

CORRECTIONAL SERVICE CANADA

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Victim Complaints: 2022-2023 Annual Report



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CATALOGUE NO: PS81-21E-PDF

ISSN: 2563-4526

October 2023

Executive Summary

The *Canadian Victims Bill of Rights*¹ (CVBR) enshrined victims' rights to information, protection, participation and restitution in order to ensure they are considered throughout the criminal justice system. It also required all federal departments involved in the criminal justice system to have a complaints mechanism for victims who believe their rights have been infringed or denied.

The Correctional Service of Canada (CSC) is committed to providing a fair and prompt complaint process. The enclosed report, covering the period from April 1, 2022 to March 31, 2023, covers the eighth fiscal year of reporting period since the coming into force of the CVBR on July 23, 2015.

In fiscal year 2022-2023, CSC provided services to approximately 8,747 registered victims and responded to fifteen formal complaints, three of which were inadmissible. Of the twelve formal admissible complaints received by CSC during this time period, three instances involved complaints in which CSC did not fully uphold victims' rights under the CVBR.

In addition to the formal complaint process, staff across CSC, in particular in the regional Victim Services Units, respond to victims' questions, concerns and informal complaints on a daily basis. In 2022-2023, CSC's Victim Services Officers were involved in tens of thousands of contacts with registered victims, completing over 30,000 notifications to victims.

CSC strives to address victims' concerns and continues to look for improvements, in order to ensure that victims' rights are upheld and that victims have an effective voice in the federal correctional system.

Background

The *Corrections and Conditional Release Act* (CCRA) is the law that governs CSC. CSC is responsible for administering sentences of adult offenders serving a term of two years or more, as imposed by the courts. The CCRA's principles incorporate the place of victims within CSC's overall mandate, and Section 26 of the *Act* specifies the information that victims can request and the parameters within which CSC must provide it to them.

Both the CCRA and the CVBR define a victim as a person who has suffered physical or emotional harm, property damage, or economic loss as a result of a crime, and both statutes recognize that victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity.

In July 2015, CSC's victim complaint policy (see [Commissioner's Directive \(CD\) 786, Victim Complaints](#)), was approved by CSC's Executive Committee. In addition, in April 2016, CSC promulgated [Guidelines 786-1, Victim Complaint Process](#), which outline CSC's process for managing complaints from victims. CD 786 and its related guidelines seek to ensure a fair and expeditious complaint process for victims who believe that CSC has infringed or denied their rights under the CVBR.

¹ See Annex A for a list of the sections of the CVBR that outline the rights afforded to victims in Canada.

Process

CD 786 specifies that for its complaints mechanism to apply, victims must communicate their concerns to CSC in writing. To do this, victims may use the [Victim Complaint Form \(CSC 1524\)](#) or send a letter, email or fax, specifying how they believe CSC has infringed or denied one or more of their rights under the CVBR. Each complaint is tracked throughout the resolution process.

To be *eligible* to submit a complaint, the complainant must meet several criteria:

- (a) the definition of victim pursuant to the CVBR;
- (b) be present in Canada or be a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*;
- (c) the offender was under the jurisdiction of CSC at the time of the complaint or of the occurrence complained about; and,
- (d) the matter that is the subject of the complaint must fall under CSC's jurisdiction.

In order to be *admissible*, a complaint must relate to at least one of the four rights pursuant to the CVBR:

- Right to information
- Right to protection
- Right to participation
- Right to seek restitution

When a complaint is *inadmissible* (i.e., does not relate to at least one of the four rights listed above), CSC prepares a letter for approval and signature of a senior member of the Communications and Engagement sector, specifying why the complaint is inadmissible and sends the signed response to the complainant within the prescribed timeframe noted in policy.

A complaint that is *admissible in part* is one that contains a number of issues, not all of which fall under CSC's jurisdiction or pertain to one of the four rights under the CVBR. In such cases, CSC responds to the issues that meet the admissibility criteria in accordance with the procedures for responding to admissible complaints. When CSC determines that one or more concerns fall outside of its jurisdiction, CSC obtains the victim's consent to share the complaint and forwards it to the appropriate agency for direct response to the victim about the issue(s) under their jurisdiction. CSC advises the victim when their complaint has been forwarded.

When admissible complaints are reviewed by CSC, all relevant information is provided by the institution/community site, the regional Victim Services Unit and the region responsible for the subject of the complaint. An analysis is then completed to determine whether relevant law and policy were followed and whether the victim's right(s) under the CVBR were infringed or denied. Policy holders at National Headquarters are also consulted, as needed. A written response, approved by CSC's Senior Deputy Commissioner, outlines the findings of the review, corrective measures and/or recommendations (if any), and the contact information for the Office of the Federal Ombudsperson for Victims of Crime (OFOVC).

Admissible complaints are assessed as *unfounded*, *founded* or *founded in part*. As per CD 786, a complaint is *unfounded* when it is determined that CSC's decision/action was in compliance with the CVBR and law and policy governing CSC's responsibilities to victims. A complaint is

founded when it is determined that CSC's decision/action was not in compliance with the CVBR and law and policy governing CSC's responsibilities to victims. A complaint is *founded in part* when several issues are raised in the complaint, but not all of them are considered founded.

Letters of response to victims whose complaints were founded/founded in part include an apology and outline CSC's findings as well as any corrective measures that CSC has taken. As per the requirement of subsection 25(3) of the CVBR, the Victim Services Division can make recommendations to remedy such infringements or denials and notifies the victim of the result of such recommendations, if any were made. Beginning in 2020-2021, the Senior Deputy Commissioner officially tasks the Office(s) of Primary Interest within CSC to address the recommendation within a specific timeframe, and the Victim Services Division monitors all recommendations for completion and documents the information accordingly. The Victim Services Division also informs victims in writing when actions to address the recommendations are completed.

Under current policy, the existing process requires CSC to provide a response to victim complaints in 25 business days. In all cases when this timeframe will not be met, a letter is sent to the victims to notify them of the delay.

Statistics

Table 1: Overview of the complaints received by CSC between April 1, 2022 and March 31, 2023.

Year 2022/2023 (Quarter)	Total Complaints Received	Inadmissible	Admissible	Admissible in Part	Findings for Admissible Complaints	Completed within Expected Timeframe (25 business days from date of receipt)
Q1 (April-June)	4	1	3	0	1 Founded in part 1 Unfounded 1 Withdrawn	2 Late
Q2 (July-September)	2	0	2	0	2 Founded	2 Late
Q3 (October-December)	4	0	4	0	3 Unfounded 1 Withdrawn	3 Late
Q4 (January-March)	5	2	3	0	3 Unfounded	3 Late
Totals	15	3	12	0	2 Founded 1 Founded in part 7 Unfounded 2 Withdrawn	10 Late*

*In 2022-2023, CSC received twelve admissible complaints, nine of which were responded to that same year. Three of the admissible complaints were responded to in 2023-2024.

As noted above in Table 1, in 2022-2023, CSC exceeded the allotted timeframe outlined in CD 786, which is 25 business days, to respond to ten of the twelve admissible complaints (Note: the other two complaints were withdrawn by complainants, which was acknowledged by CSC within

required timeframes). Similar to the previous fiscal year, these delays were due to detailed consultations with the institutions/community sites and regions involved, and with the policy holders at National Headquarters. These increased consultations allow the Victim Services Division to collect all the information necessary to complete a thorough analysis of the issues, better understand the circumstances of the complaint, and confirm the findings of the review with the relevant policy holders. CSC believes that this increased collaboration serves to increase the visibility of victim issues within the organization and maintain a high level of accountability on CSC's obligations to victims.

As a result of the longer timeframes taken to reply to complaints in recent fiscal years, the extension of timeframes for response to victim complaints is being explored as part of the updates to CD 786 in order to reflect the time required to complete case-specific consultations with the institution/community sites, regions, and policy holders at National Headquarters. Extending the timeframes will also provide victims a more accurate idea of how long they can expect the review and resolution of their complaint to take.

Table 2: Five-year overview of annual complaints received by CSC.

Fiscal Year	Total Complaints Submitted	Inadmissible	Admissible	Admissible in Part	Withdrawn	Founded	Unfounded	Founded in Part	Infringement/ Denial of CVBR
2018-2019	18	5	13	0	0	0	12	1	1
2019-2020	15	6	8	1	0	0	7	2	2
2020-2021	10	1	9	0	0	2	6	1	5
2021-2022	12	1	11	0	0	2	7	2	4
2022-2023	15	3	12	0	2	2	7	1	3
TOTAL	71	20	48	3	2	9	36	6	14

Summary of Findings

This section of the report provides a detailed overview of the findings of the fifteen formal complaints received by CSC in 2022-2023. In brief:

- The number of inadmissible complaints increased from one to three.
- The number of admissible or admissible in part complaints increased slightly from eleven to twelve.
- The number of withdrawn complaints rose from zero to two.
- The number of complaints deemed founded or founded in part decreased slightly from four to three.
- Of the twelve admissible complaints, three resulted in corrective measures being taken at the local (institution/community site) level, one of which also led to follow-up work on a process / policy amendment at the national (National Headquarters) level.

The issues raised by the victims in the twelve admissible complaints can be summarized as follows:

- Approval of travel permits despite proximity concerns or concerns with the duration/frequency with which offenders could travel;
- Timeliness of sharing offender-related information and the accuracy of that information; and,
- Consideration of victim concerns within case management processes/decisions.

In short, CSC determined that it had infringed the victims' rights to information, participation and protection in two complaints which were founded and the victim's rights to information and participation in one complaint that was founded in part. The complaint data from 2022-2023 remains consistent with that of previous years (i.e., twelve formal complaints were received in 2021-2022, with a slight increase by three for a total fifteen in 2022-2023).

Inadmissible Complaints:

Of the fifteen total complaints received by CSC in 2022-2023, CSC determined that three of the complaints were inadmissible as the concerns raised in the complaints did not represent an infringement of the victims' rights by CSC pursuant to the CVBR. The issues brought forward by the victims related to provincial victim services, an offender's security reclassification, and an inappropriate action by a CSC staff member during a Parole Board of Canada (PBC) hearing.

Although CSC determined that the complaints did not meet the required conditions for review through CSC's formal victim complaint process, CSC took a proactive approach in all three instances to help resolve the issues. For the complaint involving provincial victim services, CSC established contact with the provincial victim services office to connect them with the victim who submitted the complaint. For the complaint regarding the offender's security reclassification, CSC provided the victim with additional policy information and offered a discussion to explain the security classification review process to the victim. For the complaint involving the inappropriate action by a CSC staff member, the situation/concerns were discussed with the victim as well as with the CSC staff member, and the victim was provided both a verbal and written apology by CSC.

Admissible Complaints:

Of the twelve admissible complaints received by CSC in 2022-2023, two were **withdrawn** by the victims. CSC discussed the concerns raised in the complaints with the two victims, who then chose to withdraw their complaints as they were satisfied with the information provided.

There were areas of non-compliance in three of the twelve admissible complaints. CSC determined that two admissible complaints were founded (rights to information, participation and protection were infringed in both cases), and one admissible complaint was founded in part (rights to information and participation were infringed, whereas right to protection was upheld). In all three instances, CSC took measures to address the identified issues. The founded and founded in part complaints are described below.

- In the first founded complaint, the Victim Services Unit was not notified at the beginning of case preparation for the combined Day Parole Continued and Statutory Release, as required by Annex C of CD 784, *Victim Engagement*. This resulted in the victim not being notified when case preparation began for these pre-release decisions, which infringed the victim's right to information. The victim was also not given the opportunity to submit an updated Victim Statement relating to the Statutory Release conditions for

consideration by CSC and the PBC, which infringed the victim's right to participation. Lastly, the victim's verbal statement of concerns about geographical proximity was not shared with the offender's Parole Officer, and therefore the victim's location was not taken into account when approving the offender's relocation on Statutory Release. As a result, the victim's right to protection was infringed. Several corrective measures were taken to address the non-compliance, including written reminders to staff, discussion of policy requirements during staff meetings and amongst regional senior management in community corrections, and Victim Services presentations to case management staff. In addition, the offender was moved to another location given the victim's proximity concerns.

- In the second **founded** complaint, the Victim Services Unit was notified at the beginning of case preparation for a Day Parole release but was not informed that case preparation also included Full Parole, as required by Annex C of CD 784, *Victim Engagement*. The victim was therefore not informed that the review included Full Parole, which infringed the victim's right to information. The victim was also not provided with the opportunity to submit a Victim Statement in relation to Full Parole, which infringed the victim's right to participation. The victim was not able to provide consent for their location to be taken into account for this type of release, which was therefore not considered in the release planning, infringing the victim's right to protection. Several corrective measures were taken to address the non-compliance, including written reminders to staff and discussion with Victim Services staff about victim requests for geographical restrictions. The existing Victim Services Protocol, *Disclosure of Examination Dates and Obtaining Victim Impact Statements for Case Preparation and Decision Making*, will be amended to clarify Victim Services Officers' obligations when victims request geographical restrictions. In addition, the offender was moved to another location given the victim's proximity concerns.
- The complaint **founded in part** related to two types of Escorted Temporary Absences (ETA) (compassionate and medical) that were approved in the offender's case. The case management documents relating to a compassionate ETA did not demonstrate that the proximity concerns expressed by the victim in a Victim Statement were assessed and integrated into the recommendation and decision to approve the ETA, as prescribed in the Tool, *Assessing and Integrating Victim Information*. As a result, the victim's right to participation was infringed. In addition, the victim believed that the offender's proximity while on the ETA contravened a court order imposed under Section 161 of the *Criminal Code*; however these orders take effect when the offender is "released from imprisonment", which does not include ETAs; therefore, the victim's right to protection was upheld. The Victim Services Unit was not notified of medical ETA decisions, or of ETA cancellations within the required timeframe, as required by Annex C of CD 784, *Victim Engagement*. As a result, the victim was not notified about the ETAs or their cancellations, infringing the victim's right to information. Several corrective measures were taken to address the non-compliance, including written reminders to case management staff about the policy requirements and Victim Services presentations to institutions in the region. In addition, the timeframe for notification by the institution to the Victim Services Unit for medical ETAs was revised and policy holders committed to explore a more consistent institutional process for notifying Victim Services Units of medical ETAs.

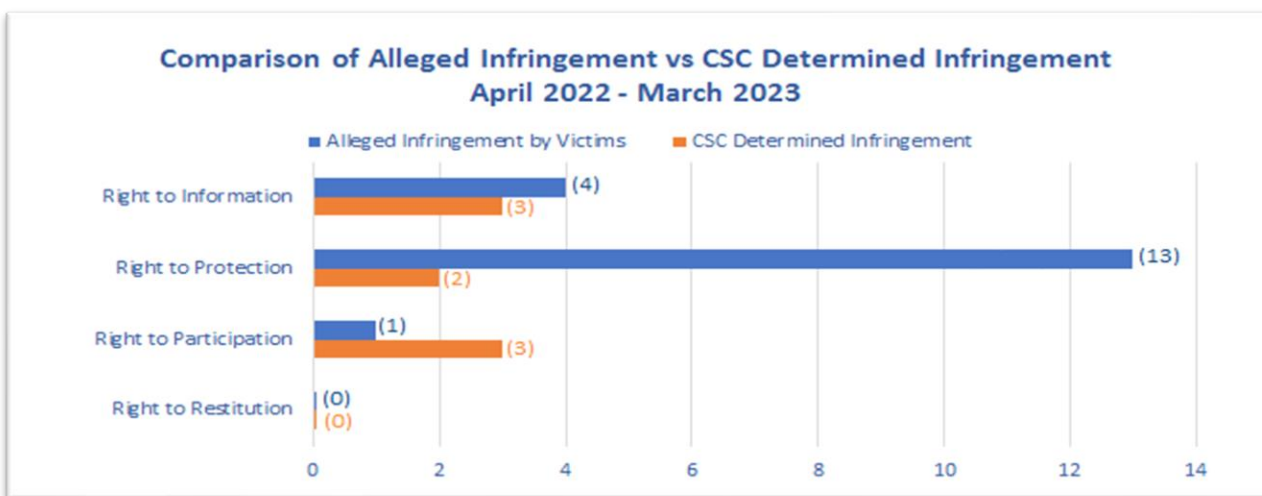
CSC determined that it had complied with law and policy in the other seven admissible complaints, and that victims' rights had not been infringed; meaning that the complaints were **unfounded**. In brief, the issues brought forward by the victims related to:

- approval of travel permits: either the place(s) where the offenders could travel led to concerns about proximity, or victims felt the duration/frequency with which offenders could travel was too long/frequent, or was contrary to what was verbally conveyed by the PBC at the offender's hearing.
- wording of a PBC geographical restriction which allowed the offender to travel to the restricted area.
- offender's transfer of supervision to an area where the victim had previously requested a geographical restriction that was not imposed by the PBC.

In cases involving PBC decisions or PBC imposed-conditions, PBC responded to the victim.

Upholding Victims' Rights

The following figure compares the rights that victims believed CSC infringed or denied, as reflected in each of their complaints received in 2022-2023, with the rights that CSC determined were infringed. Some victim complaints alleged that more than one right was infringed.



As shown in the figure above, four complaints alleged that CSC had infringed/denied the victims' **Right to Information**. CSC found that it had infringed this right on three occasions, as described earlier in this report.

Thirteen complaints alleged that CSC had infringed/denied the victims' **Right to Protection**, whereas CSC found that it had infringed this right on two occasions, as described earlier in this report.

One complaint alleged that CSC had infringed/denied the victims' **Right to Participation**, whereas CSC found that it had infringed this right on three occasions, as described earlier in this report.

No complaints concerned the **Right to Restitution**.

Challenges and Opportunities

Every victim complaint provides CSC with an opportunity to review and reflect on our policies, processes and procedures. Based on our review and analysis of complaints received by CSC in 2022-2023, we have identified challenges associated with upholding three of the four victim rights. In particular, when a victim's right to information is not upheld, CSC has observed that this can also negatively impact and infringe a victim's rights to participation and protection (thereby demonstrating that the right to information is a gateway right, as noted by the OFOVC in 2021 and in the Report of the Standing Committee on Justice and Human Rights in 2022).

In 2022-2023, similar to previous years, CSC has continued to invest more time and effort in responding to formal victim complaints. We engage more robustly with operational sites and regional Victim Services Units to obtain the information needed to analyze each complaint, determine the findings and make recommendations when necessary. We also invite collaboration from policy holders at National Headquarters, primarily the Reintegration Operations Division, to review/explore policy and training issues and identify potential corrective measures. This approach has yielded stronger responses to victims and a national review of concerns, to ensure issues/concerns are not systemic across the Service.

While CSC makes extensive efforts to explain the corrections and conditional release process to victims, in many cases victims state their objection not only to the decision CSC has made in the management of the offender, but also their dissatisfaction with aspects of current legislation. CSC consistently refers dissatisfied victims to existing mechanisms within Canada's democratic framework that allow them to express their views and pursue the changes they believe are needed, including the OFOVC whose role includes ensuring that policy makers and other criminal justice personnel are aware of victims' needs and concerns and identifying important issues and trends that may negatively impact victims. Where appropriate, the Ombudsperson may also make recommendations to Parliament.

Progress on Program Activities

Work continues on updates to CD 786, *Victim Complaints*. The amendments will include changes to responsibilities and procedures, clarify the process as it relates to *complainant eligibility* to submit a complaint and *complaint admissibility*, increase the complaint response timeframe to allow for more thorough consultations, and update definitions used in the complaint process to ensure findings are clearer.

CSC has simultaneously worked to strengthen the policy framework of the National Victim Services Program to improve service delivery to victims and support CSC's capacity to uphold its mandate pursuant to the CVBR. The main policy for the Program, CD 784, *Victim Engagement*, was sent for national consultation in early 2023. Amendments include clarification of responsibilities and procedures, changes to existing annexes and the creation of two new annexes (victim notification requirements for Penitentiary Placement and Transfer of Offenders, and consultation with Victim Services Units for scheduled review dates and CSC-authority decisions).

CSC recently updated the [Victim Complaint Form](#) to meet accessibility requirements. The form can now be completed and submitted entirely online with an e-signature option or a typed name in the signature block. Other minor content and formatting changes were also made to the form. CSC and PBC continue to look at updates to the joint Victim Registration form to include a

section for victims to consent to their contact information being shared with provincial/territorial Victim Services if offenders transfer jurisdictions.

CSC, in collaboration with the PBC, met with all thirteen provincial and territorial Victim Services in 2022-2023 to discuss strengthening continuity of services for victims between the jurisdictions. A pre-existing CSC/PBC Information Sheet has been updated and will accompany a new Informed Consent form to be implemented by interested provinces and territories. The form will be used to share the victim's contact information with CSC and PBC to facilitate victim registration when an offender receives a federal sentence. CSC will continue meeting with prosecution services to explore a nation-wide best practice from British Columbia whereby a letter is automatically sent to victims of offenders who receive a federal sentence advising them of the need to register with CSC or PBC to obtain information about the offender who harmed them.

Conclusion

CSC strives to provide victims with an effective voice in the federal correctional system and is dedicated to a culture of ongoing self-reflection and continues to review its policies and practices within an evolving environment. The findings of this report demonstrate that the organization meets its legislative and policy requirements and its commitment to uphold victims' rights. All of the complaints highlight the need for constant diligence in how victim information is shared and used, and to be mindful of the impact infringing the right to information has on the rights to participation and protection. Furthermore, the issues raised in the complaints underscore the need for CSC to ensure that its ongoing engagement with victims provides them with meaningful information about the offender and the need for its management practices to demonstrate accountability and effective victim engagement.

We would like to take this opportunity to thank all staff from the National Victim Services Program, as well as case management staff and other officials from across the organization who have worked diligently and collaboratively to implement the CVBR over the past eight years. This has allowed CSC to respond methodically to both formal and informal complaints and to provide respectful and compassionate interactions with victims of crime.

Annex A

SECTIONS OF THE CANADIAN VICTIMS BILL OF RIGHTS OUTLINING THE RIGHTS GUARANTEED TO VICTIMS

RIGHT TO INFORMATION

6. Every victim has the right, on request, to information about
 - (a) the criminal justice system and the role of victims in it;
 - (b) the services and programs available to them as a victim, including restorative justice programs; and
 - (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.
7. Every victim has the right, on request, to information about
 - (a) the status and outcome of the investigation into the offence; and
 - (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome.
8. Every victim has the right, on request, to information about
 - (a) reviews under the *Corrections and Conditional Release Act* relating to the offender's conditional release and the timing and conditions of that release; and
 - (b) hearings held for the purpose of making dispositions, as defined in subsection 672.1(1) of the *Criminal Code*, in relation to the accused, if the accused is found not criminally responsible on account of mental disorder or unfit to stand trial, and the dispositions made at those hearings.

RIGHT TO PROTECTION

9. Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.
10. Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.
11. Every victim has the right to have their privacy considered by the appropriate authorities in the criminal justice system.
12. Every victim has the right to request that their identity be protected if they are a complainant to the offence or a witness in proceedings relating to the offence.
13. Every victim has the right to request testimonial aids when appearing as a witness in proceedings relating to the offence.

RIGHT TO PARTICIPATION

14. Every victim has the right to convey their views about decisions to be made by appropriate authorities in the criminal justice system that affect the victim's rights under this Act and to have those views considered.

15. Every victim has the right to present a victim impact statement to the appropriate authorities in the criminal justice system and to have it considered.

RIGHT TO RESTITUTION

16. Every victim has the right to have the court consider making a restitution order against the offender.

17. Every victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender.