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L'ÉQUIPE JURIDIQUE DU CANADA

The Federal Victim Surcharge

The 2013 Amendments and their Implementation in Nine Jurisdictions

Final Report

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Table of Contents

Executive Summary	v
1. INTRODUCTION	1
1.1 Background	1
1.2 Purpose.....	2
2. METHODOLOGY	4
3. RESULTS	5
3.1 The Alberta Experience	5
3.2 The Saskatchewan Experience.....	11
3.3 The Manitoba Experience	14
3.4 The Ontario Experience	18
3.5 The New Brunswick Experience	21
3.6 The Newfoundland and Labrador Experience	24
3.7 The Nova Scotia Experience.....	27
3.8 The Prince Edward Island Experience.....	31
3.9 The Yukon Experience	33
3.10 Parole Board of Canada	36
4. SUMMARY	38
5. REFERENCES	40
Appendix A.....	41
Appendix B.....	44

List of Tables

Table 1: Fine Option Program Availability.....	viii
Table 2: Collection/Enforcement Methods in Various Jurisdictions	ix
Table 3: Time Frame Established by Order in Council in Various Jurisdictions	x
Table 4: Impacts due to Changes in the Federal Victim Surcharge	xi
Table 3.1.1 Federal Victim Surcharges Imposed and Collected for Alberta by Fiscal Year, 2010-2015	10
Table 3.2.1: Federal Victim Surcharges Imposed and Collected for Saskatchewan by Fiscal Year, 2010-2015.....	13
Table 3.3.1: Federal Victim Surcharges Imposed and Collected for Manitoba by Fiscal Year, 2010-2015.....	17
Table 3.4.1: Federal Victim Surcharges Imposed and Collected for Ontario by Fiscal Year, 2009-2015	20
Table 3.5.1: Federal Victim Surcharges Imposed and Collected for New Brunswick by Fiscal Year, 2010-2015.....	23
Table 3.6.1: Federal Victim Surcharges Imposed and Collected for Newfoundland and Labrador by Fiscal Year, 2010-2015.....	26
Table 3.7.1: Federal Victim Surcharges Imposed and Collected for Nova Scotia by Fiscal Year, 2010-2015.....	29
Table 3.8.1: Federal Victim Surcharges Imposed and Collected for Prince Edward Island by Fiscal Year, 2010-2015.....	32
Table 3.9.2: Federal Victim Surcharges Imposed and Collected for Yukon by Fiscal Year, 2010-2015	35

Executive Summary

In October 2013, former Bill C-37, *Increasing Offenders' Accountability for Victims Act* (S.C. 2013 c.11), which doubled the amount of the federal victim surcharge (FVS) and removed judicial discretion of a waiver, came into effect. The Research and Statistics Division, Department of Justice Canada, was interested in better understanding how the 2013 amendments to the *Criminal Code* that were made to the FVS provisions (*Bill C-37*) have been working in terms of collection and enforcement in several jurisdictions since its coming into force on October 24, 2013. The results of this study will be used to identify the various impacts of the FVS 2013 amendments.

The ten primary research questions were:

1. a) What is the standard process in your jurisdiction followed by court staff/community corrections in order to collect the federal victim surcharge where the offender is unable to pay?
b) Is this process documented in a policy, manual or guidelines? Y/N
2. Does your jurisdiction offer a Fine Option Program? Y/N
3. a) Is the Fine Option Program available to the federal victim surcharge? Y/N
b) When did it become available?
4. Based on your records, since November 2013, how many offenders cannot pay their federal victim surcharge and are being referred to the Fine Option Program? What proportion of total offenders does this group represent?
5. Since November 2013, where offenders cannot pay their federal victim surcharge and there is no Fine Option Program, or it is not available in these cases, how is your jurisdiction enforcing these orders?
6. Based on your records, since November 2013 how many offenders' cases, in which their federal victim surcharge has not been paid, are referred to collection agencies? What proportion of total offenders does this group represent?
7. a) Since November 2013, what other measures are used to enforce payment of the federal victim surcharge in your jurisdiction? For example, income tax refund hold back, denial of renewal of driver's license, denial of renewal of other permits/licenses, etc.
b) Were any of these measures added after former Bill C-37 came into force? If so, which ones?

8. Subsection 737(4) of the *Criminal Code* notes that the jurisdiction is to establish the time in which a surcharge must be paid and, “If no time has been so established, the surcharge is payable within a reasonable time after its imposition.”
 - a) Has a time frame been established by the Lieutenant Governor in Council of your jurisdiction? Y/N If so, what is the time frame?
 - b) How was this time frame communicated? (e.g., memo to staff, issuance of guidelines, etc.)
 - c) From your records, what percentage of the federal victim surcharge is being collected within a “reasonable time” as defined by your jurisdiction?
9. Based on your experience, what problems have you had with the enforcement of/collection of the federal victim surcharge?
10. Based on your experience in your jurisdiction, what has been the impact of the mandatory surcharge (e.g., since former Bill C-37 came into force) on:
 - a) resources in courts administration and community corrections in your jurisdiction,
 - b) revenues to fund victim services, and
 - c) ability of offenders to complete their sentences?

Methodology

The methodology used in this study was predominantly qualitative in nature, complemented with a few broad statistics on the collection of the federal victim surcharge culled from various Justice Information Systems (JIS) across the country. Information on the present collection and enforcement process of the federal victim surcharge was collected through phone interviews and supplemented with written responses from 40 key informants in nine jurisdictions including Alberta, Newfoundland and Labrador, New Brunswick, Prince Edward Island, Nova Scotia, Ontario, Manitoba, Saskatchewan and Yukon; and two key informants from the Parole Board of Canada.

Key Informants

A total of 40 key informants from nine jurisdictions working in the Canadian criminal justice system participated in the study, as well as two key informants from the Parole Board of Canada. Four jurisdictions responded only in writing; while two jurisdictions' contributions were the culmination of one individual's efforts in pulling together relevant information from colleagues in various departments within their jurisdiction and relaying that information during a phone interview. The remaining three jurisdictions contributed information primarily through group/conference calls with two or more individuals participating during the same interview/call. Both individuals from the Parole Board of Canada were interviewed by phone.

Results

Fine Option Program

The Fine Option Program (Table 1) is available in all jurisdictions contacted except Newfoundland and Labrador, and Ontario, however, it is only available for federal victim surcharge satisfaction in these four jurisdictions: Alberta, Saskatchewan, Manitoba and the Yukon. Manitoba informants estimated that very few offenders, perhaps less than 5%, use this program to satisfy their federal victim surcharge. The other jurisdictions had no estimate of how many offenders use their Fine Option Program to satisfy the federal victim surcharge.

Table 1: Fine Option Program Availability

Province	Fine Option Program	Fine Option for FVS	Fine Option Available
Alberta	Yes	Yes*	2014
Saskatchewan	Yes	Yes	2014
Manitoba	Yes	Yes	2013
Ontario	No	-	-
New Brunswick	Yes	No	-
Newfoundland and Labrador	No	-	-
Nova Scotia	Yes	No	-
Prince Edward Island	Yes	No	-
Yukon	Yes	Yes	2013

*Only able to participate in the Fine Option Program if non-payment of those fines will result in a default period of custody

Interestingly, it was Nova Scotia, which does not use the Fine Option Program to satisfy the federal victim surcharge, that had the most to say about the effectiveness of their approach. They felt that not using the Fine Option Program had significantly and positively impacted the payment of the federal victim surcharge in their jurisdiction. From February 1990 until June of 2000 the Fine Option Program was available for the satisfaction of the federal victim surcharge; however, it was noted more times than not that the offender would work off the fine portion of their sentence and leave the surcharge unpaid. Amendments made in June of 2000 now require offenders to pay federal victim surcharge and court costs *prior to being admitted* into the Fine Option Program. In many cases where large fines need to be satisfied, this has provided a strong incentive for offenders to pay the federal victim surcharge in order to gain access to the Fine Option Program. Although there was no data to support this assertion, informants all agreed this change in policy has had an overall net positive effect on collection of federal victim surcharge in this jurisdiction.

Collection and Enforcement Methods

Various collection and enforcement methods (Table 2) were noted across all jurisdictions. Five jurisdictions use an internal government collection agency, whereas only two jurisdictions use a third party for collection services. Motor vehicle sanctions are consistently used by four jurisdictions, while the CRA Federal Refund Set-off Program is utilized by four jurisdictions. Only two jurisdictions engage default hearings/time served as their primary enforcement method.

Table 2: Collection/Enforcement Methods in Various Jurisdictions

Province	Internal Collection	External Collection	Driver's/Vehicle Licence Renewals	Default Hearing/Serve Time	CRA Federal Refund Set-off Program
Alberta	Yes	No	Yes	Yes	Yes
Saskatchewan	Yes	No	No	No ²	Yes
Manitoba	No	Yes	No ¹	No ²	No
Ontario	No	Yes	No	No	No ⁴
New Brunswick	No	No	No	Yes	No
Newfoundland and Labrador	Yes	No	Yes	No	Yes ³
Nova Scotia	Yes	No	Yes	No	Yes
Prince Edward Island	Yes ⁵	No	Yes	No	No
Yukon	No	No	No	No	No

¹ in the process of implementing this enforcement strategy

² offenders can request to serve time in lieu of payment

³ if total fines owing exceed \$300

⁴ in the process of implementing for the 2016-17 year

⁵ there is a Sheriff position dedicated to fine collection which includes the victim fine surcharge.

Time Frames

Subsection 737(4) of the *Criminal Code* notes that each jurisdiction is to establish the time in which a surcharge must be paid and “If no time has been so established, the surcharge is payable within a reasonable time after its imposition”. A time frame to satisfy the federal victim surcharge has been established by the Lieutenant Governor in Council in only three jurisdictions (Table 3); however, interviewees in all other jurisdictions stated that a time frame to satisfy the federal victim surcharge is consistently, clearly and directly conveyed to the offender at the time of sentencing.

Table 3: Time Frame Established by Order in Council in Various Jurisdictions

Province	Yes/No	Established	Time Frame Used	Extensions Available?
Alberta	Yes	1999	As determined by legislation; ranging from 2 months-2years	Yes
Saskatchewan	Yes	1999	30 days	Yes
Manitoba	No	-	Typically 30 days; unless otherwise stated by judge at time of sentencing	Yes
Ontario	Yes	1999	30 days for summary conviction; 60 days for an indictable offence	Yes
New Brunswick	No	-	Default hearing date set at time of sentencing; judge confers with offender on time required	Yes
Newfoundland and Labrador	No	-	30 days (when no fine imposed) Fine imposed; judge confers with offender on time required	Yes
Nova Scotia	No	-	Judge confers with offender on time required; date set at time of sentencing	Yes
Prince Edward Island	No	-	Assigned by judge at time of sentencing	Yes
Yukon	No	-	Assigned by judge at time of sentencing	Yes

Impacts

There were very few impacts identified (Table 4) other than the “obvious burden being placed on offenders who clearly are unable to pay, e.g., homeless, unemployed, persons with addictions” that was articulated by several of the key informants. Additionally, substantial increases in paperwork for a few courts and minimal increases in another two courts were noted as impacts. Eight of the nine jurisdictions confirmed there have been increases in revenues generated for Victim Services (details Appendix B).

Table 4: Impacts due to Changes in the Federal Victim Surcharge

Province	Administration	Victim Services Fund	Offender's Sentence Completion
Alberta	No	Increase	No
Saskatchewan	Minimal Paperwork Increase	Increase	Unknown
Manitoba	Substantial Paperwork Increase Outdated JIS	Increase	No
Ontario	Minimal Paperwork Increase	Increase	Unknown
New Brunswick	Substantial Paperwork Increase Outdated JIS	Increase	No
Newfoundland and Labrador	No	Increase	Unknown
Nova Scotia	No	Increase	No
Prince Edward Island	No	Decrease	Yes
Yukon	No	Increase	Yes

During interviews with key informants there were several concerns raised that were not explicit in the interview protocol, but were related to the questions asked. Various jurisdictions noted issues relating to:

- information systems that are not automated, e.g., paper/pencil and filing cabinets,
- outdated justice information systems unable to answer simple queries,
- creative/compassionate sentencing practices being employed by the Bench to work around the mandatory imposition of the surcharge,
- northern territories unable to utilize typical enforcement sanctions on the federal victim surcharge due to the wording of the *Criminal Code* ,
- the desire to have internal government collection agencies collect the federal victim surcharge.

Summary

The objective of this research was to develop a better understanding of the current status of collection and enforcement of the federal victim surcharge in cases where the offender is not compliant making their payment, as well as identify challenges that are present in the current process.

There is marked variability across jurisdictions on the processes used for the collection and enforcement of unpaid federal victim surcharge. Almost half of the jurisdictions questioned use internal collection

agencies (n=5), denial of motor vehicle license renewals (n=4), and CRA's Federal Refund Set-off Program (n=4); fewer jurisdictions use external third party collection agencies (n=2) and default hearings with subsequent time served (n=2) as enforcement mechanisms. Only one province uses all four mechanisms involving internal collections, denial of licence renewals, default hearings and the CRA's Federal Refund Set-off Program. Three jurisdictions use only one strategy. Finally, there is one jurisdiction that does not use any special strategies for collecting unpaid federal victim surcharge; the unpaid surcharge simply "sits on the books". Unfortunately, due to time constraints and archaic justice information systems there were not any data available that would illuminate how these enforcement techniques are related to local collection rates of the federal victim surcharge.

Further, it was found that the Fine Option Program is available for federal victim surcharge satisfaction in four jurisdictions; however, the rate this program is being used for that purpose was not available from any key informant. It was also noted that a time frame to satisfy the federal victim surcharge has been established by the Lieutenant Governor in Council in only three jurisdictions; however, every other jurisdiction establishes clear time frames for payment of the FVS at the time of individual sentencing.

Interviewees from the majority of jurisdictions (n=6) felt there has been minimal impact in terms of court services administration; as well, it was noted that there had been a consistent increase in funds available for Victim Services (n=8), and there was little comment on the impact of the FVS on the offenders' ability to complete their sentences. There was a variety of concerns raised during the interviews, the most notable involving outdated justice information systems (n=3) and creative sentencing practices being employed by the judiciary (n=8) to work around the mandatory imposition of the federal victim surcharge.

What was particularly striking about the interview process in this project was how many personnel and departments had to be consulted to garner the answers to the ten questions posed in the interview protocol. There was not a single jurisdiction where one individual, through no fault of their own, was aware of the complete process in cases where the federal victim surcharge is not paid in a timely manner. That being said, this is not a case where the federal victim surcharge is slipping through the proverbial cracks of the collection/enforcement process. Each jurisdiction does have a clear plan for recovery of these funds; however, the *knowledge of this process is very compartmentalized*, with each department only aware of their piece of the collection/enforcement puzzle.

As the Department of Justice Canada moves forward in its efforts to understand how the federal victim surcharge regime has been evolving across the country, most notable is the high degree of variation among jurisdictions to approaching the collection and enforcement issues around the federal victim surcharge.

1. INTRODUCTION

1.1 Background

A federal victim surcharge is an additional penalty automatically imposed on offenders at the time of sentencing. There is a federal and in most jurisdictions, a provincial/territorial surcharge that is collected and retained by the provincial and territorial governments, and used to help fund programs, services and assistance to victims of crime within the provinces and territories.

The federal victim surcharge was first enacted in 1988 and proclaimed in 1989; it was called the “victim fine surcharge”. Further amendments were enacted in 2000 to fix the amount and make it mandatory, although the judge had the discretion to waive the surcharge for reasons of “undue hardship.” At this time, the surcharge became known simply as the “federal victim surcharge”. Prior to Bill C-37, the judge was required to order the surcharge, which was 15% of any fine imposed on the offender, or if no fine was imposed, \$50 in the case of an offence punishable by summary conviction and \$100 in the case of an offence punishable by indictment. An increased surcharge, at the discretion of the judge, in appropriate circumstances could also be imposed and the fine option program could not be used to discharge a surcharge. The judge could waive the surcharge for reasons of undue hardship.

Research was undertaken by the Department in the early 90s to determine how the federal victim surcharge (FVS) was working. The studies showed that the federal victim surcharge was being waived the majority of the time and collection of the surcharge when imposed was not high.

A recommendation to increase the amount of the federal victim surcharge in the mid-2000s resulted in additional research being done. The Department conducted studies in three jurisdictions: New Brunswick, the Northwest Territories and Saskatchewan. Results were quite similar to the previous research, even with the 2000 amendments to the *Criminal Code* which made the imposition mandatory. In all three jurisdictions, the federal victim surcharge was waived in the majority of cases, particularly in cases where there were custodial sentences.

Bill C-37, *An Act to amend the Criminal Code* (or the *Increasing Offenders’ Accountability for Victims Act*), was introduced in April 2012 and amendments to the surcharge provisions in the *Criminal Code* came into force on October 24, 2013. These amendments included:

- section 737(5) of the *Criminal Code* (the *Code*) to eliminate judicial discretion to waive the surcharge in cases of “undue hardship”;
- section 737(2) of the *Code* to increase the federal victim surcharge from 15% to 30% of a fine imposed by the court;
- section 737(2) of the *Code* to increase the federal victim surcharge from \$50 to \$100 for offences punishable by summary conviction if no fine is imposed by the court; and
- section 737(2) of the *Code* to increase the federal victim surcharge from \$100 to \$200 for offences punishable by indictment if no fine is imposed by the court.

Bill C-37 also amended the *Criminal Code* to provide that offenders who are unable to pay the surcharge may be able to participate in a provincial fine option program where one exists. Not all the provinces and territories offer the fine option program under section 736 of the *Code*.

There is a need to understand how the federal victim surcharge regime is working since the former C-37 amendments came into force and effect in October 2013.

1.2 Purpose

The purpose of the present study is to understand:

- 1) What is the standard process followed by court staff/community corrections in order to a) collect? and b) enforce the federal victim surcharge when an offender is unable to pay?; and
- 2) What has been the impact of Bill C-37 amendments at the local level?

These issues were formulated into ten primary research questions:

1. a) What is the standard process in your jurisdiction followed by court staff/community corrections in order to collect the federal victim surcharge where the offender is unable to pay?

b) Is this process documented in a policy, manual or guidelines? Y/N
2. Does your jurisdiction offer a Fine Option Program? Y/N
3. a) Is the Fine Option Program available to the federal victim surcharge? Y/N

b) When did it become available?

4. Based on your records, since November 2013, how many offenders cannot pay their federal victim surcharge and are being referred to the Fine Option Program? What proportion of total offenders does this group represent?
5. Since November 2013, where offenders cannot pay their federal victim surcharge and there is no Fine Option Program, or it is not available in these cases, how is your jurisdiction enforcing these orders?
6. Based on your records, since November 2013 how many offenders' cases, where their federal victim surcharge has not been paid, are referred to collection agencies? What proportion of total offenders does this group represent?
7. a) Since November 2013, what other measures are used to enforce payment of the federal victim surcharge in your jurisdiction? For example, income tax refund hold back, denial of renewal of driver's license, denial of renewal of other permits/licenses, etc.
b) Were any of these measures added after former Bill C-37 came into force? If so, which ones?
8. Subsection 737(4) of the *Criminal Code* notes that the jurisdiction is to establish the time in which a surcharge must be paid and, "If no time has been so established, the surcharge is payable within a reasonable time after its imposition."
 - a) Has a time frame been established by the Lieutenant Governor in Council of your jurisdiction? Y/N If so, what is the time frame?
 - b) How was this time frame communicated? (e.g., memo to staff, issuance of guidelines, etc.)
 - c) From your records, what percentage of the federal victim surcharge is being collected within a "reasonable time" as defined by your jurisdiction?
9. Based on your experience, what problems have you had with the enforcement of/collection of the federal victim surcharge?
10. Based on your experience in your jurisdiction, what has been the impact of the mandatory surcharge (e.g., since former Bill C-37 came into force) on:
 - a) resources in courts administration and community corrections in your jurisdiction,
 - b) revenues to fund victim services, and
 - c) ability of offenders to complete their sentences?

2. METHODOLOGY

All 13 jurisdictions were invited to participate in this study. Ultimately, nine jurisdictions participated: Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and the Yukon. Additionally, federal officials from the Parole Board of Canada participated. Phone interviews were conducted to collect information pertaining to the collection and enforcement process of the federal victim surcharge in various jurisdictions post former Bill C-37, which came into force on October 24, 2013. Possible key informants were identified by Department of Justice and contact information was given to the contractor. Letters of introduction and interview protocols (Appendix A) were forwarded to these initial points of contact in the hopes of identifying knowledgeable personnel willing to participate in the study. Initial contact was made either by phone or email.

Four jurisdictions responded only in writing, while two jurisdictions' contributions were the culmination of one individual's efforts in pulling together relevant information from colleagues in various departments within their jurisdiction and relaying that information during a phone interview. The remaining three jurisdictions contributed primarily through group/conference calls with two or more individuals participating during the same interview/call. Both individuals from the Parole Board of Canada were interviewed by phone.

A single interview protocol was used to bolster convergent validity of the qualitative data collected. In cases where informants did not feel they had an opinion or information regarding the question asked, they were instructed to indicate that lack of insight and the interviewer moved on to the next question. Interviews ranged in time from 15 to 75 minutes. Information collected during the interview was occasionally (n=4) supplemented with written notes provided by key informants forwarded in emails after the interviews.

3. RESULTS

Results are presented by jurisdiction.

3.1 The Alberta Experience

There were a total of nine participants from the Alberta Justice System. These key informants came from five divisions within one department.

The primary key informants (n=9) included:

- Special Initiatives Project Lead, Victims Services, Justice and Solicitor General, Alberta
- Legal Counsel, Justice and Solicitor General, Alberta
- Administrator, Justice and Solicitor General, Alberta
- Research & Evaluation Analyst, Strategic Information and Evaluation, Resolution and Court Administration Services, Justice and Solicitor General, Alberta
- Executive Director, Strategic Services Branch, Correctional Services Division, Justice and Solicitor General, Alberta
- Director of Collections, Claims & Recoveries, Justice Services, Justice and Solicitor General, Alberta
- Collections Supervisor, Justice and Solicitor General, Alberta
- Director, Policy Unit, Justice and Solicitor General, Alberta
- Policy Counsel, Justice and Solicitor General, Alberta

3.1.1 Standard Collection Process

In Alberta, unpaid federal victim surcharges are given to the Fines Enforcement Program after the time period given to pay has expired. This is clearly documented in internal procedure manuals. In a minority of cases, offenders whom are unable to pay their surcharge choose to serve the days in default instead of paying the fine amount.

3.1.1.1 Fine Option Program

The Fine Option Program (FOP) has been available in Alberta for federal victim surcharges since 2014. FOP policy was updated in October 2013 to reflect the changes regarding working off federal victim

surcharges; however, amendments to the Fine Option Order are currently being discussed to ensure clarity concerning their inclusion in the program.

At present, the program allows offenders that are sentenced to pay the federal victim surcharge to participate in the Fine Option Program *only if non-payment of those fines will result in a default period of custody*. It allows offenders to satisfy the financial terms of their fines through community work service. They can perform this service in lieu of, or as a supplement to, the cash payment of the federal victim surcharge. The compensation rate is set at minimum wage standards. This monetary amount is used to compute the number of hours required to meet the court financial requirements. When enough credits are earned, a voucher is issued to the clerk of the court indicating that the requirements of the fine have been satisfied.

Exact numbers of how many offenders use the Fine Option Program to satisfy their federal victim surcharge are not available as data would need to be pulled from the Justice Offender Information Network (JOIN) which involves request forms and weeks of waiting to receive the information/data, a time frame that could not be accommodated in this short project. Although the Fine Option Program is available, the program was not designed for the significant increase in offenders that may occur due to the mandatory nature of the federal victim surcharge.

3.1.2 Standard Enforcement Process

Overdue surcharge payments are handled by the Fines Enforcement Program, a division of Alberta Justice and Solicitor General that works in conjunction with the Alberta Courts. Other standard enforcement strategies such as withholding motor vehicle license renewals and the CRA federal off-set program are utilized in this jurisdiction. Default hearings and subsequent time served are also used to satisfy the federal victim surcharge in Alberta.

3.1.2.1 Reasonable Time

Subsection 737(4) of the *Criminal Code* notes that the jurisdiction is to establish the time in which a surcharge must be paid. This time frame was established by the Lieutenant Governor in Council of Alberta's jurisdiction on December 15, 1999 by Order in Council 523/1999.

It states in this Order,

(a) "offence" means an offence referred to in section 737 of the *Criminal Code* (Canada);

(b) "federal victim surcharge" means a victim surcharge imposed under section 737 of the *Criminal Code* (Canada).

2 If a federal victim surcharge is imposed on a person convicted of an offence or discharged under section 730 of the *Criminal Code* (Canada) of an offence and a fine is not imposed in respect of that offence, that federal victim surcharge is payable by that person within the following time periods:

- (a) where a ***non-custodial sentence*** is imposed, ***within 2 months from the date of the sentencing*** of that person;
- (b) where a custodial sentence is imposed, within the sooner of
 - (i) 2 months from the expiry date of the warrant of committal issued in respect of that person, or
 - (ii) 2 years from the date of the sentencing of that person;
- (c) where a ***conditional or intermittent sentence is imposed***, within ***2 months from the date of the sentencing*** of that person.

3 Notwithstanding section 2, if:

- (a) an information sets out more than one offence,
- (b) a person is convicted of more than one of those offences and a fine is imposed on that person at the time of sentencing in respect of any one or more but not all of those offences for which the person is convicted, and
- (c) a federal victim surcharge is imposed on that person in respect of one or more of the offences for which the person is convicted but for which a fine was not imposed, that federal victim surcharge is payable by that person,
- (d) where the person is convicted of more than one of those offences but a fine is imposed in respect of only one of the offences, on or before the date on which that fine is payable, or
- (e) where the person is convicted of more than one of those offences, a fine is imposed in respect of more than one but not all of those offences and those fines are payable on different dates, on or before the last of those dates.

This established time frame has been the subject of confusion since its inception and it is going to be revised in the near future to further clarify the time frames established in this legislation.

3.1.3 Impacts Due to Changes in the FVS

When asked what the impacts have been on the federal victim surcharge regime in Alberta since former Bill C-37 came into force in October 2013, it was stated there have been “substantial repercussions due to the removal of judicial discretion in relation to the imposition of a mandatory federal victim surcharge for all offences that has caused a number of concerns in Alberta.” The primary concern has been the number of “creative” judicial approaches to either avoid imposing the surcharge, or to impose meaningless or unenforceable conditions on its payment.

For example, some judges will simply indicate that they are waiving the surcharge, despite the fact that the amendments made it mandatory. Although this error could be appealed, it is simply not feasible from a resource perspective to pursue an appeal in all cases in which this occurs. The costs of pursuing the appeal would far outstrip the benefit of having the offender ordered to pay the surcharge. There is no record of any appeal on such grounds.

Other judges commonly will state that they are imposing the federal victim surcharge, but ordering that its payment is satisfied by the offender's appearance in court on the date of sentencing by imposing one day in default with no warrant of committal.

Still other judges will impose the federal victim surcharge, but then grant an excessively lengthy period of time to pay. For example, some offenders have been given as long as 30 years to pay the surcharge. This results in a meaningless order and completely frustrates the province's ability to collect the surcharge.

Other judges will accept counsel's submissions that a fine is an appropriate sentence, but then order that the fine imposed is inclusive of the surcharge. This has the effect of reducing the amount of the fine accordingly, which arguably affects the fitness of the sentence.

Further, it was noted by victim service providers that where "creative" judicial approaches have been used, victims have reported a lack of confidence in the judicial process. It was speculated that this negative impact on overall victim satisfaction is "likely to spread to the public at large, leading to low public confidence in the judiciary." It was further posited that this potential lack of confidence could not only "bring the proper administration of justice into question, but does nothing to assist victims."

Another concern raised related to the enforcement/collection process. Respondents stated that "impecunious offenders may find themselves in a position of simply being unable to pay the mandatory surcharge." To support this assertion, a recent study was quoted that surveyed individuals being released from the Edmonton Remand Centre indicating that 14% of these individuals did not have a place to stay or a home to go to on release; half of those individuals were released from custody with no personal funds whatsoever. This was offered as a demonstration of the limited financial means and unstable housing facing a significant percentage of offenders in this jurisdiction.

3.1.3.1 Administration

There has not been a significant increase in administrative tasks due to the increased levying of federal victim surcharges in Alberta. It was stated that manual calculations are required by court services when determining the amount of the federal victim surcharge, even though the bulk of the justice system is automated in this jurisdiction.

Further, Alberta has not experienced an increase in costs associated with litigation related to the 2013 FVS amendments. There are no reported cases in which the amendments were challenged and there are no appellate decisions addressing the changes.

3.1.3.2 Victim Services Revenues

It is interesting to note that there was a substantial decrease in FVS collected during the fiscal year when former Bill C-37 came into force. Revenues plummeted over \$1 million dollars that year, dropping from \$2,723,000 during 2011-12 to \$1,721,000 collected in 2012-13. Similar to other jurisdictions that experienced this dramatic drop during the C-37 timeframe, there has been a steady increase in revenue noted in the past three years; however, the highest collection year for the FVS remains *prior* to October 2013.

Table 3.1.1 Federal Victim Surcharges Imposed and Collected for Alberta by Fiscal Year, 2010-2015

Year	FVS Imposed	FVS Collected
2010-11	N/A	\$1,439,000
2011-12	N/A	\$2,723,000
2012-13	N/A	\$1,721,000
2013-14	N/A	\$1,995,000
2014-15	N/A	\$2,188,000

It was noted by some interviewees that “although there may be an increase in revenues for victim services, the imposition of a mandatory federal victim surcharge on impecunious offenders is not effective as it does not provide revenues to fund victim services and therefore does nothing to provide for support of victims.” An overall collection rate of federal victim surcharge for this jurisdiction could not be estimated.

3.1.3.3 Offenders’ Sentence Completion

When the legislation came into force in October 2013, personnel in Alberta Corrections expressed significant concern with the potential impact the lack of judicial discretion would have on the Fine Option Program participants, as well as the custodial population. Although numbers were not cited, these concerns still remain, as there is a perceived strain on resources and bed availability due to the inability of offenders to pay their fines and surcharges.

3.1.4 Local Recommendations

There were no specific recommendations from this jurisdiction.

3.2 The Saskatchewan Experience

There were a total of four participants from Saskatchewan. The informants all came from one department, but were from three different programs.

The primary key informants (n=4) included:

- Executive Director, Community Justice Division, Saskatchewan Ministry of Justice
- Manager, Financial Programs, Victim Services, Community Justice Division, Saskatchewan Ministry of Justice
- Senior Analyst, Criminal Justice Information Management System, Saskatchewan Ministry of Justice
- Manager, Fine Collection Branch, Saskatchewan Ministry of Justice

3.2.1 Standard Collection Process

Tracking the payment of the federal victim surcharges in Saskatchewan is a highly automated regime. The surcharge is immediately typed into the computer system at the time of imposition; with reminder letters automatically issued on day 30 when payment is not collected according to the legislated time frame. The outstanding federal victim surcharge amount is then automatically sent to the Canadian Revenue Agency (CRA) on day 90, where the primary enforcement mechanism of the Federal Refund Set-off Program is then activated.

3.2.1.1 Fine Option Program

The Fine Option Program has been available for federal victim surcharge satisfaction since March 2014. The informants could not speak to the number of offenders utilizing the Fine Option Program for federal victim surcharge satisfaction.

3.2.1.2 Collection Rates

Collection rates over the five year period from 2010-2015 averaged at 79%. This was the highest collection rate in the country for those jurisdictions that collection rates could be calculated.

3.2.2 Standard Enforcement Process

As stated previously, the outstanding federal victim surcharge is automatically sent to the Canadian Revenue Agency (CRA) when the time period to pay has expired, at which point the primary enforcement mechanism of the Federal Refund Set-off Program is then activated. There are no third party external collection agencies utilized in this jurisdiction for outstanding federal victim surcharge. Finally, it was noted that offenders may apply to serve time in lieu of payment of the federal victim surcharge.

3.2.2.1 Reasonable Time

A reasonable time frame, of 30 days, to satisfy the federal victim surcharge ***has been established*** by the Lieutenant Governor in Council in this jurisdiction. Informants were unable to comment on the percentage of federal victim surcharge being collected in a timely manner.

3.2.3 Impacts Due to Changes in the FVS

When asked what problems have arisen with the enforcement/collection of the federal victim surcharge it was stated that “the standard problems for any collection process; these problems are not unique to the federal victim surcharge.”

3.2.3.1 Administration

It was felt that there has been a minimal administrative impact e.g., higher number of phone calls requesting extensions, due to the mandatory imposition of the federal victim surcharge.

3.2.3.2 Victim Services Revenues

There has been a dramatic increase in the dollar amount of federal victim surcharge both imposed and collected since October 2013 in this jurisdiction. What is particularly striking is the high proportion of federal victim surcharge that been collected in the five year period, 2010-15, averaging at 79%.

Those interviewed believe this increase in collection rate is primarily due to the changes in the *Criminal Code*; however it was acknowledged this could be in part due to a third variable like an increase in collection efforts, population growth, etc.

**Table 3.2.1: Federal Victim Surcharges Imposed and Collected for Saskatchewan by
Fiscal Year, 2010-2015**

Year	FVS Imposed	FVS Collected
2010-11	\$687,041	\$516,754
2011-12	\$699,484	\$541,794
2012-13	\$731,995	\$687,412
2013-14	\$1,237,052	\$1,124,861
2014-15	\$3,873,651	\$2,838,517

3.2.3.3 Offenders' Sentence Completion

The informants did not feel they could comment on this question.

3.2.4 Local Recommendations

There were no recommendations from this jurisdiction.

3.3 The Manitoba Experience

There were a total of four participants from the Manitoba Justice System representing the Courts Division (n=3) and the Fine Option Program (n=1).

The primary key informants (n=4) included:

- Executive Director, Manitoba Court Services, Courts Division, Manitoba Justice
- Senior Revenue Policy Analyst, Courts Division, Manitoba Justice
- Manager of Revenue and Trust Processing, Courts Division, Manitoba Justice
- Manager of Community Support, Intake and Records, Fine Option and Community Service Work Program, Court Report Writing Unit, Manitoba Department of Justice

3.3.1 Standard Collection Process

In Manitoba, at the time of sentencing the judge directs the offender to pay their surcharge or sign up for the Fine Option Program. Information respecting the Fine Option Program is included on the Fine Order provided to offenders at the time of sentencing. The standard collection process for offenders who do not pay their surcharge is not documented in any official capacity. There are no guidelines, written policies or manuals outlining this process. When the Fine Option Program became available to offenders to satisfy their federal victim surcharge, an email was sent to the appropriate departments to inform everyone of this development.

3.3.1.1 Fine Option Program

In Manitoba, there is a Fine Option Program and it is available to offenders to satisfy the FVS. Offenders **must request this option**; they are not automatically diverted there. Again, offenders volunteer to participate in this program. It was estimated that very few offenders utilize the Fine Option Program in this jurisdiction, perhaps less than 5% of those with a federal victim surcharge to satisfy.

The Fine Option Program has been available for the surcharge payment since 2013. It was described as a small program with three personnel - a clerk, a manager and a community corrections worker - to run the program for the entire province. In rural areas, Probation Officers are tasked with Community Corrections Coordinator responsibilities to provide oversight where the Fine Option Program is available. A short interview is conducted upon intake to the Fine Option Program in order to ensure any special conditions that would be required are fulfilled, e.g., high risk offenders requiring more supervision/avoid certain

placements. In larger urban centers, with the support of other community services, e.g. Salvation Army Correctional Service, the program runs smoothly with strong supervision and ample work opportunities; however, the corollary also holds true in that many rural areas there are few work opportunities and little to no supervision available (e.g. in First Nation communities). If participants in the Fine Option Program fail to complete their work term, the court is advised of their termination in the program and the surcharge will then “sit on the books,” as no warrant of committal/arrest will be issued. In order to avoid a “revolving door” in the Fine Option Program, offenders cannot return to the program to work off a specific fine/surcharge they have failed to complete within a reasonable time frame; however they are able to register for *other* fine commitments in the future. Reasonable time frames for completion vary depending on the work assigned and the judgment of the individual supervisor, who typically investigates the reasons why the work is not being completed. Legislation dictates there is a total 24 month time frame in which the work must be completed; however, there is an appeal process for exceptional circumstances (e.g. pregnancy). It was estimated that between January 2014 and May 2016, approximately 62% of the offenders successfully completed their fine obligations, while 38% failed to complete the number of hours required to satisfy their fine. There were no data available to substantiate this claim as the Fine Option Program has been using a paper-based administration method since the computer system died over a decade ago.

3.3.1.2 Collection Rates

The justice information system “does not easily allow for this information to be accessed”, therefore, estimates for collection rates of the federal victim surcharge were not able to be calculated.

3.3.2 Standard Enforcement Process

The federal Public Prosecution Services of Canada (PPSC) enforces fine and surcharges ordered for *Controlled Drugs and Substances Act* offences. For other offences with penalties that include the federal victim surcharge or stand-alone federal surcharges ordered, the enforcement process is “the same as any other fine collection” in the Manitoba justice system. There was a consensus among informants that if the surcharge was not paid right away, then it could take some time before it was collected, but this could not be confirmed with data. Informants stated there are no default hearings specifically related to the surcharge. The Canada Revenue Agency Federal Refund Set-off Program is currently not being utilized in this jurisdiction. All of these mechanisms in the collection/enforcement process were in place before Bill C-37.

3.3.2.1 Reasonable Time

A reasonable time frame to satisfy the federal victim surcharge has not been established by the Lieutenant Governor in Council in this jurisdiction. Further, data was not available to speak to the question on whether the surcharge is collected in a timely manner. It was noted that this was due to the fact that the records for this would require a manual extraction, i.e., paper/pencil endeavour.

Although current data was not available for examination, it was the opinion of all four informants that **most FVS are not being paid within a reasonable time.**

At this point, it was mentioned that there is no standard time established to send the surcharge to a third party collection agency as it depends on many factors, and creative sentencing practices by the bench can further complicate the process. In some instances, judges assign a very low fine (e.g. \$13 which includes the \$10 base fine and \$3 federal victim surcharge). The cost of administering these types of penalties and the cost of using a collection agency becomes economically futile.

3.3.3 Impacts Due to Changes in the FVS

The consensus among key informants is that collection of the FVS in Manitoba has many challenges.

The primary concerns rest in the manual information management system (i.e. paper-based) that is still in place to collect, track and enforce the surcharge regime.

3.3.3.1 Administration

There has been a significant increase in paperwork related to the amendments of 2013. It was estimated that the number of “fine orders have tripled” and that the federal victim surcharge “feels like just one more thing to collect.”

3.3.3.2 Victim Services Revenues

The annual revenue for victim services in Manitoba has consistently been in the range of \$250,000 for the past five years, save for a leap to \$425,281 in the past fiscal year (2014-15). This jump represents an increase of \$172,000 of revenue from the previous year’s revenue of \$253,940. Officials could not say whether this increase is due to the mandatory FVS or increased collection efforts or a combination of factors.

**Table 3.3.1: Federal Victim Surcharges Imposed and Collected for Manitoba
by Fiscal Year, 2010-2015**

Year	FVS Imposed	FVS Collected
2010-11	N/A	\$250,498
2011-12	N/A	\$231,303
2012-13	N/A	\$265,152
2013-14	N/A	\$253,940
2014-15	N/A	\$425,281

3.3.3.3 Offenders' Sentence Completion

In this jurisdiction, there are no default hearings set; offenders, however, can request to serve time in lieu of payment.

3.3.4 Local Recommendations

There was consensus that a “complete overhaul” of the justice information system is needed in order to be able to answer regular data queries tracking the imposition and collection of the surcharge, but also to expedite the very processes being discussed (e.g. automated notifications/letters).

3.4 The Ontario Experience

There were five participants from Ontario who responded in writing to the interview questions from one department.

- Senior Research Analyst, Business Planning Unit, Divisional Support Branch, Court Services Division, Ministry of the Attorney General, Ontario
- Consulting Manager, Criminal Operations, Ministry of the Attorney General, Ontario
- Financial Analyst, Ministry of the Attorney General, Ontario
- Senior Manager, Analytics, Ministry of the Attorney General, Ontario
- A/Director, Criminal/Provincial Offences Act, Policy and Programs Branch, Ontario

3.4.1 Standard Collection Process

All federal victim surcharges that remain unpaid are sent to the Ministry of Finance. These accounts are assigned to external third party Private Collection Agencies (PCAs), who then negotiate a payment plan with the offender based on what the offender can pay on a time schedule. One hundred percent of cases that have a defaulted federal victim surcharge are sent to collection agencies.

3.4.1.1 Fine Option Program

The Fine Option Program is not available in Ontario.

3.4.2 Standard Enforcement Process

At present the only enforcement process in place involves sending the outstanding federal victim surcharges to external third party Private Collection Agencies (PCAs); however, the Ministry of the Attorney General and the Ministry of Finance are working closely to begin a file transfer in 2016/17 to the Canada Revenue Agency (CRA) for income tax refund hold back.

3.4.2.1 Reasonable Time

The Lieutenant Governor in Council set the following by Order in Council on December 8, 1999:

When no fine is imposed, the federal victim surcharge imposed for a summary conviction offence shall be payable within 30 days from the date the surcharge is imposed; the federal victim surcharge imposed for an offence punishable by indictment shall be 60 days from the date the surcharge is imposed.

Offenders may request that the time given to pay the federal victim surcharge be extended by the Court by completing a form entitled “Application for Change of Terms and Conditions of a Fine Order” and filing it with the Court, where the order was made.

3.4.3 Impacts Due to Changes in the FVS

The impacts on this jurisdiction have been felt minimally in terms of administration of the federal victim surcharge regime but significantly in terms of the revenue generated for victim services.

3.4.3.1 Administration

There is some additional workload given federal victim surcharge orders must be completed in every case now, however the completion of these orders isn’t especially time consuming.

3.4.3.2 Victim Services Revenues

Key informants noted that the total revenue for the federal victim surcharge was \$1.1 million for the fiscal year ending March 31, 2013, which is the year immediately prior to the implementation date of October 2013. This represented approximately 2% of the total \$46.9 million Victims’ Justice Fund revenue collected that year. Total federal victim surcharge revenue collected was approximately \$4 million for 2015-16. This represents approximately 8% of the total \$47.4 million dollar collected in Victims’ Justice Fund Revenue for 2015-16, representing an increase of approximately 6% in funding since the changes in October 2013. They stated that “this increase may not be considered significant in terms of total dollar revenues collected; however the increase has allowed the ministry to sustain its existing levels for spending on victim programs.”

Further, when examining the trends of imposition and collection of the federal victim surcharge over the past six years the revenues generated have been consistently hovering around \$1.2 million dollars; however, there was a marked increase in 2014-15 with \$3.2 million collected on a \$9.8 million imposition. The overall collection rate for the five year period from 2010-2015 has been estimated at 46%.

Table 3.4.1: Federal Victim Surcharges Imposed and Collected for Ontario by Fiscal Year, 2009-2015

Year	FVS Imposed	FVS Collected
2009-10	\$1,583,851	\$988,638
2010-11	\$1,781,712	\$1,242,612
2011-12	\$1,579,184	\$1,222,701
2012-13	\$1,907,932	\$1,278,499
2013-14	\$3,373,362	\$1,342,272
2014-15	\$9,827,640	\$3,240,072

3.4.3.3 Offenders' Sentence Completion

There are no known impacts on the offenders' ability to complete their sentence in this jurisdiction.

3.4.4 Local Recommendations

There were no recommendations from this jurisdiction.

3.5 The New Brunswick Experience

There were a total of five participants from the New Brunswick Justice system. The five key informants came from a total of two departments and three divisions.

The primary key informants (n=5) included:

- Regional Director, Court Services, Department. of Justice, New Brunswick
- Manager, Victim Program Support Services, Department. Public Safety, New Brunswick
- Senior Policy and Program Analyst, Criminal Court Services, Department. of Justice, New Brunswick
- Operations Management Information Consultant, Department. of Justice, New Brunswick
- Criminal Court Clerk, Court Services, Department. of Justice, New Brunswick

3.5.1 Standard Collection Process

In New Brunswick the offender is provided a default hearing date at the time the federal victim surcharge is imposed. Where the federal victim surcharge is not paid, two scenarios could then unfold: if the surcharge is unpaid and the offender appears for the default hearing, the court imposes jail time; if the surcharge is not paid and the offender does not appear for the default hearing, a warrant of committal is then issued.

None of the informants were aware of any official documentation of this process as the judges know to assign the default hearing date at the time of sentencing.

3.5.1.1 Fine Option Program

The Fine Option Program does exist in New Brunswick; however, it is not available for FVS satisfaction.

3.5.2 Standard Enforcement Process

At the time of the previous research study in 2006 in the province (Law and Sullivan, 2006), the sole enforcement strategy of the federal victim surcharge regime in New Brunswick was, and still is, incarceration. The length of time is determined by the current default formula whereby an amount equal to eight times the provincial minimum hourly wage can be satisfied by one day spent in jail. If, for example, an offender failed to pay a \$50 surcharge, this would only result in a single day's incarceration, which in fact the offender does not serve. Anecdotal evidence was offered that judges are known to

engage in creative sentencing practices that in fact result in no time being served in lieu of payment of the surcharge; this was not considered to happen in the majority of cases, but rather in situations where individuals are “clearly unable to pay” due to addictions, unemployment, and/or homelessness.

3.5.2.1 Reasonable Time

A reasonable time frame to satisfy the federal victim surcharge has not been established by the Lieutenant Governor in Council in this jurisdiction. Further, data were not available to speak to the question on whether the surcharge is collected in a timely manner. It was noted that this was due to the fact that the current justice information system does not easily lend itself to “these sorts of requests” and the information would in fact have to be gleaned in a case by case manner to answer such a query.

3.5.3 Impacts Due to Changes in the FVS

When asked what problems New Brunswick has had with enforcement/collection of the federal victim surcharge the informants claimed there were “none, as it is a very straightforward process in NB where the offender is given the date of their default hearing at the time the fine is imposed.” However, when the question was reworded to ask what the “challenges” have been, the information in the following sections was given.

3.5.3.1 Administration

There has been a marked (in fact the word used was “huge”) increase in the paperwork for court staff that is now related to the surcharge regime that was not the case before the 2013 amendments, as there are now more default hearings, warrants of committal and warrants of arrest being issued. Clearly, the burden of the amendments has fallen on the shoulders of the court staff and the local police force executing the warrants of committal/arrest.

3.5.3.2 Victim Services Revenues

Over the past five years, New Brunswick has not exhibited a clear positive trend of increased federal victim surcharge revenue. Revenues steadily decreased from \$310,634 in 2010-11 to \$257,219 in 2012-13, until rebounding up to \$353,052 and \$536,014 collected in the last two years. Most notably, the imposition rate of the federal victim surcharge more than doubled in the last year reported, jumping from \$514,511 in the previous year to \$1,253,911 in 2014-15. The overall collection rate for the five year period from 2010-2015 has been estimated at 64 %.

Table 3.5.1: Federal Victim Surcharges Imposed and Collected for New Brunswick by Fiscal Year, 2010-2015

Year	FVS Imposed	FVS Collected
2010-11	\$353,462	\$310,635
2011-12	\$334,960	\$295,719
2012-13	\$295,082	\$257,219
2013-14	\$514,511	\$353,052
2014-15	\$1,253,911	\$536,014

3.5.3.3 Offenders' Sentence Completion

The process in New Brunswick does not hinder the sentence completion in any manner as an unpaid surcharge translates into time to be served. However, most often, time is not actually served.

3.5.4 Local Recommendations

There was an emphatic “suggestion” that the justice information system needs to be updated in order to facilitate future research requests, as well as improve the day-to-day operations of the court system.

3.6 The Newfoundland and Labrador Experience

There were a total of four participants from the Newfoundland and Labrador justice system. The informants came from one department and three programs.

The primary key informants (n=4) included:

- A/Provincial Manager of Victim Services Program, Department of Justice and Public Safety
- A/Departmental Controller, Department of Justice and Public Safety
- Provincial Manager of Corporate Services, Provincial Court, Department of Justice and Public Safety
- Court Manager, St. John's, Provincial Court, Department of Justice and Public Safety

3.6.1 Standard Collection Process

When the federal victim surcharge payment is overdue, the court will transfer it to the Fines Administration Division of Justice and Public Safety (JPS) for follow up by departmental collection officers.

3.6.1.1 Fine Option Program

There is no Fine Option Program.

3.6.1.2 Collection Rates

The overall collection rate for the five year period from 2010-2015 has been estimated at 66%.

3.6.2 Standard Enforcement Process

When the payment of the surcharge is overdue, the Court will transfer the surcharge to the Fines Administration Division of the JPS for follow up by departmental collection officers. The officers have the ability to withhold driver license renewals, vehicle renewals and engage in other standard collection activities like including attachment through CRA Federal Refund Set-off Program and registration on the Judgment Enforcement Registry. These latter enforcement techniques are only utilized if the total fines owing by a debtor, including the federal victim surcharge, exceed \$300. All of these enforcement techniques were available before the changes in 2013. Collection is internal to the Newfoundland and Labrador government; no third party is used.

3.6.2.1 Reasonable Time

A reasonable time frame to satisfy the federal victim surcharge has not been established by the Lieutenant Governor in Council in this jurisdiction. However, where there is no fine imposed by the court for an offence, any federal victim surcharge shall be paid within 30 days of conviction or discharge. The accused is given a copy of their fine order that has the time frame included. The percentage of the federal victim surcharge that is being collected within a reasonable time in this jurisdiction could not be extracted from the database due to the short time frame of this project.

3.6.3 Impacts Due to Changes in the FVS

When asked what problems have been encountered with the enforcement/collection of the federal victim surcharge it was stated that “we have the standard problems for any collection process - inability to locate the debtor, the debtor not being cooperative, etc. These problems are not particular to the federal victim surcharge.”

3.6.3.1 Administration

It was felt that there has been minimal impact on the Court. Staff may issue additional orders; this process, however, is automated so it does not have a major impact on resources. If there has been any drain in resources, it has been the extra time spent explaining the purpose of the federal victim surcharge to offenders; with fewer cases being waived due to the mandatory imposition, the numbers of offenders requiring this explanation has increased.

3.6.3.2 Victim Services Revenues

Over the past five years, there has been an increase in revenue collected for victim services in this jurisdiction. Although there has not been a consistent annual increase in revenue collected, there is a significant increase from the \$188,245 collected in 2010-11 compared to the \$290,530 in 2014-15.

Informants stated that regardless of increases in revenue realized for victim services, “the revenues collected from the federal victim surcharge continue to be less than the amount of funding required to provide services to victims.”

**Table 3.6.1: Federal Victim Surcharges Imposed and Collected for
Newfoundland and Labrador by Fiscal Year, 2010-2015**

Year	FVS Imposed	FVS Collected
2010-11	\$179,217	\$188,245
2011-12	\$200,230	\$232,806
2012-13	\$164,383	\$186,535
2013-14	\$260,128	\$174,649
2014-15	\$830,029	\$290,530

3.6.3.3 Offenders' Sentence Completion

The informants did not feel they could comment on this question.

3.6.4 Local Recommendations

There were no recommendations from this jurisdiction.

3.7 The Nova Scotia Experience

There were a total of five participants from the Nova Scotia Justice System. The key informants came from three departments and four different programs.

The primary key informants (n=5) included:

- Director of Victim Services, Court Services Division, Nova Scotia Department of Justice
- Court Administrator, Court Services Division, Nova Scotia Department of Justice
- Records Management Clerk, Court Services Division, Nova Scotia Department of Justice
- Senior Probation Officer, Correctional Services
- Manager, Service Nova Scotia Collections

3.7.1 Standard Collection Process

At the time of sentencing, the judge confers with the offender on exactly how much time he or she needs to pay their fine; the Bench then sets the date for the federal victim surcharge to be paid. The offender may return to court in that time period to ask for an extension. Once this date expires, however, without an extension requested, the surcharge will be immediately and automatically (i.e. next day) be sent to an internal collection agency in the government. Once sent to collections, payment is still accepted at the court, in which case both offices would be notified of the payment. This is not a new process and it has been “business as usual” since prior to 2013 amendments. There is no specific record keeping of unpaid surcharge at the court level; if the payment is offered it is accepted. It was noted that in the case of partial payment, the portion paid would be applied first to the surcharge, then to court costs and finally to the fine proper.

3.7.1.1 Fine Option Program

Nova Scotia does in fact have a Fine Option Program, but it is not available for the federal victim surcharge. That being said, it still significantly and positively impacts the payment of the federal victim surcharge. From February 1990 until June of 2000 the Fine Option program was available for the satisfaction of the FVS. The key informants noted more times than not, the offender would work off the fine portion of their imposition and leave the federal victim surcharge unpaid. Amendments made in June of 2000 now require offenders to pay federal victim surcharge and court costs prior to being admitted into the Fine Option Program. In many cases where large fines need to be satisfied, this has provided a strong

incentive for offenders to pay the federal victim surcharge in order to gain access to the Fine Option Program. Although there was no data to support this assertion, informants all agreed this change in policy has had an overall net positive effect on collection of FVS in this jurisdiction.

3.7.1.2 Collection Rates

There has been a marked increase in the amount of federal victim surcharge being imposed and collected since 2013. The gains have been slow, steady and positive. Three years ago there was \$350,000 in surcharge ordered with \$300,000 collected that year. The following year it was estimated that there was a clear increase due to the 2013 amendment with mandatory impositions of \$800,000 in federal victim surcharge and a slight increase in the collection rate with approximately \$380,000 being realized. However, the next year significant gains were noted with \$500,000 being collected based on \$1.2 million ordered federal victim surcharge. A collection rate for the six year period from 2010-2015 has been estimated at 60%.

3.7.2 Standard Enforcement Process

Unpaid surcharges go to an internal collection agency with Service Nova Scotia. The Motor Vehicle Branch is also involved with enforcing surcharges related to motor vehicle infractions, e.g., DUI, breathalyser infractions; income tax refunds are withheld for unpaid federal victim surcharges through the CRA Federal Refund Set-off Program. It was also noted that the offender's credit rating could be adversely affected once it goes to collection. These measures have been in place well before the amendments of 2013.

3.7.2.1 Reasonable Time

A time frame has not been established by Order in Council in this jurisdiction. Again, the time frame in which the offender must pay the surcharge is set by the judge at the time of sentencing.

3.7.3 Impacts Due to Changes in the FVS

Anecdotal evidence was offered concerning sentencing trends that have been noted in this jurisdiction. In an effort to protect the more vulnerable offenders from undue hardship, the Bench has engaged in "creative sentencing practices" in order to "work around" the mandatory imposition of the surcharge. For example, they will order an exceedingly small fine, e.g., \$1, with a subsequent surcharge of 30 cents, or state the fine and surcharge imposed must be paid in 100 years. This is particularly the case with impoverished, homeless individuals and domestic violence situations where the victim may still be cohabitating with the perpetrator and would therefore be penalized by an imposition of a heavy surcharge

on her partner. That being stated, all informants agreed this was a minority of cases and maybe should be considered a solution rather than a problem.

3.7.3.1 Administration

There have been no notable impacts on the administration of the federal victim surcharge regime as the process is fully automated.

3.7.3.2 Victim Services Revenues

As noted earlier in this report, there have been slow, steady, significant gains in the revenue for victim services in Nova Scotia that informants felt have been a direct result from the 2013 amendments of the federal victim surcharge regime, with increases from approximately \$300,000 to over \$500,000 over a three year period.

Table 3.7.1: Federal Victim Surcharges Imposed and Collected for Nova Scotia by Fiscal Year, 2010-2015

Year Ending	FVS Imposed	FVS Collected
2010	\$367,096.15	\$311,569.76
2011	\$338,292.88	\$309,278.38
2012	\$313,330.06	\$306,061.39
2013	\$317,092.90	\$295,868.41
2014	\$903,612.70	\$374,899.17
2015	\$1,287,427.71	\$526,402.01

3.7.3.3 Offenders' Sentence Completion

When speaking to representatives from Corrections, it was explained that the federal victim surcharge impacts the offender only to the extent that it is part of their case management strategy. For instance, the offender would be encouraged to pay the federal victim surcharge in order to get their motor vehicle license back, in order to get employment which would then further their case management plan.

3.7.4 Local Recommendations

When discussing the collection process for the federal victim surcharge in Nova Scotia the following assertion was put forth:

“Service Nova Scotia Collections does seem like a very good option to consider in [the] future. I am concluding that the Federal Government would have to make this arrangement with Service Nova Scotia. I know that Service Nova Scotia Collection expenses are covered by charging a 15% collection fee on fines but not on the federal victim surcharge portion. I would strongly recommend that this option of having SNS Collections collect federal fines be explored, but I do not know who in the federal government would have the authority to make this happen.”

It should be noted that in Nova Scotia, *Criminal Code* offences with outstanding fines and/or federal victim surcharge are being sent to Service Nova Scotia (SNS) for collection, but other federal fines that fall under Transport Canada, Department of Fisheries and Oceans, or air travel, etc. are not sent for collection.

3.8 The Prince Edward Island Experience

There were two participants from the Prince Edward Island justice system.

- Provincial Manager, Victim Services, Department of Justice and Public Safety
- Manager, Court Services, Department of Justice and Public Safety

3.8.1 Standard Collection Process

There is a Fines Collection Officer in Court Services responsible for the collection of all fines and relevant surcharges including the federal victim surcharge. There are no external collection agencies used in Prince Edward Island. According to the *Summary Proceeding Act* in Prince Edward Island all outstanding federal victim surcharges are forwarded to Access PEI where the Motor Vehicle Branch will use further enforcement strategies to collect the federal victim surcharge.

3.8.1.1 Fine Option Program

There is a Fine Option Program on Prince Edward Island; however it is not available for federal victim surcharge satisfaction.

3.8.1.2 Collection Rates

There was insufficient data available to speak to collection rates of the federal victim surcharge.

3.8.2 Standard Enforcement Process

Outstanding federal victim surcharges are forwarded to the Motor Vehicle Branch at Access Prince Edward Island where vehicle and driver license renewal are withheld until full satisfaction of the federal victim surcharge. These strategies have been in place well before the amendments to the *Criminal Code* took force in October 2013.

3.8.2.1 Reasonable Time

A reasonable time frame to satisfy the federal victim surcharge has not been established by the Lieutenant Governor in Council in this jurisdiction. At the time of sentencing, the judge establishes the time frame the federal victim surcharge must be paid to Court Services. Extensions may be granted by the Fines Collection Officer responsible for collecting the FVS. The informant was not able to comment on the percentage on surcharge being collected in a timely manner within the PEI jurisdiction.

3.8.3 Impacts Due to Changes in the FVS

Problems with enforcing the collection of the federal victim surcharge are “typical to any fine collection” with offenders’ inability to pay, problems locating the offenders or in some cases the offenders’ licenses already having been suspended thereby rendering this enforcement ineffective.

3.8.3.1 Administration

There has been no significant impact on the administrative aspects of the federal victim surcharge due to its mandatory nature; however, it was noted that “judges struggle with ordering the federal victim surcharge at times because of the offender’s circumstances.”

3.8.3.2 Victim Services Revenues

The revenues of victim services have not shown a consistent trend since the amendments in October 2013. In fact, when one looks further back to earlier collection rates there was more revenue for victim services in 2010-2011 when \$74,378 was collected, than in 2014-2015 with \$64,757 collected (of the \$258,054 that was imposed). Informants stated, “It is difficult to assess the impact [the amendments have had on revenues for victim services].”

Table 3.8.1: Federal Victim Surcharges Imposed and Collected for Prince Edward Island by Fiscal Year, 2010-2015

Year	FVS Imposed	FVS Collected
2010-11	N/A	\$74,378
2011-12	N/A	\$79,362
2012-13	N/A	\$69,119
2013-14	N/A	\$57,460
2014-15	\$258,054	\$64,757

3.8.3.3 Offenders’ Sentence Completion

In Prince Edward Island, it was noted that the “non-payment of the federal victim surcharge can affect the offender’s ability to complete the sentence, as well as obtain a record suspension.”

3.8.4 Local Recommendations

There were no recommendations from this jurisdiction.

3.9 The Yukon Experience

There were a total of three participants from the Yukon Department of Justice, all from Court Services.

The primary key informants (n=3) were:

- Manager, Court Operations, Court Services, Yukon Department of Justice
- A/Supervisor, Court Clerks, Court Services, Yukon Department of Justice
- Cashier, Court Services, Yukon Department of Justice

3.9.1 Standard Collection Process

Yukon Court Services does not have a unique collection process in their jurisdiction that court staff/community corrections follow in order to enforce the federal victim surcharge where the offender is unable to pay. As a result, there are no policies, manuals or guidelines as there is no unique process to document.

3.9.1.1 Fine Option Program

There is a Fine Option Program in the Yukon and it is available to offenders to satisfy the FVS. It became available after the amendments took force in October 2013.

When a court clerk reviews the fine order with the offender, they advise her/him that the Fine Option Program is available through Offender Supervision and Services (OSS), i.e., probation officers. Court Services does not keep track of how many offenders ask OSS about the Fine Option Program. When OSS registers or deregisters someone in the program, Court Services is informed. Hours worked in the program are applied against the FVS first and then the fine. There are not any statistics available to document how many people pay off their surcharges/fines in this way; it just shows up in the system as the surcharge/fine having been paid.

3.9.2 Standard Enforcement Process

The Yukon Territory, as well as the other two territories, does not have any enforcement program. Collection agencies are not used, the surcharge simply “stays on the books”. The informants stated that due to the wording of the *Criminal Code* offenders cannot be refused a renewal /issuance of driver’s licenses or other territorially-issued permits to promote the payment of federal fines/surcharges.

3.9.2.1 Reasonable Time

A time frame ***has not been established*** by the Lieutenant Governor in Council of this jurisdiction. In the Yukon, the judge always assigns a due date/payment schedule as part of the order. This date is communicated directly to the offender by the judge in court and by clerks when reading the sentence to the offenders. It was noted from data provided from this jurisdiction that 44-50% of the FVS imposed has not been collected since 2012-13.

The following written statement was provided to ensure clarity on this particular issue:

“In accordance with sections 734.4 and 734.5 of the *Criminal Code*, Yukon cannot refuse to issue or renew, or suspend, the offender’s driver’s licence until the fine and surcharge are paid in full because the Public Prosecution Service of Canada prosecutes *Criminal Code* and other Federal offences in the three territories. ***Yukon does apply these sanctions to territorial offences and the resulting payment rate is much greater.***”

3.9.3 Impacts Due to Changes in the FVS

The informants could not recall any particular impact that the changes in the federal victim surcharge regime have had on their jurisdiction.

3.9.3.1 Administration

The informants felt there has been no notable adverse effect on court resources.

3.9.3.2 Victim Services Revenues

The federal victim surcharge collected in this jurisdiction has fluctuated over the past five years with collection rates hovering in the \$20,000 range from 2010 to 2012, a drop in revenue for the next two years and a substantial increase in collection, \$63,665.50 during 2014-15 year. There was also a significant increase in federal victim surcharge imposed during this last year, 2014-15. The overall collection rate for the five year period from 2010-2015 has been estimated at 61%.

Table 3.9.2: Federal Victim Surcharges Imposed and Collected for Yukon by Fiscal Year, 2010-2015

Year	FVS Imposed	FVS Collected
2010-11	\$33,240.50	\$24,050.50
2011-12	\$31,455.00	\$22,692.50
2012-13	\$22,132.50	\$14,795.00
2013-14	\$30,146.70	\$14,842.00
2014-15	\$113,732.75	\$63,665.50

3.9.3.3 Offenders' Sentence Completion

Where offenders cannot pay, the fine/surcharge remains outstanding on the books.

3.9.4 Local Recommendations

When asked what concerns have arisen with the collection and enforcement of the federal victim surcharge in the Yukon jurisdiction, it was stated that they are not able to use one of the most effective tools for enforcement, e.g., driver's license sanctions, because of the wording of the *Criminal Code* and this has been a frustrating situation.

3.10 Parole Board of Canada

- Director, Clemency and Record Suspension, Parole Board of Canada
- Manager, Policy and Legislative Initiatives Section, Policy and Operations, Parole Board Canada

The informants from the Parole Board of Canada were offered the interview protocol in its entirety. Due to the peripheral role the FVS plays in the parole and pardon process, the questions from the interview protocol were not deemed directly relevant. These particular informants were asked:

- Is the federal victim surcharge considered during the parole process?
- If the federal victim surcharge has not been paid, what are the repercussions for the offender?
- Is the federal victim surcharge related to pardons/record suspension?
- Can you get a pardon if you have an outstanding surcharge on your order?
- From your perspective, is there anything else that would be helpful to know about the process?

3.10.1 FVS Consideration

3.10.1.1 Parole Process and the FVS

Before being interviewed, the key informant with expertise in parole issues solicited the opinions of several personnel that are intimately involved in the parole process on a daily basis to ensure the accuracy of her answers. All secondary informants were in agreement with what was conveyed in the interview.

The federal victim surcharge is not explicitly considered during the parole process. It is not included in any risk assessment paradigms. It is not noted in decision making or policy frameworks related to conditional release. The payment or non-payment of the FVS has no weight in the risk assessment process or release decisions made by the board.

It was also noted that payment is never considered as a proxy measure for care, concern or remorse toward the victim by offenders that come before the board. It is viewed in the vast majority of cases as a simple indication the offender had the means to pay the surcharge; conversely, it was also noted that an individual experiencing genuine remorse may simply not have the capacity to pay and again, non-payment does not signal any inward disposition towards the victim.

That being stated; the informant posited that in rare situations a parole member might pick up on the fact that an offender made an extraordinary effort to pay the surcharge, e.g., incarcerated with limited

resources making a heroic effort to pay a large surcharge in a timely manner, as noted by those who prepared the report.

In essence, the surcharge is rarely considered in the parole process and would only be on a case by case basis in a very peripheral manner. For instance, the surcharge could be inadvertently considered when information that is provided to the parole board in terms of how the offender is progressing, including their willingness to comply with court ordered obligations, one of which would be the payment of the federal victim surcharge, is written in the report.

Although the federal victim surcharge is not explicitly considered during the parole process, the parole board does consider the victim during the hearing and planning process. For instance, they consider victim impact statements and pay particular attention to ensure they do not contradict any court order when planning release, e.g., no contact situations, but not to the payment of the surcharge.

3.10.1.2 Pardon Process and the FVS

The law is very clear that **the federal victim surcharge is explicitly considered and must be resolved prior to consideration of eligibility for a record suspension**. Like the payment of a fine, satisfaction of the federal victim surcharge is a legislative requirement under the pardon application scheme.

The informant provided the following documentation to highlight the fact:

Pursuant to section 4.1 of the *Criminal Records Act*

4 (1) A person is ineligible to apply for a record suspension until the following period has elapsed after the expiration according to law of any sentence, including a sentence of imprisonment, a period of probation and the payment of any fine, imposed for an offence:

(a) 10 years, in the case of an offence that is prosecuted by indictment or is a service offence for which the offender was punished by a fine of more than five thousand dollars, detention for more than six months, dismissal from Her Majesty's service, imprisonment for more than six months or a punishment that is greater than imprisonment for less than two years in the scale of punishments set out in subsection 139(1) of the *National Defence Act*; or

(b) five years, in the case of an offence that is punishable on summary conviction or is a service offence other than a service offence referred to in paragraph (a).

4. SUMMARY

The objective of this research was to develop a better understanding of the current status of collection and enforcement of the federal victim surcharge in cases where the offender is not compliant in making their payment, as well as identify challenges that are present in the current process.

There is marked variability across jurisdictions on the processes used for the collection and enforcement of unpaid federal victim surcharge. Almost half of the jurisdictions questioned use internal collection agencies (n=5), denial of motor vehicle license renewals (n=4), and CRA's Federal Refund Set-off Program (n=4); fewer jurisdictions use external third party collection agencies (n=2) and default hearings with subsequent time served (n=2) as enforcement mechanisms. Only one province uses all four mechanisms involving collection agencies, denial of licence renewals, default hearings and the CRA Federal Refund Set-off Program. Three jurisdictions use only one strategy. Finally, there is one jurisdiction that does not use any special strategies for collecting unpaid federal victim surcharge; the unpaid surcharge simply "sits on the books". Unfortunately, due to time constraints and dated justice information systems, there were not any data available that would illuminate how these enforcement techniques are related to local collection rates of the FVS.

Further, it was found that the Fine Option Program is available for federal victim surcharge satisfaction in four jurisdictions; however, how often this program is being used for that purpose was not available from any key informant. It was also noted that a time frame to satisfy the federal victim surcharge has been established by the Lieutenant Governor in Council in only three jurisdictions; however, every other jurisdiction establishes clear time frames for payment of the FVS at the time of individual sentencing.

Interviewees from the majority of jurisdictions (n=6) felt there has been minimal impact in terms of court services administration. It was also noted that there had been a consistent increase in funds available for Victim Services (n=8), while there were few comments on impact on the offenders' ability to complete their sentences. There was a variety of concerns raised during the interviews, the most notable involving outdated justice information systems (n=3) and creative sentencing practices being employed by the bench (n=8) to work around the mandatory imposition of the surcharge.

What was particularly striking about the interview process in this project was how many personnel and departments/ministries had to be consulted to provide comprehensive answers to the ten questions posed in the interview protocol. There was not a single jurisdiction where one individual, through no fault of

their own, was aware of the complete process in cases where the federal victim surcharge is not paid in a timely manner. That being said, this is not a case where the federal victim surcharge is slipping through the proverbial cracks of the collection/enforcement process. Each jurisdiction does have a clear plan for recovery of these funds; however, the knowledge of this process is very compartmentalized, with each department only aware of their piece of the collection/enforcement puzzle.

As the Department of Justice Canada moves forward in its efforts to understand how the federal victim surcharge regime has been evolving across the country since the 2013 amendments, most notable is the high degree of variation among jurisdictions to approaching the collection and enforcement issues around the federal victim surcharge.

5. REFERENCES

Law, M. and Sullivan, S.M. 2006. *The Federal Victim Surcharge in New Brunswick: An Operational Review*. Ottawa: Department of Justice Canada.

Appendix A

Letter of Information The Federal Victim Surcharge Post former Bill C-37 January 2016

Former Bill C-37, which doubled the amount of the federal victim surcharge and removed judicial discretion of a waiver, came into effect on October 24, 2013. The Research and Statistics Division, Department of Justice Canada, is interested in better understanding how the enforcement of the mandatory federal victim surcharge and resulting collection of monies owed works in the different jurisdictions. The results will be used to identify the impacts of the 2013 amendments to the federal victim surcharge.

As part of this project, Dr. Moira Law has been contracted to undertake interviews with key informants in the criminal justice system, specifically in courts administration and/or in community corrections. We would like to invite you to share your knowledge and experience on enforcement and collection in a telephone interview. You will not be asked for your opinions or perspectives on any of the issues addressed. The interviews will take approximately 30 minutes to complete. The questions are attached for your information.

Individuals will not be named in the report, although jurisdictions will be identified by their specific practices, for example whether or not there is a Fine Option Program. Dr. Law will keep interview notes in a secure location on her work premises and these notes will be destroyed once the final report has been accepted by the Department of Justice.

There are no anticipated risks associated with participation in this interview.

If you agree to participate, but later change your mind, you may withdraw at any time or you may choose not to answer any question. Your participation in this project is greatly appreciated.

The research report will be released to the public. A summary of the key outcomes associated with this research will be shared directly with participants.

If you have any questions about the research, please contact Dr. Moira Law at (506) 849-2746 or by email at lawdom10@rogers.com. If you have any concerns regarding this research project and wish to speak to someone other than the researchers please contact Dr. Susan McDonald, at the Department of Justice Canada, by phone at 613-957-9315 or by email at smcdonal@justice.gc.ca.

Interview Guide
The Federal Victim Surcharge Post Former Bill C-37
January 2016

1. a) What is the standard process in your jurisdiction followed by court staff/community corrections in order to collect the federal victim surcharge where the offender is unable to pay?

b) Is this process documented in a policy, manual or guidelines? Y/N
2. Does your jurisdiction offer a Fine Option Program? Y/N
3. a) Is the Fine Option Program available to the federal victim surcharge? Y/N
b) When did it become available?
4. Based on your records, since November 2013, how many offenders cannot pay their federal victim surcharge and are being referred to the Fine Option Program? What proportion of total offenders does this group represent?
5. Since November 2013, where offenders cannot pay their federal victim surcharge and there is no Fine Option Program, or it is not available in these cases, how is your jurisdiction enforcing these orders?
6. Based on your records, since November 2013 how many offenders' cases, where their federal victim surcharge has not been paid, are referred to collection agencies? What proportion of total offenders does this group represent?
7. a) Since November 2013, what other measures are used to enforce payment of the federal victim surcharge in your jurisdiction? For example, income tax refund hold back, denial of renewal of driver's license, denial of renewal of other permits/licenses, etc.

b) Were any of these measures added after former Bill C-37 came into force? If so, which ones?
8. Subsection 737(4) of the *Criminal Code* notes that the jurisdiction is to establish the time in which a surcharge must be paid and, "If no time has been so established, the surcharge is payable within a reasonable time after its imposition."¹
 - d) Has a time frame been established by the Lieutenant Governor in Council of your jurisdiction? Y/N If so, what is the time frame?
 - e) How was this time frame communicated? (e.g. memo to staff, issuance of guidelines, etc)
 - f) From your records, what percentage of the federal victim surcharge is being collected within a "reasonable time" as defined by your jurisdiction?
9. Based on your experience, what problems have you had with the enforcement of/collection of the federal victim surcharge?

¹ This subsection was amended in former *Bill C-32*. It came into force on July 23, 2015.

10. Based on your experience in your jurisdiction, what has been the impact of the mandatory surcharge (e.g. since former Bill C-37 came into force) on:
- c) Resources in courts administration and community corrections in your jurisdiction,
 - d) Revenues to fund victim services, and
 - c) Ability of offenders to complete their sentences?

Appendix B

Federal Victim Surcharges Imposed and Collected per Province and Territory by Fiscal Year, 2010-2015

PROVINCE/ TERRITORY	YEAR	FEDERAL	
		SURCHARGE IMPOSED	SURCHARGE COLLECTED
Alberta	2010-2011	n/a	\$1,439,000
	2011-2012	n/a	\$2,723,000
	2012-2013	n/a	\$1,721,000
	2013-2014	n/a	\$1,995,000
	2014-2015	n/a	\$2,188,000
Saskatchewan	2010-2011	\$687,041	\$516,754
	2011-2012	\$699,484	\$541,794
	2012-2013	\$ 731,995	\$687,412
	2013-2014	\$1,237,052	\$1,124,861
	2014-2015	\$3,873,651	\$2,838,517
Manitoba	2010-2011	n/a	\$250,498
	2011-2012	n/a	\$231,303
	2012-2013	n/a	\$265,152
	2013-2014	n/a	\$253,940
	2014-2015	n/a	\$425,281

PROVINCE/ TERRITORY	YEAR	FEDERAL	
		SURCHARGE IMPOSED	SURCHARGE COLLECTED
New Brunswick	2010-2011	\$353,462	\$310,635
	2011-2012	\$334,960	\$295,719
	2012-2013	\$295,082	\$257,219
	2013-2014	\$514,511	\$353,052
	2014-2015	\$1,253,911	\$536,014
Newfoundland & Labrador	2010-2011	\$179,217	\$188,245
	2011-2012	\$200,230	\$232,806
	2012-2013	\$164,383	\$186,535
	2013-2014	\$260,128	\$174,649
	2014-2015	\$830,029	\$290,530
Nova Scotia	2010	\$367,096.15	\$311,569.76
	2011	\$338,292.88	\$309,278.38
	2012	\$313,330.06	\$306,061.39
	2013	\$317,092.90	\$295,868.41
	2014	\$903,612.70	\$374,899.17
	2015	\$1,287,427.71	\$526,402.02

Note for NS: Calendar year

PROVINCE/ TERRITORY	YEAR	FEDERAL	
		SURCHARGE IMPOSED	SURCHARGE COLLECTED
Prince Edward Island	2010-2011	n/a	\$74,378
	2011-2012	n/a	\$79,362
	2012-2013	n/a	\$69,119
	2013-2014	n/a	\$57,460
	2014-2015	\$258,054	\$64,757
Ontario	2009-2010	\$1,583,851	\$988,638
	2010-2011	\$1,781,712	\$1,242,612
	2011-2012	\$1,579,184	\$1,222,701
	2012-2013	\$1,907,932	\$1,178,499
	2013-2014	\$3,373,362	\$1,342,272
	2014-2015	\$9,827,640	\$3,240,072
Yukon	2010-2011	\$33,240.50	\$24,050.50
	2011-2012	\$31,455.00	\$22,692.50
	2012-2013	\$22,132.50	\$14,795.00
	2013-2014	\$30,146.70	\$14,842.00
	2014-2015	\$113,732.75	\$63,665.50