

OTTAWA VICTIM SERVICES SUBMISSION TO THE FINANCE COMMITTEE
2012 PRE-BUDGET CONSULTATIONS

Executive Summary

Ottawa Victim Services (OVS) is a community-based agency committed to treating victims with courtesy, compassion and with respect for their dignity, privacy and diversity. OVS provides emotional support, practical assistance, referrals and advocacy to individuals who have been victimized as a result of a crime or tragic circumstance, without judgment in order to lessen the impact of victimization.

Victims of crime have received an unprecedented amount of attention at the federal level in recent years but the discussions have little to do with the challenges that OVS clients face and the measures taken in their names will have little impact on their day to day needs.

Most of the focus at the federal level has been on criminal justice legislation that seeks to punish offenders more as a means to address the needs of those who have been victimized. These popular measures may make people feel better, including some victims of crime, but they will do little to protect the public and even less to help the victims and families we meet every day.

Victim serving agencies understand better than most the complex issues that many victims face and the financial struggles of community agencies that seek to support them. We also understand that when governments spend scarce public resources on more prisons, court administration costs, more trials, etc., they cannot spend those same resources on safe and affordable housing for women fleeing abusive relationships, better coordinated services for child victims, shelters for exploited teens or support for male victims.

OVS recommends the following issues be addressed in Budget 2012: (i.) Child Advocacy Centres, (ii) a National Housing Strategy and (iii) Victim Fine Surcharges. Because the financial situation remains delicate, we understand the challenges of finding new money for new programs but resources can be found if the government's criminal justice agenda is given serious and thoughtful reconsideration

RECOMMENDATIONS:

Increase funding for Child Advocacy Centres

In 2009, the Office of the Federal Ombudsman for Victims of Crime recommended that the Minister of Justice establish a fund to help support the growth of Child Advocacy Centres (CAC). In October 2010, the Minister of Justice announced \$5 million dollars over five years for this purpose. Since then, many communities across the country have taken advantage of the fund. Recently, Manitoba announced the establishment of its first CAC in the province.

CACs are designed to focus on child victims of abuse and they help children and families begin the road of healing and recovery. They bring the professionals that support child victims together in one place so they can focus on the child's best interest – the police, child welfare, victim services, health care, etc. Although the services offered vary, the following are some key elements of the CAC model include:

- Child friendly facility;
- Multidisciplinary team (law enforcement, child protective services, prosecution, mental health, medicine and victim advocacy);
- Forensic interviews;
- Medical/therapeutic evaluation;
- Case review/ tracking;

The National Children Alliance (US) Annual Report states that an investigation into a child abuse case in a community with a CAC is 45 percent less expensive than in a community without a CAC. Evaluations from the Crimes Against Children Research Center found jurisdictions with CACs allow for more coordinated investigations, higher rates of referrals for mental health services and suggest parents are more satisfied and children are less scared.

There are hundreds of CACs in the US yet Canada has less than half a dozen. Work is being done in several communities to increase that number and the federal funding is helping but it is clearly not enough money. As a comparison, the day before the Justice Minister's announcement of \$5 million over 5 years, the Public Safety Minister announced another \$150 million spending on prisons.

The benefits to the children are obvious but there are economic benefits as well. The Law Commission of Canada reported that child abuse in Canada costs about \$15 billion a year. Abused children go to the hospital more, they may be less productive as adults, they are at higher

risk to abuse drugs and alcohol, girls are at higher risk for teenage pregnancy, they may more problems in school and the list, and the costs, go on. Not every abused child will have these problems but CACs can help reduce the risks for children who go through their centres.

When a child tells someone about being abused, we need to make sure we offer the best possible care to that child. CACs are the right thing to do for victims and they make economic sense.

We recommend that Budget 2012 significantly increase the funding for Child Advocacy Centres.

2. Develop a National Housing Strategy (with an emphasis on violence against women)

“Housing is a lynchpin in finding solutions to violence against women in Canada. Violence in the home is often the precipitating or significant contributing factor to the initiation of homelessness, and the absence of available, safe, supportive and affordable housing is a key factor in women being trapped in abusive relationships. Housing is emerging in the literature as the single most reliable preventative to recurring bouts of family violence.” (YWCA Canada)¹

While not the only barrier for women trying to escape abusive relationships, safe, affordable housing is one of the most significant (lack of legal aid is another). Because of a lack of housing options, women contemplating escape may decide to stay with an abusive partner and women who have left may feel they have no choice but to return. This is a more significant challenge for women with disabilities, immigrant women and women living in the north or remote areas.

Because our clients face housing challenges on a regular basis, OVS joins many other agencies in their call for a national housing strategy. We have seen how affordable and safe housing can difference between a woman staying in an abusive relationship, sometimes with her children, and escaping one. According to the YWCA, “Every year, violence and abuse drive over 100,000 women and children out of their homes and into emergency shelters. Many more...live on the streets of our cities, in poverty and exposed daily to sexual harassment and violence.”²

¹ YWCA Canada, “Beyond the Shelter Walls – Phase III Project,” September, 2008. pg 21.
<http://ywacanada.ca/data/publications/00000007.pdf>

² Violence against women & Women’s Homelessness: Making the Connections,
<http://www.ywcanwt.ca/documents/Microsoft%20Word%20-%20Violence%20and%20Women's%20Homelessness%20-%20Making%20the%20Connections.pdf>

Once again, there are good economic arguments for such a policy. The estimated annual cost of violence against women in Canada is in the billions of dollars. While living in abusive relationships or living on the streets, these women may not be working, they may be accessing health care services and may be unable to live independently. Providing them with adequate, safe housing may be the first step for many to live violence free and contribute to society.

We have not provided an estimated cost of such a strategy as estimates vary but there is no doubt the implementation of such a strategy will be expensive. The question the committee should be asking itself is not how much it will cost to do this, but how much (and for how long) we are prepared to keep paying if we do not and how many women and children we are prepared to sacrifice to a life of violence and hopelessness. The costs to health care and the justice system are easy enough to measure but the cost to the quality of life of women experiencing the abuse or the children who grow up in those homes is immeasurable.

We recommend that the federal government, in cooperation with provincial and territorial governments, develop and implement a comprehensive National Housing Strategy that addresses issues facing women escaping violence in Budget 2012.

Victim Fine Surcharges

In the 2010 Throne Speech, the government committed to amending the *Criminal Code* to make Victim Fine Surcharges (VFS) mandatory but no legislation was ever introduced. The commitment was repeated during the election and it remains to be seen whether this amendment will be part of the Omnibus Crime bill the Prime Minister committed to passing in 100 days of Parliament resuming.

The VFS is a fine that is to be applied to convicted offenders at the time of sentencing, the proceeds of which go provinces to fund victims' services. The VFS was introduced in 1989 and amended in 1999 to make imposition mandatory, but the change had little impact because judges are not applying the law as Parliament intended. In some provinces, provincial VFS are mandatory.

The *Criminal Code* requires judges to impose a VFS in all cases, although there is limited discretion if the offender can prove that paying the surcharge would result in undue hardship to either himself or herself or his or her dependents. If the court waives the surcharge, it is required

to provide reasons why. Despite these requirements, a Department of Justice Canada report, *Federal Victim Surcharge in New Brunswick: An Operational Review*, found that judges routinely waive the surcharge and, in most cases in which the surcharge was waived, there was no documentation of reasons for the waiver. As a result, most jurisdictions have recovered only a portion of the anticipated revenue they need to support victims' services.

The reality is that community victim servicing agencies (like OVS) are losing out on millions of dollars that could go to creating new services and/or enhancing existing services. Community agencies struggle to meet the needs of clients with little or no capacity to meet emerging victimization issues such as hate crime, human trafficking and the victimization of persons with disabilities. Such an amendment would not have a significant financial impact for the federal government because the money comes from offenders and is collected by the provinces.

We recommend that the federal government introduce an amendment to the *Criminal Code* to make Victim Fine Surcharges mandatory to help provinces support community agencies that provide support and services to victims of crime.

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