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Justice and Public Safety

Victims of Crime Act 2010-2011 Annual Report

Twenty-second Annual Report

Victims of Crime Act
R.S.P.E.I. 1988, Cap. V-3.1

April 1, 2010 to March 31, 2011

Prince Edward Island Department of Justice and Public Safety
PO Box 2000, Charlottetown, PE C1A 7N8

Justice and Public Safety
Justice et Sécurité publique

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September 2011

The Honourable H. Frank Lewis
Lieutenant Governor
Province of Prince Edward Island

May it Please Your Honour:

I have the honour to submit the Twenty-second 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, 2011.

Respectfully submitted,

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 886 new cases referred to Victim Services in 2010/2011, in addition to approximately 601 cases carried forward from the previous year. As of March 31, 2011, there were 559 active cases across the province. The average monthly caseload in 2010/2011 was 610 cases.
- In 2010/2011, Victim Services assisted in the preparation and filing of 208 victim impact statements. Over the past ten years, the number of victim impact statements filed has ranged from 157 to 340.
- During the fiscal year 2010/2011, 39 new applications for criminal injuries compensation were filed, and one hundred applications were carried over from the previous year. Thirty three final decisions and six interim decisions were made in 2010/2011. A total of $113,317 was awarded in criminal injuries compensation.
- In 2010/2011, there were 48 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 586 Emergency Protection Orders granted.

Offence Type and Offender Information

- The most frequent types of crime for Victim Services cases in 2010/2011 were:
  - assaults (36 percent)
  - thefts (12 per cent)
  - sexual assaults (8 per cent)
  - uttering threats (8 per cent)
  - break and enter (8 per cent)
- In 296 cases, there was a family type relationship between the victim and the suspect or offender. In 278 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

- Amendments to the *Victims of Crime Act* Regulations came into effect January 22, 2011, adding new Criminal Code offences to the list of offences eligible for Criminal Injury Compensation. The new amendments address gaps identified in administering the fund, add new offences which have been created under the Criminal Code since the last update to the Regulations, and update the schedule to be consistent with offences included in other Canadian jurisdictions.
- A Memorandum of Understanding between RCMP "L" Division and the Province is being developed to facilitate information sharing and increase police referrals to Victim Services.

- With funding support from the Victims of Crime Fund, a number of criminal justice reforms using enhanced technology have been implemented in Prince Edward Island Courts to improve the criminal justice system and increase access to justice, in particular for child victims and witnesses, and other vulnerable witnesses. Closed circuit TV/video conferencing capability is now fully operational in the four courthouses to help facilitate the testimony of children and other vulnerable witnesses; and the PEI courts have been equipped with technology equipment to more discreetly display electronic documents or exhibits that are categorized as sensitive information.

- A survey tool to obtain feedback from child victims/witnesses and parents was developed and piloted. This will provide an opportunity for children and families to provide information on their experiences with the criminal justice system, and assist in evaluating supports and services for children.

- The Aboriginal Victim Assistant Program was strengthened through additional training for Aboriginal Victim Assistants, and the program was promoted through presentations and distribution of print materials.

Sommaire

Tendances de la demande de clients

- En 2010-2011, 886 cas ont été transmis au Service d'aide aux victimes, en plus d'environ 601 cas reportés de l'année précédente. En date du 31 mars 2011, il y avait 559 cas actifs dans la province. En moyenne, le nombre de cas par mois était de 610.
- En 2010-2011, le Service d'aide aux victimes a aidé à préparer et à déposer 208 déclarations de victime. Au cours des dix dernières années, le nombre de déclarations de victime déposées a varié de 157 à 340.
- Durant l'exercice financier 2010-2011, 39 nouvelles demandes d'indemnisation d'actes criminels ont été déposées, 100 ont été reportées de l'exercice précédent et 33 décisions sans appel ainsi que 6 décisions provisoires ont été rendues. Un montant total de 113 317 $ a été adjugé en indemnisation des victimes d'actes criminels.
- En 2010-2011, on a rendu 48 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 586 ordonnances de protection d'urgence ont été rendues.

Types d'infractions et renseignements sur les contrevenants

- Les types de crime les plus fréquents parmi les cas traités par le Service d'aide aux victimes en 2010-2011 ont été les suivants :
  - voies de fait (36 pour cent);
  - vols (12 pour cent);
  - agressions sexuelles (8 pour cent);
  - profération de menaces (8 pour cent);
  - introductions par effraction (8 pour cent).
- Dans 296 cas, il y avait une relation familiale entre la victime et le suspect ou le contrevenant. Dans 278 cas, le suspect ou le contrevenant était un partenaire ou un ex-partenaire mâle (soit le mari, l'ex-mari, le conjoint de fait ou le petit ami).

Faits saillants et initiatives :

- Des modifications aux règlements de la Victims of Crime Act (loi sur les victimes d'actes criminels) sont entrées en vigueur le 22 janvier 2011. Au moyen de ces modifications, des infractions du Code criminel ont été ajoutées à la liste des infractions pour lesquelles les victimes peuvent recevoir une indemnisation. Les modifications visent à améliorer la gestion des fonds, ajoutent des infractions qui ont été introduites dans le Code criminel depuis les dernières modifications des règlements et mettent à jour la liste des infractions afin qu'elle corresponde à celles ailleurs au Canada.

- Un protocole d'entente entre la division L de la GRC et la province est en train d'être élaboré afin de faciliter le partage d'information et afin que la police oriente plus de gens vers le Service d'aide aux victimes.
- Grâce à un appui financier du Fonds d'aide aux victimes, plusieurs réformes en matière de justice criminelle ont été menées au moyen de technologies dans les tribunaux de l'Île-du-Prince-Édouard afin d'améliorer le système de justice pénale et l'accès à la justice, en particulier pour les enfants victimes ou témoins et les autres témoins vulnérables. De plus, des systèmes de visioconférence peuvent maintenant être utilisés dans les quatre palais de justice afin de faciliter le témoignage des enfants et des autres témoins vulnérables. Les tribunaux de l'Île-du-Prince-Édouard ont également reçu de l'équipement technologique leur permettant de montrer plus discrètement les documents électroniques ou les preuves matérielles qui sont considérés comme de l'information de nature délicate.
- Un outil de sondage servant à obtenir les impressions des enfants témoins ou victimes et de leurs parents a été élaboré et testé. Cet outil permettra aux enfants et à leur famille de faire part de leur expérience avec le système de justice pénale et aidera à évaluer l'appui et les services offerts aux enfants.
- Le Programme d'aide aux victimes autochtones a été amélioré grâce à de la formation additionnelle pour les intervenants auprès des victimes autochtones. On a fait connaître le programme grâce à des présentations et à la distribution de documents imprimés.

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, 2011, and the organizations they represent are as follows:

Donna Langille	Community Legal Information Association
Yolande Richard	Law Society of Prince Edward Island
Cheryl Schurman	Crown Attorneys
Sigrid Rolfe	P.E.I. Rape and Sexual Assault Centre
Paula Finkle	Community Programs, Department of Justice and Public Safety
Chief Lewis Sutherland	P.E.I. Association of Chiefs of Police
Sgt. Andrew Blackadar	R.C.M.P. "L" Division
Ellen Ridgeway	PEI Family Violence Prevention Inc.
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 Policies, Policing and Crime Prevention, Department of Justice and Public Safety, and the Adjudicator for Criminal Injury Compensation with Legal Services Division also provide assistance and information to the committee.

During the 2010-2011 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 2010-2011 included the following:

Amendments to the *Victims of Crime Act* Regulations

Amendments to the *Victims of Crime Act* Regulations came into effect January 22, 2011, adding new Criminal Code offences to the list of offences eligible for Criminal Injury Compensation. The new amendments address gaps identified in administering the fund, add new offences which have been created under the Criminal Code since the last update to the Regulations, and update the schedule to be consistent with offences included in other Canadian jurisdictions.

Family Law/Legal Aid Issues

The Committee continued discussion regarding 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. Potential avenues to address this issue are being explored, including ongoing efforts to establish a self help centre focussing in the area of custody and access.

Enhanced Technology in the Criminal Justice System to Assist Victims of Crime

With funding support from the Victims of Crime Fund, a number of criminal justice reforms have been undertaken in Prince Edward Island Courts to improve the criminal justice system and increase access to justice, in particular for child victims and witnesses, and other vulnerable witnesses.

- Closed circuit TV/video conferencing capability is now fully operational in the four courthouses to help facilitate the testimony of children and other vulnerable witnesses;

- PEI courts have been equipped with technology equipment to more discreetly display electronic documents or exhibits that are categorized as sensitive information (eg. pornographic images, potentially traumatic images such as autopsy photos in a case involving death, etc.). This technology allows the materials to be viewed by the Judge, Crown and Defence without being displayed to the whole courtroom, thereby demonstrating sensitivity and respecting the privacy of the victim and family members;

- All PEI courts are now equipped with Assisted Listening Devices which provide enhanced audio to assist hard of hearing victims, witnesses and accused persons to participate in the court process;

- A stand alone, portable CourtSmart Digital Recording System has been purchased to allow for testimony from a location outside the courthouse if appropriate, while still maintaining the ability to record the testimony. This could assist in accommodating the safety needs of children and other vulnerable witnesses, and assist with contingency planning in the event of a disruption in availability of existing court facilities.

Guest Speakers

The Committee invited guest speakers on a number of topics:

- Paul Stetson, Manager/Investigator, Office of the Police Commissioner, presented on the Office of the Police Commissioner, and the roles of the Police Commissioner, Gerard Mitchell and Deputy Police Commissioner, Roy Riddlington.

- Wendy McCourt, Director of Child Protection, provided an overview of the amendments to the *Child Protection Act*, and the establishment of the new Provincial Child Protection Intake/Screening Unit.

- Marilyn LeFrank, Coordinator, Mi'Kmaq Family PRIDE Program, presented on PEI's history with Indian Residential Schools and the development of PEI's First Nation Child and Family Services. She also provided information on the role of the Mi'Kmaq Family PRIDE Program and the services offered.

- Sgt. Andrew Blackadar, Criminal Operations, R.C.M.P. "L" Division provided an overview of the R.C.M.P. provincial priorities and the process for developing these priorities, both nationally and provincially.

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;
  - amendments to the *Victims of Crime Act* Regulations;
  - amendments to the *Criminal Records Act* regarding pardons/record suspensions;
  - proclamation of the new *Police Act*;
  - amendments to the *Child Protection Act*

- Training Initiatives
  - annual police training on family violence;
  - Aboriginal Justice Program: training initiatives and new publications;
  - Training for Aboriginal and Francophone Victim Assistants;
  - Project Resist "Train the Trainer" program for front line service providers working with youth who have substance abuse problems;
  - update on specialized training for Probation Officers: "Strategic Training Initiative in Community Supervision" and work toward development of an actuarial tool for use in family violence cases, to assist in making decisions regarding victim/offender contact

- Program/Policy Development:
  - update regarding status of Woman Abuse/Spousal Abuse Protocols;
  - review and update of Child Sexual Abuse Protocol;
  - planning for Sexual Assault Nurse Examiner Program in PEI

- Awareness Initiatives:
  - National Victims of Crime Awareness Week activities - April 10-16, 2011
  - World Elder Abuse Awareness Day - June 15, 2011
  - Purple Ribbon Campaign Against Violence - December 2010
  - Family Violence Prevention Week - February 14-20, 2011

- Conference Announcements:
  - Aboriginal Justice Forum - October 22, 2010
  - Communities in Action: Collaboration and Crime Prevention - November, 2010
  - Michael Kaufman - "How to Raise our Sons to be Good Men" - December 2010
  - Atlantic Circle Keepers Conference - February 16-18, 2011
  - PEI Youth Summit - February, 2011

- Family Violence Education for Professionals - March 30, 2011
- Seniors Safety Seminars - March 16 - April 20, 2011
- Human Trafficking Conference - April 18, 2011
- "Voices and Faces" Public Presentation, May 2010
- Atlantic Coordinating Committee on Crime Prevention Conference - May, 2011
- Child Sexual Abuse Advisory Committee Conference - May 9-10, 2011
- Identification and Care of Strangulation Victims - May 24, 2011
- Complex Forms of Post-Traumatic Stress Disorder: A Treatment Overview and Update - June 9-10, 2011

- Canadian Centre for Justice Statistics Reports
  - Criminal Harassment in Canada, 2009
  - 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;
  - implementation of closed circuit TV/videoconferencing capability in PEI courthouses;
  - launch of *Atlantic Canada's Aboriginal Justice Resource and Programs Best Practice Guide*;
  - code of conduct for volunteers and staff implemented by PEI Diocesan Screening Committee;
  - Federal funding sources and criteria for victims of crime initiatives;
  - efforts to reduce the backlog in criminal injury compensation claims awaiting adjudication;
  - new addition to the Provincial Correctional Centre to accommodate intermittent/weekend sentences;
  - initiatives related to Cyber Security being developed by Francophone Young Leaders Group;
  - Community Legal Information Association: new publications and project updates .

On the retirement of Ellie Reddin, Director of Policy, Policing and Crime Prevention, the Committee recognized Ellie for her significant contributions to establishing services for victims of crime in PEI, her valued work at both the provincial and national levels, and her support over the past 20 years to the Victim Services Advisory Committee.

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 2010/2011, and a comparison with previous years, are noted as follows:

Victim Services New Cases			
Type of Client			
	2008/09	**2009/10**	**2010/11**
General*	48	50	57
Wife Abuse	31	29	26
Other Family Abuse	11	9	7
Sexual Abuse	7	9	9
Commercial/ Institutional	3	3	1

**** 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 2010/2011. The table also indicates the police agency involved with each case.

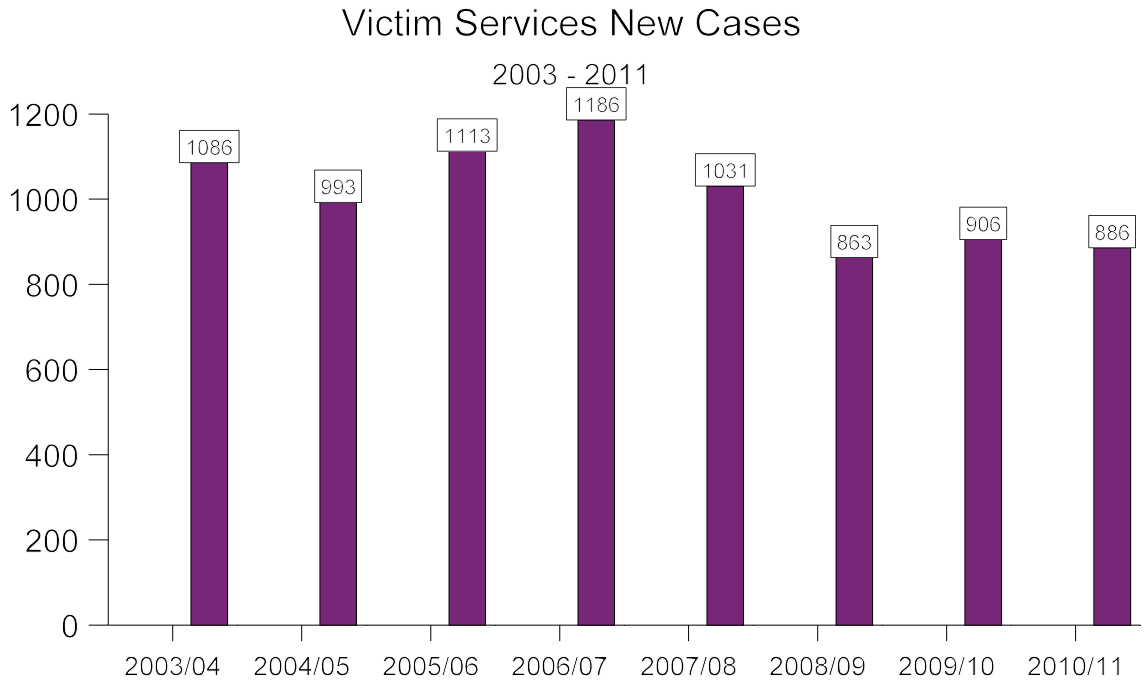
Table I

Victim Case Classification: New Cases
2010/2011

Police Jurisdiction	General	Sexual Abuse	Wife Abuse	Other Family Abuse	Commercial/ Business	TOTAL
West Prince RCMP	11	1	13	4	0	29
Borden PD	1	0	1	0	0	2
Charlottetown PD	265	17	68	12	4	366
Queens District RCMP	68	15	64	27	6	180
Kensington PD	0	0	4	0	0	4
Montague RCMP	44	6	28	13	0	91
Summerside RCMP	30	7	18	5	0	60
Summerside PD	62	14	25	12	0	113
Souris RCMP	13	2	10	4	0	29
Out of Province/Other	6	2	3	1	0	12
Totals	**500**	**64**	**234**	**78**	**10**	**886**
Percentile	**57**	**7**	**26**	**9**	**1**	**100**

Caseload Trends

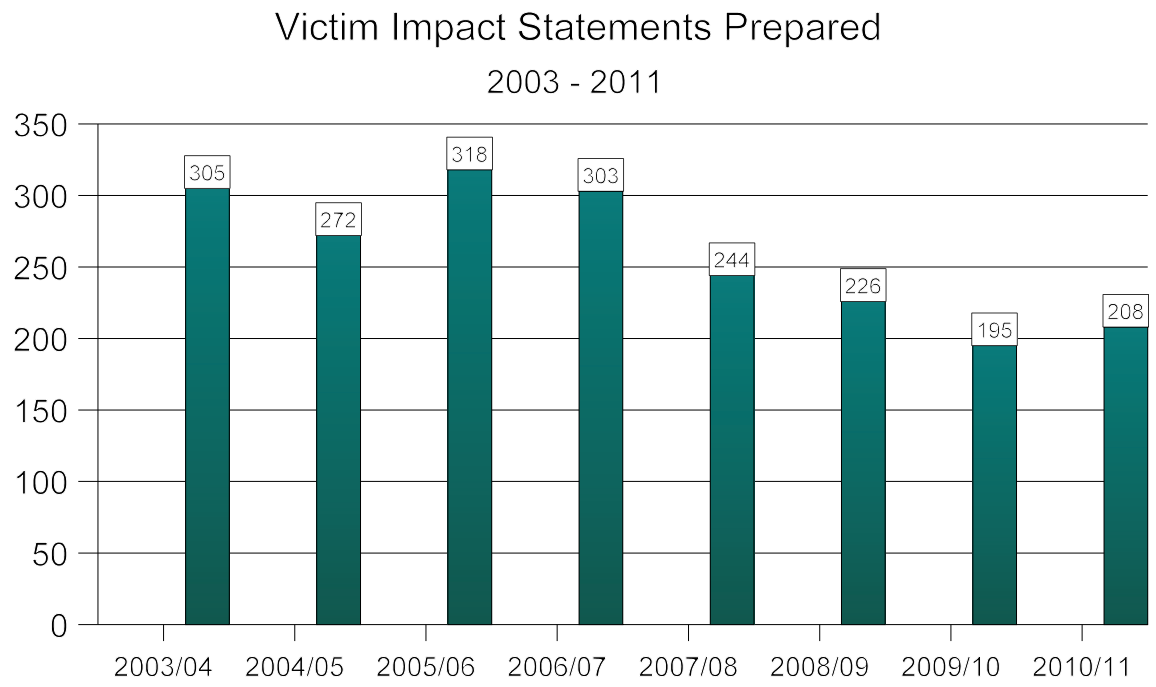
There were 886 new cases referred to Victim Services in 2010/2011, in addition to approximately 601 cases carried forward from the previous year. As of March 31, 2011, there were 559 active cases across the province.



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 2010/2011, there were 208 victim impact statements prepared and filed with the court. The trends since 2003 are illustrated in the graph below:



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 36 percent of the new cases in 2010/2011. The next most frequent types of crime for Victim Services cases were:
thefts (12%), sexual assaults (8%), uttering threats (8%), and break and enter (8%).
In 296 cases, there was a family type relationship between the victim and the suspect or offender. In 278 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 92 percent of new cases in 2010/2011, the offenders were adults. In 8 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	3%
12 - 20 years	17%
21 - 40 years	32%
41 - 60 years	17%
61 years and over	5%
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 Section of the Department of Justice and Public Safety are responsible for adjudicating claims and writing a report, including recommendations, to the Minister who makes decisions regarding claims.

During the fiscal year 2010/2011, 39 new applications for criminal injuries compensation were filed, and one hundred applications were carried over from the previous year. Thirty three final decisions and six interim decisions were made in 2010/2011. A total of $113,317 was awarded in criminal injury compensation.

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

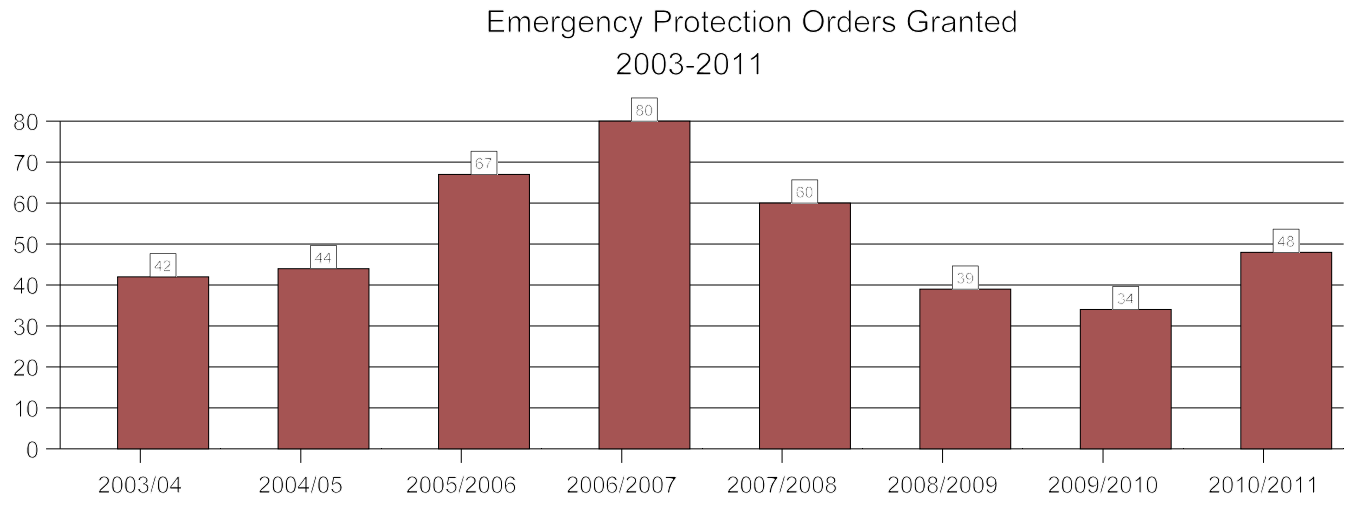
Victims of Family Violence Act

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 2010/2011, there were 48 applications for Emergency Protection Orders under the *Victims of Family Violence Act.* Orders ranged from 3 days to 90 days in duration, with an average length of 64.5 days. Of the 48 orders granted, six were terminated at the request of the parties, and thirteen were varied. There was one application for a Victim Assistance Order.

Since the proclamation of the Act in December 1996, there have been a total of 586 Emergency Protection Orders granted. The trends since 2003 are illustrated in the graph below:



A Steering Committee continues to meet on an regular basis to assist in monitoring and training related to the Act. 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.

The Committee also developed a template to assist with *Standardized Wording for Release of Offenders on Police Undertakings* which was approved by the PEI Association of Chiefs of Police.

Victim Services Program Highlights

Trends in Client Demand

- There were 886 new cases referred to Victim Services in 2010/2011, in addition to approximately 601 cases carried forward from the previous year. As of March 31, 2011, there were 559 active cases across the province. The average monthly caseload in 2010/2011 was 610 cases.

- In 2010/2011, Victim Services assisted in the preparation and filing of 208 victim impact statements. Over the past ten years, the number of victim impact statements filed has ranged from 157 to 340.

- During the fiscal year 2010/2011, 39 new applications for criminal injuries compensation were filed, and one hundred applications were carried over from the previous year. Thirty three final decisions and six interim decisions were made in 2010/2011. A total of $113,317 was awarded in criminal injury compensation.

Highlights and Initiatives:

- Amendments to the *Victims of Crime Act* Regulations came into effect January 22, 2011, adding new Criminal Code offences to the list of offences eligible for Criminal Injury Compensation. The new amendments address gaps identified in administering the fund, add new offences which have been created under the Criminal Code since the last update to the Regulations, and update the schedule to be consistent with offences included in other Canadian jurisdictions.

- A Memorandum of Understanding between RCMP "L" Division and the Province is being developed to facilitate information sharing and increase police referrals to Victim Services.

- A survey tool to obtain feedback from child victims/witnesses and parents was developed and piloted. This will provide an opportunity for children and families to provide information on their experiences with the criminal justice system, and assist in evaluating supports and services for children.

- The Aboriginal Victim Assistant Program was strengthened through additional training for Aboriginal Victim Assistants, and the program was promoted through presentations and distribution of print materials.

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:

- FPT Victims of Crime Working Group
- Ad Hoc Working Group on Family Violence - Linking Criminal and Family Justice Systems.

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*
- Premier's 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

- Linking Criminal and Family Justice Systems Working Group

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
- Occupational Health and Safety Committee
- Business Continuity Planning
- Capital Planning Committee

Education and Training

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

- Aboriginal Justice Forum
- Michael Kaufman - "How to Raise our Sons to be Good Men"
- Aboriginal Justice Circle Keeper Workshop
- PEI Youth Summit
- Family Violence Education for Professionals
- Human Trafficking Conference
- "Voices and Faces" Public Presentation
- Child Advocacy Centres - Knowledge Exchange 2011
- Domestic Homicide Think Tank
- Child Death and Serious Injury Review

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 2010/2011 included:

- Police Training on *Victims of Family Violence Act*
- Training for Justices of the Peace - *Victims of Family Violence Act*
- Victim Awareness Training for Divisional Employees
- Family Violence Education for Professionals
- Training for Family Law Centre staff on Spousal Abuse Protocols
- Victims of Crime Awareness Week presentations to Aboriginal communities
- Child Protection Team Leaders
- Abuse of Older Adults Workshop

Objectives

Objectives for the 2011/2012 fiscal year include the following:

- increase police referrals to Victim Services through implementation of Memorandums of Understanding with RCMP and Municipal police agencies, supported by a Minister Directive regarding Assistance for Victims of Crime;
- evaluate supports and services for children who participate in the criminal justice system through implementation of a survey tool to obtain feedback from child victims/witnesses and parents;
- improve linkages between the civil and criminal court systems in cases of family violence;
- implement a new computerized case management system for Victim Services.

Staffing

Victim Services Offices are located in Charlottetown and Summerside.

Personnel as of March 31, 2011 include:

Provincial Manager
Susan Maynard

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

Admin Support
Dianna Cudmore
Marya DesRoches

Part IV

Criminal Injuries Compensation Program

Introduction

Criminal injuries compensation is the payment of money from public funds to compensate victims of crime 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 Minister 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 2010/2011, 39 new applications for criminal injuries compensation were filed, and one hundred applications were carried over from the previous year. Thirty three final decisions and six interim decisions were made in 2010/2011. A total of $113,317 was awarded in criminal injury compensation.

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

Table II
Applications – Statistical Summary
April 1, 2010 to March 31, 2011

New applications filed	39
Applications carried over from last year	100
Variation applications	0
Appeals	0
Total	**139**
Decisions made:	
award denied	1
full award granted	31
interim award	6
reduced award	2
variation	0
Total	**40**
Withdrawn applications	2
Files carried forward to next fiscal year	103

Table III
Categories of Victims
(Based on Final and Interim Awards)
April 1, 2010 to March 31, 2011

Types of Victims	Number
General	13
Other family abuse	4
Sexual abuse	20
Wife abuse	2
Total	**39**

Table IV
Crimes Involved in Final Awards Granted
April 1, 2010 to March 31, 2011

Criminal Code Section	Number of Awards
151 (sexual interference)	2
152 (invitation to sexual touching)	1
239 (attempted murder)	1
266 (assault)	7
267 (assault with weapon /causing bodily harm)	9
271 (sexual assault)	13
Total	**33**

Table V
Reasons for Reduced and /or Denied Awards
April 1, 2010 to March 31, 2011

Reason	Reduced	Denied
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	0
Loss recovered from other sources	0	0
Total	**2**	**1**

Table VI
Compensation Ordered*
April 1, 2010 to March 31, 2011

Pain and suffering	$90,275
Expenses	$23,042
Total Awarded	$113,317

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

Table VII
Age and Gender of Victims
(Based on Final and Interim Awards)
April 1, 2010 to March 31, 2011

Age	No. of Victims
under 10	3
11-20	17
21-30	8
31-40	4
41-50	3
51-60	2
61-70	0
71+	0
Total	**37**
Gender	
Female	20
Male	17
Total	**37**

Part V

Victim Assistance Fund

Victim Services Summary of Revenue and Expenditures

Revenue			
	Budget Amount	**Actual Year Ended March 31, 2011**	**Projects**
Victim Surcharge - federal offences - provincial offences	 45,000 175,000	 74,378 216,912	
Community Service Work Option	0	0	
Donations/honorarium	0	0	
Restitution/civil suit reimbursement	0	1,070	
Victims of Crime Fund (Justice Canada)	108,000	112,875	112,175*
Total Revenue	**328,000**	**405,235**	**112,875**
Minus Project Revenue		112,875	
		292,360	

Note:

* Revenue was received from the Victims of Crime Fund, Justice Canada, in the amount of $112,875 for two projects:

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

Expenditures			
	Budget Amount	**Actual Year Ended March 31, 2011**	**Projects**
Administration	11,500	12,995	1,535
Equipment	5,000	877	250
Materials/supplies	4,200	2,680	0
Professional/Contract Services	1,500	907	0
Salaries/benefits	511,600	549,876	110,137
Travel	16,600	13,483	4,194
Criminal Injuries Compensation	100,000	103,212	0
Victim Assistants Fees	0	735	0
Total Expenditures	**650,400**	**684,765**	**116,116**
Minus Project Expenditures		116,116	
		568,649	

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
2011

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