

Victims of Crime

**A look at their experiences
with Canada's correctional system**

Discussion paper

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Foreword...

[TRANSLATION]

The victims were not calling on the researcher for help, but they were able to turn to the research proposal to start to give some meaning to their story. Dominique Dray, *Victimes en souffrance*, p. 78

I would like to begin by thanking all those who received me and agreed to meet with me as part of this research study. They did not know me. They did not know what to expect. But they trusted me. There was nothing I could do to change what had happened to them. I could not console them or repair the injustice they had suffered. All of them had had bad experiences with representatives of the justice system. They had been disappointed because they had been abandoned. They had been misled or forgotten. They had experienced bereavement in many different ways. Disregarded or misunderstood, either by the justice system or by those around them, they had criticisms to make, truths to express, things to say. The only thing I had to offer them was my presence and my willingness to listen.

Despite this, they decided to see me and to confide in me. In doing so, they knew that they would have to go through some difficult times all over again. They knew that our meeting would bring up some painful recollections, that the pain would resurface, that sombre images would once again flood their memory. They knew that this meeting could shake them up.

They gave me access to glimpses of their lives, to their most intimate thoughts and experiences. They bid me enter into corridors where others had never been before. They allowed me to follow them on a journey that had left indelible traces and made them fragile.

They allowed themselves to express their anger, their feelings of powerlessness, their fears and their pain. They were not afraid to show their vulnerability. They related their long struggles to get over being the victim. They talked about the people who had held out a helping hand but also about those who remained indifferent, who did not know how to act around them or who had inflicted further suffering on them. Those who had lost a loved one recalled the love they felt for a daughter, a brother, a sister who had been taken away from them and they relived precious recollections they had stored away in their memories. They hung on to lovely images, to beautiful moments, to what the person represented for them and for others. They gave them back a place, a

voice beyond the stupidity of the act, the ugliness of the crime's consequences. They wanted me to get to know them.

They were sometimes forceful in their judgments and sometimes got carried away. The treatment of offenders, victims' rights, sentencing, the justice system: these topics often aroused anger. They ran the gamut of emotions. I was not there to filter or to judge... but to be there and to listen...

They also spoke to me about their dreams, the ones they once had and their dreams of the future, of the people they were before and the people they had become.

They responded to me with simplicity and most of them welcomed me into their homes, a gesture I found extremely touching. They confided in me with generosity and authenticity. They placed no demands on me. They asked nothing of me. They did not see me as someone who could make things right for them.

This was an extremely rich and moving experience for me as a human being. I found it difficult to pull myself away from these interviews, from the words I had heard, the images that had emerged and especially the feelings that had been shared. I was profoundly touched by these testimonials. I do not know how I will find the words to express my profound gratitude to them.

Introduction

In the past I have had the opportunity to accompany victims to hearings and to advise them in their efforts. I have collaborated on training days organized by CSC Quebec Region and have participated in various consultations on the issue of victims and their needs in dealing with the correctional system.

Like other people, I had many questions to ask.

Why did they want to be recognized as victims? Why were they still concerned about the offender? Why were they engaging in a process that would plunge them back into painful memories and stir up their suffering all over again? Were they driven by anger? Were they reacting to sentences they felt were too lenient? Did they want to harm the perpetrator of the offence or did they simply not trust the parole system? Or was this a way of participating in the justice system and taking their rightful place?

I wondered about their reasons but also about what they had experienced as they went through this process. How did the correctional system respond to their needs and expectations? What kind of difficulties did they encounter? What benefits did they derive from this? Did they have the sense that their needs were being taken into account? That their efforts had an impact on the decisions that were made? Did this experience make them victims all over again or, on the contrary, did it facilitate their recovery process?

It was the way the victims themselves saw their experiences that interested me.

The interviews

This document reflects the testimony I collected during in-depth interviews that brought me in contact with 15 people: seven family members of homicide victims, one victim of property crime, two victims of spousal abuse, three sexual assault (incest) victims, one victim of forcible confinement, and one person who had received death threats.

I conducted a total of 17 interviews (two respondents were interviewed twice). In that group, I was granted interviews with three CSC employees, two of whom had become victims during their course of their work and one who had experienced the murder of a family member. For five of

them, the victimization had occurred as part of a relationship of domination and manipulation in a context of spousal or sexual abuse that had taken place over a number of years. Only four people did not know the perpetrator of the offence.

Twelve of them preferred to have the interview take place at their home. Three other interviews were conducted at the workplace and one at my office. Each interview lasted an average of at least two hours. The research was conducted in Quebec and most of the interviews (14) took place outside Montreal. To enrich the material, I observed three hearings before the National Parole Board (NPB).

The research plan initially proposed ten interviews. As the data collection proceeded, it seemed to me that the material was extremely rich and that it would be advisable to meet with more respondents in order to further develop certain aspects. It was at that point that I launched another appeal for collaboration to victim coordinators in order to solicit some other people.

I. Victims: A profile

Victims have a lot to say. Baril, M. L'envers du crime, 1984

1. People who have suffered considerable harm

The findings from a number of studies show that crime victims want to play a greater role in the criminal justice system (Maguire, 1982, Holmstrom and Burgess, 1978, Kelley, 1982, Dümig and Van dick, 1975, Baril *et al*, 1984). Those who have suffered serious harm are especially interested in receiving information during every phase of the process (Gardner, 1990) and are more likely to become involved at the time of parole (Black, 2003). This is also reflected in the statistics compiled by the NPB and CSC in recent years.

All the people I met with had been subjected to serious violence that had severely disrupted every aspect of their lives. The victims of spousal abuse had been forcibly confined and raped by their spouses; they had lived in fear and were afraid for their survival; their children had been powerless witnesses to their father's abuse. The incest victims had been betrayed by people who were supposed to protect them, love them, help them grow up and become adults capable of flourishing, of taking their place in society. Some of the victims had been deprived overnight of the presence of their son or daughter, their brother or sister, and they would have to live with the memory of this. The victims of death threats or forcible confinement had become the target of those they had tried to help and rehabilitate. The fraud victim had been deprived of her property when she was in a state of extreme vulnerability because of her physical condition and her state of health.

It must be acknowledged from the outset that CSC and the NPB will have to deal mainly with people who have been severely affected by crime and who are still suffering the after-effects, even if the impact of the violence or the grieving has diminished somewhat with time.

2. People who are dissatisfied with the justice system

More often than not, they will also have to contend with victims who are not very satisfied with the response of the criminal justice system during the previous phases. However, the people I interviewed did not have only negative things to say about their experience. All had met with representatives of the justice system (police officers, crown attorneys, judges) who had shown some sensitivity to what they were going through. They talked about the *kind police officer whose*

name they would never forget, about the lawyer who was always available, thereby attesting that the justice system had not been totally devoid of compassion towards them. Those who had reported the crime were happy to have done so because they had had the courage to *speak out*, to *say their piece*, to show that they no longer wanted to live under their aggressor's thumb. Others had had the opportunity to testify in court and were very proud of this. They had *told the truth*, they *had been believed*, they had managed to thwart some of the defence attorneys' manoeuvres. There was more than just disillusionment and defeat.

But despite this, they still had a fairly negative perception of JUSTICE and the way in which it is carried out. Their dissatisfaction was largely tied to the sentence that had been rendered, the practices associated with plea bargaining and the gap between their rights and those enjoyed by the accused. Their comments were similar to those of other victims who have expressed their opinions of the justice system (Baril, 1984; Shapland, 1985).

3. People who are angry with and afraid of the perpetrator

Regardless of the type of offence, they felt some resentment towards the criminal justice system but even more towards the assailant or the murderer. Regardless of whether they had known the perpetrator before the crime, they had essentially the same responses to him. They were still afraid of him. They had a grudge against him; they did not believe in his ability to change. He had destroyed their lives and committed irreparable harm. They described this in very harsh terms. There were very few who felt compassion for the offender. In some instances they also talked about fantasies of revenge against him.

It is thus understandable that during the interviews they bristled at the idea of forgiveness. For most of them, forgiveness was impossible. They gave many reasons for this. The crime was too serious and it had caused irreparable damage. The assailant *knew what he was doing and could have stopped*, said the victims of spousal and sexual abuse. Others had *suffered too much* to engage in such an effort. Some of them placed conditions on this: to have *regained their dignity* and to have *grown as a person* on both sides. A number of them said that they doubted the sincerity of forgiveness that was granted too quickly and did not believe that the person who had assaulted them or deprived them of a loved one was capable of this. As noted by Baril (1984), assaults, humiliation, and the fact of having been dominated or betrayed are not easily forgiven.

Even the possibility of meeting with him, of speaking with him could not be contemplated by some of them, who were afraid of being manipulated or dominated again. The distrust, anger and

fear were still too present for them to be able to travel down this road. Others *had nothing to say to him* and said that *this would not accomplish anything*. In other words, a number of the victims had slammed the door shut on this idea.

However, the prospect of a meeting was not ruled out in all cases. It was raised by a victim of property crime who would have liked to express all of her anger to the person who had defrauded her and force him to *look him in the eyes*. The spousal abuse victims may have found this useful because the ties between them and their former spouse now had to be maintained, largely because of the children and because they held out hope that he could become a *responsible parent* once again. One of them had contacted the correctional system to see about this but her request had been turned down because of the restraining order issued by the court. Whether because of a lack of listening or a lack of resources, these victims remained unanswered.

These interviews in no way suggested that the entire process associated with the restorative justice model is impossible for victims of serious crimes. However, it can be assumed that the comments of the victims that I interviewed reflect the reality of a good many of them.

It is no doubt wishful thinking to believe that this type of process is possible during the parole phase when nothing has been done before that to establish a dialogue between the victim and the perpetrator of the offence, when the latter has done nothing to mend his ways or express regret for the victim or when he has not been given the opportunity to do this.

With time, some victims had also learned to free themselves of the guilt that weighed on their lives. When they registered as victims with the correctional system, they embarked on a long process to regain their dignity and control over their lives. They felt that it was up to the offender to accept responsibility for the consequences of his actions and that they should not have to carry this burden (Cerlis and Morlais, 2002).

Although the current discourse focuses on restorative justice, we must admit that our knowledge and our practices are still at the experimental stage. As far as victims of violent crimes are concerned, we must never lose sight of the status of inequality and vulnerability of certain victims because of their age, their relationship with the perpetrator or the circumstances in which they live. These interviews showed that many victims of violent crime do not seem to be willing to become involved in such a process.

4. People who are fighters

Rather than passively accept their victimization, the people who participated in these interviews had chosen not to deny it, to talk about it and to face up to the one responsible, to ask for a place in the criminal justice system. After the crime, the majority of them (11) had decided to follow all of the court proceedings. Five of them – in fact, all of the victims of spousal and sexual abuse – had testified against their assailant after being kept subjugated for a long period of time. All had contacted the police, the public prosecutor's office and the social agencies able to assist them numerous times. In some instances they had confronted the media in order to set the facts straight or to protect the memory of those who were no longer there.

After the perpetrator was convicted, they could have chosen to stop everything but they decided to *follow things through to the end*. They took on a series of decisions, all equally difficult: to be recognized as victims by the correctional system, to make written submissions, to attend hearings, to read their statements. All of these steps could have taken them backwards and stirred up memories of the event and the tumultuous emotions that went with it. However, they did not pull back and they felt supported in their efforts by those around them.

They were neither passive nor crushed by misfortune. They did not see themselves this way and did not want others to either. *I have character, I'm a fighter, I won't bury my head in the sand, I'm determined*: that was how they described themselves.

II. Why did they become involved with the criminal justice system?

1. They were still afraid of the perpetrator

If they made their presence known during the parole phase, it was first and foremost because they were still afraid of the perpetrator of the offence... mostly of running into him or of the reprisals he might take. All were concerned about protection for themselves and those around them, especially their children or their grandchildren.

This fear is legitimate. It was driven by what they had experienced and the violence to which they had been subjected. All of the victims had horrific memories... of the police officer who had informed them that their son or daughter had been stabbed... of the spouse who had assaulted them in front of the children... of the father or stepfather who had abused them and deprived them of their childhood... of the threats that had weighed on them. Some of them were afraid of dying. In the interviews they spoke at length about the injuries that had been inflicted on them and the long path they had had to travel to get their heads straight and *continue on their way. It's something you never forget... but you learn to live with it...*

While the offender was incarcerated they felt safe and had some room to breathe. But the prospect of his release changed all that. There was no guarantee that this person who had attacked them or one of their loved ones was ready to be free again and presented no risk of committing further acts of violence.

That fear did not paralyze them or strip away all of their resources. They had reached a point where they were no longer imprisoned by powerlessness, silence or a captive relationship with their assailant. They could testify in public to the pain they had felt in recalling the violent death of their loved one. What they had done previously, whether dealing with the court or the social agencies, had strengthened them in the ordeal they had gone through and in their determination to act.

2. They wanted to confront the offender with the harm he had caused and oppose his release

They were seeking reassurance as to their own safety but they also wanted to confront the offender with what he had done: *He won't have any choice, I want him to know that it hurt me.* Most of them had not had the opportunity to talk about the consequences of the victimization

either because they had not testified, there had been a plea bargain, or they had not been given the opportunity to make a statement before sentencing. In attending the hearings and making a statement, they forced the perpetrator to hear about the results of the crime. They wanted to know whether he was sorry for the injuries he had inflicted on them and whether he realized that other people had suffered as well. None of this had happened in court. On the contrary, most of the time they watched as he simply evaded the question or even challenged them. They still felt very bitter and angry about this.

The motivation for a number of the victims was that they wished to oppose the inmate's release and thwart his release plans. They did not hide this. They realized that he would regain his freedom one day but they wanted to have a say in the decisions to be made. They felt that the sentence was too short given the seriousness of the crime and that the offender had not paid enough of a price for what he had done. They did not believe that he could have changed in so short a time or that the incarceration period had enabled him to resolve his problems. They therefore wanted to *slow down the process*, to *put a crimp in his plans*, to show that after all he *could not be trusted*.

Delaying his release would also win them some more time. While he was incarcerated, they would *still have room to breathe*, have another period of *respite*. Some of them hoped that a longer period of imprisonment would do him good and said that if he truly wanted to straighten himself out he should continue participating in programs.

Some of the victims realized that they could be jeopardizing their own safety by opposing parole. Those who had experienced violence directly at the hands of their assailants felt the most vulnerable. As one of them pointed out, it was like *throwing oil on the fire... or a bit like digging your own grave*. Despite this, they felt that they had to express their fear and show their disagreement.

Victims experience distress when they are in contact with the assailant during every phase of the process (Baril, 1984). During the interviews their attitude towards the assailant or the murderer was extremely emotionally charged. Their anger had not faded with time. There was no desire to come to any kind of understanding with the perpetrator. It was better to maintain a distance. At the hearings, for example, they did not want to have eye contact because this could be *intimidating* or *unhealthy* for them. Not wanting to *bare their emotions*, to *put their reactions on display* were part of their reflexes for protecting themselves. For the same reasons, some of them

chose not to make a statement. Testifying about how much trouble they were having in coping with this experience meant giving him even more power.

The parole phase was something they had to go through that put them back in touch with a past they wanted to put behind them. They no longer wanted to be travelling the same path as the person who had shaken up their lives. *When it's over, it will be his life... and we will have our own lives.* Their recovery was tied to the ability to look ahead, to heal their wounds and to overcome their grief.

3. They were seeking justice and recognition

For a number of them, being present during the parole phase was a way of reacting to what had happened in court, of *combating this scam, this injustice*. In their memories they had an image of a justice system that marginalized victims or made a mockery of their rights and from which they felt excluded. They expected that when the time came to release the perpetrator, things *would be done properly* and they wanted to see how *justice was done*.

They were convinced that they had to *be there* in order to change things and to ensure greater recognition for victims' needs and concerns. They felt they had a duty to *speak out on behalf of other victims* who had experienced the same kind of suffering, to take action to *prevent this from happening again*. This moral duty helped them go beyond their own personal tragedy. In many instances their words revealed altruistic thinking towards other people who had suffered or who might suffer violence.

Beyond those altruistic objectives, they wanted to have an impact on the decision in the case that concerned them. In registering as victims with CSC and the NPB, they wanted to make themselves *heard*, meaning that they wanted above all to make it understood how much *disruption* the crime had caused in their lives. They especially wanted to *touch* the Board members so that the latter could *put themselves in their shoes* to some extent. They were hoping in this way to be able to influence the decisions that were made, to *get them on their side*. They had the sense that they could have some impact, especially if they appeared at the hearings and even more so if they spoke at them.

All of them said that they needed to *follow things through to the end* and to *stand tall*. Getting involved was one way of *not letting the system win*, of maintaining a degree of *control*, of *keeping*

track of a story that concerned them. Their efforts were part of a quest for justice even if the path was strewn with obstacles and the results uncertain.

4. They wanted to defend and represent those who were no longer there

In raising the importance of acting, those who had lost loved ones to homicide expressed specific needs in relation to the correctional system. After the crime, a number of them had followed all of the court proceedings. Others, however, had taken longer to emerge from the emotional distress and the state of despondency that had set in after the violent death of their loved one. *It was like I was frozen for 4 years... I was ashamed, so ashamed after my brother's death...* were some of the things that family members of a murder victim had said. This inaction and this inability to mobilize themselves had led to a great deal of guilt because they felt like they had abandoned their loved one at a time when they should have been demanding justice on the person's behalf. Later, when parole was being considered for the murderer, they would become involved because they now had some distance from the events and felt capable of acting and were less crushed by their pain and their grief. The parole phase thus became an opportunity to regain a degree of control, to stand up for those who were no longer there and to obtain justice, especially when they felt that the sentence was unacceptable.

When the trial did not take place or the legal proceedings had been botched, attending the hearings also became the only way for them to find out the truth about what happened and to hear the murderer talk about what he had done. The hearing represented *the trial that never took place*, the *puzzle with the missing pieces*, to use the words of one victim's mother.

In comparison with other victims, the interviews revealed that they had most often been left marginalized or revictimized by the justice system, the social agencies or the restitution plan. Victims of spousal abuse and incest had a wide range of resources they could have gotten in touch with. They had received more support throughout the judicial process and afterwards.

III. Their experiences with the correctional system

1. Access to information

A survey conducted by the Department of the Solicitor General of Canada (2002) shows that victims are satisfied to receive information and appreciate the promptness with which CSC and the NPB fulfil their responsibilities in this respect. Those that I met with expressed the same opinion.

After the perpetrator had been convicted, they were often left on their own; they no longer had anyone to turn to. It must also be recognized that, for many people, the correctional system represented the first door that was open to them... *It was the first time that anyone had shown an interest in us, that we were important to them*, said one victim in recalling everything that had happened since her son's death.

How had they learned that they could obtain information from CSC or the NPB? The interviews revealed that they had been informed by a variety of sources, in most instances by people working in the justice system (police officers, deputy public prosecutor) or victim support services. However, they needed to stumble across the right person and more often than not it took a certain amount of resourcefulness to obtain the information. *The men in the justice system are even more confused than we are*, said one victim in reference to the police officers and prosecutors that she had spoken with.

Once CSC and the NPB recognize them as victims, things go relatively well. In contrast with the previous phases, they no longer have to "chase down" information. It is forwarded to them in a proactive way, thus responding to a need expressed by victims countless times and to the recommendations of many working groups and review committees (federal-provincial group, 1983; Justice Canada, 1990; Department of the Solicitor General of Canada, 2000).

During these various consultations, the victims also recalled the importance of having personal contact, of being able to speak with people who were *dedicated* to them in order to establish and maintain trusting relationships. Research on victims' experiences with the criminal justice system reveals that they are often dealt with in a fragmented way. They are referred from one organization to another and have to tell their story many times. The lack of continuity in services and the accelerated processing of their case serve to make them victims all over again and give

them the sense that no one cares about them. This was the case for many of the people that I met with.

Making victim coordinators responsible for information and accompaniment helps avoid these pitfalls. This is a good decision on the part of CSC and the NPB. The victims I interviewed stressed the quality of their work numerous times. They felt that they were being *listened to*, *provided with guidance in their efforts* and *always well received*.

They appreciated CSC and the NPB passing on information about eligibility dates for the various release programs available to the inmate. They also emphasized that it was important to be kept informed of any plans for escorted or unescorted temporary absences.

It was clear that receiving this type of information confronted them with their victimization all over again. Whenever they received a *letter from the Guy Favreau Complex* they *felt shaky... There is no end to it... It always brings back the same emotions... You always have a sword of Damocles hanging over your head*. When they received a telephone call notifying them that the inmate was to be released from penitentiary, the prospect of *running into him* or the possibility that he might *come back to get them* would resurface. For their part, those responsible for passing on such information often feel uncomfortable because they feel like they are rekindling their fears, stirring up bad memories and bringing unhappiness back to their doorstep. It is as if they are not being left in peace...

It is sometimes difficult to understand this need to know that victims claim. Its effects can be viewed as more harmful than beneficial. What do those concerned think about this? Even though it is difficult, they *would rather be kept informed*. At least they would have some idea of what to expect and would be able to protect themselves when the offender was released from penitentiary. When he was granted temporary absence programs, they chose to stay at home and to avoid going to places where he might be. They felt somewhat reassured when they knew that he was being supervised, that conditions had been imposed on him and that in some cases he was accompanied by an escort. They maintained that it was important for them to receive this information from a first-hand source, namely CSC or the NPB. There was nothing worse than rumours or news circulated by the people around them!

2. The difficulties of accessing information

Although they were entitled to receive certain information under the *Corrections and Conditional Release Act*, their expectations were far from being met. With a few exceptions, the inmate's right to privacy continued to take precedence over the victim's right to information. They raised many questions during the interviews.

When they were afraid of crossing paths with the perpetrator of the offence, why could they not have more detailed information about where he would be going during his release programs? Why could they not be given rough or approximate information such as which city or region he would be in? Why is it so difficult to know exactly where the inmate is serving his sentence? Is it sufficient just to give the location, as provided under the *Corrections and Conditional Release Act*? What justification can there be for a victim who wants to have a restitution order executed to have to pay for a lawyer to find out the address of the offender who defrauded him of his property? How can a victim's right to exercise a civil remedy be respected when the offender's accountability seems so important in the Correctional Service of Canada's Mission Statement?

Why can they not be informed of the inmate's involvement in programming, of his conduct during incarceration, of the reasons for a transfer from one institution to another? Why can those concerned not say whether or not they still consider him dangerous? And finally, why are victims kept in ignorance when their safety is at issue and when they are suffering the ongoing effects of the crime? So many questions remain unanswered.

At the present time, the disclosure of certain information is up to the discretionary authority of CSC and the NPB, while other information cannot be revealed because of provisions of the *Corrections and Conditional Release Act* and the *Access to Information Act*. In what instances can their safety be considered to take precedence over the inmate's right to privacy? How can they assert this? All of this remains a great mystery. It's *confidential*, they give us ready-made answers. In other words, they *don't tell us much*.

If they wanted to find out about what was happening with the inmate, his involvement in programming, the opinions of the professionals dealing with his case, the content of psychological assessments and reports, they had no choice: they had to attend the hearings. This would give them an opportunity to learn more about the inmate's mental state and progress because he would be questioned and representatives of the correctional system would have to express their opinions and share the information they possessed.

The impact of the law of silence

This silence, this response of avoidance served to create a negative image of the correctional system. It showed once again that inmates' rights are more important than theirs, according to the victims. Having to deal with a system that releases information a bit at a time, that demonstrates a lack of transparency by seeking refuge behind obscure standards, made them angry. *They give us nothing but crumbs...* In fact, they did not understand the reasons for failing to disclosing such information, which is *of no interest in terms of national security*, as was said by one person we interviewed. They were all the more indignant at the fact that all of their submissions had to be shared with the inmate, who could even use them at the hearings to manipulate the Board members. They saw this as a double standard.

Their comments also revealed a degree of powerlessness in relation to the stonewalling of the correctional authorities. *I don't know why they can't tell us... That's how it is.* They eventually come to realize that *it's purely administrative...* and that their requests are not really taken into consideration.

Unfortunately, although the victims appreciated the work of the victim coordinators, such practices tarnish the way in which their role is perceived. Like other people who work in the system, *their hands were tied, they spoke gobbledygook* and they had *learned what had to be said*. Despite their good will, the system stifles them... and it's a pity.

3. Attending hearings

The decision of whether or not to attend parole hearings has to be carefully thought out: *You have to know what you're getting into!* Despite the obstacles, almost everyone I interviewed felt that they had to follow through with the process until the end, even if it required a greater emotional investment. Five of them had already attended more than one hearing. All of them had taken this step – or were ready to do so – knowing that they would find themselves in the offender's presence and would have to enter into a world that was not familiar to them and that even aroused fear in them.

When they appeared at the hearings, they already had an idea of what would take place based on what they had seen or heard in the media and on the information they had been given. They did

not always know what to expect, and the extent to which they felt prepared for what would happen during the proceedings varied.

They had spoken about this at length with those around them. Some people had tried to discourage them from attending the proceedings since they wanted to protect them or avoid any further disappointment for them. But all of them had gone to the hearings with a family member or friend they could count on. They said that they appreciated the coordinators, or in some cases a representative of a victim support service, being there. However, having someone close to them there was more important in helping them get through this experience. It meant they did not have to filter their emotions or silence their anger.

They wanted to *be there, to see how things took place, to be kept up to date on the offender's progress, to find out about his mental state, to know whether he had straightened himself out* through programming or treatment since his incarceration. They expected answers that would be able to reassure them, both from the correctional system and from the offender himself. They would be able to hear him when he was being questioned. He would have to explain his actions, to account for what he had done. Those who knew him said that he would not be able to fool THEM. They would know by his behaviour, his tone of voice, *whether he was lying or was sincere*, whether he had changed or had stayed the same. In other words, a number of them felt that they were in a better position than the Board members to determine whether or not he should be released. Attending the hearings would give them an opportunity to make up their own minds or to have what they thought confirmed...

4. Hearing proceedings

They appeared to be sensitive to the reception they had received. They referred to various examples that showed that the Board members were empathetic and understanding of what they may have gone through. Nonetheless, some of them criticized the rather cold and formal atmosphere at the hearing. They found it to be a ritual that was *somewhat theatrical... like at court*. Some of them had been struck by the fact that they had been introduced as victims rather than by their names, as if they were being confined to a status they could never give up. Others did not appreciate the fact that the members appeared to be intolerant or impatient because their attitudes or body language could disrupt the proceedings. A number of them said that they would have liked it if they had had the opportunity to speak to the Board members at the end of the hearing, if the latter had had the sensitivity to ask them if they had anything to add.

On the whole, they were satisfied with what they were able to observe at the hearings. They were generally impressed with the Board members' work. The latter had shown *integrity*, they were *rigorous*, they had a good understanding of their case, they *asked the right questions*, they *went into things in depth*. They showed concern for their safety and they appeared to be *qualified* to perform these duties and were in the best position to make decisions. The victims commented favourably on the manner in which they fulfilled their obligations and had confidence in them.

For a number of the victims, the hearing was also a good experience because the Board members had confronted the inmate. They *questioned him at length* and they *went into things in depth*. In court *he was running the show* but there *they did not let him get away with things*. The roles were reversed... He was *taken down a notch... it was his turn now*. They were particularly satisfied with hearings at which the offender was turned down for parole or for temporary absence programs, which gave them the impression that they had been proven right.

Like judges, Board members are vested with a moral power and authority that was very significant in their eyes. They felt that they were in the best position to determine whether or not the perpetrator should be released and that this decision was not up to them. However, although the victims had accepted this, it did not prevent them from casting a sometimes critical eye on the Board members' work. At some hearings, it seemed to them that one of the members *was not very familiar with the case*, that the case review had been *accelerated* or that the offender had manipulated the members and that they *had not seen what he was up to*. They tended to be more critical when they had attended more than one hearing.

The victims did not say much about institutional parole officers and when they did mention them their comments were mostly negative. They believed that the officers were biased in the inmate's favour. The latter were *less experienced*, *younger* and *less able to take a stand*. Some of them also mentioned unpleasant or aggressive comments that the inmate's lawyer had made about them... attitudes that they considered unacceptable. By and large, however, they talked mostly about the Board members' role and they did so in positive terms.

5. When they decided to make a statement

All but two of the victims I interviewed had decided to make written or oral submissions to testify about the impact of the crime. For many of them, this was the first opportunity they had to talk about the many consequences of victimization in their own and their families' lives. A fair number of them felt that they could shed some light on the facts and on how dangerous the inmate

was. They knew what had happened and were in the best position to talk about it. In many cases they knew the perpetrator of the offence and could provide information that they alone had and that they considered relevant during the NPB's review of the case. WE are the ones who know him, they pointed out during the interviews!

Most of them had chosen to read their statements or to record them on tape because they were convinced that this would be a better way to *touch the Board members* and *influence their decisions*. They could not be insensitive to what they had gone through and *it would be fresher in their minds when they went to deliberate*.

But they also wanted to address the offender personally, *to touch him, to see if he had a heart, if he felt something*; they wanted him to understand that they had been wounded, humiliated or betrayed. It was clear that they were seeking redress through this process. They wanted the offender to be able to express remorse and for this gesture to be *sincere*. But at the same time, they said that they were not very optimistic about his ability to mend his ways. They often came back to his attitude at the hearing to demonstrate that he had learned nothing: *He is taking courses to regret what he did, he's putting on window dressing*. The only thing they had noticed was the way he had behaved in order to *look good* and to get off the hook. More often than not, the hearing had simply confirmed their perceptions and opinions.

Preparing a statement represented a difficult step backwards, a great emotional disruption and a painful look within. During our interviews they talked about how long it had taken them to prepare their statements, to choose the words and render the emotions, those from before and those that continued to dwell within. Family members of homicide victims had made a point of bringing in other family members because they wanted to speak on their behalf. They had had to write more than one version and the tears often flowed when they had to go over what had happened. Testifying about their suffering in front of the person who was the cause of it and in front of *them*, i.e. all those who represent the system, required a tremendous amount of courage and determination. It became almost *a mission...* it was a heavy burden to carry. *It took me four months to get over it... I found it more difficult than the cross-examination in court*, they would say in recalling this experience.

They had been offered a fairly flexible framework that allowed them to say what they had to say at the beginning or end of the hearing and to use different formats. Each one of them had been able to adapt to it according to their own pace and needs, their abilities to write or to speak in public. Some of them, for example, had chosen to record their statements on tape because this was the

least stressful way. Others felt comfortable preparing a written text and were able to do so without too many constraints being imposed on them. In contrast with a statement given to the court, statements given during a hearing are based on a less rigid model. The narrative style makes it easier to give free rein to emotions, which is not the case when having to reply to a closed questionnaire. This format therefore appears to have a greater emotional impact (Sebba, 1998).

The victims nonetheless felt that, despite those accommodations, their right to speak remained limited. They had a number of criticisms to make. They had been given only 10 minutes to make their representations, while the inmate had all the time he wanted to say what he had to say. They had to send in their statements in advance and had to stick to what they had written. They could not add anything or intervene at the hearing to ask questions, set the facts straight, or respond to what the inmate had said. They also had to filter or attenuate what they would have liked to have said. Their emotions had to be held in check: *Everything had to be polite, proper...*

Despite this dissatisfaction and the stress caused by such an undertaking, it was necessary and beneficial for many of them. In testifying at the hearing, they were able to leave behind their role as mere onlookers. Being there and exercising their right to speak gave them a chance in some way to tell the assailant that they were rejecting the silence and domination that had imprisoned them. Doing this enabled them to take back their experience and to leave the status of victim behind. It was clearly *a way of taking control*, of *freeing oneself*, of doing things *with dignity*. They had not known whether *they would be capable of it* and had followed through to the end. All of them talked about how *proud* they were that they had had the courage to speak out. *I couldn't have done any better than that.*

6. Did they have an impact on the decisions that were made?

The victims had a fairly realistic assessment of the impact of their participation. They did not hold too many illusions about this. At the end of the day, it is not up to them to decide whether or not the perpetrator is ready to regain his freedom: *If the authorities believe he is ready to be released, he will be*. Nonetheless, they felt that this was no reason to waive their right to speak or the opportunity to witness the proceedings. Those who had taken advantage of these privileges felt that their participation may nonetheless have had a certain impact. They had been able to slow down the release process, and the NPB and CSC had imposed or put in place conditions intended to better assure their protection. In this sense, their submissions had achieved something. There had nonetheless been some wins or *small victories*.

They had also obtained some answers from the system that had given them a certain amount of comfort. They had been offered an *attentive ear*, they had been *listened to*. In some cases, the Board members had reported their fears or their submissions in the decision registry. They had met with people within the correctional system who had acted with *tact* and understanding. The latter had not been indifferent to their suffering or to their submissions. Although they had sometimes encountered certain attitudes, on the whole they had been treated with respect and courtesy. For some, this experience had matched their perception of the justice system. For others, it had not.

However, regardless of whether the perpetrator was released, participating in this process had given them an opportunity to *testify about what they had gone through* and to *stand tall*. Their *pride in taking back control*, the desire not to let the system decide everything in their place were powerful motivations.

Conclusion

The trial and conviction of the perpetrator of a crime has often been presented as a step that gives victims an opportunity to grieve. They are then expected to be able to “get on with their lives”.

While sentencing represents a recognition by society of the harm they have suffered, it is nonetheless not the end of their journey. Things do not simply fall back into place. The assault marks a specific point in time: there is a “before”, a “during” and an “after” (Morlais and Cerlis, 2002). The perpetrator’s imprisonment and the prospect of his release are part of the “after”...

During this phase, victims’ support networks and co-workers as well as the professionals they deal with may not understand or may judge their reasons for embarking on an undertaking that has uncertain results and that may serve to keep them in the position of victim. They are often perceived as being motivated by a relentlessness that will lead nowhere or by vengeance. The people around them want them to let go. They are encouraged to do so. These attitudes may sometimes be well intentioned but victims feel hurt and misunderstood.

In terms of reporting the crime, precautions for ensuring their safety, the action to be taken against the assailant and other such decisions, the choice must be left up to the survivor (Herman, 1992).

Clearly, the path they must travel is not without difficulty. Although legislation, policies and procedures have been amended to facilitate their participation during the sentence phase of the

process, they remain secondary players. They have the feeling that they are a *bother*. They are intruders in a place where they had been uninvited for a very long time. Their presence may annoy the perpetrator. They force him to take a step back when he has turned to the future and to the fulfilment of his plans. They lead him into a place where he did not want to go... They make him suffer through their words, hear about their feelings. They are still interfering in his business. But this is no reason to refrain from participating. It's *ultra-symbolic to be* there, said one victim during the interviews.

They may also disturb those who work in the correctional system, who are no longer able to work in a vacuum. Simply through their physical presence at the hearing, even when they do not say a word, they remind them of the ongoing effects of the crime. They must contend with the victims' anger and they are forced to see their pain when they talk about what happened. They cannot shut their eyes. The victims' presence creates a degree of discomfort. I was able to observe this when I accompanied victims to hearings. It is as if a lead weight is pressing down on the room. The discomfort is palpable in the way that the inmate is asked certain questions or when the time comes to disclose information about his progress in detention or in the various programs. This discomfort is also perceptible when victims read their statements.

Their participation disrupts what takes place and imposes new demands for which the people conducting the hearing may not be prepared. They no doubt feel powerless. Despite all of their good will, their listening or their compassion, they cannot repair what is irreparable. Nor can they meet all of the victims' expectations.

As was the case during the previous phases, they will once again be confronted with the disparity between the rights of victims and of offenders. They spoke about this at great length. The list of recriminations was long. In every case the tone would rise and the desire to see the perpetrator punished was not far away.

Nonetheless, the victims that I met with were not at war with the parole system or the people working in it. They expressed criticisms that reflected their dissatisfaction with the limitations of the *Corrections and Conditional Release Act*, the narrow-mindedness behind particular practices or a lack of consideration in certain respects. They did this constructively, hoping that their contribution would be able to change things.

They had not experienced the entire process as a revictimization. It is important to point this out. They felt they had been treated with respect by the CSC and NPB representatives they had met

with. None of them said that the experience had crushed them or that they would not do the same thing again if they had to do it over. On the contrary, they expressed a desire to continue until the end, despite the obstacles and their relative impact on the proceedings and the decisions that were made.

Some of them had attended more than one hearing, others only one, while others still had not attended any. Most of them had chosen to make a statement. Some of them felt it was better not to. They had not had the same level of involvement or the same experiences. Nor had they reached the same point in their recovery process.

However, all of them had chosen to fight to regain their dignity and take back their rightful place. They had done things that I would consider to be in keeping with a process of empowerment, expressed through an increase in self-esteem, motivation and an sense of individual responsibility (Damant, Paquet, Bélanger, 2000).

They had wanted to testify about their experiences before those who represent the law, whether the courts or the correctional authorities. Reporting and testifying meant being recognized as victims and gradually freeing themselves of that status.

Being heard has a restorative power. Testifying about the impact of the crime is a gesture of affirmation that challenges those who have continually told them to turn the page and move on to something else. Refusing to keep silent means defying the dictates of those around them and saying out loud that forgetting is impossible or unthinkable.

Speaking involves bringing another person into one's own experience. The victims wanted the court or the correctional authorities to hear about the facts and the emotions associated with the impact of the crime; they wanted them to recognize the objective and subjective reality of the violence they had suffered. The fact of writing or speaking leaves a tangible and permanent trace of the violence that has been inflicted. More than a process of catharsis, it is a form of recourse to the law. In cases of interpersonal abuse, it is an outward act that flows from the ability to recognize what kept them exploited and confined to the role of victim, that says that the person is breaking away from the assailant, who is no longer being protected by silence. Those who had been the victims of spousal abuse or assault by people they knew had learned to renounce blame and guilt. It was not up to them to carry this burden, which belonged to the person who had broken the rules.

Speaking also means testifying about the progress they have made, about being able to say this to the assailant and those who represent the criminal justice system. To see oneself recognized by others holds great importance.

Being able to mobilize oneself to take action is another sign of empowerment, a gesture that attests to strength rather than weakness (Damant, 2000; Herman, 1992; Morais and Cerlis, 2002). It is a way of regaining a degree of control over one's own life, of taking back one's own story.

Empowerment is also tied to the expression of a social consciousness (Damant, 2000). Their own struggle becomes an illustration of a bigger struggle to ensure that justice prevails. A number of the people I interviewed stressed the importance of becoming involved so that *the same thing would never happen again*, so that *the justice system would change* and *victims would have greater access to services*. A number of them expressed a need to write a book to testify about their experiences or to become involved with a victim support organization so that their own experiences *could be of some use, could give hope to other people*.

Their own journey through the correctional system was one of the things they had done to regain their dignity and their place in society. Analyzing it only from the standpoint of victims' rights diminished its meaning and its scope. It was also part of the continuum of everything they had done before to leave the status of victim behind them.

It's something you never forget... You have to live with it... but you get on with your life... you look towards the future... You make your own life, because life is for the living.

This experience was part of a long struggle to *take back their lives, to break the circle of unhappiness* and to keep the memory of those who are no longer here alive.

Their involvement with the correctional system should inspire tremendous respect in us, since it attests to their courage and their determination.

Above all else, they should encourage us to continue improving the way we do things, to be unafraid to do more and do better to meet their needs.

These interviews did not provide all the answers. Rather, they offer us a small glimpse into what these victims experienced, as well as giving them another chance to speak and to be heard...

In my life, the important thing is that no one forgets [my son]. (...) I want to immortalize him. I myself don't count for much, I have no power (...). I tell myself that my son was important, that he was tall, handsome and extraordinary and that, I don't know, there should have been a small plaque, something so that everyone would know his name (...) I haven't given myself a set length of time. I don't know what it will be. I've been talking about a book; it may be something else but it seems that when I go to join him I'll be able to say to myself (...) mission accomplished. (...) I tell myself that when I go to see him up above, he'll hold me close and say to me: Mom, I'm proud of you. (The mother of a young man who was murdered)

I have a philosophy... I tell myself that everything happens for a reason in life. These times have been hard, it hasn't been easy; some of the things I went through were even horrible. But if I don't want to always see the dark side of it all, I have to look at the good side. There was no good side to all that I went through but I have to put it to use. The best way to make use of it is to help other people. (Victim of spousal abuse)

Some issues and recommendations for the correctional system

This study reflects the contributions of the people who participated in the interviews. It should be recalled that it is limited to Quebec and was intended as an exploration. Lessons or conclusions cannot be drawn for all victims and all regions of Canada. Nonetheless, the concerns expressed by the persons I interviewed, their level of satisfaction with their dealings with the correctional system and the obstacles they encountered may at least provide some avenues to be explored in terms of improvements that could be made both to current practices and to the legislation and policies that govern them.

I. The right to be informed

Receiving information enables victims to monitor developments in how the case is being handled by the various authorities, to mobilize their efforts, to have access to services, and to exercise their rights and the avenues of recourse available to them. Numerous studies have all come to the same conclusion: this is the greatest need that victims have (Maguire, 1975; Baril, 1984; Shapland, 1985).

Regarding the right to information, two problems in particular were highlighted during the interviews: access to information and the confidentiality of certain information.

1. Access to information

In Quebec, not many victims take advantage of the provisions of the *Corrections and Conditional Release Act*. After sentencing, information is not given out in a systematic or proactive way. It also appears that those in the best position to relay information are not sufficiently aware or are not sensitive to their needs. These difficulties attest to a compartmentalization of practices and reflect certain deficiencies in the training of the various parties who should be able to keep them properly informed.

It is not a matter of proactively reaching out to all victims. After sentencing, many of them do not want to be involved or to know what becomes of the offender. There can be a variety of reasons for this: confronting the perpetrator is too much of an ordeal; it's not worth the trouble and they want to move on to something else. Their choices have to be respected.

However, it is important to facilitate the efforts of those who need information and to ensure that they are able to take advantage of the other rights conferred on them under the *Corrections and Conditional Release Act*, namely, the right to be heard and to participate in the proceedings.

Recommendation

- Put in place a communications plan in order to identify mechanisms or resources for reaching:
 - victims and making information available from the beginning of the legal proceedings and when the perpetrator is convicted;
 - the professionals in most frequent contact with them.

A variety of methods could be considered:

- Wider dissemination of flyers or brochures at places/services frequented by victims, mainly police stations, courtrooms, victim support services, CLSCs.
- Holding information sessions with resource persons in the criminal justice system, notably investigating police officers, deputy public prosecutor and representatives of victim support services (CAVAC, CALAC and shelters).
- Dissemination of information at specific activities or forums (such as Justice Week, symposiums, interviews with the media, specialized publications).
- Preparation of an information/training tool for instructors/training institutions (such as l'Institut national de police, police technology programs, bar associations, schools of law or criminology).

2. Confidentiality of certain information

The interviews were very revealing in terms of the impact of the silence surrounding the non-disclosure of certain information pertaining to offenders' progress in programs, their behaviour during the incarceration period and the reasons for granting them certain privileges.

Under the current legislation, their requests cannot be granted. This is a major obstacle. CSC and NPB representatives cannot respond to them. To have access to the information they consider most important, victims need to wait for the first hearing and to appear at it. In the meantime, the inmate may have been transferred, and may or may not have participated in various programs, and may or may not have enjoyed certain privileges. In the case of very long sentences, a fair amount of time will have passed before victims have access to the information they require. They will have been left in uncertainty and nothing will have been done to ease their fears. They will also have been left with an image of a system that protects offenders without taking their needs into account.

Of course, the hearing will give them an opportunity to receive many answers to their questions. It must be noted, however, that few victims attend them, either because they have not been informed of them, do not feel up to it emotionally, cannot afford to, or live too far away from the location of the hearing. The decision registry addresses this problem to some extent but for many victims it provides only a partial answer to their questions.

Why do the authorities hide behind confidentiality and respect for the inmate's privacy when they are seeking information that could calm their fears? What about their right to be reassured and protected and to live in safety? Why are the scales tipped in favour of those who committed the harm rather than those who have been adversely affected and who in many cases are still suffering from the repercussions of the crime?

More than 10 years after the enactment of the *Corrections and Conditional Release Act*, representatives of the correctional system are bound by this legislation, which gives rise to a number of inconsistencies... which they moreover recognize. Nothing can be said before the hearing but once that point has been reached all information, with a few exceptions, can be shared.

What is preventing victims from being given information on the offender's progress before the hearing? How would this be detrimental to his reintegration plans? Could there not be a way, for example, with the inmate's agreement, for a report to be passed on by the institutional parole officer or for a meeting to be arranged before the hearing if a victim so requests?

This would presumably make some victims feel more reassured and they could then decide not to come to the hearing. Their attitude towards the perpetrator might change... It might also be in the interest of those in authority to be able to demonstrate the efforts they have made, to attest to their

ability to change. Personalized contact with representatives of the correctional system would no doubt put a more human face of the way things are done and alter certain perceptions of their role and responsibilities.

Recommendations

The current practices could clearly be made more flexible, but as long as the *Corrections and Conditional Release Act* remains unchanged, victims' rights to information will be locked into narrow definitions. CSC or NPB representatives will need to give out information in bits and pieces...

The adoption of policies at CSC and the NPB offers no legal guarantees that victims' rights will be exercised. Considerable discretionary power is left to those working in the correctional system.

Review of access to information provisions

- The *Corrections and Conditional Release Act* should be revised in order to affirm that victims' rights to protection take precedence over inmates' rights to privacy. Access to information stems from the basic recognition of the right to safety, including the right to live one's life in peace.
- With this principle being enshrined in the legislation, the provisions governing access to information should allow victims to be informed about the programs the offender is taking and about transfers and the reasons behind them.
- They should be amended so that victims can find out the penitentiary and not the *location* where the offender is serving his sentence.
- The discretionary power of CSC or the NPB with respect to the disclosure of information that *can* be communicated should be questioned, given that such information, with a few exceptions, is shared at the hearing or placed in the decision registry. The legislation should be drafted in such a way that it refers to rights rather than privileges.
- The decisions made by the institutional heads of federal correctional facilities with respect to temporary absences and work releases should be communicated to victims.

Flexibility in current practices

- Pending a review of the *Corrections and Conditional Release Act*, CSC could respond to the requests of a greater number of victims if, with the inmate's agreement, the institutional parole officer were to communicate certain information, either in writing or at a meeting before the hearing. This would seem to present very little risk... Why not explore this avenue, which would lead to greater flexibility in the current practices?
- It would be worthwhile reviewing and taking stock of practices surrounding the disclosure of information. In what instances and for what reasons has it been considered necessary to give victims more information? What kinds of difficulties did the parties releasing the information face? What were the benefits for the victims? This analysis could take place in collaboration with various stakeholders (such as victim coordinators, institutional parole officers/community parole officers and other CSC and NPB representatives) who have had to deal with victims' requests. Their perspectives are important to this analysis.

II. Protection for victims' privacy

From the standpoint of victims' needs, the right to privacy raises other questions. Should the information provided by victims (such as correspondence) or communicated through the courts to CSC (such as psychological or psychiatric reports) be shared with the inmate? How can it be ensured that these documents do not place the victim in a vulnerable situation in relation to the perpetrator of the offence? Should everything be disclosed to him? In what circumstances or for what type of information should information not be shared? What precautions should be taken? Little is known about the guidelines developed by CSC and the NPB with respect to the sharing of information. How are they applied?

Recommendation

- CSC and the NPB need to take another look at these questions with a view to identifying/reviewing the guidelines governing the treatment of information provided by victims. The experience that has been gained could be used to improve current practices and ensure that the victim's right to privacy is a fundamental value in CSC's and the NPB's operations.

III. Improving victims' participation at hearings

Based on the interviews, it also appears to me that certain things could be improved in order to humanize the practices and more effectively respond to victims' concerns and needs. The improvements suggested do not concern CSC only; a number fall under the NPB's authority.

Recommendations

On the manner in which hearings are conducted

- To improve understanding of the way in which the proceedings are conducted at a hearing, a video that shows what takes place a hearing (fictional scenario) could be prepared for victims. They could watch it before their first hearing and thereby become familiar with the parole process in advance. The video could be accompanied by a brief document that addresses the objectives of a hearing, the role of those present there and the type of request that the NPB may be considering.
- Victims could be given more time for their statements at the hearing. Ten minutes is not much time to testify about an ordeal that has so greatly disrupted their lives. Their right to be heard is severely limited in comparison with the time the offender has.
- When victims are reading their statements, they should be allowed to have eye contact with the offender if they so wish. The proceedings should be set up so that they can speak directly to him if they feel capable of it.
- Lawyers representing inmates should never be allowed to make offensive comments about victims at a hearing. The Board members should intervene to prevent this from occurring, on the part of lawyers or any other person present in the hearing room. Sensitivity training could be provided to lawyers specializing in prison law to make sure that victims do not feel revictimized when they participate in a hearing.
- At the very beginning of the hearing, victims could be introduced by name. They feel belittled when they are introduced in the following ways, for example: *There are victims in the room...* or *relatives of the victims...*

- At the end of the hearing, they could also be thanked for their contribution and for having made the trip and a good word could be said about them. These are small gestures that victims are sensitive to and it is often this type of attention that they remember and that sometimes changes their perceptions of what JUSTICE is. Such gestures demonstrate understanding for them and do not detract in any way from the neutrality of the proceedings.
- Decisions should never be made in the victims' absence other than for exceptional reasons. During the parole phase, as was the case in court, victims expect justice to be served publicly. When decisions are communicated to them outside the hearing, they question the fairness of the proceedings and the transparency of the correctional system.
- In cases of spousal abuse, victims are very concerned about the nature of the relationship that the perpetrator will have with his children and especially for their safety. Will he be able to reconnect with them? Does he want this? How will the measures ordered by the courts with respect to custody of the children or visitation rights be respected? Families affected by these situations are left on their own to deal with such questions. They should be addressed in CSC's assessments and at the hearing. They should not simply be cast aside.

On the decision registry

- The decision registry should reflect victims' concerns and include information about the impact of the crime. Victims appreciate the fact that a document such as this reports on their written and oral submissions. This gives them the message that their participation was important.

On their reception at the penitentiary

- When victims will be attending a hearing, the CSC staff responsible for reception and security at the penitentiary should be notified. Although it is not common, in some instances victims have been treated fairly coldly or in a dismissive manner when they arrived at the penitentiary.

On the postponement of hearings

- In some cases, inmates request that the hearing be postponed, possibly to discourage the victims from appearing. This is a major source of dissatisfaction for victims. In such cases, victims should be able to receive information about the inmate's progress and the reasons the hearing was postponed.

On information pertaining to release programs

- Victims should never be informed about release programs at the last minute and should know exactly where the inmate will be going.

On the cost of travel to attend a hearing

Many victims cannot attend hearings because they cannot afford the costs, which are over and above those they already had to incur after the crime (lost earnings, funeral or legal expenses, moving costs, security measures and so forth). If we want to give victims a larger role in the proceedings, they should be provided with greater support. At the present time they must carry this burden all on their own. The Department of Justice Canada is able to reimburse family members of homicide victims for the cost of travel to attend hearings. However, this provision is not well known and it can be asked whether it is fair for some victims to be entitled to such a provision when others are not.

Recommendation

- That a budget be allocated to facilitate the participation of persons who cannot afford to attend hearings.

Good practices...

The quality of the work of victim coordinators was emphasized numerous times during the interviews. These contact persons are very important in terms of both access to information and guidance in their efforts. The coordinators have established trusting relationships that facilitate victims' experiences through the entire process.

Recommendation

The involvement of victim coordinators deserves to be recognized because they make a significant contribution towards improving the way in which victims feel treated in the correctional system.

IV. Some further avenues to be explored...

It is obvious that victims' participation during the sentence and parole phases will raise further questions from the standpoint of inmate rights.

Is the impact of the crime relevant during this phase? Does it add anything new? How are victims' statements currently taken into account in decision making? Are they likely to lead to disparities in the decisions that are made? Do they influence the Board members and how? These questions have not been very well documented. To date, only Parsonage's study (1992) has examined the impact on decisions of victim statements at hearings. The findings indicate that this is one of the major factors in the decision making process. It should be noted that this study was conducted in 1989 and that no others have been carried out since then on the same topic or on other aspects pertaining to victims' participation in the correctional system.

Does the victim's physical presence at a hearing deprive the inmate of the ability to speak freely and with respect for his rights? Does it create stress that hampers his reintegration?

The perspective of inmates is not without interest. Nor is that of the various representatives of the correctional system who must deal with victims...