



**Multi-Site Survey of Victims of Crime
and Criminal Justice Professionals
across Canada:**

Summary of Police Respondents



Policy Centre for Victim Issues



Research and Statistics
Division

rr05vic-1-sum7e
2005

The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.

These summaries are extracted from the *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada*, completed by Prairie Research Associates Inc. on behalf of the Department of Justice Canada.

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Summary of Police Respondents



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Introduction

The *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* was conducted in 2002 under the direction of the Policy Centre for Victim Issues (PCVI) of the Department of Justice Canada in collaboration with the Research and Statistics Division. The PCVI implements the Victims of Crime Initiative which, through the Victims Fund, legislative reform, research, consultations and communication activities, works to increase the confidence of victims on the criminal justice system and responds to the needs of victims of crime as they relate to the Department of Justice.

The purpose of the *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* is to gather information on a wide range of issues concerning the criminal justice system as it pertains to victims and criminal justice professionals, with a particular emphasis on recent *Criminal Code* provisions, specifically Bill C-79, which was introduced in 1999. This legislation amended the *Criminal Code* in several areas, such as:

- ▶ giving victims the right to read their victim impact statements at the time of sentencing if they wish to do so
- ▶ requiring the judge to inquire before sentencing whether the victim has been informed of the opportunity to give a victim impact statement
- ▶ requiring that all offenders pay a victim surcharge of 15% where a fine is imposed or a fixed amount of \$50 or \$100 for summary or indictable offences, respectively, and can be increased by the judge (except where the offender can demonstrate undue hardship)
- ▶ clarifying the application of publication bans and providing discretion to order, in appropriate circumstances, a publication ban on information that could disclose the identity of victims as witnesses
- ▶ expanding the protection of victims and witnesses under the age of 18 years from cross-examination by a self-represented accused in sexual and personal violence offences
- ▶ allowing any victim or witness with a mental or physical disability to be accompanied by a support person while giving evidence
- ▶ ensuring that the safety of victims and witnesses are taken into consideration in judicial interim release determinations.

To a more limited extent, the survey also explored perceptions regarding amendments recently made to the *Corrections and Conditional Release Act* to provide victims with the opportunity to present prepared victim statements at parole board hearings.

Findings from this study will generate evidence to inform future legislative reforms and policy changes by providing insight on the use and awareness of recent reforms by criminal justice

professionals as they pertain to victims of crime, the nature of information provided to victims during the criminal justice process, victims' experiences with the legal provisions and other services that are intended to benefit them throughout the criminal justice process, and barriers to the implementation of recent reforms for criminal justice professionals.

Given the breadth of findings in the final report the PCVI has prepared seven summary reports based on respondent groups in the survey¹. This report is a summary of the findings from the police officers who participated in the study. Additional summaries are available that speak to the findings of, Crown Attorney respondents, Defence counsel respondents, Judiciary respondents, Probation Officers and Parole Officer respondents, victim services providers and victim advocacy groups and Victims of Crime.

¹ The full report and copies of the other summaries are available at:
<http://canada.justice.gc.ca/en/ps/voc/pub.html>.
For copies contact the Policy Centre for Victim Issues, 284 Wellington Street, Ottawa, Ontario, K1A 0H8.



Methodology

The multi-site survey was conducted in 16 sites within the 10 provinces in Canada; the territories were not included in this study. The 16 sites represent five regions: Atlantic (Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador), Quebec, Ontario, Prairie (Saskatchewan and Manitoba), and Western (British Columbia and Alberta). Each region included at least three sites of varying size (small, medium, and large), with consideration of diversity in geography (rural, urban, northern) and population (especially cultural and linguistic). A subcommittee of the Federal Provincial Territorial Working Group (FPTWG) on Victims of Crime guided the research team and recommended some of the locations selected for site visits.

Data for this study came from criminal justice professionals and victims of crime. A total of 112 victims of crime participated in in-depth interviews, which were conducted in order to obtain detailed data on each individual victim's experience in the criminal justice system. Victim services providers assisted in contacting victims and obtaining their consent to participate in the study, which may have introduced selection bias into the research.

Criminal justice professionals who participated in the study were from 10 different groups: judges, Crown Attorneys, defence counsel, police, victim services providers, victim advocacy groups, probation officers, and three types of parole representatives (from the National Parole Board [NPB], Correctional Service Canada [CSC], and the provincial parole boards in Quebec, Ontario, and British Columbia). They participated through either self-administered questionnaires or interviews. Relying on two forms of data collection allowed for the most complete method of gathering information on the research questions. The use of self-administered questionnaires ensured that a large proportion of the criminal justice professionals in each site could participate, while the use of interviews meant that more in-depth, qualitative data could also be obtained.

Interviews were conducted with 214 criminal justice professionals from five respondent groups: victim services providers; police; Crown Attorneys; judiciary; and defence counsel. Interview results were captured as part of the quantitative data corresponding to that generated by the self-administered surveys. Self-administered questionnaires were also distributed to all 10 respondent groups. A total of 1,664 criminal justice professionals completed the self-administered questionnaire. Overall (in interviews and self-administered questionnaires), a total of 1,878 criminal justice professionals participated in this survey.



Findings from Police Officer Respondents

This section summarizes the results from police respondents, integrating the findings from the survey self-completed questionnaires and interviews. A total of 686 police officers were included in the study, with 648 completing self-administered questionnaires and another 38 participating in interviews (see appendix A for interview guide and survey).

1. Responsibility to Victims

In both the interviews and self-completed questionnaires, police were asked to describe their responsibility to victims of crime through an open-ended question (i.e., no check list of possible responses was provided). The respondents identified responsibilities such as explaining the criminal justice system, keeping victims informed of the status of their case, and providing them an opportunity to be heard and considering their views.

Police perceive one of their most important obligations to be informing victims of the status of the police investigation; 56% of those surveyed mentioned this responsibility. Provision of information by police is greatest at the outset of the criminal justice process. Almost all police surveyed (94%), for example, said that they generally provide victims with information about victim services. More than three-quarters maintain regular contact with victims of crime throughout the investigation, and approximately two-thirds usually inform victims about outcomes of bail decisions and about victim impact statements. Police involvement tapers off once a case has gone to court; less than two-thirds of those surveyed usually provide information about court dates, and just over half usually provide information about outcomes of court processes other than bail decisions. In interviews, several police observed that the amount of police contact with victims varies by the nature of the case and the individual officer.

As Table 1 shows, police surveyed also mentioned referring victims to appropriate services and resources (25%); ensuring their safety (19%); investigating complaints thoroughly (18%); and treating victims with compassion and respect (17%) among their other responsibilities.

TABLE 1: WHAT IS THE RESPONSIBILITY OF POLICE WITH RESPECT TO VICTIMS?²	
<i>Responsibility</i>	Police (N=686)
Inform victims of the status of the police investigation	56%
Refer victims to appropriate services	25%
Ensure the protection or safety of the victim	19%
Investigate complaints thoroughly	18%
Treat victims with compassion or respect	17%
Explain the criminal justice system	11%
Give victims priority	11%
Inform victims about their legal options	7%
Other	<1%
No response	9%

Note: Respondents could provide more than one response; total sums to more than 100%.

The majority of police surveyed (67%) do not think that responding to victims' needs impedes their police work. On the contrary, in interviews, many police stressed that attending to victims' needs is an integral part of their work, although high workloads and limited resources compel them to prioritize their time. When asked how the needs of victims might be balanced with their time and resource restraints, police who were surveyed most often suggested that services to victims be provided by court-based or police-based victim services instead of by police themselves. This would allow police to focus their efforts on the conduct of the investigation.

2. Services for Victims

The following section considers the availability and accessibility of victim services in the sites studied. Police were asked about the types of services available in their community, the services offered by their particular victim service organization(s), challenges to accessing victim services, and how to improve accessibility, including how best to inform victims about available services.

Types of Services Available

In order to determine the full range of victim services available in the sites studied, police were asked to list the types of victim services available in their community (including their own organization, if applicable). Table 2 below provides these results.

² Note: Police were asked to describe their responsibility to victims of crime through an open-ended question, i.e., no check list of possible responses was provided.



TABLE 2: WHAT VICTIM SERVICES ARE AVAILABLE IN YOUR COMMUNITY?	
<i>Type of service</i>	Police (N=686)
Police-based victim services	82%
Court-based victim services	49%
Specialized victim services for domestic violence	79%
Specialized victim services for sexual assault	73%
Specialized victim services for children	69%
Note: Respondents could provide more than one response, therefore, total sums to more than 100%. Only those categories of service named in all of the surveys are included. Respondents who listed another type of service or those who gave no response are not represented in this table.	

As seen in Table 2, about four-fifths of respondents reported that police-based victim services and specialized victim services for domestic violence, sexual assault, and children are available in their communities. About half of respondents reported that court-based services are available.

Challenges to Access

In addition to the availability of victim services, the survey asked about accessibility. Police were asked to comment on whether particular accessibility issues exist for victim services in their communities. A sizeable minority (approximately 10 – 25%) did not comment.

TABLE 3: DO VICTIMS OF CRIME FACE CHALLENGES IN ACCESSING VICTIM SERVICES IN YOUR COMMUNITY?	
<i>Percentage of respondents who indicated challenges to accessing victim services</i>	Police (N=686)
Language barriers	11%
Financial barriers	6%
Services do not respond to cultural needs	5%
Lack of victim services because of rural location	9%
Services do not respond to needs of both genders	6%
Physical barriers for person with disabilities	3%
Note: Respondents could provide more than one response. Respondents who gave no response are not represented in this table.	

As seen in Table 3, few police perceive any difficulties with accessibility. The most common challenge to accessing victim services mentioned is providing services to victims whose first language is not French or English. As Table 3 shows, more than one-tenth of police said that language barriers exist in accessing victim services in their community. A shortage of interpreters and translators and the existence of immigrant or diverse cultures in their communities were the main reasons offered.

The absence of victim services in some rural locations is a challenge according to 9% of police surveyed. Lack of adequate transportation is the major impediment to access to victim services. While a few victim services organizations do home visits to these rural locations, distance is a challenge faced by many victims.

3. Information for Victims

The police officers who were surveyed generally agreed that victims usually receive adequate information about court dates, conditions of release, and case outcomes.

However, they did suggest that information provision to victims could be improved by stronger links among agencies and development of clear guidelines on agencies' responsibilities in providing information.

Table 4 shows the proportion of respondents who believe that victims usually receive adequate information on various aspects of their case and on the criminal justice system as a whole. There is substantial agreement among victim services providers, Crown Attorneys, and police that victims generally receive adequate information with respect to the date and location of their court proceedings; victim impact statements; victim services; the ultimate outcome of their case; and conditions of release. Police is the only group who believe that victims generally receive adequate information with respect to charges laid and the progress of the police investigation.

According to police, areas where improvements in information provision may be necessary include the alternative processes and restitution. It is worth noting that in general, police had a more positive opinion than their colleagues of the adequacy of information provided to victims of crime.

TABLE 4: DO VICTIMS USUALLY RECEIVE ADEQUATE INFORMATION?				
<i>Percentage of respondents who agree that victims usually receive adequate information on...</i>	Victim services (N=318)	Crown Attorney (N=188)	Police (N=686)	Advocacy Groups (N=47)
The progress of the police investigation	42%	32%	83%	19%
Outcomes of bail decisions	40%	64%	69%	23%
Conditions of release	55%	64%	79%	23%
Date and location of court proceedings	81%	70%	78%	60%
Charges laid	70%	59%	90%	49%
Charges dropped	49%	52%	67%	32%
Victim impact statements	71%	78%	74%	53%
Restitution	47%	66%	59%	15%
The ultimate outcome of the case	60%	61%	75%	43%
The criminal justice process	54%	38%	62%	21%
Alternative processes	27%	24%	57%	23%
Rights of accused	43%	28%	63%	32%
Victim services	69%	76%	93%	43%
Other community support services	66%	44%	76%	32%
Note: Respondents who gave no response are not represented in this table.				

Responsibility for Information Provision

Table 5 below shows respondents' perceptions of criminal justice professionals' responsibility for providing information to victims of crime. With respect to certain pieces of information, respondents were mostly in agreement over which agency - Crown Attorney, police, or victim



services - should be responsible for informing victims. For example, a majority of respondents in all groups believes that police should inform victims about the progress of the police investigation and any charges laid. Similarly, a majority in all categories believes that victim services providers should provide information about victim services and other community support services, while Crown Attorneys should provide information about the ultimate outcome of the case. However, when it comes to the other types of information, there is less certainty among respondents regarding the three agencies' responsibilities for information provision.

Furthermore, in no instance did respondents assign full responsibility for information provision to a single agency. Instead, they regard information provision as a shared duty. Even where large majorities of respondents identified a certain agency as primarily responsible for providing information to victims, substantial proportions also believe that the other two agencies also have a role to play.

TABLE 5: WHO SHOULD PROVIDE THE FOLLOWING INFORMATION TO VICTIMS?				
	Victim Services (N=318)	Crown Attorneys (N=188)	Police (N=686)	Advocacy Groups (N=47)
<i>The progress of the police investigation</i>				
Crown Attorneys	19%	4%	9%	26%
Police	81%	85%	90%	68%
Victim services	38%	13%	19%	43%
<i>Outcomes of bail decisions</i>				
Crown Attorneys	52%	34%	58%	64%
Police	38%	34%	42%	23%
Victim services	47%	51%	23%	40%
<i>Conditions of release</i>				
Crown Attorneys	48%	34%	51%	62%
Police	51%	35%	54%	34%
Victim services	48%	51%	23%	36%
<i>Date and location of court proceedings</i>				
Crown Attorneys	50%	36%	47%	57%
Police	29%	30%	47%	26%
Victim services	61%	50%	28%	45%
<i>Charges laid</i>				
Crown Attorneys	35%	26%	28%	49%
Police	70%	60%	79%	66%
Victim services	30%	22%	10%	17%
<i>Charges dropped</i>				
Crown Attorneys	56%	65%	76%	68%
Police	50%	27%	35%	38%
Victim services	31%	24%	10%	21%
<i>Victim impact statements</i>				
Crown Attorneys	37%	28%	35%	60%
Police	35%	34%	50%	15%
Victim services	82%	67%	46%	72%
<i>Restitution</i>				
Crown Attorneys	42%	36%	63%	66%
Police	21%	32%	29%	13%
Victim services	62%	48%	28%	51%
<i>The ultimate outcome of the case</i>				
Crown Attorneys	70%	62%	68%	81%
Police	25%	29%	42%	11%
Victim services	51%	37%	18%	45%

TABLE 5: (CONTINUED)				
WHO SHOULD PROVIDE THE FOLLOWING INFORMATION TO VICTIMS?				
	Victim Services	Crown Attorneys	Police	Advocacy Groups
<i>The criminal justice process</i>				
Crown Attorneys	55%	44%	69%	68%
Police	30%	20%	33%	21%
Victim services	73%	66%	38%	60%
<i>Alternative processes</i>				
Crown Attorneys	55%	37%	65%	62%
Police	26%	30%	35%	23%
Victim services	55%	49%	32%	55%
<i>Rights of accused</i>				
Crown Attorneys	59%	51%	49%	60%
Police	47%	19%	53%	40%
Victim services	46%	41%	25%	43%
<i>Victim services</i>				
Crown Attorneys	40%	26%	19%	57%
Police	64%	43%	68%	53%
Victim services	75%	73%	61%	75%
<i>Other community support services</i>				
Crown Attorneys	31%	17%	16%	36%
Police	45%	28%	48%	49%
Victim services	87%	84%	74%	79%
Note: For each item in Table 5, respondents could provide more than one response; totals sum to more than 100%. Respondents who answered "other" or "don't know", or gave no response are not represented in Table 5.				

Obstacles to Information Provision and Possible Improvements

In interviews, police explained that there are several obstacles to providing information to victims of crime. Insufficient time and limited resources are perhaps the most significant. They also believed that the sheer volume of cases in the system makes it impossible for criminal justice professionals to provide all victims of crime with all of the information that they may want or require. Moreover, police pointed to their own limited access to Crown Attorneys, court and observed that privacy legislation and policies limit the extent to which the various agencies involved can share information. Other difficulties in providing information include victim transience or reluctance to be contacted, and the possibility that disclosure of certain information may jeopardize the trial.

Among the more frequently mentioned measures to improve the information given to victims were more widespread establishment of court-based or police-based victim assistance programs; better provision of information by police and by the Crown Attorney and/or more police and Crown Attorney resources; a more active role for the court in providing information; creation of stronger links among all agencies involved in order to establish clear guidelines and direction on who should provide what information; and increased information-sharing among agencies. Other suggestions included education and training so that all criminal justice professionals gain a better understanding of the role of victim services organizations; more print materials; and implementation of a standardized checklist or protocol for reference by police, the Crown Attorney, and victim services, to ensure that all professionals dealing with victims are providing information in a consistent manner. There were also suggestions for implementation of a



centralized, computerized repository of information accessible to all agencies and for improved public education about various aspects of the criminal justice process.

Information-Sharing and Collaboration

The police surveys and interviews used open-ended questions to examine the extent to which information-sharing and collaboration occur between victim services, on one hand, and police on the other. While there is evidence of some collaboration among agencies serving victims, there is also support for establishing stronger links among them in order to improve services for victims. Police were asked to describe the nature of their relationship with victim services. As shown in Table 6, just under one-fifth of those surveyed reported that victim services has access to police reports and files, while a similar proportion simply explained that police share information with victim services. Fifteen percent reported that victim services is part of police service or they share office space. On the other hand, 12% said that police and victim services do not work together or share information at all.

TABLE 6: COLLABORATION OF POLICE WITH VICTIM SERVICES, AS REPORTED BY POLICE	
<i>Nature of collaboration</i>	Police (N=686)
Victim services have access to police reports or files	18%
Share information	17%
Victim services is part of police service or share office	15%
Victim services updates police after contact with victim	10%
Open communication or close collaboration	7%
Poor communication or limited collaboration	5%
Victim services attends complaints or occurrences	4%
Other	9%
Do not work together or share information	12%
No response	10%
Note: Respondents could provide more than one response; total sums to more than 100%.	

In a separate question, police were asked specifically whether their division or department has a policy for allowing victim services to access victim files. Forty percent of those surveyed reported that such a policy is in place, although close to half did not know whether their organization had such a policy. Of police who reported the existence of a policy allowing victim services to access their files, more than one-quarter said that this access is unlimited. However, it was more common for police to report some limitations. For example, of police who said that an information-sharing policy exists 17% reported that victim services has access only to certain files; 13% said access is possible only with the victim's consent; and 11% said that federal legislation limits the extent to which they share information with victim services.³

Police were also asked about the referrals they make to victim services. More than three-quarters of police surveyed said they generally refer victims to police-based victim services and more than two-thirds generally refer victims to specialized victim services for domestic violence.

³ Note: federal privacy legislation is applicable only to RCMP, not to other police forces.

Over 60% refer victims to specialized services for sexual assault and specialized services for children, and one one-third refer victims to court-based victim services.

4. Bail Determinations

The 1999 amendments to the *Criminal Code* include several provisions to protect the safety of victims of crime in bail determinations. The provisions direct police officers, judges, and justices of the peace to consider the safety and security of the victim in decisions to release the accused pending the first court appearance; require judges to consider no-contact conditions and any other conditions necessary to ensure the safety and security of the victim; and ensure that the particular concerns of the victim are considered and highlighted in decisions on the imposition of special bail conditions. This section describes police practices with respect to victim protection in bail determinations, and discusses the extent to which victim services providers and advocacy groups believe that victim safety is considered at bail.

Police Practices at Bail

Police who were interviewed were unanimous in stating that considering victim safety is an essential responsibility for police immediately following an arrest and at the point of any release proceedings. The larger group of police surveyed in this research reported using a variety of methods to ensure that victims' safety concerns are considered at bail hearings. Over one-third reported preparing a written submission with recommendations for specific bail conditions following a thorough investigation and/or an objective assessment of risk (35%); others simply said that they consult with and pass information on to the Crown Attorney for consideration (21%). Some police attend bail hearings to speak on behalf of the victim or even encourage the victim to attend (15%), while still others said that they consult with the victim and obtain their statement (13%). A small proportion indicated opposing release outright when the victim's safety is at risk.

In interviews, several police cautioned that while it is important to listen to victims' concerns, police must remain objective in their determination of the level of risk to the victim. They pointed out that emotion could lead victims to make exaggerated claims and overestimate the risk posed by the accused. Police must therefore exercise judgment when reporting or making recommendations to the Crown Attorney. Several police also pointed out that in some cases (particularly domestic violence), victims *underestimate* the risk posed by the accused and will disagree with police requests for conditions such as no-contact orders. These interviewees noted that these are cases in which they will not necessarily promote the wishes of the victim.

Consideration of Victim Safety at Bail

Despite the results from the surveys and interviews with police, which suggest that they are concerned about protection of the victim at bail, only 30% of victim services providers and one-quarter of advocacy groups surveyed believe that the victim's safety is generally considered in decisions about bail and conditions of release, although several victim services providers acknowledged in interviews that there has been substantial evolution in this regard and that police are very sensitive to safety issues.



5. Victim Impact Statements

Victim impact statements (VIS) are written statements in which victims can describe the effect of the crime on them and any harm or loss suffered as a result of the crime. The 1999 amendments to the *Criminal Code* allow victims to read their statements aloud during sentencing, require the judge to ask before sentencing whether the victim has been informed of the opportunity to complete a VIS and permit the judge to adjourn the sentencing, to give the victim time to prepare the statement.

Frequency of Submission

Police respondents were asked whether, based on their experience, victims generally submit victim impact statements to the court. As to the frequency with which victim impact statements are submitted, about half of police respondents (46%) believe that victims generally submit victim impact statements only in serious cases, such as sexual assault, other violent offences, and certain property crimes. About one-third think that victim impact statements are submitted in most cases, and about one-fifth reported that in their experience, victims usually do not submit victim impact statements, regardless of the severity of the offence.

The results for frequency of submission of victim impact statements are provided in Table 7. These results include only those respondents who provided an answer to this question.

TABLE 7: DO VICTIMS USUALLY SUBMIT VICTIM IMPACT STATEMENTS AT SENTENCING? BASE: RESPONDENTS WHO PROVIDED A RESPONSE (DON'T KNOW AND NO RESPONSE EXCLUDED).	
	Police (n=547)
Yes, in most cases	34%
Yes, only in serious cases	46%
No	20%

Obstacles to Use of Victim Impact Statements

As shown in Table 8 below, about one-fifth (19%) of police believe that there are obstacles to the use of victim impact statements. Over a third of police could not provide an answer.

TABLE 8: ARE THERE OBSTACLES OR PROBLEMS WITH THE USE OF VICTIM IMPACT STATEMENTS?	
	Police (N=686)
Yes	19%
No	45%
Don't know	36%
No response	1%
Note: Respondents could provide more than one response; total sums to more than 100%.	

Police were asked to explain why they believe there are obstacles to or problems with the use of victim impact statements. Table 9 shows the main reasons cited; the results are discussed in more detail below.

TABLE 9: OBSTACLES OR PROBLEMS WITH VICTIM IMPACT STATEMENTS BASE: RESPONDENTS WHO BELIEVE THERE ARE OBSTACLES OR PROBLEMS WITH VICTIM IMPACT STATEMENTS.	
	Police (n=128)
Lack of awareness or information	2%
Defence counsel objections or cross-examination	21%
Literacy or language barriers	16%
Victim disinterest or fear or reluctance on part of victim	13%
Time constraints	21%
Perception that is not considered	12%
Crown Attorney or judicial reluctance	8%
Lack of awareness by criminal justice professionals	4%
Other	6%
No response	9%

The need to disclose the victim impact statement to defence counsel creates the possibility of defence counsel objections to the victim impact statement or cross-examination on the statement either at trial or sentencing. This was an important obstacle for police (21%), leading to victims or Crown Attorneys not submitting victim impact statements.

Another equally important obstacle to the use of victim impact statements mentioned by police is time constraints such that victims do not always have enough time to complete the statement (this occurs most often in cases where a plea is quickly agreed to).

6. Restorative Justice

In recent years, restorative justice approaches have become more widely used at all stages of criminal proceedings. Restorative justice considers the wrong done the person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused. In this way restorative approaches can restore peace and equilibrium within a community and can afford victims of crime greater opportunities to participate actively in decision-making. However, concerns have been raised about victim participation and voluntary consent, and support to victims in a restorative process. This study included several exploratory questions to discover the extent to which criminal justice professionals have participated in restorative justice approaches and their views on the appropriateness and effectiveness of these approaches.



Participation in Restorative Justice Approaches

The majority of police (80%) have not participated in a restorative justice approach, with less than one-fifth indicated having ever participated in a restorative justice process (Table 10).

TABLE 10: HAVE YOU EVER PARTICIPATED IN A RESTORATIVE JUSTICE APPROACH?	
	Police (N=686)
Yes	17%
No	80%
Don't know	2%
No response	1%

The respondents who have participated in a restorative process reported having been involved in various restorative approaches, including sentencing and healing circles, diversion, mediation, and community and youth justice forums. As Table 11 below shows, police are most likely to have participated prior to charges being laid.

TABLE 11: AT WHAT STAGE IN THE PROCESS HAVE YOU PARTICIPATED IN RESTORATIVE JUSTICE? BASE: RESPONDENTS WHO HAVE PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.	
	Police (n=118)
Pre-charge	74%
Sentencing	25%
Other	20%
No response	1%
Note: Respondents could provide more than one response; totals sum to more than 100%.	

Table 12 below shows the most common explanations for respondents' lack of involvement in restorative justice. The most common reason is that restorative approaches are not available or not yet widely used in their province. It was suggested that there may be a perception among some members of the police that restorative justice is only to be applied in cases involving Aboriginal people.

A sizeable proportion of respondents explained that restorative justice had never come up as an option or that they had never had a case suitable for restorative justice. Other common explanations for respondents' non-participation in restorative justice were that such approaches do not protect the victim adequately and that such approaches do not act as a deterrent.

Certain respondents gave other reasons for their non-participation in restorative justice, which do not appear in the table below. For example, 8% of police attributed their non-participation in restorative justice to their lack of knowledge about it. Six percent of police reported that it is not part of their job responsibility to become involved in restorative processes.

TABLE 12: WHY HAVE YOU NOT USED OR PARTICIPATED IN A RESTORATIVE JUSTICE APPROACH? BASE: RESPONDENTS WHO HAVE NOT PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.	
	Police (n=549)
Not available	29%
No opportunity or no suitable case	24%
Do not adequately protect victim	11%
Do not act as a deterrent	13%
Don't know or No response	14%
Notes: Respondents could provide more than one response, but not all responses have been included in this table; total does not sum to 100%.	

Victim Involvement in Restorative Justice

With regard to the extent to which victims are involved in the decision to use restorative justice approaches, the majority of police (80%) think that consultation with the victim always take place (Table 13).

TABLE 13: WHAT BEST DESCRIBES THE VICTIM'S INVOLVEMENT IN THE DECISION TO USE RESTORATIVE JUSTICE? BASE: RESPONDENTS WHO HAVE PARTICIPATED IN RESTORATIVE JUSTICE PROCESSES.	
	Police (n=118)
Victim is always involved	80%
Victim is sometimes involved	14%
Victim is seldom involved	6%
No response	--

7. Information for Criminal Justice Professionals

As shown in Table 14, more police believed that they are not adequately informed of the *Criminal Code* provisions intended to benefit victims (46%) than those who believed that they are adequately informed (40%).

TABLE 14: ARE CRIMINAL JUSTICE PROFESSIONALS ADEQUATELY INFORMED OF PROVISIONS TO BENEFIT VICTIMS?	
	Police (N=686)
Yes	40%
No	46%
Don't know	13%
No response	1%

In interviews, police described various internal police systems for disseminating information, including not only distribution of printed materials, but also regular internal briefings, internal e-mail notification of legislative changes, and training workshops and seminars when there are



numerous changes. Nevertheless, several also explained that while information is available, the onus is on each officer to keep up to date on new legislative provisions, and some officers are more diligent in this respect than others. A few interviewees pointed out that this has created a situation where knowledge of *Criminal Code* provisions regarding victims varies quite widely among individual officers. Among police officers surveyed who believe they are inadequately informed of *Criminal Code* provisions to benefit victims, more than 60% recommended increased training, while about one-fifth suggested improved distribution of information.

8. Impact of *Criminal Code* Provisions

Police were asked what, in their opinion, has been accomplished by the *Criminal Code* provisions intended to benefit victims. Respondents identified numerous outcomes that they believe have resulted from the *Criminal Code* provisions. However, a large proportion of respondents did not answer the question. Many noted on the questionnaire that they did not know enough about the *Criminal Code* provisions to comment. As a result, about half of police did not answer this question.

A number of respondents (9%) who were asked about the impact of the provisions said that the provisions have given victims a voice in the system. It was also mentioned that they have provided a more balanced criminal justice system. About 7% of police cited this as an accomplishment of the *Criminal Code* provisions.

The results discussed above are shown in Table 15.

TABLE 15: WHAT HAS BEEN ACCOMPLISHED BY THE CRIMINAL CODE PROVISIONS INTENDED TO BENEFIT VICTIMS?	
	Police (N=686)
Gives victims a voice or opportunity for input	9%
More balanced criminal justice system	7%
Victims more satisfied or informed	3%
Victim testimony or experience easier	1%
Better protection of victims	5%
Victim impact statement positive	2%
Don't know or No response	47%
Note 1: Respondents could give more than one answer; totals do not sum to 100%. Note 2: Open-ended question.	

On the negative side, however, some respondents (27%) said they believe that the *Criminal Code* provisions have accomplished little or nothing, as shown in Table 16.

TABLE 16: HAVE THERE BEEN ANY UNINTENDED OR UNEXPECTED CONSEQUENCES TO THE CRIMINAL CODE PROVISIONS TO BENEFIT VICTIMS?	
	Police (N=686)
Victim impact statement negative	<1%
Nothing or little has been accomplished	27%
Don't know or No response	47%
Note 1: Respondents could give more than one answer; totals do not sum to 100%.	
Note 2: Open-ended question.	

In summary, most reflections on the provisions revealed positive accomplishments. More police believe that the *Criminal Code* provisions has created a more balanced criminal justice system through increased awareness of the concerns and interests of victims, and they provided more formal mechanisms to ensure that the victims have opportunities to participate and have a voice in the system.



Appendix A:
Interview Guide and Self-Administered Questionnaire
for Survey of the Police



KEY INFORMANT INTERVIEW GUIDE FOR POLICE OFFICERS

The Department of Justice Canada has recently launched a multi-site study of victims of crime and criminal justice professionals. The main objectives of this study are:

- ▶ To provide information on the use and awareness of recent reforms with respect to victims of crime in the criminal justice system
- ▶ To identify any impediments to the implementation of recent reforms by criminal justice professionals
- ▶ To learn what information is provided to victims throughout the criminal justice process
- ▶ To gain a better understanding of the experiences of victims of crime in the criminal justice system and with various victim services.

The following questions address issues relating to the role of the victim and the police in the criminal justice system, victim services, and the implementation of recent reforms to assist victims of crime through the criminal justice process.

The Role of the Victim

1. In your opinion, what role should the victim have in the criminal justice system? In particular, please consider the police investigation, and bail decisions.

The Role of the Police

2. In your opinion, what responsibility do police have with respect to victims?
3. Do you generally maintain regular contact with victims of crime throughout the investigation? Do you generally provide information to victims regarding victim services, court dates, outcomes of court processes (in particular bail determinations and conditions), and victim impact statements?
4. Does responding to victims' needs and requests impede your police work? If so, what suggestions do you have for balancing the needs of victims with your time and resource constraints?

Victim Services

5. What victim services or other community support services are currently available in your province for victims of crime? (PROMPT: police-based victim services, crown-based victim services, specialized victim services for domestic violence, sexual assault or children)
6. Do you generally refer victims to these services or other services? If yes, which ones?
7. How do you stay informed about services available to victims of crime?

8. Please describe the extent to which the police and victim services work together or share information. Does your department/division have a policy for allowing victim services to access victim files? Is the policy formal or informal? Please describe the policy.
9. What are the challenges, if any, faced by victims of crime in accessing victim services? (PROMPT: geographic location – e.g., urban vs. rural; language barriers; physical barriers – e.g., access to persons with disabilities; financial barriers; services not culturally sensitive; services do not respond to needs of both genders.) In your opinion, what changes could be made to increase the accessibility of services for victims of crime?
10. In general, do you think that victims are provided with adequate information on:
 - ▶ the progress of the investigation
 - ▶ outcome of bail or conditional release determinations
 - ▶ conditions of release
 - ▶ date and location of court proceedings
 - ▶ charges laid
 - ▶ charges dropped
 - ▶ victim impact statements
 - ▶ the ultimate outcome of the case
 - ▶ restitution
 - ▶ the criminal justice process
 - ▶ alternative processes, such as diversion or restorative justice
 - ▶ accused's rights
 - ▶ victim services
 - ▶ community support services?

For each of the above who would be in the most suitable position to provide victims of crime with this type of information: (PROBE: Victim services, police, crown, other)

11. What, if anything, can be done to improve the information given to victims? Are there any difficulties in providing victims of crime with the information that they require? Please explain.



Recent Reforms Relating to Victims of Crime

As you may know, a number of legislative changes at the federal level have been made relating to victims of crime and their participation in the criminal justice system (victim surcharge, victim impact statements, consideration of victim safety in bail decisions, assistance to victims testifying at trial, publication bans, etc.). The following questions address issues relating to the implementation of these provisions.

12. How do the police ensure that victims' safety concerns are considered at bail determinations? Do you generally ask victims about their safety concerns prior to any bail determination?
13. To your knowledge, do victims usually submit victim impact statements? What about in serious cases? Do police assist victims with their victim impact statements? If yes, what kinds of assistance are provided by police?
14. To your knowledge, are there any obstacles to the use of victim impact statements? If yes, please explain. How can these best be addressed?
15. Do the police have procedures in place to ensure that a victim's stolen or seized property is promptly returned? Please describe.

Restorative Justice

Restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

16. Have you ever participated in any restorative justice processes, such as a healing circle, etc? Why or why not?
17. At what stage in the process have you participated in restorative justice? (pre-charge, sentencing, other)
18. How is the victim involved in the decision to use restorative justice? Please explain.

Conclusion

19. Do you believe that police officers are adequately kept informed of changes to the *Criminal Code* that are intended to benefit victims of crime? If not, what could be done to better inform police officers?
20. In your opinion, what has been accomplished by the *Criminal Code* provisions intended to benefit victims? Have there been any unintended consequences to these provisions? Please explain.
21. Do you have any other comments?



Self-Administered Questionnaire for Survey of Police

1. What role should victims have in the following stages of the criminal justice process?

	Victim should be			Victim should not have any role
	Informed	Consulted	Other (specify)	
The police investigation	1	2	3 _____	00
Bail decisions	1	2	3 _____	00

2. What is the responsibility of police with respect to victims?

3. Do you generally do any of the following: (*Check "Yes" or "No" for each of the following.*)

	Yes	No
Maintain regular contact with victims of crime throughout the investigation	1	2
Provide victims information about victim services	1	2
Provide victims information about court dates	1	2
Provide victims information about the outcome of bail decisions	1	2
Provide victims information about outcomes of other court processes	1	2
Provide victims information on victim impact statements	1	2

4a. Does responding to victim's needs and requests impede your police work?

1 Yes 2 No 3 Don't know

4b. If yes, what suggestions do you have for balancing the needs of victims with your time and resource constraints?

The following questions are about victim services.

5a. Are the following victim services available in your community?

	Yes	No	Don't know
Police-based victim services	1	2	8
Crown-based victim services	1	2	8
Specialized victim services for domestic violence	1	2	8
Specialized victim services for sexual assaults	1	2	8
Specialized victim services for children	1	2	8
Other victim services (<i>Specify</i>) _____	1	2	8
Other victim services (<i>Specify</i>) _____	1	2	8
Other victim services (<i>Specify</i>) _____	1	2	8

5b. (Referring only to services in your community) Do you generally refer victims to the following?)

	Yes	No
Police-based victim services	1	2
Crown-based victim services	1	2
Specialized victim services for domestic violence	1	2
Specialized victim services for sexual assaults	1	2
Specialized victim services for children	1	2
Other victim services (<i>Specify</i>) _____	1	2
Other victim services (<i>Specify</i>) _____	1	2
Other victim services (<i>Specify</i>) _____	1	2

6a. Do police and victim services work together or share information?

1 Yes 2 No 8 Don't know

6b. If yes, please explain.

7a. Does your department/division have a policy for allowing victim services to access victim files?

1 Yes, formal policy 2 Yes, informal policy 3 No 8 Don't know

7b. If yes, please describe the policy.



8. Do victims of crime face any of the following challenges in accessing victim services in your community?

	Yes	No	Don't know	If yes, please explain
Lack of victim services because of rural location	1	2	8	_____
Language barriers	1	2	8	_____
Physical barriers for persons with disabilities	1	2	8	_____
Financial barriers	1	2	8	_____
Services do not respond to cultural needs (e.g., lack of aboriginal victim services)	1	2	8	_____
Services do not respond to needs of both genders	1	2	8	_____

The next questions ask about information provided to victims of crime.

9a. Please indicate your level of agreement with the following:

<i>Victims usually receive adequate information on...</i>	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
the progress of the investigation	4	3	2	1	8
outcomes of bail decisions	4	3	2	1	8
conditions of release	4	3	2	1	8
date and location of court proceedings	4	3	2	1	8
charges laid	4	3	2	1	8
charges dropped	4	3	2	1	8
victim impact statements	4	3	2	1	8
restitution	4	3	2	1	8
the ultimate outcome of the case	4	3	2	1	8
the criminal justice process	4	3	2	1	8
alternative processes, such as diversion and restorative justice	4	3	2	1	8
accused rights	4	3	2	1	8
victim services	4	3	2	1	8
other community support services	4	3	2	1	8

9b. For those items from question 9a with which you **disagree** or **strongly disagree**, what could be done to improve the information given to victims?

10. Who should provide the following information to victims? *(Please check all that apply)*

	Crown	Police	Victim Services	Other (Specify)	Don't know
The progress of the investigation	1	2	3	_____	8
Outcomes of bail decisions	1	2	3	_____	8
Conditions of release	1	2	3	_____	8
Date and location of court proceedings	1	2	3	_____	8
Charges laid	1	2	3	_____	8
Charges dropped	1	2	3	_____	8
Victim impact statements	1	2	3	_____	8
Restitution	1	2	3	_____	8
The ultimate outcome of the case	1	2	3	_____	8
The criminal justice process	1	2	3	_____	8
Alternative processes, such as diversion and restorative justice	1	2	3	_____	8
Accused rights	1	2	3	_____	8
Victim services	1	2	3	_____	8
Other community support services	1	2	3	_____	8

11a. Are there any difficulties in providing victims of crime with the information they require?

1 Yes 2 No 8 Don't know

11b. If yes, please explain.



The next several questions ask you to consider recent reforms relating to victims of crime.

12. How do the police ensure that victims' safety concerns are considered at bail hearings?

13. To your knowledge, do victims generally submit victim impact statements to the court?
(Check one)

1 Yes 2 Yes, in serious cases 3 No 8 Don't know

14a. Do police assist victims with their victim impact statement?

1 Yes 2 No 8 Don't know

14b. If yes, what type of assistance is provided by police?

	Yes	No
Providing victim impact statement forms	1	2
Informing victims where forms can be obtained	1	2
Explaining instructions on how to complete victim impact statements	1	2
Explaining the kinds of information that can be included in victim impact statements	1	2
Helping complete the statement (write down what victim says)	1	2
Helping with drafting statement (assist victim with formulating his/her thoughts)	1	2
Reviewing completed victim impact statements	1	2
Informing victims where completed statements should be sent	1	2
Collecting completed victim impact statements	1	2
Other (Specify) _____	1	2
Other (Specify) _____	1	2
Other (Specify) _____	1	2

15a. To your knowledge, are there any obstacles to the use of the victim impact statement? (e.g., in preparing, submitting, or delivering the statement)

1 Yes 2 No 8 Don't know

15b. If yes, please explain.

16a. Do the police have procedures in place to ensure that a victim's stolen or seized property is promptly returned?

1 Yes 2 No 8 Don't know

16b. If yes, please describe.

Restorative justice considers the wrong done to a person as well as the wrong done to the community. Restorative justice programs involve the victim(s) or a representative, the offender(s), and community representatives. The offender is required to accept responsibility for the crime and take steps to repair the harm he or she has caused.

17a. Have you participated in any restorative justice processes such as a healing circle, etc.?

1 Yes 2 No 8 Don't know

17b. If yes to question 17a, at what stage in the process have you participated in restorative justice? (*Check all that apply*)

1 Pre-charge 1 Sentencing 1 Other (Specify) _____

17c. If yes to question 17a, in your experience, which statement best describes the victim's involvement in the decision to use restorative justice?

1 The victim is always involved 2 The victim is sometimes involved
3 The victim is seldom involved

17d. If no to question 17a, why have you **not participated in** a restorative justice approach? (*Check all that apply*)

1 Restorative justice approaches are not available
2 Restorative justice approaches do not protect the victim adequately
3 Restorative justice approaches do not act as a deterrent
66 Other (*Specify*) _____

The concluding questions ask you to consider all of the *Criminal Code* provisions intended to benefit victims.

18a. Do you think that police officers are adequately informed of the provisions in the *Criminal Code* intended to benefit victims?

1 Yes 2 No 8 Don't know



18b. If no, what could be done to better inform police officers?

19. In your opinion, what has been accomplished by the *Criminal Code* provisions intended to benefit victims?

20a. Have there been any unintended or unexpected consequences to these provisions?

₁ Yes ₂ No ₈ Don't know

20b. If yes, what are they?

21. Do you have any other comments?



For More Information

The complete *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals* report and the summary reports in this series can be ordered from the Policy Centre for Victim Issues, via mail or fax (see below).

These reports will be available online at <http://canada.justice.gc.ca/en/ps/voc/pub.html>

Summaries Available

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Executive Summary*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Victims of Crime Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Victim Services Providers and Victim Advocacy Group Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Judiciary Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Crown Attorney Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Defence Counsel Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Police Respondents*

*Multi-Site Survey of Victims of Crime and Criminal Justice Professionals:
Summary of Probation Officer, Corrections, and Parole Board Respondents*

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