



Office of the Attorney General  
and Public Safety

# *Victims of Crime Act 2009 - 2010 Annual Report*



# **Twenty-first Annual Report**

## *Victims of Crime Act*

**R.S.P.E.I. 1988, Cap. V-3.1**

April 1, 2009 to March 31, 2010

Prince Edward Island Office of the Attorney General

PO Box 2000, Charlottetown, PE C1A 7N8



Justice and  
Public Safety

Justice et  
Sécurité publique



Minister and  
Attorney General

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September 2010

The Honourable Barbara A. Hagerman  
Lieutenant Governor  
Province of Prince Edward Island

May it Please Your Honour:

I have the honour to submit the Twenty-first Annual Report of the administration of the *Victims of Crime Act*, R.S.P.E.I. 1988, Cap. V-3.1 pursuant to section 36 of the *Act*, for the fiscal year ended March 31, 2010.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Doug Currie'.

Doug W. Currie  
Minister of Justice and Public Safety  
and Attorney General



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# Executive Summary

## *Trends in Client Demand*

- There were 906 new cases referred to Victim Services in 2009/2010, in addition to approximately 531 cases carried forward from the previous year. As of March 31, 2010, there were 617 active cases across the province. The average monthly caseload in 2009/2010 was 664 cases.
- In 2009/2010, Victim Services assisted in the preparation and filing of 195 victim impact statements. Over the past ten years, the number of victim impact statements filed has ranged from 157 to 340.
- Since 1999/2000, applications for Criminal Injury Compensation have fluctuated in the range of 20-61 applications per year. During the fiscal year 2009/2010, 32 new applications for criminal injuries compensation were filed. One hundred and fifteen were carried over from the previous year. Forty four final decisions and eight interim decisions were made in 2009/2010. A total of \$123,183 was awarded in criminal injury compensation.
- In 2009/2010, there were 34 applications for Emergency Protection Orders under the *Victims of Family Violence Act*. Since the proclamation of the Act in December 1996, there have been a total of 538 Emergency Protection Orders granted.

## *Offence Type and Offender Information*

- The most frequent types of crime for Victim Services cases in 2009/2010 were:
  - assaults (33 per cent)
  - thefts (11 per cent),
  - sexual assaults (10 per cent),
  - uttering threats (9 per cent),
  - wilful damage (9 per cent),
  - break and enter (8 per cent).
- In 279 cases, there was a family type relationship between the victim and the suspect or offender. In 244 cases, the suspect or offender was a male partner or ex-partner (either current or former husband, common-law husband, or boyfriend).

## *Highlights and Initiatives*

Initiatives were undertaken to strengthen linkages and expand services to minority and multicultural groups.

- The Aboriginal Victim Assistant Program was reestablished to respond to the needs of Aboriginal victims of crime. Victim Assistants work on a fee for service basis to deliver certain services to specific populations which, because of cultural and/or language differences, could benefit from the availability of Victim Assistants in their own community. This program is coordinated by Victim Services, in collaboration with the Aboriginal Justice Program.

- New informational brochures designed for newcomers to PEI were launched. These resources explain the services available for victims of crime on Prince Edward Island. The materials were also translated into four of the most common languages spoken by PEI's immigrant population - Mandarin, Korean, Persian, Spanish. The materials have also been added to the websites of Victim Services and the PEI Association for Newcomers to Canada.

Efforts to create a comprehensive response to address the needs of victims of family violence and sexual abuse continued through a number of initiatives:

- Discussions continued to determine the feasibility of moving forward with a domestic violence court option for PEI.
- An amendment to the *Victims of Family Violence Act* expanded the definition of "family relationship" to include same sex relationships.
- A working group was formed to focus on information access between the civil and criminal justice systems in cases of family violence.
- The Victim Services Woman Abuse Protocol was updated, and assistance was provided to develop a Spousal Abuse Protocol for the Family Law Centre.

- A subcommittee of the Provincial Child Sexual Abuse Advisory Committee was established to review and update the Child Sexual Abuse Protocol.

Implementation of criminal code amendments to facilitate testimony of children and other vulnerable witnesses were advanced through implementation of closed circuit television and video conferencing capability in PEI courthouses. The technology allows the witness to testify through video-link from another room in the courthouse.

# Sommaire

## *Tendances de la demande de clients*

- Environ 906 cas ont été transmis au Service d'aide aux victimes en 2009-2010, en plus d'environ 531 cas reportés de l'année précédente. En date du 31 mars 2010, il y avait 617 cas actifs dans la province. La charge de causes moyenne par mois en 2009-2010 était de 664 cas.
- En 2009-2010, le Service d'aide aux victimes a aidé à préparer et à déposer 195 déclarations de victime. Au cours des dix dernières années, le nombre de déclarations de victime déposées a varié de 157 à 340.
- Depuis 1999-2000, les demandes d'indemnisation des victimes d'actes criminels ont fluctué entre 20 et 61 demandes par année. Durant l'exercice financier 2009-2010, 32 nouvelles demandes d'indemnisation des actes criminels ont été déposées, 115 ont été reportées de l'exercice précédent, 44 décisions sans appel et 8 décisions provisoires ont été rendues en 2009-2010. Un montant total de 123 183 \$ a été adjugé en indemnisation des victimes d'actes criminels.
- En 2009-2010, on a rendu 34 ordonnances de protection d'urgence dans le cadre de la *Victims of Family Violence Act* (loi sur les victimes de violence familiale). Depuis la proclamation de la loi en décembre 1996, un total de 538 ordonnances de protection d'urgence ont été rendues.

## *Types d'infractions et renseignements sur les contrevenants*

- Les types de crime les plus fréquents dans les causes traitées par le Service d'aide aux victimes en 2009-2010 ont été les suivants :
  - voies de fait (33 pour cent);
  - vols (11 pour cent);
  - agressions sexuelles (10 pour cent);
  - profération de menaces (9 pour cent);
  - avaries faites avec intention (9 pour cent);
  - introductions par effraction (8 pour cent).
- Dans 279 cas, il y avait une relation familiale entre la victime et le suspect ou le contrevenant. Dans 244 cas, le suspect ou le contrevenant était un partenaire ou un ex-partenaire mâle (soit le mari actuel ou l'ex-mari, le conjoint de fait ou le petit ami).

## *Faits saillants et initiatives*

On a entrepris des initiatives pour améliorer les réseaux et élargir les services aux minorités et aux groupes multiculturels.

- Le Programme d'aide aux victimes autochtones a été rétabli pour répondre aux besoins des Autochtones victimes de crimes. Les intervenants chargés d'aider les victimes sont rémunérés à l'acte afin de livrer certains services à des populations particulières qui, en raison de différences culturelles ou langagières, pourraient bénéficier de la disponibilité de ces intervenants dans leur propre communauté. Ce programme est

coordonné par le Service d'aide aux victimes, en collaboration avec le Programme de justice autochtone.

- On a procédé au lancement de nouveaux dépliants d'information conçus pour les nouveaux arrivants à l'Î.-P.-É. Ces ressources expliqueront les services qui sont à la disposition des victimes d'actes criminels à l'Île-du-Prince-Édouard. Les brochures ont également été traduites en mandarin, coréen, perse et espagnol, soit les quatre langues les plus communément parlées par la population immigrante de l'Î.-P.-É. L'information a aussi été ajoutée aux sites Web du Service d'aide aux victimes et de l'Association des nouveaux arrivants au Canada de l'Î.-P.-É.

Des efforts pour créer un plan d'ensemble pour aborder les besoins des victimes de violence familiale et d'agression sexuelle ont continué grâce à un nombre d'initiatives :

- Les discussions se sont poursuivies afin de déterminer la possibilité d'aller de l'avant vers un choix de tribunal pour l'instruction des causes de violence conjugale pour l'Î.-P.-É.
- Une modification à la *Victims of Family Violence Act* a permis d'élargir la définition de lien familial pour inclure les relations homosexuelles.
- Un groupe de travail a été formé pour examiner l'accès à l'information entre les systèmes de justice civile et pénale dans les cas de violence familiale.

- Le protocole relatif à la violence contre les femmes du Service d'aide aux victimes a été mis à jour, et une aide a été accordée pour l'élaboration d'un protocole en cas de violence conjugale pour le Centre de droit de la famille.
- Un sous-comité du Comité consultatif provincial sur l'exploitation sexuelle des enfants a été établi pour examiner et mettre à jour le protocole concernant l'abus sexuel des enfants.

La mise en œuvre des modifications au Code criminel pour faciliter le témoignage des enfants et d'autres témoins vulnérables a avancé grâce à la mise en place de systèmes de télévision en circuit fermé et de vidéoconférence dans les palais de justice de l'Î.-P.-É. La technologie permet aux témoins de témoigner par liaison télévisuelle à partir d'une autre salle dans le palais de justice.

## Part I

# Introduction

The *Victims of Crime Act*, R.S.P.E.I. 1988, Cap.V-3.1 was proclaimed in force September 30, 1989. Regulations and orders under the act also came into force on that date. Extensive amendments to the act came into effect August 7, 1999.

The Statement of Principles contained in Part I of the *Victims of Crime Act* sets out the following principles for the guidance of persons in providing justice for victims of crime:

- (a) Victims should be treated with courtesy and compassion and with respect for their dignity, privacy, and convenience.
- (b) Victims should receive prompt and fair financial redress for the harm they have suffered.
- (c) Victims should be informed of and should have access to services including social, medical, legal, and mental health assistance.
- (d) Victims should be informed about the progress of the investigation and prosecution of the offence, court procedures, the role of the victim in court proceedings, and the ultimate disposition of the proceedings.
- (e) Victims are entitled, where their personal interests are affected, to have their views and concerns brought to the attention of the court where consistent with criminal law and procedure.
- (f) Victims and their families should be protected from intimidation, retaliation, and harassment.
- (g) Victims should have their stolen property returned to them as soon as possible after recovery by law enforcement authorities.
- (h) Victims are entitled to prepare a victim impact statement and have it considered by the court at sentencing.
- (i) Victims are entitled to be informed about the offender's status, including release dates, parole eligibility, and probation terms.

The *Victims of Crime Act* also establishes the Victim Services Advisory Committee, the Victim Services Program, the Victim Assistance Fund, and the Criminal Injuries Compensation Program.

## Part II

# Report of the Victim Services Advisory Committee

### *Committee Mandate*

The Victim Services Advisory Committee is established under the *Victims of Crime Act* with the mandate to:

- a) review existing laws, policies and procedures and recommend changes to benefit victims;
- b) assist law enforcement agencies, social agencies and other organizations with the development of guidelines that promote the principles set out in this act relating to their role in respect of victims;
- c) assist with establishing and updating procedures for the handling of complaints by victims;
- d) assist with the research, development and distribution of information pertaining to the needs, rights and concerns of victims;
- e) provide opportunities for research, discussion, and resolution of issues of concern to victims; and
- f) advise on other matters that the Minister may refer to the committee for consideration.

The committee may make recommendations to the Minister relating to:

- a) the development of policies and legislation respecting assistance to victims;
- b) the provision of services, including criminal injuries compensation, to victims; and
- c) any other matters that the Minister refers to the committee for its recommendation.

## ***Committee Membership and Meetings***

Members of the Victim Services Advisory Committee as of March 31, 2010, and the organizations they represent are as follows:

Donna Langille	Community Legal Information Association
Lisa Murphy	Advisory Council on the Status of Women
Yolande Richard	Law Society of Prince Edward Island
Cheryl Schurman	Crown Attorneys
Sigrid Rolfe	P.E.I. Rape and Sexual Assault Centre
Karen MacDonald	Community Programs, Office of the Attorney General
Chief Lewis Sutherland	PEI Association of Chiefs of Police
Sgt. Andrew Blackadar	RCMP "L" Division
Ellen Ridgeway	Transition House Association
Melissa Coffin	PEI Association for Newcomers to Canada
Judy Turpin	Court Services
Lori St. Onge	Aboriginal Community
Sr. Norma Gallant	Francophone Community and Seniors

The committee is assisted in its operations by the Victim Services Provincial Manager and Secretary. The Director of Justice Policy Division, Office of Attorney General, and the Adjudicator for Criminal Injuries Compensation with Legal Services Division also provide assistance and information to the committee.

During the 2009-2010 fiscal year, the Victim Services Advisory Committee held quarterly meetings in June, September, January, and March. The committee was co-chaired by Donna Langille and Lisa Murphy. The activities of the committee during 2009-2010 included the following:

### ***Information for Newcomers to PEI***

In conjunction with National Victims of Crime Awareness Week in April 2009, the Victim Services Advisory Committee launched new informational brochures designed for newcomers to PEI. These resources explain the services available for victims of crime on Prince Edward Island. With funding support from the Justice Canada Victims of Crime Fund, the materials

were also translated into four of the most common languages spoken by PEI's immigrant population – Mandarin, Korean, Persian, Spanish. In making material available in their first languages, this initiative will assist new immigrants to become aware of the services available to them. The materials have also been added to the websites of Victim Services and the PEI Association for Newcomers to Canada.

### ***Family Law/ Legal Aid Issues***

The Committee discussed challenges associated with access to legal assistance for Islanders involved in the Family Court system. Many people do not qualify for Legal Aid and also cannot afford a lawyer. This is resulting in an increasing number of self-represented litigants in the Family Court system, and lengthy delays to resolve family matters. A subcommittee was formed to explore the issue further.

### ***Reestablishment of Aboriginal Victim Assistant Program***

The Committee supported the reestablishment of the Aboriginal Victim Assistant Program to respond to the needs of Aboriginal victims of crime. Victim Assistants work on a fee for service basis to deliver certain services to specific populations which, because of cultural and/or language differences, could benefit from the availability of Victim Assistants in their own community. This program is coordinated by Victim Services, in collaboration with the Aboriginal Justice Program.

### ***Training for Police on Sexual Abuse Investigations***

The Committee was provided with information about two training initiatives offered in PEI over the past year related to sexual assault investigations: a Sexual Assault Investigators Course offered at the Atlantic Police Academy and the Child Sexual Abuse Joint Investigators Course coordinated by the RCMP. Some follow-up was undertaken by the Committee to provide additional information to course coordinators, particularly in relation to current research in the area of false reporting.

### ***Guest Speakers***

The committee invited guest speakers on a number of topics:

- Rod Stanley, Project Coordinator, Youth Substance Use and Addictions Project; and Sean Morrison, Team Lead, Provincial Day Treatment Program, gave a presentation on the PEI Youth Substance Use and Addiction Strategy, and the Day Treatment Program Model.

- Rev. Dr. Andrew Richardson, chair of the Summerside Safety Council described the process undertaken by the Council to gather information and provide advice to the Summerside City Council on matters of crime prevention and community safety.
- Jill Lightwood and Nick Mullen of the Justice Resource Service, PEI Office of the Attorney General and Public Safety provided an overview of the work of the PEI Partners for Community Safety.

### ***Information Items***

A number of information items were brought to the attention of the Victim Services Advisory Committee during the year. Some of these included:

#### Legislative Updates:

- amendments to federal and provincial legislation which have implications for victims and witnesses;
- proclamation of the *Police Act* and the *Domestic Relations Act*;
- information on proposed amendments to the *Sex Offender Registration Information Act*;
- proclamation of Bill C-25 -*Truth in Sentencing Act*, which amends the Criminal Code to specify that offenders will, except under special circumstances, receive a maximum of one day credit for each day spent in custody prior to sentencing.

#### Training Initiatives:

- annual police training on family violence and implementation of standardized approach to police investigation of family violence cases;

- follow-up re Sexual Assault Investigators Course offered by Atlantic Police Academy;
- Aboriginal Justice Program: training initiatives and new publications;
- specialized training for Probation Officers: Strategic Training Initiative in Community Supervision;
- training for Child Protection Workers to strengthen assessment and response to children exposed to domestic violence.

#### Program/Policy Development:

- information regarding youth at risk projects: Project Reclaim, Project RESIST, and HYPE (Healthy Youth Potential Explored);
- update regarding status of Woman Abuse Protocols;
- review and update of Child Sexual Abuse Protocol;
- planning for Sexual Assault Nurse Examiner Program in PEI;
- establishment of Office of the Police Commissioner and Police Services Manager position.

#### Awareness Initiatives:

- National Victims of Crime Awareness Week activities – April 26 to May 2, 2009
- World Elder Abuse Awareness Day – June 15, 2009
- SAGE walk to raise awareness about child sexual abuse - June 2009
- National Aboriginal Day - June 20, 2009
- Sisters in Spirit Vigil - October 2009
- “Take Back the Night” March - November 2009

- Purple Ribbon Campaign Against Violence – December 2009 and resources developed to commemorate the 20 year anniversary of this campaign
- Family Violence Prevention Week - February 14-20, 2010

#### Conference Announcements:

- Canadian Youth Against Impaired Driving Conference - May 2009
- Best Practices in Youth Addictions - Atlantic Conference 2009
- Conference on Assessment and Treatment of Complex Trauma in Children and Adolescents - June 2009
- Atlantic Crime Prevention Conference - June 2009
- Northern Approaches and Responses to Victims of Crime - September 2009
- Aboriginal Justice Forum - October 2009
- Understanding Trauma and Building a Female Responsive Service - Nov. 2009
- Atlantic Circle Keepers Workshop - February 2010
- PEI Youth Summit - March 2010
- Contemporary Issues in Child and Adult Sexual Abuse - May 2010 Canadian

#### Centre for Justice Statistics Reports:

- *Homicide in Canada, 2008*
- *Trends in police-reported serious assault*
- *Family Violence in Canada: A Statistical Profile, 2009*

#### Other Information Items:

- reports from meetings of the F/P/T Ministers of Justice; and the F/P/T Working Group on Victims of Crime;

- proposals to support Self Represented Litigants;
- reestablishment of Premiers Action Committee on Family Violence Prevention;
- implementation of closed circuit TV/videoconferencing capability in PEI courthouses;
- implementation of new security equipment in PEI courthouses;
- information regarding ratification of the *UN Convention on the Rights of Persons with Disabilities*;
- PEI Equality Report Card 2009 - published by the Advisory Council on the Status of Women;
- PEI Family Violence Prevention Inc. capital campaign;
- establishment of Network for Canadian Association of Women's Shelters;
- Community Legal Information Association: new publications and project updates.

Respectfully submitted,



Donna Langille, Co-Chair



Lisa Murphy, Co-Chair

## Part III

# Report of the Victim Services Program

Victim Services has provided a criminal justice system-based service to victims of crime province-wide since April, 1989. The system-based approach has the following key attributes:

- operates within the criminal justice system, but independently from the police, Crown attorneys, or the courts;
- is client-centred;
- maintains close working relationships with criminal justice personnel and community agencies;
- assists victims of crime at all stages of the criminal justice process;
- uses an outreach approach.

### **Mandate**

Section 7 of the *Victims of Crime Act* states that the purpose of Victim Services is:

- a) to assist victims as needed throughout their contacts with the criminal justice system;
- b) to help victims to access other needed services;
- c) to receive applications for criminal injuries compensation and investigate claims on behalf of the Minister;
- d) to assist with the preparation and filing of victim impact statements;
- e) to assist justice personnel and community agencies in providing services to victims;
- f) to promote the Statement of Principles set out in section 2 of the act.

### **Mission Statement**

Victim Services provides a client-centred service for victims of crime, ensuring respect for their dignity and privacy. Victim Services assists clients throughout their involvement with the criminal justice process.

### **Vision Statement**

Victims Services' vision is that:

- all victims of crime on Prince Edward Island who require assistance through the criminal justice process will be referred at the earliest opportunity to Victim Services; and
- the response of all criminal justice personnel will be guided by the Statement of Principles in the *Victims of Crime Act*.

### **Goals**

Victim Services goals are:

- to provide prompt, effective assistance to victims of crime, especially victims of crimes against the person, but not excluding any victim who needs assistance through the criminal justice process;
- to tailor the assistance provided to meet the needs of the particular client;
- to provide services to any victim of crime requiring assistance, regardless of their geographic location on Prince Edward Island;
- to investigate criminal injuries compensation claims and complete the case analysis for each claim as quickly as possible;

- by working collaboratively with the police and Crown attorneys, to ensure that all victims of crimes in which charges are laid are informed of their right to prepare and file a victim impact statement;
- to ensure that victims understand the implications of preparing and filing a victim impact statement and do so voluntarily;
- to promote the use of the *Victims of Family Violence Act* in appropriate cases.

### **Statistical Overview**

Assistance provided to victims of crime includes:

- information about case status, the criminal justice system, and court procedures;
- emotional support and short-term counselling;
- referrals for legal, financial and long-term counselling services;
- assistance through the court process and with preparation of victim impact statements;
- investigation of applications for criminal injuries compensation; and
- assistance under the *Victims of Family Violence Act*.

Victim Services cases are categorized in the following classifications: general, sexual abuse, wife abuse, other family abuse, and commercial/institutional. The percentage breakdown of new cases by case classification in 2009/2010, and a comparison with previous years, are noted as follows:

<b>Victim Services New Cases</b>			
<b>Type of Client</b>	<b>Per Cent Breakdown</b>		
	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
General*	50	48	50
Wife Abuse	29	31	29
Other Family Abuse	9	11	9
Sexual Abuse	5	7	9
Commercial/Institutional	7	3	3

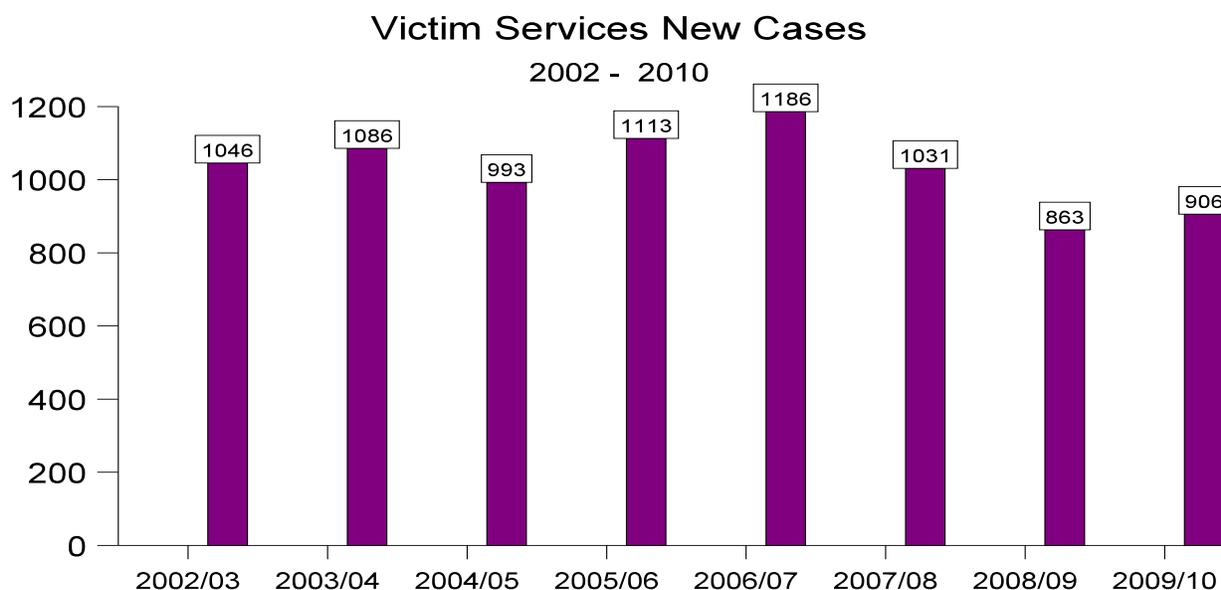
\* *General includes break and enter, damage to property, theft, general assaults, impaired driving causing injury, etc.*

The following table illustrates the total and percentage of each type of case opened in 2009/2010. The table also indicates the police agency involved with each case.

<b>Table I</b>						
<b>Victim Case Classification: New Cases 2009/2010</b>						
<b>Police Jurisdiction</b>	<b>General</b>	<b>Sexual Abuse</b>	<b>Wife Abuse</b>	<b>Other Family Abuse</b>	<b>Commercial/ Institutional</b>	<b>Total</b>
Alberton RCMP	20	3	13	5	1	42
Borden PD	2	0	1	1	0	4
Charlottetown PD	244	22	82	16	5	369
Charlottetown RCMP	42	24	56	25	8	155
Kensington PD	2	0	2	0	0	4
Montague RCMP	56	10	33	14	2	115
Summerside RCMP	24	14	19	10	4	71
Summerside PD	58	10	39	10	4	121
Souris RCMP	1	1	11	3	0	16
Out of Province/Other	1	1	7	0	0	9
<b>Totals</b>	<b>450</b>	<b>85</b>	<b>263</b>	<b>84</b>	<b>24</b>	<b>906</b>
Percentile	50	9	29	9	3	100

### *Caseload Trends*

There were 906 new cases referred to Victim Services in 2009/2010, in addition to approximately 531 cases carried forward from the previous year. As of March 31, 2010, there were 617 active cases across the province.

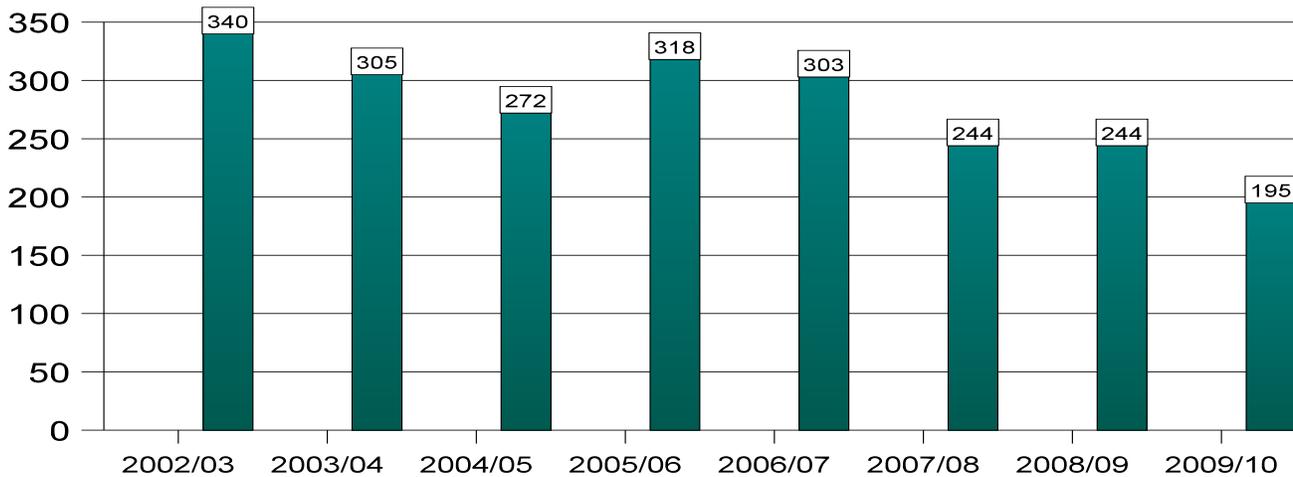


### ***Victim Impact Statements***

Victim Services is designated by Lieutenant Governor in Council as the program responsible for preparing and filing victim impact statements. Victim impact statements outline the physical, emotional, and financial effects of the crime on the victim. After determination of guilt, the judge takes victim impact statements into consideration when deciding on sentence.

In 2009/2010, 195 victim impact statements were prepared and filed with the court. The trends since 2002 are illustrated in the graph below:

**Victim Impact Statements Prepared  
2002 - 2010**



### ***Offence Type and Offender Information***

Assaults, including all levels of assault from common assault to aggravated assault, continue to be the most frequent type of crime in Victim Services' cases, representing 33 percent of the new cases in 2009/2010. The next most frequent types of crime for Victim Services cases were: thefts (11%), sexual assaults (10%), uttering threats (9%), wilful damage (9%), and break and enter (8%).

In 279 cases, there was a family type relationship between the victim and the suspect or offender. In 244 cases, the suspect or offender was a male partner or ex-partner (either current or former husband, common-law husband, or boyfriend).

The proportion of Victim Services clients victimized by adult offenders compared with young offenders has been consistent over the years. In 91 percent of new cases in 2009/2010, the offenders were adults. In 9 percent of new cases, the offenders were youth.

### ***Age Range and Gender of Victims***

Age ranges of Victim Services' new clients were as follows:

under 12 years	2%
12 to 20 years	20%
21 to 40 years	30%
41 to 60 years	17%
61 years and over	4%
unknown/not recorded	26%

Seventy one percent of Victim Services' new clients were females, and 29 per cent males.

### ***Criminal Injuries Compensation***

Under the *Victims of Crime Act*, Victim Services is responsible for investigating claims for criminal injuries compensation. Victim Services staff also assist victims with preparing their applications and gathering information to support their claims. Victim Services staff prepare a case analysis regarding each claim.

Designated persons within the Legal Services Division of the Office of Attorney General and Public Safety are responsible for adjudicating claims and writing a report, including recommendations, to the Attorney General who makes decisions regarding claims.

During the fiscal year 2009/2010, 32 new applications for criminal injuries compensation were filed. One hundred and fifteen were carried over from the previous year. Forty four final decisions and eight interim decisions were made in 2009/2010. A total of \$123,183 was awarded in criminal injury compensation.

Further information and statistics regarding criminal injuries compensation are contained in Part IV of the Annual Report.

### ***Victims of Family Violence Act***

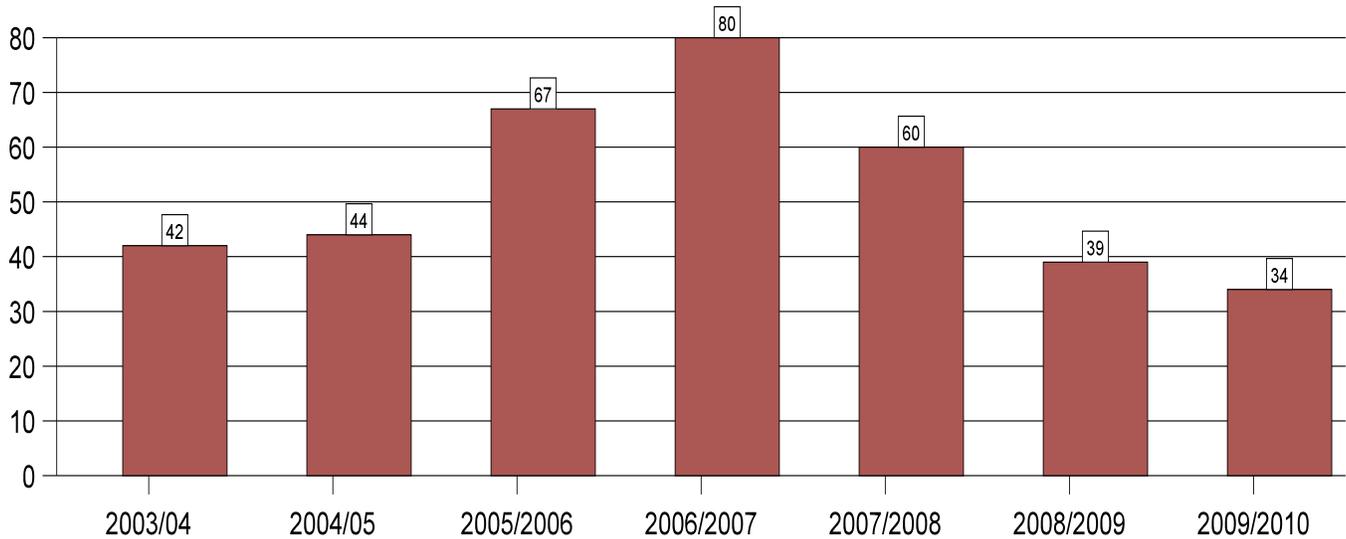
The *Victims of Family Violence Act* came into effect in December 1996. This provincial law addresses the need for victims to stay in their own homes, provides an additional remedy to supplement the Criminal Code, and enables the justice system to provide a more effective and timely response. Under this act, Emergency Protection Orders are available 24 hours/day from designated justices of the peace. In non-emergency situations, longer-term Victim Assistance Orders are available by application to the Supreme Court.

Victim Services staff assist with training and ongoing monitoring and promotion of the use of the *Victims of Family Violence Act*. Police officers and victim services workers are designated under the act to make application for emergency protection orders.

In 2009/2010, there were 34 applications for Emergency Protection Orders under the *Victims of Family Violence Act*. Orders ranged from 14 days to 90 days in duration, with an average length of 49 days. Of the 34 orders granted, one was terminated at the victim's request, and six were varied. There were no applications for victim assistance orders.

Since the proclamation of the act in December 1996, there have been a total of 538 Emergency Protection Orders granted. The trends since 2003 are illustrated in the graph below:

**Emergency Protection Orders Granted  
2003-2010**



A Steering Committee continues to meet on a regular basis to assist in monitoring and training related to the act. This effort has resulted in an increase in the number of applications for Emergency Protection Orders over the past three years.

In partnership with the PEI Association of Chiefs of Police, the Steering Committee has continued to offer annual police training to implement a standardized response to reported incidents of domestic violence, and to enhance knowledge about risk factors and available options to protect victims.

Effective December 19, 2009, the definition of family relationship under the Victims of Family Violence Act was amended to read:

s. 1(d) "Family relationship" means a relationship between

- (i) two persons who are or have been married to each other or have cohabitated in a spousal or sexual relationship; or
- (ii) members of the same family.

### ***Victim Services Program Highlights***

#### **Trends in Client Demand**

- There were 906 new cases referred to Victim Services in 2009/2010, in addition to approximately 531 cases carried forward from the previous year. As of March 31, 2010, there were 617 active cases across the province. The average monthly caseload in 2009/2010 was 664 cases.
- In 2009/2010, Victim Services assisted in the preparation and filing of 195 victim impact statements. Over the past ten years, the number of victim impact

statements filed has ranged from 157 to 340.

- Since 1999/2000, applications for Criminal Injury Compensation have fluctuated in the range of 20-61 applications per year. During the fiscal year 2009/2010, 32 new applications for criminal injuries compensation were filed.

### ***Highlights and Initiatives:***

- Initiatives were undertaken to strengthen linkages and expand services to minority and multicultural groups.
  - The Aboriginal Victim Assistant Program was reestablished to respond to the needs of Aboriginal victims of crime. Victim Assistants work on a fee for service basis to deliver certain services to specific populations which, because of cultural and/or language differences, could benefit from the availability of Victim Assistants in their own community. This program is coordinated by Victim Services, in collaboration with the Aboriginal Justice Program.
  - New informational brochures designed for newcomers to PEI were launched. These resources explain the services available for victims of crime on Prince Edward Island. The materials were also translated into four of the most common languages spoken by PEI's immigrant population - Mandarin, Korean, Persian, Spanish. The materials have also been added to the websites of Victim Services and the PEI Association for Newcomers to Canada.
- Efforts to create a comprehensive response to address the needs of victims of family violence and sexual abuse continued through a number of initiatives:

- Discussions continued to determine the feasibility of moving forward with a domestic violence court option for PEI.
- An amendment to the *Victims of Family Violence Act* expanded the definition of "family relationship" to include same sex relationships.
- A working group was formed to focus on information access between the civil and criminal justice systems in cases of family violence.
- The Victim Services Woman Abuse Protocol was updated, and assistance was provided to develop a Spousal Abuse Protocol for the Family Law Centre.
- A subcommittee of the Provincial Child Sexual Abuse Advisory Committee was established to review and update the Child Sexual Abuse Protocol.

Implementation of criminal code amendments to facilitate testimony of children and other vulnerable witnesses were advanced through implementation of closed circuit television and video conferencing capability in PEI courthouses. The technology allows the witness to testify through video-link from another room in the courthouse.

### ***Committee Participation***

An important aspect of the work of Victim Services involves maintaining cooperative working relationships with other criminal justice and community agencies to coordinate case management and to effect positive long-term change for victims of crime. Staff participated in committees at various levels involving national, provincial, regional, divisional and community initiatives.

At the Federal/Provincial/Territorial level, the Provincial Manager participated on the FPT Victims of Crime Working Group.

Victim Services is represented on community and criminal justice based committees involving work in the area of family violence, sexual abuse, cultural and societal issues. These committees include:

- Steering Committee – *Victims of Family Violence Act*
- Premiers Action Committee on Family Violence Prevention
- Justice Options for Women who are Victims of Domestic Violence
- Provincial Child Sexual Abuse Advisory Committee
- Homophobia Task Force
- Provincial Working Group on Human Trafficking
- World Elder Abuse Awareness Day Committee
- High Risk Offender Committee
- Planning Committee for Aboriginal Justice Forum

As part of the Community and Correctional Services Division, Victim Services staff were involved in a number of departmental and divisional initiatives including:

- Divisional Wellness Committee
- Divisional Training Committee
- Staff Recognition Committee
- Occupational Health and Safety Committee
- Case Management Policy Committee

### ***Education and Training***

Victim Services staff participated in various education and training initiatives including:

- File Documentation and Case Recording Workshop
- Circles of Safety and Support for Women Experiencing Domestic Violence Workshop
- Best Practices in Youth Addictions - Atlantic Conference 2009
- Atlantic Crime Prevention Conference
- Case Management Training
- Understanding Trauma and Building a Female Responsive Service
- PEI Youth Summit 2010
- Atlantic Circle Keepers Workshop
- Mediation
- Conflict Resolution
- LINK 2009 - Psychiatric Conference
- Diversity and Equity
- Working with Trauma Effects of Domestic Violence in Children and Adolescents
- Sisters in Spirit Community Engagement Workshop

## **Public Education**

Victim Services staff participate in opportunities to promote awareness and understanding of issues related to crime, victimization, victims' rights and available services. Presentations during the fiscal year 2009/2010 included:

- Aboriginal Justice Circle Keeper Workshop
- Police Training on *Victims of Family Violence Act*
- Training for Justices of the Peace - *Victims of Family Violence Act*
- Students of Kensington Intermediate School
- Adventure Group
- Information Sessions for Divisional Staff - Adult Case Management Policy
- Training for Child Protection Workers

## **Objectives**

Objectives for the 2010/2011 fiscal year include the following:

- develop options to improve linkages between the civil and criminal court systems in cases of family violence;
- expand the Aboriginal Victim Assistant Program to assist in delivering services to aboriginal victims of crime;
- amend the *Victims of Crime Act* Regulations to update the list of offences that are eligible for Criminal Injuries Compensation;
- monitor utilization of testimonial aids to facilitate testimony of children and other vulnerable witnesses.

## **Staffing**

Victim Services Offices are located in Charlottetown and Summerside.

Personnel as of March 31, 2010 include:

Provincial Manager  
Susan Maynard

Victim Services Workers  
Jean Profit  
Darlene Oatway  
Joy Coffin  
Ev Marshall  
Linda MacAulay  
Kellie Profitt-MacQueen  
Georgina Bowness  
Carolyn Peters

Admin Support  
Dianna Cudmore  
Gina Grady (backfilling for Marya DesRoches)

## Part IV

# Criminal Injuries Compensation Program

### **Introduction**

Criminal injuries compensation is the payment of money from public funds to compensate victims of crimes for pain and suffering and expenses resulting from injury or death caused by certain crimes. Criminal injuries compensation is a fund of last resort, such that other means of compensation or reimbursement are to be sought first.

Authority for Prince Edward Island's Criminal Injuries Compensation Program is contained in Part IV of the *Victims of Crime Act*, which was proclaimed in force September 30, 1989. Amendments to Part IV which came into effect August 7, 1999, were designed to further simplify and speed up the process for assessing compensation claims.

The *Victims of Crime Act* is not retroactive; criminal injuries compensation can only be awarded in respect of an injury or death resulting from a crime that occurred after September 30, 1989.

### **Values**

Criminal injuries compensation is one means to take action on Principle (b) from the Statement of Principles in the *Victims of Crime Act*, which states "victims should receive prompt and fair financial redress for the harm they have suffered."

### **Summary of the Legislation**

In general, a claim for criminal injuries compensation may arise in the event of injury or death by an act that occurred in Prince Edward Island, and that injury or death must have directly resulted from the commission of a criminal offence prescribed in the regulations under the *Victims of Crime Act*. The applicant need not be a resident of Prince Edward Island.

The term "injury" is specifically defined in the *Victims of Crime Act* to mean actual bodily harm, including emotional trauma or pregnancy resulting from sexual assault, and mental or nervous shock. If a person suffers only property damage or loss as a result of a prescribed crime, he or she is not eligible for criminal injuries compensation. It is not necessary that anyone be prosecuted or convicted for the crime, but an award may be delayed pending the outcome of the criminal process. A determination of guilt is conclusive evidence that an offence has been committed.

### **Eligible Applicants**

The Attorney General may order criminal injuries compensation –

1. to or for the benefit of the victim;
2. to any person, in respect of financial loss suffered by or expenses incurred by that person as the result of the death or injury of the victim;
3. to any one or more of the dependants of the victim.

### **Compensable Losses**

Compensable losses include:

1. reasonable expenses incurred or likely to be incurred as a result of the victim's injury or death;
2. financial losses resulting from total, partial or temporary disability affecting the victim's capacity for work;
3. financial loss to dependents resulting from the victim's death;
4. pain and suffering;
5. maintenance of a child born as a result of sexual assault;
6. financial loss incurred in respect of grief or sorrow as a result of the victim's death; and
7. other financial loss resulting from the victim's injury, and any other expense that, in the opinion of the minister or, in the case of a small claim, in the opinion of a designated person, it was reasonable to incur.

### **Maximum Award**

The maximum amount payable to **all applicants** in respect of the injury or death of **one victim** is \$15,000. The maximum amount payable to **all applicants** in respect of **one occurrence** (that is, one incident resulting in injury or death to more than one victim) is \$30,000. The award cannot exceed these limits.

### **Volume of Applications**

During the fiscal year 2009/2010, 32 new applications for criminal injuries compensation were filed. One hundred and fifteen were carried over from the previous year. Forty four final decisions and eight interim decisions were made in 2009/2010. A total of \$123,183 was awarded in criminal injury compensation.

The following statistical tables summarize the criminal injuries compensation program during 2009/2010:

<b>Table II Applications – Statistical Summary April 1, 2009 to March 31, 2010</b>	
New applications filed	32
Applications carried over from last year	115
Variation applications	0
Appeals	0
<b>Total</b>	<b>147</b>
<b>Decisions made:</b>	
award denied	2
full award granted	42
interim award	8
reduced award	2
variation	0
<b>Total</b>	<b>54</b>
Withdrawn applications	2
Files carried forward to next fiscal year	99

<b>Table III Categories of Victims (Based on Final and Interim Awards) April 1, 2009 to March 31, 2010</b>	
<b>Types of Victims</b>	<b>Number</b>
General	26
Other family abuse	2
Sexual abuse	18
Wife abuse	6
<b>Total</b>	<b>52</b>

<b>Table IV Crimes Involved in Final Awards Granted April 1, 2009 to March 31, 2010</b>	
<b>Criminal Code Section</b>	<b>Number of Awards</b>
151 (sexual interference)	5
152 (invitation to sexual touching)	3
153 (sexual exploitation)	1
239 (attempted murder)	1
252 (failure to remain at the scene of an accident)	1
255 (impaired driving causing bodily harm)	1
266 (assault)	10
267 (assault with weapon /causing bodily harm)	10
268 (aggravated assault)	1
271 (sexual assault)	7
344 (robbery)	4
<b>Total</b>	<b>44</b>

<b>Table V Reasons for Reduced and /or Denied Awards April 1, 2009 to March 31, 2010</b>		
<b>Reason</b>	<b>Reduced</b>	<b>Denied</b>
Crime not covered by regulations	0	0
Criminal offence not proven	0	1
Victim culpability/ contributory behaviour	2	0
Victim engaged in lawful activity	0	1
Loss recovered from other sources	0	0
<b>Total</b>	<b>2</b>	<b>2</b>

<b>Table VI Compensation Ordered* April 1, 2009 to March 31, 2010</b>	
Pain and suffering	\$87,950
Expenses	\$35,233
<b>Total Awarded</b>	<b>\$123,183</b>

\*Note: Compensation ordered in one fiscal year may be paid out in a different fiscal year (e.g., for dental expenses).

<b>Table VII Age and Gender of Victims (Based on Final and Interim Awards) April 1, 2009 to March 31, 2010</b>	
<b>Age</b>	<b>No. of Victims</b>
under 10	8
11-20	19
21-30	14
31-40	4
41-50	3
51-60	3
61-70	1
71+	0
<b>Total</b>	<b>52</b>
<b>Gender</b>	
Female	23
Male	29
<b>Total</b>	<b>52</b>

## Part V

### Victim Assistance Fund Victim Services Summary of Revenue and Expenditures

Revenue			
	Budget Amount	Actual Year Ended March 31, 2010	Projects
Victim Surcharge			
- federal offences	45,000	59,841	
- provincial offences	175,000	222,6871	
Community Service Work Option	0	0	
Donations/honorarium	0	0	
Restitution/civil suit reimbursement	0	477	
Victims of Crime Fund (Justice Canada)	108,000	70,138	70,138*
<b>Total Revenue</b>	<b>328,000</b>	<b>353,143</b>	<b>70,138</b>
Minus Project Revenue		70,138	
		<b>283,005</b>	

**Note:**

\* Revenue was received from the Victims of Crime Fund, Justice Canada, in the amount of \$70,138 for two projects:

- Victim Services Worker – Queens County
- Victim Services Worker – Western Region

Expenditures			
	Budget Amount	Actual Year Ended March 31, 2010	Projects
Administration	11,500	10,162	1,279
Equipment	5,000	5,961	388
Materials/supplies	4,200	2,720	0
Professional/Contract Services	1,500	0	0
Salaries/benefits	567,200	557,415	102,773
Travel	16,600	16,086	2,430
Criminal Injuries Compensation	100,000	115,296	0
Victim Assistants Fees	0	0	0
<b>Total Expenditures</b>	<b>706,000</b>	<b>707,640</b>	<b>106,870</b>
Minus Project Expenditures		106,870	
		<b>600,770</b>	

**Note:**

Project expenditures were for the two Victim Services projects listed above.

**Accounting Procedures:**

All revenues and expenditures related to Victim Services are recorded in the accounts of the Province and included in the Public Accounts



Design: Strategic Marketing and Graphic Design  
Printing: Document Publishing Centre  
2010