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# Financial Assistance for Victims to Attend Parole Board of Canada Parole Hearings

A Systemic Review by the Office of the Federal  
Ombudsman for Victims of Crime

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## Executive Summary

In the aftermath of a crime, each victim has unique needs and concerns. For some, attending an offender's parole hearing in person can be extremely important; whether it be to express in person the impact the crime has had on their lives, to hear firsthand from the board and offender about any progress the offender has made, or to learn more about how the safety of the victims and community at large are being considered in potential release decisions.

Victims of crime who were harmed by federal offenders can register with the Parole Board of Canada (PBC) and the Correctional Service of Canada (CSC) in order to receive specific information regarding an offender, including being notified of his/her parole eligibility and parole hearing dates. Victims who are made aware of an offender's parole hearing and wish to attend must submit an application to PBC and may attend the hearing pending approval of their application.

For victims who do choose to apply, and are approved to attend a parole hearing<sup>1</sup>, there may be significant financial implications, including associated travel costs (flights, hotels, meals, transport to the institution etc.). Victims may also need to make arrangements for support, child care or other necessities in order to be able to attend. The Government of Canada has recognized this burden and in order to help defray some of the costs, registered victims who are approved to attend a parole hearing may apply for financial assistance to help with the associated travel and accommodation costs through the Victims Fund<sup>2</sup>.

Registered victims and their support person may apply for financial assistance to cover travel, hotel and meal expenses; transfers between the airport, hotel and hearing location; and the cost of childcare or dependent care. Lost wages or any other expenses not related to travel or accommodation are not eligible for financial assistance.

Applicants can also request an interim payment in order to help cover, in advance, the costs of travel and accommodation reservations. Up to 70% of travel costs can be provided on an interim basis, with the balance made available after the parole hearing is completed, subject to the victim submitting the required receipts and claim forms. The Department may provide a higher percentage of travel costs based on the needs of the victim.

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<sup>1</sup> For the purposes of the remainder of this report all instances of "parole hearing" refer to federal Parole Board of Canada parole hearings.

<sup>2</sup> The Victims Fund makes other types of funding available to victims and those working on behalf of victims. For more information visit the Department of Justice website:  
<http://canada.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/index.html>

The Office of the Federal Ombudsman for Victims of Crime (OFOVC) has a mandate to identify and review emerging and systemic issues that impact negatively on victims of crime, including issues related to programs and services provided or administered by the Department of Justice (DOJ) and the Department of Public Safety and Emergency Preparedness (Public Safety).

The OFOVC has received a twelve complaints from registered victims of crime who have had difficulties effectively accessing the financial assistance to attend parole hearings. The complaints made by registered victims typically involved an inability to communicate - or inconsistent communication - with program officers and delays in receiving approved interim and/or final financial assistance payments.

These complaints first came to the attention of the OFOVC in 2010. The policy directives and eligibility criteria for the Fund is set out by DOJ's Policy Centre for Victims Issues (PCVI) and the Fund is administered by DOJ's Programs Branch. Despite several changes implemented by the Programs Branch between 2010 and 2013, victim complaints have persisted into 2014 and early 2015.

Following the OFOVC's review of a complaint about the processing of an application to receive financial assistance in November 2014, DOJ announced that it would be conducting an internal review to determine the need for additional resources to ensure that victims obtain prompt and courteous service delivery when applying for funding.

In December 2014, as a result of the ongoing receipt of complaints, the OFOVC notified the Minister of Justice that it would undertake a systemic review of the portion of the Victims Fund that relates specifically to providing financial assistance for victims of crime who request to attend parole hearings. The intent of the review was to understand the systemic issues that were the basis of the complaints by registered victims; and to make recommendations around how these issues should be addressed, so that victims receive the information they require and obtain the financial assistance they are entitled to, in a timely, sensitive and efficient manner. The review examined the program enhancements and process changes implemented by the Programs Branch to address the issues raised by victims and the subsequent complaints from victims, despite the improvements.

The results of the review indicate that while the changes made by the Programs Branch have improved the situation, victims continue to face challenges. As such, the Ombudsman has developed additional recommendations that both enhance the measures undertaken by the DOJ, as well as address issues in other areas not covered by the internal review.

**Recommendations:**

1. That PCVI and the Programs Branch collaborate to develop and implement a policy that defines reasonable and measurable service standards specific to victims applying for funding to defray the costs of attending parole hearings.
2. That the Department of Justice enhance the information available on its website<sup>3</sup> and in any literature to victims and the general public concerning the financial assistance program for attending parole hearings, including:
  - A clear, step-by-step, detailed description of the process victims can expect when applying for funding and the associated deadlines, requirements, timeframes and services standards at each stage;
  - Contact information and hours of operation for victims who may wish to speak to program officers about any questions, concerns or difficulties they may have.
3. That the Programs Branch provide ongoing training to program staff and managers on changes that have been implemented to improve client service delivery. Management training should reinforce the need to monitor the implementation of these changes to ensure that program staff follow all required steps in the process, and do so in a timely manner.
4. That the Programs Branch managers review all completed applications for financial assistance as soon as they are closed to ensure that they were handled in a timely manner and that proper procedures were followed. This may include such measures as the verification of phone call log books and periodically reviewing the reports derived by DOJ's Grants and Contributions Information Management System.
5. That the Programs Branch report back to the OFOVC on the progress of the implementation of the Ombudsman's recommendations and the overall quality of service delivery in six months and at six-month intervals thereafter, until such time as the Ombudsman is satisfied that adequate steps have been taken to address the issues raised.

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<sup>3</sup> <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/attend-audience.html>

## Mandate of the Office of the Federal Ombudsman for Victims of Crime

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) assists victims of crime and their families. Individually, victims are able to contact the Office to learn more about their rights under federal law and the services available to them, or to make a complaint about any federal policy, legislation, department, program or service pertaining to victims of crime.

Collectively, the Office works to ensure that policy makers and other criminal justice personnel are aware of victims' needs and concerns, and to identify important issues that may negatively impact them. Where appropriate, the Ombudsman can make recommendations to the federal government on how to enhance its policies or laws to better meet the needs of victims.

The mandate of the OFOVC relates exclusively to matters of federal jurisdiction and directs the Office:

- To promote access by victims to existing federal programs and services for victims;
- To address complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crimes committed by offenders under federal jurisdiction;
- To promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with respect to matters of federal jurisdiction, among criminal justice personnel and policy makers;
- To identify and review emerging and systemic issues, including those issues related to programs and services provided or administered by the Department of Justice and the Department of Public Safety and Emergency Preparedness, that impact negatively on victims of crime; and
- To facilitate access by victims to federal programs and services by providing them with information and referrals.<sup>4</sup>

The Ombudsman may commence a review of an issue on his or her own initiative or on receipt of a request for review from a victim registered under the *Corrections and Conditional Release Act* in respect of issues relating to victims' entitlements under that Act; and any victim, victim services organization or victim advocate regarding other matters within federal jurisdiction.

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<sup>4</sup> *Public Service Employment Act – Terms and Conditions of Employment of the Federal Ombudsman for Victims of Crime*, Canada Gazette Part II, Vol. 141, no. 7, Schedule subsection 4(2)

## OFOVC Systemic Review Process

Systemic reviews are an opportunity to identify barriers to accessing programs or services designed to assist Canadians, and propose reasonable solutions or recommendations for positive change going forward.

The OFOVC defines a systemic issue as:

An issue that currently impacts negatively on victims of crime, and if not identified and appropriately addressed, has the potential to continue to negatively impact victims.

Systemic issues may be a result of:

- A process or system change;
- A lack of, or inadequate, policies or procedures; and/or
- Inconsistency in program administration.

As appropriate, the OFOVC reviews issues it feels may negatively impact on future victims. Reviews are conducted in a fair, transparent and thorough manner, with the Department or parties concerned, and all results are shared with the relevant parties and Ministers.

Following all necessary approval periods, the OFOVC will publish its results on its website in the Systemic Review section<sup>5</sup>.

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<sup>5</sup> Note that as of Sept 2015 this section is under development, and not yet available on the OFOVC website.

## Context

In recent years, victims of crime in Canada and victims' support groups have become increasingly vocal with respect to the inability of victims to contribute in a meaningful way to the criminal justice processes that involve them, and to obtain the support that they believe they are entitled to from the federal government. They have expressed their frustration at a system that is perceived as protecting an offender's rights, while it overlooks the impact of criminality on those who have been harmed and fails to acknowledge their need to be supported and listened to.

Since opening its doors in 2007, the OFOVC has heard from thousands of victims about their experiences with the criminal justice system. Often these experiences speak to the devastating impact the crime has had not only on the victim but their families and friends. The impact of crime on victims can vary from physical injuries, emotional and psychological effects, to financial loss and property damage.

Studies estimate that the total tangible social and economic costs of *Criminal Code* offences in Canada in 2008 were approximately \$31.4 billion. Of the total estimated costs, \$14.3 billion, or 46%, were incurred by victims as a direct result of crime for such items as medical attention, hospitalizations, lost wages, missed school days and stolen/damaged property.<sup>6</sup> It is evident that victims carry a heavy burden in the wake of a crime.

As a result of this burden, victims can find themselves in situations where they have modest financial means and, consequently, may not be able to afford the associated travel and accommodation costs to attend a Parole Board of Canada (PBC) parole hearing<sup>7</sup> in person. For some victims, attendance at a parole hearing can be extremely important. Attending in person provides victims an opportunity to learn a great deal of information about the offender who harmed them and any plans for their release, and in cases where a victim chooses to do so, may present an opportunity for the victim to express to the Board members and the offender the negative impact the crime has had on their lives.

It is therefore reasonable to conclude that, financial assistance to attend parole hearings plays an important role in delivering a valued service to victims and that an effective, transparent and efficient program delivery is integral to ensuring that the Government of Canada meets its commitment to addressing the needs and concerns of victims of crime.

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<sup>6</sup> Ting Zhang, *Costs of Crime in Canada, 2008* (Ottawa: Department of Justice Canada, 2009). See: [http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10\\_5/rr10\\_5.pdf](http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10_5/rr10_5.pdf)

<sup>7</sup> For the purposes of the remainder of this report all instances of "parole hearing" refer to federal Parole Board of Canada parole hearings.

## Overview

### Financial Assistance Available to Registered Victims of Crime and Support Persons to Attend Parole Board of Canada Hearings

In 2007, the Government of Canada announced additional funding for the Victims Fund intended to help give victims a more effective voice in the federal corrections and justice system and greater access to services through the Federal Victims Strategy. As part of the Victims Fund, the Government makes financial assistance available to registered victims and their support persons to attend parole hearings. While registered victims have been receiving financial assistance through the Fund since late 2005, persons who support a victim have been eligible for assistance since 2007–2008.

For victims who need funds in advance to cover travel and hotel reservations, interim funding of up to 70% of the total costs can be provided before the hearing, if feasible. The remainder of the funding will be paid after the hearing once the Victims Fund manager receives the applicant's expense claim, supported by receipts, for actual expenses incurred. The Department may provide a higher percentage of travel costs based on the needs of the victim.

Examples of costs that can be covered (within prescribed Government of Canada guidelines) are:

- Travel, hotel, meal expenses and incidentals;
- Transportation costs between the airport, hotel and the place of the hearing;
- Airport surcharges; and
- Costs for childcare or dependent care.

Examples of costs not covered:

- Lost wages; or
- Any other expenses not related to travel or accommodation.<sup>8</sup>

From fiscal year 2007–2008 through to fiscal year 2014–2015, over 3,500 registered victims and more than 930 support persons have applied for financial assistance to attend federal parole hearings. The average amounts paid out to applicants in that time period have been \$812.31 for registered victims and \$551.56 for their support persons.

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<sup>8</sup> <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/attend-audience.html>

## Roles of the Various Government Agencies Involved in the Victims Financial Assistance Process

### Department of Justice (DOJ)

The Policy Centre for Victim Issues (PCVI) and the Programs Branch of the Department of Justice (DOJ) share responsibility for the management and administration of the Victims Fund. Both branches work together when policy revisions or updates are required.

#### *Policy Centre for Victim Issues*

PCVI is mandated to develop policy and criminal law reform, administer the Victims Fund, and broadly share information about issues of importance to victims of crime. While administering the Victims Fund and a number of other initiatives and activities, the PCVI collaborates with several other federal departments to ensure a consistent approach to victims.

#### *Programs Branch*

The Programs Branch has more direct involvement with applicants for victims' financial assistance, as it is responsible for:

- The receipt and review of all registered victim and support person applications to attend PBC hearings;
- Communication with the victim and/or their support persons regarding their financial assistance applications;
- Communication with the PBC to advise it that a registered victim has applied for financial assistance; and
- Providing interim or final payment of financial assistance.

#### *Grants and Contributions Financial Services Directorate, Financial Management Services Division*

The Grants and Contributions Financial Services Directorate (GCFSD) has the lead role for the planning and management of the financial administration of all Grants and Contribution Agreements, including reviews and analysis of financial claim submissions from the G&C recipients. More specifically, the monitoring and control of program expenditures include the processing and reporting of all G&C payments through the Integrated Finance and Material System (IFMS). These processes are governed by internal controls to enhance accuracy of payments to recipients. The GCFSD is a centre of expertise of finance and compliance reviews, monitoring and control of program expenditures. GCFSD carries out annual audits and reviews and makes recommendations on the development and implementation of G&C program analysts and recipients. The GCFSD is also responsible for leading and managing special projects as it pertains to the improvement of transfer payment financial administration.

## Parole Board of Canada (PBC)

PBC is an independent administrative tribunal that has the authority to grant, deny, release and revoke parole for offenders serving federal sentences of two years or more. It also makes decisions regarding offenders serving sentences of less than two years in all provinces and territories except Ontario and Quebec (which have their own provincial parole boards).

Victims who were harmed by federal offenders can register with the PBC to receive specific information regarding an offender and to be notified of his/her parole eligibility and parole hearing dates. Victims can also request permission to attend a parole hearing, and must receive approval from the PBC to do so. Victims who are approved to attend a parole hearing may be eligible for financial assistance to help with the associated travel and accommodation costs.

Once a registered victim receives notification from a PBC Regional Communications Officer of an offender's upcoming parole hearing and decides that they would like to attend, they are required to send a form to the PBC requesting approval to attend the hearing. PBC staff members prepare the information necessary for a security check to be performed on the applicant. Once the information is received from the institution where the security check was performed, the PBC will approve or deny the request to attend the hearing.

It is necessary for the Programs Branch to contact the PBC Regional Communications Officer to confirm that a victim (and support person as appropriate) has been approved to attend. This notification supports the disbursement of interim payments, if they are required. Both the Branch and the PBC work closely together to ensure as much of a seamless process as possible for the victim. Even when notification is received late, Branch staff will consider all possible means to deliver interim payment to the victim where possible. The use of direct deposit has facilitated this process.

Once the hearing is concluded, the victim submits a final claim to the Programs Branch which then contacts the PBC to obtain confirmation that the victim attended, so that any financial assistance payments that may be due can be made.

## Correctional Service of Canada (CSC)

The CSC has a role to play in the process used to determine whether a registered victim will be able to attend a parole hearing (normally held at the offender's institution of incarceration). According to the Commissioner's Directive 712-3, *Parole Board of Canada Reviews*,<sup>9</sup> on being notified:

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<sup>9</sup> Commissioner's Directive CD 712-3, Parole Board of Canada Reviews. Accessed online May 31, 2015 from <http://www.csc-scc.gc.ca/policy-and-legislation/712-3-cd-eng.shtml>

(Sec. 23) "... that an observer has requested to attend a Parole Board of Canada hearing, the Assistant Warden, Operations, in consultation with the Assistant Warden, Interventions, of the institution will ensure that:

- A basic CPIC (security) check is completed;
- The Parole Board of Canada is advised of the observer's security status; and
- The offender is provided with the opportunity to present in writing, within one week of being notified of the request, comments/objections regarding the observers' presence at the hearing pursuant to subsection 140(4) of the *Corrections and Conditional Release Act*."

(Sec. 24) "The Assistant Warden, Operations, in consultation with the Assistant Warden, Interventions, will provide the Parole Board of Canada with a recommendation and/or reservations regarding the attendance of a specific observer at an institutional Parole Board of Canada hearing."

#### **Public Works and Government Services Canada**

The Department of Public Works and Government Services Canada plays a limited but significant role in the process in that it is relied upon to issue either interim or final payment or emergency cheques to victims who have been approved by Programs Branch for payment. PWGSC is also responsible for providing guidance on the issue of direct deposits.

## Purpose of Review

Over the past several years the OFOVC has received a number of complaints from registered victims across the country regarding the administration of the financial assistance program designed to help victims defray the costs of attending parole hearings. Each complaint is unique in its own circumstances, but the complaints that have been received most often relate to:

1. Poor, delayed or non-existent communication between registered victims and program officers.
2. Delays in the receipt by victims of interim or final financial assistance payments.

The purpose of this review was to examine these issues and to evaluate the steps that have been taken thus far to rectify the problem in order to provide recommendations for the way forward.

## Negative Impact on Victims

Parole hearings provide a unique opportunity for victims, whether it be to express in person the impact the crime has had on their lives, to hear firsthand from witnesses, the Board and/or offender about any progress the offender has made, or to learn more about how the safety of the victims and community at large are being considered in potential release decisions.

For victims who do choose to apply and are approved to attend parole hearings, there may be significant financial implications, including associated travel costs (flights, hotels, meals, transport to the institution etc.). Victims may also need to make arrangements for support, child care or other necessities in order to be able to attend. Delays in payments can have a number of potential negative impacts on victims, including:

- Frustration with the system;
- Undue stress during an already difficult time;
- Accrued interest, further expense and in the case of an inability to cover credit card charges, resulting damage to their credit ratings;
- Personal financial shortfalls.

In short, victims often find it extremely difficult to attend a parole hearing for a variety of reasons that can include: the preparation of a victim statement; the inherent emotional stress that comes with attending a parole hearing; and requesting time away from work or making arrangements for child care or dependent care. The pressure of not knowing if, when or how much funding will arrive only adds to the stress experienced.

### **Impact: Case Study**

One particular complaint that was filed with the OFOVC in 2014 relates to a registered victim who was notified by their PBC Regional Communications Officer of a parole hearing scheduled to take place in early August 2014. The complainant sent in their application for financial assistance to the Programs Branch and was seeking an interim payment to cover the cost of the flight to the institution in question. The victim did not receive an acknowledgment of their application or an interim payment.

The complainant went ahead and purchased a ticket out of their own pocket. Approximately one week before the scheduled hearing date, the complainant was notified that the offender had decided to cancel the hearing. The victim contacted DOJ to inquire about the status of their application but was unable to speak to anyone about their application.

The complainant contacted the OFOVC in October 2014 to make a formal complaint. At this stage, the victim had carried the cost of the airfare personally for at least three months. An internal review of the complaint by the Programs Branch revealed that no acknowledgment of the receipt of the victim's application was ever made, which is contrary to the Branch's procedures. Further, there were no records of any communication between the victim and program officers. No suitable reason was provided to account for why the initial application was never acknowledged or processed.

The OFOVC inquired at the Programs Branch about the application near the end of October 2014, and was advised that the claim would be processed immediately. A cheque was processed and sent a few days later by courier, and received shortly thereafter by the victim.

## Findings and Recommendations

### Review synopsis

The challenges victims faced in accessing financial assistance to attend parole hearings was an issue first flagged to the OFOVC in 2010. From 2010 to 2013 the OFOVC worked with DOJ to resolve the individual complaints and the DOJ Programs Branch developed and implemented a series of program enhancements in order to address the issues raised<sup>10</sup>.

Despite these improvements, in 2014 the OFOVC continued to receive complaints from registered victims about the quality of service provided. Two of these complaints were reported prior to the OFOVC formally conducting a systemic review and a third reported in March of 2015, when the systemic review was in progress.

The OFOVC raised these issues with DOJ and in November 2014, the Programs Branch advised the OFOVC that it would be undertaking an internal review to determine the need for additional resources to ensure that victims obtain prompt and courteous service delivery when applying for funding. On December 16, 2014, the OFOVC informed the Minister of Justice that it would be conducting its own parallel systemic review.

In its formal notification to the Minister of Justice, the OFOVC expressed its desire that the Department's planned internal review consider the following objectives:

1. Ensuring that victims are properly informed when making an application for financial assistance.
2. Developing and implementing specific service standards for funding applicants to attend a parole hearing.
3. Improving the internal governance structure of the Programs Branch, specifically the roles and responsibilities of different participants working with financial assistance applications, managerial oversight and business continuity.

On April 21, 2015, the OFOVC received a letter from Programs Branch senior officials that addressed three specific complaints and confirmed that the events described in the complaints were an indication "that the measures taken to improve service delivery needed to be reviewed to better respond to the needs of victims of crime". The letter goes on to describe "the measures that have been implemented aimed at improving services in relation to victims who wish to attend PBC (Parole Board of Canada) hearings." The following is a list of the measures that have been implemented:

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<sup>10</sup> For a full overview of the case history please see Appendix A.

1. A dedicated manager has been hired who will now oversee the management of service delivery related to the Victims Fund, including financial assistance to victims of crime who attend PBC hearings.
2. A log book has been developed to capture all phone calls—each program officer has a log book that is updated on a daily basis with phone call conversations between the victim and the officer through the toll-free line. These log books can be access by department staff responsible for funding related to PBC hearings.
3. A new reporting function has been developed within the department Grants and Contributions Information Management System (GCIMS) which allows program officers to print a report detailed all funding applications requiring an advance interim payment in the next 15 days. It should be noted that when applications are received officers review the application to determine if an urgent payment is required based on the date the application is received and the date of the hearing. The manager has also been trained to extract this report in the event the officers are away at the same time. This will ensure that services continue to be delivered.
4. An additional new reporting function in GCIMS has also been developed to enable program officers to obtain information indicating which applications are active one month after the scheduled hearing. To ensure accuracy of the report, the anticipated hearing date is also entered into the GCIMS, following a minor change to the database. This change now facilitates the work of the program officers in following-up on outstanding applications with a view to having victims who attended hearings submit their final claims.
5. Aligned with the new reporting function, the GCIMS has also been amended to include a new funding attribute that is selected when reviewing initial funding applications to determine if an advance payment is required. This new function enables officers to quickly determine if an advance payment is required when the report is printed.
6. A reviewed mapping process has been drafted to ensure clarity in the steps a program officer should follow and a copy was attached to the letter to the Ombudsman.
7. All funding applications are acknowledged by phoning the victim (and a log is entered to confirm this action), and by sending a letter or an email, a copy of which is maintained on file.
8. Phone calls are answered immediately when possible. Where the victim leaves a message, the call is returned within 24 hours.
9. The departmental website has been updated to make it easier for victims to find the application form as well as the direct deposit form, as the government moves to replacing cheques with direct deposit. This information is also included in the standard acknowledgement letter/email.
10. Program officers have been diligently working with colleagues from the Department's Finance and Planning Branch to ensure that direct deposit applications are quickly processed to ensure timely payment to the victim.

Lastly, senior officials also undertook to contact the PBC to indicate that where a victim experiences difficulty in reaching an officer, the Board should first refer the victim to the manager of Victims Fund.

The OFOVC was pleased to receive the information provided by the Programs Branch regarding the client service improvements and program enhancements they had implemented and took these into consideration in developing its own recommendations.

Overall, the OFOVC conducted its review using a number of methods, including:

- **Case review and analysis** – reviewed historic cases and established common complaints amongst victims regarding the financial assistance program with the aim to better focus the scope of the review.
- **Research** – OFOVC gathered data concerning the issue at hand (ex: statistics regarding program use etc.)
- **Liaising with relevant officials** – From December 2014 to April 2015, a series of communications, meetings and information exchanges took place between the OFOVC and the Department of Justice that not only clarified a number of questions raised during their respective reviews, but demonstrated a common interest and intention to resolve the issues raised by the victims and the Ombudsman.
- **Verification and revision** – the OFOVC submitted the facts and report to all parties who may be adversely affected in order to ensure the accuracy of the information captured and reported.

## Findings

The review conducted by the OFOVC determined that the following systemic issues existed within the administration of the financial assistance program for victims of crime and their support persons who attend parole hearings:

1. Poor, delayed or non-existent communication between registered victims and program officers which have both a negative impact on the timeliness of the process and the stress levels of victims; and
2. Systemic delays in the receipt by victims of interim or final financial assistance payments.

It should be noted that the OFOVC's review brought forth a number of varying concerns that victims had with the program, including – but not limited to – the structure of the program itself. Some victims, for example, raised issues concerning: the challenges that victims without credit cards faced in going through the process, the fact that the program only covered 70% of costs upfront rather than 100% and the fact that all of the

logistical tasks (ex: booking flights, finding nearby hotels etc.) were the sole responsibility of the victim.

## Recommendations

Upon review of these changes and in conjunction with the rest of the information the OFOVC gathered over the course of the review, we identified not only where some of these changes could be further strengthened, but also where additional recommendations could be made.

**Recommendation 1: That PCVI and the Programs Branch collaborate to develop and implement a policy that defines reasonable and measurable service standards specific to victims applying for funding to defray the costs of attending parole hearings.**

As outlined, it is important that registered victims of crime who apply for financial assistance have their applications acknowledged, processed in a timely manner.

A review of the updated process map (i.e.: the document outlining the overall process) provided by the Programs Branch to the OFOVC in April, 2015 shows a number of steps that need to be taken by staff when processing applications for financial assistance. Each application must first be assessed for urgency. Once the level of urgency is determined, applications appear to fall into one of two processing streams—one for regular advances/payments and one for urgent advances/payments. Other than one deadline referred to in the “Urgent Advances/Payments” stream, there is no indication in the process map that Programs Branch staff are required to meet any specific time standards for the actions they take, nor is there any time limit on how long it should take to get an application from receipt to the point of approval.

While the process map itself may not indicate timelines, DOJ does have service standards relating to program funding. During the course of its review the OFOVC has learned that these *may*, but do not necessarily or consistently, apply to victims of crime applying for financial assistance to attend a parole hearing.

For example, in its response to the OFOVC concerning a specific complaint about the program, the Programs Branch referred to its departmental service standards not being met when a call from a registered victim was not returned.<sup>11</sup> However, in the same

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<sup>11</sup> Director General, Programs Branch, Department of Justice, April 21, 2015, letter response to OFOVC resulting from OFOVC notification to the Minister of Justice of the intent to conduct a systemic review, p.2.

correspondence, the Programs Branch advised the OFOVC that the DOJ service standard related to a funding decision does not apply because an application for financial assistance can be received a few months ahead of a hearing or a few days before, thereby skewing any monitoring that might take place and not contributing to any “meaningful results.” The response went on to state, “... the service standard related to the issuance of payment within 28 calendar days after the completion of the requirements outlined in the contribution letter does apply.”

For victims or members of the public who are trying to determine which, if any, standards apply this can be confusing. Currently, the only service standard that is referenced on the webpage specific to financial assistance for attending parole hearings states that, when an application has been submitted at least 30 days before the hearing, “every effort will be made to provide the decision letter, as well as some funding to approved applicants before the hearing date.” Where an application is received less than 30 days before the scheduled hearing date, and is approved, “eligible expenses will be reimbursed after the hearing once the Victims Fund Manager has received an expense claim with receipts.”

If a victim looking for more detailed information conducts a search for “Department of Justice service standards” they may find themselves on a Departmental webpage “Service Standards for the Department of Justice Funding Programs.” which lists the three service standards that apply to program-related services<sup>12</sup>:

“Acknowledgment: Our goal is to acknowledge receipt of your proposal within 7 calendar days of receiving your funding request.

“Funding decision: Our goal is to issue official written notification of the funding decision within 120 calendar days of the Program’s receipt of your completed proposal.

“Payment: Our goal is to process payments within 28 calendar days after the completion of the requirements outlined on the contribution agreement or the grant letter.”<sup>13</sup>

The terms, “funding request”, “your completed proposal” and “the requirements outlined in the contribution agreement or the grant letter” could be confusing to victims because, in the absence of a *specific* standard for financial assistance to attend parole hearings, they are likely to assume that the posted DOJ service standards apply to all the services the Programs Branch and the Department deliver. In reality, as discussed, and

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<sup>12</sup> See: <http://www.justice.gc.ca/eng/fund-fina/service.html>

<sup>13</sup> <http://www.justice.gc.ca/eng/fund-fina/service.html>

according to the response received by the OFOVC from the Programs Branch<sup>14</sup>, sometimes the departmental service standards do apply and sometimes they do not, depending on the circumstances of the victim's application.

The Treasury Board Secretariat of Canada "Guideline on Service Standards"<sup>15</sup> defines a service standard as "a public commitment to a measurable level of performance that clients can expect under normal circumstances."

The Guideline states that service standards serve two key purposes:

- To provide staff with performance targets ("Phone must be answered within three rings"); and
- To inform clients what to expect ("Waiting time is less than 10 minutes").

The Guideline also specifies that a "good service standard" must, among other requirements, be:

- Relevant to the client;
- Measurable;
- Communicated;
- Transparent; and
- Continuously updated.

While it is understood that victims have a role to play in terms of providing required information in a timely manner, time standards should be applied to all time-sensitive actions that Programs Branch staff must carry out in the application process. This would go a long way to ensuring that applications are processed with the urgency they require, and that both interim and final payments are made with as little delay as possible.

Furthermore, it is worth considering that a prompt first contact between a victim and program officers provides an important opportunity to:

- instill confidence in the victim that their needs will be addressed in a time-sensitive manner;
- reinforce the Department's commitment to give victims a more effective voice in the criminal justice system;
- reassure victims that their applications will be dealt with promptly and professionally; and
- provide victims with any additional information they might require to better understand the financial assistance process.

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<sup>14</sup> Director General, Programs Branch, Department of Justice, April 21, 2015, letter response to OFOVC resulting from OFOVC notification to the Minister of Justice of the intent to conduct a systemic review, p.5, item 4.

<sup>15</sup> <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25750>



**Recommendation #2:** That the Department of Justice enhance the information available on its website and in any literature to victims and the general public concerning the financial assistance program for attending parole hearings, including:

- A clear, step-by-step, detailed description of the process victims can expect when applying for funding and the associated deadlines, requirements, timeframes and services standards at each stage;
- Contact information and hours of operation for victims who may wish to speak to program officers about any questions, concerns or difficulties they may have.

Presently, DOJ's webpage<sup>16</sup> offers the following information to victims regarding funding that is available to them to attend PBC parole hearings:

- Who is eligible to apply;
- Who can apply for funding (registered victims and support persons);
- Which Parole Board of Canada hearings are eligible;
- The objectives of the Victims Fund;
- What financial assistance is available;
- What expenses are not covered;
- The steps involved in the funding application;
- Where to send the application;
- What the approval process is; and
- Non-specific indications of when the approved funding may be received.

While reviewing the documentation provided by the Programs Branch, and through discussions with registered victims who have filed complaints with the OFOVC, it is clear that victims are consistently looking for additional program information, or to speak to program officers about the status of their applications or their approved financial assistance payments.

These additional pieces of program-related information could be made available on the website so that victims would have a better understanding of what they can expect without having to contact program officers.

Based on the complaints reviewed by the OFOVC, this additional information could focus on:

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<sup>16</sup> See: <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/attend-audience.html>

- DOJ’s commitment to acknowledging receipt of a registered victim’s application as well as the timeline for that acknowledgment;
- The length of time required for a victim to receive interim funding;
- The length of time required for a victim to receive their final payment;
- Clarification on the type of documentation that must be submitted before final payment is approved; and
- The support a victim can expect from program officers throughout the application, approval and payment processes, including the time frame for a call back from a program officer.

In the event that a victim does not have the ability or means to access the same volume of information that is available online, the information should be made available in writing, or by other appropriate means, if a victim requests it.



**Recommendation #3: That the Programs Branch provide ongoing training to program staff and managers on changes that have been implemented to improve client service delivery. Management training should reinforce the need to monitor the implementation of these changes to ensure that program staff follow all required steps in the process, and do so in a timely manner.**

The Programs Branch has made a number of significant changes to its process map which instructs program officers on how to assess and process applications for financial assistance to attend a parole hearing. The changes were made in an effort to address the complaints that have been reported to the OFOVC.

The Branch has also implemented a number of client service enhancements that are not necessarily captured in the new process map, such as:

- the use of a log book to record all phone call conversations between a victim and a program officer;
- the addition of further reporting functions to the Grants and Contributions Information Management System (GCIMS) software application that will allow program officers to print a report detailing all funding applications requiring an advance interim payment within the following 15 days. Program managers have been trained to extract these reports in the event that program officers are absent.
- a new funding attribute that is selected when reviewing initial funding applications to determine if an advance payment is required. This new functionality enables program officers to quickly determine if an advance payment is required when reports are printed.

While the OFOVC recognizes the effort made by the Programs Branch to address the client service issues raised by victims, such significant change initiatives require a targeted commitment to train new and existing program officers and management in their implementation. This is of even greater importance, given that the Programs Branch, in its correspondence with the OFOVC, has reported that program officers had to be constantly reminded of the existing procedures by their managers.

**Recommendation #4: That the Programs Branch managers review all completed applications for financial assistance as soon as they are closed to ensure that they were handled in a timely manner and that proper procedures were followed. This may include such measures as the verification of phone call log books and periodically reviewing the reports derived by the Department's Grants and Contributions Information Management System (GCIMS).**

The Programs Branch is to be commended for the actions taken to strengthen the management structure responsible for the administration of the financial assistance program.

During its review, the OFOVC assessed that some issues that contributed to a lack of communication

between victims and program officers, or caused unnecessary delays in victims obtaining interim or final payments, could, in all likelihood, have been resolved with a more robust management structure, increased oversight of program activities and stronger supervision of client service personnel. While a dedicated manager to oversee service delivery for the Victims Fund (including financial assistance to victims of crime who attend parole hearings) is a positive development, it is still unclear whether the program enhancements and client service improvements will be sufficient to resolve the systemic issues that have been identified.

The OFOVC believes strongly that accurate data provides the best way to evaluate the effectiveness of a specific program or any enhancements or improvements made to that program. It is imperative then that the Programs Branch monitor the outputs of these enhancements and improvements, as well as any additional steps they have taken to address victims' concerns.



Recommendation #5: That the Programs Branch report back to the OFOVC on the progress of the implementation of the Ombudsman's recommendations and the overall quality of service delivery in six months and at six-month intervals thereafter, until such time as the Ombudsman is satisfied that adequate steps have been taken to address the issues raised.

place. With this measure all parties can work together to ensure that victims' concerns and needs are addressed and that their access to an important federal service is unimpeded.

Given the lengthy history of exchanges and enhancements on the issue of victims access to and satisfaction with the financial assistance for attending PBC parole hearings, the OFOVC believes it is in the best interest of all parties that a temporary reporting and assessment period be put in

## Conclusion

In December 2014, the OFOVC undertook its review of the component of the federal Victims Fund which provides financial assistance to victims of crime and their support persons attending parole hearings. The review was initiated in order to address a number of complaints from registered victims who wished to access funding to attend a PBC parole hearing. The complaints from victims related primarily to poor, delayed or non-existent communication with program officers and delays in receiving approved interim or final payments.

The DOJ Programs Branch acted on the complaints and implemented a number of important changes to its processes. However, three years after the initial complaints about the program came to the attention of the Ombudsman (in 2010–2011), victims continued to report difficulties communicating with program staff and delays in receiving payments to which they are entitled.

As a result of its review, the Ombudsman has provided comments and recommendations concerning:

- The need for reasonable and transparent service standards that are specific to providing financial assistance to registered victims to attend parole hearings,
- The manner and the timeliness of program or application-related information being communicated to registered victims by program staff;
- The importance of ongoing training for all Programs Branch staff members in the implementation of changes made as a result of their internal review;
- The requirement for a robust management structure to oversee program activities, service delivery and monitor the results of any implemented changes to work processes; and
- The need to report at regular intervals on the effect of the implementation of all accepted recommendations made by the OFOVC.

The OFOVC is committed to ensuring that victims are able to access the programs and services that have been developed for them by the federal government. In spite of the difficulties they have encountered, the registered victims who have taken advantage of the financial assistance available to them to attend parole hearings are appreciative of the financial support they have received. It is by listening to victims and making a conscious effort to understand and address their concerns that we make good on our commitment to ensure that that they are afforded every opportunity to obtain the information they want—and to contribute in a meaningful way to the criminal justice processes for everyone’s benefit.

## Appendix A: Case/Issue History

**2010–2011** A registered victim requested the help of the OFOVC to resolve a complaint they had regarding DOJ's financial assistance program for victim of crime attending parole board hearings. Although the victim's complaint was successfully resolved, the OFOVC decided to look at the financial assistance process in order to ensure that no other victim would encounter the same difficulties with the program.

In an attempt to address the issues that had come to light during the review of the process, the OFOVC met with the various federal agencies involved to address any gaps in service that had been reported by victims, and to identify key areas where the program could be improved.

Subsequent to those meetings, DOJ implemented a number of client service improvements and program enhancements, including:

- Victim awareness training sessions for officers who handle applications for assistance in order to help them understand the unique situations of victims;
- Training sessions for PBC Regional Communications Officers to sensitize them to the needs of victims and advise them of the processes involved in obtaining financial assistance;
- Client service improvements that require program officers to contact the registered victim by telephone upon receipt of a financial assistance application, provide direct contact details, explain the process and advise them of potential delays in receiving payment;
- The development of a procedure for the issuance of emergency cheques; and
- The implementation of a direct deposit option for victims.

**2011-2012** Despite these improvements, the OFOVC continued to receive complaints from registered victims. Once again, the complaints revolved primarily around inconsistent or non-existent communication with program officers and delays in receiving interim or final payments.

**2012-2013** In May 2012, the OFOVC wrote to the PCVI, requesting an update on the implementation of the above noted program enhancements.

In February 2013, the PCVI provided an update on the improvements that had been made to the program, including:

- The provision of training to new and existing program officers in June 2011 and an ability to train any new staff coming on board;
- The PCVI made officials aware of opportunities to meet with advisory boards in order to better understand the specific needs of victims;

- A senior policy officer was made available to advise officials administering the Victims Fund at any time;
- A protocol for contacting applicants by telephone for advanced funding was implemented in June 2010. That protocol is part of the orientation and procedures followed by program officers;
- DOJ developed a procedure for the issuance of emergency cheques to victims to attend PBC hearings. Emergency cheques are frequently issued to meet the immediate needs of victims; and
- The Department implemented a direct deposit option for funding recipients, even available to them if they attend only one hearing. The direct deposit option is only available to victims residing in Canada.

It is clear that between 2011 and 2013 the PCVI and the Programs Branch took significant steps to try to address the issues that had been raised by the Ombudsman.

**2013-2014** In 2014 the OFOVC continued to receive complaints from registered victims about the service they were not receiving from program officers. Since 2010, the OFOVC has received 12 complaints on these issues, two of these complaints were reported prior to the OFOVC formally conducting a systemic review and a third reported in March of 2015, when the systemic review was in progress. According to the complaints received, victim applications for financial assistance were not being acknowledged either verbally or in writing, and victims were still having great difficulty communicating with program officers about the status of their application. And, to make matters worse, once their applications were approved, interim and final payments were still being unreasonably delayed.

In November 2014, the Programs Branch advised the OFOVC that it would be undertaking an internal review to determine the need for additional resources to ensure that victims obtain prompt and courteous service delivery when applying for funding.