remote hearings when, in accordance with advice and recommendations from public health authorities, access to CSC institutions was interrupted in an effort to protect the health and safety of staff, Board members, offenders, and members of the public, including victims. As a result, victims were temporarily unable to observe and/or share their victim statements in-person at PBC hearings. However, victim statements submitted to the PBC were still considered by Board members in their decision making.

The PBC worked quickly at the onset of the pandemic to identify a stable technological solution that would allow victims to attend hearings remotely and that met Government of Canada standards, putting in place a mechanism for victims to attend hearings via teleconference by April 2020. The PBC then focused its efforts on implementing a solution to allow victims to attend hearings by videoconference, which was implemented across the country by January 2021.

Throughout the COVID-19 pandemic, victims' rights under the CVBR continued to be respected. Victims continued to have the ability to:

- receive information about the offender who harmed them, upon request;
- submit victim statements for consideration by Board members in their decision-making;
- listen to audio recordings of PBC hearings; and
- receive copies of PBC written decisions.

Inadmissible Complaints

The PBC determined that one of the complaints received was inadmissible as it related to redaction of offender's release destination information. The redaction was required under legislation.

PBC Complaint Process Developments

No significant changes to the PBC's complaints resolution process have been required since its implementation. The PBC has, however, facilitated targeted training to front line staff who provide services to victims of crime. In 2020-2021, training was provided on verbal de-escalation and using trauma-informed approaches. The PBC also released a trauma-informed communication tool to support the provision of consistent and responsive exchanges with victims of crime.

RCMP Complaints Overview

Table 6: RCMP Complaints by Fiscal Year (April 2019 to March 2021)

Fiscal Year	Inadmissible*	Admissible	Admissible in Part**	Outcome for Admissible
2019-2020	9	2	-	1 Unfounded 1 Founded in part
2020-2021	2	2	-	2 Founded

* Inadmissible includes complaints referred to another department/agency.

** RCMP does not categorize complaints as admissible in part.

Admissible Complaints

The RCMP received two admissible CVBR complaints in 2020-2021. The first related to the right to information. The allegation concerned an improper arrest where the arresting member did not provide access to counsel at the victim's request. The file was deemed admissible and the allegation founded. As a result, the following remedial actions were taken:

- Upon the victim's release, the investigating member's supervisor reviewed the member's report on file and noted the improper arrest. They immediately met with the member in question to discuss the identified mistakes and provided operational guidance to avoid the repeat of similar situations. The member reviewed the proper grounds to arrest, proper arrest procedures and importance to provide access to counsel.
- An official apology was also provided to the victim on behalf of the RCMP in which the victim was informed of the operational guidance provided to the member.

The second admissible complaint also related to the right to information. The allegation concerned a neglect of duty complaint where the investigating member failed to contact the victim prior to concluding the investigation. The member did not provide an update on the status of the investigation leaving the victim's request for information unanswered. The file was deemed admissible and the allegation founded. As a result, the following remedial actions were taken:

- The investigating member received operational guidance on the importance of following RCMP policy Operational Manual Chapter 1.1 Section 3.1.2.6 on contacting the complainant prior to concluding a file or to justify on the file why notification of the complaint was not possible.
- Similarly, an official apology was provided to the victim on behalf of the RCMP in which the victim was informed of the operational guidance provided to the member.

Inadmissible Complaints

The RCMP received two inadmissible CVBR complaints. One complaint related to the right to protection, specifically, neglect of duty for not providing medical care. In this case, an investigation revealed that the person listed in the file was involved in a motor vehicle collision with a member's police vehicle, where the air bags deployed. The member did approach the complainant and called for assistance as they were also injured. Upon the arrival of the other members, the Fire Department was already on scene providing care to the victim and his wife. As such, the file was deemed inadmissible.

The second inadmissible complaint related to the right to information as it relates to neglect of duty for not accommodating the victim's father's hearing impairment. In this case, an investigation revealed that the person listed in the file had mentioned to a detachment employee at the front counter that their father was hard hearing. When officers arrived to deal with the victim's father, none had issues communicating with the victim's father. It is only after arriving at the hospital that members were told by the victim's father, his hearing aid battery had died and he requested a new battery. Members started typing on their phone in an attempt to communicate with the victim's father when they were advised by the victim's father, that "I'm just playing you guys" and that he could hear them perfectly fine. This file was deemed inadmissible for this reason.

RCMP Complaint Process Developments

The record keeping platform for public complaints, the Human Resource Management Information System (HRMIS), has been modified to include a checkbox to indicate CVBR related complaints. Effective April 1, 2022, HRMIS has been changed to include this checkbox. In addition, the RCMP CVBR complaint process has been refined to capture complaints from victims about police officer conduct related to their rights under the CVBR.

Since January 2021, all public complaints analysts from the National Public Complaints Directorate (NPCD) Review Unit, assigned to conduct reviews and approve final reports, have successfully taken the *Victim Bill of Rights* in Canada course, to enhance their knowledge and provide tools to better identify and capture infringements to the CVBR in the future.

Section IV: Looking Ahead – Policy / Process Considerations

PS and its Portfolio agencies continue to receive a small number of CVBR-related complaints each year. This may suggest that more effort needs to be made to ensure that victims are aware they have a right to file a complaint if they believe their rights have been infringed or denied.

In fiscal year 2020-2021, there was a total of 31 admissible and four inadmissible complaints filed under the CVBR. Approximately 42% of admissible complaints related to the Right to Participation, 23% involved multiple rights, 19% pertained exclusively to the Right to Protection, and 16% to the Right to Information. Each concern raised by victims was carefully reviewed in light of current policy and legislation. Where possible, policy and related internal processes were modified to better serve victims of crime while striving to implement a victim-centered and trauma-informed approach.

It is important to note that COVID-19 public health restrictions resulting in limited access to CSC institutions, played a role in the increase of CVBR complaints in 2020-2021, particularly around the Right to Participation as it relates to parole hearings. Access to in-person PBC hearings was temporarily suspended in mid-March 2020 to members of the public, including victims and observers. By April 2020, remote victim participation was introduced by teleconference, and by January 2021, PBC had established video conferencing to facilitate victim participation across the country.

PS commits to the continued work with its Portfolio partners to examine CVBR complaints received from victims of crime in order to learn from and improve victims' experience with the CJS and ensure compliance with the CVBR.

Appendix A

Victims of crime have the right to:

Information

- General information about the CJS and the role of victims within it;
- Information about available victim services/programs, including restorative justice;
- Request information about the status and outcome of the investigation into the offence, the location and timing of proceedings and on the progress and outcome of their case (including information related to the investigation, prosecution and sentencing of the person who harmed them);
- Request information with respect to the offender's conditional release (including the timing and conditions thereof); and
- Request information with regard to hearings held for the purposes of dispositions rendered with respect to persons found unfit to stand trial or not criminally responsible (NCR) on account of mental disorder.

Protection

- Have both their security and their privacy considered at all stages of the criminal justice process;
- Have reasonable and necessary measures taken to protect them from intimidation and/or retaliation;
- Request that their identity be protected from public disclosure where they are either a victim or a witness in proceedings related to an offence; and
- Request testimonial aids when appearing as witnesses in proceedings related to an offence.

Participation

- Convey their views concerning decisions to be made by criminal justice professionals and to have these views considered at various stages across the criminal justice process;
- Present victim impact statements for consideration during sentencing and at hearings where the accused has been deemed unfit or NCR; and
- Present victim statements for consideration by correctional and paroling authorities for the purposes of conditional release hearings.

Seek Restitution

- Have the court consider making a restitution order against the offender for all offences for which there are financial losses; and
- Have the orders entered as enforceable civil court judgements against the offender, for those who have not been paid.

All victims of crime may exercise their rights under the CVBR while they are in Canada. Canadian citizens or permanent residents may exercise these rights even if they are outside of Canada, as long as the crime took place in Canada.

Glossary

Public Safety Canada (PS) – was created in 2003 to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.

Canada Border Services Agency (CBSA) – provides integrated border services that support national security and public safety priorities and facilitates the free flow of persons and goods that meet all requirements under its program legislation.

Corrections and Conditional Release Act (CCRA) – the legislation that governs the corrections and conditional release systems in Canada. The CCRA outlines the responsibilities and authorities of the Correctional Service of Canada, the Parole Board of Canada and the Office of the Correctional Investigator.

Correctional Service of Canada (CSC) – is the federal government agency responsible for administering sentences of a custodial term of two years or more, as imposed by the courts. CSC is responsible for managing institutions of various security levels and supervising offenders under conditional release in the community.

National Office for Victims (NOV) – a central resource, located at PS, working to improve victims' experience with the federal corrections and conditional release system by coordinating and engaging with partners and stakeholders, providing a 'victims lens' on correctional policy development and developing and disseminating information to help victims better understand and navigate federal corrections and conditional release.

Parole Board of Canada (PBC) – is an independent administrative tribunal that, as part of the Canadian CJS, makes quality conditional release, pardon and record suspension decisions, can order expungement of a conviction and makes clemency recommendations.

Royal Canadian Mounted Police (RCMP) – is the Canadian national police service.

Victim of crime – an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of an offence.