



# Living Beyond the Murder of a Loved One

**Information for Families and  
Others Affected by Homicide**

**Office for Victims of Crime  
Ministry of the Attorney General**



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Others Affected by Homicide**

**DISCLAIMER:**

The OVC is independent of the Ministry of the Attorney General and the views and opinions expressed in this handbook do not necessarily state or reflect those of the Ministry.

All efforts have been made to ensure that the information in this handbook is accurate and complete. This handbook is provided for general education and informational purposes. It is not intended as legal advice.

*Ce guide est également disponible en Français.*

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The reviewers, listed below, kindly provided their valuable time to ensure that the handbook is accurate, current and meaningful to loved ones of homicide victims. The OVC sincerely appreciates their efforts in this regard.

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## FOREWORD

As Chair of the Office for Victims of Crime (OVC), I am proud to introduce our handbook, *Living Beyond the Murder of a Loved One: Information for Families and Others Affected by Homicide*. Following on our earlier publication, *Have You Been a Victim of Crime? What's Next... Information and Resources for Victims of Crime in Ontario*, this handbook is a resource tailored specifically to families and others who have lost a loved one to homicide.

Living beyond the murder of a loved one is an experience few of us can imagine. Overwhelming grief and anger are compounded by practical demands that arise in the days, weeks, months and even years following the homicide. Getting appropriate support for these emotional and practical needs is crucial.

In most cases, recovery—if at all possible—is a slow and painful process. However, coping may be eased with assistance and information. Ensuring that loved ones of homicide victims are aware of the services available to them is an important first step in helping them rebuild their lives.

To that end, this handbook includes information on what resources are available to assist families and others as they move forward. It also contains information on what to expect when dealing with the police and the rest of the criminal justice system. We hope that having this information available in a format that is easy to access and understand will help readers through this process.

We will continue to work towards making this handbook a useful tool for loved ones of homicide victims. We hope that, at some point, you may be able to take a few moments to provide any feedback, questions or comments to help ensure that this handbook is helpful. You may want to use the feedback form located at the end of the book.

On behalf of the OVC, I close by assuring you that we will remain focused on the needs and expectations of victims of crime in Ontario. We will work to ensure that victims' rights, as set out in the *Victims' Bill of Rights*, are maintained and respected. A copy of the *Victims' Bill of Rights* can be found at the back of this handbook. Please help us in our task by forwarding the handbook to anyone you feel may benefit from its contents.

### **Ruth Campbell**

Chair

Office for Victims of Crime

## FOREWORD

*"I don't know what I don't know. I don't even know what questions to ask because I don't know what I don't know. I only know that I don't understand and that I don't have all the information about the CJS [Criminal Justice System]."*

This was the cry from the mother of a young homicide victim when she was asked by the Crown Attorney if she had any questions.

This could have been me.

Like so many others confronted by the criminal justice system, I, too, felt the impotence of ignorance as I tried to find answers to a barrage of questions, which surrounded the sudden disappearance and murder of my gentle, loving daughter, Nina, who had last been seen jogging around the tennis club on a warm summer evening in August 1991.

Nina's body was found and identified nine days later, naked and callously discarded in a creek off Highway 401, which was 400 km away from where she had disappeared. Her killer, Jonathan Yeo, a man with an eleven year history of violence against women, was out on bail for a sexual assault with a knife and a gun on another stranger. He went on to rape and murder another woman before committing suicide in a police chase.

At around this same time, two young women were abducted and murdered by Paul Bernardo and Karla Homolka, not far from where Nina disappeared. The fear and anger at the disappearance and savage assaults and murders of innocent young women in quiet, safe communities, led to widespread publicity, which fuelled the campaign for victims' rights.

I was still searching for Nina when people began phoning and writing to us from all over Canada. Many were expressing shock and condolences, but many were also telling me of their experiences and begging for help. I remember wondering bleakly how it was that they thought for one moment that I could help them as I had not even found my own daughter yet. But I was also struck by the desperate need for information, for guidance, understanding and for support that cried out from all over Canada.

It was then, in 1992, that a few friends and I founded CAVEAT (Canadians Against Violence Advocating its Termination), a national, charitable organization, which sought to respond to these needs. We believed that victims should be accepted, supported

and treated as integral to the criminal justice system, not left sadly beating at the gates, orphans of the system, begging for admission. CAVEAT was disbanded in 2001, as we felt that our job was done.

In the past fifteen years there have been, and continue to be, significant advances in victim services, support and attention paid to the role of victims of crime and their needs in Ontario. These changes have transformed the landscape of criminal justice in Ontario. This does not mean that the work is done, but it does mean that no victim of crime need feel alone and lost in a criminal justice system whose process, precedents, behaviours and language are incomprehensible to the outsider—particularly an outsider who is struggling with the emotional turmoil, financial loss, family disintegration and complicated grief that homicide brings.

That is why we, at the Office for Victims of Crime, who are homicide survivors ourselves, have attempted with this handbook to anticipate and address most of your questions about the criminal justice system and the supports and services that are available in this province. Although, sadly, there is little that can be done to relieve the grief, disbelief and horror of homicide, it is our hope that survivors will benefit from this guide. We hope that the information contained in this guide will make you more knowledgeable and confident in your interactions with the criminal justice system.

**Priscilla de Villiers**

Board Member

Office for Victims of Crime

## FOREWORD

My name is Audette Shephard. I am a Board Member of the Office for Victims of Crime. I am also the mother of a homicide victim.

I am extremely elated about the publication of this handbook, which I hope will help those affected by the murder of a loved one face challenges in the wake of the loss.

Violence tears at the very fabric of society. It creates feelings of hopelessness and despair that destroys lives and the sense of community on which family and social well-being depend. Knowing that there are services and supports out there lessens some of these feelings of isolation. No victim should be left to suffer alone.

My only child, Justin, became a victim of homicide in Toronto in 2001, at the age of 19. Justin was the ultimate joy of my life—the best thing that ever happened to me. I loved him more than life itself.

Justin was blessed with extraordinary athletic ability and was considered to be one of the best basketball players of his age in Canada. His dream was to join his brother in the NBA. This was not just a far fetched “hoop dream”, by all accounts, he certainly had the skills and potential to fulfill his dream.

On June 23, 2001 Justin was shot to death. Someone decided to stop his steps, to end his dream and, along with it, my dream and the dream of an entire community. His murder remains unsolved.

Over the years I have searched for words to adequately express the pain, anguish and feelings of despair that I have endured since his murder. I haven't found any. The excruciating pain of loss is beyond words and is ever present in my life.

At the time, there may have been services available to help me navigate through the devastating turn of events in my life. However, I was not aware of them and no one told me they existed. I didn't know where to turn. I had to rely on my faith in God, my family, and friends to help me find the resolve to face life without Justin. I have learned that becoming a victim is involuntary but becoming a survivor is mandatory. The pain of loss is inevitable, but misery is optional.

My wish is for this guide to be a beacon of hope in the time of need and that the information provided will help to make the journey easier for all victims while they proceed with life in the most painful of times.

May you all find peace, and may God always be the God of all comfort, the source of your strength.

**Audette Shephard**

Board Member

Office for Victims of Crime

## FOREWORD

If you are reading this, it is likely that you have recently lost a family member or loved one to homicide. And, if you are like I was when faced with the tragic death of my son Christopher in 1988, you have questions. And these questions need answers. In my experience the answers did not come easily, and when they finally did, they were more often than not very painful and difficult to absorb.

This handbook has been developed to provide answers to a wide range of questions that family members and those impacted by homicide need answers to, so that we can come to terms with what has happened, deal rationally with our individual circumstances and be able to move forward.

I strongly endorse this handbook and feel if it had existed at the time of our tragedy, my family and I would have been spared a great amount of uncertainty and stress. This handbook expands on the OVC's previous publication, *Have You Been a Victim of Crime? What's Next... Information and Resources for Victims of Crime in Ontario*. I encourage you to obtain a copy of that guide for additional and important information. Both have been prepared in simple, straightforward and easy to understand language and are presented in a user friendly format.

I hope the information from these publications, and whatever other source is available to you, assists you in moving forward.

### **Jim Stephenson**

Former Board Member  
Office for Victims of Crime

## ABOUT THIS HANDBOOK

### *Who is this handbook for?*

Someone you love has just been murdered. The experience is devastating. You may be sad, angry, confused, overwhelmed. You don't know what to do or where to turn. And nobody understands what you are going through.

This handbook is designed to help you navigate the confusion of having lost a loved one to homicide. It contains practical information about the criminal justice system, and about supports and services that are available to help you cope with this ordeal. It will help you understand some of the things that may happen in the days, weeks, months and years following your loved one's death. We hope this handbook will make your journey a little easier.

We have tried to include all the information we thought would be helpful to family and others affected by homicide in this handbook. We know that it is a lot of information to take in. We recommend that you read whatever is relevant to you, in whatever order works for you. There may be sections that you never read, and there may be parts that you come back to again and again.

If you cannot find the answers to some of your questions here, you may find the information you are looking for in the Office for Victims of Crime's first handbook, entitled *Have You Been a Victim of Crime? What's Next... Information and Resources for Victims of Crime in Ontario*. That handbook was written for victims of violent crime and people who support them. It includes information about victims' rights, places to go for help, and the criminal justice system. You can find a copy of that handbook at [www.ovc.gov.on.ca](http://www.ovc.gov.on.ca) under the "Resources" section.

## AFTER THE POLICE LEAVE—WHAT HAPPENS NOW?

### *The police just left. Who can I turn to for help?*

In Ontario, the police are required to provide assistance to victims of crime. They may provide this assistance either directly through their police service or by connecting victims of crime with a community organization. In some communities, this service is called VCARS (Victim Crisis Assistance and Referral Services). In other communities, it may be called “Victim Services”.

All victim services programs, whether provided through the police or community organizations, offer a broad range of services. These services include immediate crisis intervention support 24 hours a day, 7 days a week (on-site or by telephone), practical assistance (e.g., transportation, telephone calls), emergency financial assistance (such as assisting with funeral costs), referrals to other community services for longer term support, and general information.

When the police officers came to your home to inform you of the death of your loved one, they may have been accompanied by a victim services worker. Sometimes, the victim services worker will call or come see you in the days following the death. If a victim services worker does not contact you, and the police have not provided you with a contact number for victim services in your community, ask the police officer in charge of your case to connect you with the local victim services office. Or you can call the Victim Support Line (VSL) toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person that you want to be connected to the victim services organization in your area.

### *Where do they take the body of my loved one?*

The body of your loved one will be taken to the hospital for a coroner’s investigation. If the death occurred in Toronto, the body will be taken to the coroner’s office in downtown Toronto rather than to the hospital.



### *Can I see the body?*

Yes. Once the pathologist has completed his/her investigation, the body will be transferred to a funeral home, and you will be able to see your loved one there. Sometimes this will happen very quickly, but sometimes it will take longer, depending on the circumstances surrounding the death.

### *Will I have to identify the body?*

Maybe. If the police cannot positively identify the body (for example, through fingerprints), the law requires that a family member make a formal identification of the body. If you do not want to make the identification, a family friend who knew your loved one can do it. The personal identity of that person will be verified by the police before s/he can see the body.

If you do choose to make the identification, you can bring a friend or other support person with you.

### *What happens when I identify the body?*

A police officer will accompany you to the hospital; a victim services worker may also be with you, if you choose. To help prepare you for what you will see, staff from the coroner's office may describe to you the injuries that your loved one received, and they may ask if you want to see photographs of the body. After this preparation, you will be allowed to see the body in order to identify your loved one. In some areas, where the technology exists, you can view the body over a video monitor to make the identification.

It is important to know that you may not be able to touch your loved one when you see the body. This is because where there has been a homicide, or suspected homicide, the police need to gather evidence as part of their investigation to identify and arrest the offender. The body may have traces of evidence that are important to the investigation, and the hours following the crime are the most important time for gathering this evidence. Touching the body could contaminate the evidence. It could make it more difficult for the police to make an arrest or for the Crown Attorney to build the case against the accused.

### ***Will there be an autopsy?***

Yes. An autopsy is almost always performed when a death occurs as a result of suspicious circumstances or foul play. The decision on whether to perform an autopsy is made by the coroner.

### ***Why is an autopsy done?***

An autopsy, sometimes called a “post-mortem examination”, is performed to determine the cause of death. It may also be used to identify the victim or verify the time of death. It is a critical step in the collection of evidence and the police investigation. An autopsy is performed by a pathologist, a doctor with special training in examining body tissues, who carefully examines the body including the organs and tissues. Materials are collected for evidence (e.g., bullets, hair, fibers) and for toxicology testing (e.g., blood, bodily fluids). An autopsy is usually performed within 24 hours of death.

### ***What if I don't want an autopsy performed?***

The law allows the coroner to make the final decision on whether an autopsy should be performed. However, if you have concerns or are opposed to an autopsy being performed, be sure to tell the coroner about these concerns so that s/he can take them into consideration when making the decision. You can ask the hospital staff or the police officer in charge of the investigation how to contact the coroner.

### ***Will the autopsy affect my plans for a funeral?***

In some cases, the autopsy could delay the funeral or other service. If your religious or spiritual beliefs require that the funeral or service take place within a certain time frame, be sure to provide this information to the coroner. You can ask the hospital staff or the police officer in charge of the investigation how to contact the coroner.

### ***What happens to the body after the autopsy?***

In most cases, as soon as the autopsy is complete, the body of your loved one will be released to the funeral home of your choice. The funeral home will contact the hospital or coroner's office to make the transfer arrangements for you.

### *How can I find out about the results of the autopsy?*

Once the autopsy is complete, the coroner may be able to provide you with a preliminary report on the cause of death. The coroner can give this information to the victim's immediate family, or to a representative that you have chosen.

If you are looking for information on the autopsy, call the Office of the Chief Coroner toll-free at 1 877 991-9959 or in the Greater Toronto Area at 416 314-4000.

### *How can I collect the property of my loved one?*

The police officer in charge of the investigation is responsible for deciding on and arranging the release of your loved one's property. Some property can be returned quite quickly; other property may need to be kept as evidence and may not be returned until after all court proceedings, including the trial and any period for appeal, are completed. Certain items, such as clothing, may have been exposed to dangerous materials or biological hazards, such as blood, that prevent them from being released. These items may eventually have to be destroyed.

If you have any questions or concerns about collecting the property of your loved one, call the officer in charge of the investigation.

### *How do I plan a funeral?*

Don't be afraid to ask for help. Ask other family members, friends or leaders from your religious community to help you plan the funeral.

The first step is to select a funeral home. The staff at funeral homes are highly skilled and experienced professionals who can help guide you through the process and help you make decisions about the funeral and the service. They will also arrange to transport your loved one from the hospital to the funeral home.

If you don't know how to find a funeral home, you can ask your victim services worker for assistance, or you can call the Victim Support Line toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person you want help with finding a funeral home.

### ***I cannot afford a funeral. Is there any financial assistance available?***

If you have a private insurance plan, through your employer or otherwise, you should check first with your insurance company to see if your plan will cover the costs of a funeral.

If you do not have insurance coverage, there are several programs in Ontario that might be of assistance to you.

The Victim Quick Response Program (VQRP) provides emergency funds in the immediate aftermath of a violent crime for victims who have no other financial means or resources available to meet their needs. The VQRP will provide up to \$5,000 towards funeral expenses and assist with other related costs. Applications to the VQRP must be made within 45 days after the date of the crime through your local victim services organizations. If you are not referred to victim services by the police, call the Victim Support Line toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person you want information about the VQRP. You will then be referred to a victim services organization in your area.

You may also be eligible for reimbursement for funeral costs through the Criminal Injuries Compensation Board (CICB). (For more information about CICB, see page 10.) Applications must generally be made within two years of the crime taking place. For information on how to apply for compensation, visit the CICB website at [www.cicb.gov.on.ca](http://www.cicb.gov.on.ca) or call them toll-free at 1 800 372-7463 or in the Greater Toronto Area at 416 326-2900.

In some cases, financial assistance for funerals may be obtained through the “Death Benefits Program” of the Canada Pension Plan (CPP) but only if the deceased was a contributor to the CPP. For information on this program, call Service Canada toll-free at 1 877 454-4051.

### ***The murder was committed at my home. What do I do?***

If the crime was committed at your home, you will likely have to leave your home for a number of days while the police investigate the scene and gather evidence. During this time, try to arrange to stay with a friend or family member. If you do not have

anywhere that you can stay, tell the police officer or victim services worker, and they will help to make arrangements for a place for you to stay.

Your home will be cordoned off as a crime-scene, and you will not be permitted to re-enter without the permission of the police. This may be frustrating and may make you angry, but it is essential that evidence is carefully collected and preserved, so the police have to reduce the number of people coming and going. As soon as the police finish gathering evidence, you will be allowed back into your home.

Your home may be a mess after the police investigation. If there is blood or hazardous materials in your home that resulted from the crime or the police investigation you should not clean them up yourself. There are companies who specialize in cleaning up crime scenes, and have particular training in properly and safely handling these materials. You can ask the police officer in charge of the case or the victim services worker about how to contact a crime scene clean-up company. You may be eligible for financial assistance through the VQRP or CICB to help with the costs of the crime scene clean-up. For more information on how to apply for this financial assistance, see page 9 (Financial Assistance and Other Supports and Services).

### ***Reporters keep calling me and are camping outside my home. Do I have to talk to them?***

No. You do not have to talk to reporters if you do not want to.

A homicide often draws a lot of media attention. Reporters may be hanging around your home or calling you repeatedly, hoping to get an interview with you. The choice of whether to talk to them is yours. You can say “no” to any interview request. Or you can release a written statement to the media rather than giving interviews.

If you do agree to be interviewed, here are a few things to keep in mind:

- Everything you say to a reporter can be reported—nothing is “off the record”.
- If you do not know what you can say to the media or whether you should talk to them, you can check with the police, Crown Attorney or victim services worker.
- You can appoint a media spokesperson for your family. This can be a relative, a friend, a lawyer, or anyone else you are comfortable with. If you choose to appoint a spokesperson, you can direct all media inquiries to that person.

- You can prepare a statement in advance to ensure you say what you want.
- You can decide when and where to give the interview. If you don't want to speak to the reporter at the time that s/he calls you, you can arrange to be interviewed at a later date or time, at a location of your choice.
- You can ask the reporter to send you his/her questions ahead of time so that you can have time to think about and compose your answers.
- You can also ask the reporter to email his/her questions to you, so that you can reply by email. Remember to review your statement before sending it.
- You do not have to answer any questions that make you uncomfortable or that you think are inappropriate. You can stop the interview if you begin to feel uncomfortable, or if it is too emotionally difficult.
- You can request a specific reporter for your interview and can also refuse an interview with a specific reporter, even if you have agreed to interviews with other reporters.
- You can ask the reporter before the interview what angle the story is going to take.
- You can request that certain photographs or visuals not be used for publication or broadcast (for example, if they are too graphic or upsetting).
- You can ask that your picture not be taken or used for the story.
- You can demand a correction if inaccurate information is reported.

# FINANCIAL ASSISTANCE AND OTHER SUPPORTS AND SERVICES

## FINANCIAL ASSISTANCE

### *Is there any financial assistance available to me?*

The financial burden of dealing with the murder of a loved one can be overwhelming. There are a number of possible sources of financial assistance available to you.

Private insurance may cover some of these expenses. If you or your loved one has private insurance coverage, check with the insurance company to find out what is covered under the policy.

As well, in Ontario, there are a number of programs that can assist you with your financial needs resulting from a homicide.

The Victim Quick Response Program (VQRP) provides emergency funds in the immediate aftermath of a violent crime for victims who have no other financial means or resources available to meet those needs. The VQRP does not fully reimburse all of these expenses, but will contribute towards the costs of:

- funeral expenses;
- crime scene clean-up;
- emergency home repairs to ensure your safety;
- emergency child and dependant care; and
- short-term counselling.

The VQRP is offered through local victim services organizations. If you are not referred to victim services by the police, call the Victim Support Line toll-free at 1 888 579-2888, or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person you want information about the VQRP. You will then be referred to a victim services organization in your area.

Applications to the VQRP must be made within 45 days after the crime was committed (90 days for counselling costs). If for some reason you are unable to apply within that time frame, you should ask your victim services worker about a special exemption.

The Ontario government recently launched a temporary program called Financial Assistance for Families of Homicide Victims (FAFHV). Eligible spouses and/or parents of homicide victims may receive up to \$10,000, if the death occurred between January 1, 2006 and December 31, 2011. For more information on the program, your eligibility or to apply, call toll-free 1 855 467-4344 or in the Greater Toronto Area at 416 212-9164.

In addition, the Criminal Injuries Compensation Board (CICB) provides compensation for victims of a violent crime committed in Ontario, including family of homicide victims. The CICB can compensate a range of expenses including funeral and burial expenses, and the cost of bereavement counselling. It can also compensate dependents of a homicide victim for lost financial support. For more information on the CICB, see the next question.

Neither the VQRP nor CICB cover the offences of dangerous driving causing death or impaired driving causing death. If your loved one died as a result of an offence involving a motor vehicle, you may be eligible for compensation through an automobile insurance policy (the offender's policy, or the victim's policy). If there is no automobile insurance available, you may be eligible for compensation through the Motor Vehicle Accident Claims Fund (MVACF). For more information, call the MVACF toll-free at 1 800 268-7188 or in the Greater Toronto Area at 416 250-1422.

### ***What type of compensation can I receive from the Criminal Injuries Compensation Board?***

The CICB will consider four types of claims where there has been a homicide:

- funeral and related expenses;
- bereavement counselling expenses;
- loss of financial support;
- mental or nervous shock.

The CICB will consider reimbursing or "topping up" funeral and related expenses if these costs were not fully covered by any other source, such as the VQRP or Canada



Pension Plan benefits. This claim should be made by the person who actually paid for the expense and is able to provide proof of payment.

The CICB may consider expenses related to bereavement counselling for any family member of the victim who lived in the victim's household or for certain close family members (i.e., children, parents, grandchildren, grandparents, and siblings) of the victim who did not live in the same household as the victim. It is important to know that bereavement counselling expenses will only be considered after certain other claims have been paid out by CICB. In some cases, there may not be sufficient funds available from CICB to cover these expenses for all eligible family members.

The CICB may provide financial support for certain dependants of the victim. Each dependant will be required to provide proof of his/her financial dependence on the victim.

The CICB may award compensation for “mental or nervous shock” to an individual who witnessed the homicide, or came upon the scene of the crime and experienced severe psychological trauma. Mental and nervous shock has a very specific legal meaning, and it is not the same thing as grief and sorrow (which the CICB cannot compensate for). The CICB requires medical and/or psychological evidence to support the claim for mental or nervous shock. In order to be compensated for mental and nervous shock, the individual must meet very specific criteria, including:

- the crime involved a significant degree of violence; *and*
- the individual had close ties of love and affection with the victim; *and*
- the individual either witnessed the crime, or came across the scene of the crime; *and*
- the individual suffered psychiatric/psychological injury induced by the shock of witnessing the crime or from coming across the scene of the crime, and not by hearing it from someone else.

### ***How do I apply for compensation from the CICB?***

To be considered for compensation, you will need to submit an application to the CICB. For information on how to make an application, visit the CICB website at [www.cicb.gov.on.ca](http://www.cicb.gov.on.ca), or contact them toll-free at 1 800 372-7463 or in the Greater Toronto Area at 416 326-2900.

### *Is there a deadline to apply?*

Yes. You must apply within two years of the crime taking place. However, if for some reason you are unable to apply within that time, you may ask CICB for an extension.

### *Do I need a lawyer?*

You do not need to be represented by a lawyer to apply for compensation, but, depending on how complicated your case is, you may wish to have legal advice. See the “Who to Contact” section at the end of this handbook for information about community legal clinics and the number for the Lawyer Referral Service.

### *Does the CICB compensate everyone who files an application?*

No. Some individuals may not be eligible for compensation, or there may not be enough evidence to support some or all aspects of the application.

### *Who decides if I get compensation?*

The CICB is made up of appointed board members who decide the outcome of your application. These members come from all over the province and from varying backgrounds. They are appointed for their knowledge of victims’ concerns and their ability to make fair and reasonable decisions. They are supported by staff who compile information related to applications and prepare the files for a hearing.

### *How is the decision made?*

Decisions about whether or not compensation should be awarded and the amount to be awarded are made after a hearing has been held. To assist with its decision, the CICB will ask you to provide certain information and documentation (e.g., receipts). Once your application is complete and information has been verified, a hearing will be scheduled. There are two types of hearings: written and oral.

If your hearing is written, you will not need to appear in person. A board member will make a decision after reviewing all the supporting information in your file and you will be informed in writing of that decision.

If your hearing is oral, you must be present. Victims under the age of 18 do not have to attend the hearing but can if they want to. Board members will have reviewed all of

the information in your file and may ask you questions before reaching a decision on your application. Oral hearings are usually open to the public, although, if the criminal trial or criminal investigation is ongoing, board members may close the hearing to the public. Witnesses, including police officers, may also appear at an oral hearing.

### ***Will the offender be at the hearing?***

In certain circumstances, the offender may be notified of the hearing, and s/he may choose to attend. In most homicide cases, however, the offender will not be at the hearing. For more information, or if you have concerns about the offender attending the hearing, contact the CICB toll-free at 1 800 372-7463 or in the Greater Toronto Area at 416 326-2900.

### ***How long will it take to process my application?***

That depends, in part, on the type of compensation you are seeking. Claims for funeral expenses are often dealt with quickly before any other expenses you may be claiming. Typically, the process takes several months to complete, sometimes more than a year. Each case is different, and the time it takes to process an application depends on a number of things. For example, if the case is still before the courts or if information about the case is difficult to obtain, the process may be slowed down. It is important to provide the CICB with all information that is requested. Keep your contact information up to date and respond to any questions promptly, so that your application can be addressed as quickly as possible.

### ***What if I disagree with the Board's decision?***

If a single board member made a decision about your application, and you disagree with it, you can make a written request for a new hearing with two new board members. The new board members may confirm the original decision, increase or decrease the award, or make a different decision. Before the case is reviewed, you will have to return any money you were awarded and received in the original decision.

If a panel of two board members made a decision about your application, you can appeal only on a point of law to the courts within 30 days of receiving the written decision. This type of decision cannot be appealed based on the amount of the award. The location for an appeal will depend on where the hearing took place. You should have legal advice if you want to make this type of an appeal.

If you have any questions about appealing a decision, contact the CICB toll-free at 1 800 372-7463 or in the Greater Toronto Area at 416 326-2900.

### ***Can the money I receive be seized by people I owe money to?***

No. Nobody is entitled to seize money paid out in compensation to victims of crime.

### ***I am receiving social assistance. Can I still receive compensation from CICB?***

The CICB does not take into account any money you may be receiving from social assistance (Ontario Works or Ontario Disability Support Program (ODSP)) in deciding the amount of your award. However, Ontario Works and ODSP may take into account any award you receive from the CICB and may adjust your benefits accordingly. You should check with Ontario Works or ODSP for more information.

### ***What if I receive compensation from somewhere else, like my employer, insurance or a lawsuit?***

The CICB will take into consideration any financial compensation or benefits that you have already received as a result of the death. You are required to inform the CICB if you are eligible for and receive compensation from any other source, other than social assistance, and the CICB may require you to repay money if the CICB compensated you already.

### ***I need help now. Do I have to wait for my application to be settled?***

The CICB may provide short-term assistance while your application is in process, but you must get approval first. It is very important that you speak to someone at the CICB before you pay for services for which you hope to be reimbursed. In addition, you may be eligible for some emergency financial assistance through the Victim Quick Response Program (VQRP). For more information on the VQRP, see page 9.

### ***Are there other ways to get compensated for my losses?***

It is possible to sue the offender in civil court for financial losses related to the crime, as well as for pain and suffering. Pursuing a civil lawsuit can be both stressful and

expensive. You may need to hire a lawyer to represent and advise you, and even if you win, the offender may not have the money to pay you. Talk to a lawyer before you decide whether or not to proceed with a lawsuit. See the “Who to Contact” section at the end of this handbook for information about community legal clinics and the number for the Lawyer Referral Service.

## OTHER SUPPORTS AND SERVICES

### *I am feeling overwhelmed and helpless. Is there anywhere I can go for support?*

Dealing with the murder of a loved one is overwhelming and can sometimes feel unbearable. You do not have to deal with these feelings on your own. There are a number of supports and services in Ontario that can help you cope with the range of emotions that you may be experiencing. You may also want to turn to your own personal support network for help—your friends, family, place of worship, family doctor and other members of your community can often be a strong source of support.

### *How do I find the services I need?*

Across Ontario there are a range of victim services programs that are provided by victim service agencies and community organizations. In some communities this service is called VCARS (Victim Crisis Assistance and Referral Services). In other communities it may be called “Victim Services”. All victim services programs offer a broad range of services. These services include immediate crisis support 24 hours a day, 7 days a week (on-site or by telephone), practical assistance (for example, transportation, telephone calls), emergency financial assistance, and information and referrals to other community services for longer term support.

The police should offer to connect you with a victim services organization in your area. If you have not been connected to victim services through the police, you can find services in your area by calling the Victim Support Line (VSL) toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person that you are looking for help to deal with the murder of your loved one. They can help link you to supports and services in your community that meet your needs and those of other members of your family.

### ***How do I help my surviving children cope with the death of their brother/sister?***

When your son or daughter has been murdered and you are overcome with grief, it can be difficult to know how to help your surviving child or children who are also experiencing a loss and trauma. In the aftermath of the homicide, siblings are not only coping with the loss of a brother or sister, but in many cases, also with the loss of functional parents, who, in the midst of their own grief, are often unable to comfort their surviving children. It is often difficult to give them the support they need while you are in so much pain.

You can ask your victim services worker for help with finding services for your child, or you can find services in your area by calling the Victim Support Line (VSL) toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community. Once connected, tell the person that you are looking for help for your child in dealing with the murder of his/her sibling.

### ***I didn't know the person who was murdered in my neighbourhood, but I'm scared, and my children are scared. Is there anywhere we can go for help?***

There are community supports available that can help you and your family cope with the trauma and fear that often affects a community following a homicide. The Salvation Army, community health centres, and most community hospitals can provide immediate crisis support and can refer you to community resources to meet your and your family's longer term needs. You can find these resources in your area by calling the Victim Support Line (VSL) toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447. Choose the option to speak with someone about services for victims of crime in your community.

## THE CRIMINAL JUSTICE PROCESS

Once a homicide has been reported to the police, certain legal processes are set in motion. This is called the criminal justice process. The information on the following pages will give you an idea of what usually happens in that process.

Remember that every case is different, and things may not happen exactly as is described here. If you have any questions about the criminal justice process, you can speak to the police officer or Crown Attorney working on the case.

### THE POLICE INVESTIGATION

*There was a police officer called to the scene of the homicide. Will s/he be responsible for the police investigation?*

Probably not. The first officers to arrive at the scene of a crime are usually the patrol officers. As the first officers on the scene, they are responsible for ensuring everyone's safety and protecting the crime scene so that it can be properly investigated. If the patrol officer suspects that a homicide has been committed, the homicide squad will be notified and a homicide detective, sometimes called a major case manager, will be dispatched to the scene. In all areas in Ontario, a homicide detective will be on call 24 hours a day, 7 days a week. The homicide detective will be in charge of the investigation from that moment on—s/he is often referred to as the Officer in Charge (OIC). The OIC will have a team of police officers who will assist her/him with the investigation.

Be sure to ask the OIC for his/her card so that you can contact him/her when you have questions about the investigation or have information you want to relay to the police.

*What is involved in a police investigation?*

The police will close off the crime scene and keep people from entering the area, even if it is your home. This is so that the crime scene and any evidence that may be there are protected and can be properly investigated. The police may also collect evidence at other locations that they believe may have evidence relating to the crime.

The police will also talk to anybody who may have seen the crime take place or may know something about what happened (witnesses). As part of their investigation, the police may also ask you or other members of your family questions about your loved

one. You will probably be asked to come to the police station to give your statement, or the police may come to your home to interview you. The statement may be videotaped or audiotaped to ensure that it is recorded accurately.

### ***What if I can't answer all of the questions that the police ask me?***

Don't worry. It is very common to not be able to answer all of the police officer's questions. You can ask the Officer in Charge (OIC) for a card with his/her name and telephone number, and contact the officer later if you remember other details. Sometimes the OIC will contact you later to ask you some more questions.

### ***Why can't I be told all the facts about the investigation?***

Depending on the circumstances of the death, the police may not be able to provide full, detailed information about the investigation. This information may be held back for a number of reasons. For example, if you or other family members will be required to testify at the trial, it would compromise the case to share certain information with you.

It is important to remember that the police are not keeping information from you because they don't trust you. They are just doing their job and trying to ensure that the criminal case against the accused is as strong as possible.

### ***The police keep asking me questions about my loved one. Why are they treating him/her like s/he was a criminal?***

Until the circumstances of the death are clear, the police must pursue all possible explanations and gather as much information about your loved one and the circumstances surrounding his/her death as possible. Sometimes the questions they ask in the course of the investigation may seem inappropriate and may make you uncomfortable or even angry. But try to remember that these questions are part of the investigation and are being asked with the goal of figuring out who was responsible for the death of your loved one.



### ***The police are asking me so many questions. Why am I being treated like a suspect?***

As mentioned in the previous question, until the circumstances of the death are clear, the police must pursue all possible explanations and gather as much information about your loved one and the circumstances surrounding his/her death as possible. Try to remember that these questions, however difficult, are part of the investigation and are being asked with the goal of figuring out who was responsible for the death of your loved one.

### ***Who do I call if I have questions about the investigation?***

The Officer in Charge (OIC) will maintain contact with you throughout the investigation and court process, and you can contact him/her with any questions or concerns that you may have. Be sure to remember to ask the OIC for his/her card so that you can contact him/her with any questions. Also, remember that the OIC and the other officers involved in the case work various hours and different shifts, and their work often requires them to be out of the office, so the OIC may not be able to respond to your calls right away.

### ***What if someone has information about the crime, but does not want to go to the police?***

S/he can provide the information anonymously to the Crime Stoppers tip line. Crime Stoppers will then pass the information on to the police.

Crime Stoppers is a civilian (not police-based) non-profit organization that brings together the police services of a community, the media and the community in the fight against crime. Crime Stoppers provides citizens with a way to anonymously supply the police with information about a crime or potential crime of which they have knowledge.

The Crime Stoppers tip line is staffed by trained personnel who receive, process and pass on tip information to investigating officers. Callers are given a code number, which is used in all subsequent calls and callers do not have to identify themselves. A reward of up to \$2,000 is offered to anyone providing information, which leads to an arrest for a crime.

To report information about a crime, call the Crime Stoppers tip line toll-free at 1 800 222-TIPS (8477), or go to their website at [www.canadiancrimestoppers.org](http://www.canadiancrimestoppers.org) to find a Crime Stoppers program in your area.

### *Is there any protection available to someone who has information but is scared to speak to the police?*

The police can do a variety of things to help improve a potential witness' safety. These may include helping the person prepare a safety plan and increasing police patrols in his/her area. The steps the police can take depend on the specific situation, so speak to the Officer in Charge of the case about these options.

### *Will the police offer a reward for information relating to the crime?*

In some cases, the police may offer a reward for information that assists with the investigation. Whether or not a reward is offered depends on the circumstances of the particular case.

## ARREST

### *When can I expect an arrest?*

That's hard to say—each case is different. Sometimes an arrest is made within hours of the crime; other times the investigation can take weeks or months, sometimes even years. And in some cases, an arrest is never made.

### *What happens after the accused has been arrested?*

Once the accused has been arrested (taken into police custody), the police may lay charges against him/her. Charging a person means that the police have enough evidence to believe that the person committed the crime. When charges are laid, they are written in a document called an "information", which is sworn by a police officer and filed with the court.

It is important to remember that even though the police are responsible for laying charges against the accused, the Crown Attorney (a lawyer who prosecutes criminal

matters on behalf of the government) will review all of the charges and evidence before deciding whether or not to proceed to trial against the accused. Although the police and Crown Attorney may talk to you about the charges that have been laid, the final decision is theirs. The Crown Attorney will proceed with the case only if there is a reasonable chance of convicting the accused and prosecuting the accused is in the public interest.

### *What will the accused be charged with?*

That depends on the circumstances. Each case is different, and the charges laid will depend on a number of factors. You should speak to the Officer in Charge of the investigation or the Crown Attorney assigned to the case to find out why specific charges were laid.

In most cases involving a homicide, the accused will be charged with one of the following offences:

#### **Murder (*first or second degree*):**

- The accused will be charged with murder if the evidence shows that:
  - The accused intended to cause the death of the victim; or
  - The accused intended to cause bodily harm to the victim, which s/he knew was likely to cause death and was reckless as to whether death occurred.
- The accused can be charged with first degree murder or second degree murder.
  - Generally, murder is *first degree* when it is planned and deliberate, or when the murder takes place while the accused is committing certain other offences (e.g., sexual assault, kidnapping), or when the victim was a police officer or someone working in a prison.
  - Murder that is not first degree is *second degree*.
- When an accused is charged with murder, it is possible, in certain circumstances, that s/he will be convicted of a lesser offence at trial (e.g., second degree murder instead of first degree, or manslaughter).

## Manslaughter

- The accused will be charged with manslaughter when the evidence shows that the accused caused the death of the victim by means of an unlawful act or through criminal negligence, but the evidence does not show that s/he intended to cause the death.

## Dangerous Driving Causing Death or Impaired Driving Causing Death

- Where a motor vehicle is involved, the accused may be charged with dangerous driving causing death, impaired driving causing death (if alcohol was involved), or criminal negligence causing death.

### *It has been more than a year since my loved one was murdered, and there has still been no arrest. Will the police close the file?*

No. Under the *Criminal Code of Canada*, there is no time limit (referred to as a “statute of limitations”) on murder investigations or the laying of charges of murder. This means that the case will remain open, and there will be an Officer in Charge (OIC) assigned to the case until there is a conviction. Although the OIC will be in contact with you less often as time passes, s/he will contact you whenever there is a significant new finding in the investigation, or if further investigation is being conducted.

If the OIC of your case leaves the department, then the case will be reassigned to another officer, and s/he will contact you to let you know of the change. If this happens, be sure to make a note of the new OIC’s contact information so that you can get in touch with him/her if you need to. It is also very important that you keep the police informed of any change to your contact information so that they are able to contact you if or when they need to.

### *Is there anyone who can help me through the criminal justice process?*

Yes. In Ontario, the Victim/Witness Assistance Program (V/WAP) is a court-based program that provides information, assistance and support for certain victims and witnesses of crime, including families of homicide victims. These services begin as early as the laying of charges and continue until the conclusion of the court case.

V/WAP staff can answer your questions about the criminal justice process, provide you with a courtroom orientation, provide you with emotional support throughout the court process, and assist with arranging special assistance for you in court (e.g., translation services). A V/WAP worker can also provide you with information about the criminal case, such as court dates, hearing outcomes and copies of bail and/or probation orders. V/WAP staff do not provide counselling services, but they can refer you to appropriate resources in your community.

V/WAP staff cannot discuss your testimony, other evidence, or the crime. If you have questions about these things you should speak to the Crown Attorney or the Officer In Charge of the case.

Most V/WAP offices are located in or near courthouses. To find the V/WAP office nearest you, call the Victim Support Line toll-free at 1 888 579-2888 or 416 314-2447 in the Greater Toronto Area. Choose the option to speak with someone about services for victims of crime in your community. Alternatively, go to [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral), click on the “Court Services” tab on the left side of the page and then the “Address and Phone Information for Courthouses in Ontario” link. If there is no V/WAP program in your area, you can call the Crown Attorney’s office to make an appointment to speak to someone about your case.

## CUSTODY AND BAIL

### *What happens after the accused is arrested and charged?*

The accused will be held in police custody and brought before a justice of the peace or judge within 24 hours of his/her arrest.

If the accused has been charged with something other than murder (e.g., manslaughter), the justice of the peace or judge will hold a bail hearing, at that time or at a later date, to decide whether the accused will be kept in custody until trial or released on bail. The accused will remain in custody until the bail hearing.

If the accused has been charged with murder (first or second degree), the law requires that the justice of the peace or judge order that the accused be held in custody until trial. However, the accused does have the right to apply to a higher court for a bail hearing. At that hearing, the accused will need to show why s/he should not be held in custody.

## *How does the judge decide whether or not to grant bail to the accused?*

The law requires a judge to consider certain factors when deciding whether holding an accused in custody until trial is justified. These factors include:

- whether holding the accused in custody is necessary to make sure s/he will attend court;
- whether holding the accused in custody is necessary for the safety or protection of the public, including any victim or witness; and
- whether keeping the accused in custody is necessary to protect public confidence in the justice system. Here the judge must consider a number of factors, including the seriousness of the crime, the circumstances of the crime (including whether a firearm was used), and the strength of the Crown Attorney's case.

## *I'm confused—I thought “bail” was money?*

The term “bail” is often used to refer to the money promised as security for the accused to show up the next time s/he is required to appear in court. In most cases, bail money is not actually paid before the accused is released but is promised to be paid in the event that s/he fails to appear in court as required or breaches a condition of his/her release. The person who promises the money is called a “surety”. This person agrees to supervise the accused while s/he is out of custody awaiting trial. If the accused fails to appear in court or breaches a condition of his/her release, the law says the surety may be ordered to pay the promised money to the court.

## *What if I have concerns about the accused being released on bail?*

If you have any concerns about the accused being released on bail, be sure to tell the police as soon as possible and arrange to speak to the Crown Attorney before the bail hearing, if possible. Your concerns, and any information that supports them, will be considered by the Crown Attorney who proceeds with the bail hearing.

You can also speak to a V/WAP worker about your concerns, which will be relayed to the Crown Attorney.

### ***Do I testify at the bail hearing?***

Probably not. But if you have any concerns about the accused being released on bail, be sure to tell the police, Crown Attorney or V/WAP worker before the bail hearing. Your concerns, and any information that supports them, will be considered by the Crown Attorney who proceeds with the bail hearing.

### ***What happens if the accused is denied bail?***

If the accused is denied bail, s/he will be held in custody, usually until the conclusion of the trial.

### ***What happens if the accused is granted bail?***

If the accused is granted bail, s/he will be released from custody until the trial. The judge will place certain conditions on the accused as a term of his/her release. These can include a number of restrictions, such as not having guns or other weapons, remaining within a certain geographic location, staying away from you or members of your family or from your home or workplace, staying away from any witnesses to the crime, reporting regularly to the police or having a curfew, or not drinking alcohol.

### ***Can the decision on bail be appealed?***

Yes. Either the accused or the Crown Attorney can apply to a higher court to review the bail decision made by the judge.

### ***Will I know if the accused is granted bail?***

Yes, if you request it. Let the Officer in Charge, Crown Attorney or V/WAP worker know that you want to be told about the outcome of the bail hearing. Be sure that you provide them with current contact information where you can be reached.

### ***What happens if the accused violates the conditions of his or her bail?***

If the breach of conditions comes to the attention of the police, the accused will be arrested on a new charge of breaching the conditions of his/her bail and will be held for a bail hearing on that charge. In addition, the Crown Attorney can ask the court to cancel the original bail and hold the accused in custody until trial.

## THE PRELIMINARY HEARING

### *What happens after the accused is released on bail or detained until trial?*

The accused will be brought before the court, often by video link if s/he is in custody, on a number of different occasions while steps are taken to move the case forward through the criminal justice system. It is not necessary for you to attend those court appearances if you don't want to as they will deal mostly with legal procedures.

During that time period, the accused will hire a lawyer and the Crown Attorney assigned to the case will start to review the evidence. The Crown will provide the accused's lawyer with copies of all the evidence the Crown has that is relevant to the case. This is called "disclosure" and is required by law. The Crown Attorney and defence lawyer will meet with judges in various pre-trial meetings to review the basis of the case, and a date for the preliminary hearing or trial will be set.

### *What is a preliminary hearing?*

A preliminary hearing (also called a "preliminary inquiry") is conducted by a judge to determine whether there is enough evidence to put the accused on trial and, if so, on what charge (i.e., first degree murder, second degree murder, manslaughter or something else). A preliminary hearing is a little like a trial because certain witnesses are called and questioned. However, the purpose of the preliminary hearing is not to determine whether the accused is innocent or guilty but just to decide whether there is enough evidence to proceed to trial. If the judge decides there is enough evidence to proceed, the accused will be ordered to stand trial at a later date.

### *Is there always a preliminary hearing?*

That is up to the accused and the Crown Attorney. Both the accused and the Crown can request a preliminary hearing. If either party requests a preliminary hearing, one will be held. If neither party requests a preliminary hearing, the case will be scheduled for trial.

### *Will I have to testify at the preliminary hearing?*

Maybe. If the Crown Attorney believes you have evidence that is necessary to the preliminary hearing, you will be called to testify.



If you are to be called as a witness, you will receive a subpoena. This is a legal document that tells you when and where to go to court. Once you have been served with a subpoena, you cannot refuse to go to court. If you fail to appear in court once you have been subpoenaed, the judge can issue a warrant for your arrest. If there is a good reason why you cannot attend court on the specified day, you should contact the Officer in Charge of your case, the Crown Attorney, or V/WAP right away to explain your reasons. Arrangements can usually be made to accommodate you.

If you are called as a witness in a preliminary hearing, your role will be much the same as at trial. The Crown Attorney and/or V/WAP worker assigned to your case will help prepare you in advance of the hearing. For more information on what to expect as a witness, see page 32 (“If You Are a Witness in Court”).

## THE TRIAL

### *When will the case go to trial?*

There are many legal procedures that may happen before the case goes to trial. These procedures will affect the date on which the trial is held. The Crown Attorney or V/WAP worker assigned to the case will keep you informed of what is going on with the case, including any important court dates. If you have any questions or concerns, call the Crown Attorney or V/WAP worker assigned to the case.

### *The judge found the accused “unfit to stand trial”. What does that mean?*

A finding of unfit to stand trial means that, due to a mental disorder, the accused is unable to understand the criminal proceedings against him/her, or to understand the possible consequences of the proceedings, or to communicate with his/her lawyer. If the court finds the accused unfit to stand trial, s/he will generally be placed under the authority of the Ontario Review Board, where a separate set of procedures will apply. The accused may or may not be sent back to court at a later date to stand trial.

For more information on unfit to stand trial and the Ontario Review Board, see page 51.

### *What is the role of the judge and the jury in a trial?*

The judge is in charge of the trial. He or she makes decisions about legal matters in court. This is called “presiding over the trial”.

In most cases, the accused gets to choose whether to be tried by a judge and jury, or by a judge alone. If the charge is murder, the accused will almost always be tried by a judge and jury.

Where there is a judge and jury, it is the jury’s job to decide whether the accused is guilty or not guilty. The judge explains the law and determines what evidence the jury can use to make that decision. If there is no jury, the judge decides whether the accused is guilty or not guilty.

### *What is the role of the Crown Attorney?*

The Crown Attorney’s job is to present to the court all credible and relevant evidence. **The Crown Attorney is not your lawyer.** In Canadian law, crimes are considered to be wrongs against society as a whole, not just a private matter between two people (the victim and the accused). The Crown Attorney’s primary duty is to ensure that every prosecution is carried out in a way that is fair and consistent with the public interest. However, the Crown Attorney does have a responsibility to keep you informed about the case and to treat you with respect and sensitivity.

### *What is the role of the defence lawyer?*

The defence lawyer’s job is to represent the accused. The defence lawyer’s only duty is to act in the interests of the accused within the law.

### *Will I need my own lawyer at the trial?*

No. The two parties in a criminal trial are the state, represented by the Crown Attorney, and the accused. It is not your responsibility to prove the case—that is the responsibility of the Crown. However, if circumstances arise during the case that causes you to believe you need legal advice, you may hire your own lawyer. See the “Who to Contact” section at the end of this handbook for information about community legal clinics and the number for the Lawyer Referral Service.

## *What happens at the trial?*

### **Crown Attorney presents evidence**

The Crown Attorney presents his or her case first. S/he will present evidence against the accused by calling witnesses, such as people who saw the crime being committed and police officers. The Crown Attorney may also introduce other types of evidence, such as documents, clothing, weapons, or other items.

Each witness called by the Crown Attorney will first be asked questions by the Crown Attorney (called “examination in chief”) and then by the lawyer for the accused (called “cross examination”).

### **Defence lawyer may present evidence**

In the Canadian legal system, an accused person is presumed innocent until his/her guilt is proven beyond a reasonable doubt. (For an explanation of “beyond a reasonable doubt”, see “Deciding if the accused is guilty or not guilty” below.) It is the Crown Attorney’s job to present the evidence to prove beyond a reasonable doubt that the accused committed the crime; it is not up to the defence to prove that the accused did not commit the crime. The defence does not have to present evidence, but may choose to do so.

The accused does not have to testify at his or her trial, or call any witnesses. However, if the accused does choose to testify or call witnesses, every witness called by the defence, including the accused, will be asked questions by the lawyer for the accused (examination in chief) and then may be cross-examined by the Crown Attorney.

### **Closing arguments**

When all the evidence has been presented, the Crown Attorney and defence lawyer will make closing arguments. The Crown Attorney will argue that the evidence shows beyond a reasonable doubt that the accused is guilty; the lawyer for the accused will argue that the guilt of the accused has not been proven beyond a reasonable doubt.

### **Deciding if the accused is guilty or not guilty**

In order to find the accused guilty, the judge or jury must be convinced beyond a reasonable doubt that the accused committed the crime. This means that to convict,

the judge or jury must, based on the evidence presented to them, be sure that the accused committed the offence. If they have reasonable doubt, they have to find the accused not guilty. It is not enough to believe the accused is probably guilty.

If the accused has chosen to be tried by a judge alone (no jury), it will be up to the judge to determine whether the Crown has proven beyond a reasonable doubt that the accused is guilty. S/he will probably adjourn the case for a time to consider the evidence and reach a decision.

If there is a jury, it is the duty of the jury to determine whether the Crown has proven beyond a reasonable doubt that the accused is guilty. To assist them in this task, the judge will provide the jurors with instructions on the law as it applies to the case and on how they may consider the evidence they have heard. This is called “the charge to the jury”. After the charge to the jury, the jurors will leave the courtroom and meet together in another room to discuss the case and decide whether the accused is guilty or not guilty. In making this decision, the jury will consider all the evidence, the lawyers’ closing statements, and the judge’s instructions.

The jury members must be unanimous in their decision on whether the accused is guilty or not guilty. The decision they reach is called a “verdict”. The jury must continue to meet until they reach a unanimous verdict. This may take hours, or even days. If the jury cannot reach a unanimous verdict after a lengthy period, the judge will declare a mistrial. If this happens, the Crown may decide to start a new trial with a new jury. You can speak to the Crown Attorney for more information.

### ***What happens if the accused is found “not guilty” of the charges?***

The accused will be free to go.

It is important to remember that under Canadian criminal law, a person is considered innocent until proven guilty. You may be convinced that the accused is guilty, but the court presumes the accused is innocent until the Crown Attorney proves its case beyond a reasonable doubt. If the jury or the judge (where there is no jury) finds that the evidence does not prove the guilt of the accused beyond a reasonable doubt, s/he will be found not guilty. This means that the charge will be dismissed, and the accused will be free to go. This is called an “acquittal”.

### ***What happens if the accused is found “guilty”?***

If the accused is found guilty, the judge will direct that a sentencing hearing be held. The sentencing hearing will usually be scheduled for a later date. For more information on the sentencing process, see page 38.

### ***What happens if the accused is found “not criminally responsible”?***

A judge or jury can find an accused not criminally responsible for the crime with which s/he was charged. This means that based on the evidence, the judge or jury finds that the accused committed the crime, but at the time of the offence s/he was suffering from a mental disorder that made her/him incapable of understanding the consequences of what s/he did, or that it was wrong. This used to be called “not guilty by reason of insanity”.

A finding of not criminally responsible is not an acquittal. Once a verdict of not criminally responsible is made, a special hearing called a “disposition hearing” must be held, either by the court or by the Ontario Review Board (ORB). At the disposition hearing, many factors will be considered, including the need to protect the public from dangerous persons and the mental condition of the accused. If the court or the ORB finds that the accused is not a significant threat to the safety of the public, the accused may be discharged with no conditions. In other cases, the accused may be discharged with conditions or may be ordered held in hospital. For more information on what happens when an accused is found not criminally responsible and the Ontario Review Board, see page 51.

### ***The accused accepted a plea bargain. What does that mean?***

A plea bargain—called a “plea resolution” in Canada—is an agreement reached between the Crown Attorney and the defence lawyer for the accused to plead guilty. A plea resolution can be made at any time as long as it is made before the verdict is delivered. If the guilty plea is entered before the trial begins, there will be no need for a trial. The guilty plea may or may not involve a reduced number of charges, a reduced charge, or a lesser sentence than might be obtained if the accused was found guilty after a trial.

Even when there is a plea resolution, the judge makes the decision as to what the sentence will be. In some cases, both the Crown and the defence lawyer agree to recommend the same sentence to the judge; this is called a “joint submission on sentence”.

In these cases, although the judge retains the right to impose a different sentence from the one being proposed, the recommendation of the lawyers is usually followed.

### *What if I don't agree with the plea resolution?*

The plea resolution is negotiated between the Crown Attorney and the defence lawyer. Victims or their family members are not parties to those negotiations, and the Crown Attorney does not need your permission to agree to a plea resolution. However, you should make your concerns known to the Crown, as Crown Attorneys often do consider the concerns of victims and their families. In addition, the Crown Attorney may talk to you about the sentence s/he is recommending.

### *Can the trial court's decision be appealed?*

Where an offender has been found guilty, s/he has the right to ask a higher court to review the trial court's decision on the conviction and/or sentence if certain legal requirements are met. This is called an "appeal". The Crown may appeal either a finding of not guilty, including one that is accompanied by a finding of guilt on a lesser charge, or a sentence if certain legal requirements are met.

The higher court may not agree to hear the appeal. However, if it does, the higher court can agree with the trial court's decision, change the decision or sentence, or order a new trial.

If you have any questions about an appeal, you can speak to the V/WAP worker or Crown Attorney assigned to the case.

## **IF YOU ARE A WITNESS IN COURT**

If you were a witness to the crime, or if you have other information that is relevant to either the Crown Attorney or defence lawyer in proving their case, you may be called as a witness to testify at the preliminary hearing and/or at the trial.

### *Do I have to testify?*

Yes. If you are called as a witness, you will receive a subpoena. This is a document that tells you when and where to go to court. Once you have been served with a subpoena, you cannot refuse to go to court. Failing to appear in court once you have

been subpoenaed is a criminal offence, and the judge can issue a warrant for your arrest. If there is a reason why you cannot attend court on the specified day, you should contact the Crown Attorney, V/WAP worker or Officer in Charge of the case right away to explain your reasons.

### ***I am afraid for my safety if I testify. What can I do?***

There are things the police can do to assist a witness who is afraid for their safety if they testify in court. Exactly what the police will do will depend on the specific situation but can include such things as helping the witness prepare a safety plan and increasing police patrols in his/her area. If you have concerns for your safety, speak to the Office in Charge of the case or the Crown Attorney.

In some very specific circumstances, and only with the approval of the Attorney General, a witness may be eligible for Ontario's Witness Protection Program. The witness protection program provides short-term funding to assist in the maintenance and relocation of a witness and, if applicable, family members. The witness protection program is considered where, among other things:

- the life or health of the witness and/or family members are in real danger as a result of the involvement of the witness in a prosecution;
- the witness is involved in a case of significance to the administration of justice (e.g., murder); *and*
- the testimony of the witness is a key element of the Crown's case.

To find out if you qualify for the program, speak to the Crown Attorney in charge of the case.

### ***Can I have my own lawyer if I am a witness?***

No. Witnesses cannot have a lawyer to assist them at the trial. But you may get support and assistance from a V/WAP worker.

### ***Do I get paid to be a witness?***

No. There is no fee paid to you for being a witness.

### ***What if my employer will not give me time off to testify in court?***

If your employer will not give you time off, tell the Crown Attorney or V/WAP worker assigned to the case.

### ***What about childcare?***

You will be responsible for your own childcare costs while attending or testifying in court. Ask your victim services worker or V/WAP worker if there are services available in your area.

### ***What if I do not live in the city where the trial or pre-trial hearing is taking place?***

If you have to travel more than 40 kilometres out of your area to be a witness, you are entitled to travel and accommodation expenses. Speak to the Crown Attorney or V/WAP worker to make these arrangements.

### ***What if I have moved since the crime took place?***

If you move or change your phone number, be sure to tell the Officer in Charge and the Crown Attorney or V/WAP worker so they know how to contact you.

### ***Can a family member or friend come to court with me?***

Yes. You can bring someone to court with you for support. But if your support person is or may be a witness, that person will likely not be permitted to be in the courtroom while you testify. If you have any questions, speak to the V/WAP worker or Crown Attorney.

### ***What if English is not my first language?***

As a witness, you are entitled to testify in the language most comfortable for you. Speak to the V/WAP worker or Crown Attorney in advance if you need an interpreter in court.



### ***What if I have a disability?***

If you have a disability that will make it difficult for you to give your testimony, speak to the V/WAP worker or the Crown Attorney, who will try to ensure that your needs are accommodated.

### ***Can anyone help me get ready to testify?***

The Crown Attorney will meet with you before the preliminary hearing or trial to help you prepare. If you gave a statement to the police during the investigation, the Crown Attorney will provide you with a copy of that statement so that you can review it and refresh your memory. S/he will also give you information on what to expect in the courtroom.

V/WAP staff cannot discuss your testimony, other evidence, or the crime. If you have questions about these things you should speak to the Crown Attorney or the Officer in Charge of the case.

### ***Can I talk to anyone about my testimony?***

Do not discuss the case or your testimony with any potential witnesses, either before or after you take the witness stand. This is very important. If the judge finds out you have been talking about your testimony with other witnesses, what you or they have said may be called into question, and this may jeopardize the case against the accused.

### ***How should I dress and present myself in court?***

Dress neatly, like you are going to an important business appointment.

Do not chew gum; it is not allowed in the courtroom.

Turn off your cell phone, and do not wear earphones.

### ***How do I address the judge and the lawyers?***

When you are testifying, be polite, out of respect to the court. Address the Crown Attorney and defence lawyer as “Sir” or “Madam”. The proper way to address the judge is “Your Honour”, whether the judge is a man or a woman

## *How do I know when it is my turn to testify?*

When it is your turn to testify, the court clerk will call your name, and you will be asked to come forward to the witness stand. You will then be asked to either swear on a Bible or solemnly affirm that you will tell the truth. This is called being “sworn in”. Once you have done this, you are considered to be “under oath” until you finish testifying. While testifying under oath, you must tell the truth at all times. To make a false statement while testifying is a criminal offence.

## *What should I do on the witness stand?*

After you have been sworn in, the Crown Attorney or defence lawyer, or both will ask you a number of questions about what happened. Here are some things to remember while you are on the witness stand:

- Listen carefully to the questions. Take your time and answer the best way you can without guessing.
- Be yourself, and just say what happened. Do not try to memorize what you are going to say.
- Only answer the question the lawyer asks you. If the lawyer wants more information, s/he will ask you more questions.
- Wait until the lawyer finishes his/her question before you start to answer. That way you will have time to collect your thoughts, and you will be sure to answer the right question.
- Do not guess. If you do not understand a question, ask for clarification. If you do not know the answer to a question or can't remember, say so.
- Speak clearly and loudly. Look at the lawyer asking you the questions, and speak clearly so that the judge and jury (if there is one) can hear you.
- Say “yes” or “no” out loud. A court reporter will write down everything you say, so it's not enough to shake or nod your head.
- If one of the lawyers objects to a question, do not answer it until the judge tells you that you can.

### ***Will the defence lawyer ask me questions?***

Probably. After the Crown Attorney is finished asking his/her questions, the defence lawyer may ask you some questions. This is called “cross-examination”. Again, listen carefully to the questions. Take your time and answer the questions the best way you can without guessing.

Remember, the defence lawyer’s job is to point out every possible reason why the judge or jury should find the accused not guilty. Don’t be surprised if s/he challenges your answers, or suggests that you are mistaken or that you are not telling the truth. If you disagree with a suggestion put to you by the defence lawyer, say that you disagree. After the defence lawyer has finished cross-examining you, the Crown Attorney may ask you a few more questions to clear up certain points.

### ***Can the judge ask me questions?***

Yes. The judge may ask you questions at any time while you are on the witness stand.

### ***What if I don’t understand a question?***

If you don’t understand a question, say “I don’t understand”, and ask for it to be repeated or reworded. Don’t guess.

### ***What if I don’t know the answer to a question?***

If you don’t know the answer to a question, say “I don’t know”. Don’t guess.

### ***What if I don’t remember the answer?***

If you don’t remember the answer to a question, say “I don’t remember”. You can also ask to see the statement you had given to the police to refresh your memory.

### ***Will the accused be in the courtroom when I testify?***

Yes, the accused will be in the courtroom. If it is upsetting for you to see him/her when you are on the witness stand, try to look at the lawyer asking the questions or at the judge and concentrate on answering the questions being asked.

In some circumstances, a witness may be allowed to testify behind a screen or by closed circuit television (CCTV). Speak to the Crown Attorney before the trial date to see if this applies to you.

### *Will there be reporters in the courtroom?*

Newspaper, radio and television reporters are usually allowed in the courtroom, but there may be limitations on what they can report. This is called a “publication ban”. For example, the media may not be allowed to report information that would identify victims or particular witnesses. The judge may also order a publication ban on certain evidence.

If you are worried about being identified by the media, speak to the Crown Attorney in charge of the case.

### *Who else will be in the courtroom?*

There will be a court clerk in the courtroom. The court clerk files various documents related to the court proceedings, administers oaths, deals with exhibits, and announces the beginning and end of court sessions.

There will also be a court reporter in the courtroom. The court reporter makes a record of everything that is said in court. At the end of the trial, the court reporter’s notes will form the official record of the trial. This is called a “transcript”.

There may also be members of the public at the trial. Generally, trials are public proceedings and anyone can attend. However, in very limited circumstances, the judge may exclude the public from the trial if s/he thinks it is absolutely necessary.

## SENTENCING

### *Who decides what sentence the offender is given?*

The judge imposes the sentence.

Where the accused has been found guilty of first degree murder, there is only one possible sentence allowed under the law—life in prison without possibility of parole (early release from prison) for 25 years. This sentence will be imposed in every case.

Where the accused has been found guilty of second degree murder, s/he will be sentenced to life in prison, with no eligibility for parole for a minimum of 10 years and

a maximum of 25 years. The number of years the offender must serve before being eligible for parole will be determined by the judge at a sentencing hearing.

### ***What is a sentencing hearing?***

After an accused has been found guilty at trial or has pleaded guilty, there will be a sentencing hearing. At the sentencing hearing, the Crown Attorney and the defence lawyer make recommendations to the judge about what sentence they think is appropriate. The final decision on sentencing is always up to the judge.

In determining the appropriate sentence for the offender, the judge will consider a number of things, including the circumstances of the crime, the offender's criminal record (if any) and personal history, any pre-sentence reports and the Victim Impact Statement.

### ***What is a pre-sentence report?***

Prior to a sentencing hearing, the judge may ask for a pre-sentence report. This is a report about the offender. The report can include psychological or intellectual assessments of the offender, assessments of the risk s/he may pose to the community, special needs to be considered, and any other information that may assist in determining an appropriate sentence.

### ***What is a Victim Impact Statement?***

Although it is the judge who has the final say on sentencing, you can provide important input by submitting a Victim Impact Statement (VIS). A VIS is a written statement to the court that is prepared by a victim of crime, including family members of a victim who has died, for consideration by the judge in sentencing. The VIS is submitted to the court after conviction but before sentencing.

Your VIS should be in your own words and should describe how the crime has affected your life, including a description of the physical, emotional and financial effects of the crime. You should not give your opinion on what the sentence should be. This may be the only opportunity you will have to tell the court—and the offender—how you have been harmed by the death of your loved one. You can request the opportunity to read your statement out in court.

To get a Victim Impact Statement form, speak to the Officer in Charge, the Crown Attorney, or V/WAP worker.

### ***Is the offender allowed to see my Victim Impact Statement?***

Yes. The offender and his/her lawyer have the right to see your Victim Impact Statement before the sentencing hearing.

### ***Do I have to submit a Victim Impact Statement?***

No. The decision to prepare and submit a Victim Impact Statement is entirely up to you. But doing so will give you the opportunity to explain to the judge and the offender how the crime has affected you and your family.

### ***Can someone help me prepare my Victim Impact Statement?***

Yes. The Officer in Charge, victim services worker or V/WAP worker involved in the case can help you prepare your Victim Impact Statement.

### ***In my Victim Impact Statement, can I tell the judge how long the offender should go to jail?***

No. The Victim Impact Statement should only talk about your own experience. You should not make suggestions about sentencing.

### ***Does the judge have to consider my Victim Impact Statement?***

Yes. Although it is up to you whether or not to prepare a Victim Impact Statement, if you choose to do so, the judge must consider it when deciding on the offender's sentence.

### ***How do I submit my Victim Impact Statement to the court?***

You must submit your Victim Impact Statement to the court after the offender is convicted, but before s/he is sentenced. You can do this by giving your Victim Impact Statement to the Officer in Charge or the Crown Attorney before the sentencing hearing or at the hearing. You can also ask to read the statement in court, but you don't have to if you don't want to.

## *What sentence will the judge order?*

That depends on the offence the accused was convicted of.

### **First degree murder**

- The law requires the judge to sentence the offender to life in prison, with no possibility of parole for 25 years. The judge has no discretion in determining the sentence. The judge may sentence the offender as soon as the verdict of guilty of first degree murder is announced, or s/he may schedule a sentencing hearing for a later date, to provide an opportunity for the submission of Victim Impact Statement(s), psychological reports, or other information that may be relevant for consideration at future parole hearings or other proceedings.

### **Second degree murder**

- The law requires the judge to sentence the offender to life in prison, but the judge has discretion to determine at what point the offender can apply for parole. This time can be anywhere from 10 to 25 years. The jury may make a recommendation as to when the offender may apply for parole. In deciding when the offender will be eligible to apply for parole, the judge will consider the character of the offender, including any prior criminal record, the nature of the offence, the circumstances surrounding the offence, the Victim Impact Statement(s) and the recommendation of the jury, if any.

### **Manslaughter**

- Where a gun was used in the crime, the law requires the judge to sentence the offender to a minimum of four years in prison; the maximum sentence is life in prison. In all other cases of manslaughter, the maximum sentence is life in prison and there is no minimum sentence required by law. The judge will consider a variety of factors in determining the offender's sentence, including the circumstances surrounding the crime, the offender's criminal record (if any) and personal history, any pre-sentence reports, and the Victim Impact Statement(s).

The time to be served starts counting from the time the offender was first held in custody (including pre-trial custody), not from the time of sentencing. The offender will get credit for any time s/he spent in custody up until the day s/he is sentenced. That time will be counted towards the number of years s/he has to serve and towards his/her parole eligibility date.

### *Where will the offender serve his/her prison time?*

If the prison sentence is two years or more, the offender will be sent to a federal prison. There are minimum, medium and maximum security federal prisons. The security level a prisoner is held under is determined by the risk s/he poses within the prison and not the seriousness of the crime. This determination is made by prison authorities after the sentence has been imposed not by the judge.

If the prison sentence is less than two years, the offender will be sent to a provincial prison. A sentence that is less than two years may also include an additional period of probation for up to three years.

## **PAROLE AND OTHER TYPES OF RELEASE FROM PRISON**

### *Will the offender serve his/her full sentence in prison?*

Most offenders will not serve their full sentence in prison. All offenders—even those who have been sentenced to life in prison—can apply for parole (early release from prison) after serving a portion of their sentence. But being on parole *does not* mean that an offender is completely free without supervision. If granted parole, the offender will be released from prison and will serve the rest of his/her sentence in the community under the supervision of a parole officer.

There may also be conditions attached to the offender's release such as obeying the peace, reporting to police, no contact with the victim's family members, refraining from the use of drugs or alcohol, or remaining within a certain geographic location. If the offender is found to have breached a condition of his/her parole, s/he may be returned to prison to serve the remainder of his/her sentence.

Most offenders who are not released on parole will be released after serving two-thirds of their sentence. This is called "statutory release". Offenders serving life sentences are not eligible for statutory release. For more information on statutory release, see page 43.

### *How does an offender obtain parole?*

To obtain parole, an offender must apply to the Parole Board of Canada (if s/he is serving his/her sentence in a federal prison) or the Ontario Parole Board (if s/he is serving



his/her sentence in a provincial prison). Parole will be granted or denied to the offender during a parole hearing. For more information on parole hearings, see page 45.

### ***When can the offender apply for parole?***

That depends on the offence that s/he was convicted of.

An offender who is convicted of murder will be sentenced to life in prison, but s/he can still apply for parole at a predetermined date. That date depends on whether the offender was convicted of first or second degree murder:

- An offender who has been convicted of first degree murder can apply for parole after s/he has served 25 years in prison.
- An offender who has been convicted of second degree murder can apply for parole at a date that is determined by the judge at sentencing. This date must be after s/he has served between 10 and 25 years.

Most other offenders can apply for parole after serving one-third of their sentence or seven years, whichever comes first. Offenders who are initially denied parole can reapply for parole every two years.

In the provincial system, offenders serving a sentence of six months or longer will automatically have a parole hearing after serving one-third of their sentence. If denied parole, they cannot reapply.

### ***What is statutory release?***

By law, an offender who has not been released on parole after serving one-third of his/her sentence will be released after serving two-thirds of his/her sentence. This is called “statutory release”.

In the federal system, an offender on statutory release will be supervised by a parole officer until the rest of his/her sentence has been completed. There may also be conditions attached to the offender’s release.

In the provincial system, an offender on statutory release will not be supervised, and his/her sentence will be considered to be complete.

Offenders serving life sentences are not eligible for statutory release.

## *Will the offender be allowed to leave prison at any other time?*

In some circumstances, an offender may be given permission to leave the prison for short periods of time while serving his/her sentence. Some of these short-term releases are described below.

### **Temporary Absence**

In both the federal and provincial systems, an offender may be temporarily released from prison under special circumstances. For example, s/he may be given a temporary absence release to attend a family funeral, work, or receive specialized medical treatment not available in the prison. These temporary releases may be “escorted”, usually by an employee of the prison or other authorized organization, or “unescorted”, depending on the offender’s risk to the community.

In the provincial prison system, an offender can apply for an escorted temporary absence or an unescorted temporary absence at any point during his/her sentence. For an unescorted temporary absence of 72 hours or more, the offender must apply to the Ontario Parole Board. All other temporary absences are decided by the head of the institution where the offender is being held.

Offenders serving life sentences for first or second degree murder can apply for unescorted temporary absences three years before the date on which they can apply for full parole. Most other offenders serving their sentences in a federal prison can apply for an unescorted temporary absence after serving one-half of the period required to be served before they can apply for parole or six months of their sentence, whichever is greater; they can apply for an escorted temporary absence at any point.

There are no unescorted temporary releases for offenders in maximum security prisons.

### **Work Release**

In the federal prison system, an offender may be released from prison for the day to attend programs or classes considered beneficial, or to work. Offenders are supervised by an employee of the prison or another authorized organization. Offenders out on work release must return to the prison each night.

Offenders are eligible to apply for work release after serving one-sixth of their sentence or six months of their sentence, whichever is later.

Offenders in maximum security prisons are not eligible for work release.

## Day Parole

Some offenders in federal prisons will be eligible to apply for day parole. Offenders on day parole will be supervised by a parole officer and must comply with certain conditions and return nightly to a halfway house.

Offenders serving life sentences for first or second degree murder are eligible for day parole three years before their full parole eligibility date. Most other offenders are eligible for day parole after serving six months of their sentence, or six months before full parole eligibility, whichever is later.

### *What is a parole hearing?*

A parole hearing is a hearing held by the Parole Board of Canada or the Ontario Parole Board to determine if an offender should be released on parole. A parole hearing is not a trial. Its purpose is to assess the risk that the offender may present to the community if s/he is granted parole.

The decision to grant or deny parole is made by parole board members who carefully review all of the information in the offender's file, including any Victim Impact Statement(s) submitted for the parole hearing. When available, the Victim Impact Statement(s) from the sentencing hearing will also be considered part of the offender's file. Board members will also conduct an in-person interview with the offender at the parole hearing.

### *Where is a parole hearing held?*

A parole hearing usually takes place in the prison where the offender is serving his or her sentence.

### *Who will be at the parole hearing?*

In the federal prison system, there will be two members of the Parole Board of Canada at the parole hearing. There will also be a hearing officer who will tape the hearing and assist board members. The offender may have a lawyer, family member or a friend to assist him/her. The offender's parole officer will be there to present the case. There may also be other observers at the hearing, including the media and victims.

In the provincial prison system, there will be two members of the Ontario Parole Board at the parole hearing. Other parole board staff may also be present. The offender may have a family member, friend or someone else to assist him/her at the hearing.

### ***Can I attend a parole hearing?***

Yes. If you are 18 years old or older (16 years or older in the provincial system), you can apply to attend a parole hearing as an observer or to present a statement. In certain circumstances the Parole Board will consider allowing a younger person who was a close family member of the victim to attend a parole hearing, usually with the permission of his/her guardian. If you apply to attend as an observer, you will not be given the opportunity to speak. For more information on what to do if you want to make a statement at a parole hearing, see the question, “*Can I make a statement to the parole board?*”

If you want to attend a parole hearing as an observer and the offender is in a federal prison, you must submit a “Request to Observe a Hearing” form to the Parole Board of Canada. You can find the form at [www.pbc-clcc.gc.ca](http://www.pbc-clcc.gc.ca). Click on “Forms” under the heading “Resources” on the navigation bar, or you can call the Parole Board of Canada toll-free at 1 800 518-8817 (if calling within Canada) or 1 866 789-4636 (if calling from outside Canada).

If you want to attend a parole hearing as an observer and the offender is serving time in a provincial prison, you must send a “Victim Application to Attend a Parole Hearing” form to the Ontario Parole Board. You can get the form at [www.opb.gov.on.ca](http://www.opb.gov.on.ca), or you can call the Ontario Parole Board at 416 325-4480 to have one sent to you.

### ***Is there any financial assistance available to attend a parole hearing?***

Some costs are covered. To find out what costs are covered and whether you are eligible, contact the Parole Board of Canada toll-free at 1-800-518-8817 (if calling within Canada) or 1 866 789-4636 (if calling from outside Canada) or the Ontario Parole Board at 416 325-4480.

### ***Can I make a statement to the parole board?***

Yes. You can submit a written statement in advance of the parole hearing to be considered by the parole board members.

You can choose to read your statement to the parole board members so they can hear from you in person, or you can simply submit your statement before the hearing and the board members will read it on their own. At the hearing, you cannot ask the board members questions.

You should be aware that, by law, your written statement will be shared with the offender before the parole hearing.

If the offender is in a federal prison, you will need to send a “Request to Present a Victim Statement” form to the Parole Board of Canada in order to submit a statement. If you cannot or do not want to attend the parole hearing, you can also present your statement by video or audio tape. Contact the Parole Board of Canada toll-free at 1 800 518-8817 (if calling within Canada) or 1 866 789-4636 (if calling from outside Canada), or visit their website at [www.pbc-clcc.gc.ca](http://www.pbc-clcc.gc.ca) for information about this process.

If the offender is in a provincial prison, contact the Ontario Parole Board at 416 325-4480 for information about presenting a statement at the parole hearing.

### ***Will I see the offender at the parole hearing?***

Probably. Hearings usually occur in small meeting rooms, so you will most likely be able to see the offender. You are not allowed to speak to the offender at the hearing.

### ***Can I take someone to the parole hearing with me?***

Yes. For both federal and provincial parole hearings you can take a support person with you, but s/he is not permitted to speak during the hearing.

### ***Can someone else go to the parole hearing on my behalf?***

That depends on where the offender is serving his/her sentence.

If the offender is in a federal prison, you can choose someone to represent you at the parole hearing. In order to attend the hearing, your representative must apply to the Parole Board of Canada. To learn more about this process, contact the Parole Board of Canada at toll-free 1 800 518-8817 (if calling within Canada) or 1 866 789-4636 (if calling from outside Canada).

If the offender is in the provincial prison, you cannot ask someone else to attend the parole hearing on your behalf. If you cannot attend the hearing, you can submit

a statement or an audio/video recording. For more information, contact the Ontario Parole Board at 416 325-4480.

### ***How do I find out if an offender is being released or has escaped from prison?***

There is a system in place to notify victims when an offender is being released or has escaped from prison. To receive notification *you MUST register with either the federal or provincial victim notification system*, depending on where the offender is serving his/her sentence.

If the offender is serving a sentence in a federal prison, you must register with either the Parole Board of Canada toll-free at 1 800 518-8817 or the Victim Services Unit of Correctional Service of Canada toll-free at 1 866 875-2225 to receive information about the offender.

If the offender is in a provincial prison, you must register with the Victim Notification System (VNS). To register with the VNS, call the Victim Support Line toll-free at 1 888 579-2888 or in the Greater Toronto Area at 416 314-2447, and choose the option for the Victim Notification System. The first time you call this service, you will need to leave a message with the full name of the offender, your full name, and a phone number where you can be reached during the day. A staff person will call you back with information about the offender on the next business day. S/he will also give you the option of registering for future updates/notifications about the offender.

### ***What if I have concerns about an offender's release?***

If you have concerns about the upcoming release of an offender, it is very important to share that information with the appropriate parole board.

If the offender is serving a sentence in a federal prison, contact the Parole Board of Canada toll-free at 1 800 518-8817 (if calling within Canada) or 1 866 789-4636 (if calling from outside Canada). Alternatively, contact the Victim Services Unit of Correctional Service of Canada at 1 866 875-2225.

If the offender is in a provincial prison, call the Ontario Parole Board at 416 325-4450.

## IF THE OFFENDER IS A YOUTH

### *Does the same criminal justice process apply if the offender is a youth?*

No. In Canada, an offender between the ages of 12 and 17 at the time the crime was committed is considered a “young person” under criminal law and falls under the *Youth Criminal Justice Act* (YCJA). Although the same laws apply to a young person as to an adult offender, the procedures, courts and sentences are different, and will vary depending on the circumstances of the particular case. For more information, you should speak to the Crown Attorney or V/WAP worker assigned to the case.

### *What sentence will a young person receive?*

If the offender is between 14 and 17 years old and is found guilty of murder (first or second degree) or manslaughter, the Crown Attorney may ask the court to impose an adult sentence (see page 41). If an adult sentence is not imposed, the offender will receive a youth sentence.

If the offender is 12 or 13 years old, or the offender is 14 to 17 years old and the court does not impose an adult sentence, the court will impose a youth sentence as follows:

#### **First degree murder**

- Six years in a youth custody facility, followed by four years of conditional supervision in the community;

#### **Second degree murder**

- Four years in a youth custody facility, followed by three years of conditional supervision in the community;

#### **Manslaughter**

- There are a range of possible sentences; the maximum sentence is three years in a youth custody facility, followed by a period of conditional supervision in the community.

### *Is a young person eligible for parole?*

Yes. But the parole system is different than for adults.

When a young person is convicted of murder and an adult sentence is imposed, s/he can apply for parole at the following dates:

- If the offender is 14 or 15 years old and was convicted of first or second degree murder—after serving between five and seven years of his/her sentence;
- If the offender is 16 or 17 years old and was convicted of first degree murder—after serving ten years of his/her sentence; and
- If the offender is 16 or 17 years old and was convicted of second degree murder—after serving seven years of his/her sentence.

When a young person is convicted of an offence other than murder and an adult sentence is imposed, s/he will be subject to the same parole system as an adult (see page 42).

A young person who receives a youth sentence will be subject to the youth parole system, which involves supervision in the community by a youth worker for the last third of the sentence.

### *What if the young person is less than 12 years old?*

Children under the age of 12 are not held criminally responsible for their actions, and therefore are not dealt with in the criminal justice system. Instead, they are usually dealt with under the child welfare system or mental health system.



## WHEN THE ACCUSED HAS A MENTAL DISORDER

When an accused is found by a criminal court to be *unfit to stand trial* or *not criminally responsible* because of a mental disorder, a specific set of legal processes applies. The accused is generally placed under the authority of the Ontario Review Board (ORB) who then becomes responsible for making ongoing decisions about the accused.

### **What is “unfit to stand trial”?**

A finding of unfit to stand trial due to a mental disorder refers to an accused’s state of mind at the time of the criminal proceedings, not at the time the offence was committed.

A judge or jury can find an accused unfit to stand trial at anytime during the criminal proceedings if the accused is:

- unable to understand the nature of the criminal proceedings against him/her; or
- unable to understand the possible consequences of the proceedings; or
- unable to communicate with his/her lawyer.

### **What is “not criminally responsible”?**

A finding of not criminally responsible (NCR) refers to an accused’s state of mind at the time the offence was committed.

An accused can be found NCR for the offence if the judge or jury believes the accused did commit the act but, at the time of the offence, was suffering from a mental disorder that made him/her incapable of understanding the consequences of what s/he did, or that it was wrong. This used to be called “not guilty by reason of insanity”. The issue of NCR can be raised at any point during the trial.

### **What is the Ontario Review Board?**

The Ontario Review Board (ORB) is an independent tribunal that has authority over individuals who have been found to be unfit to stand trial or not criminally responsible because of a mental disorder and have been referred by the court to the ORB.

Once a matter is referred by the court to the ORB, the board will hold a hearing to review the clinical progress of an accused and to decide on the appropriate course of action for him/her.

### ***What happens at an ORB hearing?***

An ORB hearing is a criminal court proceeding but it is more informal than a trial.

Hearings usually take place in a boardroom or special hearing room at the hospital where the accused is being held. Hearings are presided over by a panel of five ORB members:

- a chair, or alternate chair, who is a judge or a lawyer who has been in practice for at least ten years;
- another judge or a lawyer who has been in practice for at least ten years;
- a psychiatrist;
- another mental health professional such as a psychiatrist or psychologist; and
- a member of the public.

The accused and his/her lawyer are present at the hearing, as well as a Crown Attorney and a representative from the hospital.

Before the hearing, the hospital submits a written report about the accused's clinical progress to the ORB panel, the Crown Attorney and the defence lawyer, who will share it with the accused. At the hearing, the ORB usually hears testimony from the accused's psychiatrist. Sometimes other witnesses, such as psychologists, social workers, or family members, also testify. After deliberating in private, the board issues a decision, called a "disposition".

### ***What happens when an accused is found unfit to stand trial?***

When a court finds an accused unfit to stand trial, the Crown Attorney can ask that the court order the accused be treated at a psychiatric hospital for up to 60 days. If, after that time, the accused is found by the court to be fit to stand trial, the criminal case continues. If, however, the court determines that the accused is still unfit to stand trial, s/he is referred to the ORB for an initial hearing that is usually held within 45 days.

At the initial ORB hearing, the board must first decide whether the accused is fit to stand trial.

- If the ORB finds that the accused is *fit to stand trial*, the board will refer him/her back to criminal court, often requiring that the accused remain in the hospital until the criminal proceedings resume.

- If the ORB determines that the accused is *unfit to stand trial*, the board will make a disposition order, detaining the accused in a forensic (secure) psychiatric hospital.

If at the initial hearing the accused is found unfit to stand trial, the ORB holds a hearing every year to review the clinical progress of the accused. This is called an “annual hearing”.

If, at the annual hearing, the board determines that the accused has become fit to stand trial, s/he will be sent back to criminal court. If the board finds that the accused remains unfit to stand trial, the board will order that the accused remain under its authority. If it appears that the accused has become fit to stand trial at any time before the regular annual hearing, the board will convene an early hearing.

### ***What happens when an accused is found “not criminally responsible?”***

When a court finds an accused not criminally responsible (NCR) the court can order that s/he either be detained in a hospital or discharged to the community with or without conditions, or the court can refer the matter to the ORB.

If the court makes an initial disposition (decision), that order is reviewed by the ORB at a hearing that must be held within 90 days. If the court does not make a disposition, the court can release the accused or detain him/her in a hospital or jail until the initial ORB hearing, which must be held within 45 days.

At the initial hearing, the ORB (or court) must first determine whether the accused poses a “significant threat to public safety.”

- If the ORB concludes that the accused *does not* pose a significant threat to public safety, then the board *must* order an “absolute discharge”. The accused will be released to the community with no conditions and the criminal case is ended (subject to an appeal by the Crown).
- If the ORB concludes that the accused *does* pose a significant threat to public safety, it can order that the accused be:
  - detained in a forensic (secure) psychiatric hospital; or
  - discharged to the community with specific conditions (such as requiring the accused to report to a hospital, refrain from using alcohol or drugs, report any changes of address, or refrain from contact with specified individuals).

In deciding which disposition is appropriate for the accused, the ORB must consider which order will best ensure the protection of the public while, at the same time, considering the mental condition, liberty interests and other needs of the accused.

The ORB holds a hearing every year to review the clinical progress of the accused and to determine whether the accused continues to pose a significant threat to public safety; this is called an “annual hearing”. If, at the annual hearing, the board concludes that the accused no longer poses a significant threat to public safety, then the board *must* order an absolute discharge. If the board determines the accused continues to pose a risk to public safety, the board will determine the appropriate disposition order.

### ***Where will the accused be detained?***

When an accused is found unfit to stand trial or NCR, the ORB can order the accused be detained in a forensic (secure) psychiatric hospital at either a maximum, medium or minimum security level. The level of security ordered is determined by the level of threat the accused poses to public safety and by his/her clinical needs, and not necessarily by the seriousness of the crime committed.

In addition to determining the hospital security level, the ORB can order a range of conditions for the accused while s/he is in the hospital, including not contacting certain individuals, checking-in at certain times and locations, or controlling the accused's computer or telephone access. The board can also provide the accused with a range of privileges while s/he is in the hospital such as supervised access (called “passes”) to hospital grounds or to the community; indirectly supervised passes; and the possibility of living in the community in accommodations approved by the hospital.

### ***What if I have concerns about the accused being allowed to leave the hospital?***

If you have any concerns about the accused being allowed to leave the hospital or any other privilege, you can:

- Speak to the Victim/Witness Assistance Program (V/WAP) ORB Office by calling toll-free 1 866 289-1667 or in the Greater Toronto Area 416 325-8237, or with the Crown Attorney who will be able to communicate your concerns to the board and provide you with additional information on what you can do; and/or

- Request that the V/WAP ORB Office send you copies of all relevant disposition orders (decisions) so that you will know what privileges may be available to the accused over the course of the next year. For more information, see the next question “*Will I be notified of the ORB hearing(s)?*”

For more information on these or other options available to you, speak to the V/WAP ORB by calling toll-free 1 866 289-1667 or in the Greater Toronto Area 416 325-8237, or with the Crown Attorney.

### ***Will I be notified of the ORB hearing(s)?***

Once the case has been referred to the ORB, the board will mail you a package of information and will ask if you want to:

- be notified in advance of the accused’s ORB hearing date(s);
- attend the hearing(s);
- submit a Victim Impact Statement; and/or
- receive a copy of the disposition order(s) relating to the accused.

Be sure to complete the paperwork and return it to the ORB if you would like to be notified of the hearings. You should also ensure that the ORB has the most up-to-date contact information for you.

If you do not receive a package from the ORB, you should contact the board at 416 327-8866 and ask them to send you a package.

### ***Can I attend the ORB hearing(s)?***

Any member of the public can attend and observe most ORB hearings. This means that the family or friends of the accused may also attend the hearing.

For more information on attending a hearing, contact the V/WAP ORB office toll-free at 1 866 289-1667 or in the Greater Toronto Area at 416 325-8237.

### *Can I submit a Victim Impact Statement to the ORB?*

Yes. You can submit a written Victim Impact Statement to the ORB before the hearing date. With the ORB panel's permission, you can read your statement at the hearing, or you can submit it to the board and the panel members will read it on their own.

For more information, speak to the V/WAP ORB toll-free at 1 866 289-1667, or in the Greater Toronto Area at 416 325-8237, or with the Crown Attorney.

## CORONER'S INQUESTS

### *What is a coroner's inquest?*

A coroner's inquest is a public hearing into a death. An inquest is held to answer five questions relating to the death:

- Who was the deceased?
- Where did the death occur?
- When did the death occur?
- How did the death occur? (i.e., the medical cause).
- By what means did the death occur? (i.e., the classification or manner of death—natural causes, accident, homicide, suicide, or undetermined).

An inquest is usually held in a courtroom or court-like facility and is presided over by a coroner who is a medical doctor. The coroner is usually represented by a Crown Attorney. The coroner has discretion over which evidence will be included in the inquest and calls witnesses to testify about their knowledge of issues relating to the death.

There is a jury of five members who are selected from the public. It is the jury's role to ask questions, raise issues and decide on a verdict about the five questions based on the evidence presented. The jury may also make recommendations about ways to prevent similar deaths in the future.

No one is on trial at an inquest, and there is no placing of blame or finding of guilt. Any ongoing criminal proceedings relating to the death, including time for appeals, must be complete before an inquest can be held.

### *In what circumstances is an inquest held?*

There are two types of inquests: mandatory and discretionary.

A mandatory inquest is one that is required by law in specific circumstances, including deaths that happen in police custody and deaths that occur as a result of an accident at certain work sites (construction sites and mines).

In all other cases, inquests are discretionary—which means that it is up to the coroner to

decide whether or not to hold an inquest. There are many factors that a coroner considers when deciding whether a discretionary inquest should be held. These factors include to:

- assist in answering the five questions about the person's death;
- focus public attention on the death and look to the jury for useful recommendations to prevent other similar deaths in the future;
- ensure that the public has full and open information about the circumstances of the death in order to correct any misinformation; or
- assure the public that no death will be overlooked or concealed.

### *Can I request a coroner's inquest?*

Yes. If the coroner has decided not to hold an inquest, a family member of the deceased can send a written request to the coroner asking for an inquest. In your request, you must explain why you believe that an inquest should be held. If your request is denied, you can ask the Chief Coroner to review that decision. For more information on how to request an inquest, contact the Office of the Chief Coroner toll-free at 1 877 991-9959 or in the Greater Toronto Area at 416 314-4000.

### *Who can participate in an inquest?*

Once an inquest has been called, anyone interested in participating in the proceedings can apply to the coroner for standing. The coroner will grant standing to those applicants s/he believes have a "substantial and direct" interest in the inquest, including family members of the deceased.

A party who is granted standing will be allowed to:

- call their own witnesses;
- cross-examine witnesses called by other parties or the coroner;
- submit other evidence; and
- make submissions to the jury once all the evidence has been heard.

Parties with standing can represent themselves at the inquest or be represented by a lawyer or agent.



To find out who has been granted standing, call the Office of the Chief Coroner toll-free at 1 877 991-9959 or in the Greater Toronto Area at 416 314-4000, and ask to be directed to the contact person associated with your inquest.

### ***If I am granted standing at an inquest, will my costs be covered?***

The parents and spouse of a deceased who are granted standing at an inquest can apply for reimbursement of some of the costs of their participation. Costs that may be covered include legal fees, travel, accommodation, and meals. Applications for reimbursement may be submitted at any point during the inquest process and up to two years after the conclusion of the inquest.

For more information on reimbursement or to obtain an application form, visit [www.ontario.ca/safety](http://www.ontario.ca/safety) and click on “Death Investigations”, then “Office of the Chief Coroner”, and then “Legal Fee Reimbursement” all on the left side of the page. Alternatively, call the Office of the Chief Coroner toll-free at 1 877 991-9959 or in the Greater Toronto Area at 416 314-4000.

### ***What if I don't want to apply for standing—can I still attend the inquest?***

Yes. Inquests are open to the public, so anyone can attend the proceedings as an observer. But if you do not have standing, you will not be able to ask questions or submit your own evidence.

### ***Will I have to testify at the inquest?***

Maybe. Whether or not you have standing, if the coroner calls you as a witness you are obligated by law to attend and testify. If you are called as a witness, you are entitled to have your own lawyer there to advise you of your legal rights.

### ***Will the offender be at the inquest?***

Probably not. But, in some cases, the offender's family may choose to attend and may even be granted standing.

### ***Will the media be there?***

Maybe. Inquests are open to the public and the media.

### ***Do the jury recommendations have to be implemented?***

No. Jury recommendations are not legally binding. No one is obligated to implement them.

The Office of the Chief Coroner distributes the jury verdict and recommendations to any associations, agencies, government ministries or other organizations who may be in a position to implement the recommendations. These groups are asked to respond to the recommendations within one year of receiving them.

The Office of the Chief Coroner also prepares an annual report on the status of the implementation of recommendations from all inquests. This report is available to the public.

For more information contact the Office of the Chief Coroner toll-free at 1 877 991-9959, or in the Greater Toronto Area at 416 314-4000, or visit [www.ontario.ca/safety](http://www.ontario.ca/safety) and click on "Death Investigations", then "Office of the Chief Coroner" and then "Publications and Report", all on the left side of the page.

### ***Can I get a copy of the jury verdict and recommendations?***

Yes. If you have been granted standing, you will automatically get a copy of the jury verdict and recommendations. As well, members of the public can request a copy of the jury verdicts and recommendations. Responses to recommendations are available upon request.

To obtain copies of verdicts, recommendations and responses, contact the Office of the Chief Coroner toll-free at 1 877 991-9959 or in the Greater Toronto Area at 416 314-4000. Alternatively, visit [www.ontario.ca/safety](http://www.ontario.ca/safety) and click on "Death Investigations", then "Office of the Chief Coroner" and then "Verdict and Recommendations", all on the left side of the page.

## GLOSSARY OF TERMS

### A

<b>absolute discharge</b>	An accused is found guilty but not convicted; there is no sentence and the accused is free to go.
<b>accused</b>	A person who is charged with committing a crime.
<b>acquittal</b>	An accused is found not guilty and is free to go.
<b>adjournment</b>	A temporary delay in the court proceedings.
<b>appeal</b>	A request by a Crown Attorney or defence lawyer for a higher court to review the trial court's decision on the conviction, acquittal and/or sentence.
<b>arraignment</b>	The formal process where charges against an accused are read out in the courtroom and s/he is asked how s/he pleads (guilty or not guilty).
<b>arrest</b>	The accused is placed in the custody of the police.
<b>arrest warrant</b>	A document authorizing the police to arrest an individual where a court orders it.
<b>autopsy</b>	An examination of the body that is conducted by a medical doctor in order to determine the cause of death, identify the victim, and/or verify the time of death.

### B

<b>bail</b>	An accused is released from custody by a judge or justice of the peace, until it is time to go to trial.
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**bail hearing** A hearing where a justice of the peace or judge decides whether the accused will be kept in custody until trial or released.

**beyond a reasonable doubt** The standard that must be applied in finding an accused guilty. To convict, a judge or jury must, based on the evidence presented, be sure that the accused committed the offence.

## C

**chambers** A judge's office.

**charges** The offences a person is accused of having committed. Charges are set out in a legal document called an *information*.

**charging the jury** When the judge instructs the jury at the end of the trial, before the jury members meet together to decide whether an accused is guilty or not guilty.

**closing arguments** Speeches made by the Crown Attorney and the defence lawyer at the end of the trial.

**conviction** When an accused is found guilty and does not receive an absolute or conditional discharge as a sentence.

**coroner** A medical doctor who presides over a public hearing into a death (see *coroner's inquest*).

**coroner's inquest** A public hearing into a death that seeks to determine the nature and circumstances of a death with an emphasis on reaching recommendations for the prevention of similar deaths in the future.

**court clerk** The person responsible for various court processes, such as filing of documents relating to court proceedings, keeping a record of trial evidence, and administering oaths.

**court reporter** The person who sits in on all court proceedings and makes a record of everything that is said in court (see *transcript*).

**Criminal Injuries Compensation Board (CICB)** An Ontario government agency that provides financial compensation for victims of violent crime where the crime was committed in Ontario

**criminal justice process** The legal processes that take place after a crime has been committed and police have become involved; includes arrest, court appearances and sentencing.

**cross-examination** A witness in court is asked questions by the lawyer from the other side (e.g., accused is asked questions by the Crown Attorney, or victim is asked questions by the defence lawyer).

**Crown Attorney** A lawyer who represents the Crown (government) and acts as a prosecutor in criminal proceedings.

## D

**dangerous driving causing death** An accused may be charged with and/or convicted of dangerous driving causing death if a motor vehicle was involved in the death.

**day parole** A type of release from prison that is available to some first-time offenders in federal prisons six months before their parole eligibility date. Upon release on day parole, the offender is supervised by a parole officer, is subject to conditions, and must return nightly to a halfway house or the prison.

**defence lawyer** A lawyer who represents an accused in criminal proceedings.

**disposition** A decision reached by the Ontario Review Board that sets out a course of action for an accused who has been found *unfit to stand trial* or *not criminally responsible* on account of mental disorder. This decision is similar to a sentence in the criminal court.

## F

**first degree murder** Murder is first degree murder when the act is planned and deliberate, or if it occurred while the accused was committing certain other offences (e.g., sexual assault, kidnapping).

## I

**impaired driving causing death** An accused may be charged with and/or convicted of impaired driving causing death if alcohol and a motor vehicle were involved in the death.

**information** A legal document that describes the charges against an accused; the information is sworn to by a police officer and filed with the court.

**inquest** See *coroner's inquest*.

## J

**justice of the peace**

An officer of the criminal justice system who has authority to do a variety of things in criminal matters, including issuing warrants, hearing bail applications, and presiding over certain provincial offence trials.

## M

**manslaughter**

An accused may be charged with and/or convicted of manslaughter when the evidence shows that the accused caused the death of the victim by means of an unlawful act or through criminal negligence, but the evidence does not show that s/he intended to cause the death.

**murder**

An accused may be charged with and/or convicted of murder when the evidence shows that the accused intended to cause the death of the victim, or that the accused intended to cause bodily harm to the victim, which s/he knew was likely to cause death and was reckless as to whether the death occurred. Also see *first degree murder* and *second degree murder*.

## N

**not criminally responsible**

A judge or jury's finding that the accused committed the crime (based on the evidence) but at the time of the offence, s/he was suffering from a mental disorder that made him/her incapable of understanding the consequences of what s/he did, or that it was wrong.

## O

<b>offender</b>	A person found guilty of committing a crime.
<b>Officer in Charge (OIC)</b>	The detective in charge of a team of police officers who are investigating the death of a victim.
<b>Ontario Parole Board (OPB)</b>	The board that is responsible for conducting parole hearings and making decisions on parole for offenders in the provincial prison system.
<b>Ontario Review Board (ORB)</b>	An independent tribunal that has authority over individuals who have been found to be <i>unfit to stand trial</i> or <i>not criminally responsible</i> on account of mental disorder and have been referred by the court to the ORB.

## P

<b>parole</b>	The release of an offender from prison after s/he has served one-third of his/her sentence.
<b>Parole Board of Canada</b>	The board that is responsible for conducting parole hearings and making decisions on parole for offenders in the federal prison system.
<b>parole hearing</b>	A hearing held by the Parole Board of Canada or the Ontario Parole Board to determine if an offender should be released on parole, and if so, with what conditions.
<b>plea bargain/ plea resolution</b>	An agreement reached between the Crown Attorney and defence lawyer where the accused pleads guilty often in exchange for a reduced number of charges, a reduced charge, or a lesser sentence.
<b>post-mortem examination</b>	See <i>autopsy</i> .



**preliminary hearing**

A hearing where a judge listens to the evidence presented by the Crown Attorney and decides whether there is enough evidence to proceed to trial against an accused. This is sometimes called a preliminary inquiry.

**probation**

A type of sentence served in the community under the supervision of a probation officer and usually with conditions.

**probation order**

A legal document that describes the term of probation and the conditions.

**publication ban**

A judge's order setting out limitations on what information in court proceedings can be reported by the media.

**R****recess**

A break taken during a trial.

**registered victim**

A victim who has registered with either the Parole Board of Canada (PBC) or the Correctional Service of Canada (CSC) to receive information about the offender who harmed them.

**S****second degree murder**

Murder that is not first degree is second degree (see *first degree murder*).

**sentencing hearing**

A hearing held after an accused has pleaded guilty or has been found guilty where the Crown Attorney and defence lawyer make recommendations about what sentence they think is appropriate.

**standing  
(at a coroner's inquest)**

A person is granted standing at a coroner's inquest when s/he is deemed to have a "substantial and direct" interest in the inquest. This can include family members of the deceased. A person granted standing may call their own witnesses, cross-examine witnesses called by other parties, submit evidence and make submissions to the jury.

**statutory release**

The release of an offender from prison after serving two-thirds of his/her sentence.

**subpoena**

A legal document requiring a witness to appear in court.

**surety**

A person who agrees to supervise the accused while s/he is out of custody awaiting trial. The surety promises to pay a sum of money to the court in the event the accused fails to appear in court as required or breaches a condition of his or her release.

**T****transcript**

The official record of a trial prepared from the court reporter's notes.

**U****unfit to stand trial**

A finding by a judge or jury that the accused is unable to understand the criminal proceedings against him/her, to understand the consequences of the proceedings, or to communicate with his/her attorney. Persons found unfit to stand trial are placed under the jurisdiction of the *Ontario Review Board*.

## V

<b>verdict</b>	A decision reached by a judge or jury (guilty or not guilty).
<b>Victim Crisis Assistance and Referral Services (VCARS)</b>	A community-based victim services program that provides assistance to victims of crime.
<b>Victim Impact Statement</b>	A written statement by a victim that describes how the crime has affected his/her life. The statement is submitted to the court after conviction but before sentencing and is considered by the judge when s/he decides the sentence.
<b>Victim Quick Response Program (VQRP)</b>	A government-funded program that provides emergency funds in the immediate aftermath of a violent crime for victims who have no other financial means or resources available to meet these needs. The VQRP is offered through local victim services organizations.
<b>Victim Support Line (VSL)</b>	A province-wide, bilingual, toll-free information line that provides: <ul style="list-style-type: none"> <li>• Referrals to victim support services in local communities; and</li> <li>• A notification system regarding the release of offenders in provincial prison and information about these offenders.</li> </ul>
<b>Victim/Witness Assistance Program (V/WAP)</b>	A government-funded service that provides information, assistance and support for certain victims and witnesses of crime.
<b>Victims' Bill of Rights, 1995 (VBR)</b>	Legislation that establishes a set of principles to support victims of crime throughout the criminal justice process.

## W

**warrant**

See *arrest warrant*.

## Y

**young person/  
Youth Criminal Justice Act**

An offender who is between the ages of 12 and 17 at the time of the crime is considered a young person under criminal law and falls under the *Youth Criminal Justice Act* (YCJA).

# VICTIMS' BILL OF RIGHTS

## *Victims' Bill of Rights, 1995*

S.O. 1995, CHAPTER 6

Last Amendment: 2006, c.35, Sched. C, s. 128.

### **Preamble**

The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### DEFINITIONS

#### **Definitions**

1. In this Act,

“crime” means an offence under the *Criminal Code* (Canada); (“acte criminel”)

“victim” means a person who, as a result of the commission of a crime by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the crime results in the death of the person, includes,

- (a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and
- (b) a dependant or spouse of the person, both within the meaning of section 29 of the *Family Law Act*;

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the crime. (“victim”) 1995, c. 6, s. 1; 1999, c. 6, s. 65 (1, 2); 2005, c. 5, s. 72 (1, 2).

## PRINCIPLES

**Principles**

2. (1) The following principles apply to the treatment of victims of crime:
1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials.
  2. Victims should have access to information about,
    - i. the services and remedies available to victims of crime,
    - ii. the provisions of this Act and of the *Compensation for Victims of Crime Act* that might assist them,
    - iii. the protection available to victims to prevent unlawful intimidation,
    - iv. the progress of investigations that relate to the crime,
    - v. the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid,
    - vi. the victim's role in the prosecution,
    - vii. court procedures that relate to the prosecution,
    - viii. the dates and places of all significant proceedings that relate to the prosecution,
    - ix. the outcome of all significant proceedings, including any proceedings on appeal,
    - x. any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,
    - xi. the interim release and, in the event of conviction, the sentencing of an accused,
    - xii. any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and

- xiii. their right under the *Criminal Code* (Canada) to make representations to the court by way of a victim impact statement.
3. A victim of a prescribed crime should, if he or she so requests, be notified of,
    - i. any application for release or any impending release of the convicted person, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass, and
    - ii. any escape of the convicted person from custody.
  4. If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,
    - i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
    - ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
    - iii. any escape of the accused from custody.
  5. Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.
  6. A victim's property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system. 1995, c. 6, s. 2 (1).

### Limitations

(2) The principles set out in subsection (1) are subject to the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed. 1995, c. 6, s. 2 (2).

### Regulations

- (3) The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards, other than for police services, to be followed in giving effect to the principles set out in subsection (1);
- (b) prescribing crimes for the purposes of paragraphs 3 and 4 of subsection (1). 1995, c. 6, s. 2 (3).

### Same

(4) Standards for police services may be prescribed under paragraph 1 of subsection 135 (1) of the *Police Services Act*. 1995, c. 6, s. 2 (4).

### No new cause of action

(5) No new cause of action, right of appeal, claim or other remedy exists in law because of this section or anything done or omitted to be done under this section. 1995, c. 6, s. 2 (5).

## CIVIL PROCEEDINGS

### Damages

3. (1) A person convicted of a prescribed crime is liable in damages to every victim of the crime for emotional distress, and bodily harm resulting from the distress, arising from the commission of the crime. 1995, c. 6, s. 3 (1).

### Presumption

- (2) The following victims shall be presumed to have suffered emotional distress:
  - 1. A victim of an assault if the victim is or was a spouse, within the meaning of section 29 of the *Family Law Act*, of the assailant.
  - 2. A victim of a sexual assault.
  - 3. A victim of an attempted sexual assault. 1995, c. 6, s. 3 (2); 1999, c. 6, s. 65 (3); 2005, c. 5, s. 72 (3).

### Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing crimes for the purposes of subsection (1). 1995, c. 6, s. 3 (3).



## Interpretation

(4) Nothing in this section shall be interpreted to limit remedies otherwise available under existing law or to preclude the development of remedies under the law. 1995, c. 6, s. 3 (4).

## Application of section

4. (1) This section applies to a civil proceeding in which the victim of a crime seeks redress from a person convicted of the crime for harm suffered as a result of the commission of the crime. 1995, c. 6, s. 4 (1).

## Security for costs

(2) A judge shall not make an order under the rules of court requiring a victim to provide security for costs unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice. 1995, c. 6, s. 4 (2).

## Damages

(3) Subject to subsection (4), a judge shall not consider the sentence, if any, imposed on a convicted person when ordering that person to pay damages in respect of harm suffered by a victim of the crime. 1995, c. 6, s. 4 (3).

## Exception: punitive damages

(4) A judge shall take the sentence, if any, imposed on a convicted person into consideration before ordering that person to pay punitive damages to a victim. 1995, c. 6, s. 4 (4).

## Interest awards

(5) A judge shall not exercise his or her discretion under clause 130 (1) (a) of the *Courts of Justice Act* to disallow an award of interest to a victim unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice. 1995, c. 6, s. 4 (5).

## Solicitor and client costs

(6) A judge who makes an order for costs in favour of a victim shall make the order on a solicitor and client basis, unless the judge considers that to do so would not be in the interests of justice. 1995, c. 6, s. 4 (6).

## VICTIMS' JUSTICE FUND ACCOUNT

### Victims' justice fund account to be maintained

5. (1) The victim assistance fund account referred to in subsection 60.1 (4) of the *Provincial Offences Act*, as it read immediately before subsection 7 (1) of this Act comes into force, is continued as the victims' justice fund account and shall be maintained as a special account in the Consolidated Revenue Fund. 1995, c. 6, s. 5 (1).

### Amounts to be credited to account

- (2) The victims' justice fund account shall consist of,
- (a) fine surcharge amounts credited to the account under subsection 60.1 (4) of the *Provincial Offences Act*;
  - (b) fine surcharge amounts that under section 727.9 of the *Criminal Code* (Canada) the Lieutenant Governor in Council directs be credited to the account;
  - (c) amounts credited to the account in accordance with an appropriation by the Legislative Assembly of Ontario;
  - (d) donations made by persons to the Crown to be credited to the account. 1995, c. 6, s. 5 (2).

### Special purpose account

(3) The money paid into the victims' justice fund account is money paid to Ontario for a special purpose within the meaning of the *Financial Administration Act*. 1995, c. 6, s. 5 (3).

### Use of victims' justice fund account

(4) The money paid into the victims' justice fund account shall be used to assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise. 1995, c. 6, s. 5 (4).

### Payments out of account

(5) Subject to the approval of Management Board of Cabinet, payments may be made out of the victims' justice fund account for the purpose described in subsection (4). 1995, c. 6, s. 5 (5).

## Expenses

(6) The Lieutenant Governor in Council in each year may authorize the payment out of the victims' justice fund account to the Consolidated Revenue Fund generally of an amount for the payment of expenses in connection with the administration of the account. 1995, c. 6, s. 5 (6).

## Regulations

- (7) The Lieutenant Governor in Council may make regulations,
  - (a) establishing criteria that must be met by a program or agency before a payment is made out of the victims' justice fund account to support the program or agency;
  - (b) establishing a formula or other basis according to which money in the victims' justice fund account is to be paid out. 1995, c. 6, s. 5 (7).

### OFFICE FOR VICTIMS OF CRIME

## Office for Victims of Crime

5.1 (1) There shall be an office to be known in English as the Office for Victims of Crime and in French as Office des affaires des victimes d'actes criminels. 2000, c. 32, s. 1.

## Composition

(2) The Office shall be composed of such number of members as the Lieutenant Governor in Council considers appropriate, each of whom shall be appointed by the Lieutenant Governor in Council. 2000, c. 32, s. 1.

## Chair and vice-chair

(3) The Lieutenant Governor in Council shall designate a chair and vice-chair of the Office from among the members of the Office. 2000, c. 32, s. 1.

## Advisory functions

- (4) The Office shall advise the Attorney General on,
  - (a) ways to ensure that the principles set out in subsection 2 (1) are respected;
  - (b) the development, implementation and maintenance of provincial standards for services for victims of crime;

- (c) the use of the Victims' Justice Fund to provide and improve services for victims of crime;
- (d) research and education on the treatment of victims of crime and ways to prevent further victimization; and
- (e) matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization. 2000, c. 32, s. 1.

### **Assigned duties**

(5) The Attorney General may from time to time assign such duties to the Office as he or she considers appropriate and the Office shall carry out those duties. 2000, c. 32, s. 1.

### **Employees**

(6) Such employees as are considered necessary for the proper conduct of the affairs of the Office may be appointed under Part III of the *Public Service of Ontario Act, 2006*. c.35, Sched. C, s. 128.

### **Transitional**

- (7) On the day this section comes into force,
  - (a) the books and records of the office formerly known in English as the Office for Victims of Crime and in French as the Bureau consultatif pour les services aux victimes d'actes criminels become the books and records of the Office referred to in subsection (1); and
  - (b) the employees of the office formerly known in English as the Office for Victims of Crime and in French as the Bureau consultatif pour les services aux victimes d'actes criminels become the employees of the Office referred to in subsection (1). 2000, c. 32, s. 1.

6.,7. Omitted (amends or repeals other Acts). 1995, c. 6, ss. 6, 7.

8. Omitted (provides for coming into force of provisions of this Act). 1995, c. 6, s. 8.

9. Omitted (enacts short title of this Act). 1995, c. 6, s. 9.

# Who to Contact



## If You Need...



## IF YOU NEED GENERAL SERVICES IN YOUR COMMUNITY

### VICTIM SUPPORT LINE (VSL) – TELEPHONE DIRECTORY OF RESOURCES

#### DESCRIPTION:

There is a wide range of community agencies and resources available in Ontario to support families and others affected by homicide, and victims of crime in general. Although there are too many to list here, you can be connected to services and supports in your community through the VSL, a province-wide, bilingual, toll-free information line.

#### TELEPHONE ☎:

Call the Victim Support Line and choose the option to speak with someone about services for victims of crime in your community.

**Greater  
Toronto Area:**  
416 314-2447

#### **Toll-free:**

1 888 579-2888

#### WEBSITE 🌐:

Please see below–  
211 Ontario

### 211 ONTARIO – ONLINE DIRECTORY OF RESOURCES

#### DESCRIPTION:

211 Ontario provides a website that lists contact information for community and social services throughout Ontario, including services for victims of crime.

#### TELEPHONE ☎:

Please see above–  
Victim Support Line.

#### WEBSITE 🌐:

To find services and resources in your community, go to 211 Ontario's website at:

🌐: [www.211ontario.ca](http://www.211ontario.ca)

## IF YOU NEED FINANCIAL ASSISTANCE

### VICTIM QUICK RESPONSE PROGRAM (VQRP)

#### DESCRIPTION:

VQRP provides emergency funds for certain expenses immediately following a crime. Applications for financial assistance under VQRP must be made within 45 days of the crime (or 90 days for counselling expenses). An extension of the deadline may be granted in certain special circumstances.

#### TELEPHONE ☎:

To access VQRP in your area, call the Victim Support Line. Choose the option to speak with someone about services for victims of crime in your community.

#### WEBSITE 🌐:

N/A

**Greater  
Toronto Area:**  
416 314-2447

**Toll-free:**  
1 888 579-2888

### CRIMINAL INJURIES COMPENSATION BOARD (CICB)

#### DESCRIPTION:

CICB is a government agency that provides financial compensation to victims of a violent crime committed in Ontario.

#### TELEPHONE ☎:

For more information on CICB, to apply, or obtain specific information about your claim, call:

**Greater  
Toronto Area:**  
416 326-2900

**Toll-free:**  
1 800 372-7463

#### WEBSITE 🌐:

To print an application form, which should be completed and mailed to CICB, go to:

🌐: [www.cicb.gov.on.ca](http://www.cicb.gov.on.ca)

*(Click on the “How to Apply” tab.)*



## FINANCIAL ASSISTANCE FOR FAMILIES OF HOMICIDE VICTIMS (FAFHV)

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### DESCRIPTION:

The FAFHV program is a temporary initiative for eligible spouses and/or parents of homicide victims. If the death occurred between January 1, 2006 to December 31, 2011, and applicants are deemed eligible, they may receive up to \$10,000.

### TELEPHONE ☎:

For more information on the program, your eligibility, or to apply, call:

**Greater  
Toronto Area:**  
416 212-9164

**Toll-free:**  
1 855 467-4344

### WEBSITE 🖨:

For more information about the FAFHV program, go to the Ministry of the Attorney General's website at:

🖨: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)

*(Click on "Victims of Crime", then "Programs and Services for Victims of Crime"; and then "Financial Assistance for Families of Homicide Victims Program".)*

## CANADA PENSION PLAN (CPP)–DEATH BENEFITS PROGRAM

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### DESCRIPTION:

Under the CPP Death Benefits program, families of homicide victims may be eligible for up to \$2,500 towards funeral expenses.

### TELEPHONE ☎:

For more information on the program, your eligibility or to apply, call:

**Toll-free:**  
1 877 454-4051

**TTY:**  
1 800 372-7463

### WEBSITE 🖨:

To print an application form, which should be completed and mailed to Service Canada, go to:

🖨: [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)

*(Click on "All Canadians" and then "What to do following a death" at the bottom of the page.)*

## IF YOU NEED LEGAL SERVICES

### LEGAL AID ONTARIO

#### DESCRIPTION:

Legal Aid Ontario provides eligible individuals with advice and representation by a private lawyer of their choice or by legal aid lawyers.

#### TELEPHONE ☎:

To obtain more information or to find the legal aid office nearest you, call:

**Greater  
Toronto Area:**  
416 979-1446

#### Toll-free:

1 800 668-8258

#### WEBSITE 🌐:

To learn more about Legal Aid Ontario, go to:

🌐: [www.legalaid.on.ca](http://www.legalaid.on.ca)

### COMMUNITY LEGAL CLINICS

#### DESCRIPTION:

Community legal clinics provide free legal services to individuals who meet financial eligibility requirements. You can contact a community legal clinic directly to find out if you qualify for their services.

#### TELEPHONE ☎:

To find the telephone number of a community legal clinic in your area, check the Yellow Pages under “Legal Clinics”.

#### WEBSITE 🌐:

To find a community legal clinic in your area, go to the Legal Aid Ontario website at:

🌐: [www.legalaid.on.ca](http://www.legalaid.on.ca)

*(Click on “Contact LAO” at the top of the page, then “Community legal clinics”).*

## LAW SOCIETY OF UPPER CANADA – LAWYER REFERRAL SERVICE (LRS)

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### DESCRIPTION:

The LRS can connect you with a lawyer who will provide a free consultation of up to 30 minutes. The LRS can also help you find a lawyer who meets your specific need (e.g., fluency in a language comfortable for you).

### TELEPHONE ☎:

To find a lawyer who can assist you through the LRS, call:

**Greater  
Toronto Area:**  
416 947-3330

**Toll-free:**  
1 800 268-8326

### WEBSITE 🖥:

For more information about the LRS, go to the Law Society of Upper Canada's website at:

🖥: [www.lsuc.on.ca](http://www.lsuc.on.ca)

*(Click on “For the Public”, then “Finding a Lawyer or Paralegal”, and then “Lawyer Referral Service”).*

## IF YOU NEED INFORMATION ABOUT AN OFFENDER WHO IS IN PRISON

### VICTIM NOTIFICATION FOR OFFENDERS IN A PROVINCIAL PRISON VICTIM NOTIFICATION SYSTEM (VNS)

#### DESCRIPTION:

Victims can register with the VNS to receive automated notifications about an offender who is serving his/her sentence in a provincial prison. Information provided includes the offender's scheduled release date from prison, parole hearing dates, and any escapes or transfers.

The first time you call this service, you will need to leave a message with the full name of the offender, your full name, and a phone number where you can be reached during the day. A staff person will call you back with information about the offender on the next business day. S/he will also give you the option of registering for future updates/notifications about the offender.

#### TELEPHONE 📞:

For more information about the offender and/or to register for the VNS, call the Victim Support Line and select the option for "Victim Notification System":

**Greater Toronto Area:**  
416 314-2447

**Toll-free:**  
1 888 579-2888

#### WEBSITE 🌐:

N/A

## VICTIM NOTIFICATION FOR OFFENDERS IN A FEDERAL PRISON

### DESCRIPTION:

Victims can register with the Parole Board of Canada (PBC) **OR** Correctional Service of Canada (CSC) to receive information about an offender who is serving his/her sentence in a federal prison. Information provided includes the offender's scheduled release date from prison, parole hearing dates, and any escapes or transfers.

### TELEPHONE 📞:

For information about the offender and/or to register for this service, call:

**Parole Board of Canada (PBC)**

**Toll-free (within Canada):**

1 800 518-8817

**Toll-free (outside Canada):**

1 866 789-4636

**OR**

**Correctional Service Canada (CSC)**

**Toll-free:**

1 866 875-2225

### WEBSITE 🌐:

For more information about the Parole Board of Canada or Correctional Service Canada, go to the following websites:

**Parole Board of Canada (PBC)**

🌐: [www.pbc-clcc.gc.ca](http://www.pbc-clcc.gc.ca)

**Correctional Service Canada (CSC)**

🌐: [www.csc-scc.gc.ca](http://www.csc-scc.gc.ca)

## IF YOU NEED INFORMATION ABOUT PAROLE HEARINGS

### PAROLE HEARINGS FOR OFFENDERS IN A PROVINCIAL PRISON ONTARIO PAROLE BOARD (OPB)

#### DESCRIPTION:

Victims can contact the OPB for information about participating in a parole hearing, and/or to raise concerns about the release of an offender in a provincial prison.

#### TELEPHONE ☎:

**Greater  
Toronto Area:**  
416 325-4480

#### WEBSITE 🌐:

🌐: [www.opb.gov.on.ca](http://www.opb.gov.on.ca)

### PAROLE HEARINGS FOR OFFENDERS IN A FEDERAL PRISON PAROLE BOARD OF CANADA (PBC)

#### DESCRIPTION:

Victims can contact the PBC for information about participating in a parole hearing, and/or to raise concerns about the release of an offender in a federal prison.

#### TELEPHONE ☎:

**Toll Free  
(within Canada):**  
1 800 518-8817

**Toll-free  
(outside Canada):**  
1 866 789-4636

#### WEBSITE 🌐:

🌐: [www.pbc-clcc.gc.ca](http://www.pbc-clcc.gc.ca)

## IF YOU NEED INFORMATION ABOUT A CASE AT THE ONTARIO REVIEW BOARD

### ONTARIO REVIEW BOARD (ORB)

#### DESCRIPTION:

The ORB is an independent tribunal that has authority over individuals who have been found unfit to stand trial or not criminally responsible on account of mental disorder and have been referred by the court to the ORB.

#### TELEPHONE 📞:

For general information on the ORB, to confirm your contact details, or inquire about notifications for upcoming hearings, call the ORB:

**Greater  
Toronto Area:**  
416 327-8866

**TTY:**  
1 877 301-0889

#### WEBSITE 🖥️:

For general information on the ORB, go to:

🖥️: [www.orb.on.ca](http://www.orb.on.ca)

### ONTARIO REVIEW BOARD (ORB) VICTIM/WITNESS ASSISTANCE PROGRAM (V/WAP)

#### DESCRIPTION:

The ORB V/WAP office is a liaison between victims and the ORB, and provides victims with information about Board decisions, communicates victims' concerns to the Board or Crown Attorney, and supports victims in submitting a Victim Impact Statement.

#### TELEPHONE 📞:

To obtain assistance provided by the ORB V/WAP, call:

**Greater  
Toronto Area:**  
416 325-8237

**Toll-free:**  
1 866 289-1667

#### WEBSITE 🖥️:

N/A

## IF YOU NEED INFORMATION ABOUT AN INQUEST

### OFFICE OF THE CHIEF CORONER

#### DESCRIPTION:

The Office of the Chief Coroner is responsible for death investigations and inquests. The findings from death investigations/inquests are used to generate recommendations to help improve public safety and prevent future deaths in similar circumstances.

#### TELEPHONE ☎:

For information on a specific inquest or for general questions, call:

**Greater  
Toronto Area:**  
416 314-4000

#### Toll-free:

1 877 991-9959

#### WEBSITE 🌐:

For general information about inquests, go to the Ministry of Community Safety and Correctional Services' website at:

🌐: [www.ontario.ca/safety](http://www.ontario.ca/safety)

(Click on "Death Investigations", then "Office of the Chief Coroner".)



## IF YOU HAVE A CONCERN ABOUT ...

### CONCERNS ABOUT VICTIM SERVICES PROGRAMS AND/OR WORKERS

#### PROCESS:

1. Try to resolve the issue informally with the person/agency involved by speaking with the individual and/or his/her manager.
2. If you would still like to pursue the matter, call the Victim Support Line and ask to be directed to someone who can help address your concerns.

#### TELEPHONE ☎:

Call the Victim Support Line and choose the option to speak with someone about services for victims of crime in your community:

**Greater  
Toronto Area:**  
416 314-2447

**Toll-free:**  
1 888 579-2888

#### WEBSITE 🖥:

N/A

### CONCERNS ABOUT POLICE OFFICERS OR POLICE SERVICES

#### PROCESS:

1. Try to resolve the issue informally with the person/agency involved by speaking with the individual and/or his/her manager.
2. If you would still like to pursue the matter, you can contact the Office of the Independent Police Review Director (OIPRD), which oversees the investigation of public complaints against Ontario's police. The OIPRD is separate from the government, the police and the community, and is staffed entirely by civilians (non-police officers). You can register a complaint by telephone or online through the OIPRD's website.

#### TELEPHONE ☎:

To register a complaint with the OIPRD, call:

**Greater  
Toronto Area:**  
416 246-7071

**Toll-free:**  
1 877 411-4773

#### WEBSITE 🖥:

To register a complaint with the OIPRD, go to:

🖥: [www.oiprd.on.ca](http://www.oiprd.on.ca)

*(Click on the "Complaints" at the top of the page, and then "Make a Complaint Online".)*

## CONCERNS ABOUT A CROWN ATTORNEY

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### PROCESS:

Try to resolve the issue informally with the Crown Attorney and/or his/her manager.

### TELEPHONE ☎:

For information on the process, or for contact details for the Crown Attorney's manager, call the Victim Support Line and choose the option to speak with someone about services for victims of crime in your community.

**Greater Toronto Area:**  
416 314-2447

**Toll-free:**  
1 888 579-2888

### WEBSITE 🌐:

You can also find the manager by calling your local courthouse. To find the courthouse, go to the Attorney General's website at:

🌐: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral)

*(Click on "Court Services" and then "Address and Phone Information for Courthouses in Ontario".)*

## CONCERNS ABOUT ONTARIO GOVERNMENT SERVICES—OMBUDSMAN ONTARIO

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### PROCESS:

If you do not feel that your concerns have been addressed, or for concerns about other government services, you can contact Ombudsman Ontario. The Ombudsman investigates complaints from the public about services provided by the Government of Ontario. You can register a complaint with Ombudsman Ontario by telephone or through the agency's website.

### TELEPHONE ☎:

To register a complaint with Ombudsman Ontario, call:

**Greater Toronto Area:**  
416 586-3300

**Toll-free (within Ontario):**  
1 800 263-1830

### WEBSITE 🌐:

To register a complaint with Ombudsman Ontario, go to:

🌐: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)

*(Click on the "Make a Complaint".)*

## FEDERAL GOVERNMENT RESOURCES

### FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

**DESCRIPTION:**

The Federal Ombudsman for Victims of Crime is an independent resource where victims can learn more about available services, as well as victims' rights in Canada. Victims can also make a complaint about any federal agency or legislation that deals with victims of crime.

**TELEPHONE 📞:**

**Toll-free:**  
1 866 481-8429

**TTY:**

1 877 644-8385

**WEBSITE 🌐:**

🌐: [www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)

### NATIONAL OFFICE FOR VICTIMS

**DESCRIPTION:**

The National Office for Victims is a resource for victims of offenders in federal prisons. It provides information for victims and the public, referrals to Correctional Service Canada (CSC) and the Parole Board of Canada (PBC) for specific enquiries, and a victim's perspective in national policy development.

**TELEPHONE 📞:**

**Toll-free:**  
1 866 525-0554

**WEBSITE 🌐:**

🌐: [www.publicsafety.gc.ca](http://www.publicsafety.gc.ca)

### POLICY CENTRE FOR VICTIMS' ISSUES (PCVI)

**DESCRIPTION:**

The PCVI works toward improving the experience of victims of crime in the criminal justice system. The agency's website includes the Justice Canada Victim Services Directory, which lists more than 350 organizations across Canada that provide services to victims.

**TELEPHONE 📞:**

N/A

**WEBSITE 🌐:**

🌐: [www.victimsmatter.gc.ca](http://www.victimsmatter.gc.ca)



## Living Beyond the Murder of a Loved One: Information for Families and Others Affected by Homicide *User Feedback Form*

An on-line copy of this form is available at [www.ovc.gov.on.ca](http://www.ovc.gov.on.ca)

**Please circle your response; 1 = Strongly Disagree → 5 = Strongly Agree**

The handbook was a useful resource.	1	2	3	4	5
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The handbook helped me to understand the criminal justice process.	1	2	3	4	5
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The handbook helped me to understand the types of supports/services that are available to those impacted by homicide.	1	2	3	4	5
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The handbook and the directory "Who to Contact" helped me to find the supports/services that I needed.	1	2	3	4	5
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The handbook was easy to understand.	1	2	3	4	5
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The information I was looking for was easy to find in the handbook.	1	2	3	4	5
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**Comment/suggestions for the handbook:**

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**Where did you get this handbook?**

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**Thank you for your feedback. Please send your completed response to:**

**By Regular Mail:**  
Office for Victims of Crime  
700 Bay Street, 3rd Floor  
Toronto, ON M5G 1Z6

**By Fax:**  
416 326-4497





