

JUSTICE RESEARCH NOTES



I am pleased to introduce the first issue of *Justice Research Notes*, a new publication of my Department's Research and Development Directorate.

Justice Research Notes is designed to provide Canada's socio-legal community, as well as the interested public, with summary results of our various research projects, complementing the publication of completed reports. The bulletin will also carry relevant articles and information from other sources.

The social problems confronting us today are urgent and complex. This inaugural issue of *Justice Research Notes* focuses on one such area of widespread concern — the problems faced by victims of crime, and the search for appropriate responses to their needs. Future issues will address equally pressing matters in the field of justice.

It is our hope that, whatever your field of endeavour, you will find *Justice Research Notes* a source of useful information, and that this exchange will move us a little closer to the goal of equitable access to justice for all Canadians.

A. Kim Campbell

Minister of Justice and
Attorney General of Canada

No. 1

November 1990

IN THIS ISSUE

International Crime Survey	9
Yukon Victim-Witness Program	14
Child Sexual Abuse Legislation Studied	17

Study Probes Effectiveness of Victim Impact Statements

by Carolina Giliberti
Research Section (Criminal Law),
Department of Justice

Over the past few years the needs and concerns of the victims of crime have received increasing attention in Canada and around the world.

In 1986, the Department of Justice, as part of Canada's contribution to the international movement in this area and as an aid to federal policy formulation, initiated six demonstration projects across the country to examine a specific instrument designed to help meet these needs — the Victim Impact Statement (VIS). The VIS is a written account, for use in court, of the personal response of victims to the crimes committed against them.

Advocates of victims' rights have argued that the introduction of this type of statement would make the criminal justice system more accountable to victims. It was also felt that increased involvement by victims in the judicial process would reduce their sense of estrangement and powerlessness in the face of an apparently insensitive system. By providing victims with an opportunity to inform the court of the actual effect on them of a crime, it was hoped that their sense of alienation would be reduced and that they would be more willing to cooperate with the criminal justice system in the future.

continued on page two



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Six Demonstration Projects

The VIS demonstration projects, funded by the Department in six Canadian cities, were designed to test different models for implementing programs. Each of the six projects, five of which have now been evaluated, featured a different setting and context.

► **Victoria:** The VIS project in Victoria was based in the Police Department. A constable had overall responsibility for contacting the victims and arranging for preparation of the statement. This was done by personal interview, and the constable prepared the statement, based on interview notes, which was then delivered to the crown prosecutor.

► **North Battleford:** The project here was staffed by a civilian coordinator, employed specifically for the job and based at RCMP quarters. The coordinator developed five different questionnaires depending on the type of offence (all the other projects used a single form) and conducted the interview in the victim's home. The victim then signed the statement and

the coordinator prepared a narrative summary. Both documents were given to the RCMP and the crown prosecutor.

► **Winnipeg:** A full-time worker attached to the provincial Attorney General's department was responsible for the project in Winnipeg. The Court Unit staff of the Police Department identified eligible cases. Interviews were conducted with the victims, who then checked the notes for accuracy and signed the questionnaire. The worker also prepared a narrative summary, which served as the actual VIS. The statement was considered the property of the victim and was introduced into court by the crown attorney only after the disposition of guilt and before sentencing. Copies were given to the defence counsel and to the judge. In the other projects, the VIS was entered into the system as soon as it was completed and was considered the property of the court, to be used at the discretion of the crown attorney. Thus, if the statement was not used by the Crown, the judge and defence counsel were unaware of its existence.

► **Calgary:** A civilian project coordinator operated out of the Calgary Police Department, using a mail-out/mail-back questionnaire to obtain statements. This required that the victims complete the questionnaire themselves with no assistance from staff. The completed, signed statement was sent to the crown prosecutor's office where it would be used at the prosecutor's discretion.

► **Toronto:** An officer of the Metropolitan Toronto Police Force distributed the VIS form to victims of serious crimes, and the completed document was then returned to the officer. The statement was sent to the crown prosecutor's office, to be used at the prosecutor's discretion.

Justice Research Notes is produced by the Research and Development Directorate of the Department of Justice. Its purpose is to provide, in summary form, results of projects carried out under the Department's program of research into various areas of justice policy, as well as information and articles on other socio-legal matters.

For further information, call (613) 957-9593.
For permission to reproduce articles, call (613) 957-4214.

Published by authority of the Minister of Justice
and Attorney General of Canada

by

Communications and Public Affairs
Department of Justice Canada
Ottawa K1A 0H8

©Minister of Supply and Services Canada 1990
Printed in Canada
ISSN 1181-9243

► **Montreal:** The Montreal VIS project was located in the crown prosecutor's office and victims filled out the statement form themselves, though a worker was available to assist as required. The evaluation of this project is not yet complete.

Evaluation of Projects

In considering the evaluation results, two factors that have a bearing on the findings should be borne in mind.

First, the projects were evaluated before recent legislative changes to the *Criminal Code*. These changes, proclaimed in 1989, provided, among other things, legislative authority to introduce victim impact statements into the sentencing process — authority that did not exist at the time of the VIS projects. Although judges could hear victim impact statements without such authority, their use in the absence of legislation was perceived by some criminal justice officials to be problematic. As a result, although there was

legislative authority to introduce victim impact statements ...did not exist at the time of the VIS projects

support for having victims complete statements, filing or presenting the statements in court was not always encouraged.

Second, these projects were innovative demonstration projects that evolved over time. Procedures and practices changed during the course of the projects and as a result, the research had to adapt to these changes.

The evaluations of all projects covered three main areas:

- the operation of the program and how successful it had been in preparing victim impact statements and presenting them to court;
- the effect of participation in the program on victims' satisfaction with the criminal justice process and their participation in the process; and
- the effect of victim impact statements on the justice system.

Several research methods and data sources were used in the evaluations: interviews with victims, crown attorneys, police, judges, defence counsel, and VIS program staff; checklists completed by prosecutors; content analysis of completed statements; and analysis of data from police, court and program files.

How Well Did the Program Operate?

COMPLETION RATES

One of the key areas of interest in the evaluation was a comparison of statement completion rates for the different project models. For example, are victims more likely to complete statements if they are personally interviewed or if they are sent a mail-out questionnaire? The results indicate that the rate of completion is much higher when victims prepare a VIS in a personal interview.

The reasons victims gave for refusing to participate in the program were consistent across all projects. The most common reason given was that the victim regarded the offence as too minor to warrant a statement.

Researchers found that the only significant personal factor that influenced completion rates was the age of the victim: victims over 50 had the highest rate of return in all projects. Researchers also found that in three sites the

completion rates for sexual assault were slightly higher than those for other personal offences.

Victims were asked why they wanted to complete a statement or what they hoped to gain as a result. Although many reasons and expectations were advanced, most victims expressed the hope that giving a VIS would influence the sentence given to offenders, assert the "rights of victims over offenders", and generally ensure that justice would be done.

DIFFICULTIES IN GIVING A STATEMENT

Victims were asked if they had difficulty in completing the statement and if they had any fears about participating in the program.

Responses to the first question depended, as might be expected, on the method of obtaining the statement. In Winnipeg and North Battleford, where statements were completed through personal interview, a small number of participants (15 per cent and 9 per cent, respectively) reported initial difficulty in understanding the questions.

However, significant numbers of participants also said they had difficulty when required to complete the statements themselves. Twenty-seven per cent of participants in the Calgary program said they would have liked someone to help them. Reasons given included a desire to ensure that "the statement was properly done" and problems with language and writing, particularly when trying to express the emotional impact of the crime. Some victims said they preferred a mail-out form, which indicates they should probably be given this option if they refuse to take part in an interview-based program.

Between 14 per cent and 28 per cent of participants expressed anxiety about participation in the program, and the fear they experienced was consistent across all projects: the prime concern

was that the offender or the offender's friends would seek revenge.

METHODS OF OBTAINING STATEMENTS

Prosecutors and judges were asked what methods they preferred for obtaining statements. These officials liked the methods being used in their own programs, although for different reasons. They tended to emphasize matters to do with the quality or acceptability of the statements once prepared, rather than the advantages of the actual method of preparation.

In Victoria, where statements were prepared by police constables following personal interviews with the victims, there was unanimous feeling among prosecutors that an interview-based system provided more useful victim information than a mail-out system. The judges interviewed voiced the same opinion.

At Calgary, in contrast, judges and prosecutors involved in the mail-out/mail-back method indicated a strong preference for statements that were written and signed by the victims themselves rather than those prepared by a third party.

Effects of Impact Statements on Victims

Advocates of victim impact statements argue that, among other worthwhile results, the statements lead to greater participation by victims in the criminal justice system and increase their feelings of satisfaction with the system and the role they have played in it.

LEVEL OF SATISFACTION

In the evaluation, researchers asked both participating and nonparticipating victims about their

level of satisfaction with the program and with the criminal justice system in general. Participants in all projects reported a high level of satisfaction with the program.

Contrary to expectations, there was no difference in the degree of victims' satisfaction when their statements were used in court and when they were not. This held true for all projects, including the two (North Battleford and Calgary) where one group of participants knew with certainty that their statements had not been used because no charges had been laid. It appeared that participants derived benefits from the program that were not contingent on the actual use of the statement.

When asked to comment on which aspect of the program they considered to be most helpful, victims indicated that it was to be given the opportunity to talk with someone about the offence and its effects and to have this information conveyed to the court, to be given useful information about the case, and to have the opportunity to contact someone in the event of a problem arising.

LEVEL OF PARTICIPATION IN THE CRIMINAL JUSTICE SYSTEM

Researchers found that, generally, there were no differences between program participants and nonparticipants with regard to contacts with criminal justice system officials, or in the number of victims voluntarily attending court or sentencing. However, to a slight but consistent degree, participants were better informed than nonparticipants about what was happening in their own cases.

SATISFACTION WITH HOW CASE WAS HANDLED

When victims were asked how satisfied they were with the handling of their cases, no statistically

significant differences were found between participants and nonparticipants in the VIS program.

Sources of satisfaction with the judicial system were very similar in both groups, with responses most frequently centred on the positive manner in which the police handled the case, and the fairness and sensitivity shown to the victim.

In most of the evaluations, researchers sought to assess what might account for the degree of overall case satisfaction in both the

***there is a positive correlation
between being adequately
informed ...and feeling satisfied
with the system***

participant and nonparticipant groups. Two contributing factors were identified. The first was the extent to which victims felt they had been adequately informed about their case. The results indicate that there is a positive correlation between being adequately informed about case progress and feeling satisfied with the system. Victims who felt that their information needs were met also felt more satisfied with the overall handling of their case. The second factor was the use of victim impact statements by the court. Although the relationship between statement use and victim satisfaction was confused by the fact that few victims were aware of whether or not their statements had been used, the Calgary evaluation found that when VIS participants *thought* their statements had been used by prosecutors, they were considerably more likely (70 per cent as opposed to 42 per cent) to indicate they were satisfied with the handling of the case.

There was less similarity between participants and nonparticipants about the main sources of *dissatisfaction*. One major difference was found in the North Battleford evaluation, where the primary source of dissatisfaction for both partici-

pants and nonparticipants was the failure of the criminal justice system to meet their expectations, though this reason was cited more frequently by the participant group (41 per cent) than the nonparticipant group (28 per cent). This finding appears to lend weight to the argument that victims who have been given the opportunity to complete a statement may end up more disillusioned because their expectations have been heightened.

REPORTING FUTURE INCIDENTS

A final measure of attitudes toward the criminal justice system concerned the cooperation of victims as evidenced by their willingness to report crime in the future. This varied substantially by jurisdiction. In Calgary and North Battleford, there were no differences between participants and nonparticipants in willingness to report. In Victoria and Winnipeg, on the other hand, participants were more willing than nonparticipants to report crime in the future.

ATTITUDES TOWARD SENTENCES IMPOSED

Victims' attitudes toward sentencing were examined generally and in relation to their own cases. It is noteworthy that over all evaluations and in all groups, the majority of victims had negative attitudes toward sentencing both before and after their cases. That having been said, the Winnipeg and Victoria evaluations did find VIS participants to be more supportive of sentences imposed by the courts than nonparticipants.

Effect of Victim Impact Statements on the Justice System

USE OF THE STATEMENTS

Crucial to an examination of the effect of victim

impact statements on the justice system is whether the statements were *in fact* used in the process. In looking at use of statements, the researchers applied the broadest definition possible. "Use" included anything from referring to a statement in submission to sentence, to actually filing the statement as an exhibit in court.

The stated intention of all projects was to provide the victim, through the medium of the VIS, with a means of speaking independently and

in some situations, crown prosecutors simply would not introduce victim impact statements

directly to the court at the time of sentencing. The results indicate that this goal was met in varying degrees across the five projects.

With the exception of the Victoria project, very few statements were actually used in court when the use or nonuse of statements was at the discretion of the prosecutors. Reasons given by prosecutors for not using the statements included the belief that they contained no new information, that many were too vague or irrelevant to be used, that they were of doubtful accuracy, and that they added to the cost burden of the system.

The Winnipeg project was the only one that formally established a procedure allowing for the distribution of statements to the judge and defence counsel as well as the prosecutor. Although the procedures established in Winnipeg should have resulted in a 100-per-cent presentation of statements to the court once a verdict of guilty had been reached, in fact only 43 per cent of the statements were actually distributed. The remaining 57 per cent were not introduced owing to a mixture of program and court procedures, as

well as prosecutor discretion. In some situations, crown prosecutors simply would not introduce victim impact statements, despite the fact that the project called for their introduction.

Although the measurement of prosecutors' "use" of statements was somewhat different in the Toronto project, the evaluation results were encouraging. Of the 40 statements reported as being formally presented to the court, two thirds were entered as exhibits and one third as crown submissions.

OTHER NONSENTENCING USES FOR THE STATEMENTS

It is argued that information contained in a victim impact statement could be used at other nonsentencing points in the process. It is interesting that the two projects reporting the least use of statements by prosecutors at the time of sentencing — Calgary and North Battleford — also reported the highest level of use at points other than sentencing. Prosecutors at both projects used the statements most frequently to provide background information, but also reported using them in up to 20 per cent of cases for negotiations with defence counsel, the examination of victims and witnesses, and during summation of the case in court. Overall, the findings indicate that the level of use of victim impact statements for purposes other than sentencing was consistently below 25 per cent in all projects.

CONTENT OF THE STATEMENTS

One argument against the use of victim impact statements is that they do not contain information not already available in police documents: that the statements are merely a new way of "packaging" existing information. In a systematic comparison of the content of statements with police and

probation records, no evidence was found to substantiate this argument. Police reports were found to contain much less detail on the effects of a crime on the victim. Generally, victim impact statements were found to be the only source of information routinely available to the court on the emotional impact of the crime.

Another major criticism of the VIS is that victims are vengeful and that they will use this mechanism to "get back at" the offender. There was little or no evidence to support this contention. In Winnipeg only one of the 81 victims interviewed commented in a way that could be considered vengeful, and in Victoria a content analysis of completed statements found such comments in only three instances out of 84.

Calgary data on victims' views of the value of the statements suggested that revenge and vindication did not figure highly in victims' minds when they decided to return the statements, and the contents of the completed documents supported this view.

VIEWS OF PROSECUTORS, JUDGES AND POLICE

Prosecutors' opinions on the impact and usefulness of the VIS varied considerably across the evaluations. At one extreme, the Toronto evaluation found that an overwhelming majority of prosecutors believed that victim impact statements could play a useful role in the system. They believed that the statement allowed the victim to have a say, that it provided more information, and that it helped the judge understand the victim's point of view. At the other extreme, North Battleford prosecutors perceived the statement as being of no benefit to the criminal justice system aside from its use as a background document for the crown attorney's case, and they remained convinced that the victim's feelings had no role to play in court decision-making. These



widely differing viewpoints are reflected in the use made of statements by prosecutors at the time of sentencing.

Generally, police did not see the program as imposing a significant burden on their workload, and most agreed that its benefits outweighed any extra work involved. Their most frequently mentioned concern was the small number of victims completing and returning the statements. Another misgiving was that crown prosecutors were not using the statements to the extent the police believed they should. Almost every officer interviewed stressed that the statement's most important feature was the fact that these were the victim's own words, not a police or crown interpretation of the victim's situation. They believed that the submission of the VIS itself, not merely the presentation of a summary, was the only appropriate form of use.

Judges were interviewed in all but the Toronto project. It is a telling comment on the extent of the use of the statements in court that in two of the evaluations, the judges either had no experience with a statement, or were surprised to learn that they had in fact heard cases in which a VIS had been obtained.

Conclusions Point to Greater Use of Victim Impact Statements

What have we learned from these evaluations?

First, the findings dispel a number of myths. Victims do not use the VIS as a retributive tool and there is no evidence to suggest that the statements are vengeful in nature. In addition, the statements do not duplicate existing information.

Second, the research has dispelled any illusions about the overall utility of the VIS to the criminal justice system. Completing a statement

does not necessarily lead to greater victim satisfaction with the system, nor does it increase the willingness of victims to cooperate with the system in the future. Completing a statement does not, by itself, make the victims feel better about how the system is handling their case. They want to be informed about the progress of their case and they want information on how the criminal justice system operates.

However, the third and perhaps most important finding of this research is that an overwhelming majority of victims found the experience of completing a statement to be positive and would participate again if victimized. Completing a statement appears to result in an increase in the victims' belief that their views are of interest in the criminal justice system.

Because very few statements were actually used in court, the findings that pertain to the impact of the statements on the system and the victim are preliminary at best. However, it is to be hoped that the recent change to the *Criminal Code* that provides legislative authority to introduce victim impact statements in the sentencing process, plus these preliminary findings, will encourage criminal justice officials to actively promote the use of the VIS. ◀



Victim Impact Statements in Canada, Volume 7: A Summary of the Findings. For copies, contact: Research Section, Department of Justice Canada, Ottawa K1A 0H8. (613) 957-9593.

Survey Provides Data on Victimization from 17 Countries

by Shirley Riopelle Ouellet
Research Section (Public Law),
Department of Justice

In July 1988, the Department of Justice agreed to participate in the development and implementation of an international crime survey, the first ever undertaken. In all, 14 countries participated in a fully coordinated research exercise: Australia, Belgium, Canada, England and Wales, Federal Republic of Germany, Finland, France, the Netherlands, Northern Ireland, Norway, Scotland, Spain, Switzerland and the United States. In three other countries — Poland, Indonesia and Japan — local surveys were also conducted in which the same questionnaire was used. Fieldwork for the Canadian component of the study was completed in February 1989.

At the Standing Conference of Local and Regional Authorities in Barcelona in 1987 it had been recommended that a standardized survey be developed specifically to collect comparative data from various countries on the extent to which people are victimized. Subsequently, an International Working Group accepted responsibility for the design, development and overall coordination of the survey. Members of the group were Jan J.M. van Dijk, The Hague, Netherlands; Pat Mayhew, London, England; and Martin Killias, Lausanne, Switzerland. The group's report, *Experiences of Crime Across the World: Key Findings from the 1989 International Crime Survey*, was published in English, French and German in March 1990.

A second report will be prepared in the near future. As a participant in the survey, the Department of Justice Research Section has been invited to contribute a chapter that will situate the initial survey results in the context of other national data on the nature and extent of crime in Canada.

Format and Research Approach

Full technical responsibility for the survey was assigned to Burke-Inter/View, a Dutch-German survey firm with subsidiary companies in several other countries. The Canadian fieldwork was undertaken by an affiliated company, Canadian Facts.

Telephone interviews, using the Computer Assisted Telephone Interviewing system (CATI), were conducted with a nationally representative sample of 2000 Canadian adults 16 years of age and over.

Following are the 11 forms of victimization covered by the survey:

- ▶ **household property crimes** — theft of car; theft from cars; vandalism to cars; theft of motorcycles/mopeds/scooters; theft of bicycles; burglary (in Canada "break and enter"); attempted burglary (attempted break and enter).
- ▶ **personal crimes** — robbery; theft of personal property (pickpocketing, non-contact personal thefts); sexual incidents (sexual assaults, offensive behaviour); assaults/threats (assaults with force, threats without force).

To facilitate accurate and complete recall, respondents were first asked to describe incidents that had occurred *during the last five years*, then to indicate which incidents, if any, had occurred *during the past year*. Those who had been victimized were asked questions relating to the offence — where it occurred, its material consequences,

contact with the police, satisfaction with police response, and whether victim assistance was given. Basic sociodemographic and lifestyle data were also collected, as well as general data concerning fear of crime, satisfaction with local policing, crime prevention behaviour, and opinions about appropriate sentencing.

Highlights of the Research Findings

The *Key Findings* report presents the results of data collected from the 14 national surveys as well as from the local surveys conducted in Poland and Indonesia. Data from the survey in Japan were not available when the report was published.

In general, the survey findings demonstrate that criminal victimization rates are higher in the United States, Australia and Canada than in

Canadians ...were more likely to express satisfaction with police performance

European countries, but the differences are not great. Although a relatively large number of Canadians experienced one of the crimes included in the survey, they were less likely than Americans or Australians to be victimized more than once.

The findings demonstrate that of all crimes measured by the survey, Canadians were somewhat more at risk from car vandalism and motorcycle theft, as well as from burglary with entry. In addition, although Canadian women reported high rates of sexual incidents, 69 per cent of these were categorized by the individual as "offensive behaviour" rather than "sexual assault". However, further comparative work is

needed to determine whether the differences between countries is owing to the prevalence of sexual incidents or the willingness to talk about such behaviour.

Canadians, it also should be pointed out, were more likely to express satisfaction with police performance than were others, and they were less fearful of "street crime" than citizens of West Germany, England and Wales, or the United States.

Following are some highlights of the survey findings.

OVERALL RISK OF VICTIMIZATION

(Note that "victimization rates" in these findings denotes the percentage of the population aged 16 or over who had experienced any of the specified crimes in the survey once or more.)

For the *one-year* (1988) reference period, victimization rates for all crimes were highest in the United States (28.8 per cent), Canada (28.1 per cent), and Australia (27.8 per cent).

Victimization rates for the *five-year* reference period were highest in the Netherlands (60.4 per cent), the United States (57.6 per cent), Australia (57.2 per cent), Canada (53 per cent), France (52 per cent), Spain (51.6 per cent), and West Germany (51.3 per cent).

For most types of crimes identified in the survey, the young tend to be more at risk than the elderly, men more than women, and city dwellers more than residents of rural areas or small towns.

In countries with low levels of female employment (such as the Netherlands, Northern Ireland and Switzerland), victimization rates for women are substantially lower than for men.

People who go out in the evening for recreation have a greater risk of being victimized in all offence categories.

Victimization rates appear to be higher for individuals with above-average incomes.

Countries with low crime rates are characterized by relatively low levels of urbanization.

CRIME-SPECIFIC RISK OF VICTIMIZATION

(Note that "risk" in these findings denotes the percentage of respondents in the sample who had experienced a specific crime in 1988.)

Following are major findings on the risk and nature of victimizations for the one-year (1988) reference period.

Nonviolent Offences

The risk of having a car stolen was highest in France (2.3 per cent), Australia (2.3 per cent), the United States (2.1 per cent), and England and Wales (1.8 per cent).

Although the risk of bicycle theft was highest in the Netherlands (7.6 per cent), a relatively high risk was also found in Canada (3.4 per cent).

While the risk of car theft in Canada was less than 1 per cent, the risk of theft *from* cars was 7.2 per cent in Canada, compared with 9.9 per cent in Spain, 9.3 per cent in the United States, and 6.9 per cent in Australia.

Canada had the highest risk of damage to cars (9.8 per cent) followed by the United States (8.9 per cent), Australia (8.7 per cent), and West Germany (8.7 per cent).

The risk of burglary was 3 per cent in Canada, compared with 4.4 per cent in Australia and 3.8 per cent in the United States; risks of attempted burglary were also high in the United States, Australia and Canada.

Nonviolent thefts of personal property were highest in Canada (5.4 per cent), compared with Spain (5 per cent) and Australia (5 per cent); in the sub-category of pickpocketing, the risk was generally lower outside Europe — that is, in the United States, Australia and Canada. On average, women were more vulnerable to thefts than were men.

Violent Offences

In comparison with other countries, Spain had the highest risk of robbery (2.8 per cent) followed by the United States (1.9 per cent). In the United States, 28 per cent of offenders used a gun, compared with the international average of 8 per cent.

Overall, robberies and other incidents involving assaults/threats were highest in the three non-European countries — the United States (5.4 per cent), Australia (5.2 per cent) and Canada (4 per cent).

Ownership of handguns was found to be much more common in the United States (29 per cent) than in Canada (3.7 per cent). The international average was 6 per cent.

Questions about sexual incidents were restricted to female respondents. In 1988, sexual incidents were reported more frequently by women in non-European countries — Australia (7.3 per cent), the United States (4.5 per cent), and Canada (4 per cent). Of the incidents described, 69 per cent were described as "offensive behaviour", 3 per cent actual rape, 9 per cent attempted rape, and 17 per cent indecent assault.

The incidence of sexual assault (rape, attempted rape, and indecent assault) was

highest in the United States (2.3 per cent), Canada (1.7 per cent), Australia (1.6 per cent), and West Germany (1.5 per cent).

REPORTING TO POLICE; SATISFACTION WITH POLICE PERFORMANCE

The following findings pertain to all countries, except where indicated.

Victims in the lowest relative income groups reported a smaller percentage of incidents to the police than did others (38 per cent compared with 51 per cent).

Victims who had insurance coverage against burglary were more likely to report burglaries to the police (87 per cent) than were uninsured victims (65 per cent).

The main reasons cited for failure to report to the police were that the incident was "not serious enough" (40 per cent), the "police could do nothing" (19 per cent), and "police won't do anything" (10 per cent).

Among those victims who had reported an incident to the police, most were satisfied with the way they were dealt with (66 per cent). Main reasons cited for dissatisfaction were that the "police didn't do enough" (41 per cent) or "were not interested" (41 per cent).

Overall, two thirds of the population 16 years of age and over stated that the police were doing a "good job" in controlling crime in their area. Canadians were the most likely to report they were satisfied with police performance (89 per cent), followed by Americans (81 per cent).

Dissatisfaction with police performance was highest in Poland (69 per cent), followed by Spain (29 per cent), West Germany (24 per cent), and Belgium (22 per cent).

Generally, a greater percentage of victims (25 per cent) compared with nonvictims (16 per cent) were unhappy with police performance.

VICTIM ASSISTANCE

Although 35 per cent of all victims said they would have appreciated receiving assistance, only 3.8 per cent of those who reported crimes to the police received information or practical or emotional support from a specialized agency. In Canada this figure was 5.5 per cent, compared with 10 per cent in the United States, 6.4 per cent in Belgium, 4 per cent in England and Wales, and 4.4 per cent in Finland.

Generally, victims reporting a sexual incident (15.1 per cent), robbery (8.6 per cent), burglary (7.7 per cent), or threat/assault (7.3 per cent) were more likely to have received specialized help than those reporting other crimes.

FEAR OF CRIME

For purposes of this survey, fear of street crime was measured by the percentage of people who take one or two precautionary measures when going out, namely (i) "stayed away from certain streets or areas", and (ii) "had gone accompanied by someone else".

On this basis, fear of street crime was highest in West Germany, England and Wales, and the United States.

Women and victims of crimes of violence were more likely to take precautionary measures against street crime than were others.

ATTITUDES TO PUNISHMENT

Respondents were asked to consider what would be the most appropriate sentence for a recidivist burglar aged 21.

Overall, only 28 per cent favoured imprisonment, compared with 41 per cent who chose a community service order and 13 per cent who chose a fine.

Burglary victims were more likely to recommend a sentence of imprisonment (36 per cent) than were nonvictims (27 per cent). Similarly, those in countries with the highest burglary rates were somewhat more likely to recommend imprisonment.

CRIME PREVENTION

The percentage of houses protected by burglar alarms varied widely among participating countries.

On average, 13 per cent of detached or semidetached houses were said to have such protection. Burglar alarms were relatively common in England and Wales, West Germany, Belgium, France, Canada, the United States and Australia. Unfortunately, actual figures on the percentage of homes in all countries having burglar alarms are not available in the report.

Houses with burglar alarms were more likely to be burgled than those without, and countries with high rates of alarm possession had higher burglary risks. However, burglaries in houses with alarms were less likely to be successful than those in houses without alarms.

Value of the Survey

It is important to note that in spite of the technical difficulties associated with an enquiry of this nature — small sample size, low response rate in some countries, restriction of sampling to those with telephones — the survey does provide unique comparative data. It enables individual countries to compare crime levels with other countries; it provides some basis for explaining major differences in crime experiences in terms, for example, of sociodemographic variables; it allows some examination of the types of people

most at risk of victimization for different types of crimes; and it provides information on the perceptions, attitudes and practices relating to crime in different countries. ◀



Experiences of Crime Across the World: Key Findings from the 1989 International Crime Survey, by Jan J.M. van Dijk, Pat Mayhew, and Martin Killias. For copies, write to: Kluwer Law and Taxation Publishers, 6 Bigelow Street, Cambridge, Mass. 02139, U.S.A. Price: US\$50.

Yukon Victim-Witness Program Evaluated

by Tony Dittenhoffer
Research Section,
Department of Justice

Stemming from the widely shared commitment to improve services to victims of crime, in 1983 the Department of Justice and the Government of the Yukon Territory jointly sponsored an analysis of victim/witness needs in the Yukon. Based on the outcome of this study, a Victim-Witness Administration Program was established in 1986 to "coordinate Victim-Witness services throughout the Yukon" and to provide services to target groups with particular needs, such as native people, the elderly, and victims of sexual assault.

Specifically, the program was designed to provide services to victims and witnesses before, during and after trial. Services were to include an explanation of court procedures; notification of trial dates (and "de-notification" where dates were changed or cancelled); referral to community resources when long-term counselling may be needed; and arrangements for travel and accommodation when witnesses were required to attend trial away from home. The program was established within the office of the Court Registry in Whitehorse.

At the end of three years of operation, and at the request of the Yukon Department of Justice, an evaluation of the program was undertaken by E.B. Lane Consulting Services of Whitehorse, funded by the federal Department of Justice. The purpose of the study was to determine whether the program was successfully meeting the needs of

victims and whether funding should be continued. The evaluation report, *Review of the Yukon Victim-Witness Administration Program*, was published in August 1989.

Focus and Design of the Study

The evaluation of the program consisted of an analysis of:

- ▶ program development, determining what changes were made over time;
- ▶ the nature of services provided;
- ▶ program clientele and their level of satisfaction with services received; and
- ▶ the relationship between the program and various sectors and agencies within the criminal justice system.

This broad focus made it necessary to collect data from several sources. Operational files and program documentation were reviewed, and victims and witnesses were interviewed and completed questionnaires. In addition, interviews were held with program staff and various personnel within the criminal justice community.

There were plans in the original research design to evaluate the program with a "control group", allowing statistical comparisons between victims and witnesses who had participated in the program and those who had not. Of the 105 victims and witnesses randomly selected for the comparison group, only six were successfully contacted. (The scarcity of telephones, irregular mail service, and mobility of the population were contributing factors.) Hence, the study was conducted without the benefit of a control group.

One hundred and fifty victims and witnesses who had received services from the program were randomly selected for interviews and the administration of questionnaires. Again, because it was difficult to get in touch with peo-

ple, only 52 were included in the study. As will be seen, communication problems affected not only the research design but also the daily operations of the program.

Findings Underline Communication Problems

From the results of interviews and questionnaires administered to victims and witnesses, it appeared that the program was not providing the services originally planned. Only 31 per cent of respondents were approached by the program coordinator between trial date and the delivery of a subpoena, although a further 11 per cent became aware of the program through other sources. Nine victims and witnesses (17 per cent of the sample) attended the "orientation session" — a presentation by the coordinator to explain court procedures. Some respondents reported that they did not attend because they were not informed about the session. Of those who did attend, four felt that the session was worthwhile and four reported that it had made no difference.

Thirty-five per cent of the respondents reported that they had attended court and then discovered they were not needed. However, in many instances it appeared that "de-notification" would not have been possible because of the difficulty in making timely individual contact — "failure to appear", for example, accounted for 28 per cent of cases in which victims and witnesses were not needed. In any event, the majority of victims and witnesses (73 per cent) knew about the outcome of their trial, though the police and the community grapevine were a more likely source of information than the program coordinator, who had informed only two individuals.

Respondents were asked to indicate whether they were satisfied with their experience


in the court process. Sixty-three per cent were generally satisfied, though there was little evidence that this satisfaction was attributable to the services of the program. Of the remaining 37 per cent, researchers concluded that many of the needs of victims and witnesses could have been met through attendance at the orientation sessions and through better pretrial services for victims in the target groups.

Program documentation and interviews with the program coordinator confirmed that a number of adjustments were made to the program over its three years of operation. Rather than serve the whole of the Territory, services were normally limited to the Whitehorse area. Although there had been plans to spend considerable time in preparing witnesses for trial, it became general practice to offer an orientation session of one-half hour before trial. Similarly, a decision was made to limit post-trial services to providing information over the telephone on request.

Program procedures were modified for a number of reasons. First, the coordinator was the only staff member assigned to the program, and

***it appeared that the program
was not providing the services
originally planned***

there were limitations on the services that could be delivered by one person. Second, there was a high turnover in the position of coordinator (three different incumbents in three years), and this may have hindered program development. Finally, as noted earlier, the difficulty in contacting victims and witnesses clearly influenced the operation of the program. Many did not have telephones, and mail service to rural areas was



quite irregular. In addition, as statistics show, the population of the Yukon is extremely mobile; census data for 1986 indicate that 69 per cent of residents were living in another jurisdiction five years earlier. It was therefore often necessary to limit services to what could be delivered on the day of the trial.

Notwithstanding the changes that were made to the program, it was perceived positively by various members of the justice community: there was consensus that it was providing an important service and that it should continue to be funded. In particular, the local RCMP and crown prosecutors stated that witnesses were more informed and aware of their role at trial. The two judges in the Yukon Territory felt that the program was successful and that services should be extended to those involved in civil trial proceedings.

Recommendations to Improve and Extend the Program

The authors of the study made the following recommendations for program enhancement:

- ▶ public awareness should be increased so that victims and witnesses will more frequently approach the program on their own initiative;
- ▶ services should be extended to communities outside Whitehorse;
- ▶ post-trial services should be expanded: in particular, victims must be informed about the Criminal Injuries Compensation Program; and
- ▶ a parallel program should be established for referral of victims and witnesses who require in-depth counselling.

For the benefit of future program evaluations, it was also suggested that administrative records be amended to incorporate more detailed information.

It was evident from the study that the Victim-Witness Administration Program was only partially meeting its original objectives. Although some problems were administrative in nature, it was also clear that certain distinctive features of the Yukon Territory, such as high mobility, impeded the delivery of services. From a general program perspective, therefore, the study highlights the need to consider the potential impact of regional characteristics on the design and operation of client-centred services.

In sum, the study confirmed the need for the types of services offered by the Victim-Witness Administration Program, and the importance not only of making such services available but also of ensuring that victims are kept fully informed about the nature and extent of these services. ◀

▼▼▼

Review of the Yukon Victim-Witness Administration Program, by E.B. Lane Consulting Services. August 1989. For copies, contact: Research Section, Department of Justice Canada, Ottawa K1A 0H8. (613) 957-9593.



Department Researching Impact of Child Sexual Abuse Legislation

Canada's new legislation to combat child sexual abuse, which came into force in January 1988, is under long-term study by the Department of Justice's Research Section.

Recent widespread increase in reported cases of child sexual abuse lends urgency to this research, the impetus for which stems largely from the work of two government-appointed committees, under the chairmanship of Robin Badgley and Paul Fraser, whose respective studies and recommendations covered the period 1981-1985.

As a result of these studies, the federal government held consultations across the country from which emerged consensus on certain fundamental points, principally that "child sexual abuse is unacceptable, cannot be tolerated, and must be dealt with by resort to the *Criminal Code*." The new legislation, an *Act to Amend the Criminal Code and the Canada Evidence Act* (Bill C-15), was the tangible outcome of this reform process.

The research as planned includes baseline field studies assessing pertinent prelegislation data (under way since 1987); monitoring studies; contextual studies; project evaluations; analysis of national statistics; and finally, a report incorporating the findings of these studies. Local advisory committees are being used in all phases of the project.

The prelegislation baseline studies were initiated, following the Department's cross-Canada consultations, in Vancouver, Lethbridge, Winnipeg and Hamilton. The research was

designed to generate detailed, descriptive information on the characteristics of child sexual abuse victims and offenders, the nature of the incidents, and the manner in which the cases were handled by the criminal justice system. These studies will provide baseline data for comparison in assessing the impact of the new legislation.

The monitoring studies will examine child sexual abuse cases in child welfare files, police files, crown attorney records and court records, and interviews will be conducted with key informants, victims and their guardians.

Contextual studies will focus on how the legislation is being implemented by the various levels of government, the decisions taken by higher courts that could affect the legal status of the legislative provisions, and media coverage of child sexual abuse.

The Research Section will also evaluate various projects, including child victim/witness support projects, support for training and infor-

***local advisory committees
are being used in all phases
of the project***

mation, innovative methods of receiving children's testimony in court, and sentencing alternatives for offenders.

National statistics will be developed from data gathered by the Canadian Centre for Justice Statistics, which is creating projects that will yield information pertaining to child sexual abuse. These will be analyzed and incorporated into the final report. ◀