



Government of Canada

Office of the Federal Ombudsman
for Victims of Crime

Gouvernement du Canada

Bureau de l'ombudsman fédéral
des victimes d'actes criminels

Heard. Respected. **Victims First.**
Écoutées. Respectées. **Les victimes d'abord.**



Canada's criminal justice system

Getting fair outcomes for victims in Canada's criminal justice system

PUBLIC ENGAGEMENT ON THE FEDERAL GOVERNMENT'S
CRIMINAL JUSTICE SYSTEM REVIEW

OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME
NOVEMBER 2017

Context

In August 2017 the Office of the Federal Ombudsman for Victims of Crime launched a national engagement process to hear from those with lived experiences of victimization, victim service providers, victim advocacy organizations, and other victims' issues experts about how Canada could better support victims and survivors of crime.

The engagement was undertaken in response to the Government of Canada's commitment to reviewing the criminal justice system, with the intention of providing timely, relevant and informed options to the Minister of Justice and Attorney General of Canada for how to transform federal laws, legislation, services and policies. The engagement focused on areas of interest to the Government, such as: bail reform, administration of justice issues and restorative justice; as well as on the *Canadian Victims Bill of Rights (An Act for the Recognition of Victims Rights)*.

The following document is one in the series of *Getting fair outcomes for victims and survivors* papers that present what was heard, along with research, best practices and options for change. The papers focus on:

- > Bail reform
- > Administration of justice offences
- > Restorative justice
- > The *Canadian Victims Bill of Rights*
- > Canada's criminal justice system

The full suite of documents can be found on the Office's website (victimsfirst.gc.ca). The Office would like to thank all of those who contributed to this project.

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CANADA'S CRIMINAL JUSTICE SYSTEM



About our engagement process and Canada's criminal justice system

A key part of the Ombudsman's work is to advise the Minister of Justice and Attorney General of Canada on what victims say they need and expect in relation to Canada's federal laws, legislation, services and policies.

The Government of Canada has committed to reviewing Canada's criminal justice system in order to make it more effective, efficient and compassionate. This gives us an important opportunity to suggest changes that could make our criminal justice system more inclusive and supportive of victims and survivors of crime.

In order to ensure that victims and survivors are considered with respect to the Government's agenda, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) undertook an engagement process in summer 2017 on areas of interest to the Government, such as: bail reform, administration of justice offences, and restorative justice as well as on the *Canadian Victims Bill of Rights*.

The OFOVC heard from those with lived experiences of victimization, victim service providers, victim advocacy organizations, and other victims' issues experts to share their views and ideas.

- > Small group discussions were held in six communities across Canada.
 - These conversations were 2.5 to 3 hours each in duration, and took place in Vancouver, Yellowknife, Winnipeg, Ottawa, Montreal and Halifax.
 - The discussions were facilitated by an external consultant and presided over by Sue O'Sullivan, Federal Ombudsman for Victims of Crime. Staff of the OFOVC also attended and took notes.

- > As well, the OFOVC provided an opportunity for Canadians to contribute their views and ideas by email or online or by phone.

Engagement themes

During the OFOVC's engagement process, participants were asked to share their perspectives on Canada's criminal justice system and to provide their views and ideas on four (4) strategic themes:

The Canadian Victims Bill of Rights (CVBR)

Bail reform

Administration of justice offences

Restorative justice

During these discussions, participants raised a number of important points that did not necessarily fit within the themes, but which represent important perspectives and opportunity for positive change. As such, the OFOVC has chosen to share them collectively in this additional document.

Feedback for the Minister of Justice

Feedback from the OFOVC's engagement process was provided to the Minister of Justice in advance of the September 2017 meeting of Federal-Provincial-Territorial (FPT) Ministers Responsible for Justice.¹

The intent in doing so was to bring forward specific, targeted considerations the Minister of Justice may wish to reflect when implementing solutions to modernize the criminal justice system so that processes and outcomes are compassionate and fair to all persons involved.

What is the "Criminal Justice System Review"?

In November 2015, the Prime Minister mandated the Minister to review changes made in the last decade to Canada's criminal justice system. The stated objective was "to ensure that we are increasing the safety of our communities, getting value for money, addressing gaps and ensuring that current provisions are aligned with the objectives of the criminal justice system".²

The Minister's mandate letter identifies several key related priorities including, for example, to increase the use of restorative justice processes and to undertake modernization efforts in collaboration with the provinces and territories to improve the efficiency and effectiveness of the system.³

In July 2017, the federal government published details outlining the principles guiding transformation of the criminal justice system. The review calls for a broad examination to ensure that the system is just, compassionate and fair, and promotes a safe, peaceful and prosperous Canadian society.⁴ The guiding principles are described as including:

- > **Safety for Canadians:** Keeping Canadians safe and holding offenders to account.
- > **Compassion for victims:** Developing a system that shows compassion and respect for victims, meaningfully engages them, and responds to their needs.
- > **Needs of vulnerable populations:** Addressing the needs of vulnerable populations, including Indigenous people and those with mental illness and addictions, and addressing gaps in services to vulnerable groups, both for victims and offenders.
- > **Integrated approach:** Developing an integrated approach with other social and economic support systems related to the criminal justice system (e.g., housing, education, health care) and looking at human problems in a more holistic way.

Much needed change

This review of the criminal justice system is occurring at a critical time – arguably one during which public confidence in the system is shaken. The following few examples help to demonstrate why there is a need to provide and uphold victims' rights and improve Canada's criminal justice system.

Public opinion research

National public opinion research commissioned by the Department of Justice Canada in 2016 to help inform the review looked at Canadians' attitudes toward, and confidence in, the system.⁵ A survey completed as part of

that research found that nearly three-quarters (74 percent) of Canadians expressed low to medium confidence for adult criminal law. As well, four in five Canadians (80 percent) expressed confidence in the low-to medium-range for youth criminal law. Canadians who have had contact with the criminal justice system expressed even less confidence than those who had not contact with either adult or youth criminal law. Focus groups conducted for the research project similarly suggested low levels of trust and confidence.

Delays

In July 2016, the Supreme Court of Canada's *Jordan* decision (2016 SCC 27) ushered in changes causing many Canadians grave concern.

- > The *Jordan* decision established a new framework for determining if a criminal trial has been unreasonably delayed. In applying Section 11 of the *Canadian Charter of Rights and Freedoms* (which states that a person accused of a crime has the right to be tried within a reasonable time), the Supreme Court imposed maximum time limits for completing criminal trials from the time charges are laid: either within 18 or 30 months depending on the level of court and whether a preliminary hearing has been held.⁶
- > Data reported in July 2017 shows that there were more than 1,700 applications for stays on the ground of unreasonable delay in the year following the *Jordan* decision.⁷
 - Of these, more than 200 criminal cases had been stayed – including cases involving murder, sexual assault, drug trafficking, and child luring.
 - Another 333 applications were dismissed and the remaining were either still before the courts, abandoned by the defence, or resolved on other grounds (for example, the Public Prosecution Service of Canada proactively stayed 67 charges due to the expectation they would not survive a so-called "*Jordan* application").
- > With a number of criminal charges being dismissed and some persons accused of murder, assault and other serious crimes being set free without the hearing of the charges on their merits in a

courtroom, there has been considerable outrage by victims, families, and the public. With such outcomes, the *Jordan* decision raises real concerns about an unbalanced criminal justice system.

- > June 2017 saw the release of a Senate of Canada committee final report on its study of court delays, titled *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*.
 - In referencing the *Jordan* decision and resulting stays of proceedings in serious criminal cases, the report calls for decisive and immediate steps to address the cause of delays and to modernize Canada's justice system. In all, it offers 50 recommendations to improve the integrity and fairness of our justice system, some of which call for improved services for victims.

Stays are of great concern to Canadians. They can have a harsh impact on victims and affect public confidence in the criminal justice system. When stays are granted in cases involving alleged child abuse or murder, it shocks the conscience of Canadian communities. They represent a failure to properly prosecute crimes and thereby protect our society. The reputation of our justice system is at stake.

*Standing Senate Committee on Legal and Constitutional Affairs,
June 2017.⁸*

Victims and survivors of sexual assault

Recent media and public scrutiny has brought light to how victims and survivors are treated in the criminal justice system, particularly victims and survivors of sexual assault.

- > The *Globe and Mail's* investigative series, *Unfounded*, has placed a spotlight on the chronic underreporting of sexual assaults in Canada and the handling of sex-assault cases by criminal justice system professionals, particularly the high number of cases deemed by police to be unfounded.

- > Recent statistics show that the charging, prosecution, and conviction rates in cases of sexual assault are lower than for other types of violent crime:
 - In 2015, only 43 percent of sexual assaults reported to police resulted in a criminal charge, and in 2014-15, only 43 percent of those charged were actually convicted. This means that for every 100 sexual assaults in Canada, less than 1 percent of the accused are convicted.⁹
 - Rates of reporting by victims remain unacceptably low. Data from the 2014 General Social Survey on Victimization reveal that just 5 percent of sexual assaults perpetrated against victims aged 15 years and older were reported to police in 2014¹⁰. Amongst the reasons for not reporting were concerns related to how their case would be handled in the criminal justice system.¹¹
 - These statistics suggest that victims lack faith in the criminal justice system.
- > The outcomes of a number of recent court cases have sparked public outrage and resulted in grassroots calls for changes to ensure that thorough and adequate training is provided to professionals in the criminal justice system. The aim would be, for example, to ensure that harmful and long-disproved rape myths and stereotypes do not inform or guide investigation and are not introduced and relied upon in Canada's courtrooms.
- > In recent months, the House of Commons passed a Private Member's Bill, C-337, the *Judicial Accountability through Sexual Assault Law Training Act*,¹² which is now before the Senate.
 - If Bill C-337 becomes law, it will restrict eligibility for federal judicial appointments to those who have completed recent and comprehensive education in sexual assault law.
 - Furthermore, continuing judicial education on sexual assault law and social context delivered by the Canadian Judicial Council would need to be developed in consultation with sexual assault

survivors and their affiliated support organizations.

- Lastly, Bill C-337 would require judges to provide reasons for sexual assault charges where an accused person is acquitted, discharged, found

guilty, found not criminally responsible, or found unfit to stand trial.

PARTICIPANT PERSPECTIVES

The Participant Perspectives section provides an overview of what we heard from those who contributed either in person, in writing or by phone.

“Victims are attached in a permanent way to a system that is about harm and the person who harmed them – a system that is not about their recovery and what supports they need. The current system is not about finding ways for victims to move forward with their lives.”

A TIME FOR CHANGE

- Victims don't trust our criminal justice system. That mistrust is even higher for those who are marginalized and face additional systemic barriers.
- Interactions with Canada's criminal justice system are often leading to secondary victimization and re-victimization. Many victims have simply become disillusioned with the process. Some families have essentially been “raised in the criminal justice system” and, for them, harmful experiences within that system have irrevocably altered their lives and notions of justice and community.
- *“Harm is caused by the way in which victims are either forgotten or treated”.*
- *“Our family has been devastated and let down by the very system that should be protecting victims. Victims are not going to come forward if this is how they will be treated and if we could do things over again, we would not (have come forward) either.”*
- While optimism remains that the criminal justice system can adapt and that positive, incremental changes have already taken place, it was emphasized that much more needs to be done to create a system in which victims are informed, considered, protected and supported. A common message was that the time for change is now and that something “drastic” must be done.
- Changes should include ones based in legislation but there are also other types of progress needed.
- *“It's about an attitude shift and making a commitment. This requires the state to take responsibility for meaningfully supporting victims.”*
- *“We need to stop alienating and othering people. We need to tell a different story, and make a shift. We need to start to tell a story that looks at human problems in intersecting ways, tell a story that is more complex, comprehensive, nuanced – a different story of what justice looks like and how it becomes a human care system. Incremental changes can be made after we make that shift.”*
- *“Victims need to be able to tell a different story about what justice needs to be, as a more human and caring system.”*

PARTICIPANT PERSPECTIVES



A TIME FOR CHANGE (CONTINUED)

- *"Victims need to have choices and options in Canada's criminal justice system, and be able to change their mind along the continuum of their involvement in the system and their lived experience as victims. Options and services need to be in place for when a victim is ready."*
- *"The conversation at roundtables needs to shift from what end-users need to do. In the criminal justice system, we have a problem of looking to end-users to solve problems – instead, the system needs to look at itself to fix problems for people on the margins."*
- *"Canada needs to start looking at criminal justice models that are not caged by legislative frameworks. We need to undo how are currently operating."*
- *"In the north, victims have become disillusioned with criminal justice processes that create obstacles to victims advocating for themselves. Some see the system as harmful to themselves and their children and families."*

A FOCUS ON PREVENTION

- Above all, no victim wants what happened to them to happen to anyone else.
- We need to shift the perception of justice to one that is responsive to social conditions around violence. We need to invest in people-centred and evidence-based social crime prevention programs. Many of these programs not only stop crime and victimization before they happen, but also improve other outcomes, for example, those related to education, employment and general social welfare leading to an overall better quality of life.
- *"It's important for victims of crime not to be victims of crime – to prevent crime...We need to put real money into making smart investments in prevention...We need to focus on real protection and real compassion for victims and real compassion means stopping violence in the home and stopping street violence."*
- We heard that more needs to be done to prevent crime, with a participant pointing to existing work in this respect, indicating:
 - *"Leading international and national research suggests that investing as little as 0.1% of Canada's GDP in evidence-based prevention strategies that address the causes of crime (i.e., adverse economic, social, and family conditions) can reduce the harm of interpersonal violence to victims by up to 50% by 2025."¹³*

PARTICIPANT PERSPECTIVES

A FOCUS ON PREVENTION (CONTINUED)

- "Canada's provinces and territories are struggling to meet the safety needs of their populations despite the overall increases in spending on policing (at a rate of 43% above inflation since 2000). ... Rather than further increasing spending on enforcement at the federal, provincial, and territorial levels, the federal government can realize immense savings in financial and human terms through a strategic and future-focused investment in evidence-based crime prevention programs."¹⁴
- *"If the system takes offenders so far as to incarcerate them, it only makes sense that they go the whole way and encourage them to take responsibility to prevent further offences. If offenders are to go into custody for their crimes, it must be mandatory that they get the help they need before they are released, to recognize the patterns created by failing to get the help they needed in the first place."*
- *"Root causes of crime that go unaddressed are directly connected to the victimization and harm perpetrated on victims. However, it's also important to look at unaddressed risk factors amongst victims – while acknowledging that there can be overlap between the categories of victim and offender. These categories are by no means binary."*
- *"People must be provided access to protective factors, such as education, safe and affordable housing, and employment."*
- *"For state responsibilities to be met across the various (government) silos would mean that it is not just justice departments addressing the system. We need the justice system working together with the health and social systems to ensure that people's needs for support, empowerment, and connection to community are looked at collectively – things like access to education and training, student loan repayment. We cannot treat social problems as criminal justice problems – these issues start earlier."*

A PERSON-CENTRED APPROACH

- The current system has its own agenda – and that agenda is often a mismatch for people's needs. The process is too mechanistic and must be made much more relational.
- Such an approach must ensure attention to those who may face specific challenges and vulnerabilities, such as children, older adults and those with disabilities.
- We must start asking victims about their needs in a way that is flexible and person-centred and creating approaches that are responsive to those needs. We are also failing accused people and offenders, many of whom also have unaddressed needs around lived experiences of victimization.

PARTICIPANT PERSPECTIVES



A PERSON-CENTRED APPROACH (CONTINUED)

- We need also to stop defining victims by their participation in the system and in relation to their offender. That approach excludes too many victims. For example, where does it leave a woman whose son was murdered but his offender died during the arrest? Where does it leave the sexual assault victim who comes forward to the police to file a report but does not want to lay charges?
- *"Currently, victim-aspects of the criminal justice system are handled mechanically and are not person-centred."*
- *"The current system functions to attach victims to processes mainly focused on a relationship of harm. It needs to move beyond that focus to help victims recover throughout their lives."*

HELP TO NAVIGATE THE SYSTEM

- We heard repeatedly just how complicated the criminal justice system is – and how hard it is to understand, even for those who work within it. Help is needed to navigate a system that is so highly complex and has its own culture and language.
 - Parallels were drawn to the health care system. There, supports are in place to help people navigate because it is understood that the system is too complex for people to understand on their own.
- Having someone there to help them navigate the system would go a long way to enhancing victims' ability to make informed choices.
- *"Victims need supports to help them understand and navigate the criminal justice system. As cases progress, a lot of different services with different mandates are engaged."*
- *"There are language hurdles that some groups of victims face with respect to access - i.e. if the system does not accommodate linguistic or communication barriers, how can victims be heard in cases involving them?"*

AWARENESS AND TRAINING

- Those working in the system need better victim-centred, trauma-informed training. Such training would help to counter phenomena such as victim blaming or stereotypes and judgments made in relation to victims.
- Victims are still expected to behave in certain ways – for example, to behave in subservient or rational ways, and to tell their experiences in the exact same way from one moment to the next. Such expectations fail to recognize trauma and, in some cases, layers of trauma the victim has experienced.

PARTICIPANT PERSPECTIVES

AWARENESS AND TRAINING (CONTINUED)

- *"You may have a victim who is very angry and doesn't want to put up with it anymore, and that is sometimes not respected. There's a sense that if she is that mad, she's probably not a victim, since she is not cowering and afraid. There's no understanding that victims can be angry and are allowed to be angry."*
- Victim-centred and trauma-informed training should also include training on the victim-offender trauma bond, which can exist in cases where the victim and offender have a relationship with one another as well as in other cases.
- *"In the context of requesting an emergency protection order, victims are asked 'why this is an emergency when the abuse has been going on for years?'. There's no recognition of why it's important now."*
- *"More training is needed to help criminal justice professionals relate to victims."*
- *"Professionals in the criminal justice system need training to understand the continuum of what it means to be a victim."*

MORE ROBUST SUPPORTS

- Most services are designed to be short term and are tied to the mandate of the specific service and its role in the criminal justice system. Yet many victims continue to need supports years down the road; needs are not always immediate. Therefore, services must be able to address a spectrum of needs, from shorter- to longer-term.
- *"...Almost all funding for victims and survivors is tied to the justice system. Given that two-thirds of victims do not report to police, it is clear many victims are not accessing justice-based programs and may not even be eligible."*
- One of the top messages heard was that there is a lack of community-based supports for victims/survivors across Canada. The number of available programs and staff is inadequate to meet the needs of victims. In some communities, for example, remote and northern communities, such gaps are even more striking.
- Many pointed to the unevenness of services in Canada as particularly problematic. A victim's experience and supports depend on which province/territory they live in, which judge they get. Nothing is equal across the board.
- *"It can be hit and miss in terms of the service they receive and often comes down to the individual service provider. Services themselves are on a hierarchy depending on where they are located (e.g. urban vs. rural), how they operate, how they are resourced, etc...When victims are ready, the connection must be in place, the services must be in place."*

PARTICIPANT PERSPECTIVES



MORE ROBUST SUPPORTS (CONTINUED)

- Participants strongly advocated for national standards in Canada to create more equitable distribution of supports and services. Some noted that many countries in the European Union have national standards and that it's unacceptable that Canada does not. It was suggested that such standardization must also be brought in to address victim compensation.
- *"Victims want programming and help. In the north, a common question is 'Why don't I have that (program/service)?"*
- *"The most marginalized victims in society are the poorest with the intersection of other factors; providing adequate access to resources are protective factors – for example: housing, child support, treatment support."*
- *"Health care and social systems are needed to support and empower victims."*
- *"NGOs need dedicated funding to help victims navigate language barriers and criminal justice processes."*

DELAYS HURT EVERYONE

- Special consideration should be given to child victims and their families. If a child must wait three years for their case to go through, that can be half of their life. Some emphasized that cases involving children should be fast-tracked. At the same time, the system itself is "designed to address the realities of adults and not children" and must be made much more responsive to their developmental needs and to the crimes that affect them, such as technologically-facilitated victimization.
- Court delays are typically cast in terms of the rights of the accused but not the rights of victims. Yet victims also have an important interest in a criminal justice system that is not delayed. Having charges stayed as a result of delays hurts victims. Remedies that emphasize both the rights of the accused and the rights of the victim must be found.

PARTICIPANT PERSPECTIVES



NEEDS OF CHILDREN

- *"The entire system is not designed with child victims in mind; a child-centred approach is needed to give children a voice. Children do not have the same needs or agency as adults."*
- *"We have an epidemic of child sexual assault enabled by technology; this is made worse by a criminal justice system that is not stacked fairly for children and does not take into account how kids think and manage themselves."*
- *"For young children and unidentified victims, non-governmental organizations (NGOs) should be permitted to make statements on their behalf (e.g. prepare and present community victim impact statements)."*
- *"Canada needs to take a look at the role of technology and how it facilitates the victimization of children (the posting and distribution of child abuse content, the recording of assaults, etc.) and how the availability of abuse content perpetuates trauma."*
- *"To address the problem of exporting sex offenders, Canadian offenders convicted of sexually abusing children should face passport revocation."*

INDIGENOUS PERSPECTIVES

- The conventional justice system was said to be at odds with Indigenous values and culture.
- We heard about challenges faced by Indigenous Peoples in northern communities, as illustrated by the following excerpt cited by a participant: "What's the use of reporting abuse? Here, if you do that, you just make the wrong people mad – people who can hurt you. The police can't do anything. The courts re-victimize the victims by putting them on display, exposing them to ridicule and retaliation, and by putting most of their attention on the abuser. Our people don't trust the courts. They don't understand our culture. They don't respect our values, and they force solutions on us that make the problem worse, such as putting abusers in jail with no treatment, so they come home meaner and madder than before, but still abusers, and meanwhile our families suffer." (Ontario Aboriginal family service program worker)¹⁵
- *"From an Indigenous perspective, the whole criminal justice system is racist. To fix things, we need to be eyes-wide-open to racism and its detrimental effects on First Peoples. The system needs to educate itself to begin reconciliation."*
- *"Education is needed for people in the criminal justice system, with Elders and Indigenous persons working with system professionals to ensure that Indigenous values are known."*
- *"A return to traditional Indigenous methods of rehabilitation is needed."*

PARTICIPANT PERSPECTIVES



EXPERIENCES OF PERSONS WITH DISABILITIES

- *"Sometimes victims with disabilities don't even know that what they are experiencing is a crime. More research, education, advocacy, and supports are needed – as well as statistics."*
- Persons with disabilities report higher rates of victimization and the system is failing to provide the accommodations and supports needed.

LGBTQ2S PERSPECTIVES

- *"LGBTQ2s people experience stigma and discrimination in the justice system, and are frequently targets of sexual assault, harassment and hate crimes."*
- Human rights need to be central to every decision going forward.
- We heard that existing systems are not robust enough for the needs of LGBTQ2S persons. Some victims in the community are pushed into committing criminal activities (e.g. drug use, sex work), and we need to consider intersectionality to determine how we treat and help people.

MORE MONITORING AND EVALUATION

- *"This is 2017 and we need to focus on results. All ministerial mandate letters focus on impacts. We need ways to monitor all that we are doing for victims and need evaluation to ensure that victims are getting all that they need."*

RECOMMENDATIONS AND OPTIONS



This section suggests options and makes recommendations to the federal government for how to address issues with Canada's criminal justice system. The recommendations provided were developed after carefully considering a variety of source material, such as: participant perspectives, the Office's past work and experience, research, literature reviews and more.

PREVENT CRIME AND ADDRESS ITS ROOT CAUSES

- Develop a national action plan for violence prevention, which would include upstream investments in effective social crime prevention in order to reduce crime and victimization through effective and evidence-based upstream crime prevention. Under such an initiative, the federal government would play a key role as a leader, partner, and funder of activities that advance the prevention of crime nationally and in collaboration with municipalities and communities.
- Establish a national office with the mandate to improve crime prevention across the country, coordinate efforts, create partnerships, and oversee allocation of crime prevention funding.
- In partnership with the provinces and territories, increase spending on crime prevention to reach at least 5 percent of current expenditures on policing, courts and corrections to reduce the harm of interpersonal violence to victims by up to 50% by 2025.
- Provide funding for an annual national conference focused on sharing crime prevention practices and evidence.
- In partnership with the provinces and territories, establish a permanent and flexible matched funding program for municipalities to fund and deliver crime prevention services at local levels.

ADDRESS DELAYS USING A PERSON-CENTRED APPROACH

- Recognize that delays also significantly impact victims.
- Fast track cases involving children.

ESTABLISH A NATIONAL MODEL AND PROGRAMS FOR VICTIMS' RIGHTS

- Undertake a federally-led initiative to work with non-governmental organizations and other stakeholders to seek consensus around a comprehensive victims' standards legislation model for the country, including to address victim compensation and victim supports.
- Create a national crime law institute in Canada, modeled after the U.S. National Crime Victim Law Institute.

RECOMMENDATIONS AND OPTIONS

PROVIDE AND EVALUATE SUPPORTS FOR VICTIMS

- ❑ Create positions for victim navigators – individuals trained to help people know what is available and to navigate the system.
- ❑ Provide the resources and freedom necessary for Indigenous communities to shape the criminal justice system in a way that makes sense for each individual community.
- ❑ Prioritize regular evaluation and monitoring on victim supports and their impacts.

¹ Ensuring the efficiency and effectiveness of the criminal justice system is a shared responsibility of federal, provincial, and territorial governments. At their last meeting in April 2017, Federal-Provincial-Territorial (FPT) Ministers Responsible for Justice agreed on the need for targeted criminal law reform and committed and the Minister of Justice committed to further legislative action.¹ FPT Ministers identified mandatory minimum penalties, bail, administration of justice offences, preliminary inquiries, and reclassification of offences as specific priority areas, and were directed to develop recommendations and report back to FPT Ministers for decision at their next in-person meeting in September 2017.

² *Minister of Justice and Attorney General of Canada Mandate Letter*, <http://pm.gc.ca/eng/minister-justice-and-attorney-general-canada-mandate-letter>, consulted July 2017.

³ *Ibid.* (Mandate Letter).

⁴ Department of Justice Canada, *About Transforming the Criminal Justice System*, 11 July 2017, <http://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/about-ausujet.html>.

⁵ Ekos Research Associates, *National Justice Survey: Canada's Criminal Justice System: Synthesis Report*, submitted to the Department of Justice Canada, 2017.

⁶ Michelle Cook, *Overthrowing Precedent: R v Jordan's Impact on the Crown and the Right to a Trial Within a Reasonable Time*, 23 September 2016, <http://www.thecourt.ca/overthrowing-precedent-r-v-jordans-impact-crown-right-trial-within-reasonable-time/>.

⁷ Laura Kane, 'Failing everyone': 204 cases tossed over delays since Supreme Court's Jordan decision, CBC, 6 July 2017, <http://www.cbc.ca/news/politics/jordan-cases-stayed-1.4192823>.

⁸ Standing Senate Committee on Legal and Constitutional Affairs, Senate of Canada, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada (Final report)*, June 2017, consulted July 2017, https://sencanada.ca/content/sen/committee/421/LCJC/reports/Court_Delays_Final_Report_e.pdf.

⁹ *Opening Remarks by the Minister of Justice and Attorney General of Canada, The Honourable Jody Wilson-Raybould and Presentation by Kathy AuCoin, Chief of the Canadian Centre for Justice Statistics, Knowledge Exchange on the Criminal Justice System's Response to Sexual Assault Against Adults*, Gatineau, Quebec, 8 March 2017, summary consulted July 2017, <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/cal/summ-resu.html>.

¹⁰ Adam Cotter and Shana Conroy, *Self-reported sexual assault in Canada, 2014*, Statistics Canada, 11 July 2017, consulted July 2017, <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>.

¹¹ Adam Cotter and Shana Conroy, *Self-reported sexual assault in Canada, 2014*, Statistics Canada, 11 July 2017, consulted July 2017, <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>.

¹² C-337: *An Act to amend the Judges Act and the Criminal Code (sexual assault)*, Latest publication – Text of the Bill, consulted July 2017, <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=8783394>.

¹³ Canadian Municipal Network on Crime Prevention, *Parliamentary Submission to the Standing Committee on Finance, House of Commons, 2018 Pre-Budget Consultations*, 4 August 2017, p. 3.

¹⁴ Canadian Municipal Network on Crime Prevention, *Parliamentary Submission to the Standing Committee on Finance, House of Commons, 2018 Pre-Budget Consultations*, 4 August 2017, p. 6.

¹⁵ Bopp, M., Bopp, J., and Lane Jr, P., *Aboriginal Domestic Violence in Canada*, prepared for The Aboriginal Healing Foundation, 2003, p. 3, <http://www.ahf.ca/downloads/domestic-violence.pdf>.