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Submission to the Standing Senate Committee on Legal and Constitutional Affairs

Bill C-350

*An Act to amend the Corrections and Conditional Release Act
(Accountability of Offenders)*

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The Office of the Federal Ombudsman for Victims of Crime

The Office of the Federal Ombudsman for Victims of Crime (OFOVC) is an independent resource for victims in Canada. The Office was created in 2007 to ensure the federal government meets its responsibilities to victims of crime.

Our mandate relates exclusively to matters of federal jurisdiction and enables 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 or the Department of Public Safety and Emergency Preparedness, that impact negatively on victims of crime; and
- to facilitate access by victims to existing federal programs and services by providing them with information and referrals.

Bill C-350 *Accountability of Offenders*

Bill C-350 if adopted, would help to ensure that offenders are held accountable for the monetary debts they owe, including spousal and child support, restitution, the Federal Victim Surcharge, and civil judgments. The Bill will ensure that offenders who are successful in obtaining monetary awards from government are mandated to pay their court ordered debts. With respect to restitution and the Federal Victim Surcharge, the Bill provides a mechanism to further hold offenders responsible for providing reparation to victims for the harm they have caused, and to promote a stronger sense of responsibility and accountability.

Context

Financial reparation of harm is a significant issue for victims, as they often suffer tremendous financial burden in the aftermath of crime. Recent 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. In looking at the combined tangible and intangible costs measured in the study, the burden on victims can be even higher- as high as 83%.¹

Victims of crime with this kind of financial burden reasonably expect that monies held by federal offenders be directed first toward satisfying their court-ordered debts, particularly those associated to child/spousal support, and reparation to victims through restitution and federal victim surcharge. Currently, victims who wish to have restitution orders enforced must pursue the matter civilly, which is often prohibitively costly and requires victims to spend even more time fighting to obtain that which already should have been given to them. This is a burden that should never fall to victims. From their perspective, a court has directed that the offender owes these debts, and as such reasonable steps should be taken ensure the payments of these debts by offenders.

Position

Given that Bill C-350 seeks to ensure victims of crime receive the money they are owed and have access to services following a crime, the OFOVC supports its passage into law.

However, the OFOVC also sees opportunities for strengthening this Bill better meet the needs of victims of crime. In our most recent special report, *Shifting the Conversation*, there are several recommendations that relate to promoting the reparation of harm to victims on behalf of offenders, and promoting a stronger sense of accountability and responsibility among offenders.

Two of the recommendations in this report have particular bearing to Bill C-350 under consideration by the Standing Senate Committee on Legal and Constitutional Affairs, as they relate specifically to the garnishment of monies held by federal offenders. Accordingly, the Office recommends that the Committee consider amending the bill to allow for a widening of the garnishment of federal offenders' monies beyond monetary awards received from government, to include inmate wages and/or accounts, and federal government payments.

¹ Ting Zhang, *Costs of Crime in Canada, 2008* (Ottawa: Department of Justice Canada, 2009). See: www.justice.gc.ca/eng/pi/rs/rep-rap/2011/rr10_5/index.html.

Specifically, the Office recommends that:

- **The *Corrections and Conditional Release Act* be amended to provide that the Correctional Service of Canada garnish wages and/or inmate accounts, federal government payments made to offenders (ex: GST rebate cheques, employment insurance, tax benefits, etc.) in addition to monetary awards from Government, in order to satisfy offenders' unpaid spousal or child support, restitution, Federal Victim Surcharge, or civil judgments as outlined in the order of priority set out in Bill C-350.**

Conclusion

The OFOVC generally supports the passage of Bill C-350 *An Act to amend the Corrections and Conditional Release Act (Accountability of Offenders)* into law as it would provide greater support to victims in ensuring they receive reparations. However, the OFOVC does recommend that Bill C-350 be strengthened to further meet the needs of victims of crime by widening of the garnishment of federal offenders' monies as described above. We encourage the Committee to consider this recommendation in order to further promote the accountability of offenders and provision of reparation of harm to victims.