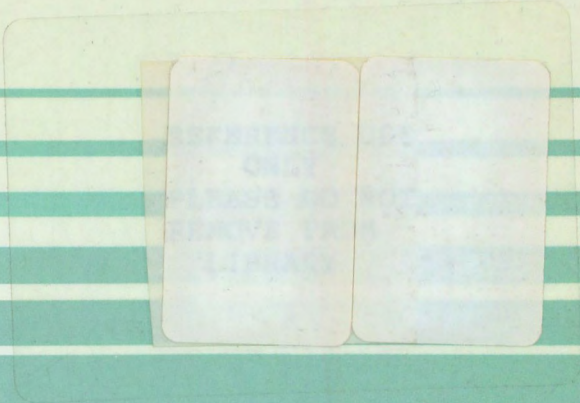




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Canada



CRIMINAL INJURIES COMPENSATION IN CANADA

1986

**POLICY, PROGRAMS
AND RESEARCH BRANCH
RESEARCH SECTION**

Canada

**CRIMINAL INJURIES COMPENSATION
IN CANADA
1986**

**Department of Justice Canada
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Research Section
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PART ONE
DESCRIPTION OF CRIMINAL INJURIES
COMPENSATION PROGRAMS IN CANADA

OVERVIEW

The purpose of this report is to present an overview of the criminal injuries compensation programs in Canada. The first part of this overview includes a discussion of the major program components such as the cost-shared agreements with the federal government and the eligibility requirements. Included in the second part of the report entitled, "Statistical Description of the Criminal Injuries Compensation Programs," is a discussion of the number of applications received, dismissed and awarded, the types of cases compensated and the amount of compensation paid.

Criminal Injuries Compensation Programs currently exist in all provinces and territories except Prince Edward Island.¹ These programs are designed to compensate for injury or death as a result of some specified or defined crime committed by another person, an effort to prevent crime or an effort to arrest an offender or suspected offender. Costs are shared between the provincial and federal governments.

In 1967, Saskatchewan was the first province to enact criminal injuries compensation legislation. Ontario, Newfoundland and Alberta soon followed. Quebec, Manitoba, British Columbia, the Yukon and the Northwest Territories enacted similar legislation in the 1970's. Legislation was enacted in Nova Scotia in 1971 but was only proclaimed in May, 1981. The relevant dates upon which criminal injuries legislation came into force are set out in Table 1.

¹ The Department of Justice in Prince Edward Island is currently developing a victim assistance program which will include a criminal injuries compensation program.

The provincial compensation schemes are designed to alleviate the pecuniary losses suffered by victims of violent crime. Surviving dependents of crime victims and persons responsible for the maintenance of the victim may also be eligible to apply for compensation. Compensation may be obtained for losses incurred as a result of the injury, death or disability of the victim, the maintenance of a child born as a result of a sexual assault, losses to dependants as a result of a victim's death and other expenses deemed reasonable by the jurisdiction in which a claim is filed. Some jurisdictions also compensate a victim for pain and suffering.

The crimes for which compensation can be paid are, as a rule, listed in the legislation establishing the program and are generally violent in nature.

TABLE 1

RELEVANT DATES UPON WHICH CRIMINAL INJURIES LEGISLATION
COME INTO FORCE, BY PROVINCE

Province	Name of Legislation	Date of Proclamation	Date of Federal-Provincial Cost-Sharing
Newfoundland	The Criminal Injuries Compensation Act	March 4, 1969	Jan. 1, 1975
Nova Scotia	Compensation for Victims of Crime Act	May 12, 1981	Jan. 14, 1982
New Brunswick	Compensation for Victims of Crime Act	Nov. 15, 1971	Jan. 1, 1973
Quebec	Loi sur l'indemnisation des victimes d'actes criminels	March 1, 1972	Dec. 1, 1974
Ontario	The Law Enforcement Compensation Act (1)	April 1, 1968	
	The Compensation for Victims of Crime Act	Sept. 1, 1971	Jan. 1, 1973
Manitoba	The Criminal Injuries Compensation Act	July 16, 1970	Jan. 1, 1973
Saskatchewan	The Criminal Injuries Compensation Act	Sept. 1, 1967	Jan. 1, 1973
Alberta	The Criminal Injuries Compensation Act	Oct. 1, 1969	Jan. 1, 1976
British Columbia	The Criminal Injuries Compensation Act	July 1, 1972	Jan. 1, 1973
Yukon	Compensation for the Victims of Crime Ordinance	April 1, 1975	June 1, 1975
Northwest Territories	Criminal Injuries Compensation Ordinance	Feb. 9, 1973	June 1, 1975

(1) The Law Enforcement Compensation Act, 1967 provided compensation to persons injured or killed as a result of assisting a peace officer. In 1969, it was expanded to cover victims of other crimes of violence.

ADMINISTRATION

The authority responsible for administering criminal injuries compensation legislation varies from jurisdiction to jurisdiction. Alberta, Ontario, Nova Scotia, Saskatchewan and Newfoundland have established independent Criminal Injuries Compensation Boards. In British Columbia, Manitoba, Quebec and the Yukon, the administrative structure of the Workers Compensation program is used although a special Criminal Injuries Compensation Board has also been established. In New Brunswick and the Northwest Territories applications for compensation are received by the Department of Justice and adjudicated by a judge. In Table 2 the names and addresses of the agency, board or government department administering criminal injuries compensation legislation are set out.

Funds for paying awards and administering the program come from the consolidated Revenue Fund in each jurisdiction. As a result of the cost-sharing arrangements which exist with the federal government, the province or territory is reimbursed in part upon submitting an annual claim to the Department of Justice, Canada.

TABLE 2**CRIMINAL INJURIES COMPENSATION PROGRAMS IN CANADA**

Province	Name of Administering Body	Address
Newfoundland	The Newfoundland Crimes Compensation Board Chair: Mr. F. O'Dea	P.O. Box 5955 319 Duckworth St. St. John's A1C 1G9
	Department of Justice General Administration Division	Confederation Building St. John's A1C 5T7
Nova Scotia	Criminal Injuries Compensation Board Chair: Mr. D. Waterbury	P.O. Box 985 1600 Hollis St. Halifax B3J 2V9
New Brunswick	Department of Justice Law Enforcement Division General Counsel: Mr. E. Westhaver	P.O. Box 6000 Centennial Building Fredericton E3B 5H1
Quebec	Commission de la santé et de la sécurité du travail, Service de l'indemnation des victimes d'actes criminels Directrice: Mme. Rollande Couture	1199 Rue Bleury Montréal H3B 3J1
Ontario	The Criminal Injuries Compensation Board Chair: Mrs. M. Scrivener	439 University Ave. 17th Floor Toronto M5G 1Y8
Manitoba	The Criminal Injuries Compensation Board Registrar: Ms. Anne Lovell	101-696 Portage Ave. Winnipeg R3G 0M6
Saskatchewan	The Criminal Injuries Board Chair: Mr. M. Chernesky	Provincial Office Building 122-3rd Ave. N. Saskatoon S7K 2H6
Alberta	The Crimes Compensation Board Chair: Mr. B.B. Masse	10365 97th St. Edmonton T2J 3W7

TABLE 2 (continued)

Province	Name of Administering Body	Address
British Columbia	The Workers Compensation Board Chair: Mr. L. Timmofee	6951 Westminster H.W. Richmond V7C 1C9
Yukon	The Workers Compensation Board	Suite 300 4110-4th Ave. Whitehorse Y1A 4N7
Northwest Territories	Department of Justice Government of the Northwest Territories	P.O. Box 1320 Yellowknife X1A 2L9

FEDERAL-PROVINCIAL COST SHARING AGREEMENTS

In 1973, the federal government extended financial aid to innocent victims of violent crime by entering into agreements with the provinces to cost-share criminal injuries compensation programs. Effective January 1, 1973, six provinces (British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick and Newfoundland) entered into cost sharing agreements with the federal government. Since that time, both Territories, Quebec and Nova Scotia have entered into comparable agreements. Prince Edward Island is currently the only jurisdiction without a compensation program.

In 1973 the cost sharing agreement provided for a federal contribution of the lesser of \$0.05 per capita of the provincial population or 90% of the total compensation awarded in the province.

The cost sharing agreements were revised in 1977 to provide for a federal contribution of the greater of \$0.10 per capita or \$50,000 but not to exceed 50% of the total compensation awarded in the province¹. However, the provinces have the option of using the original formula, if it is to their advantage to do so. At the time of writing this report, this formula was still in place, although a revised arrangement is being discussed with the provinces.

Special cost-sharing arrangements exist for the Territories. For the Yukon, the federal government contributes 75% of the compensation paid subject to certain maximum amounts for individual awards. For the Northwest Territories, a new cost-sharing formula came into effect in 1980, retroactive to 1977-78, which provides

¹ The Department of Justice is currently in the process of re-negotiating the agreements for cost sharing provincial Crime Compensation Programs. The federal proposal responds to several recommendations put forth by the Federal-Provincial Task Force on Justice for Victims of Crime including a substantial increase in the federal contribution to these programs and the introduction of a Victim Assistance Fund to assist provinces to serve a broader constituency of crime victims.

that the federal government contribute 90% on the first \$15,000 of compensation paid, 75% on the next \$15,000, 50% on the next \$50,000 and 40% on all amounts in excess of \$80,000.

The federal-provincial cost-sharing agreements also contain a number of non-financial conditions designed to ensure a certain degree of uniformity in Canadian Compensation programs.

The non-financial terms set out in the cost sharing agreement are:

- Compensation to be paid when there is injury or death as the result of another's crime or as a result of lawfully seeking to enforce or assist in the enforcement of federal laws;
- Compensation not be given, as a rule, if the victim brought about his/her own misfortune;
- Compensation to be payable on behalf of the victim, either to his/her dependents or to the person who was responsible for maintenance, if the victim has died as a result of a crime;
- Compensation to be payable for (a) expenses incurred as a result of injury or death, (b) pecuniary loss or damages resulting from the victim's incapacity to work, (c) pecuniary loss or damages incurred by the victim's dependents if there is death, (d) maintenance of children born as a result of rape, (e) other pecuniary loss or damages, (f) pain and suffering, (g) in claims arising from law enforcement assistance, and (h) such other damages as court of law might award, excluding punitive and exemplary damages;
- Compensation not be refused on grounds of residence;
- Benefits received or to be received from other sources to be taken into account when determining amount of compensation;

- Provinces and territories to submit annually an audited financial statement on compensation paid;
- Provinces and territories to publicize the compensation plan in their own jurisdictions;
- The schedule of crimes covered, as appended to each agreement (some 40 in number), to be amendable by mutual agreement of the parties;
- Financial terms to be reviewable by the parties concerned at the end of each three year period.

GROUND FOR COMPENSATION/COMPENSABLE INJURIES

There are three grounds for making an award:

- (a) a person was injured or killed while making an arrest or assisting a peace officer in doing so;
- (b) a person was injured or killed while preventing an offence, or suspected offence, or assisting a peace officer in doing so, or
- (c) a person was injured or killed as an innocent victim of crime in circumstances other than those described in (a) or (b).

The crimes for which compensation may be awarded are generally violent in nature and are listed in a schedule attached to the provincial legislation or are located in the subordinate legislation as part of the Regulations. Ontario is the exception in that it does not contain a list of specific offences.

The federal-provincial cost-sharing agreements provide a schedule listing the offences which are subject to cost-sharing. These offences are set out in Table 3.

A jurisdiction may compensate for injuries and deaths arising from crimes not included under the federal-provincial agreement, however, such awards would not be cost-shared. For example, New Brunswick, Manitoba and Saskatchewan will

compensate for procuring a miscarriage; Quebec will compensate for assault using a motor vehicle; Saskatchewan will compensate victims of incest, acts of gross indecency, criminal negligence in the operation of a motor vehicle, impaired driving and, driving with more than .80 mg. of alcohol in the blood, and Alberta will compensate surviving spouses of victims of dangerous driving, impaired driving and criminal negligence in the operation of a motor vehicle. The Northwest Territories will compensate victims of criminal negligence while driving, driving while impaired by alcohol or drugs and driving with more than .80 mg. of alcohol in the blood. Ontario's legislation includes a general clause which provides that compensation may be awarded to the victim of any crime of violence constituting an offence against the Criminal Code although not for an offence involving the use of a motor vehicle other than assault by means of a motor vehicle.

TABLE 3

CRIMINAL CODE OFFENCES WHICH ARE SUBJECT TO COST-SHARING

Category	Offence	Code Section
Homicide	murder	218
	manslaughter	219
	attempted murder	222
Sexual Offences	sexual assault	s.246.1
	sexual assault with a weapon, threats to a third party or causing bodily harm	s.246.2
	aggravated sexual assault	s.246.3
Assault	assault	s.245
	assault with weapon/causing bodily harm	s.245.1
	aggravated assault	s.245.2
	unlawfully causing bodily harm	s.245.3
	assaulting a peace officer	s.246
	causing bodily harm with intent	s.228
	administering poison	s.229
	overcoming resistance to commission of offence	s.230
	setting traps likely to cause death/harm	s.231
interfering with transportation facilities	s.232	
Robbery	robbery	s.303
Weapons	failure to take reasonable care in respect of an explosive where death or bodily harm result	s.78
	intentionally causing death or bodily harm by explosive substance	s.79
	dangerous use of firearms	s.84

TABLE 3 (continued)

Category	Offence	Code Section
Other Offences	hijacking an aircraft	s.76.1
	endangering safety of aircraft	s.76.2
	taking offensive weapons or explosives on board a civilian aircraft	s.76.3
	common nuisance causing bodily harm	s.176
	failure to provide necessaries	s.197
	abandoning child	s.200
	causing death by criminal negligence	s.203
	kidnapping	s.247(1)
	illegal confinement/imprisonment/forcible seizure of person	s.247(2)
	intimidation by violence	s.381(1)(2)
	taking part in a riot	s.66
	mischief causing danger to life	s.387.2
	arson	s.389
	causing fire resulting in loss of life	s.392
	false fire alarm	s.393

Note: Schedule A of the Federal-Provincial Cost-Sharing Agreements refers to Criminal Code offences as they were defined in the 1973 Code. The above list refers to offences currently cost-shared and should be treated as a guideline only. Schedule A will be amended in the near future to reflect recent amendments to the Code.

All jurisdictions provide for compensation for "good samaritans", i.e. compensation for injuries or death occurring while arresting, attempting to arrest or assisting a peace officer to arrest an offender or suspected offender. The legislation in all jurisdictions except Alberta, Manitoba and Saskatchewan requires that the arrest be "lawful". Good samaritans who attempt to prevent a crime or assist a peace officer to do so must also be acting lawfully in all jurisdictions except Alberta, Ontario and New Brunswick. The legislation in Alberta also makes explicit provision for compensating an innocent victim injured or killed by a peace officer while attempting to prevent a criminal offence or arrest an offender or suspected offender.

APPLICATION FOR COMPENSATION AND ELIGIBILITY

Who May Apply

An application may be made by or on behalf of crime victims in accordance with provincial or territorial legislation. If the victim has been killed, an application may be made by or on behalf of the surviving dependents.

Surviving dependants are defined in the enabling legislation and are generally understood to be persons who were wholly or partly dependent on the victim. This would include members of the victim's family and others to whom the victim stood in loco parentis. There are differences in the status of common law spouses from jurisdiction to jurisdiction depending on the definition of "spouse". For example, in Nova Scotia, Quebec, and Manitoba a person is deemed to be a spouse if he or she cohabits with another person as man and wife and they are known as such in the community. In Ontario, there must be continuous cohabitation for five years or there must be a relationship of some permanence plus a child of the relationship. Manitoba imposes a further requirement that there be some legal impediment to marriage. In Alberta, a couple must cohabit for five years or for two years if there is a child resulting from the relationship. In British Columbia common law couples must cohabit for two years. The legislation in Newfoundland, New Brunswick and Saskatchewan makes no specific reference to commonlaw relationships.

Peace officers who are injured or killed while on duty are compensated pursuant to work related insurance schemes in all jurisdictions. These schemes would provide coverage for loss of income, disability and other related expenses. In addition, peace officers are eligible for criminal injuries compensation in Nova Scotia, Ontario, Saskatchewan and Alberta. Generally such compensation would be for pain and suffering only and would not result in double compensation. Compensation is not payable to peace officers in Newfoundland, New Brunswick, Quebec, British Columbia and the Territories.

Time Limits

In all jurisdictions, except Manitoba, the time limit for filing an application is one year from the date of the occurrence of the crime. In Manitoba, the time limit is two years. The legislation in all jurisdictions provides that the time limit may be extended either before the time limit expires or retroactively if there is adequate justification. Grounds for an extension include the applicants ignorance of the program, a delay caused as a result of waiting for the outcome of a court case or the incapacitation of the victim. Generally the decision to extend the limitation period is at the discretion of the Board.

Victim Culpability

The legislation in all jurisdictions provides that behaviour directly or indirectly contributing to the injury or death of the victim should be considered and taken into account. Quebec and British Columbia require that benefits not be granted if the victim is guilty of gross fault. (In Québec and Manitoba, victim culpability may be grounds for a denial of an award. However, if the degree of fault is not sufficient to deny the award, an award would be made with no reduction.) In the Yukon, an award may be made despite victim culpability. However, in calculating the award the amount may be reduced proportionally to reflect the degree of victim culpability.

Persons (and their accomplices) who commit crimes upon which claims are based are not eligible for compensation. Further, an award will be refused in all jurisdictions (either as a matter of policy or as required by the legislation) where an assailant would possibly benefit. For example, an award may be denied

where the assailant and the victim reside together. A victim of wife assault who continues to reside with her offending spouse would, therefore, not be awarded compensation.

Cooperation with the Police

Persons who apply for compensation are expected to report the crime to the police within a reasonable time. This is a legal requirement in Newfoundland, New Brunswick, Ontario, Manitoba, Saskatchewan and Alberta and a matter of policy in the other jurisdictions. Further, it is expected that reasonable assistance be given by the victim to law enforcement authorities to apprehend the offender. This, however, is a legal requirement only in Ontario and Manitoba.

Proof of Criminal Injury

The applicant must be able to demonstrate to the Board or judge adjudicating the claim that there has been an injury or death as a result of a crime in accordance with the enabling legislation. However, the applicant need not prove the claim beyond a reasonable doubt but rather "on a balance of probabilities".

The conviction of an offender is usually taken as proof that an offence has taken place but a conviction does not prescribe a right to an award since the victim may have contributed to his/her own injury. Further, a conviction is not a necessary condition for the granting of an award. In many cases an offender will not be found, or may be acquitted of the offence, or convicted of another offence.

The legislation in most jurisdictions authorizes the acceptance of statements, documents, information or other material that may assist in effectively dealing with the application, whether or not it would be admissible as evidence in a court of law.

AWARDS OF COMPENSATION

Manner of Award

In all jurisdictions the administering body has the authority to determine both the terms and conditions of payment including the holding of compensation in trust for the victim or the victim's dependants. An award may be a lump sum, a periodic award or a combination of both. In New Brunswick, only lump sums are awarded. Newfoundland and Manitoba award either lump sums or periodic payments. The remaining jurisdictions award lump sums, periodic payments and combination awards.

Interim payments may be made where there is financial urgency or where the victim's changing condition makes a final assessment difficult, provided that it is probable that an award would eventually be made.

Legislation in all jurisdictions provides for supplementary awards or variations of the award after final determination.

Compensable Damages

Generally an award of compensation may be made for:

- expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;
- pecuniary loss or damage incurred by the victim as a result of total or partial disability affecting the victim's capacity to work;
- pecuniary loss or damages incurred by dependants as a result of the victim's death;
- maintenance of a child born as a result of sexual assault;
- other pecuniary loss or damages resulting from the victim's injury and any expense that in the opinion of the Board, is reasonable to incur; and,
- pain and suffering (in some jurisdictions).

Generally there is no compensation for damage to property. However, New Brunswick, Alberta and Quebec provide limited compensation for loss of or damage to property where the victim is a "good Samaritan". In addition, in

Alberta, compensation of up to \$10,000 may be awarded when real or personal property is destroyed by a peace officer performing his duties. Ontario, Nova Scotia, Newfoundland, the Yukon and the Northwest Territories allow the payment of compensation and damages to good samaritans as would be provided at common law.

Medical, Hospital, Dental, Rehabilitation and Other Expenses

Provincial and territorial health insurance schemes include coverage for the medical and hospital expenses incurred by victims of crime so the criminal injuries compensation programs generally do not make awards for these insured expenses. Uninsured expenses would, however, be considered by the compensation program. In Quebec, the compensation program reimburses the provincial health insurance program for the medical and hospital expenses incurred by a victim of crime whose claim for compensation has been allowed.

The legislation in all jurisdictions provides for compensation for dental expenses. In addition, all programs will refer victims in appropriate cases and circumstances to other government agencies and departments for rehabilitational assistance. In addition, expenses incurred by the applicant for transportation, lodging and meals for the treatment of injuries and for appearance before the Board may be compensated.

Reasonable legal fees associated with the application for compensation including appearances before the Board, may be awarded in all jurisdictions except British Columbia and New Brunswick.

Pain and Suffering

The legislation in all jurisdictions except Quebec, Manitoba and the Northwest Territories provides for compensation to the victim for pain and suffering. An award for pain and suffering is intended to compensate the victim for something beyond loss of wages and other pecuniary losses. It recognizes the actual pain suffered and attempts to assist restoring the victim to his/her prior situation as much as is possible through financial compensation.

A determination of pain and suffering is usually based on a medical assessment of the victim's injuries as well as the victim's report of his/her own condition. The Board or administering body is usually guided by previous awards made in similar cases when assessing quantum. Awards for pain and suffering are usually lump sums.

The Northwest Territories will compensate a victim for humiliation, sadness and embarrassment caused by disfigurement. British Columbia will compensate for pain and suffering, loss of amenities and loss of expectation of life. In Alberta, an award of up to \$410,000 may be made to good Samaritans or those assisting a peace officer in preventing an offence or arresting an offender or suspected offender for damages for physical disability or disfigurement and for pain and suffering.

In all jurisdictions, compensation for mental and nervous shock of the victim may be awarded based on psychiatric evidence. Awards for psychotherapy fees, wage loss as a result of absence from work due to stress and similar expenses may be made.

Quantum of Award

Determining the amount of the compensation award depends on many factors including the expenses incurred as a result of injury or death, pecuniary losses and pain and suffering.

Except for Quebec, Manitoba, British Columbia and New Brunswick, the compensation legislation does not specify how quantum is to be determined.

In Quebec and Manitoba, victims are compensated as if they had been injured in a work situation and receive the same benefits that would be available under Workers Compensation legislation. In British Columbia, the award is determined in accordance with awards granted in civil suits for similar personal injuries arising from negligence. In New Brunswick, awards are assessed in the same manner as damages are assessed in a civil action; however, the maximum award is \$5,000 (or \$15,000 for good Samaritans).

Saskatchewan is the only jurisdiction where financial need is a factor to be considered in adjudicating an award. However, the policy is that financial need will only serve to increase an award.

In the remaining jurisdictions the Compensation Board has the discretion to determine the quantum of the award. Generally, the Board attempts to grant similar awards in similar circumstances. In determining an award the policy in all jurisdictions is to determine the victim's losses, deduct any amounts required to be deducted, such as collateral benefits, and to then impose the applicable maximum limit.

Minimum and Maximum Awards

In all jurisdictions other than Newfoundland, Quebec and Ontario, there is a minimum amount of damages, varying from \$50 to \$250, below which no claim for compensation will be accepted.

All jurisdictions except Saskatchewan and Alberta have maximum lump sums and maximum periodic payments set out in their legislation. New Brunswick does not make periodic payments. The current maximum limits are set out in Table 4.

TABLE 4

MAXIMUM AMOUNTS PAYABLE AS CRIMINAL INJURIES COMPENSATION [1987] (1)

Province	Lump Sum	Periodic Payment	Combination
Newfoundland	\$9,000	\$270	\$4500 + \$270/month until \$20,000 paid
Nova Scotia	\$15,000	\$500	Lump sum + periodic but one amount is reduced by one-half of the maximum when both are applied simultaneously.
New Brunswick	\$5,000 (\$15,000 for good Samaritans)	N/A	N/A
Quebec	N/A (2)	\$1890	N/A
Ontario	\$25,000	\$1,000	\$12,500 + \$1,000 per month
Manitoba	N/A (3)	\$2,000	N/A
Saskatchewan	No Maximum (4)	No Maximum	
Alberta	No Maximum (5)	No Maximum	
British Columbia	\$25,000	\$2568 (adjusted bi-annually)	Lump sum + periodic but one amount is reduced by one-half of the maximum when both are applied simultaneously
Yukon	\$15,000	\$500 (until \$25,000 paid)	Lump sum + \$500 until \$25,000 paid
Northwest Territories	\$15,000	Income from \$50,000	Lump sum + periodic but one amount to be reduced by one-half of the maximum when both are applied simultaneously.

- (1) These amounts represent the maximum amounts payable to a single victim. Where there are multiple victims of a single occurrence other maximum limits may apply.
- (2) Quebec only makes a lump sum payment if an injury is so minor that monthly payments would be less than \$99.97.
- (3) Manitoba only makes a lump sum payment where the degree of incapacity is 10% or less.
- (4) Awards in excess of \$7,500 require the approval of the Governor-in-Council.
- (5) In Alberta a \$10,000 maximum applies to awards made to victims involved in law enforcement for pain and suffering, physical disability or disfigurement.

Although there may be more than one victim for a particular offence, there is usually a limit on the compensation payable per occurrence. The limit for lump sum payments is \$25,000 in New Brunswick, \$75,000 in Newfoundland and the Yukon, and \$100,000 in Nova Scotia, and the Northwest Territories. For periodic payments the maximum is a total of \$75,000 in Newfoundland, \$25,000 in New Brunswick, \$125,000 in the Yukon, \$175,000 in Ontario, \$3,500 per month in Nova Scotia and the annual interest on \$350,000 in the Northwest Territories. Such maxima do not exist in Quebec, Manitoba, Saskatchewan, Alberta and British Columbia. In Quebec, Manitoba and British Columbia each victim of a multiple victim situation is treated as a claimant in a single victim crime. In Saskatchewan and Alberta, there is no ceiling in any case, regardless of the number of victims.

Deductible Amounts

In determining the quantum of the award, the legislation in all jurisdictions, other than Quebec, specifies that certain other payments to the victim or his/her dependants be deducted. Generally, any amounts received or to be received under any federal, provincial or territorial act or ordinance with respect to the injury or death of a victim, other than benefits under a superannuation plan, must be taken into account. In addition, any amount recovered from the offender is deducted up to the total amount that is awardable as compensation and costs.

The Manitoba Act requires that social allowances and municipal assistance benefits be deducted. The British Columbia legislation directs that any payment, allowance or benefit received from an employer during the period of disability be deducted. Manitoba and Alberta require that benefits from accident, sickness and life insurance schemes and from private pension schemes be deducted. Generally, social assistance payments are only deducted where an award includes an amount for loss of income.

CIVIL REMEDY

In all jurisdictions, a victim may institute a civil action and a claim for compensation simultaneously. Where an award of compensation is made and the victim subsequently recovers damages from the offender in the civil suit, the victim must reimburse the Compensation Board up to the amount of the award received. There

can be no double recovery. If the victim does not launch a civil suit, the Compensation Board, upon conferring an award is subrogated to the rights of the applicant and could, therefore, seek to recover from the offender on behalf of the victim.

VARIATION AND APPEAL

Legislation in all jurisdictions provides for supplementary awards or variations of the award after the final determination. A case is always considered open and subject to review and a variation can be made as a result of a victim's change of condition or circumstances.

Quebec and British Columbia index periodic awards according to changes in the cost of living. In the other jurisdictions an award can be varied upon application or by the Board's own initiative to allow for cost of living increases upon consideration of the Board or the judge that made the order. An application to vary can be made by the victim, the victim's dependants, the Attorney General or the offender. In New Brunswick an application to vary may be made by any interested party.

The formal appeal procedure for unsatisfied claimants varies among jurisdictions. No appeal is permitted to any court of law in Newfoundland, Quebec, Saskatchewan or British Columbia. In the Northwest Territories, Yukon and New Brunswick recourse for appeal lies to the Court of Appeal. In Nova Scotia, the Supreme Court will hear appeals only on a question of law. In Manitoba and Alberta a decision can be appealed to the Supreme Court on questions of law and/or jurisdiction. The Divisional Court hears appeals in Ontario on questions of law alone.

In Manitoba, British Columbia and Quebec, where the criminal injuries compensation programs are associated with the Workers Compensation program, unsatisfied applicants may have their claims reviewed by a Review Board or Appeal Committee at first instance.

In Manitoba, the Review Board may consider additional submissions by the claimant in addition to the information and evidence already on file. In British Columbia, an appeal committee is appointed specifically to review claims. In Quebec, applicants not satisfied with the Board's decision have their claims reviewed by a Board of Review and later, if desired, by the Social Affairs Commission.

PART TWO

STATISTICAL DESCRIPTION OF THE CRIMINAL INJURIES COMPENSATION PROGRAMS

The statistics contained in Tables 5 through 10 are derived from data supplied to the Department of Justice, Canada by the Crime Compensation programs in each province and territory. The Grants and Contributions Audit Section of the Department of Justice completes a desk audit of the claims submitted annually by the provinces to ensure that the terms and conditions of the federal-provincial cost-shared agreements were complied with and to finalize the federal contribution to the province for the period of the claim. All Criminal Injuries Compensation Programs operate on a calendar year while provincial government claims for funding are reimbursed by the federal government in the subsequent fiscal year.

The annual claims submitted to the Department are solely for financial purposes and consequently they contain only very limited information on the characteristics of the claims (e.g. extent of physical injuries, reasons given by the board for denying compensation, victim and offender characteristics, etc.)

The only national statistical data currently available from these claims concerns the following: (1) Number of applications received, dismissed and granted; (2) Criminal Code offences for which compensation is awarded; and, (3) the dollar amount of compensation paid.

NUMBER OF APPLICATIONS RECEIVED, DISMISSED AND AWARDED

Number of Applications Received

Table 5 shows the number of criminal injuries compensation applications received, the number of cases dismissed and the number of awards granted by fiscal year and by province for the years 1980-81 to 1985-86. In addition, the number of cases dismissed and the number of awards granted by fiscal year and province are also presented. Caution is needed when comparing the number of cases dismissed and awards granted to the total number of applications received. Applications received

in a given year are not necessarily processed during that same year. Consequently, cases dismissed or awarded may relate to applications received in earlier years. In addition, an application may result in more than one award being given.

TABLE 5
APPLICATION AND DISPOSITION STATISTICS ON CRIMINAL INJURIES
COMPENSATION PROGRAMS BY PROVINCE FOR THE FISCAL YEARS
1980-81 TO 1985-86

Province and year	Applications received	Disposition	
		Dismissed	Awards* granted
<u>Newfoundland</u>			
1980-81	9	0	8
1981-82	12	0	5
1982-83	7	0	4
1983-84	5	0	7
1984-85	9	0	7
1985-86	8	0	10
<u>Nova Scotia</u>			
1980-81	--	--	--
1981-82	33	5	17
1982-83	102	3	54
1983-84	100	11	103
1984-85	99	17	69
1985-86	110	12	93
<u>New Brunswick</u>			
1980-81	14	4	8
1981-82	16	2	16
1982-83	35	11	23
1983-84	34	13	20
1984-85	60	11	13
1985-86	63	8	22
<u>Quebec</u>			
1980-81	1,190	341	1,049
1981-82	1,651	300	1,003
1982-83	1,651	338	778
1983-84	1,156	373	1,106
1984-85	1,480	285	940
1985-86	1,292	321	1,065

TABLE 5 (CONTINUED)

Province and year	Applications received	Disposition	
		Dismissed	Awards* granted
<u>Ontario</u>			
1980-81	1,274	125	918
1981-82	1,250	128	979
1982-83	1,329	93	950
1983-84	1,488	59	970
1984-85	1,697	67	1,086
1985-86	1,799	48	1,220
<u>Manitoba</u>			
1980-81	182	50	119
1981-82	213	50	125
1982-83	267	64	166
1983-84	274	36	257
1984-85	292	29	197
1985-86	301	23	198
<u>Saskatchewan</u>			
1980-81	77	7	98
1981-82	102	20	63
1982-83	124	21	106
1983-84	136	14	155
1984-85	176	52	101
1985-86	139	36	124
<u>Alberta</u>			
1980-81	204	21	276
1981-82	273	27	269
1982-83	405	28	415
1983-84	372	32	519
1984-85	335	25	482
1985-86	303	30	392
<u>British Columbia</u>			
1980-81	826	169	472
1981-82	860	254	560
1982-83	1,052	279	660
28 1983-84	1,074	220	791
1984-85	1,193	192	833
1985-86	1,345	200	820

TABLE 5 (CONTINUED)

Province and year	Applications received	Disposition	
		Dismissed	Award* granted
<u>Yukon</u>			
1980-81	3	1	2
1981-82	5	1	4
1982-83	4	1	5
1983-84	6	1	2
1984-85	2	2	1
1985-86	11	2	10
<u>Northwest Territories</u>			
1980-81	2	0	3
1981-82	12	0	0
1982-83	5	0	2
1983-84	12	0	6
1984-85	10	0	3
1985-86	10	0	3
<u>TOTAL</u>			
1980-81	3,781	718	2,953
1981-82	4,427	787	3,041
1982-83	4,981	838	3,163
1983-84	4,657	759	3,936
1984-85	5,353	680	3,732
1985-86	5,381	680	3,957

* The number of cases dismissed and the number of awards granted do not add up to the number of applications received. Applications received in any given year are not necessarily processed during that same year. Similarly, cases dismissed or awarded may relate to applications received in earlier years. In addition, there may be more than one award per application.

Table 6 illustrates the total number of applications received and the percentage change from the preceeding year by jurisdiction for fiscal years 1984-85 and 1985-86. Six provinces experienced an increase in the number of applications received in 1985-86. The five other provinces either experienced a decrease or received the same number of applications as the preceding year (See Figure 1).

Although the national trend in applications received is one of gradual increase, as shown in Figure 1, not all provinces fit this picture. The annual number of applications received in Alberta has consistently decreased since 1982-83. Other provinces such as Saskatchewan and Québec have shown increases in some years and decreases in others. The rate of increase in 1985-86 (0.52%) is also much smaller than the rate of increase shown in 1984-85 (15%).

Number of Cases Awarded and Dismissed

Overall, more victims of crime received awards in 1985-86 than in 1984-85 (3,957 and 3,732 respectively). Eight jurisdictions adjudicated and granted more awards in 1985-86 than they did in 1984-85. Over the past four years, Alberta is the only province that has experienced a steady decrease in the number of applications received and in the number of awards granted. (Figure 2)

Over the same time period, the Crime Compensation Board in British Columbia received more applications and adjudicated and granted more awards each year.

As indicated in Table 5, over the past five years the number of applications dismissed has decreased from 718 in 1980-81 to only 680 in 1985-86. (The number of awards dismissed has remained constant over the past two years (680)).

TABLE 6

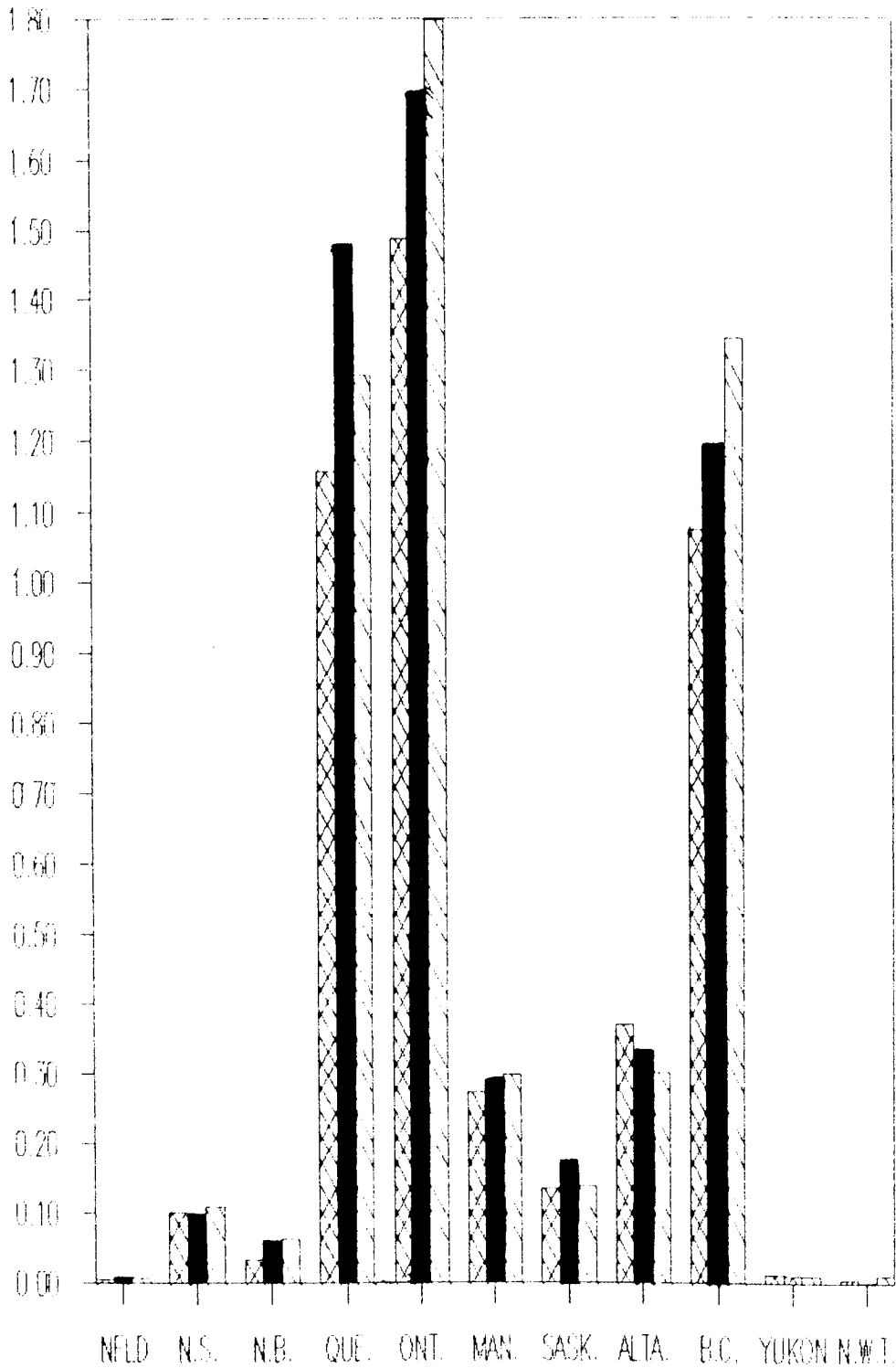
**NUMBER OF APPLICATIONS RECEIVED BY CRIMINAL INJURIES
COMPENSATION PROGRAMS IN 1984-85 AND 1985-86
AND PERCENTAGE CHANGE FROM PRECEDING YEAR, BY PROVINCE**

Province	Number of Applications Received 1984-85	% Change from Preceding Year	Number of Applications Received 1985-86	% Change from Preceding Year
Newfoundland	9	80	8	11
Nova Scotia	99	- 1	110	11
New Brunswick	60	76	63	5
Québec	1,480	28	1,292	13
Ontario	1,697	14	1,799	6
Manitoba	292	7	301	3
Saskatchewan	176	29	139	- 21
Alberta	335	10	303	- 10
British Columbia	1,193	-11	1,345	13
Northwest Territories	10	17	10	0
Yukon	2	-67	11	450
TOTAL	5,353	15	5,381	0.52

NOTE: Percentages have been rounded off to the nearest whole number.

FIGURE 1

NUMBER OF APPLICATIONS RECEIVED BY CRIMINAL INJURIES
COMPENSATION PROGRAMS IN CANADA FOR FISCAL YEARS
1983-84 TO 1985-86



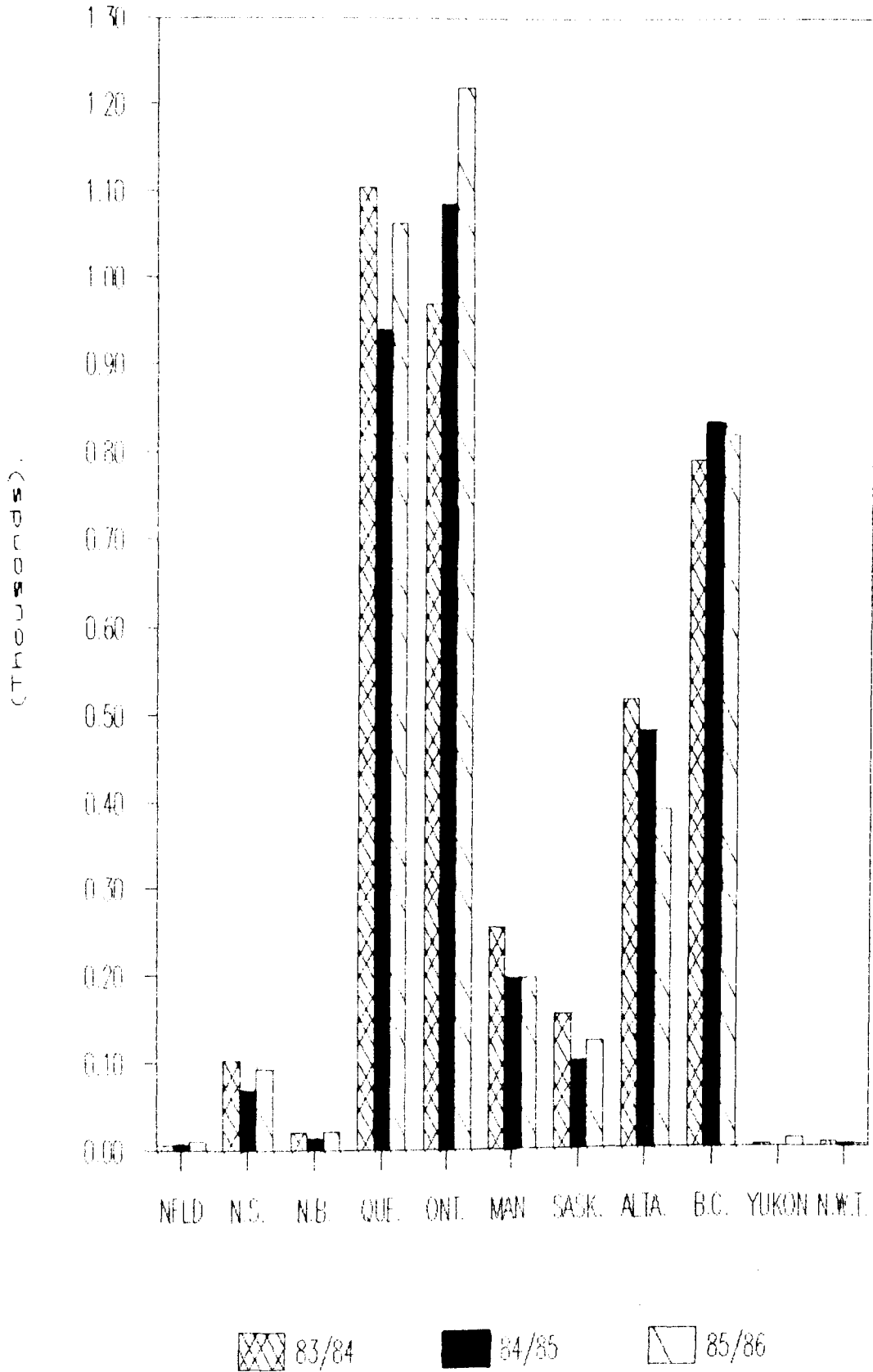
83/84

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85/86

FIGURE 2

NUMBER OF AWARDS GRANTED BY CRIMINAL INJURIES
COMPENSATION PROGRAMS IN CANADA FOR FISCAL YEARS
1983-84 TO 1985-86



CRIMES FOR WHICH COMPENSATION WAS AWARDED

Table 7 presents the proportion of cases compensated by offence categories for each province and territory and the proportion of cases compensated for which persons were injured or killed while enforcing the law. Included in this latter category are:

- (1) peace officers who are injured or killed while making an arrest or preventing an offence or
- (2) private citizens either acting on their own or assisting a peace officer

For the purposes of clarity, the offences for which awards were made have been grouped into seven categories as illustrated in Table 7. Refer to Table 3 (Page 11) for a description of the offences contained in these broad categories.

As indicated previously, peace officers have employment-related compensation schemes and may not always be eligible for compensation. In Québec, British Columbia, Manitoba, Newfoundland, New Brunswick, Yukon and the Northwest Territories, peace officers are not entitled to claim compensation for injuries incurred while on duty. However, in Ontario, Nova Scotia, Saskatchewan and Alberta, peace officers injured while making an arrest or preventing an offence, may apply for compensation but will receive awards for "pain and suffering" only.

As indicated in Table 7, only six provinces made awards on the grounds of injury or death while engaged in law enforcement. In addition, the proportion of cases compensated for injuries or death arising out of law enforcement have been very minimal (less than 3% for all jurisdictions with the exception of Ontario).

With respect to the Criminal Code offences for which compensation was awarded, Table 7 indicates that in 1985-86, assault (not indecent) consistently constitutes the largest offence category in all provinces and territories with the largest proportion occurring in New Brunswick (73%). It would appear however, that with the exception of compensation boards in Manitoba and the Yukon, all programs experienced a decrease in the number of awards made for this offence category.

The other major categories for which awards had been made are homicide, robbery and attempted murder. It is interesting to note that in 1985-86, seven provinces experienced an increase over 1984-85 in the number of awards granted to victims of sexual offences, due perhaps to an increased willingness on the part of victim's to report such offences.

TABLE 7

NUMBER OF CASES COMPENSATED FOR CRIMINAL INJURIES,
AND PERCENTAGE DISTRIBUTION BY TYPE OF OFFENCE BY PROVINCES
FOR FISCAL YEARS 1980-81 AND 1985-86

Province and year	* Total	<u>Compensable Offences</u>						<u>Grounds for Compensation</u>		
		Homi- cide	Attempted murder	Sexual Offence	Assault (not in- decent)	Robbery/ Breaking and entering	Offensive weapons	Other criminal offences	Injured/ killed, while making an arrest	Injured/ killed, while preventing an offence
<u>Newfoundland</u>										
1980-81	9	0	11.1	0	44.4	22.2		22.2	0	0
1981-82	5	20.0	0	0	60.0	0		20.2	0	0
1982-83	5	0	0	0	60.0	0		40.0	0	0
1983-84	7	4.2	0	0	42.9	0		28.6	0	0
1984-85	7	28.6	0	0	57.14	0	14.26	0	0	0
1985-86	10	11.1	22.2	0	44.4	0	0	22.2	0	0
<u>Nova Scotia</u>										
1980-81										
1981-82	17	5.9	11.8	0	82.4	0	0	0	0	0
1982-83	55	1.8	5.5	1.8	81.8	9.1	0	0	0	0
1983-84	95	2.1	4.2	7.4	67.4	12.6	0	6.3	0	0
1984-85	69	8.7	4.3	2.9	78.3	5.8	0	0	0	0
1985-86	89	8.9	3.4	4.2	65.2	6.7	0	3.4	0	1.1
<u>New Brunswick</u>										
1980-81	12	16.7	25.0	0	25.0	8.3	0	16.6	0	8.3
1981-82	14	0	21.4	14.3	57.1	0	0	7.1	0	0
1982-83	24	8.3	8.3	4.2	50.0	16.7	0	8.3	4.2	0
1983-84	26	3.8	0	3.8	73.1	7.7	3.8	3.8	0	3.8
1984-85	43	4.6	0		79.13	9.3	4.6	2.4	0	0
1985-86	60	3.3	3.3	5.0	73.3	11.7	0	3.3	0	0

TABLE 7 (CONTINUED)

Province and year	<u>Compensable Offences</u>							<u>Grounds for Compensation</u>		
	*Total	Homi- cide	Attempted murder	Sexual Offence	Assault (not in- decent)	Robbery/ Breaking and entering	Offensive weapons	Other criminal offences	Injured/ killed, while making an arrest	Injured/ killed while preventing an offence
<u>Saskatchewan</u>										
1980-81	96	18.8	1.0	3.1	63.5	8.3	0	5.2	0	0
1981-82	73	20.6	6.8	5.5	57.5	1.4	0	8.2	0	0
1982-83	111	14.4	9.0	1.8	68.5	3.6	0	2.7	0	0
1983-84	155	7.7	9.0	5.2	71.5	3.2	0	1.9	0	1.3
1984-85	101	5.9	2.9	1.9	79.2	7.9	0	1.93	0	0
1985-86	119	7.6	5.8	11.8	70.6	4.2	0	1.0	0	0
<u>Alberta</u>										
1980-81	265	11.7	9.4	1.9	58.5	8.3	1.9	4.5	3.4	0.4
1981-82	231	10.0	8.7	2.6	58.0	8.2	3.4	2.2	2.2	4.8
1982-83	397	9.8	7.1	2.5	56.9	8.1	3.0	2.3	5.8	4.5
1983-84	471	11.8	7.2	2.8	60.5	8.7	2.5	2.1	2.8	1.7
1984-85	447	8.7	8.2	1.8	66.4	7.4	2.0	1.8	1.8	1.8
1985-86	431	11.8	7.7	2.1	63.1	9.5	2.8	3.0	3.5	2.6
<u>British Columbia</u>										
1980-81	639	12.2	6.1	5.8	59.0	12.5	1.4	2.2	0.2	0.6
1981-82	736	12.1	6.5	5.2	57.3	13.0	1.8	1.9	1.1	1.1
1982-83	882	11.2	5.1	6.6	56.1	14.9	1.9	3.5	0.1	0.6
1983-84	1,013	11.2	5.7	8.3	55.2	12.5	1.5	4.9	0.3	0.4
1984-85	1,107	9.4	4.7	13.7	51.8	10.7	1.5	7.3	0.4	0.4
1985-86	820	5.7	1.5	27.2	48.6	12.4	1.8	2.3	0.4	0.1

TABLE 7 (CONTINUED)

Province and year	<u>Compensable Offences</u>							<u>Grounds for Compensation</u>		
	* Total	Homi- cide	Attempted murder	Sexual Offence	Assault (not in- decent)	Robbery/ Breaking and entering	Offensive weapons	Other criminal offences	Injured/ killed, while making an arrest	Injured/ killed while preventing an offence
<u>Yukon</u>										
1980-81	3	0	100.0	0	0	0	0	0	0	0
1981-82	4	25.0	0	0	25.0	0	25.0	0	0	25.0
1982-83	5	40.0	20.0	0	40.0	0	0	0	0	0
1983-84	4	0	0	0	100.0	0	0	0	0	0
1984-85	1	0	0	0	1.0	0	0	0	0	0
1985-86	8	0	0	25.0	37.5	12.5	0	2.5	0	0
<u>Northwest Territories</u>										
1980-81	7	14.3	0	0	85.7	0	0	0	0	0
1981-82	4	25.0	0	0	75.0	0	0	0	0	0
1982-83	9	11.1	0	0	66.7	0	0	22.2	0	0
1983-84	10	20.0	0	0	60.0	0	0	20.0	0	0
1984-85	3	0	0	0	66.7	0	0	33.3	0	0
1985-86	6	16.7	0	0	66.7	0	0	16.7	0	0

* The totals in this table differ from those in Table 5. The totals shown here may include periodic and other payments awarded in previous years. Also cases awarded in a given year may not be compensated until a later year.

AMOUNT OF COMPENSATION PAID

Indicated in Table 8 is the total amount of compensation paid and the cost per capita for the years 1980-81 to 1985-86. The total amount of compensation paid increased by 76.7 percent from 1980 to 1985-86 (\$12,932,914 in 1980-81 to \$22,857,296 in 1985-86).

The cost per capita also varies noticeably across jurisdictions. Table 8 indicates that in 1985-86 the jurisdiction having the highest per capita cost is the Yukon (\$3.15). Traditionally, the provinces with the highest per capita cost have been Québec followed by British Columbia and Manitoba. Although in 1985-86 these three provinces still have the highest per capita costs, the percentage increase for these provinces is lower in 1985-86 than it was in 1984-85; Québec - 17.5% versus 7.4%; British Columbia - 2.51% versus .9% and Manitoba - 13.9% versus 10.3%.

Generally, the cost per capita expenditures in the Atlantic provinces tended to be smaller than in the Western provinces; \$0.04 in Newfoundland, \$0.38 in Nova Scotia and \$0.12 in New Brunswick.

Although in 1985-86 the cost per capita decreased in six jurisdictions, related to the total population, the cost per capita expenditures for crime compensation has steadily increased from 1980-81 (\$0.52) to 1985-86 (\$0.91).

As previously indicated, the federal government reimburses the provinces for a portion of the total criminal injuries compensation paid by that province. As indicated in Table 9, the federal contribution, as a percentage of compensation paid, varies by province. The provinces with the highest per capita costs, namely Québec, Manitoba and British Columbia, have consistently received less than 10 percent of the total compensation paid in their province from the federal government. Other provinces with the lowest per capita costs have received the most from the federal government; 90% in Newfoundland and 47% in New Brunswick.

The differences in the percentage of the contribution to Criminal injuries compensation by the federal government to each province can be attributed to the cost-sharing formula which is used by the provinces in their financial claims to the Department of Justice. The formula negotiated in 1977 establishes the contribution as the larger of 10 cents per capita or \$50,000 but no more than 50% of the total compensation paid. Provinces have the option to claim using the old formula (five cents per capita or 90% of the compensation awarded, whichever is less) if it is to their advantage. Newfoundland is the only province which claims using the old formula.

For the Northwest Territories, the federal government compensates 90% on the first \$15,000, 75% on the next \$15,000, 50% on the next \$50,000 and 40% on all amounts in excess of \$80,000. The figures in Table 6 reflect this arrangement. In the Yukon, the cost-shared agreement is such that the federal government will pay 75% (subject to some limitations) of the compensation paid.

TABLE 8

**CRIMINAL INJURIES COMPENSATION IN RELATION TO POPULATION BY
PROVINCE FOR THE FISCAL YEARS 1980-81 TO 1985-86**

Province and year	Total compensation paid under the terms of the agreement	In relation to population	
		Total population ¹	Cost per capita
	dollars	thousands	dollars
<u>Newfoundland</u>			
1980-81	16,306	580	0.03
1981-82	17,347	568	0.03
1982-83	9,787	569	0.02
1983-84	24,149	578	0.04
1984-85	37,325	579	0.06
1985-86	23,661	581	0.04
<u>Nova Scotia</u>			
1980-81	--	--	--
1981-82	72,076	847	0.09
1982-83	177,889	852	0.21
1983-84	253,322	859	0.29
1984-85	181,709	872	0.21
1985-86	335,348	880	0.38
<u>New Brunswick</u>			
1980-81	27,165	707	0.04
1981-82	34,370	696	0.05
1982-83	52,000	699	0.07
1983-84	63,121	707	0.09
1984-85	82,115	714	0.12
1985-86	76,076	720	0.11
<u>Quebec</u>			
1980-81	6,397,618	6,303	1.02
1981-82	8,098,450	6,438	1.26
1982-83	10,190,109	6,482	1.57
1983-84	10,431,363	6,522	1.60
1984-85	12,277,064	6,541	1.88
1985-86	13,268,482	6,583	2.02

TABLE 8 (CONTINUED)

Province and year	Total compensation paid under the terms of the agreement	In relation to population	
		Total population ¹	Cost per capita
	dollars	thousands	dollars
<u>Ontario</u>			
1980-81	2,496,371	8,570	0.29
1981-82	2,758,815	8,625	0.32
1982-83	2,870,834	8,716	0.33
1983-84	3,208,813	8,816	0.36
1984-85	3,222,742	8,947	0.36
1985-86	3,758,005	9,064	0.41
<u>Manitoba</u>			
1980-81	369,731	1,028	0.36
1981-82	606,000	1,026	0.59
1982-83	800,267	1,035	0.77
1983-84	973,170	1,047	0.93
1984-85	1,123,854	1,058	1.06
1985-86	1,016,930	1,071	0.95
<u>Saskatchewan</u>			
1980-81	272,174	969	0.28
1981-82	193,269	968	0.20
1982-83	385,749	979	0.39
1983-84	460,937	993	0.46
1984-85	347,896	1,009	0.34
1985-86	209,842	1,018	0.29
<u>Alberta</u>			
1980-81	582,333	2,078	0.28
1981-82	497,496	2,238	0.22
1982-83	875,355	2,317	0.38
1983-84	942,373	2,350	0.40
1984-85	963,670	2,341	0.41
1985-86	777,785	2,358	0.33
<u>British Columbia</u>			
1980-81	1,809,918	2,636	0.69
1981-82	2,199,869	2,744	0.80
1982-83	3,151,865	2,790	1.13
1983-84	3,286,571	2,824	1.16
1984-85	3,234,842	2,865	1.13
1985-86	3,294,202	2,885	1.14

TABLE 8 (CONTINUED)

Province and year	Total compensation paid under the terms of the agreement	In relation to population	
		Total population ¹	Cost per capita
	dollars	thousands	
<u>Yukon</u>			
1980-81	25,168	21	1.20
1981-82	24,166	23	1.05
1982-83	24,513	24	1.02
1983-84	6,640	22	0.30
1984-85	6,213	22	0.28
1985-86	73,085	23	3.15
<u>Northwest Territories</u>			
1980-81	36,130	43	0.84
1981-82	22,135	46	0.48
1982-83	34,395	47	0.73
1983-84	60,267	48	1.26
1984-85	27,893	49	0.57
1985-86	23,880	51	0.47
<u>TOTAL</u>			
1980-81	12,032,914	22,935	0.52
1981-82	14,523,993	24,219	0.60
1982-83	18,572,763	24,510	0.76
1983-84	19,710,726	24,766	0.80
1984-85	21,505,323	24,997	0.86
1985-86	22,857,296	25,232	0.91

¹Population is rounded to the nearest 100,000.

Except for the Northwest Territories and the Yukon, federal cost-sharing responds to growth in population only and is not responsive to changes in the total amount of compensation paid. As a result, the provinces "carry" the majority of the financial responsibilities associated with the crime compensation program in their province. Figure 3 illustrates the decrease in the federal contribution as a percentage of the total compensation paid.

In reviewing Table 9, it is important to note that in 1984-85, the federal contribution as a percentage of total compensation paid, decreased in six jurisdictions as opposed to decreasing in only three jurisdictions in 1985-86.

Table 10 indicates the average award by province for fiscal years 1983-84 and 1985-86. The reader must however, be cautioned to consider two important aspects when reviewing this Table:

- 1) Average awards for the provinces that have the largest per capita costs (Québec and Manitoba) are not included in this table. Consequently, the national average award could conceivably be much higher.
- 2) The average award was calculated by subtracting the amount carried over for periodic awards in previous years from the total compensation paid and then dividing by the total claims awarded. Any payments for periodic awards granted in a given year were included in the calculations; however, the total value of the periodic award was not determined. If one were to include the total value of a periodic award in this calculation, the average award could be much higher than indicated in the Table.

Nonetheless, the figures indicate a large degree of variance in the amount of the average awards over the past three years. A review of Table 10 indicates that in 1985-86, six jurisdictions experienced a decrease in their average awards. As well, it would appear that the biggest decreases were in the Maritime provinces (58% in Newfoundland and 46% in New Brunswick).

In Alberta and British Columbia, the average award has decreased consistently over the past three years. During this same time period, the average award has been increasing in Nova Scotia and the Yukon. Overall, however, the

national average has decreased by 19% from an amount of \$2,863.66 in 1983-84 to \$2,518.04 in 1985-86.

FIGURE 3

FEDERAL AND PROVINCIAL CONTRIBUTION FOR CRIMINAL INJURIES
RELATED TO TOTAL COMPENSATION PAID:
1980-81 TO 1985-86

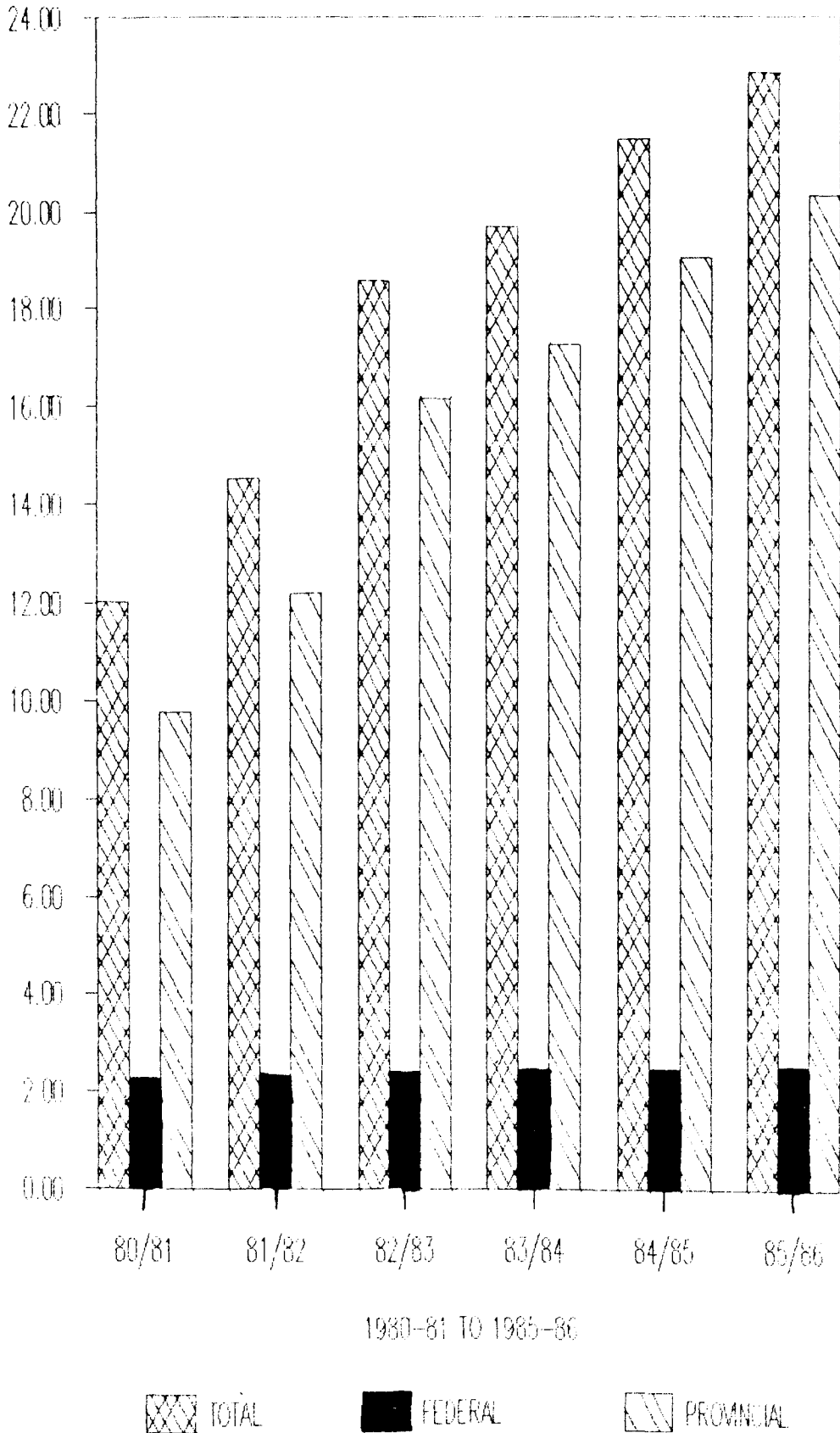


TABLE 9

**FEDERAL CONTRIBUTIONS FOR CRIMINAL INJURIES, RELATED TO TOTAL
COMPENSATION PAID BY PROVINCE FOR THE FISCAL YEARS
1980-81 TO 1985-86**

Province and year	Federal Contribution	Related to Compensation Paid	
	dollars	Total Amount of compensation Paid dollars	Federal contribution as a percentage of compensation paid percent
<u>Newfoundland</u>			
1980-81	14,675	16,306	90.0
1981-82	15,613	17,347	90.0
1982-83	8,808	9,787	90.0
1983-84	21,734	24,149	90.0
1984-85	28,950	37,325	77.5
1985-86	21,296	23,661	90.0
<u>Nova Scotia</u>			
1980-81	--	--	--
1981-82	42,372	72,076	58.8
1982-83	85,220	177,889	47.9
1983-84	85,930	253,322	33.9
1984-85	87,210	181,709	47.9
1985-86	88,070	335,348	26.3
<u>New Brunswick</u>			
1980-81	24,448	27,165	90.0
1981-82	30,933	34,370	90.0
1982-83	34,955	52,000	67.2
1983-84	35,334	63,121	56.0
1984-85	35,710	82,115	43.5
1985-86	35,960	76,076	47.3
<u>Quebec</u>			
1980-81	630,340	6,397,618	9.9
1981-82	643,840	8,098,450	8.0
1982-83	648,240	10,190,109	6.4
1983-84	652,160	10,431,363	6.3
1984-85	654,150	12,277,064	5.3
1985-86	658,070	13,268,482	4.9

TABLE 9 (CONTINUED)

Province and year	Federal Contribution	Related to Compensation Paid	
	dollars	Total Amount of compensation Paid	Federal contribution as a percentage of compensation paid
	dollars	dollars	percent
<u>Ontario</u>			
1980-81	857,040	2,496,371	34.3
1981-82	862,511	2,758,815	31.3
1982-83	871,580	2,870,834	30.4
1983-84	881,590	3,208,813	27.5
1984-85	894,690	3,222,742	27.7
1985-86	906,620	3,758,005	24.1
<u>Manitoba</u>			
1980-81	102,830	369,731	27.8
1981-82	102,624	606,000	16.9
1982-83	103,520	800,267	12.9
1983-84	104,720	973,170	10.8
1984-85	105,810	1,123,854	9.4
1985-86	106,960	1,016,930	10.5
<u>Saskatchewan</u>			
1980-81	96,920	272,174	35.6
1981-82	96,635	193,269	50.0
1982-83	97,940	385,749	25.4
1983-84	99,270	460,937	21.4
1984-85	100,880	347,896	28.9
1985-86	101,950	209,842	48.6
<u>Alberta</u>			
1980-81	207,850	582,333	35.7
1981-82	223,772	497,496	45.0
1982-83	231,700	875,355	26.5
1983-84	235,000	942,373	24.9
1984-85	234,060	963,670	24.3
1985-86	234,880	777,785	30.2

TABLE 9 (CONTINUED)

Province and year	Federal Contribution	Related to Compensation Paid	
	dollars	Amount of compensation Paid dollars	Federal contribution as a percentage of compensation paid percent
<u>British Columbia</u>			
1980-81	263,650	1,809,918	14.6
1981-82	274,447	2,199,869	12.5
1982-83	279,010	3,151,865	8.9
1983-84	282,390	3,285,571	8.6
1984-85	286,510	3,234,842	8.8
1985-86	289,250	3,294,202	8.78
<u>Yukon</u>			
1980-81	18,876	25,168	75.0
1981-82	18,125	24,166	75.0
1982-83	18,385	24,513	75.0
1983-84	4,980	6,640	75.0
1984-85	4,659	6,213	74.9
1985-86	54,814	73,085	75.0
<u>Northwest Territories</u>			
1980-81	27,815	36,130	77.0
1981-82	18,851	22,135	85.2
1982-83	26,948	34,395	78.3
1983-84	39,883	60,267	66.2
1984-85	23,170	27,893	83.1
1985-86	20,161	23,880	84.4
<u>TOTAL</u>			
1980-81	2,244,444	12,032,914	18.6
1981-82	2,329,723	14,523,993	16.0
1982-83	2,406,306	18,572,763	13.0
1983-84	2,442,992	19,710,726	12.4
1984-85	2,457,799	21,505,323	11.4
1985-86	2,518,031	22,857,296	11.0

TABLE 10

**AVERAGE AWARD BY PROVINCE FOR FISCAL YEARS
1983-84, 1984-85 AND 1985-86**

Province	Average Award *		
	<u>1983-84</u>	<u>1984-85</u>	<u>1985-86</u>
Newfoundland	\$2,999.09	\$4,977.50	\$2,139.19
Nova Scotia	2,346.76	2,407.30	3,118.51
New Brunswick	3,156.57	6,316.50	3,440.18
Québec	-	-	-
Ontario	2,813.31	2,434.55	2,456.58
Manitoba	-	-	-
Saskatchewan	2,698.37	3,231.95	1,714.23
Alberta	1,665.48	1,443.48	1,081.04
British Columbia	2,903.30**	2,607.36**	1,765.74**
Yukon	920.00	-	5,813.52
Northwest Territories	6,269.28	1,390.38	1,133.33
	\$2,863.57	\$3,101.13	\$2,518.04

* For every province except British Columbia, the Average Award was calculated by subtracting the amount carried over for periodic payments awarded in previous years from the total compensation paid and then dividing by the total claims awarded.

** Includes periodic payments made on claims awarded in previous years.

In reviewing the information presented in this report, it is evident that there are significant differences among the various programs with respect to their administration, the nature of compensable damages, the level of awards, the eligibility requirements, the amount of awards granted and so on. As was pointed out in the Federal Provincial Task Force Report on Justice For Victims of Crime Report, 1983, there remain "... vastly different rationales for victim compensation schemes"¹. As a result of the differing rationales, uniformity in practice does not exist. While it can be argued that uniformity is neither a desirable nor an achievable objective, one of the unfortunate consequences of these disparities is the difficulty of deriving a national overview from the data provided by individual programs. It is for example, not possible to describe the clients of the compensation programs since program records do not contain comparable information. This report is a testimony to this problem: the data reported here are of necessity, fragmented, descriptive, and provide little analytical insight.

The Federal-Provincial Task Force on Justice For Victims of Crime observed that given the level of funding for each program, criminal injuries compensation programs were meeting the needs of only a few victims and , accordingly, made a recommendation for the increased financing of the programs. Indeed, since 1977 federal funding as a percentage of national expenditures, has decreased. This decrease in federal assistance may have thwarted efforts by some provinces to implement recommendations proposed in the Task Force Report on Justice For Victims of Crime (e.g. informing citizens of the existence of criminal injuries compensation programs, or making awards for pain and suffering).²

In an attempt to improve these financial constraints, the federal Department of Justice has recently proposed to significantly increase the federal contribution

¹ Canadian Federal-Provincial Task Force on Justice for Victims of Crime 1983, Government of Canada Publication at page 99.

² Canadian Federal-Provincial Task Force on Justice for Victims of Crime 1983, Government of Canada Publication (Recommendation 16 and 20 at page 157).

to these programs starting in fiscal year 1987-88. As part of the re-negotiations of the cost-shared agreements, both levels of government have agreed to thoroughly examine issues related to program operation and rationale as well as the nature and amount of compensation that is actually provided to victims of crime. This joint review will undoubtedly assist not only in developing a stable environment for these programs but also in enhancing the information base for the ongoing monitoring and assessment of crime compensation programs, and will result in the production of reports which address the substantive issues surrounding the objectives and delivery of criminal injuries compensation. Subsequent annual reports should reflect a more comprehensive overview of individual programs and provide the basis for a more substantive discussion of national and provincial trends with respect to the objectives and operation of the various Criminal Injuries Compensation Programs in Canada.