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Presentation To House Of Commons –
Standing Committee On Justice And Human Rights

BILL C- 32 - Victims Bill of Rights Act
An Act to enact the Canadian Victims Bill of Rights
and to amend certain Acts

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Paul

Let me begin by thanking the Chair and Members of the Standing Committee, for allowing us to appear today regarding Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts. This very important legislation is a step forward in victim-focused reform and should allow victims a greater opportunity to make meaningful representation and will ultimately instill more confidence in the criminal justice system for victims of crime.

By way of introduction, my name is Paul Smith. I am speaking in my role as Vice-President of the Canadian Association of Chiefs of Police and am also Chief of the Charlottetown Police Service. I am joined by Jill Skinner, Deputy Chief of the Ottawa Police Service. Both D/Chief Skinner and myself are members of the CACP Victims of Crime Committee.

The CACP is dedicated to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada.

Much of the work in pursuit of its' mandate, "safety and security for all Canadians through innovative police leadership," is done through the activities and special projects of a number of committees and through active liaison with ministries in all levels of government having legislative or executive responsibility in law and policing.

Since its inception in May 2012, the Victims of Crime Committee has demonstrated the Canadian Association of Chiefs of Police national policing commitment to ensuring the rights and protection of victims. Representing police at the federal, aboriginal, provincial and municipal levels, the Committee is mandated to enhance the Canadian police community's capacity to respond effectively to the needs of victims of crime.

During the Government of Canada's consultations on its proposal to develop Bill C-32, the Canadian Association of Chiefs of Police expressed support and commitment in the development and implementation of a Canadian Victims Bill of Rights.

Police agencies across Canada share the vision to serve and protect the public. For many individuals, however, their first substantial involvement with police comes when, through unfortunate circumstance, they become the victim of a crime.

Law Enforcement agencies, particularly over recent years, have come to understand that achievement of their mission involves appropriate response to the needs of victims of crime. Police personnel are a victim's first point of contact with the criminal justice system, and that interaction is proven to have a lasting impact upon the victim's perspective on the criminal justice system.

Police Chiefs across the country recognize that the sooner the victim receives assistance the less traumatic the recovery process will be. The initial response provided by police affects a victim's knowledge of available services and decision to access this assistance.

The sooner a victim receives information and support, the sooner he or she is able to begin the recovery process. For this reason, the Canadian Victims Bill of Rights should complement law enforcement's existing duty to victims and their families.

All persons have the right to live without being harmed by others. When this right is infringed, law enforcement and all criminal justice authorities have a duty to treat a victim with courtesy, compassion and respect. These principles are reflected in this new legislation. The proposed Canadian Victims Bill of Rights takes a positive step forward to recognize the rights of victims on a national level throughout the criminal justice process and ensure their voices are heard.

Amendments to the *Criminal Code* and the *Corrections and Conditional Release Act* strike a balance between keeping victims informed and preventing undue additional delays in the criminal justice system. The Bill also addresses both personal and privacy concerns of victims. By requiring that the victim will always be considered, Bill C-32 strives to change the principles of the criminal justice system with respect to inclusion of victims.

However, we believe that there are some key areas in which greater clarification would benefit both victims and criminal justice authorities, both within the proposed legislation and during the implementation of the Canadian Victims Bill of Rights.

Jill

While this legislation certainly does address important principles for victims' assistance, the language of rights employed in the new legislation, combined with the requirement that the rights of victims under the Act are to be exercised through the mechanisms provided by law, may make it difficult for victims to identify their enforceable legal rights and corresponding remedies.

We suggest that clear language identifying enforceable legal rights, and the corresponding mechanisms for exercising these rights, will go a long way to assisting victims in navigating the criminal justice system. As Benjamin Perrin states in his paper on Bill C-32, "...a right without a remedy in the event of its breach is no right at all."

Second, responsibilities for implementing victims' rights are directed to "the appropriate authorities" of the criminal justice system and not to specific agencies, which may make it difficult for criminal justice partners to identify their respective legal responsibilities. Added clarity in this regard will direct victims to the appropriate agency and, where necessary, will allow them to

take up any concerns through the appropriate complaints mechanism.

As indicated, the police are the most common first point of contact for victims and their family and play a critical role in ensuring victims know their rights. The consequences of inadequate or untimely information can be detrimental to a victim. Victims should have rights to timely, relevant and easy to understand information, regarding safety; programs and services; and the investigative, court, correctional and parole process.

In keeping with this goal of ensuring that all victims receive the same high quality resources and supports, funding and support to police and justice partners will be critical in the implementation of the Canadian Victims Bill of Rights.

Firstly, to ensure that victims have access to programs and services, consideration should be given on how accurate and consistent information will be provided to victims, particularly to those who live in remote locations. The CACP supports the Government's intention as outlined in Budget 2014 to "...provide victims with online resources that will help individuals access the federal programs and services available for victims of crime." In

addition, the CACP supports the Government's intention to create a web portal that will allow victims of federal offenders to view a current photo of the offender prior to their release.

Secondly, the Canadian Association of Chiefs of Police request timely and complete information for law enforcement agencies to create victim response enhancements to be integrated within current training. Chiefs of Police look to the Government of Canada to coordinate with a training institution, like the Canadian Police Knowledge Network, and to provide funding to develop education and training modules. Consistent Federal funding would expedite the process of implementing the Canadian Victims Bill of Rights within the provinces and territories and ensure these important rights can be implemented as immediately as possible.

Thirdly, in order to implement and deliver effective victims services, and thereby increase confidence in our justice system, funding for sufficient resources across the country is imperative. The establishment of a Police/Victims Support Fund, similar to the former Police Officers Recruitment Fund, to this initiative would help to provide the necessary supports.

Furthermore, in creating and funding victim resources and services, Chiefs of Police stress the importance of recognizing the historical trauma, unique awareness and respect for tradition and culture of First Nations, Inuit and Métis Groups. The Canadian Victims Bill of Rights should respond to the needs of victims in these groups in a holistic and culturally sensitive way. It should also consider Canada's multicultural composition, specifically in ensuring access to information in diverse languages, which is critical in ensuring meaningful participation by all victims.

The Canadian Victims Bill of Rights should enshrine core enforceable rights of victims of crime and the effective recognition of, and respect for a victim's human rights and should ensure that needs, concerns and interests of victims are valued and considered in a participatory environment. The Canadian Association of Chiefs of Police's Victims of Crime Committee supports the principles advanced by the Canadian Victims Bill of Rights.

Chiefs of Police stress the importance of ensuring resources are in place to ensure victims across the country clearly understand their enforceable rights and have timely and accurate access to information and services. The CACP looks forward to continued

participation during the consideration and implementation process of the Canadian Victims Bill of Rights. We recognize that the victim-focused approach of Bill C-32 creates a solid foundation for victims and is the first step to enhancing victims' participatory and service rights throughout the criminal justice process.

Thank you.