Research and Statistics Division

JustResearch

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Contents

The opinions expressed herein are those of the authors and not necessarily those of the Department of Justice Canada.

Welcome

This issue No 14 focuses on victims of crime research and is being released for National Victims of Crime Awareness Week, April 22-April 29, 2007. The issue begins with an introduction by Catherine Kane, Director of the Policy Centre for Victim Issues, which has supported much of this research. In the first article, Karen-Lee Miller looks at the use of Victim Impact Statements for sexual assault survivors in Nova Scotia. Following this article, Julian Roberts and Allen Edgar examine judicial perceptions of Victim Impact Statements at sentencing in three provinces. Susan McDonald and Andrea Hogue then review the literature on the needs of victims of hate crimes. Next, Susan McDonald summarizes the findings from a qualitative study on professionalization of victim services workers. Tina Hattem describes the findings from a study on unfounded sexual assault cases. Finally, Jodi-Anne Brzowzski provides an overview of data from the territories from the 2004 General Social Survey on Criminal Victimization. Also included is a list of upcoming conferences on victim issues. Full reports on many of these studies are forthcoming, so please contact the Research and Statistics Division of Justice Canada for more information at rsd-drs@justice.gc.ca.

Susan McDonald

Senior Research Officer,
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Submission Guidelines for Prospective Authors

Submissions

To submit an article to *JustResearch*, please send an electronic copy of the article via email to the following address:

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Editor, *JustResearch*
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Content and focus

The goal of *JustResearch* is to disseminate and integrate policy relevant research results across the Department of Justice Canada and within our readership. As such, articles should focus on issues related to the mandate and the broader policy direction of the Department of Justice Canada. Authorship and institutional affiliation should be included with all submissions.

Language

Articles may be submitted in either French or English.

Length

Articles should be between 2000 to 4000 words (5-10 pages, single spaced) including references, tables and figures.

Style

All articles should be written in a clear, non-technical language appropriate for a broad audience. The use of headings and subheadings is strongly encouraged. The electronic copy being submitted should be in 11-point Times New Roman font, and the text should be single-spaced. No logos, headers, footers, or other embedded elements should be inserted in the electronic copy of the article. Tables and figures should be numbered consecutively and should be placed appropriately throughout the article. They should be submitted in Microsoft Word, Excel, Access, or PowerPoint, and the source files should be provided and be clearly identified. The style to be used for references, footnotes, and endnotes should follow the author-date system described in *The Chicago Manual of Style*.[1]

Publication

Please note that we cannot guarantee all submissions will be published. All accepted articles will be edited for content, style, grammar and spelling. Any substantive changes will be sent to the author(s) for approval prior to publication. ▲

[1] University of Chicago Press, The Chicago Manual of Style, 15th edition (Chicago; University of Chicago Press, 2003).

Message from the Director of the Policy Centre for Victim Issues

The theme of this year's National Victims of Crime Awareness Week is "It's Time to Listen." To mark the week, I am pleased to introduce this special issue of *JustResearch*, dedicated to victims of crime research. Research is one way to incorporate victims' voices on many issues in the criminal justice system.

The Victims of Crime Initiative (VCI) is the response of the Department of Justice Canada to the Standing Committee of Justice and Human Rights Report *Victims' Rights - A Voice Not a Veto*. Established informally in late 1999, with funds provided in 2000, the Initiative was initially given a five-year mandate, which was renewed for another five years in December 2004. The Policy Centre for Victim Issues (PCVI) was established to fulfill this mandate.

The overall objective of the VCI is to improve the experience of victims of crime in the criminal justice system by:

- ensuring victims and their families are aware of their role in the criminal justice system and the services and assistance available to support them;
- enhancing the capacity of the Department of Justice to develop policy, legislation, and other initiatives that take into consideration the perspectives of victims (act as a "victim's lens");
- increasing the awareness of criminal justice personnel, allied professionals, and the public about the needs of victims of crime, legislative provisions designed to protect them, and the services available to support them; and
- developing and disseminating information about effective approaches both within Canada and internationally to respond to the needs of victims of crime (become a centre of expertise).

At PCVI, we are proud of the progress that has been made towards achieving these objectives. At the same time, we are cognizant that much more needs to be done.

Policy research is an integral part of the Victims of Crime Initiative. It has been demonstrated that research informs and bridges the gap between the questions and issues faced by the Department of Justice, the Department's decision-making processes for developing legislation, policy, and programs, and the current and future needs of the Government of Canada and its responsibilities to the Canadian public. Supporting and undertaking research enables us to identify and explore issues of concern for victims and their families, victim service providers and other criminal justice professionals and to identify gaps and areas where more work is required.

In Canada, the body of research on victim issues is growing, but there remains much data to be collected to further our understanding of criminal justice processes, expectations, perceptions and needs. This special issue of *JustResearch* highlights some of the advances that have been made for victims within the criminal justice system. ▲

Catherine Kane

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Policy Centre for Victim Issues

http://www.justice.gc.ca/en/ps/voc/index.html

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We invite your comments and suggestions for future issues of *JustResearch*. We welcome your ideas for upcoming themes and and are happy to accept original submissions for publication. We may be contacted at: rsd.drs@justice.gc.ca ▲

Conferences in 2007

Society for Social Work and Research's 11th Annual Conference: Bridging Disciplinary Boundaries, January 11-14, 2007. San Francisco, California, USA. http://www.sswr.org/conferences.php

21st Annual San Diego International Conference on Child and Family Maltreatment, January 22-26, 2007. San Diego, CA, USA. http://chadwickcenter.org/SDConf_GeneralInfo.htm

Missing and Exploited Children Chief Executive Officer Seminar, January 28-29, 2007. Alexandria, Virginia, USA. http://ovc.ncjrs.gov/ovccalendar/OVCResults

Conference on Crimes Against Women, February 12-14, 2006. Dallas, Texas, USA. http://www.genesisshelter.org/event.details.php?id=27

Strengthening Canadian Communities: A National Showcase on Community Safety, Health and Well-being, March 4-6, 2007. Winnipeg, Manitoba. http://www.cacp.ca/CSHW_SSBC/

7th Annual Sand Diego International Family Justice Center Conference, April 10-12, 2007. San Diego, California, USA. http://sandiegofamilyjusticecenter.org/event/2007-04-10-san-diego-international-family-justice-center-conference

5th American Symposium on Victimology, April 11-13, 2007. Baltimore, Maryland. http://www.american-society-victimology.us/events/asv_2007/index.html

NOVA's 26th Annual Victims Rights Week Forum, April 20, 2007. Washington, DC, USA. http://www.trynova.org/

International Conference: Victimology and the Law, May 8-9, 2007. Bar Ilan University, Israel. http://www.biu.ac.il/SOC/cr/documents/kenes/home_eng.htm

3rd International Conference - Children Exposed to Domestic Violence, May 9-11, 2007. London, Ontario. http://www.lfcc.on.ca/conference.html

Alberta Police Based Victim Services Association 2007 International Conference, May 25-27, 2007. Calgary, Alberta. http://www.apbvsa.com/

National Conference on Restorative Justice: Real Life, Real Problems, Real Answers, June 24-27, 2007. Kerrville, Texas, USA. http://www.restorativejusticenow.org/

33rd Annual North American Victim Assistance Conference – Programs & Partnerships: A Winning Combination, July 22-27, 2007. Reno, Nevada, USA. http://www.trynova.org/conference/2007/

19th Annual Crimes Against Children Conference, August 13-16, 2007, Dallas, Texas, USA. http://www.dcac.org/pages/cacc.aspx

National Sexual Assault Conference, September 12-14, 2007. Baltimore, Maryland, USA. http://www.nsvrc.org/nsac/ ▲

Investigating the Victim Impact Statement in Cases of Sexual Assault in Nova Scotia: Notes on Methods and Some Preliminary Observations

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Introduction

This article describes the methods and preliminary observations of a qualitative study on the use of the victim impact statement (VIS) in the case of female sexual assault in Nova Scotia. Ten victims of sexual assault and 11 Victim Services officers (VSOs) were interviewed about their experiences with VIS submission or assistance while involved with the Victim Impact Statement Program of the Victim Services division of the Nova Scotia Department of Justice.

The study had two primary objectives:
1) to investigate the experiences of sexually assaulted women who complete a VIS in Nova Scotia, as well as the experiences and practices of the Victim Services officers who assist them; and
2) to use those findings to identify best practices in relation to policies and practices associated with VIS-related services in Nova Scotia.

It is intended that the final study results will contribute to efforts to improve the experiences of sexually assaulted women in the criminal justice system. It is also hoped that results will identify practices that will increase future victims' access to, and involvement and satisfaction with, victim services that support the use of the VIS.

Data collection was completed in January 2007, and analyses are in very early stages. This article focuses on the study's approach to informed consent, privacy, and recruitment due to their significance when undertaking research with victims of crime. Preliminary victim observations are presented for descriptive purposes only.

The Victim Impact Statement (VIS)

In 1988, the *Criminal Code of Canada* was amended to permit victims of crime to submit a VIS at the point of sentencing. The VIS is a voluntarily undertaken account that details the impact of a crime on a victim's physical, social, psychological, and financial functioning. It may be presented to the court either orally or in writing. Victims may be cross-examined by the defence on the content of their impact statements.

In 1999, the provisions governing victim impact statements were amended to further promote their use at sentencing. This was done by expanding the definition of "victim" to include spouses or relatives, to codify a victim's right to submit a VIS orally at a sentencing hearing, and to require that a judge inquire as to whether a victim has been informed of his or her opportunity to complete a VIS. Judges are also permitted, but not required, to adjourn a sentencing hearing to allow the victim time to prepare a VIS. The amendments also clarified that copies of the VIS need only be provided to an offender following a determination of guilt.[2]

Since then, additional amendments have included the further broadening of the definition of "victim" and the consideration of the VIS in Review Board Hearings and other proceedings (s.745 *Criminal Code*) (Department of Justice Canada 2006; Littlefield 2004).

While the statutory provisions governing the VIS are set out in s.722 of the *Criminal Code*, there is no federally mandated uniform standard that governs its implementation. As specifically envisioned in s.722(2)(a), each province has its own procedures that govern the implementation of the VIS in the sentencing process, including the requirements that victims must satisfy in order to complete and submit a VIS (Manson 2001). These variations have resulted in the VIS forms being prepared and submitted at different points in the

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2 *Criminal Code*, [R.S. 1985, c. C-46, sections 722, 722.1 and 722.2 (see end of article).

criminal justice process depending upon the province in which the crime is tried (Diguilio et al. 2002).

The variation in procedures across provinces has also given rise to issues of whether, and at what point in the criminal justice process, a VIS can or must be produced to an accused or an offender. Recently, the Court of the Queen's Bench Alberta denied an application for disclosure of a VIS at the preliminary hearing stage in which it was argued that the failure to receive the VIS prior to conviction violated the accused's *Charter* rights.[3] It was held in *R. v. Schoendorfer* [4] that disclosure of the VIS prior to conviction would violate the privacy rights of the complainant.

The Nova Scotia Victim Impact Statement Program

In Nova Scotia, the province in which this study took place, the Victim Impact Statement Program is one of four core programs operated by Victim Services. Victim Services was established by the Nova Scotia Department of Justice in 1989. Its purpose is to promote and address the rights of victims of crime; to provide information and services to victims; and to develop and implement policies and programs for victims (Nova Scotia Department of Justice 2006a). There are four regional offices that provide province-wide accessibility to programs and services for victims of crime: Dartmouth (which serves the Halifax Regional Municipality); Kentville (Annapolis, Digby, Hants, Kings, Lunenberg, Queens, Shelburne, and Yarmouth counties); New Glasgow (Pictou, Guysborough, Antigonish, Colchester, and Cumberland counties); and Sydney (Cape Breton, Richmond, Victoria, and Inverness counties).

In each of the four regional offices, Victim Services officers are available to distribute the VIS package to victims, provide assistance in understanding the VIS guidelines, notify the Crown Attorney whether the victim wishes to verbally present the VIS, and submit to the court on behalf of a victim a signed, sealed, completed VIS. Following VIS submission, the VSO may contact a victim again and advise that he or she may update the VIS should any of the following occur: a lengthy delay between the filing of the VIS and the sentencing; variance between the charges on which the accused was found guilty and those for which the VIS was written; or notification that the admissibility of the statement is being challenged in court. In the event that the accused is found not guilty of the offence, the sealed envelope is returned to the regional office, at which point the VSO documents the return, places the original in the client's file, and destroys the additional copies (Provincial Victim Services 2000).

The Significance and Implication of the VIS

Given that the criminal justice system is often perceived as an anti-therapeutic environment, particularly for sexual assault victims (Herman 2003), the VIS has been seen as an important vehicle for assisting these and other victims in achieving psychological catharsis (Erez 1994). It has been suggested, for instance, that the VIS enables victims of trauma to "speak freely" and to have their concerns aired in a public place (Herman 2003). It has been found that victims feel validated and listened to when comments from the VIS are referred to by judges and that this communicates to victims that the community recognizes, and validates, the harms sustained (Schuster and Propen 2006; Roberts and Edgar 2003; Erez and Rogers 1999; Meredith and Paquette 2001). Importantly, it has also been suggested that the cathartic influence of the VIS may not only be witnessed in its direct expression of harm from victim-to-court, but may also be relevant in victim-to-offender, and in offender-to-victim empathetic and reconciliatory dialogue and communication. Proponents of this view refer to this as the "expressive" purpose of the VIS (Roberts and Erez 2004; Morgan and Sanders 1999). A recent qualitative study (Du Mont et al., forthcoming) of 15 hospital-based sexual assault and domestic violence treatment center social workers found that the majority strongly believed in the VIS's communicative potential. Social workers explained that in the context of a sexual assault case, the VIS can foster responsibility on the part of the offender, public recognition of harm, as well as increase the empathy and sensitivity of judges.

3 *Fedirko v. Alberta*, 2004 ABQB 11, 350 A.R. 139.

4 2004 ABQB (September 30, 2004, Court File No. 021226360Q1).

However, Schuster and Propen (2006) suggest that the VIS constitutes "a most unusual and perplexing form of communication in the legal arena" since victims often believe that by describing in court the physical and psychological effects of the crime they will obtain not only therapeutic relief but may, to some degree, influence the duration and disposition of the sentence. This is referred to as belief in the VIS's ability to fulfill an "instrumental" or "impact" purpose (Roberts and Erez 2004;Morgan and Sanders 1999). Erez, Roeger, and O'Connell (2000) found that almost three-quarters of serious crime victims surveyed stated that they expected the VIS to have an instrumental impact. Yet, with few exceptions, judges and advocates in the Shuster and Propen study (2006) noted that sentences are often negotiated with plea agreements, and the VIS is less important than other factors when deciding to depart from sentencing guidelines. Worldwide, most studies demonstrate that the severity of a sentence rendered is generally unaffected by the presence of a VIS (Sanders 1999).

Methods

The study was an interview-based investigation of the use of the victim impact statement (VIS) in the case of female sexual assault in Nova Scotia. Ten victims of sexual assault and 11 Victim Services Officers were interviewed about their experiences with the Victim Impact Statement Program of the Victim Services division of the Nova Scotia Department of Justice.

Policing and Victim Services of the Nova Scotia Department of Justice were partners in the research and provided in-kind contributions related to staff release time. The study also received financial support from the Victims Fund of the Department of Justice Canada and the Canadian Institutes of Health Research.

Conducting research in the area of violence against women, particularly with women who have experienced sexual violence, is a sensitive undertaking fraught with ethical, legal, and methodological challenges (King 2004). The sharing of the details of this study's design and recruitment practices is intended to contribute to the growing literature on conducting research on female victims of crime (Parnis et al. 2005; McDonald 2003; Campbell 2002).

Ethical and Legal Considerations

The study was carefully designed to reflect the highest standards of ethical research practice with vulnerable populations in terms of the balance of risks versus benefits of participation, and the prevention of harm to participants (Ellsberg and Heise 2004;King 2004;World Health Organization 2003). It was also designed to maximize the safeguarding of participants' private information by ensuring compliance with common law tests governing the protection of confidential information generally (i.e., "Wigmore Criteria") (Palys and Lowman 2000; Sopinka et al. 1992) and the statutory provisions governing disclosure of records in sexual assault cases specifically (ss.278.1–278.91 *Criminal Code*; see also *M. (A.) v. Ryan* [5] and *R. v Mills* [6]).

The risks of a court order for disclosure as a result of participation in academic research are extremely slim (Palys and Lowman 2000). Nonetheless, precautions to minimize these remote risks were established at the outset of the study by: 1) maximizing confidentiality through seeking verbal (not written) consent; and 2) satisfying the legal test for privilege against disclosure. The latter was accomplished by avoiding the standard notification of the potential for disclosure of data upon demand by legal authorities, and by the researcher's solemn assurance to participants that their information would be kept in the strictest of confidence under all circumstances.

In August 2006, the study was subject to a privacy impact assessment (PIA) by the Nova Scotia Freedom of Information and Protection of Privacy (FOIPOP) Review Office. The Nova Scotia Department of Justice Privacy Policy requires that a PIA be conducted whenever, as in this study, there is a change in the collection, use, and disclosure of personal information (Nova Scotia Department of Justice 2006b). In October 2006, the PIA was approved by the FOIPOP office and by the Deputy Minister of Justice for Nova Scotia, and the study was permitted to proceed.

5 *M. (A.) v. Ryan* [1997] 1 S.C.R. 157.
6 *R. v. Mills* [1999] 3 S.C.R. 668 at 723.

Recruitment

Recruitment of victims and Victim Services officers for this study proceeded independently.

Due to privacy and sensitivity concerns related to conducting research with vulnerable or victimized individuals, it was agreed that senior staff at the Provincial and Regional levels of the Policing and Victim Services of the Nova Scotia Department of Justice would act as study intermediaries. In this role, they would: identify potential victim participants; contact victims; provide preliminary information about the study; and obtain consent for the release to the researcher of the victim's contact information (e.g., name and telephone number).

Study recruitment for victims proceeded in four stages. The first stage occurred in early July 2006 as staff of the Head Office of Victim Services reviewed cases stored in a provincial database of Victim Services clients. The purpose was to identify cases with the following characteristics: client of Victim Services; adult female; conviction of sexual assault; and VIS submitted between 2002 and 2005. Staff then forwarded to each of the four regional offices the names of potential participants who had been on their individual regional caseloads. The second stage took place during July and August 2006. In dialogue with the VSOs who had been involved in the original files, each of the four regional managers reviewed the list of potential participants forwarded by Head Office. Managers and VSO jointly determined whether it was appropriate to reestablish contact with the victim in order to obtain consent for the release of information for the purpose of study participation. Their determinations were based on multiple factors: case-related (e.g., whether the case was still pending before the courts); staff-related (e.g., whether the VSO who provided the initial service was available for consultation with the Regional Manager); and client related (e.g., perceived level of trauma at the conclusion of VSO programs and services, and/or the risk of re-traumatization through study contact).

By August and September 2006, study recruitment for victims entered its third stage. At that time, potential victim participants were telephoned by the regional managers who read a standardized script prepared by the Head Office. The script ensured that managers provided accurate, consistent information about the study parameters and emphasized that study participation was strictly voluntary and would not influence the receipt of current and/or future services. At the conclusion of the script, managers asked victims whether they would agree to have their contact information released to the researcher. Reasons for refusal were not recorded. In the fourth stage, the PIA was approved and Victim Services was permitted to release to the researcher the names of potential participants. Upon receiving this list, the researcher telephoned victims in order to provide further information and to seek consent to participate.

Initially, 67 potential participants from across the four regional Victim Services offices were identified by Head Office (25 victims in Dartmouth, 20 in New Glasgow, 11 in Kentville, and 11 in Sydney). In Dartmouth, staff determined that it was inappropriate to re-establish contact in 21 of 25 forwarded cases. Of the remaining four potential participants, one could not be reached and three agreed to the release of information. Once contacted by the researcher, one declined and two agreed to participate. In declining to participate, the victim explained that she "wanted to put it all behind" her and that study participation would only bring up unpleasant memories. Of 20 names forwarded by Head Office to staff in New Glasgow, 11 were deemed inappropriate and nine were contacted. Of those contacted, seven declined and two agreed to the release of personal information and to participate. In Kentville, staff determined that contact could be appropriately re established with all 11 potential participants. Of these, nine declined the release of information and two agreed to speak with the researcher as well as to participate. In Sydney, each of the 11 potential participants was contacted by staff; seven declined permission to the release of information, four agreed to be contacted by the researcher, and all agreed to participate. Consequently, of 67 potential participants, 10 victims were interviewed from across the four Victim Services offices in the province of Nova Scotia.

Recruitment losses occurred primarily at stages two (regional decision-making) and three (first contact by managers). Of 67 eligible participants forwarded by Head Office, only 35 or 52% were considered by managers and VSOs as appropriate to contact regarding the study. Once contacted by staff, 23 or 68% declined to have their names released to the researcher. Thus, only 15% of the potential participants identified by Head Office participated in the study.

Recruitment of Victim Services officers for this study was based on the following eligibility criteria: (1) experience with providing VIS-related assistance to adult female clients who had been sexually assaulted or (2) extensive knowledge of, or involvement in, VIS-related policy work. In order to recruit VSOs as participants, Head Office and regional managers were asked to identify and approach eligible officers and to forward to the researcher the names of the officers who were eligible. All contacted officers agreed to participate. In total, 11 Victim Services officers were interviewed: 10 regional officers (two in Darmouth, two in Kentville, two in New Glasgow, four in Sydney) and one provincial officer (Head Office).

Interviews

Interviews commenced on October 12, 2006, and were completed by January 8, 2007.

For the interviews with victims, verbal consent to participate was obtained over the telephone when they were first contacted by the researcher, and it was re-established at the beginning of the interviews. The interviews, which were audiotaped and transcribed verbatim, were conducted in victims' homes in Nova Scotia (7) or in another province due to relocation (1), in the researcher's hotel room at the request of the victim (1), and over the telephone due to relocation to another province (1). Participants were permitted to choose their own pseudonyms to ensure study anonymity. Interviews lasted approximately one to 1.5 hours in duration. Conversations followed a loosely structured interview guide designed to prompt recollections about experiences throughout the VIS process, for example, personal motivation to undertake a VIS, the types of VIS-related support or information provided, the VIS writing and editing process, and submission and presentation to the court. Two interviews were halted when victims became obviously distressed or began to cry; after composing themselves, both indicated that they preferred to continue. During the interviews, seven victims provided copies of the written VIS, five provided clippings of local newspaper reports of the trial, and two shared personal scrapbooks. At the end of the qualitative component, a short demographic survey was administered. Within a few days of the completion of their interviews, three victim participants contacted the researcher to provide additional information. In keeping with accepted research practice, participants received $25 to offset study-related expenses such as childcare, transportation, or photocopy-related expenses.

Detailed analyses of victim interview transcripts are currently underway. Presented in this article are preliminary victim data only.

For the interviews with Victim Services officers, verbal consent to participate was also obtained over the telephone when they were first contacted by the researcher, and it was re-established at the beginning of the interviews. The interviews were conducted during working hours and were audiotaped and transcribed verbatim. Participants were permitted to choose their own pseudonyms to ensure study anonymity. Qualitative interviews lasted approximately 45 minutes in duration and were followed by a short (5-10 minute) demographic survey. Interviews were semi-structured and covered a range of topics including: VIS guidelines; VSO scope of practice; professional practices associated with supporting crime victims through the processes of writing, submitting, and presenting a VIS; and experiences of providing VIS-related services specifically to sexually assaulted women.

The interviews with Victim Services officers were being transcribed at the time of writing this article, and are therefore not included.

Victim and Case Descriptions

All victims were white, adult women who were born in Canada and spoke English as a first language. They ranged in age from 25–52 years, with a mean of 40 years. All but four had some post-secondary education; one each had attended grades 9 and 10, two had obtained a high school diploma, two had taken some college courses, three had graduated from college, and one had briefly attended university. Seven worked full-time, one worked only part-time due to health issues, and two were not working due to temporary unemployment or permanent disability.

All victims had been assaulted by lone male offenders. Eight of the 10 offenders were known to victims: one was a well-known acquaintance, three were current or

previous partners, three were fathers or were acting in that role, and one was distantly related by marriage. Two offenders were strangers. Six of 10 women had been assaulted as adults, and four had been assaulted as minors. All of the assaults of adult victims took place in 2002 or more recently. The four historical sexual assaults had taken place during the 1970s. Of the assaults of adult victims, two had taken place out of doors, and four had been committed in the victims' homes. Children were present or nearby during the assaults in two cases. One assault was committed while the victim was unconscious after she had consumed a glass of wine that the offender had deliberately spiked with prescription opiates.

Victims assaulted as adults reported the assaults to the police on the same day that the assault occurred in three cases, within fourteen days in two cases, and within a month in one case. Three victims presented immediately or within the same day to health care practitioners. One victim with minor physical injuries presented to hospital in the presence of police and completed a sexual assault evidence kit (SAEK). One victim with moderate-to-severe physical injuries presented to hospital in the care of a neighbour. After disclosing the assault to the attending emergency room physician, she was denied a SAEK, told she was capable of returning to work the following day, and was requested to leave. The victim reported the assault to the police a few hours later, but was not encouraged to return to hospital to undertake a SAEK. One victim presented at her family doctor with visible genital injuries less than 24 hours after the assault and requested an HIV test. After disclosing the assault when asked to explain why she wanted an HIV test, the victim was denied the test and no physical or forensic examination was undertaken.

All offenders except one pled or were found guilty of the sexual assault of one or more victims. In one case, the charge of sexual assault was dropped as part of the offender's plea agreement to non-sexual assault. This case remained in the study since the details of the VIS were not altered in any way as a consequence of the plea. Of the nine offenders found guilty of sexual assault, three were given custody (four and a half years, five years, eight years), one was given custody and probation (16 months custody, three years probation), two were given a conditional sentence (two years less a day), two were given a conditional sentence followed by probation (nine months house arrest,12 months probation; 12 months house arrest, six months probation), and one was given probation (two years less a day). The offender who pled guilty to assault only was given an unspecified length of probation.

Victims' Perspectives on the VIS

All victims explained that they had been primarily motivated by belief in the expressive purpose of the VIS. Anne [7] explained:

> *I just wanted him and his family to understand what I went through. It's not something that happened one day and then goes away. I don't think they understood that, and I wanted to write it and kind of just let them know how I felt.*

When asked whether they believed that their VISs had an instrumental effect, that is, had influenced the sentence that the offender had received, responses were almost evenly divided: five victims agreed, four disagreed and one was undecided. Sarah commented:

> *I think definitely reading (the VIS) and letting (the judge) know exactly how it felt, how it affected my marriage, how it affected my kids, I think definitely it made a big difference in sentence.*

In contrast, Mary Jane answered:

> *(The sentence) was decided before… the lawyers get together the crown prosecutor and his lawyer, and they discuss it prior to going to court and actually come up with a sentence that they present to the judge on what they're looking for.*

When asked who had first notified them of their right to complete a VIS, six of 10 victims replied with the names of staff in their regional Victim Services unit. Other initial sources of information included the police (3), Crown attorneys (2), a counselor (1), and a pamphlet published by Victim Services and displayed in the waiting room of a sexual assault centre (1). Some victims replied with more than one source. When asked to identify who had provided assistance in completing the VIS, responses included 'no one' (5), a VSO (3), a spouse or family member (3), and a counselor (1). One victim

[7] The names used in this article are pseudonyms chosen by victims.

selected more than one source of support. Five victims received suggestions to change or edit their statements from VSOs (4) or counselors (1); all but one complied. The victim who declined to take the VSO's suggestion to edit her statement did so on the advice of the Crown Attorney.

Seven of 10 victims provided copies of their written VISs. A review of these revealed that psychological harm (e.g., depression, panic attacks, and feelings of helplessness) was listed by all victims. Six of the seven statements identified social harm (e.g., difficulties with sexual relationships and impact on marriages). Four described physical impacts ranging from permanent damage due to forced intercourse to slight bruising that faded quickly after the assault. Five statements listed financial impact ranging from missed days of work to complete loss of employment, as well as costs incurred by the replacement of items broken by the offender during the course of the assault or travel costs to medical appointments. Four VISs mentioned the use of prescription medications such as tranquilizers or sleep aids and three of the victims cited what they perceived as the problematic use of alcohol or drugs as a coping mechanism.

Only one of ten victims had the content of the VIS disputed by the defense. The victim was subsequently advised that she would be permitted to either submit in written form only the disputed VIS as the judge would "mentally delete" the inadmissible passages, or submit a revised written statement that she also would be allowed to deliver orally. On the advice of the Crown Attorney, the victim opted to submit the disputed statement.

Five of 10 victims reported they had read aloud their VIS in court. One victim reported that she did not know about her right to present orally and that she would have done so had she known. As noted in the above paragraph, one victim was denied allocution due to inadmissible content in her VIS.

Concluding Remarks

Researchers who work with crime victims, particularly victims who have been sexually assaulted, have unique legal and ethical considerations that they must address through method design. In this study, particular precautions were undertaken to ensure that the legal risks associated with disclosure and the third-party request of records could not occur as a consequence of participation in this research. Privacy concerns were addressed through the use of Victim Services as study intermediaries and through a review of study protocols by the Nova Scotia Freedom of Information and Protection of Privacy Review Office before proceeding with the study.

The recruitment of victim participants for this study presented unique challenges. First, the low number of sexual assault victims who proceed through the criminal justice system is a barrier to research in general, and this is particularly so in relation to the VIS (Du Mont et al., forthcoming). Next, strict ethical safeguards introduced during the recruitment process, including ensuring that Victim Services contacted only those victims whom they could reasonably predict would respond positively to the contact, drastically reduced an already small pool of potential respondents. Finally, victims' high rate of refusal to participate speaks to the apprehension that many victims may have about recounting their experiences. It is possible that both managers and victims overestimated the emotional risks, and underestimated the benefits, associated with participation in this type of study. It is important to keep in mind that while describing events within the research context may be distressing to some, it is different from (re)experiencing the original trauma. Few participants involved in trauma-related studies experience negative emotional consequences and most respond positively. Moreover, benefits to research participation may include feelings of empowerment, altruism, personal worth, and meaning-making (Newman et al. 2001; Walker et al. 1997; Du Mont and Stermac 1996).

The use of Victim Services to identify suitable victims, as well as a pool from which to draw eligible VSO participants, also presented its own difficulties. That is, while the involvement of managers and VSOs was crucial to study progress, recruitment and participation introduced competing demands when the staff was already feeling burdened by increasingly high client caseloads. Concerns regarding taxing already busy officers meant that some managers, understandably, did not agree to full VSO representation in the study. It is possible that interviewing VSOs outside of working hours might have alleviated some managers' concerns and facilitated the recruitment of all eligible VSOs. In other sexual assault studies, community partnerships have

been identified both as a source of significant contribution and a source of some constraint to the research endeavor (Du Mont et al., forthcoming; Parnis et al. 2005; Du Mont et al. 2003).

It is important to document these issues in order to raise awareness amongst researchers, policy makers, and community partners of the challenges—and rewards—of conducting research on victims of crime. Articles such as this one provide a starting point for strategizing on how best to improve the appeal and experience of research participation for crime victims and front-line victim services workers.

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Victim Impact Statement
722. (1) For the purpose of determining the sentence to be imposed on an offender or whether the offender should be discharged pursuant to section 730 in respect of any offence, the court shall consider any statement that may have been prepared in accordance with subsection (2) of a victim of the offence describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.

Procedure for Victim Impact Statement
(2) A statement referred to in subsection (1) must be (a) prepared in writing in the form and in accordance with the procedures established by a program designated for that purpose by the lieutenant governor in council of the province in which the court is exercising its jurisdiction; and (b) filed with the court.

Presentation of Statement
(2.1) The court shall, on the request of a victim, permit the victim to read a statement prepared and filed in accordance with subsection (2), or to present the statement in any other manner that the court considers appropriate.

Copy of Statement
722.1 The clerk of the court shall provide a copy of a statement referred to in subsection 722(1), as soon as practicable after a finding of guilt, to the offender or counsel for the offender, and to the prosecutor.

Inquiry by Court
722.2 (1) As soon as practicable after a finding of guilt and in any event before imposing sentence, the court shall inquire of the prosecutor or a victim of the offence, or any person representing a victim of the offence, whether the victim or victims have been advised of the opportunity to prepare a statement referred to in subsection 722(1).

Adjournment
(2) On application of the prosecutor or a victim or on its own motion, the court may adjourn the proceedings to permit the victim to prepare a statement referred to in subsection 722(1) or to present evidence in accordance with subsection 722(3), if the court is satisfied that the adjournment would not interfere with the proper administration of justice. ▲

Victim Impact Statements at Sentencing: Judicial Experiences and Perceptions - A Survey of Three Jurisdictions

Julian V. Roberts and Allen Edgar

Introduction

Victim impact statement provisions became part of the *Criminal Code* in 1988 and statutory amendments were introduced in 1999 to further promote the use of these statements in the sentencing process. These amendments included codifying the right of the victim to submit a victim impact statement orally at the sentencing hearing. Since their introduction, victim impact statements (VIS) have generated a considerable amount of research in Canada as well as other jurisdictions (see Roberts, 2002, for a review of research into the use of victim statements at sentencing, and Young, 2001, for a review of the role of the victim in the criminal process). Much of this research has explored the perceptions of criminal justice practitioners such as Crown Counsel.

Members of the judiciary, however, are in many respects best placed to inform policy-makers about the relative success of a sentencing tool, such as the victim impact statement. First and foremost, the VIS is a device to communicate information to the court about the impact of the crime upon the victim. Whether (and how) this tool is useful in sentencing is a matter for judges alone to determine. Accordingly, the views of the judiciary are critical to our understanding of the utility of these statements to courts across Canada.

To date, however, there has been a near absence of information about the attitudes and experiences of members of the judiciary. Only three surveys have ever been conducted of Canadian judges: Manitoba in 2001 (D'Avignon), Ontario in 2002 (Roberts and Edgar), and the Multi-site study in 2004 (PRA). The purpose of the present research project, funded by the Policy Centre for Victim Issues, was to replicate the Ontario survey four years later in three additional jurisdictions.

Methodology

Surveys were distributed in British Columbia, Alberta and Manitoba in February 2006. The same survey and methodology for distribution was used, with some additional questions. These new items explored judicial perceptions of the purpose of a victim impact statement as well as judges' views on the benefit for victims of submitting a VIS at sentencing. In order to ensure that these additional questions did not influence responses to the original items used in the Ontario survey, they were placed at the end of the questionnaire. The same methodology was adopted in terms of distributing the survey.

In February 2006, a request for assistance was sent to the Chief Judges and Chief Justice of three provinces: British Columbia, Alberta, and Manitoba. British Columbia is the only jurisdiction in Canada without a formal VIS program; accordingly, one of the purposes of the present research was to see whether judicial experiences and perceptions might be different in that province. All three consented to the survey being conducted in their jurisdictions and distributed the survey out of their offices to all sitting provincial court judges in their province. The completed surveys were anonymous. The majority were returned through the office of the Chief Judge or Justice, the rest were mailed directly to the researchers.

After a period of three weeks, a reminder communication was sent from the office of the Chief Justice. This resulted in a number of additional responses being returned. Thus, the same data collection procedure was followed in all three jurisdictions, and is consistent with the first survey conducted in the province of Ontario in 2001, with the report being completed in 2002.

Response rates are provided below in Table 1.

Table1: Survey Response Rates

	Ontario (2002) N= 63	British Columbia (2006) N= 37	Alberta (2006) N= 42	Manitoba (2006) N= 17	Weighted Average Rate in 2006
Response Rate	31%	27%	42%	50%	36%

The final report provides comparisons of responses across jurisdictions and summarizes responses from the

entire sample of judges. It also provides comparisons between the results of surveys conducted in 2002 and 2006.

Findings

Findings are presented in order of survey questions.

Most judges sentence a very large number of offenders every month

The caseload in Canada's criminal courts creates a large number of sentencing hearings. Respondents were asked how many sentencing hearings they conducted each month, and the averages were: BC: 55; Alberta: 33; Manitoba: 38. The aggregate average for the three jurisdictions was 42 sentencing hearings per month, considerably lower than the average number reported by judges in Ontario (71). These statistics have important implications for the sentencing process, and in particular for the question of victim input: judges are under great pressure to get through a large number of cases.

Victim impact statements (VIS) are submitted in only a small percentage of cases

One of the problems identified in the research literature is confirmed in this survey of judges: victim impact statements appear in only a small percentage of cases being sentenced. In BC, judges reported that a VIS had been submitted in 8% of cases, compared to 11% in Manitoba and 13% in Alberta. These statistics are comparable to the responses from Ontario in 2002 when on average judges reported seeing a VIS in 11% of cases.

Many judges report an increase in the number of VIS submitted

Judges in all four jurisdictions reported an increase in the number of VIS submitted. This is particularly true in Manitoba where 41% of the respondents reported seeing a moderate or significant increase in the number of VIS.

Judges report having difficulty in determining whether the victim has been apprised of his or her right to submit an impact statement

It is sometimes challenging for a judge to know whether a victim impact statement has been submitted. Respondents were asked about this particular issue. Almost half (42%) the respondents in all jurisdictions stated that it was "difficult in most cases". This pattern of responses suggests that it is frequently difficult to ascertain whether the victim has been provided with the opportunity to submit a victim impact statement.

Judges often have to proceed to sentencing without knowing whether the victim has been apprised of the right to submit a VIS

Judges often have to proceed to sentence the offender without knowing the status of the victim impact statement. The results revealed considerable variability regarding whether judges have to proceed to sentence the offender without knowing the status of the victim impact statement. The percentage that responded that they often proceeded without this information varied from 35% in Manitoba to 70% in British Columbia. Across the three 2006 surveys 64% stated that they often had to proceed.

Only rarely to victims elect to make an oral presentation of the impact statement

How often do victims elect to make an oral presentation of their victim impact statement? It seems to be a quite rare occurrence, in all jurisdictions. The most frequent response across all jurisdictions was "very occasionally". Approximately three-quarters of respondents held this view. In British Columbia 24% of the sample stated that the victim had never expressed an interest in delivering the statement orally whereas in Alberta only 5% gave this response.

Most judges report no change in the number of victims wishing to make an oral presentation of their victim impact statements

Judges were asked whether they had perceived any increase since 1999 in the number of victims who expressed a desire to deliver their statements orally. Considerable variation emerged across jurisdictions. Thus in British Columbia 69% of respondents reported no change in the number of victims expressing a desire to deliver statements orally whereas in Manitoba less than one quarter held this view. Manitoba judges were significantly more likely to report seeing an increase in requests for an oral delivery of the statement.

Victims seldom cross-examined on contents of their victim impact statements

Some victims have been cross-examined on the contents of their victim impact statements. This can be stressful for the victim, as several victims have affirmed. It is

unclear how often this practice occurs. Responses to the survey suggest that it is a relatively rare occurrence: 97% stated that it never or almost never took place. This is consistent with findings from the survey conducted in Ontario, where 84% of respondents stated that cross-examination of the victim never or almost never took place.

Most judges perceive victim impact statements to contain information that is in general useful, as well as, relevant to sentencing

Judges were simply asked "In general, are victim impact statements useful?". The response options were that the statements were useful "in all cases", "in most cases", "in some cases" and "in just a few cases". Consistent with the responses from Ontario, judges in the three new jurisdictions clearly found victim impact statements to be useful. Combining the first two response categories it can be seen that 62% of judges in British Columbia reported that VIS were useful in most or all cases. The percentage was slightly lower in Manitoba (59%) and lowest in Alberta (35%). Over all three jurisdictions 50% of judges held this view. Only 19% of judges believed that VIS are useful in just a few cases. This pattern of results suggests that contrary to some commentators, judges do in fact find victim impact statements useful.

The second question relating to this issue asked judges whether they found VIS useful in terms of providing information relevant to the principles of sentencing. Again, the general reaction was affirmative although there was considerable inter-jurisdictional variability. The response was particularly positive in Manitoba where almost half (47%) of judges stated that they found VIS to contain information relevant to sentencing principles often, almost always or always. This response was made by fewer judges in British Columbia (36%) and far fewer in Alberta (12%). Over the three jurisdictions, approximately three quarters of judges reported finding relevant information; only one-quarter of the total sample stated that VIS never contained information relevant to the principles of sentencing.

Perceptions of judges consistent with those of Crown counsel

It is worth noting that a similar trend emerged from the survey of Crown counsel in Ontario. In that survey, approximately one-third of respondents indicated that in most cases, or almost every case, the VIS contained new or different information relevant to sentencing (see Cole, 2003). Similarly, when asked whether victim impact statements were useful to the court, approximately two-thirds of the Crown counsel responded, "yes, in most cases". No respondents in that survey indicated that victim impact statements were never or almost never useful to the court at sentencing.

VIS constitute a unique source of information relevant to sentencing

It may be argued that the information contained in the victim impact statement is useful, but redundant, in the sense that it has already emerged from the Crown. To address this question the survey posed the following question: *"How often do victim impact statements contain information relevant to sentencing that did not emerge during the trial or in the Crown's sentencing submissions?"* As with a number of other questions, the most positive response came from the Manitoba judges where 29% stated that VIS often represented a unique source of information. In British Columbia only 17% held this view, and not one respondent in Alberta held it. The aggregated response was more positive than negative. Across the three jurisdictions 47% stated that VIS often and sometimes contained useful information unavailable from other sources; only 21% responded that VIS almost never contained such information. These trends parallel those emerging from the survey of Ontario judges. Taken together the responses to these inter-related questions suggest that from the judicial perspective – which is surely critical – the victim impact statement represents a useful source of information relevant to sentencing.

The VIS often contains the victim's recommendations regarding sentence

The survey asked judges how often, in their experience, victim impact statements contain the victims' wishes regarding the sentence that should be imposed. The pattern of responses varied according to the respondent's jurisdiction. Only 12% of judges in Manitoba stated that the victim's wishes regarding sentencing were often, always or almost always present. The proportion of judges responding in this way was somewhat higher in Alberta (19%), and much higher in British Columbia (37%). It was highest of all in Ontario where almost half the sample (43%) in 2002 reported seeing victim "sub-

missions" on sentencing often, almost always or always. Across the three new jurisdictions 24% stated that sentence recommendations were often, almost always or always present. Only one quarter (25%) stated that victim sentence recommendations were never or almost never present. These responses demonstrate the need to better inform victims about the true purpose of the victim impact statements, and to guide them regarding the kinds of information that should not be included in their statement.

Judges often refer to the victim impact statement or its contents

Consistent with the trend for judges to be sensitive to the issue, we found that most judges reported that they almost always or often referred to the victim impact statements in their reasons for sentence. This trend was most noticeable in British Columbia where over half (53%) almost always referred to VIS or victim impact in reasons for sentence. The percentages reporting this were considerably lower in Manitoba (35%) and Alberta (29%). Across the three jurisdictions, 39% of respondents almost always referred to victim impact when giving reasons for sentence. Overall, only 5% stated that they never referred to victim impact statements.

If the victim is present at sentencing judges often address him or her directly

Most sentencing hearings take place in the absence of the victim. However, when they are present, it is clearly of assistance to be addressed by the court. The last question on the survey was the following: "*Do you ever address the victim directly in delivering oral reasons for sentence?*" Results indicated that judges are certainly alive to this issue: almost two-thirds (63%) of all respondents stated that they sometimes or often addressed the victim directly. Sixteen percent never or almost never addressed the victim, and 21% stated that they did so "only occasionally".

Conclusion

As a result of the surveys conducted in four jurisdictions, researchers and policy-makers now have a much more informed view of the utility of victim impact statements. Two research priorities would appear to emerge from the studies conducted to date. First, it is important to complete the picture with respect to judicial attitudes and experiences regarding the victim impact statement. Assuming the co-operation of the respective Chief Justices, it would be relatively easy and economical to survey the judiciary in the remaining provinces and territories. We need to know how well the VIS regime is functioning in these other jurisdictions, and whether regional variations are more pronounced when the smaller provinces or territories are included.

Second, once a comprehensive portrait of judicial attitudes is available, we see the need for a "best practices" analysis. This would consist of a review of all the research pertaining to VIS in Canada, with a view to identifying the factors associated with the most successful use of victim impact statements. This exercise would include a review of procedures, protocols and materials. Following such an exercise it would be possible to develop a best practices protocol to be shared across all jurisdictions. Finally, since victim input at sentencing is a feature of all common law jurisdictions, it would also be useful to include an international component, to determine whether superior practices exist in another country.

It was encouraging to note that while variability emerged across the jurisdictions, in BC as well, in response to some questions, there was generally considerable consensus – particularly regarding to the most important issues concerning the victim impact statement regime. We would end this report on the perceptions of judges in four jurisdictions by concluding that despite a number of criticisms victim impact statements perform a useful function in the sentencing process in Canada.

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An Exploration of the Needs of Victims of Hate Crimes

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Introduction

What are the needs of victims of hate crimes in Canada? Are those needs any different from those of victims of other crimes? In what ways are those needs similar? What do we know about victims of hate crimes? A preliminary study that sought to answer these questions was completed in 2006. This article summarizes the findings of that study and includes a review of available statistics on victims of hate crimes, a review of literature, mostly from academic journals, information on the services jurisdictions provide to victims of hate crimes, and a discussion of next steps.

The Review of Data and Literature

Definitions and Legislation

For the purpose of this study, the following definition of *hate crime*,[1] taken from the Uniform Crime Reporting Survey 2.2,[2] was used:

1 The terms "hate-motivated crime" or "bias-motivated crime" are also used in the full report where authors used these terms in their writings.

> …a criminal violation motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.

Hate crime is addressed through sections 318 (advocating genocide) and 319 (public incitement of hatred) of the *Criminal Code*,[3] as well as through the sentencing provisions of the *Criminal Code* found in section 718.2 (a)(i). These sentencing provisions provide that at sentencing the courts should take into consideration crimes which show "evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor." Furthermore, there is a specific provision found in s.430 (4.1) with respect to mischief against mischief against property used for religious worship.

The *Canadian Human Rights Act,* specifically s.13(1) of the Act, prohibits hate messages. This section was amended in 20024 to make it clear that hate messages include Internet messages.

Two Supreme Court of Canada cases have set clear precedents relating to hate-motivated crime: *R. v. Keegstra*[5] and *R. v. Andrews*[6].

Data

Data on victims of hate crimes in Canada is limited and at this time is based on victimization surveys, a pilot survey by Statistics Canada, and the Ethnic Diversity Survey. This data is complemented by individual studies and initiatives, such as the B'nai Brith annual audit of anti-Semitic hate crime.

The 2004 General Social Survey on Victimization found that the percentage of incidents that victims felt were hate-motivated was 4%, unchanged from the 1999 victimization survey (Gannon and Mihorean 2005, 7). Race or ethnicity was the dominant reason behind hate-motivated crime in 65% of hate crimes, with gender in 26% of hate crimes, and religion and sexual orientation accounted for 14% and 12% of hate crimes, respectively.[7] The authors note that hate-motivated crime creates both primary and secondary victims, as it targets not only the individual but "what the individual represents" (2005, 7).

In general, most incidents of victimization are not reported to the police. Only one third (34%) of victimizations were reported to the police in 2004. This is a slight decrease from 37% for 1999. An estimated 88% of sexual assaults are not reported to police. In 2004, victims sought assistance from a formal help agency (victim services, crisis centres, help lines, health or social services) in only 9% of incidents. It seems that a vast majority of victims (90%) turn to informal support for help – a friend, neighbour, or family. Those who did not report to the police were asked why they did not do so. The reasons they gave (a list of possible reasons was provided to respondents) included: they believed that the incident was "not important enough"; they did not want the police involved; they felt it was a private matter; they felt the police would not be able to do anything about it. Victims also chose not to report both because they believed that the police would not help and because they feared reprisals by the offender(s).

In 2001 and 2002, a pilot survey of hate crime was conducted involving twelve major Canadian police forces over a period of two years (Silver et al. 2004). In that period of time, 928 hate crime incidents were reported.

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2 In Canada, official crime statistics, also known as police-reported crime data, have been systematically collected since 1962 through the UCR Survey. Updates to the survey (now version 2.2) reflect changes in the *Criminal Code*. All police services participate in the survey by submitting data to the Canadian Centre for Justice Statistics (CCJS), which is part of Statistics Canada, according to a nationally-approved set of common crime categories and definitions.

3 R.S. 1985, c.C-46.

4 2001, c. 41, s. 88.

5 *R. v. Keegstra* [1990] 3 S.C.R. 697.

6 *R. v. Andrews*, [1990] 3 S.C.R. 870.

7 Totals may equal more than 100% due to multiple responses.

The results, released in June 2004, indicated that the motivation behind these crimes was predominantly race or ethnicity, accounting for 57% of cases, followed closely by religion, which accounted for 43% of cases. Sexual orientation accounted for approximately 10% of cases.8 Jewish people reported the highest number of incidents (25%), followed by Black people (17%), Muslim people (11%), South Asian people (10%), Gay and Lesbian people (9%), Multi-ethnic/racial people (9%), east and southeast Asian people (9%), and Arab/West Asian people (8%). The crimes were considered violent hate crimes in 49% of cases, or in 447 of the reported incidents. Threats and physical force accounted for the majority of violent crimes. Furthermore, those targeted as a result of their sexual orientation were more likely than others to be violently victimized, and in approximately 48% of these cases, an accused was identified and charged (Janhevich 2004).

Some facets of hate crime, such as the fear of becoming a victim of an ethnoculturally motivated hate crime, were measured by the Ethnic Diversity Survey (EDS). The Ethnic Diversity Study found that in 2002, 5% of Canadians aged 15 and over were worried about being the victim of an ethnocultural hate crime (Statistics Canada 2003).

B'nai Brith's League for Human Rights compiles data on reported anti-Semitic crimes for its annual audit. In 2003, 584 incidents were reported to B'nai Brith, which represents a 27.2% increase in reporting compared to the previous year. Over the course of 2001–2003, the number of reported incidents doubled. The cases reported were classified as harassment (66.6%), vandalism (32.2%), and violence (2.6%) (The League for Human Rights of B'nai Brith Canada 2003).

In addition to the victims' reluctance to report a hate crime, the reporting of hate crime can vary from one region to another. As a result, it is very difficult to estimate prevalence nationally, or even provincially or territorially. There is little agreement on the best methods to collect data, and this, along with the very real and understandable fears of victims, makes underreporting a troublesome reality in terms of understanding the nature of hate crime and the needs of the victims of hate crimes.

The Literature

While very little research on victims of hate crimes has been completed in Canada (Janoff 2005; Mock 1993), there is a body of literature from the United States. This literature highlights repeatedly that hate crime victimization is not limited to the individual victim. Hate crime victimization has a profound ability to affect the community or the group with which the individual identifies (e.g., Mock 1993; Ardley 2005; Iganski 2001; Herek 1999; Cogan 2002; Perry 2002). While this brief article cannot summarize all the findings from the research, several key projects and findings are highlighted.

Discussing the concept of social identity, Blake (2001,133) notes that:

> ... one does not have to believe in one's membership in the group or endorse that group as a fundamental part of one's identity, in order to be made aware that one is vulnerable in virtue of the perception of membership. An attack upon a socially isolated individual creates an awareness in other socially marginalized individuals that they are vulnerable to violent attack.

Gregory Herek of the University of California at Davis undertook a major study in the mid-nineties with 2,300 gays and lesbians in the Sacramento, California, area. Overall, the findings indicate that hate crime victimization is more serious than crime victimization in general (Herek 1999). Victims of hate crimes based on sexual orientation experience more distress (depression, stress, anger), that distress may last longer, and the reasons for the distress are related directly to their social identity compared to victims of non-bias-motivated crimes (Herek 1999, 1).

These results are similar to those found by McDevitt, Balboni, Garcia, and Gu (2001). McDevitt et al. sent a survey by mail to each victim of bias-motivated aggravated assault in the years 1992–1997 and took a 10%

8 Totals may equal more than 100% due to multiple responses.

random sample of victims of non-bias assault as a comparison. The study looked at demographic variables, relationship to the offender, victims' reactions to the assault, whether or not they sought medical attention, and whether or not they reported the incident to the police.

Forty-six percent of victims of non-bias crime felt unsafe after the attack; however, a significantly higher number of victims of bias crime felt unsafe (59%) (McDevitt et al. 2001, 54). Also, through utilizing Horowitz's Impact of Event Scale,[9] while only six items showed significant differences between the bias crime group and the non-bias crime group, "every psychological impact measure from this scale had a higher mean value from the bias group than from the non-bias group" (McDevitt et al. 2001, 53). According to the authors, "these conclusions support the claim that bias crimes do in fact affect their victims differently and that consequently law enforcement and social service agencies should be cognizant of these differences in assisting bias crime victims" (McDevitt et al. 2001, 56).

While they are not the only empirical studies on victims of hate crimes, the two studies described above highlight the consensus among researchers that hate crime victimization can be more serious, last longer, and have a significant impact on the community. There is very little research in Canada, nationally, or locally, that examines these specific issues. There are, however, several initiatives that are responding to data collection challenges.

Services for Victims of Hate Crimes

In order to develop a preliminary understanding of what services are currently available to victims of hate crimes, questions were sent by e-mail to members of the Federal Provincial Territorial Working Group on Victims of Crime. The members of this working group are the directors of victim services in each jurisdiction. The questions were:

1) Are there any services specifically for victims of hate crimes in your jurisdiction? If yes, could you provide a brief description?
2) What are the main barriers for victims of hate crimes accessing regular victim services in your jurisdiction?
3) What are the special needs of victims of hate crimes and what do victim services require to address them?

Nine out of twelve jurisdictions responded, and their responses to all three questions were consistent. No jurisdiction reported providing specific services to victims of hate crimes. In general, victims would receive the generic service available to all victims of crime. Victim services workers would provide victims with information on the specific sentencing provision—s.718.2(a)(i) of the *Criminal Code*. As well, specific referrals would be made to appropriate community and support groups. In most cases, victim services do not provide long-term support or counselling, so referrals to other services are common and considered part of the mandate of many victim services organizations.

Barriers to Services

The barriers reported by the jurisdictions are similar to those noted in the literature. There can be language or cultural challenges in accessing services, or these can contribute to a lack of awareness of victim services in general. As well, there can be a reluctance to engage with the criminal justice system, the police, victim services, the courts. This reluctance could stem from a variety of issues, including fear (of the police, of retribution from the alleged perpetrator), shame (of being a target, of being associated with a particular group), a belief that the criminal justice system would not be able to assist.

Victims of hate crimes face the same barriers to accessing victim services that all other victims do, namely lack of awareness of services, lack of transportation to services, lack of availability of services in their local community, and limitations on the range of services offered.

[9] The Impact of Event Scale was developed by Horowitz, Wilner, and Alvarez (1979) to measure distress associated to a specific event. It is a self-reporting measure which consists of 15 items which subjects are asked to rate on a 4-point scale according to how often each item has occurred within the past week.

Special Needs

Several jurisdictions acknowledged that victims of hate crimes do face particular challenges due to the nature of these crimes. Firstly, the impact of a hate crime can be particularly significant because the act is directed to an individual because of a characteristic pertaining to identity (e.g., race, sexual orientation). Secondly, unlike certain other categories of crime, whole communities can be victimized when a hate crime occurs. In that respect, support and remediation programs need to consider both the individual and the community. Finally, as hate crimes are symbolic acts, the character of the crime (e.g., a violent act or a property crime) may correlate imperfectly with the degree of impact and damage to the victim and his or her community.

In response to the needs of victims of hate crimes, jurisdictions broadly identified two areas where immediate action would be warranted:

i) Training – Overall, jurisdictions did not believe that specific services would be the appropriate response, given the small numbers of victims and limited capacity. More training and resources (public legal education and information, interpretation services) were identified. Improved training and increased coordination in the investigation and prosecution of hate crimes for all criminal justice professionals would benefit victims.

ii) Recognition – Victims need the hatred behind these crimes identified and acknowledged by the criminal justice system. Materials that are directed toward police and prosecutors to assist them to identify the hatred aspect of these crimes and to make the case before the courts may be helpful. A pamphlet or brochure that outlines the provisions in the *Criminal Code* in relation to hate crimes may be a helpful tool for victim services in dealing with victims of these crimes.

Discussion and Next Steps

In response to some of the issues that have been identified regarding data collection, the raising of awareness, and the identification of hate crimes, initiatives have been commenced and demonstrate the importance of long-term and multi-faceted approaches to the issues. One example is the data collection project that is currently being undertaken by the Canadian Centre for Justice Statistics (CCJS) and funded by Heritage Canada through *Canada's Action Plan Against Racism.*

After significant consultation with the community and the police, agreement on a standard definition was reached (see the UCR 2.2 definition at the beginning of this article as well as footnote 1). Working with an agreed-upon definition is an important step forward. This particular initiative takes several more steps forward as it involves training police officers to recognise and report these crimes, thereby improving data collection in the long term. With 522 police forces in Canada, the training goal will be achieved in a number of ways: holding regional training sessions, offering training at police colleges, and training trainers. As well, CCJS is working towards an electronic version of the training package so that forces can provide on-going training and reach all officers.

What is particularly important about the CCJS training, in relation to the subject of this study, is the focus on victims. The training incorporates findings from the research on victim and community impact and uses video clips, photographs, and excerpts from newspaper articles to provide the victim's perspective.

The literature reviewed for this study highlighted the issue of community and individual impact. The following research projects would supplement the national data collection efforts of CCJS to help foster a body of Canadian research in this area.

i) The victim's perspective is central to the sentencing of offenders convicted of hate crimes. The enhanced sentence imposed as a result of the hate crime provision is supposed to recognize the increased harm inflicted as a result of hatred or bias. It would be important to better understand the reaction of victims to specific sentencing decisions.

ii) Community surveys could be conducted with specific populations to gauge the extent to which they have confidence in the justice response to reports of hate crimes.
iii) Community and victim impact studies with those communities recently affected by hate crimes could be undertaken to provide a better understanding of the community impact in cases of hate crimes. Such awareness might assist other players in the criminal justice system, for example when Crown are making arguments at sentencing regarding s. 718.2(a)(i).
iv) The General Social Survey on Criminal Victimization, conducted every 5 years by Statistics Canada, could include additional questions on community impact of hate crimes.

Herek (1999, 2) noted that given the more serious impact on victims, "it is appropriate for legislation and public policy to treat hate crimes as a special case of criminal victimization, one that requires special strategies for prevention, prosecution, and victim services." Jurisdictions unanimously called for specialized training and greater awareness and collaboration among social service organizations. As a result, the authors suggest the following small, but concrete initiatives:

1) Support training for victim services on a nation-wide basis. Training would require consistency in content, with flexibility for regional/local variations; a victim orientation; and a practical orientation.

2) Support funding proposals that aim to reduce barriers to accessing services for victims of hate crimes. These proposals might be related to all victims of crime, but special recognition should be included for victims of hate crimes. Examples might include:

i) Materials developed specifically for communities; this could include cultural translations of victim services materials.
ii) Workshops/training/networking events to increase collaboration between community groups and victim services.

3) Support funding proposals to develop, implement, and evaluate training and training materials for those who work with victims of hate crimes. Some examples of further initiatives that could be supported include:

i) Materials directed toward police and prosecutors to assist them in identifying the hatred aspect of these crimes and to make the case before the courts may be helpful, similar to the Prosecutor's Handbook for Criminal Harassment.
ii) A pamphlet or brochure outlining the provisions in the *Criminal Code* that relate to hate crimes may be a helpful tool for victim services.

Summary

This exploratory examination of the needs of victims of hate crimes clearly identified the gaps in research and services in Canada. While this brief article cannot adequately capture the breadth of work being done in this area, it does provide suggestions for further research, training/education and improvements to current services through training and reducing barriers to access. While a modest beginning, often small initiatives can have significant impacts. Each suggestion is designed to be feasible and not require significant resources. Much more can be achieved through the combined efforts of government, academics, and communities – not just those targeted, but all communities in Canada.

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The Professionalization of Victim Services in Canada

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We need to move towards the recognition that this is a profession … How we move is critical.

Introduction

In Canada, and indeed in other countries around the world, victim services can still be considered an emerging occupational field, particularly when compared to other well-established professions such as law, medicine, or engineering. It is a field that has developed in response to demands from the women's movement and the victims' rights movement. It is a field that is interdisciplinary in that it encompasses criminal law, mental health, and social services.

This study on the professionalization of victim services in Canada, which was undertaken by the Research and Statistics Division of for the Policy Centre for Victim Issues, Department of Justice Canada, is the first work being completed in this area. Despite much discussion, there has been no research completed on the issue in Canada and, indeed, very little in other countries, including the United States. The goal of this particular project was to explore the different opinions around professionalization of victim services in Canada.

The Literature

Given the paucity of research on the issue of professionalization of victim services, there is very little literature on the subject. The author, therefore, reviewed academic journals, conference proceedings, as well as government and non-government reports using search words and phrases such as, "victim services," "victim assistance," "profession*," "credential*."

Victim services have arisen from the ongoing efforts of those individuals who make up what is today called "the victims' movement." The term may seem to suggest a single, united front, but there are fundamental political differences amongst the different players. These differences impact objectives and goals, methods of achieving those goals, and messages. At the same time, however, all players agree that victims' rights are important and that the needs of victims are worthy of attention.

The Office for Victims of Crime (OVC), United States Department of Justice, describes the occupation of victim assistance as "a full-fledged advocacy and service field dedicated to meeting the physical, financial, and psychological needs of victims and their families" (New Directions 1998). The OVC has supported the development of victim services program standards, pre-service and continuing education for practitioners; has supported the development of standards in order "for the victim assistance field to become a recognized profession" (New Directions 1998, 183); and has recommended the development of a code of ethics. Universities, state agencies with regulatory authority, and professional associations currently offer varying aspects of credentialing in victim services in the United States. Little formal, post-secondary education in this field exists in Canada.

Barriers to professionalization that have been identified in the literature include: the conflict among the various service agents regarding consensus of mission or purpose and the lack of occupational identity (National Victim Assistance Academy 2002, Chapter 20). In Canada, barriers could also include: different service delivery models, jurisdictional differences, and a lack of resources.

At the outset of this project on professionalization, it was felt that a review of the literature on professions in general might be useful.

What Is a Profession?

The early study of professions, of which there were relatively few (law, medicine, divinity), was based on a functional-structural approach, which identified set criteria. In considering the concept of professionalization, it is useful to think of a continuum with the very well established professions at one end, such as law and medicine, and emerging professions at the other. A profession has both social/structural and individual/attitudinal elements; the former refers to the occupation or the structure, while the latter refers to ideologies or attitudes (Hall 1968).

The structural attributes of professions identified in the literature include (Wilensky 1964):

1. Creation of a full time occupation.
2. Establishment of a training school.
3. Formation of a professional association.
4. Support of law (i.e., legal recognition of title and/or work activities).
5. Formation of a code of ethics.

Attitudinal elements can be thought of as the invisible characteristics of professionalization, less visible than a title or letters after a name, or an association. The elements identified in the literature include (Hall 1968):

1. The use of the professional organization as a major referent.
2. Belief in service to the public.
3. Belief in self-regulation.
4. Sense of calling to the field.
5. Autonomy.

Schack and Hepler (1979) added another factor to Hall's original five:

6. Belief in continuing competence.

Professor Thomas Underwood is the Executive Director of the Joint Center on Violence and Victim Studies, an interdisciplinary initiative between New Haven University, Washburn University, and California State University at Fresno. His research, "The Professionalization of Victim Assistance: An Exploratory Study of Attitudinal Dimensions and Factors," (2001) was one paper that was located that deals directly with this topic. Underwood reviews the theoretical foundations for the professionalization of victim assistance. The author suggests that what is not known is the individual attitudes of victim assistance

practitioners towards professionalization. The main purpose of his 2001 study was to identify the extent to which victim services workers have attitudes that support professional attributes; its secondary purpose was to identify characteristics associated with the differences in these attitudes. Underwood found that despite few structural attributes, overall, the workers held very strong professional attitudes.

Anti-Violence Advocacy

Some of the earliest support available to victims of crime was that provided by the women's movement to women who were victims of sexual assault and family violence. Bonisteel and Green (2005) have written on the shrinking spaces in Canada for anti-violence advocacy work. The authors discuss credentialism, which "refers to the belief that credentialed workers have more skills and knowledge than those without formal credentials" (2005, 30). They distinguish credentialism from professionalism, noting that professionalism is a far more complex construct. The authors do acknowledge, however, that the terms are used interchangeably.

The authors note that when shelters and sexual assault centres began to receive funding in the 1970s, the concern was raised that the "drive to professionalize … may increase the distance between abused women and (anti-violence) workers" (Bains et al. 1991, 224). Anti-violence advocates feared this would lead to a clinical service delivery model over an advocacy model. Given that core elements of anti-violence work include advocacy, public education, and prevention, the adoption of a clinical service delivery model could result in the elimination of these key elements, or at the least, in a diminished role.

In a Canadian article entitled, "Rape Crisis: The Debate over Professionalized Services," the author (O'Connor 2005) notes that in a movement that has seen many changes, both positive and negative, one of the most controversial is the shift towards professionalization.

In sum, this review identified a body of literature on professions in general that identifies specific structural and attitudinal characteristics of professions. The presence of these characteristics helps to categorize a profession as well-established at one end of a continuum, and as emerging, marginal, or "in transition" at other points on the continuum. The characteristics can also be used to identify what might be important to victim services workers.

Methodology

This study was designed with a modest objective: to explore the range of perspectives on the professionalization of victim services workers in Canada. In June 2006, provincial and territorial members of the Federal-Provincial-Territorial Working Group on Victims of Crime were each asked to provide the name of at least one individual who would be able to participate in the study. The majority of the jurisdictions responded in a timely fashion. In some cases, the respondent was the Working Group member, but not always. Other respondents were recruited through "snowballing."[1] In this manner, a total of 25 individuals were included in the study: 12 from government, 5 from academe (universities or colleges), 3 from non-governmental organizations (NGOs), and 5 workers or program managers from victim services programs.

All individuals were sent a letter of information and a letter of consent in advance. Interviews ranged in length from 25 to 75 minutes and were carried out as follows: 23 individuals were interviewed by telephone, 1 individual responded in writing, and 1 individual conducted a mini focus group to provide more fulsome responses to the questions. Notes were taken during the interviews, and if there were any questions regarding the accuracy of quotations, the respondents were contacted. All the interviews were completed by mid-August 2006.

This study was reviewed by the Research Review Committee of the Department of Justice Canada. The Research and Statistics Division of the Department has developed an internal ethics review process that is derived from the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans.2 An ethics template was completed for this study and was presented to the Committee, along with copies of the letter of infor-

[1] A snowball sample is also known as a reputational sample, and, as opposed to being a random sample … it relies on personal contacts of the people interviewed to identify other prospective respondents (Trochim 2006).

mation and the letter of consent that were to be provided to each participant in the study.

Findings and Discussion

Overall, respondents were enthusiastic and interested in the topic. Some called it "timely" and mentioned that it was "exciting that we are having this discussion," or as another said, "A discussion on this issue is a huge step." The frequency with which this type of comment was heard is testament to the importance of the issue to victim services in Canada. The findings from the study are presented thematically and include: the meaning of professionalization, the use of volunteers and the service delivery model debate, pre-service training and degrees/diplomas, the reasons for professionalization, costs and benefits of professionalization, and recruitment and retention.

i) The Meaning of "Professionalization"

While respondents were given the questions in advance, they were not given the list of characteristics found in the literature. Having those characteristics might have influenced how they answered this first question. One or two noted that a dictionary definition might include a professional organization and a standardized education/training, as in the legal or medical professions. Overall, however, the majority of respondents replied in a consistent fashion. For most, professionalization means training, consistent standards, and a certain skill set. Those who work in jurisdictions that do not utilize volunteers at all, or to any great extent, also added that it means full-time, paid staff.

The importance of training and standards was highlighted vis-à-vis the need for legitimacy and better services for victims themselves.

> The professionalization of victim services will mean the work (and practitioner) is legitimized and recognized as an integral component of first responder, criminal justice, and community response networks/systems. It will encourage the development of a "common language," communicate expectations, and set standards for service—all of which will improve responses and will result in victims of crime and trauma, their families, and their communities receiving high quality services that are coordinated and comprehensive.

Few respondents spoke about ethics in their response to this question. Given the particular sensitivities involved in victim services (confidentiality, re-traumatization, family violence, sexual assault, etc.), this was interesting and somewhat surprising. The Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003 (Department of Justice Canada 2003), which could be utilized as a tool for victim services agencies and their workers to define the parameters of the services and principles underlying those services, was mentioned by only one respondent. The one respondent who did refer to the development of a code of ethics stated that professionalization means "*the provision of services that meet ethical standards, a level of competency, and respect in dealing with victims.*"

None of the respondents referred to more than two or three of the elements (structural and attitudinal) that define a profession, and there was definitely an emphasis on the structural elements. As with the absence of a discussion on ethics, this near absence of attitudinal elements was also interesting. Given the preliminary nature of this research, however, as well as the emergent status of victim services in general across the country, the absence of attitudinal elements should not be too surprising. It is far easier to identify structural characteristics, such as professional organizations (the law societies) or dedicated formal education (the medical schools), than it is to quickly define the often nuanced attitudes that comprise the very essence of the phrase "acting like a professional" (Hall 1968, 93).

We know very little about the people who make up the emerging profession of victim services workers in Canada and their attitudes. Replicating the work of

2 Canadian universities adhere to a model of ethics review that has emerged in the international community. The model, which is described in the Tri-Council Policy Statement, involves the application of national norms by multidisciplinary, independent local Research Ethics Boards (Canadian Institutes of Health Research et al. 1998).

Underwood (2001) with interested jurisdictions would provide insights into this area of work.

Recognition was a theme that was very apparent throughout the interviews. It reflects the challenges that victims encounter not only in society, but in the criminal justice system, particularly in contrast to accused and offenders. It was articulated by respondents from all of the categories (government, NGOs, etc.).

> *Professionalization of victim services means a recognition that we need to provide quality services, a recognition of what it is to be a victim, and a recognition of what the recovery process is.*
>
> *The process and the complexity are not recognized.*

ii) The Use of Volunteers and the Service Delivery Model Debate

In Canada, the provinces and territories provide victim services differently. They use different delivery models (community-based, police-based, system-based) with different resource levels. For several respondents, the service delivery model debate must come before one can really talk about professionalization. It is intrinsically linked to the model of service delivery. In this sense, for these respondents, professionalization means *"full-time, paid professional staff versus volunteers."*

> *There can be very qualified people working as volunteers, but unless they do the work every day, it is, in my view, impossible to offer consistent quality and service – due to 1) the complexity of the CJS, 2) the essential nature of networking, building relationships of trust and maintaining those relationships*
>
> *The use of volunteers does not fit in with professionalization. Period.*

One respondent's comment makes clear the very real differences between services for victims and services for offenders.

> *Equalizing professionals – we don't use volunteers for offenders.*

Comparisons to the fields of probation, parole, and criminology were often made. Respondents spoke about the discrepancies in terms of training, salary, job security, and benefits, as well as the integral role of these professionals in the criminal justice system, which, to victim advocates, already appears offender-oriented.

However, other respondents felt strongly about the need not to exclude volunteers.

> *Professionalization does not need "to shut out" volunteers.*
>
> *From the NGO perspective, I would suggest that we should be able to have both systems – with professionally trained, paid staff and with volunteers. We cannot afford to exclude volunteers. Victim services are not resourced at a level where that is possible; we would ultimately have significant cuts to services.*

Several respondents reported feedback from victims with whom they had worked. The valuable life experience and empathy that many volunteers bring to the work was acknowledged. There were, however, many cautions about the lack of training, standards, and support within jurisdictions as well as between them.

> *I worry about those without sufficient training, who are often very well-meaning.*
>
> *Experience gave you a real sense of what it was to be a survivor.*
>
> *Many come with valuable life experiences, but timing is also important. I also find this with family members of homicide victims. They want to help, get involved, but without appropriate training, and if the time is not right for them, they can do damage – even if they are well-intentioned.*

iii) Pre-Service Training/University Degrees

Several jurisdictions in Canada require a university degree (usually a BA, BSW, or the like) when staffing their positions. Respondents who work with such requirements expressed overall agreement on their importance. As one respondent noted, we reach "… an agreement on the level of quality required before hiring."

In contrast, all respondents in academe agreed that a degree does not mean better workers or better services for victims.

> *I do not believe they need a BA – training is not necessarily better at the universities, nor is every BA created equal.*

The desire for letters or a designation amongst service providers was certainly not uniform. As one victim services worker noted, "*We do not need a professional designation.*" At the same time, many respondents acknowledged that letters or a professional designation does bring a certain level of respect from the general public and from those within the criminal justice system, such as judges and Crown attorneys.

In general, there was reticence to push for formal, university/college courses or programs in victim assistance due to the lack of employment opportunities in most jurisdictions. There was definite support for incorporating victim assistance content or courses into existing appropriate programs, such as BSW/MSW, BA in Criminology, or BN, or college programs. Courses that incorporate or are directly about applied victimology are available, but certainly not to any great extent. Cataloguing such courses and course content would be a valuable addition to the discussion.

iv) Reasons for Professionalization

One respondent noted that the primary argument for professionalization of any emerging occupation has typically been "improved services for the client group." While noting the importance of better services, quality services, or the best services for victims, respondents did not hesitate to point out that there is a desire for greater respect, particularly within the criminal justice system.

> *Professionalization of victim services would mean more prominence for VSWs, increased respect for them as professionals. With more prominent services, this can only lead to better services for victims.*

One respondent failed to see the link between professionalization and quality services: "*… but in my experience, really good services – do not need professionalism.*" However, victims continue to face challenges within the criminal justice system.

> *One can imagine a trickle-down effect: increased respect; prominence through professionalization might lead to a greater acceptance in court, on the part of different criminal justice professionals (Crowns, judges, police); more police cooperation in their own referrals; more judges might be more accepting of support persons in court, etc. . . . Professionalization of victim services workers would only contribute to this culture change.*

As other respondents noted, "credibility" is extremely important.

> *What is really at issue is "credibility" in a war with other professionals.*
>
> *Credibility in the courtroom. Of course. Whoever is the most professional, has the most credibility. This will be a hard one to win. Why do you think victims come with lawyers and seek standing?*

v) Costs and Benefits of Professionalization

Respondents were asked about benefits and costs of professionalization. Answers were consistent and indicated that benefits for victim services workers could include:

- Often more funding security, and hence stability for both workers and clients.
- The possibility for unionization and, as a result, better benefits and salaries.
- Increased respect.
- Better and more training.

Victims/family members could benefit as follows:

- There are some victims/family members who prefer a more professional relationship.
- Boundaries are less likely to be crossed in a professional relationship, compared to a peer relationship.

Responses concerning the costs of professionalization were also fairly consistent and included the following:

- Costs in terms of salary dollars and benefits for full-time, paid staff.
- The cost of setting up training and establishing standards.
- The actual cost of administering a self-regulated profession.
- Increased costs for recruitment in rural and remote communities.

One would hope that professionalization would not divert scarce resourcing away from the much-needed services and result in cut-backs.

There may also be less tangible costs related to professionalization.

- The reduction in use of volunteers may lead to a loss of the empathy that many victims feel from volunteers who have experienced victimization themselves.
- There may be a loss of advocacy, prevention, public education in anti-violence models.
- Professionalization leads to standardization which can stifle creativity and flexibility, both critical in working with victims.

Society is becoming increasingly professionalized. Is this a good thing?

vi) Recruitment and Retention

Respondents were also asked how professionalization might affect the recruitment and retention of victim services workers. Answers on recruitment were varied and reflected, to a large degree, how little we know about the occupation of victim services worker in Canada. The recruitment and retention challenges in rural, remote, and isolated communities (particularly in the North) were highlighted.

Depending on the definition used, a move towards professionalization would pose very real challenges in rural and remote communities for recruitment purposes.

In addition, respondents pointed out that:

With a standard professional program in different jurisdictions, the profile would rise and it could have a very beneficial impact on recruitment… and retention.

Diversity will continue to be important and recruitment on that front does pose challenges. We don't do that well now. This may open more doors for newcomers, for example, because to some degree it levels the playing field.

There was a consensus that professionalization would not adversely affect retention. Many believe that it would actually improve retention.

I have received ample feedback from victim service practitioners that BC's demonstrated commitment to the professionalization of victim services (through the training programme and the introduction of the certificate program) is a prime reason they remain in the field.… It is important to build and sustain a learning culture.

The retention challenges that some programs face was highlighted in the comment below:

Right now, a victim services worker job is seen as a "stepping stone," "a great place to get good experience, clearance, but you have to move on." This attitude is a slap in the face to victim services organizations. We lose people to law enforcement, to children's aid, to any organization with a recognized title.

All respondents believe strongly in the importance of victim services and the importance of furthering the discussion on the professionalization of victim services workers.

Conclusion

The objective of this study was modest: to further the discussion on the issue of professionalization of victim services workers by exploring the range of opinions of workers in the field and other stakeholders. The respondents in this study were asked what next steps they might like to see to further the discussion. The answers they provided contained a range of ideas on both research and program activities. Suggestions regarding research included:

1) Research in interested jurisdictions to identify the extent to which victim services workers have attitudes that support professional attributes and to identify characteristics associated with the differences in these attitudes. This would be a replication of Underwood's study in the Northwestern US (2001).
2) A more comprehensive understanding of who victim services workers are.
3) A review of what is happening regarding professionalization in other Western, democratic countries.

4) Research that looks at what elements of professionalization best serve the victims themselves.

In terms of program activities, the following were suggested as next steps:

1) A national working group to explore further work on definitions, training, baseline/national standards, curriculum, research, etc.
2) A nationalized, computerized (i.e., on-line, distance learning) training program that jurisdictions could access with standard elements, for example a module on the *Criminal Code.*
3) A national clearinghouse for research and training materials in this area. Look into the possibility of linking to the National Clearinghouse on Family Violence.

These suggested next steps all reflect the high level of interest in the issue. By highlighting areas that would benefit from more research, as well as suggesting concrete steps to clarify the numerous issues at hand, this study may be an important catalyst for further work.

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Highlights from a Preliminary Study of Police Classification of Sexual Assault Cases as Unfounded

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Background

The General Social Survey on Victimization indicates that the non-reporting rate in sexual assault cases is significantly higher than for other violent offences. According to this national survey, the non-reporting rate in Canada has risen from 78% in 1999 to 88% in 2004 (Gannon and Mihorean 2005; Besserer and Trainor 2000). That is to say that in 2004, only one in ten sexual assault survivors chose to report the assault to the police. The research on which this article is based, addresses one of the factors that may contribute to such low reporting rates: the higher proportion of allegations that are classified as "unfounded" by police, compared to other violent offences.

The idea for this research project emerged at the 2003 National Victims of Crime Conference in Ottawa, where participants reiterated the need for more focused attention on sexual assault, in terms of both research and action to improve the criminal justice response. The exploratory study was undertaken by Linda Light and Gisela Ruebsaat (forthcoming) for the Justice Institute of British Columbia. It was funded by the Policy Centre for Victim Issues and the Government of British Columbia and was managed by the Research and Statistics Division at the Department of Justice Canada.

It is a well-known fact that most sexual assault survivors are female, and most perpetrators are male (Kong et al. 2003). As Light and Ruebsaat (forthcoming) note, the processing of sexual assault cases by criminal justice personnel is a widespread concern among those working in the violence against women area. This concern is supported by research with sexual assault survivors, who report that their experiences with the police and within the courts tend to make them feel like they are being dehumanized, blamed, and disbelieved (Hattem 2000; Tomlinson 1999.)

According to Statistics Canada, for a sexual assault to be classified as unfounded, the police investigation must establish that a sexual assault did not occur or was not attempted. Light and Ruebsaat (forthcoming) rightly emphasize that the erroneous classification of sexual assault cases as unfounded has serious implications for crime statistics and victim safety. On a broader level, they also emphasize that high unfounded rates have long been a source of tension between police and individual victims, as well as between police and abused women's advocates and service providers. Understandably, such tension can lead to an erosion of women's confidence in the justice system which, in turn, can lead to their reluctance to report sexual assault to the police.

The report shows that the rates of unfounded sexual assault cases vary widely between and within jurisdictions. For example, the unfounded rates in the police sites included in this study (described below) ranged from 7% to 28% in 2002 and 2003. According to Light and Ruebsaat (forthcoming), such wide jurisdictional variations raise the possibility of varying police beliefs and attitudes on the dynamics of sexual assault, as well as varying police investigative and offence classification practices in this area. The purpose of their research is to gain a better understanding of these issues.

Research Approach

Due to time limitations, the research took a primarily quantitative approach. It was conducted in four sites in British Columbia, all within driving distance of the Lower Mainland. The Vancouver Police Department (VPD) and the Richmond RCMP detachment had low unfounded rates, ranging from 7% to 12% for 2002 and 2003. The Chilliwack and Langley RCMP detachments had high unfounded rates, ranging from 19% to 28% during the same period.

A review was conducted of 148 police sexual assault files from these sites for 2002 and 2003, the most recent years for which statistics were available at the time the research was initiated. Approximately half the files were classified as founded and approximately half as unfounded. Information was gathered on factors such as the nature of the alleged incident, the initial disclosure or

report to police, the police response, victim characteristics and reactions, and suspect characteristics and behaviours.

In order to facilitate comparisons between sites with relatively low and relatively high unfounded rates, the data was divided into two sub-samples, with the Vancouver and Richmond sites in one, and the Chilliwack and Langley sites in the other. Two more sub-samples were created to facilitate comparison between the VPD, an independent municipal force, and the Chilliwack, Langley, and Richmond RCMP Detachments.

After completing a preliminary analysis of the file data, the researchers held group discussions with 18 key informants to seek their opinions on investigative and/or offence classification issues that had arisen during the file review and analysis. Key informants included police members and records staff from the RCMP and the VPD, staff from the BC Police Services Division of the Ministry of Public Safety and Solicitor General, and an RCMP Informatics staff person.

Main Research Findings

1. Investigative Issues

A number of factors were found to be statistically associated with the classification of sexual assault cases as either founded or unfounded: whether victims and suspects were strangers; whether mental health issues or mental disability were noted in the file; whether force was used; whether the victim said "no"; whether the victim appeared to be upset; and the formality of the police investigation.

1.1 Whether Victims and Suspects Were Strangers

When victims and suspects were strangers, it was three times more likely that a case was classified as founded than unfounded for the sample of victims aged 14 and over. This pattern was consistent across sites with high and low unfounded rates. Similarly, police key informants stated that, in their view, it is much less likely that a sexual assault allegation involving strangers will be unfounded.

Whether the victim and the suspect had had a prior sexual relationship did not have a statistically significant association with the founding decision. However, as Light and Ruebsaat (forthcoming) point out, this is likely a result of insufficient numbers since a prior sexual relationship was noted in only 16 of the files.

1.2 Whether Mental Health Issues/Mental Disabilities Were Noted in the File

When it was noted in the file that the complainant had mental health issues or a mental disability, the case was more likely to be classified as unfounded in sites with high sexual assault unfounded rates, and in the three RCMP detachments as a whole. This was contrary to findings in the sites with low unfounded rates, including the VPD alone.

According to Light and Ruebsaat (forthcoming), this information indicates that there is no intrinsic reason why a complainant's mental health issues or mental disability should affect the founding decision. Rather, they suggest that these factors will be less likely to affect the founding decision where investigators understand that affected individuals are particularly vulnerable to victimization in general, and to sexual assault in particular, and where investigators are adequately trained to interview such complainants.

1.3 Whether Force Was Used in the Sexual Assault

When it was noted in the file that the suspect used force, the case was more likely to be classified as founded than if no such use was noted in sites with high sexual assault unfounded rates and in the three RCMP detachments as a whole. The fact that no force was noted did not affect the founding decision to a statistically significant degree in sites with low sexual assault unfounded rates, including the VPD sample.

According to Light and Ruebsaat (forthcoming), this information indicates that there is no intrinsic reason why the use of force should affect the founding decision. Rather, they suggest that this factor will be less likely to contribute to an unfounded classification where police have received adequate training about the nature and dynamics of sexual assault.

1.4 Whether the Victim Said "No"

For victims aged 14 or over, when it was noted in the file that the victim said "no," the case was more likely to be classified as founded than when this was not noted in the file, in all sites except the VPD. As Light and Ruebsaat (forthcoming) note, this difference may indicate a tendency among some investigators in the RCMP detachments, to classify sexual assault cases as unfounded based on their beliefs about the nature of sexual assault, consent and victims' resistance. They also suggest that specialized police training in the VPD and the fact that the department has a specialized sex offences unit may have enhanced members' awareness and knowledge of these issues.

All police members who provided input to the research agreed that unless police have other reasons to doubt a victim's credibility or her version of events, the fact that she did not say "no" should not be a reason for classifying a case as unfounded. As the authors point out, a victim may have communicated a lack of consent in other ways or she may have had valid reasons for not saying "no" to the suspect.

1.5 Whether the Victim Appeared Upset

When it was noted in the file that the victim did not appear to be upset, the case was more likely to be classified as unfounded than when this was not noted in the file. This was true in sites with high unfounded rates and in the RCMP sample as a whole.

Light and Ruebsaat (forthcoming) question the assumption that all sexual assault victims will react by being upset. They also suggest that this assumption may have a gender dimension inasmuch as female victims of sexual assault may be expected to respond to the incident by being obviously upset. In fact, sexual assault victims may exhibit a wide range of reactions to the traumatic experience – from expressing very strong emotion to being very emotionally controlled. Key informants are well aware of this dynamic.

1.6 Formality of the Police Investigation

For the sample as a whole, sexual assault cases were more likely to be classified as founded when there was an indication in the file of a formal interview with or statement from the victim, witness, or suspect than when there was no such indication. However, limited numbers did not allow for further analysis of the relationship between the formality of police investigations and the founding rate.

Nonetheless, Light and Ruebsaat (forthcoming) remark that, in many cases in the sample as a whole, an informal rather than formal approach had been taken to obtaining information from victims, witnesses, and suspects.1 In some cases, no apparent attempt had been made to obtain information from the suspect even though one had been identified. The authors also remark that considerably more formal information was obtained from victims than from suspects in all the sites included in the study. They suggest that this may be indicative of an over-reliance on victim-generated evidence or a pre-disposition to focus the success or failure of the investigation on the victim rather than on the evidence as a whole.

Whatever the potential impact on founding decisions, most key informants agree that, in general, effective sexual assault investigations should include more rather than less formal investigative strategies and a serious attempt to interview any identified suspects.

2. Offence Classification and Statistical Issues

In addition to the investigative factors described above, the report addresses a number of offence classification and statistical issues that may impact on unfounded rates in sexual assault cases. These include the confusion between the "unfounded" and founded but "not cleared" categories; the use of an "unsubstantiated" category by the RCMP; the aggregate scoring of sexual offences involving children and adults; and the discontinuation of systematic reporting and analysis of data on sexual assault cases classified as unfounded.

2.1 Confusion between the "Unfounded" and "Not Cleared" Categories

Light and Ruebsaat (forthcoming) noted some confusion in the files between the "unfounded" and the founded but "not cleared" categories. As previously mentioned, cases should be classified as "unfounded" where there is evidence that an offence did *not* occur or was *not*

attempted. The category of founded but "not cleared" applies to cases where there is evidence that an offence took place, but not enough evidence to proceed. Problems arose where there was insufficient evidence to determine whether or not an offence had occurred.

Furthermore, in the VPD sample, the authors found that sexual assault cases with insufficient evidence to determine whether or not an offence had occurred were sometimes deliberately classified as unfounded in order to avoid the stigmatization of suspects. The motivation to avoid the unnecessary stigmatization of suspects is understandable. However, it is equally important to avoid the potential stigmatization of victims whose allegations are classified as unfounded on the basis of insufficient evidence, rather than left as founded but not cleared.

2.2 RCMP Use of an "Unsubstantiated" Category

In RCMP sites, cases can be classified as "unsubstantiated" where there is no evidence to confirm whether or not an offence has been committed. Such cases are not reportable to Statistics Canada. Light and Ruebsaat (forthcoming) note that some key informants are unclear about the difference between the "unfounded" and "unsubstantiated" designations, or even unaware that the latter exists. Key informants suggest that a new category of "insufficient evidence" would remove the need to decide whether a case is founded or not when there is not enough evidence to make that determination.

2.3 Aggregate Scoring of Child and Adult Sex Offences

Statistics on the levels of sexual assault cases that are classified as either founded or unfounded include both adults and children. Given that the circumstances and dynamics of child abuse are very different from those of adult sexual assault, Light and Ruebsaat (forthcoming) suggest that the lack of a distinction between the two could have an impact on unfounded rates. As the authors note, the dynamics surrounding consent, including whether a victim says "*no*" or physically resists, would not be relevant where the victim is under 14. A teenager's or adult's motivation to falsely allege sexual assault in order to extricate themselves from a difficult personal situation would not apply in the case of a young child. And a child's knowledge of sexual matters beyond his or her years would not be a factor where the victim of an alleged sexual assault is a teenager or an adult.

2.4 Inconsistent Reporting and Quality of Unfounded Data

It emerged over the course of the research that some police services across the country do not systematically collect data on any offences that are classified as unfounded, or do not forward the data they do collect to Statistics Canada. Furthermore, Statistics Canada no longer analyzes the data on unfounded cases that it does receive due to data quality issues. Light and Ruebsaat (forthcoming) note that no key informants at the local or provincial level appear to be aware of this state of affairs, which clearly has very serious implications for future research and monitoring capabilities in the area of sexual assault.

Conclusions

Light and Ruebsaat (forthcoming) repeatedly caution against overgeneralizing the study findings because of the relatively small size of the sample as well as its geographic limitations. However, given that the investigative and offence classification issues identified in their study are consistent with case processing issues identified in the literature (Light and Ruebsaat 2005), there is no reason to believe that the sites included in the study are unique in terms of police beliefs, attitudes, and practices.

As the authors emphasize, many of the files reviewed over the course of this research indicated that police had conducted thorough investigations, with a demonstrated sensitivity to the dynamics of sexual assault. However, they also identify a number of areas for improvement. Specifically, they underscore the need for enhanced training on the nature and dynamics of sexual assault, including the gendered nature of this offence, issues of victim consent and resistance, and the range of possible victim reactions to the trauma of victimization. They also highlight the need for training to improve investigative practices where required and strategies for investigating cases where complainants have mental health issues or mental disabilities.

Similarly, Light and Ruebsaat (forthcoming) suggest that enhanced training and quality control could contribute to greater accuracy and consistency in the classification of sexual assault allegations. In their view, particular attention should be paid to distinguishing between the "unfounded" and founded but "not cleared" designations, and in the RCMP, between the "unfounded" and "unsubstantiated" designations. They also identify the need to consider the implications of the current lack of national statistics on the level of sexual assault allegations that are classified as unfounded.

Whatever action is taken, a collaborative model involving abused women, their service providers and advocates, police services, as well as researchers and trainers, is key to improving criminal justice responses to sexual assault offences.

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Criminal Victimization in Canada's Territories: Results from the 2004 General Social Survey [1]

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Introduction

In Canada, there are two primary sources of statistical information on the nature and extent of crime: police-reported surveys and victimization surveys. Until recently, self-reported victimization data were unavailable for Canada's northern territories, leaving legislators, program and policy makers having to rely solely on police-reported crime data to inform policy decisions related to justice issues. Police data are limited, in that they only include incidents that come to their attention. According to the 2004 General Social Survey (GSS) on victimization, only about one-third of incidents are reported to the police.

For the first time, self-reported victimization data are available for the three northern territories from the 2004 General Social Survey on victimization[2]. Because the GSS asks a sample of the population about their personal victimization experiences, it captures information on all crimes whether or not they have been reported to the police.

1 Adapted from de Léséleuc, S. and J. Brzozowski, 2006. "Victimization and offending in Canada's Territories" *Canadian Centre for Justice Statistics Profile Series.* Catalogue no. 85F0033MIE. Ottawa: Statistics Canada.

2 The GSS on victimization captures information on eight types of victimizations. The survey does not capture information on crimes with no obvious victim, when the victim is a business or school, when the victim is deceased (e.g. homicides), or when the victim is under the age of 15.

With this newly available data source, a study designed to supplement what is already known about crime in the territories was undertaken. The primary purpose of this study was to profile the nature, extent and characteristics of self-reported violence experienced by Northern residents and make comparisons to the experiences of provincial residents. The study also examined the extent of spousal violence experienced by respondents and reviewed some of the demographic, social and economic factors which could help explain the higher rates of victimization in the territories.

Method

This study presents findings from a test collection of data from 1,300 households in Yukon, Northwest Territories and Nunavut from the 2004 General Social Survey (GSS) on victimization. Survey respondents who reported that they had been victimized were asked for detailed information. This included: where the incident occurred; whether the incident was reported to the police; the level of injury; and, the use or presence of a weapon. Data from the pilot survey were compared with victimization data collected from 24,000 households in the rest of Canada.

Compared to other areas in Canada, sampling and data collection in the territories pose additional challenges due to higher rates of incomplete telephone service and language difficulties. As a result, only 60% of the population in the territories is represented in the GSS sample, compared to the provincial GSS sample which represents 96% of the population in the provinces. Specifically, the GSS territorial sample underestimates the Aboriginal population, those whose mother tongue is not English and individuals living in rural areas. For this reason, the data in this study should be used with caution.

Results

Self-reported victimization in the North

Residents of the North more likely to be victimized

According to results from the GSS, 37% of residents 15 years of age or older living in the northern territories reported being victimized at least once in the previous 12 months. This was much higher than the proportion of provincial residents who were victimized (28%) over the same time period. Territorial residents were also more likely than provincial residents to have been repeat victims of crime. Approximately 20% of residents from the territories reported being victimized multiple times compared to 11% for the rest of Canada.

Northerners were also much more likely than provincial residents to experience a violent crime such as sexual assault, robbery and physical assault. In 2004, for every 1,000 Canadians aged 15 years and over living in the territories, there were 315 incidents of violent victimization [3]. This rate was almost three times the rate for residents in the rest of Canada (106).

Characteristics of offences against Northerners [4]

Research has shown that in general, when a crime is committed, it is likely that the police will not be notified (Gannon and Mihorean, 2005; Besserer and Trainor, 2000). In 2004, victims in the territories reported 25% of violent incidents to police, a figure which was comparable to the population in the rest of the country.

Violent incidents committed against territorial residents were much more likely to be perpetrated by someone who was known to the victim [5] (74%), such as a relative, friend, neighbour or acquaintance, com-

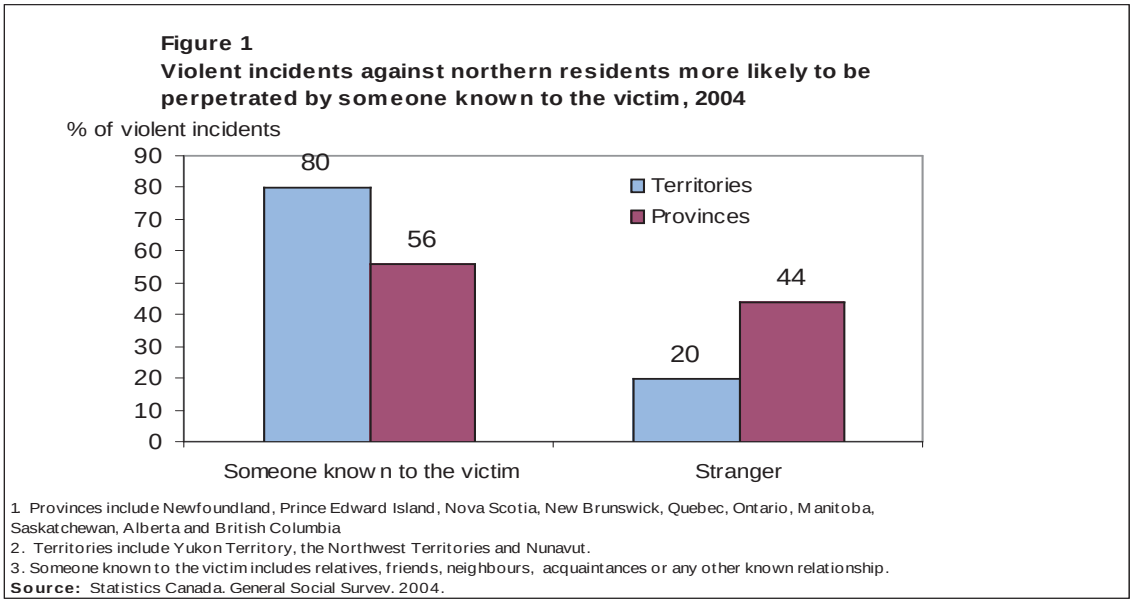
[3] This section includes incidents of spousal physical and sexual assault. For more information, see Gannon and Mihorean, 2005.

[4] This section excludes incidents of spousal physical and sexual assault because detailed information on each spousal incident is not available.

[5] Includes only violent incidents committed by a single perpetrator.

pared to incidents committed against provincial residents (43%). In contrast, northern residents were victimized by a stranger in 20% of violent incidents, compared to 44% of incidents committed against provincial residents (Figure 1). This could be partially explained by the fact that northern residents tend to live in smaller communities where residents are more likely to know each other.

Figure 1 Violent incidents against northern residents more likely to be perpetrated by someone known to the victim



Violent incidents committed against northern residents did not commonly involve the use of a weapon. In 2004, the accused had a weapon in 27% of violent incidents committed against northern victims, a figure which was not statistically different from that in the provinces. Furthermore, victims in the territories were injured in 43% of violent incidents committed against them compared to one quarter of violent incidents in the provinces. Victims from the territories and the provinces believed the incident was related to the accused's alcohol or drug use in over half of violent incidents committed against them (61% versus 52%).

Generally speaking, violent incidents are about twice as likely to occur in commercial or institutional establishments such as restaurants, bars, office buildings and shopping malls, than in the victim's home or surrounding area (Gannon and Mihorean, 2005). Results from the GSS, however, show that there is no statistically significant difference with respect to violent incidents committed against northern residents. For example, 30% of incidents occurred in commercial or public institutions, compared to 27% at the victim's home. The difference could partly be explained by the fact that northern residents are more likely to be victimized by someone they know. Also, many northern residents tend to live in remote areas, which are less likely to be surrounded by commercial establishments.

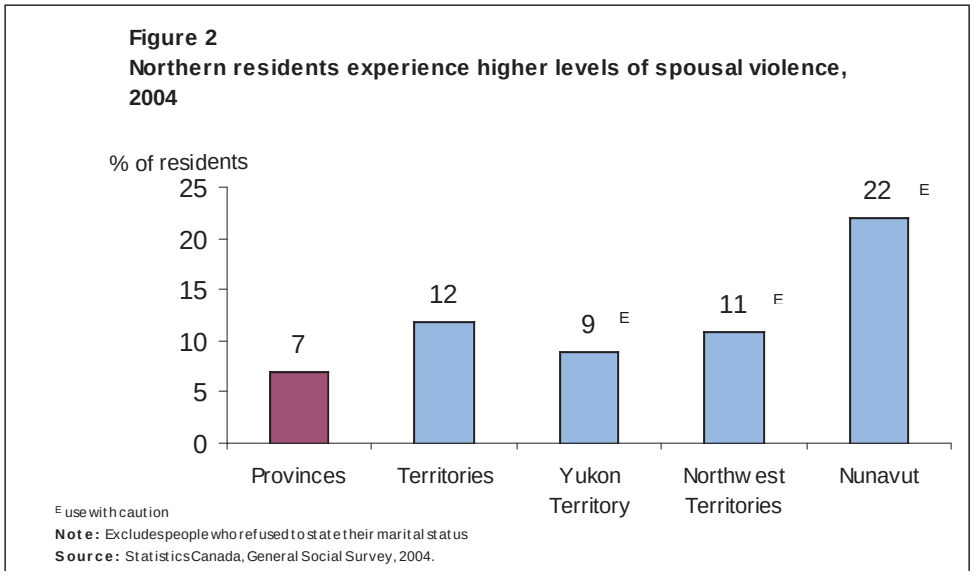
Spousal violence in the territories

Northern residents experience higher levels of spousal violence

According to the GSS, residents of the North experienced higher levels of spousal violence than their counterparts in the provinces. Approximately 12% of northern residents in a current or previous marital or common-law relationship reported being the victim of some form of spousal violence in the 5 years preceding the survey. This compares with 7% of the population in the provinces. There was no statistically significant difference in the

rate of spousal violence against men (12%) and women (13%). Considering differences between the territories, residents of Nunavut were far more likely to have been victims of spousal violence (22%) than residents in Northwest Territories (11%) and Yukon (9%).

Figure 2 Northern residents experience higher levels of spousal violence, 2004



Generally speaking, levels of spousal violence are much higher in previous relationships than in current unions (Mihorean, 2005). While this finding holds true for residents of the North, the difference between current and previous partner rates of violence is smaller. In 2004, approximately 20% of northern residents reported having experienced spousal violence by an ex-partner while 9% of residents suffered violence by a current partner. By comparison, 19% of provincial residents reported violence by an ex-spouse and 3% reported violence by a current spouse.

Female victims of spousal violence in the North were twice as likely as male northerners to suffer the most severe forms of spousal violence, such as being beaten, choked, threatened with or having had a gun or knife used against them, or sexually assaulted (57% compared with 23%). Women were also twice as likely to be injured as a result of the violence (59% versus 32%).

Victims of spousal violence from the territories were just as likely as victims from the provinces to say that their partner had been drinking at the time of the incident (37% compared with 35%).

Factors related to high levels of victimization in the North [6]

Researchers have pointed to a number of demographic, social and economic factors which can elevate the risk of victimization and/or offending. Some of these factors are: being young (Lochner, 2004); living in lone-parent families (Stevenson et al., 1998); living common-law (Mihorean, 2005); having high levels of unemployment (Raphael and Winter-Ebmer, 2001); being an Aboriginal person (Brzozowski et al., 2006), and the consumption of alcohol (Vanderburg et al, 1995). These factors are all more prevalent in the North.

Northern residents, particularly those in Northwest Territories and Nunavut, tend to be younger in general than residents in the rest of Canada. For example, according to the 2001 Census, while the median age

6 This section provides socio-demographic and economic characteristics associated with the risk of violent victimization. It does not, however, account for the possibility that these factors may be correlated with one another or with other factors that could further increase the risk of violent victimization.

ranged between 35 and 40 years in the provinces, the median age in Nunavut was 22.1, compared to that in Northwest Territories (29.0) and Yukon Territory (36.9) (Statistics Canada, 2002a).

The territories have the highest proportions of lone-parent families in Canada. According to the 2001 Census, lone-parent families represented 26% of all families in Nunavut, 21% in Northwest Territories and 20% in Yukon. This compares to proportions of lone-parent families in the provinces ranging from between 15% and 17% of all families (Statistics Canada, 2002b).

Common-law families in the North are also represented in higher proportions than in the provinces, comprising 31% of all families in Nunavut, 26% in Northwest Territories and 23% in Yukon. With the exception of Quebec, which also had a relatively high proportion of common-law families (25%), each of the other provinces had significantly lower proportions of common-law families, ranging between 9% and 13% of all families (Statistics Canada, 2002b).

Unemployment rates are higher in the North, compared to rates in most of the provinces. Among the territories, in 2001 Nunavut held the highest unemployment rate (17.4%), followed by Yukon (11.6%) and Northwest Territories (9.5%). By comparison, the overall Canadian unemployment rate was 7.4% (Statistics Canada, 2003a).

In the territories, Aboriginal people represent a significant proportion of the population. According to the 2001 Census, Aboriginal people in Nunavut represented 85% of the territory's total population, which was by far the highest concentration in the country. Aboriginal people represented more than half (51%) of the population in the Northwest Territories, and 23% of the population in the Yukon. By comparison, the provinces with the highest proportion of Aboriginal residents are: Saskatchewan (14%), Manitoba (14%) and Alberta (5%) (Statistics Canada, 2003b).

Residents of the territories are also more likely to report heavy drinking than provincial residents. The 2004 GSS asked respondents about the frequency in which five or more drinks were consumed at one sitting in a one-month period (used as a measure of heavy drinking). Territorial respondents were more likely to report having consumed five or more drinks on one or more occasion in the previous month compared to provincial respondents (53% compared to 37%).

Conclusion

The findings from this study represent the first comprehensive examination of details provided by Northerners themselves, about the nature and characteristics of their victimization offences. Generally speaking, northern residents experience much higher levels of criminal victimization and spousal violence than their provincial counterparts. While the reasons for the elevated rates of crime and victimization in the North are complex, they point to the need to examine crime in a broader social context. Specifically, a number of demographic, social and economic realities in the territories could help explain the North's higher crime levels.

In addition to supporting the need for ongoing data collection activities on victimization in the North, it is hoped that this study will provide policy makers and criminal justice personnel with information that will allow them to better address the risk factors as well as the system's response to crime in the North.

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The Review Board Systems in Canada: An Overview of Results from the Mentally Disordered Accused Data Collection Study

Jeff Latimer, Principal Statistician; Austin Lawrence, A/Senior Research Officer

Bill C-46: Records Applications Post-Mills, A Caselaw Review

Susan Mcdonald, A/Sr. Research Officer; Andrea Wobick, Research Assistant, Policy Centre For Victim Issues

A Meta-Analytic Examination Of Drug Treatment Courts: Do They Reduce Recidivism?

Jeff, Latimer, Principal Statistician; Kelly Morton-Bourgon, Research Officer; Jo-Anne Chrétien, Statistical Analyst

A Review Of Research On Criminal Victimization And First Nations, Métis And Inuit Peoples 1990 To 2001

Larry Chartrand; Celeste Mckay

The Anti-Terrorism Act And Security Measures In Canada: Public Views, Impacts And Travel Experiences

Nicole Crutcher; Michelle Budak

Firearms Statistics, Updated Tables

Kwing Hung, PhD

Unmet Need for Criminal Legal Aid: A Summary of Research Results

Ab Currie, Principal Researcher

Victims Of Trafficking In Persons: Perspectives From The Canadian Community Sector

Jacqueline Oxman-Martinez, PhD; Marie Lacroix, PhD; Jill Hanley, PhD ▲