



*“Dedicated to Justice” • «Au service de la justice»*

June 26, 2013

Ms. Kimberly Lavoie, Acting Director General  
Corrections and Criminal Justice Directorate  
Public Safety Canada  
Ottawa, ON  
K1A 0P9

Dear Ms. Lavoie,

The Canadian Resource Centre for Victims of Crime (CRCVC) is writing to you with regard to the proposed regulatory framework for Royal Canadian Mounted Police (RCMP) referrals to victim services without the consent of victims. The CRCVC respects the *Privacy Act* and understands that the knowledge that an individual has been a victim of crime or trauma is sensitive and must only be disclosed to those agencies where confidentiality is highly guarded. That said we believe the RCMP has a duty to ensure that all victims are referred to appropriate victim-serving organizations. Academic research and international human rights declarations recognize that all victims should have access to support and assistance in the aftermath of crime. It is essential that appropriately trained professionals assess the needs of victims in order to maximize the potential of victims to recover and to return, as soon as possible, to a normal life. Early intervention can have a substantial effect on a victim’s recovery. The police have a critical immediate role in facilitating victims’ access to support and assistance.

We believe the RCMP should refer ALL victims of crime, violence and traumatic circumstances to victim services, even where the victim initially declines consent. An initial decline of services may occur for a number of reasons. Victims who have experienced a trauma and are in a state of shock, denial and disbelief upon the scene of a crime or upon learning about the homicide of a loved one, and do not necessarily have the capacity at the time of the incident to understand or appreciate the critical support services being offered to them. Their initial reaction may be negative due to the invasive trauma they have just survived. They may want to isolate themselves initially or guard their privacy closely. Sometimes culturally, it is the norm to only seek support from immediate family members and close loved ones. There may be language barriers that cause a victim to decline. Immediately, victims can be in a confused state, which can also cause them to refuse services. Where a victim may feel embarrassed and ashamed at the outset, these feelings often fade as time passes and as they realize they need help to move forward. Processing the trauma can take days, weeks, months or even years, after or during which, many victims are in a better position to decide about seeking support.

Victims at the scene of an incident may also decline if the RCMP member does not provide a clear explanation of what assistance can be provided. We believe that even where a victim has not initially provided consent, victim services should get the referral so that staff can provide a follow up call and again offer services. The RCMP themselves recognize that the “victim service worker, as the trained professional, is the best person to explain the services they can offer.” Self-determination is key for victims and a follow up call by victim services allows victims to reconsider the assistance offered once they are in the safety and security of their home. Upon a follow up call, victims retain the right to decline the service, if they wish.



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Many jurisdictions around the world offer proactive referrals to victims. Victim Support Scotland’s experience indicates that the benefits of an ‘opt-out’ approach (where victims are automatically referred to victim support services but can decline the offer of support at any time) considerably outweigh those of an ‘opt-in’ approach (where the onus is on the victim to proactively request access to victim support services). In New Zealand, the *Privacy Act* permits the release of information to victim services without the victim’s permission. Police and Victim Support considered whether to obtain the victim’s permission but “quickly discarded” that option because of the difficulty in obtaining such consent; recognizing the number of victims who would be unable to give informed consent immediately after the traumatic event and the common lack of advanced knowledge of the services which Victim Support offered.

We have reviewed the proposed framework and offer our support for “RCMP referrals to victim services - Deferred/Delayed Consent Model” where an RCMP member may disclose referral information for the purpose of referring a victim to victim services without their consent [for example, if the victim is unavailable (e.g., not at the scene), incapacitated (e.g., unconscious, intoxicated, etc.) or unable (e.g., overwhelmed or traumatized by the situation) or refuses consent to the disclosure of information] where the RCMP member reasonably believes that a victim services organization could assist the victim and prevent a breach of the peace, the commission of a crime, the loss of life or physical or psychological harm to the victim. We hope that all RCMP members will receive training around the framework and the fact that victim services provide support to help prevent further psychological harm to victims. We believe this framework can lead to an increased number of victims being referred to victim services, if it implemented with a proper understanding of the value of victim services. We believe the definition of a victim is broadened sufficiently to include persons who are psychologically harmed by crime and violence (even property offences) and recognizes that numerous individuals can be harmed as a result of an offence. We support the definition of Victim Services, but would also point out that there are many long-standing non-governmental agencies (not necessarily funded provincially/territorially) that are credible, employ professional staff and comply with strict confidentiality requirements who can also offer support services to victims.

We feel a significant challenge remains around educating front line RCMP members about the importance of referring ALL persons harmed by crime and trauma to victim services so that victims and survivors have the opportunity to learn about supports available to them. In many jurisdictions across Canada, referrals to victim services are overlooked, or offered at a time when the victim is not able to fully appreciate their need for the services offered, and this is actually harmful to victims. We look forward to the new framework taking force.

Sincerely,

Heidi Illingworth  
Executive Director

Cc Sue O’Sullivan, Federal Ombudsman for Victims of Crime