

What victims of crime can expect from the criminal justice system

**VICTIMS OF
CRIME
PROTOCOL**

VICTIMS DESERVE TO BE HEARD

To obtain additional copies of this document, or to ask how to contact victim services in your area, contact:

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Website: www.victims.gov.ab.ca

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Victims of Crime Protocol:
What victims of crime can expect from the criminal justice system

The *Victims of Crime Protocol: What victims can expect from the criminal justice system* is meant to be a useful reference for people who are victims of crime.

The protocol outlines what you can expect throughout the criminal justice process, from the time you report a crime through the police investigation, court proceedings and, if the accused is found guilty, provincial and federal corrections and the National Parole Board. The protocol also tells what is expected of you and what else you can do when you are in contact with the criminal justice system.

The protocol was developed in response to a recommendation in the *Report of the Alberta Victims of Crime Consultation, 2002*, accepted by the Alberta Legislature in 2004.

As recommended, the development process was collaborative. Victims of crime shared stories that helped to shape the document you see before you, and reviewed drafts of the documents. Victims' advice was kept front and centre as the protocol continued to evolve.

The development process also included police, victim services, Crown prosecutors, Court Services, Alberta Correctional Services, community agencies that serve victims, judges, sheriffs, the Office of the Medical Examiner, and military police. Correctional Service of Canada and National Parole Board also reviewed drafts and provided their input.

We would like to thank the victims of crime and all others who took part in developing the *Victims of Crime Protocol: What victims of crime can expect from the criminal justice system*.

This *Victims of Crime Protocol* reflects the commitment of the Government of Alberta to treat victims of crime with courtesy, respect and compassion; to protect their safety and privacy; and to provide timely and useful information to them while they are in contact with the criminal justice system.

Victims deserve to be heard. The *Victims of Crime Protocol* is one of the ways to help make that happen.

Sincerely,



Fred Lindsay
Solicitor General and
Minister of Public Security

Sincerely,



Ron Stevens, QC
Minister of Justice and
and Attorney General

A statement of intention

This booklet explains what happens after a crime is reported to the police, and what standard of service you can expect in your contact with the criminal justice system. The criminal justice system includes police services, victim services, the medical examiner, Crown prosecutors, court services, the judiciary and correctional services.

The criminal justice system cannot make up for the impact of the crime. However, the people who work in criminal justice intend to make sure that what happens after the crime does not make things worse. No matter where you live, we intend to treat you with courtesy and respect, and to provide good service.

If you think the services you received could be improved, please contact the specific service first. Give them a chance to respond to your concerns. Once you have done this, you are welcome to contact:

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This booklet tells you:

- What principles guide the people who work in the criminal justice system when they are in contact with you;
- What you can expect from them after you report a crime;
- What your responsibilities are; and
- What you can do in your contact with the criminal justice system.

We hope this booklet is a helpful reference for you during your contact with the criminal justice system after the crime.

How this booklet is organized

This booklet is divided into three sections:

Part One: OVERVIEW

This section has general information about the Victims of Crime Protocol:

- The vision and principles on which the Victims of Crime Protocol is based
- Who helped to develop the Victims of Crime Protocol
- Who is a “victim of crime” eligible for the services listed in this booklet
- A summary of what you can expect and what you can do when you are in contact with the criminal justice system

Part Two: WHAT YOU CAN EXPECT

This section explains what will happen at each phase of the criminal justice process:

- What services you can receive
- What you need to understand
- What you can do during each phase

There is a sub-section for each phase of the criminal justice process:

- When the crime is reported (red section)
- When the crime is being investigated and when charges are laid (blue section)
- During court procedures (green section)
- At the time of verdict and sentencing (yellow section)
- If the verdict or sentence are appealed (brown section)
- When the offender is under supervision or in custody (pink section)

Each section is color coded, so it is easier for you to find the information you want.

Part Three: MORE INFORMATION

This section includes information that you might find useful:

- Assistance available to you as a victim of crime
- A summary of who does what in the criminal justice system
- A glossary of terms that are used in the criminal justice system

You may want to use this booklet as a reference guide.

- You can read the sections that are most useful to you as your case moves through the criminal justice process.

Victims of Crime Protocol: What victims of crime can expect from the criminal justice system

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Part One: OVERVIEW

A 10-year vision

In 2002, MLA Cindy Ady chaired the Victims of Crime Consultation Advisory Committee. The committee's job was to talk to Albertans about the way they expect the system to treat victims of crime. After the consultations, the committee recommended the following vision. The Alberta government accepted this vision in 2004.

**A 10-YEAR VISION
for programs and services for victims of crime in Alberta**

- A. Victims of crime in Alberta have timely access to information, effective services and supports.
- B. Alberta has a justice system that recognizes and treats victims with respect.
- C. Stable and ongoing funding for essential services for victims of crime is a priority shared by government and community.
- D. Individuals working with victims have the knowledge and skills to respond to the needs of those they serve.
- E. Victims of crime with unique needs, including Aboriginal people, have access to services.
- F. Alberta supports restorative justice programs in which victims feel safe and empowered, offenders are held accountable and communities are involved.

Alberta Victims of Crime Consultation Advisory Committee
Report of the Alberta Victims of Crime Consultation, 2002
Accepted by the Alberta Legislature in 2004

This is what Alberta is working towards. No matter where you live in Alberta – an urban or rural community; a municipality, First Nations or Métis settlement – this is the vision the Government of Alberta wants to achieve.

Everything in this booklet is intended to reflect the vision of how Alberta's criminal justice system treats victims of crime.

PRINCIPLES

for how the criminal justice system treats victims of crime

In 2005, the Government of Alberta amended the *Victims of Crime Act* to include the following principles:

Section 2(1) The following principles apply to the treatment of victims:

- (a) victims should be treated with courtesy, compassion and respect,
- (b) the privacy of victims should be considered and respected to the greatest extent possible,
- (c) all reasonable measures should be taken to minimize inconvenience to victims,
- (d) victims should promptly receive, in accordance with this Act and the regulations, financial benefits for the injuries that they have suffered,
- (e) the safety and security of victims should be considered at all stages of the criminal justice process, and appropriate measures to protect victims from intimidation and retaliation should be taken when necessary,
- (f) information should be provided to victims about the criminal justice system and the victim's role and opportunities to participate in criminal justice processes,
- (g) information should be provided to victims, in accordance with prevailing law, policies and procedures, about the status of the investigation, the scheduling, progress and final outcome of the proceedings and the status of the offender in the correctional system,
- (h) information should be provided to victims about victim assistance services, including the Victim Impact Statement Program, requesting restitution, means of obtaining financial reparation and other assistance and programs,
- (i) the views, concerns and representation of victims are an important consideration in criminal justice processes and should be considered in accordance with prevailing law, policies and procedures,
- (j) the needs, concerns and diversity of victims should be considered in the development and delivery of programs and services and in related education and training, and
- (k) information should be provided to victims about available options to raise their concerns when they believe that these principles have not been followed.

People in the criminal justice system are committed to honouring these principles. The principles are the foundation of the *Victims of Crime Protocol*.

The rest of this booklet explains what these principles mean to you as a victim of crime.

Who helped to develop the Victims of Crime Protocol?

Consultation

The following groups of people helped to develop the *Victims of Crime Protocol*:

- Victims of crime
- Community agency representatives who work with victims of crime
- Aboriginal people who work with victims of crime
- Police
- Victim Services Units
- Office of the Crown Prosecutor
- Office of the Medical Examiner
- Court Services
- Judges
- Sheriffs
- Alberta Correctional Services
- Correctional Service of Canada
- National Parole Board

Most of these people took part in focus groups to talk about the principles for how victims of crime are to be treated. They talked about what they thought the *Victims of Crime Protocol* should say and provided input to revise and improve it.

Victims of Crime Protocol Committee

A committee guides the development of Alberta's *Victims of Crime Protocol*. The Victims of Crime Protocol Committee includes representatives of the following organizations:

- Alberta Solicitor General and Public Security
 - Victims Services Branch, Public Security Division (project lead)
 - Policing Services, Standards and Evaluation Branch, Public Security Division
 - Correctional Services Division
 - Communications
- Alberta Justice and Attorney General
 - Prosecutions, Management and Leadership Services, Criminal Justice Division
 - Court Services Division
 - Civil Law, Legal Services Division
- Aboriginal Justice Initiative
(a joint initiative of Alberta Solicitor General and Public Security and Alberta Justice and Attorney General)
- Alberta Police-Based Victim Services Association
- RCMP "K" Division
- Alberta Association of Chiefs of Police
- First Nations Chiefs of Police

What is the Victims of Crime Protocol?

The *Victims of Crime Protocol* is a set of services and procedures that victims of crime can expect from the criminal justice system in order to honour the principles in the *Victims of Crime Act*.

Services provided under the *Victims of Crime Protocol* are described in this booklet. People who work in the criminal justice system are expected to follow these procedures and provide these services in their contact with victims of crime.

Victims of crime also have responsibilities during their contact with the criminal justice system. These responsibilities are described in this booklet.

One of the important responsibilities of a victim of crime is to tell the people who work in the criminal justice system of their wish to receive the services described in this booklet. For this reason, this booklet explains what services are provided only when requested. The booklet also provides contact information for people who can respond to victims' requests.

Who is a victim of crime?

Direct victims of crime

In the *Victims of Crime Protocol*, a "victim of crime" is anyone who has suffered a loss or been the direct subject of a crime. For example, someone who was assaulted or robbed is a victim of crime.

If a person died because of the crime, the immediate family members of the person who died are considered to be direct victims of the crime. Immediate family members include parents, children, spouse or common-law partner, or in some cases, brothers or sisters.

If a request is made, people in the criminal justice system are expected to provide direct victims with the services described in this protocol.

In rare cases, people in the criminal justice system may not provide the services because:

- Providing the service would interfere with an investigation or court proceeding; or
- Providing the service would cause a safety problem for someone.

Indirect victims of crime

Sometimes other people besides the direct victim are affected by a crime. For example, someone who witnessed the crime, or someone who has a relationship with the direct victim of crime could also be affected by the crime. These are called indirect victims of crime.

Except in cases where the victim died because of the crime, people in the criminal justice system are not expected to provide services in the *Victims of Crime Protocol* to indirect victims. However, in some cases, a person in the criminal justice system may choose to provide services to an indirect victim of crime.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Services to vulnerable victims and victims of serious or violent crime

All direct victims of crime are eligible to receive the services described in this booklet but, depending upon the seriousness of the crime, they may have to ask for the services. In some cases, victims will receive services without having to request them.

People in the criminal justice system take the initiative to provide victims services, whether or not they have been requested, for victims of crime who are:

- The immediate family members of a victim of crime who died as a result of that crime;
- Victims of a serious or violent crime, such as those that result in serious injury or loss; and/or
- Vulnerable or intimidated victims, such as children, people with disabilities, or people who could be subject to extra risks because of their cultural or family situation, or because of their relationship with the accused person.

The exception is the Office of the Crown Prosecutor. Crown prosecutors will only take the initiative to provide services for victims of crime who are:

- The immediate family members of a victim of crime who died as a result of that crime; or
- To other victims of crime if victims request the service, or if someone else requests the service on behalf of the victim.

Any victim of crime can receive any of the services described in this booklet if they request the service, or if someone else requests a service on their behalf.

Summary: What you can expect. What you can do.

The list below is a summary of the services you can expect at each step in the criminal justice process. The list also tells you how you can take part in the process.

The specific colour-coded sections of this booklet give you more details about each step of the process.

When you report a crime (red section)

- **What you can expect**
 - The police will respond as fast as they can.
 - The police will tell you what they are going to do next.
- **What you should do**
 - Report the crime.
 - Give the police a witness statement when they ask you for one.
- **What else you can do**
 - You can find out what help is available to you through victim services.

During a police investigation (blue section)

- **What you can expect**
 - You will get information about victim services.
 - You will get information about the investigation process. If you ask, the police will let you know:
 - How the investigation turned out and if charges were laid;
 - What the charges are; and
 - The name of the accused (the person charged with the crime).
 - If you ask, the police or victim services can explain what happens next in the criminal justice process.
- **What you should do**
 - Give information about the crime to the police.
 - Cooperate with the investigation.
- **What else you can do**
 - Tell the police or victim services if you are concerned about your safety.
 - Ask the police to let you know how the investigation is going. Ask them for the police file number of your case. Make sure they know how to contact you.
 - Find out what help is available to you through the Victim Services Unit. Ask victim services for information about:
 - How to request restitution; (“Restitution” is a court order for the offender to repay you for some or all of the expenses caused by the crime)
 - How to apply for financial benefits; (“Financial benefits” are funds that may be available if you were injured by the crime)
 - How to prepare a victim impact statement. (A “victim impact statement” is a statement that tells how the crime has affected you)

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- Keep a record of how the crime is affecting you. This will be helpful if you decide to prepare a victim impact statement.
- If the media are involved, get advice from victim services or the police. You can ask a trusted friend or family member to be your family's contact with the media.
- When charges are laid at the end of an investigation:
 - Tell the police about your safety concerns, if the accused person is released on bail.
 - Complete and submit a request for restitution. Victim services can help you with the application form.
 - If you have not already done so, apply for financial benefits if you were injured by the crime. Victim services can help you with the application.
 - Prepare and submit a victim impact statement. Victim services can explain to you how to prepare and submit it.
 - If you are going to be a witness for the Crown, make sure the Crown prosecutor knows about any special needs that could affect your ability to testify.
 - Choose one person to be your family's contact with the criminal justice system if a family member died because of the crime.

During court procedures (green section)

- **What you can expect**
 - The Victim Services Unit can help you find out when and where hearings and trials will take place.
 - You can ask victim services for information about what to expect during the court process. Someone may be available to go to court with you.
 - If you are a witness and you have special needs, you can ask for extra help to make it easier for you to give evidence to the court.
 - Every reasonable effort will be made to protect your safety and security in the courthouse.
- **What you must do**
 - If you receive a subpoena, you must be a witness in a hearing or trial. (A "subpoena" is a court order that tells you to be in court at a certain time and place.)
- **What else you can do**
 - Make sure the Crown prosecutor and Victim Services Unit know how to contact you.
 - Make sure the Crown prosecutor knows about any special needs that you may have so that you can testify as a witness for the Crown. Make sure the Crown prosecutor knows about your special needs as soon as possible after charges are laid.
 - Make sure your victim impact statement is at the courthouse several days before the first court procedure.
 - Arrange for a court orientation session with the Victim Services Unit.
 - Arrange for someone to go with you to court.
 - If the police gave you a copy of your witness statement, bring it to court.
 - Arrive early at the courthouse.

At the time of the verdict and sentencing (yellow section)

- **What you can expect**
 - If you ask, the Victim Services Unit or the Office of the Crown Prosecutor will see that you are told the outcome of the trial if you are not in the courtroom.
 - If the accused is found guilty and if you ask, the Office of the Crown Prosecutor will see that you are told when sentencing will take place.
 - You may have submitted a victim impact statement that explains how the crime affected you. If you did, the judge will use it as part of the sentencing procedure.
- **Legal opportunities**
 - If the accused person is found guilty:
 - You have the right to ask to read your victim impact statement out loud in court. You can also ask that someone else read your victim impact statement out loud on your behalf. It is the judge's decision whether to let someone else read it out loud.
 - You can apply for restitution. ("Restitution" means the offender repays you for some or all of the expenses the crime caused.)
- **What else you can do**
 - Tell police or victim services if you have safety concerns, so they can arrange help to keep you safe.
 - If you have not already done so, prepare a victim impact statement and deliver it to the courthouse as soon as possible.
 - Make sure victim services or the Crown prosecutor knows how to contact you. You must do this if you want them to let you know the day, time and place of sentencing hearings.
 - If the judge ordered the offender to pay restitution, make sure the Court Services Office knows how to contact you when the offender makes a payment.

If the verdict or the sentence is appealed (brown section)

- **What you can expect**
 - If you ask ahead of time to be notified, the Office of the Crown Prosecutor will see that you are told if an appeal has started.
 - If you ask, the Office of the Crown Prosecutor will see that you are told the date, time and place of the appeal hearing and the outcome of the appeal hearing.
 - You may attend the appeal hearing.
 - The Court of Appeal publishes all written judgments on its website: www.albertacourts.ca. You can get a copy from the website. If you ask, the Office of the Crown Prosecutor can give you a copy of the outcome of the appeal hearing.
- **What you can do**
 - If you want to find out where and when an appeal is happening, make sure the Victim Services Unit or the Crown prosecutor know how to contact you.
 - Ask the Office of the Crown Prosecutor for a copy of the Court of Appeal's decision.

When the offender is under supervision or in custody (pink section)

- **What you can expect**
 - Victim services can tell you about what happens after the judge sentences the offender.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- If you ask, the provincial or federal correctional service or the National Parole Board may be able to tell you when they are considering releasing or are going to release the offender from custody.
- You may have something you want to tell the correctional service or National Parole Board about the offender being released from provincial jail or federal prison. They will consider what you have to say when they make their decision.
- **Your legal responsibility**
 - Under the *Youth Criminal Justice Act*, if the correctional service gives you information about a young offender, you must make sure that you do not allow the information to be made public. If you do release it, you have broken the law.
- **What else you can do**
 - Find out how to contact the organization that is supervising the offender. Ask the Victim Services Unit to help you.
 - Make sure Court Services knows how to contact you, so they can tell you if the offender makes a restitution payment.
 - Ask for information about the offender's release into the community. The organization that supervises the offender will have its own rules about giving out this information. You may not get all the information you ask for.
 - Make sure the probation officer, the provincial jail or federal prison knows how to contact you to give you information about the offender.
 - Tell the probation officer if the offender breaks a sentence condition.

The specific colour-coded sections of this booklet give you more information about everything in this summary.

Part Two: WHAT YOU CAN EXPECT

When you report a crime

Part Two: WHAT YOU CAN EXPECT

You can expect...

When you report a crime

- The police will respond as fast as they can.
- The police will tell you what they are going to do next.

What service you can expect

All direct victims of crime can expect

- The police will answer your call as fast as possible and take it seriously. They will treat your call with the understanding it deserves.
- The police will let you know what they are going to do next. If necessary, they will send a police officer to see you.
- At the scene of the crime, the police will make sure you get any immediate medical help you need. They will make sure you are safe right away.
- With your permission, the police may arrange for the Victim Services Unit to help you.

If this is a serious or violent crime

- Victim services may contact you to follow up on what happened, and give you information as well as emotional and practical support. They can help you understand what will happen during the investigation.

Things that are important to understand

- Police answer as fast as they can. The time it takes them will depend on many things, including how urgent your situation is. It will also depend on what other situations they are dealing with at the same time.
- The police give priority to serious and violent crimes.
- Nearly all police services in Alberta have a Victim Services Unit. Victim services will give you support and information about the criminal justice system. They can also tell you about other places to get help. Contact your nearest police service to connect with the Victim Services Unit.

What you can do as a victim of crime

What you should do

- Report the crime.
- Give a witness statement when the police ask you for one.

What else you can do

- You can find out what help is available to you through victim services.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Part Two: WHAT YOU CAN EXPECT

During a police investigation

You can expect...

During a police investigation

- You will get information about victim services.
- You will get information about the investigation process.
- If you ask, the police will let you know:
 - How the investigation turned out and if charges were laid;
 - What the charges are; and
 - The name of an accused (the person charged with the crime).
- If you ask, police or victim services can explain what happens next in the criminal justice process.

What service you can expect

All direct victims of crime can expect

- Police will do their best to find the person responsible for the crime.
- Police will give you the police file number, the name of the investigating officer and his or her phone number.
- Police will ask you to give them a statement about what happened. This is called a witness statement.
- You can ask police to give you a copy of your witness statement.
- Police will give you information about how to contact the nearest Victim Services Unit.
- Either victim services or the police will:
 - Explain that you can complete a victim impact statement.
 - Give you information about the Financial Benefits Program.
 - Explain how to ask that the offender pay restitution. (“Restitution” is an order that requires an offender to repay a victim as part of the sentence.)
- The police or victim services will answer your questions about the investigation. They can tell you if the investigation is still going on or if they are likely to lay charges. You are allowed to have this information, but the police or victim services may need to confirm the information and call you back.
- The police and victim services cannot give you information that could interfere with the investigation.
- They cannot give you information that could affect someone’s safety or security.
- They cannot give you names or contact information for other victims or other witnesses.
- You can ask the police to let you know if they lay charges.

- During a police investigation, victim services can give you information about:
 - The criminal justice process;
 - How to get a protection order;¹
 - How to find a shelter or a safe place;
 - How to ask for restitution;
 - How to apply for financial benefits if you suffered physical or emotional injury because of a violent crime in Alberta ;
 - Where else to get help in the community (medical, social, psychological, financial or legal); and
 - How to have your property returned quickly, if it can be returned.
- If charges are laid, you have the right to prepare and give the court a victim impact statement that tells how the crime affected you. Victim services can explain how to complete a victim impact statement after charges are laid, and where to send it.

In addition, if this is a serious or violent crime

- Police will refer you to the Victim Services Unit and arrange for them to contact you.
- The investigating officer will let you know if the investigation is continuing, suspended or closed. However, the investigating officer cannot give you information that could interfere with the investigation or affect someone's safety or security.
- The police will tell you when they lay charges and what the charges are. They will also let you know the status of the accused. ("Status" means whether the accused person is in jail or in the community.)
- Sometimes the court puts restrictions or limits on the accused. If this happens, the police will tell you.
- The police or victim services will explain what is likely to happen next in the criminal justice process.
- If circumstances permit, the police will share the news release with you before they release it to the media.
- If you are worried about your safety, tell the police.
 - Police can tell the judge at a bail hearing about safety concerns. This information may impact whether the accused is released from jail, and the conditions for the release. ("Release conditions" are the rules that the accused has to follow when he or she is out of jail and back in the community. For example, the court might order that the accused must not contact the victim, or must not consume alcohol.)
 - If police know about your safety concerns, they will let you know if the accused is going to be released from jail. They will tell you if there are any release conditions.

¹ "Protection order" is explained in the glossary at the back of this booklet.

Things that are important to understand

Police focus on investigating the crime

- The police get information and evidence about the crime by talking to the people involved. They may need to speak to you several times during the investigation.
- The first priority of the police is to find the person responsible for the crime. However, to lay charges and get a conviction, they must have enough evidence. Without strong evidence, the charges may not stand up in court. Sometimes, the police think they know who committed the crime but they do not have enough evidence to prove it.
- Police place priority on serious and violent crimes.
- The police will usually tell you how the investigation is going. However, they will not tell you about it if it would:
 - slow down the investigation;
 - put the investigation at risk;
 - put the prosecution's case at risk; or
 - affect someone's safety or security.

If you are worried about your safety, ask for help

- You might be worried about your safety. Maybe you think the person who committed the crime will come back to hurt you. If you think this could happen, be sure to tell the investigating officer or victim services. They may be able to help you find a shelter or a safe place. They can also make sure you know what other choices are available for helping you to stay safe, including:²
 - Get an emergency protection order;
 - Get a Queen's Bench protection order;
 - Get a peace bond;
 - Get a restraining order;
 - Get a firearm prohibition order;
 - Find out the release conditions of the offender; and
 - Develop a safety plan.

If a family member died as a result of the crime, the medical examiner must be involved

- The Office of the Chief Medical Examiner carries out an investigation when a death occurs suddenly or cannot be explained. These types of deaths in Alberta are investigated under the *Fatality Inquiries Act*.
- The medical examiner carries out an investigation to determine:
 - Who died?
 - Where did they die?
 - When did they die?
 - Why did they die?
 - How did they die?

² Each of these options is explained in the glossary at the back of this booklet.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- When a crime results in death, the medical examiner:
 - Takes charge of the body at the scene of the crime. Unless the medical examiner gives permission, the body is not moved or disturbed in any way.
 - Determines whether an autopsy is necessary in order to determine the cause and manner of death.
 - The medical examiner does not need permission from the next of kin to perform an autopsy.
 - An autopsy is an intricate medical procedure that often requires laboratory tests.
 - The final results may take not be available for weeks or months.
 - Completes a death certificate.
- The medical examiner makes every effort to complete the investigation quickly and efficiently so the body can be released to the next of kin.
 - Family members can proceed with funeral arrangements while the investigation is proceeding.
 - The deceased will be released upon completion of the examination.
- Family members are encouraged to wait until the victim is at a funeral home before they view the body.
- The medical examiner's reports are available to the adult next of kin.
 - If you want a copy, you will need to ask for it by writing to the Chief Medical Examiner's office.
 - The reports may not be available to next of kin for several weeks or months.
- For assistance or further information, contact staff in the Edmonton or Calgary Offices of Alberta's Chief Medical Examiner. They will assist you with any further questions or concerns, including costs for copies of reports.

Edmonton

7007-116 Street NW

Edmonton, Alberta T6G 5R8

Phone: (780) 427-4987

To call this number toll-free, phone 310-0000 and ask for (780) 427-4987.

Fax: (780) 422-1265

Calgary

4070 Bowness Road NW

Calgary, Alberta T3B 3R7

Phone: (403) 297-8123

To call this number toll-free, phone 310-0000 and ask for (403) 297-8123.

Fax: (403) 297-3429

As a victim of crime, you may be eligible for financial benefits

- If you have suffered a physical or emotional injury because of the crime, you may be able to get financial benefits. Financial benefits **do not** depend on whether the police lay charges.
- Call the Financial Benefits Program at (780) 427-7217 to see if you are eligible. To call toll-free, phone 310-0000 and ask for (780) 427-7217.

- Victim services can help you apply for financial benefits.
- For most crimes, you must apply for the benefits within two years after the crime.
- After you have applied, it can take on average about four months to find out if you will get the benefits.

Keep notes about how the crime is affecting you

- While the police investigate the crime, keep notes about how the crime is affecting you. The information will be useful later if charges are laid and you choose to prepare a victim impact statement.

You may be the subject of media attention

- If your case is the subject of media attention, reporters may call you directly.
- Victim services may be able to give you advice about how best to deal with the media.
- You are not required to speak to the media. However, you may speak reporters if you wish.
- You and your family may ask someone you trust to be your contact with the media. This could be a close friend or a family member. Ask the media to contact only that person.
- If this is a serious or violent crime and you ask for help, the police may be willing to help you deal with the media.

The accused person may be released on bail after being charged

- Sometimes people you consider dangerous are released on bail. **(Note: In Canada, the official justice system term that means “bail” is “judicial interim release”.)**
- The accused may get bail and be released to the community before the trial. The bail may have certain rules and conditions. For example:
 - There may be a no-contact order. (A “no-contact order” means the accused is told not to contact the victim of crime.)
 - The court may tell the accused not to consume alcohol.
 - There may be a curfew. A curfew means that the accused has to be at home during certain hours.
 - The accused may have to report to a probation office or a police detachment.
 - The accused may have to post a financial guarantee. (A “financial guarantee” means the accused person must pay a certain amount of money. If the person follows the bail conditions, the money will be returned. If the person breaks the bail conditions, he or she may lose the money. The case goes to a Court of Queens’ Bench hearing to get a decision about the money.)
- If there is bail, the police or victim services can explain the bail conditions to you and help you get a copy of them.

The accused person may plead guilty and be sentenced quickly.

- The accused person may plead guilty at the first court appearance. If this is a serious offence, and if the Crown prosecutor or victim services have advance information, they will try to let you know.

- Sentencing can happen as soon as the accused pleads guilty. This is why it is important for you to let the police and victim services know that you plan to prepare and submit a victim impact statement.
- The Crown prosecutor can ask the judge for an adjournment so you can have time to prepare and submit your victim impact statement. (An “adjournment” is a pause in the court proceedings.) The judge decides whether to grant the adjournment.

The accused person may not go through the formal court process

- Sometimes the accused person does not go through the formal court process.
 - The Crown prosecutor might send an adult accused person to the Alternative Measures Program for Adult Offenders, or
 - The Crown prosecutor might send a young offender to the Extrajudicial Sanctions Program for Young Offenders.

The Alternative Measures Program

- The Alternative Measures Program may be offered to adults who meet the offender and offence criteria, if the use of alternative measures is appropriate in regard to:
 - The interests of society;
 - The needs of the alleged offender; and
 - The interests of the victim.
- Adult offenders are eligible for the Alternative Measures Program if they admit responsibility for the offence and agree to participate.
- Offenders sign an agreement that explains the sanctions. (The “sanctions” are what the offender must do. For example, the offender may have to write a letter of apology or an essay, donate to a charity and/or do community service work.)

The Extrajudicial Sanctions Program

- The Extrajudicial Sanctions Program may be offered to young people who are charged with less serious crimes. Being part of the program means that young people do not have to go through the formal youth justice process. (“Extrajudicial” means outside the regular justice system.)
- The program gives the young person a chance to take responsibility for the crime by doing community work and/or apologizing to the victim. The program will try to contact the victim for input about what the offender has to do.
- Under the *Youth Criminal Justice Act*, if a young person has an extrajudicial sanction, the victim can get information on the offender’s identity and sanctions. To obtain this information, the victim must make a request to the Office of the Crown Prosecutor and the Executive Director of the Young Offender Branch of Alberta Solicitor General and Public Security. The Victim Services Unit may be able to help you make the request.

The charges and what happens next may not seem right to you

- The kind of charges the police lay or what happens afterwards may not seem fair to you. It may not reflect your opinion about how serious the crime was. That does not mean that the justice system did not take the crime seriously.
- It means the charges that the police laid and that the Crown prosecutor proceeded with were the charges that the evidence supported. When there is not enough evidence to support a charge, a charge will not be laid or the charges may later be withdrawn by the Crown prosecutor.
- You might prefer that the accused go to court instead of being able to access a program outside the formal court process.

Usually, only two kinds of offenders have access to these programs:

- First-time adult offenders who plead guilty and agree to participate, or
 - Young offenders whose crimes are less serious in the eyes of the criminal justice system.
- Using one of these programs does not mean that the criminal justice system did not take the offence seriously. It means that the police and the Crown prosecutor believe this is a better approach than the formal court process.

What you can do as a victim of crime

What you should do

- Give information about the crime to the police.
- Cooperate with the investigation.

What else you can do

- **From the beginning, cooperate with police and victim services**
 - Give the police information about the crime.
 - Contact the Victim Services Unit to find out what services may be available to you.
 - If you contact the police, tell them the police file number to make it easier for them to give you up-to-date information.
 - Make sure that the police know how to get in touch with you.
 - Let the police do the investigating. Contact the investigating officer to find out what is happening with the investigation.
 - Tell the police or victim services if you have concerns about your safety.
- **Keep your own records**
 - Ask the investigating officer for a copy of the statement you gave to the police. If there is a preliminary hearing or trial, bring this statement with you to court.

- Keep a record of the impact the crime has on you. This will be helpful later if you decide to complete a victim impact statement.
- **Ask for help in dealing with media**
 - If the media contact you, consult with victim services or the investigating officer. The media can have a positive or a negative impact on an investigation. Victim services and the police have experience with the media and can help to avoid a negative impact.
 - Ask victim services or the investigating officer for advice if you decide to contact the media. You can benefit from their experience before speaking with reporters.
 - Ask someone you trust to be your family's contact with the media. This could be a close friend or a family member. Ask the media to contact only that person.
- **If you have been injured because of the crime**
 - You can apply for financial benefits if you were injured as a result of the crime. Victim services can help you with the application form.
- **If you want to ask for restitution**
 - You can ask for restitution. Victim services can provide you with information and the forms to complete.
- **If the police lay charges**
 - Ask the investigating officer to tell you the name of the accused person after charges are laid.
 - Make sure the police know if you have concerns for your safety. They can ask the court to deny bail or release the accused under certain conditions.
 - If you have not already done so, complete and submit your request for restitution. Victim services can help you with the application form.
 - Prepare a victim impact statement that explains how the crime affected you. Deliver your victim impact statement to the courthouse after the police lay charges.
- **If you have special needs**
 - If you have special needs and you are going to be a witness for the Crown prosecutor, tell the police or victim services. They can make sure the right people know of your needs, so they can take steps to apply for arrangements that would make it easier for you to testify. For example, the court can allow you to testify behind a screen or have someone translate or interpret.
- **If a family member died because of the crime**
 - You can choose one person to be the contact person with the criminal justice system on behalf of the family. That person may be a family member or a person the family knows and trusts.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- The person you choose speaks on behalf of the family. He or she passes information between the family and the police, victim services and the Crown prosecutor.
- Having a family spokesperson makes it easier for you to be sure your family knows what is happening.
- Your family can apply for financial benefits. Victim services can help you with the application form.

Victims of Crime Protocol:
What victims of crime can expect from the criminal justice system

Part Two: WHAT YOU CAN EXPECT

During court proceedings

You can expect...

During court proceedings

- The Victim Services Unit can help you find out when and where hearings and trials will take place.
- You can ask victim services for information about what to expect during the court process. Someone may be available to go to court with you.
- If you are a witness and you have special needs, you can ask for help to make it easier for you to give evidence to the court.
- Every reasonable effort will be made to protect your safety and security in the courthouse.

What service you can expect

All direct victims of crime can expect

- If you ask the Victim Services Unit, they can help you find out about the date, time and place of court proceedings.
- If you ask, the Victim Services Unit can also:
 - Explain the court process and the terms used, so you know what to expect before, during and after a court process.
 - Arrange for a court orientation. This will help you know what to expect at the courthouse where the hearing or trial will take place.
 - Accompany you to court, if the Victim Services Unit has someone available.

If you are a witness who must testify at a preliminary hearing or trial

A preliminary hearing is a court proceeding to find out if there is enough evidence to justify having a trial. At a trial, evidence is presented to help decide if the accused person is guilty or not guilty of the crime.

- You will get a subpoena that tells you the date, time and place of the court proceedings. A “subpoena” is a court order that requires a witness to appear in court to give testimony.
- Usually, a victim of crime is a witness for the Crown prosecutor. However, on rare occasions, the defence may also call a victim to be a witness.
- The lawyer that calls you as a witness (the Crown prosecutor or the defence lawyer) may wish to interview you before you appear in court. This is done to review the strength and accuracy of your testimony.
- If you are a witness, you can ask for a meeting with the Crown prosecutor.

- At the courthouse, witnesses are usually excluded from the courtroom. That means you are not allowed in the courtroom until it is your turn to testify. You have to wait outside the courtroom or stay in a waiting area for witnesses if the courthouse has one.
- Not all courthouses in Alberta have separate waiting areas for witnesses. This means you may be waiting outside the courtroom in the same area as friends or relatives of the accused.
- While you are waiting outside the courtroom, do not discuss your testimony with any other witnesses.
- Someone from the court will call you into the courtroom only when it is time for you to testify. When your name is called, you will be directed to the witness box. You will give your evidence from there.
- Someone from the Victim Services Unit may be able to go to court with you. That person can also sit with you after you have given testimony in court.

Your rights as a witness

- As a witness, you have certain rights.
- It is illegal for you to be harassed or influenced by others in your role as a witness.
 - This is an offence known as obstructing justice. A person found guilty of obstructing justice could be sentenced to as long as ten years in prison.
 - If someone harasses you or tries to influence what you say as a witness, immediately report this to the police or the Crown prosecutor's office.

If you have travel expenses

- If you must travel to another community to be a witness for the Crown prosecutor, you can be reimbursed for the following expenses:
 - Reasonable travel costs:
 - You will be paid the standard government rate per kilometre if you travel in a private vehicle.
 - You will be paid the actual cost of public transit fare, commercial bus fare or airfare.
 - Reasonable accommodation expenses if you have to stay overnight.
 - Reasonable meal expenses if you have to go to a restaurant for meals, but no alcohol expenses.
- In order to be paid:
 - For public transit, commercial bus, train or air travel, you need to submit receipts or other proof of expenses.
 - For travel in a private vehicle, you need to provide the number of kilometres.
 - For overnight accommodation, you need to provide receipts or other proof of expenses.
 - For reasonable restaurant expenses, it can work in two ways:
 - You can either hand in receipts for the actual cost, or
 - Be paid at the standard government rate for meals. Alcohol is not covered.

- Victim services can explain how to claim these travel expenses and refer you to the Court Clerk who administers travel claims.

In addition, if this is a serious or violent crime

- If you are a member of the immediate family of a person who died as a result of the crime, the Crown prosecutor will tell you if they are going to stop or change the charges.
- If you are the victim of a serious or violent crime, such as one, which resulted in serious injury or loss, the Crown prosecutor or Victim Services Unit will see that you receive information if the Crown prosecutor is going to stop or change the charges, if you request it.
- If you are going to be a witness for the Crown prosecutor, you will get a subpoena (A “subpoena” is a court order that requires a witness to appear in court to give testimony.) The subpoena will tell you when and where the court hearings and trials will take place.
- If necessary, the Crown prosecutor will meet with you ahead of time. You will have the opportunity to review your witness statement. If you gave evidence at a preliminary hearing, you may also review that evidence.
- If you are not going to be a witness, you can ask victim services to tell you when and where the court hearings and trials will take place.

Things that are important to understand

If you are a witness and have special needs

- Decide if your special needs would:
 - Make it difficult for you to understand what is happening in court, and/or
 - Make it difficult for people to understand you when you testify, and/or
 - Make it difficult for you to speak freely and without fear about what happened during the crime.
- If one or more of the above circumstances is true for you, tell the police and victim services about your special needs as soon as possible.
 - They can let the Office of the Crown Prosecutor know that you have special needs in order to testify.
 - The Office of the Crown Prosecutor will need to arrange for assistance that will make it easier for you to testify. These arrangements are called “special provisions.”
- In some cases, the Crown prosecutor must apply to the court for permission to use a special provision. A judge decides whether to allow the special provision.

Types of assistance that may be available

- **Help with communication:** If you have trouble communicating for any reason, the court can arrange to help you testify. For example, the court can use:
 - Language translation and interpretation,
 - Special equipment if you have difficulty hearing or speaking, and

- In limited circumstances, a videotape of your evidence if the videotape is made within a reasonable length of time after the crime and if the judge agrees.
- **Support person:** A support person may be able to accompany you while you are testifying. An application will need to be made to the court to get permission for you to have a support person.
- **Testify outside the courtroom or behind a screen:** The judge may allow you to testify outside the courtroom via closed-circuit television or behind a screen. An application will need to be made to the court to get permission for you to do this.
- **Accused person not represented by a lawyer:** Sometimes the accused person does not hire a lawyer. This means the accused could cross-examine you when you testify. If you do not want the accused to cross-examine you, the judge can appoint a lawyer to do it.
- **Publication ban:** The Crown prosecutor, the victim or a witness may apply for a publication ban. Typically, a publication ban means that a judge has ordered that media cannot report information about the identity of a victim or witness. You can ask the Crown prosecutor for more information about publication bans.

It is generally the judge's job to decide, when asked, if there should be a publication ban. The judge considers many factors when making that decision. Just because you request a publication ban does not mean your request will be granted.

However, in certain types of cases (for example, cases of sexual assault), the judge must, if asked, impose a ban on publishing your identity.

If you are a witness over the age of 14 whose mental capacity is challenged

- Before you testify, the court will make sure you understand what an oath and an affirmation is. (An "oath" means you swear that you will tell the truth. An "affirmation" means that you promise to tell the truth.)
- The court will also find out if you are able to communicate the evidence.

If you are a witness under the age of 14 (or the parents or guardian of a witness under the age of 14)

- The court assumes the witness under age 14 is capable of giving testimony.
- A witness under the age of 14 gives evidence on a promise to tell the truth. This means the same as giving evidence under oath.
- Anyone who wants to challenge the witness's ability to testify must convince the judge that the witness cannot fully understand or respond to questions.
- The judge has to decide if the court can hear the evidence of the witness under age 14. The judge is not allowed to make the decision by asking the witness if he or she understands what it means to "promise to tell the truth."
- Victim services have programs that can prepare child witnesses to testify.

If you are a victim of sexual assault

- In some cases, the defence can apply to obtain records that contain personal information about the behaviour of the victim of a sexual assault (for example, counselling records, school records, or employment records of the victim). Applications to access such records are called O'Connor Applications.
 - The victim will know if the defence is making an O'Connor Application, since the victim has to be personally served by the defence – that is, the victim will receive notice of the O'Connor Application.
 - The defence applies to the court to gain access to the records.
 - If the application is successful, the court receives the records and reviews them to see if the records are relevant to the case.
 - If relevance is shown, the defence can access the records.
- Victims are entitled to have a lawyer represent them if the defence makes an O'Connor Application.
 - Legal Aid will appoint and pay for a lawyer to represent the victim in cases of O'Connor Application regardless of the victim's income.
 - Victims can contact the Office of the Crown Prosecutor and Legal Aid for more information.

Things to understand about court scheduling and courthouses

Court schedule

- Court dates may change. Court proceedings may begin and then be adjourned. If the proceedings are adjourned, it means they are set to continue on another date. Two-week adjournments are common and can happen several times.

The Office of the Crown Prosecutor does not always know ahead of time whether the trial or preliminary hearing date will have to be changed. If the date changes, the Crown office will do the best it can to make sure witnesses know too. The Office of the Crown Prosecutor may ask the police or victim services to contact you on its behalf.

Safety and security in the courthouse

- Alberta Sheriffs provide courthouse and courtroom security.
- In larger cities and towns, you may have to go through security the way you do at an airport. In time, all courthouses in the province will have these security measures.
- In larger cities, courthouses usually have separate waiting areas for witnesses. There is one area for Crown witnesses and one for defence witnesses.
- If you are in a small community, the courthouse may not have separate waiting areas. You may be in the same waiting area as the friends, relatives or witnesses for the accused person. If you are worried about this, tell the police or the Crown prosecutor as far ahead of time as possible, so arrangements can be made to protect your safety.

- **If you are concerned about your safety in the courthouse**, talk to victim services. They will know the criminal justice services or community groups that can help you feel safe in the courthouse and in the community.

Things to understand about crime and how the courts work in Canada

1. A crime is an act against society.

In Canada, a "crime" means that someone has violated the *Criminal Code of Canada*.

As a victim, you are deeply aware how the crime affected you personally. The criminal justice system agrees that crimes harm the victims. However, the criminal justice system and our system of law also say that crimes harm society.

The Crown prosecutor is not your lawyer. The Crown prosecutor's job is to work in the public interest.

The court and trial process are there to decide if the accused person is the one who committed a crime against society.

2. An accused is innocent until proven guilty.

In Canada, the law says that people accused of crimes are innocent until proven guilty. That means they do not have to prove they are innocent. Instead, the Crown prosecutor has to prove they are guilty. This can only happen when the Crown prosecutor presents enough evidence to prove guilt "beyond a reasonable doubt."

3. The Crown prosecutor must establish proof beyond a reasonable doubt.

"Beyond a reasonable doubt" has a clear legal meaning. It refers to the level of proof that the judge or jury needs in order to decide that an accused person is guilty. The judge or jury uses the evidence presented in court to make that decision. For an accused person to be found guilty, the evidence must show the judge or jury that there is no reasonable doubt about the person's guilt.

Thinking that the accused is probably guilty is not the same as being sure beyond a reasonable doubt. Probable guilt is not enough to convict an accused person.

If the judge or jury has any reasonable doubt about whether the accused person is guilty, they must acquit. That means they find the accused not guilty.

4. The court process is adversarial.

The court process is set up so that the Crown prosecutor and defence lawyer are adversaries. That means they are on different sides. The Crown must present enough evidence to prove beyond a reasonable doubt that the accused person is guilty. The defence lawyer's job is to challenge the Crown's evidence and protect the rights of the accused.

Just because the Crown and defence are adversaries during the court process does not mean they are enemies outside of court. You can expect to see Crown and defence lawyers talking to each other outside of court.

Things to understand about a trial process

- **Election of type of trial:** For some crimes, the accused can “elect” or choose the type of trial they will have. The accused can choose that a provincial court judge, a superior court judge alone or a superior court judge and a jury will try the accused.
- **Four phases of a trial**
 1. **Opening:** The Crown prosecutor and the defence lawyer may make an **opening statement** before they call any witnesses. In these opening statements, the Crown prosecutor and defence lawyer tell the court the main points they want to be considered during the trial.
 2. **Crown evidence:** The Crown prosecutor presents his or her case first and calls all witnesses for the prosecution. The Crown prosecutor will be the first to ask questions of Crown witnesses. The Crown prosecutor uses the questions to help witnesses tell what they have seen or heard. This evidence may establish whether the accused person is guilty of the crime.

After the Crown prosecutor asks a Crown witness questions, the defence lawyer can then cross-examine the witness. (“Defence cross-examination” is when the defence lawyer uses questions to challenge and test the evidence presented by the witness.)

The Crown prosecutor has the right to redirect. (“Redirect” means the Crown Prosecutor asks the witness more questions to make sure everything is clear.)
 3. **Defence evidence (possibly):** The defence may present its case after the Crown has given all its evidence. The defence does not have to present any evidence. The accused does not have to testify.

If the accused decides to present evidence, the defence lawyer calls witnesses. The Crown prosecutor may cross-examine the defence witnesses. The defence has the right to redirect (that is, to ask more questions of witnesses after they have been cross-examined by the Crown prosecutor).
 4. **Closing arguments:** Both the Crown prosecutor and the defence lawyer will give closing arguments. (“Closing arguments” are their final statements pointing out what they believe the evidence means.)
- **The accused may be found “unfit to stand trial.”**
 - On rare occasions after charges are laid, evidence may be presented that results in a judge determining that an accused person is not well enough to be tried for the crime.

- If the accused person is not mentally able to understand the court proceedings, and is not able to oversee the defence, the Judge may determine that the accused is “unfit to stand trial.”
- This could happen before or during a hearing or trial.
- In these cases, the person will be under the supervision of the Alberta Review Board until such time as the person is considered fit to stand trial.
- A psychiatrist is asked to assess whether the person is able to understand the court proceedings. The psychiatrist’s report is used at a “fitness hearing.”
 - If the psychiatrist reports that the person cannot understand the court proceedings, and is not able to oversee the defence, the accused is considered “unfit to stand trial” and will remain in the custody of the Alberta Review Board.
 - If the psychiatrist reports that the person is able to understand the court proceedings, the accused is determined to be “fit to stand trial.” The hearing or trial will resume where it left off.
- You can ask the Alberta Review Board to let you know the results of fitness hearings.
 - Phone (780) 422-5994
To call toll-free, call 310-0000 and ask for (780) 422-5994.
- If you wish the Alberta Review Board to tell you the results of fitness hearings, provide them with your mailing address and phone number.

Things to understand about being a witness during a hearing or trial

- People you know may also be asked to give evidence for either the Crown or the defence.
- The law says you must testify when you get a subpoena.
 - A subpoena is a court order that states you must testify.
 - You must make whatever arrangements are necessary so you can testify.
 - A subpoena takes precedence over nearly every other duty. For example, if you receive a subpoena, your employer cannot prevent you from appearing in court.
 - If you do not appear in court as ordered in the subpoena, the court may issue a warrant for your arrest.
- The court will only allow you into the courtroom when it is time for you to testify.
- If you are a witness, it is important to understand that the **Crown prosecutor is not your lawyer**. The Crown prosecutor’s job is to help the court decide if the accused person is guilty. He or she does this by presenting all the evidence. This could include evidence that is not favourable to the Crown prosecutor’s case.

When you are on the witness stand, the Crown prosecutor will ask you questions to help you to give evidence. You may want to tell the court other things, but the Crown prosecutor will only be asking about what is relevant to the case before the court.

- If you are a witness for the prosecution, it is important to understand the job of the defence lawyer. The defence lawyer's job is to test the evidence that you and other Crown witnesses present. The defence lawyer tests the evidence to see if it is accurate and believable. The intent is to make sure the Crown's evidence proves "beyond a reasonable doubt" that the accused is guilty.
It can be difficult to have a defence lawyer cross-examine you. Victim services can help you to be ready for the experience emotionally and mentally. Victim services may not be able to make it a pleasant experience, but they can help you to be prepared.
- You can usually stay in the courtroom after you testify.

The defence lawyer may try to contact you. The only time you must talk to a defence lawyer is when the lawyer is cross-examining you in the courtroom during a hearing or trial. ("Cross examining" is when the defence lawyer asks you questions about the testimony you have given.)

- The defence lawyer may try to contact you by phone or at the courthouse outside the courtroom.
- You do not have to talk to the defence lawyer under these circumstances if you do not want to do so. However, you have the right to speak to the defence lawyer if you wish.

You may be the subject of media attention

- If the trial garners media attention, reporters may want to get in touch with you. They might call you directly or try to ask you questions on your way in or out of the courthouse.
- Victim services may be able to give you advice about how to deal with the media.
- You are not required to speak to the media, but you may speak to reporters if you wish.
- You and your family may ask someone you trust to be your contact with the media. This could be a close friend or a family member. Ask the media to contact only that person.

What you can do as a victim of crime

What you must do

- You must be a witness in a hearing or trial if you receive a subpoena. (A "subpoena" is a court order that tells you to be in court at a certain time and place.)

Six things you can do to look after your best interests during a hearing or trial

1. Make sure the Crown prosecutor and victim services know how to contact you.

The Crown prosecutor and Victim Services Unit want to make sure they can tell you when and where the hearing or trial will be. They need to know how to reach you. Please make sure they have correct contact information.

2. If you are going to be a witness and have special needs, make sure the Crown prosecutor knows as soon as possible.

Some witnesses with special needs want special provisions to make it easier for them to testify. These requests need a judge's permission. For example, if a witness wants to give testimony outside the court, a judge needs to agree.

Please tell the Crown prosecutor about your special needs as soon as possible. That will help make sure there is time to apply for the necessary arrangements.

If you told the police or victim services about your special needs during the police investigation, they will tell the Crown prosecutor.

3. Make sure your victim impact statement is at the courthouse after charges are laid.

At any time, an accused person may plead guilty. If that happens, the hearing or trial will end and the process will shift to sentencing. Sentencing could happen right away, and that is when the judge will consider your victim impact statement.

The court can only consider victim impact statements after the guilty verdict and before sentencing. You need to make sure your victim impact statement is at the courthouse before sentencing.

To be sure your victim impact statement is available whenever the court is ready to look at it, you must:

- Make sure your victim impact statement gets to the courthouse after the police lay charges. That will help make sure Court Services has your victim impact statement in the proper file. Then, if the accused person decides to plead guilty, Court Services can easily get your victim impact statement.
- Make sure that all the information needed on the blue victim impact statement envelope is complete. The police file number and the full name of the accused will help Court Services put your victim impact statement in the proper file.
- **If you want to submit a victim impact statement but have not yet done it:**
 - You can get victim impact statement forms from the Victim Services Unit.
 - You need to tell the Victim Services Unit and the Crown prosecutor that you are going to submit a victim impact statement.
 - It is your responsibility to make sure your victim impact statement gets to the courthouse before sentencing.

4. Arrange for a court orientation session with the Victim Services Unit.

Victim services can help you become familiar with the courthouse. They can help you understand what to expect as a hearing or trial proceeds. Most victims who take a court orientation session find the experience of being in court less stressful and easier to understand.

5. Arrange for someone to go with you to court.

Ask the Victim Services Unit or a trusted friend or relative to be with you at court.

Whether or not you are a witness, as a victim of the crime you may have emotional or physical reactions to the testimony. Someone who goes with you to court can help you in many ways. They can help you find your way around the courthouse. They can sit with you or get you a glass of water. They can do whatever else may be helpful no matter what happens at court.

6. Arrive early at the courthouse.

Plan to arrive at the courthouse at or before the time that is listed on the subpoena.

- This will give you time to find the right place.
- Arriving early may also allow time for the Crown to meet with you to discuss some last minute matters (for example, if a possible resolution has been proposed.)

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Part Two: WHAT YOU CAN EXPECT

At the time of the verdict and sentencing

***At the time of the
verdict and sentencing***

You can expect...

At the time of the verdict and sentencing

- If you ask, the Victim Services Unit or the Office of the Crown Prosecutor will see that you are told the outcome of the trial and, if the accused is found guilty, when sentencing will happen.
- If you submitted a victim impact statement, the judge will consider it as part of the sentencing procedure.
- You have the right to ask to read your victim impact statement out loud in court.
- If you have concerns about your safety, you can talk to police, victim services, Crown prosecutor or Correctional Services, to ask for help to arrange for your safety.

What service you can expect

All direct victims of crime can expect

- If you ask, victim services will tell you the outcome of the trial if you are not in the courtroom.
- If the accused person is found guilty, sometimes the judge asks Alberta Correctional Services to prepare a pre-sentence report. A pre-sentence report provides information about the offender that the judge may find helpful when considering the sentence.
 - If the judge asks for a pre-sentence report and you believe you have information that may be useful to be included in that report, tell victim services.
 - Victim services can tell the probation officer you may have useful information, and, with your consent, can tell the probation officer how to get in touch with you.
- If you ask, the Crown prosecutor or victim services will tell you the date, time and place of the sentencing hearing.
- If you ask and if they are available, someone from victim services may be able to go with you to a sentencing hearing and help you understand the court proceedings.
- If you have provided a victim impact statement, you have the right to ask to read your victim impact statement out loud in court.³
- If you ask, victim services will tell you what sentence the judge gave the offender.

³ More information about victim impact statements on page 43.

- If a written decision is issued, you can get a copy of the court's decision.
 - You can get a copy from the website: www.albertacourts.ab.ca.
 - You can ask Court Services to provide you with a copy of the decision. You will have to pay Court Services a fee to find and copy court documents. (This fee does not apply to copies of restitution orders and peace bonds.)
- If you have safety concerns because of the sentence, tell the police, Correctional Services, the Crown prosecutor or victim services. They can help you to understand what choices you have to help keep you safe.

If the accused person is found "guilty"

Information for a pre-sentence report

- An Alberta Correctional Services probation officer may contact you for information to go in a pre-sentence report. This is a report about the offender that the judge receives before sentencing.
- The pre-sentence report lists the names of all the people who gave information for the report. If you give information, your name will be on the list. You may be cross-examined about the information you gave, though that is unlikely.
- If the crime included violence or threats, the report may not list your name. That means the defence lawyer or the offender will not know your name. However, a separate memo will give your name to the Crown prosecutor and the judge.

Victim Impact Statement Program

- You have the opportunity to provide a victim impact statement. After a finding of guilt and before sentencing, the judge must ask the Crown prosecutor, the victim, or an agent of the victim if the victim has been informed about the opportunity to prepare a victim impact statement.
- The judge may order an adjournment to give you time to prepare and submit a victim impact statement.
- You have the right to ask to read your victim impact statement out loud in court. You can do this by checking the appropriate box on the victim impact statement form.
 - You might want your victim impact statement to be read out loud in court, but not want to read it out loud yourself. You can ask that a friend or family member or the Crown prosecutor be allowed to read your victim impact statement out loud for you.
 - It is the judge's decision whether to let someone else read it out loud.
 - If your victim impact statement is read out loud in court, whoever is in the courtroom will hear it. That means it will become public information. You might want to be aware of that as you are considering what you want to say in your victim impact statement.

- The judge will consider your victim impact statement when deciding on the sentence. The judge will do this whether or not your victim impact statement is read out loud in court.
- If your victim impact statement is eligible for consideration during the sentencing hearing, it will be filed as part of the court record. Victim impact statements eligible to be considered by the judge will be forwarded to the organization that is supervising the offender.

Appeal of the verdict or the sentence

- The defence may decide to appeal the guilty verdict or the sentence. (An “appeal” means the defence asks a higher court to change a lower court’s decision.)
- If you ask in advance, the Crown prosecutor will see that you are notified if the defence appeals the verdict or the sentence.

If the accused person is found not guilty

- The accused person is free to go if he or she is found not guilty. The case is considered closed and the criminal justice system does not have to do anything else.
- If you have safety concerns, tell the police. You may be able to ask for a protection order. The police or victim services can explain how to get a protection order. (“Protection order” is explained in the glossary at the back of this booklet.)
- If the court finds a person not guilty, it means there was not enough evidence to be sure of guilt “beyond a reasonable doubt.”
- If you provided a victim impact statement, your unopened victim impact statement remains on the court file. You cannot get it back.
- The Office of the Crown Prosecutor may choose to appeal the not guilty verdict.

The Crown’s right to appeal is limited. Disagreeing with the verdict or sentence is not a good enough reason for an appeal. Appeals can only happen in order to review if an error of law was made during the court procedures.

If the accused person is found not criminally responsible because of mental disorder

- After a person is charged with an offence or offences, evidence may be presented that results in the judge concluding that the person is not criminally responsible for the actions that resulted in the charge(s) being laid.
- A person who is found not criminally responsible is under the supervision of the Alberta Review Board.
- The Alberta Review Board is required to hold hearings periodically as mandated by the *Criminal Code of Canada*. These hearings are held to assess the mental condition of the patient and the risk they pose. The board is given the authority to make orders that are prescribed by the code.

Notification

- You can ask the Alberta Review Board to tell you the results of disposition hearings.
 - Phone (780) 422-5994
To call toll-free, phone 310-0000 and ask for (780) 422-5994.
- If you want the Alberta Review Board to tell you the results of disposition hearings, provide them with your mailing address and phone number.

Victim Impact Statement Program

- There may be a change in the mental condition of the accused. If that happens, the court or the Alberta Review Board receives an assessment report. Based on that report, they may decide to discharge the accused. You have the right to send in a victim impact statement when an assessment report goes to the court or to the Alberta Review Board.
- You have the right to present your victim impact statement at a disposition hearing. You can do this in any way that the court or the Alberta Review Board thinks is appropriate. For example, you might want to read the victim impact statement out loud. The court or the Alberta Review Board will not let you present it in a way that would interfere with the proper administration of justice.

Publication ban

- Sometimes the Alberta Review Board needs to protect victims or witnesses who are less than 18 years old. This happens when the charge is for a sexual offence or child pornography. In those cases, the Alberta Review Board will impose a publication ban. Any information that could identify a young victim or witness will be confidential.

Things that are important to understand

Varied times between guilty verdict and sentencing

- The length of time between a guilty verdict and sentencing is not always the same.
 - The guilty verdict and the sentencing may happen at the same hearing. That means there is one court date with no delay between the verdict and the sentence.
 - After the guilty verdict, the court may schedule the sentencing hearing for another time. That means there are two court dates.
 - Sometimes, the judge reviews all the information at a sentencing hearing. Then the judge sets another date to give the decision. In this case, there would be three court dates. The first one would be for the verdict. The next one would be to review the information for sentencing. The last one would be to give the decision about sentencing.

Your own reactions

- You may or may not be satisfied with the way the trial turns out. It may be helpful to work through your reactions with someone you trust.
- The charge may seem less serious than the offender's conduct. That does not mean the justice system did not take the offence seriously. It does not mean the police or the court did not believe you. Instead, it means that this is the charge and the verdict that the evidence supported. Remember that the outcome of the trial can only be based on the evidence presented in court.
- You may not be satisfied with the sentence. Whatever sentence is imposed, it is what the judge believes to be the correct sentence in law.

Types of sentences

- In deciding on the sentence, the judge will take many things into account. For example:
 - The crime itself and the types of sentences allowable under the *Criminal Code of Canada* or, if the offender is a youth, the *Youth Criminal Justice Act*.
 - The recommendations of the Crown prosecutor and the defence lawyer.
 - The information in a pre-sentence report, if the judge asked for a report.
 - The information in the victim impact statement(s).
 - The need to protect the community and society.
 - The possibility of using the sentence as a warning to others not to commit this crime. This consideration is appropriate for adult offenders but not for young offenders.
 - The possibility of healing and rehabilitation for the people involved in the crime.
 - The time the offender may have already spent in custody after the arrest.

Sentences could be any of the following:

- **For both young and adult offenders:**
 - A fine.
 - An order for restitution. ("Restitution" means the offender must repay the victim for some or all of the expenses caused by the crime, or must in some other way repair the damage that was caused by the crime.)
 - Supervision in the community by a probation officer.
 - A combination of custody in a correctional centre and supervision in the community.
- **For young offenders only:**
 - An order for a young offender to pay compensation to the victim. ("Compensation" is an amount of money that helps to compensate the victim for the loss or harm caused by the crime.)
 - A personal service order of up to 240 hours for a young offender. (A "personal service order" is a sentence that requires the offender to do something for the victim of crime.)
 - An order for community service work. ("Community service work" means the accused does work for the community without pay.)
 - Custody in a youth correctional centre.

- **For adult offenders only:**
 - Custody in a provincial jail for sentences of less than two years.
 - Custody in a federal prison for sentences of two years or more.

What you can do as a victim of crime

If the accused person is found guilty

Legal opportunities: victim impact statement and request for restitution

▪ Victim impact statement

- If you have not completed a victim impact statement and want to, tell the Crown prosecutor and victim services. The Crown prosecutor needs to ask the judge for an adjournment to give you time to prepare it. It is up to the judge to decide whether to have an adjournment.
- Deliver your victim impact statement to the courthouse several days before the sentencing hearing.
- You can ask to read your victim impact statement out loud in court.
- If you do not want to read your victim impact statement out loud in court, you can ask another person to read it for you. The judge will decide whether to allow someone else to read it for you.
- Whether or not you ask for the statement to be read out loud in court, it will still be considered by the court.
- If your victim impact statement is eligible for consideration by the court, it will become part of the court record. If your victim impact statement is read out loud in court, whoever is in the courtroom will hear it. That means it will become public information. You might want to be aware of that as you are thinking about what you want to say in your victim impact statement.

▪ Request for restitution

- You can apply for restitution, so that, as part of the sentence, the offender may be ordered to repay you for some or all of the expenses caused by the crime.
 - For the Crown prosecutor to ask the judge to consider restitution as part of the sentence, you must submit a Request for Restitution form.
 - Victim services can tell you how to request restitution and provide you with the necessary forms.
 - If you have not already done so, you should submit the Request for Restitution form as soon as possible, so it is available for the Crown prosecutor to consider as part of their sentencing submission.

What else you can do

▪ Tell people about your safety concerns

- If you have safety concerns because of the sentence, tell police, Correctional Services, the Crown prosecutor or victim services.

▪ If you want information, make sure the right people know how to contact you.

- If you want to know the time and place of sentencing or disposition hearings, the Crown prosecutor or the Alberta Review Board can tell you.
 - Be sure they know how to reach you. Give them your mailing address, your phone number and any other useful contact information.
 - Victim services can help you with this.
- The offender might get out of jail or prison at the end of the sentence, or before the end of the sentence. You can ask to be informed when the offender will be released.
 - Write a letter to the provincial or federal correctional service or the National Parole Board. Tell them you want to know about release dates.
 - Tell them you want to know when they are thinking of releasing the offender and when the offender gets out.
 - Tell them how to reach you. Give them your mailing address, your phone number and any other useful contact information.
 - Victim services can help you with this.

▪ If the accused person is found not guilty, you can

- Tell the police, the Crown prosecutor or victim services if you have safety concerns because of the not guilty verdict.
- Talk with victim services about the verdict and your reactions to it.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Part Two: WHAT YOU CAN EXPECT

If the verdict or the sentence is appealed

If the verdict or the sentence is appealed

You can expect...

If the verdict or the sentence is appealed

The accused or the Crown prosecutor may appeal the verdict or the sentence. If this happens, you can expect...

- If you ask ahead of time to be notified, the Office of the Crown Prosecutor will give you information about an appeal.
- You may attend the appeal hearing.
- If you ask, the Office of the Crown Prosecutor can give you a copy of the outcome of the appeal hearing.

What service you can expect

All direct victims of crime can expect

- If you ask ahead of time to be informed, the Office of the Crown Prosecutor will see that you are notified if the defence lawyer or Crown have launched an appeal.
- If you ask, the Office of the Crown Prosecutor will see that you are informed of the date, time and location of the appeal hearing.
- You may attend the appeal hearing.
- If you ask, the Office of the Crown Prosecutor will see that you are informed of the outcome of the appeal.
- If a written decision is issued, you can get a copy of the Court of Appeal's decision from the website: www.albertacourts.ab.ca. You can also ask Court Services to provide you with a copy of the Court of Appeal's decision. You will have to pay Court Services a fee for a hard copy of this document.

Things that are important to understand

- If the accused is convicted (found guilty), the defence lawyer may decide to appeal the conviction, the sentence, or both. This means the defence lawyer thinks the trial judge made an error during the trial and/or during the sentencing hearing.
- If the accused is convicted and sentenced, the Crown prosecutor may also decide to appeal the sentence.
- If the accused is acquitted (found not guilty), the Crown may appeal, but only on questions of law. This means the Crown prosecutor thinks the trial judge made an error during the trial and/or the sentencing hearing.
- Appeals are decided based on what happened in court during the trial. Generally, no further evidence is called. As a victim, you are not given a further opportunity to speak to the court during an appeal.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

What you can do as a victim of crime

- Go to the appeal hearing.
- Ask the Crown prosecutor or victim services to ensure you are told of the Court of Appeal's decision, if you do not want to attend but you would like to know the outcome of the appeal.
- Get a copy of the Court of Appeal's decision using the website:
www.albertacourts.ab.ca or you can ask Court Services for a copy of the Court of Appeal's decision. You will have to pay Court Services a fee for this document.

Part Two: WHAT YOU CAN EXPECT

***When the offender is under supervision
or in custody***

You can expect...

When the offender is under supervision or in custody

- Victim services can tell you about what happens after the judge sentences the offender.
- If you ask, the provincial or federal correctional service or the National Parole Board may be able to tell you about decisions to release the offender from custody.
- You may have something you want to tell the correctional service or National Parole Board. They will consider what you have to say when they make their decision.

What service you can expect

All direct victims of crime can expect

- Victim services can give you information about custody and supervision in the correctional system.
- Victim services can help you find out how to contact the provincial or federal correctional service that is supervising the offender.
- If you ask, the correctional service will give you information about the offender.
 - You will have to ask in writing, and you will have to prove that you are a victim of the offender's crime.
 - The law only allows correctional services to give you certain information. They may not be able to give you all the information you would like.
 - If you want information about the offender, be sure the correctional service that is responsible for the offender knows how to contact you. Give them your mailing address, your phone number and any other useful contact information.

Things that are important to understand

Use of your victim impact statement

- Court Services send information to whoever will supervise the offender. This could be:
 - Alberta Correctional Services
 - Correctional Service of Canada
 - Alberta Review Board

- Victim services can help you find out how to contact the organization that is supervising the offender.
- You may have given the court a victim impact statement. Court Services will include it in the information they send to the correctional service that is supervising the offender.
- Whoever supervises the offender will pay attention to what is in your victim impact statement when they make decisions about case planning and early release of the offender.

Alberta Correctional Services

Alberta Correctional Services is responsible for supervising:

- Accused adults who are in a provincial jail while they wait for a hearing or trial,
- Adult offenders who get sentences of less than two years or who get community sentences such as probation or conditional sentences, and
- Young offenders before their trials when necessary and during community sentences, custody sentences and Extrajudicial Sanctions Programs.⁴

Custody or community supervision

Some offenders serve their sentences in the community. In that case, a probation officer supervises them. Other offenders serve their sentences in custody, that is, in a provincial jail or young offender centre.

If the offender is under community supervision

Offenders who are sentenced to probation or a conditional sentence are supervised in the community.

- Probation means the offender is sentenced to be supervised by a probation officer in the community.
 - The probation order is the court document that explains the sentence. It may have conditions attached. (A “condition” is something the offender must do, or must not do, while he or she is on probation.) For example:
 - The order may require the offender to return property or to perform a service.
 - The order may require the offender not to contact a certain person, or not to be in a place that serves alcohol.
 - If an offender on probation breaks any of the conditions, he or she can be charged with an offence called “breach of a probation order.” (A “breach of a probation order” means the offender has not followed one of the probation conditions.)
 - A breach of an order is an offence under the *Criminal Code of Canada*.
 - If the offender is found guilty of this offence, the offender will receive a sentence.

⁴ The glossary explains the Extrajudicial Sanctions Programs.

- Young offenders can be supervised by probation officers for other community sentences or programs.
- A conditional sentence means the offender is sentenced to imprisonment. However, the court indicates that if the offender follows certain conditions, he or she can remain in the community instead of going to a provincial jail.
 - While the conditions are in effect, a probation officer supervises the offender in the community.
 - If the offender breaks the conditions, he or she will have to go to court, and might have to serve the remainder of the sentence in a provincial jail.
 - Only adult offenders can be placed on a conditional sentence.

Sentence conditions could affect you

- The offender's sentence may have conditions that relate to you. For example, the conditions could be about paying restitution or about the offender not contacting you. The probation officer will contact you by letter to explain any conditions that affect you.
- If the offender does not follow the conditions that relate to you, contact the probation officer.
- If you are concerned about your safety because of the offender, contact police and then contact the probation officer.
- If the offender does not follow the terms of the probation order, the probation officer may file a "breach of probation" charge with the court.
- A "breach of probation" charge tells the court that the offender is not following the probation order. The breach of probation charge is a new criminal charge against the offender. The charge may result in a new conviction and a new sentence.

If the court ordered restitution

- Restitution is an amount of money that the judge may order an offender to pay. The payment goes to the victim. The payment is to cover some of the specific expenses or losses the victim experienced because of the crime.
- If the court finds the accused person guilty, and the Crown prosecutor included a request for restitution in the sentencing submission, the judge will decide if the offender will be ordered to pay restitution.

Note: You need to apply for restitution as soon as possible during the criminal justice process for this to happen. Victim services can help you with the application.

- The judge can order restitution as a stand-alone order or as part of a probation order.
- A stand-alone restitution order is separate from the conditions of probation. Court Services will send you a copy of the restitution order.
 - You will need to file this order with the Court of Queen's Bench, so they know that you are entitled to receive restitution.
 - You can get more information about stand-alone restitution orders from the Clerk of the Court in the Civil Division of the Court of Queen's Bench.

- If restitution is part of the probation order or conditional sentence, the probation officer will contact you, usually within 30 days after a court has ordered restitution.
 - He or she will write you a letter that explains the restitution order and tells you how the payments will get to you and what you can do if the offender does not pay.

Collecting restitution

- Usually the offender has to pay restitution to the court. The court will then make sure that you get the payment made by the offender.
- If the offender pays you directly, you must issue a receipt to the offender.
- If paying restitution was part of a probation order:
 - The offender has to show the probation officer the receipt from you or Court Services.
 - The probation officer will do what is possible to make sure the offender pays you.
 - The probation officer may file a charge if the offender does not pay.
 - If the offender does not pay, you have the right to start a civil suit to collect restitution, this means that you sue the offender for the damages caused by the crime. You can also ask a lawyer for advice about whether this would be useful.
 - If the offender does not pay, the probation officer may file a “breach of probation” charge with the court. However, this does not mean the offender will pay you the restitution that he or she owes you.

If the court orders a young offender to return or replace property

- The court can order a young offender to return property through an order of restitution of property.
- A probation officer may supervise an order of restitution of property. The probation officer must make sure that the young offender returns the property to you.
- You and the young offender might not agree that the property has been returned. There might be questions about the identification of the property or about who owns it. In that case, the probation officer will check with local police. The probation officer might also review the court order to answer these questions.
- If the young offender returns the property, the probation officer will ask you to say so in writing.

If the court orders a young offender to pay compensation

- The court can order a young offender to pay compensation. (“Compensation” is an amount of money to cover specific expenses or losses you suffered because of the crime.)
- If the court orders a young offender to pay compensation and he or she does not pay it, the probation officer may file a “breach of probation” charge with the court.

A breach of probation charge tells the court that the offender is not following the probation order. It is a new criminal charge against the offender. It does not necessarily mean the offender will pay you.

If there is a no-contact condition (both adults and youth)

- The sentence may say that the offender cannot have any contact with you. This is called a no-contact condition. If the sentence has a no-contact condition, the probation officer will tell you in writing.
- The offender may not follow the no-contact order. If this happens, tell the police first, and then tell the probation officer.

If the offender is in a provincial jail

Release and Temporary Absence

- The offender may be eligible for release at various times during the sentence.
- People who serve their sentence in a provincial jail are usually released after serving no more than two-thirds of the sentence. At that point, the sentence is legally complete. Alberta Correctional Services releases the offender and no longer supervises him or her.
- Some offenders have a combined sentence. That means they serve some of their sentence in jail and some of their sentence on probation in the community.
 - Their sentence is for less than two years in jail and may be followed by probation. They may be eligible for release after serving two-thirds of their time in custody.
 - Then they are on probation, which means a probation officer supervises them in the community. They serve their entire probation period under this supervision.
- Certain low-risk adult offenders in provincial jails may receive temporary absences.
 - A temporary absence means Alberta Correctional Services may release offenders into the community before they serve two-thirds of their sentence.
 - The temporary absence has conditions. If offenders do not follow those conditions, they may have to go back to jail.
 - The offenders are under community supervision during the temporary absence.
 - If Alberta Correctional Services considers the release of an offender on temporary absence, they will contact you if you have been identified as the victim on the offender's file. The offender will be advised and consent to you being informed that a temporary absence may be granted.

Re-integration Leave

- The justice system wants to help young offenders re-integrate after being in custody. This means they want the offenders to learn how to fit back into the community. There are programs to help. Sometimes young offenders can go to these programs while they are in custody. If this happens, they are under supervision when they go.

Information about the offender from Alberta Correctional Services

You may want to ask for information about an offender who is under community supervision or in a provincial correctional centre.

- **Standard information:** If you ask, Alberta Correctional Services must tell you:
 - The name of the offender;
 - The charge the offender was convicted of;
 - The sentence or disposition the offender received; and
 - Any sentence or disposition conditions that relate to you.

This information can be provided for adult or young offenders.

To get this information, you need to ask for it in writing, and you need to prove that you are the victim of the offender's crime.

Under the *Youth Criminal Justice Act*, if the correctional service gives you information about a young offender, you must not release the information to the public. If you do, you have broken the law.

- **Optional information:** You can ask Alberta Correctional Services for other information about the offender's status in the correctional system.
 - Alberta Correctional Services will consider your request for any other information on a case-by-case basis.
 - Alberta Correctional Services has restrictions on what information it can give a victim of crime. They may not be able to give you all the information you ask for.
 - If you ask for information about the offender, the person who considers your request must keep in mind that your safety is of paramount concern.
 - Alberta's *Freedom of Information and Protection of Privacy Act* says that information that affects the safety of an individual or the public will be disclosed in certain instances.
 - Alberta's *Victims of Crime Act* says that the safety and security of victims should be considered at all stages of the criminal justice process.
- If Alberta Correctional Services considers the release of an offender on temporary absence, they may give you information about the possible release of the offender, even if you did not ask for the information. The offender will be advised and consent to you being told this information.

Correctional Service of Canada

Institutional and Community Corrections

- Correctional Service of Canada supervises offenders who are sentenced to more than two years in prison.
- Most federal offenders serve part of their sentence in a federal prison and part of their sentence in the community.

Early release from prison

- Under federal law, most offenders in federal prisons do not have to serve their full sentence in prison. They are eligible for release on full parole after serving one-third of the sentence.
- **Full parole or day parole:** An offender in a federal prison could get a full parole or day parole.
 - With a full parole, the offender could spend as little as one-third of the sentence in prison before being moved to a location in the community.
 - Day parole means the offender is in the community during the day, and returns to a correctional facility at night. With a day parole, the offender could spend as little as one-sixth of the sentence in prison before being moved to a halfway house in the community.
- **Statutory release:** Some offenders who serve in federal prisons will not get any parole. The Correctional Service of Canada releases these offenders after they have served two-thirds of their sentence. This is called a statutory release.
 - Once they are out of prison, the Correctional Service of Canada will supervise the offender in the community until the end of the whole sentence.
 - The rules are different for some federal offenders including:
 - Offenders serving life sentences; and
 - Offenders named dangerous offenders.

Knowing about changes in the offender's status

- **You must register** as a victim with the Correctional Service of Canada before they will give you information about the offender. To find out how to do this, contact the Regional Victim Liaison Coordinator, Correctional Service of Canada Prairie Region in Saskatoon, phone (306) 975-4412.
- If you are registered as a victim:
 - The Correctional Service of Canada will tell you before they release a federal offender and tell you what conditions the offender must follow.
 - They will also tell you if the status of the offender changes while he or she is under supervision.
 - They will give you contact information for the people managing the offender's case. You will know where to call if you have concerns or questions.
- You need to ask in **writing** if you want the Correctional Service of Canada to tell you about:
 - Changes in the offender's location while he or she is in custody;

- Changes in the offender's status in the prison system; and
- When they will release the offender into the community.
- Make sure that the Correctional Service of Canada knows how to reach you. Give them your mailing address, phone number and other contact information. If you move, make sure they know your new contact information.

Information about the offender

- **Standard information:** If you are registered as a victim with the Correctional Service of Canada, you can ask them about the offender. They must tell you:
 - The offender's name;
 - What the offender was convicted for;
 - When the sentence starts and how long it lasts;
 - When the offender will be eligible for temporary absences and parole; and
 - When the system will review the offender's requests for temporary absences and parole.
- **Optional information:** If you are registered as a victim with the Correctional Service of Canada, you can ask them to tell you more about the offender.
 - The Correctional Service of Canada does not have to tell you more about the offender. They have to decide which is more important in this particular situation: your interest or the offender's privacy.
 - If the Correctional Service of Canada decides to tell you more information, you may be able to find out:
 - The age of the offender;
 - Where the offender is serving the sentence;
 - The date of the offender's release on temporary absence, work release, parole or statutory release;
 - The date of any review hearings;
 - Any conditions on the offender's temporary absence, work release, parole or statutory release;
 - The geographic location of the offender on any temporary absence, work release, parole or statutory release;
 - If the offender will travel near your home or work on the way to a temporary absence, work release, parole or statutory release;
 - If the offender is in custody and if not, the reason why; and
 - What province the offender will be in when he or she is transferred from a federal to a provincial prison.
 - The Correctional Service of Canada's decision about whether to give you this information is final.

Information you provide to the Correctional Service of Canada

- The Correctional Service of Canada appreciates receiving information from victims of crime. You can tell them about your safety concerns and how the crime has affected you.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- You can provide information to the Correctional Service of Canada at any time. Contact a Victim Liaison Coordinator, to find out where to send your information. To reach a Victim Liaison Coordinator for the Prairie Region in Saskatoon, phone (306) 975-4412.
- The Correctional Service of Canada will use your information for case planning. It will also use your information when it considers the offender's release plans.

Victim's right not to be contacted by inmates

- The Correctional Service of Canada has a telephone monitoring system that can allow or stop phone contact between offenders in prison and people outside prison. As well, the Correctional Service of Canada monitors incoming and outgoing offender mail.
- If you ask, the Correctional Service of Canada will make every effort to stop the offender from contacting you by telephone or mail.

Victim-offender mediation

- Victim-offender mediation is a process that provides victims of crime with an opportunity to:
 - Gain information about the crime and the offender.
 - Express the full impact of the crime on your life.
 - Get answers to some of the questions you have about the crime.
 - Have a greater sense of closure.
- Mediation is flexible and voluntary. It does not have to include face-to-face contact with the offender.
- Mediation is not meant for all victims of crime or all offenders. An assessment is always part of deciding if mediation will take place, and if so, how it is done.
- Restorative Justice and Dispute Resolution Branch, Correctional Service of Canada, administers victim-offender mediation.
- To find out more about victim-offender mediation, contact the Victim Liaison Coordinator, Prairie Region, Correctional Service of Canada in Saskatoon, phone (306) 975-4412.

National Parole Board

The National Parole Board makes decisions about:

- Whether to grant, deny or revoke parole to an offender; and
- If the National Parole Board grants parole, what conditions it will attach.

When making decisions, the National Parole Board considers information from victims that can help to assess whether or not an offender's release may pose a risk to society. This includes victim impact statements submitted at the time of sentencing or those that are provided in the form of updated victim impact statements.

Correctional Service of Canada supervises offenders in the community who are granted parole by the National Parole Board.

National Parole Board hearings

Finding out about hearings

- **You must register** as a victim with the National Parole Board before they can give you information.
- To find out how to register, phone the National Parole Board toll-free victim information line at 1-800-597-4397 or phone the Edmonton office at (780) 495-3404.
- If you are registered as a victim and if you ask in writing, the National Parole Board will tell you when and where parole hearings will take place for the offender who harmed you.

Attending parole hearings

- If you are registered as a victim with the National Parole Board, you can apply in writing to attend a hearing about the offender who harmed you. You need to apply at least 60 days before the date of the hearing.
- If you are allowed to attend the hearing, you will be an observer. That means you will not speak. You can only watch and listen.
- If you are going to attend a parole hearing, you can apply for funds to help cover the cost of travel to the hearing. To find out more, phone the Victims Travel Fund Manager toll-free at 1-888-544-1007.

Victim impact statements and the National Parole Board

- You can give the National Parole Board an updated victim impact statement. They will use that information any time they make a decision about the offender who harmed you, whether or not they have a hearing.
- You can apply to read your victim impact statement in person at a hearing. If you prefer, you can give the information using an audio or videotape.

Information about offenders being considered for parole

Standard information

- **You must register** as a victim with the National Parole Board before they can give you information about the offender.
- Once you are registered, if you ask them, they must tell you:
 - The offender's name;
 - What the offender was convicted for;
 - When the sentence starts and how long it lasts;
 - When the offender will be eligible for temporary absences and parole; and
 - When National Parole Board will review the offender's requests for temporary absences and parole.

Optional information

- If you register as a victim with the National Parole Board, you can ask them to tell you more about the offender.
- They may not be able to tell you. They have to decide which is more important in this particular situation: your interest or the offender's privacy.
- If they choose, the National Parole Board may tell you:
 - The age of the offender;
 - Where the offender is serving the sentence;
 - The date of the offender's release on temporary absence, work release, parole or statutory release;
 - The date of any review hearings;
 - Any conditions on the offender's temporary absence, work release, parole or statutory release;
 - Where the offender will go on any temporary absence, work release, parole or statutory release;
 - If the offender will travel near your home or work on the way to a temporary absence, work release, parole or statutory release; and
 - Whether the offender is in custody and if not, the reason why.

If the Alberta Review Board supervises the accused or the offender

During a hearing or trial, the court may decide that the accused is "unfit to stand trial" or the offender is "not criminally responsible because of mental disorder." In these cases, the Alberta Review Board⁵ is responsible for supervising the person who was charged.

- You may provide the court or the Alberta Review Board with a victim impact statement. The Alberta Review Board considers this information when making its decisions.
- You may ask the Alberta Review Board to tell you when they conduct their disposition hearings. At the disposition hearing, the board reviews the status of the patient, providing direction to the Treatment Team. (The "Treatment Team" is the group of persons responsible for the patient's supervision and care.)
- If you wish to be kept informed, ensure that the Alberta Review Board has your correct mailing address and phone number.
- To contact the Alberta Review Board:
Phone (780) 422-5994
To call toll-free, phone 310-0000 and ask for (780) 422-5994.

⁵ The "Alberta Review Board" is explained in the glossary at the back of this booklet.

What you can do as a victim of crime

A legal responsibility

- Under the *Youth Criminal Justice Act*, if the correctional service gives you information about a young offender, you must make sure that you do not allow the information to be made public. If you do release the information, you have broken the law.

What else you can do

- Ask the Victim Services Unit to help you find out how to contact the organization that is supervising the offender.
- Ask for information about when the offender may be released into the community. The organization that supervises the offender will tell you what procedure to follow to get this information.
- Make sure the probation officer, the provincial jail or federal prison knows how to contact you. Then they can give you information about the offender.
- Make sure Court Services knows how to contact you. They will then be able to tell you if the offender makes a restitution payment at the courthouse.
- Tell the probation officer if the offender breaks a sentence condition.

Part Two: WHAT YOU CAN EXPECT

Complaints

Complaints

All parts of the criminal justice system involved in your case intend to give you good service. This booklet tells you what kind of service to expect and the principles the system is committed to follow when working with victims of crime.

We know that things sometimes do not go as planned. Sometimes the system does not follow the principles explained in this booklet. If you think that happened in your case, this section tells you what you can do.

The principles of the *Victims of Crime Protocol* do not create any rights that can be enforced legally. They do not affect the interpretation of any law in Alberta. However, it is still possible to make a complaint against relevant officials. The complaint may lead to an investigation of their actions. They may be subject to the policies that govern employee behaviour in their organization.

If you believe you have not been treated according to the principles in the *Victims of Crime Act*, here is the information you need.

If your complaint is about the police

The *Police Act* outlines how to handle complaints about a municipal or First Nations police service and its members.

The *RCMP Act* outlines how to handle complaints about the RCMP and its members.

If your complaint is about a municipal or First Nations police service

Informal Complaint Process

- You can choose to solve your complaint informally. Contact:
 - The chief of police of the municipal or First Nations police service; and/or
 - The chair of the municipal or First Nations police commission.

Formal Complaint Process

- You can choose to make a formal complaint. Your complaint should be in writing. List the reasons for your complaint and the details of what happened. Send your complaint to:
 - The chief of police of the municipal or First Nations police service; and/or
 - The public complaint director of the municipal police commission or First Nations police commission.
- The *Police Act* says you have to file your complaint **within one year** of the incident.
- When you make a formal complaint, there will be an investigation.
 - During the investigation, the chief of police may first offer to solve the complaint informally. For that to be possible, you and the police officer(s) involved must agree to this.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- If there is a formal investigation of the complaint, you may have to give information through an interview or a written statement.
- The chief of police or public complaint director will let you know how the investigation is going at least once every 45 days.
- You will get a letter about the police service's final decision.
- If you are not satisfied with the final decision, you may appeal the decision. This applies to investigations by municipal or First Nations police services.
- If the complaint is about **the policies or services** of the police service, send an appeal to the Police Commission.
 - You must send your appeal in writing **within 30 days**. Outline the points in the decision that you disagree with and say why.
 - After completing the review, the police commission will tell you in writing the result of your appeal.
- If the complaint is about **police officer conduct**, tell the Law Enforcement Review Board you want to appeal.
 - You must send your appeal in writing **within 30 days** of receiving the police service's final decision. Outline the points in the decision that you disagree with and explain why.
 - Send the appeal to:

Law Enforcement Review Board
c/o Secretary
1502 City Centre Place
10025 – 102 A Avenue
Edmonton, Alberta T4J 2Z2

The decision of the Law Enforcement Review Board is final. The only time this would not be true is if the board made a mistake about the law when it made its decision. In this case, you can appeal the decision to the Court of Appeal. You must do this within 30 days of the decision. You must have the Court of Appeal's permission to appeal.

If your complaint is about the RCMP in Alberta

Informal complaints process

- You can choose to deal with your complaint informally. Contact the RCMP detachment commander to discuss your concern.

Formal complaints process

- To file a complaint formally, you must send it in writing. Include the reasons for your complaint and the details of what happened.
- Send your letter of complaint to the Commanding Officer of RCMP "K" Division, or to the Commission for Public Complaints Against the RCMP.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- Commanding Officer
RCMP “K” Division
11140 – 109 Street
Edmonton, Alberta T5G 2T4
- Commission for Public Complaints Against the RCMP
Suite 102, 7337 – 137 Street
Surrey, British Columbia V3W 1A4
www.cpc-cpp.gc.ca
- They will send a letter telling you they received your complaint.
- Where appropriate, they will try to resolve the complaint informally. They will try to satisfy all the parties involved.
- When the investigation is finished, you will get a letter telling you the results. The letter will include a summary of any actions that have been taken or will be taken.
- You may not be satisfied with the way your complaint was handled. If so, you may ask the Commission for Public Complaints Against the RCMP to review it.
- Your request may result in further investigation or a public hearing.
- When the review is finished, the commission will tell you its findings and recommendations.

If your complaint is about a Victim Services Unit

- You can make a complaint in person or in writing to the Coordinator of the Victim Services Unit.
 - The RCMP detachment or municipal police service can tell you how to contact the Victim Services Unit Coordinator.
 - Contact information for Victim Service Units is available at www.victims.gov.ab.ca.
 - On the home page, on the side menu, click “Related agencies”
 - Then click “Alberta Victim Service Units.”

If your complaint is about the Medical Examiner’s office

- You can make a complaint by writing to the Chief Medical Examiner.
Office of the Chief Medical Examiner
7007 -116 Street NW
Edmonton, Alberta T6G 5R8

If your complaint is about the Financial Benefits Program

- You can complain by contacting the manager of the program.
Manager
Victims of Crime Financial Benefits Program
Alberta Solicitor General and Public Security
Phone: (780) 427-7217
To call toll-free, phone 310-000 and ask for (780) 427-7217.
- If you have questions about the decision issued on your application for Victims of Crime Financial Benefits, you can discuss the decision by contacting the person who signed the decision letter.

Victims of Crime Financial Benefits Program
Alberta Solicitor General and Public Security
Phone: (780) 427-7217

To call toll-free, phone 310-000 and ask for (780) 427-7217.

- If you are dissatisfied with the decision issued on your application for Victims of Crime Financial Benefits, you can request a review with the Criminal Injuries Review Board. You must do this **within 30 days** of receiving the decision letter.

The Criminal Injuries Review Board may ask experts to help them with the review. The board has the power to confirm, change or reject the decision. The Lieutenant Governor and cabinet appoint the six board members. One of them must be a medical doctor.

You can request a review in writing. Mail your request to:

Criminal Injuries Review Board
1502 City Centre Place
10025 – 102 A Avenue
Edmonton, Alberta T4J 2Z2

Phone: (780) 427-7330

To call toll-free, phone 310-000 and ask for 427-7330.

If your complaint is about the Office of the Crown Prosecutor

- You can make a complaint about the Office of the Crown Prosecutor. To do so, contact the Chief Crown Prosecutor at the Crown's office that handled your case.

If your complaint is about Court Services

- You can make a complaint about court staff by contacting the court administrator at the court where the case was heard.

If your complaint is about a lawyer

- You can make a complaint about lawyers by contacting the Law Society of Alberta.
- **For complaints about lawyers in Red Deer or north of Red Deer,**
 - You can make a complaint by phone:
Phone: (780) 429-3343
To call toll-free, phone 1-800-272-8839
 - You can make a complaint in writing. Mail your letter to:
The Law Society of Alberta
Scotia Place Tower 2
201, 10060 Jasper Avenue
Edmonton, Alberta T5J 3R8
Attention: Complaints Department
Fax: (780) 424-1620
- **For complaints about lawyers south of Red Deer,**
 - You can make a complaint by phone:
Phone: (403) 229-4799
To call toll-free, phone 1-800-661-9003 (ext. 4799)
 - You can make a complaint in writing. Mail your letter to:
The Law Society of Alberta
600, 919 – 11th Avenue SW
Calgary, Alberta T2R 1P3
Attention: Complaints Department
Fax: (403) 228-1728

If your complaint is about the judiciary

- You can make a complaint about the conduct of a judge of the Provincial Court of Alberta. Write to the Chief Judge of the Provincial Court or the Judicial Council. They are at the same address:

Judicial Council	or	Chief Judge
The Provincial Court of Alberta		The Provincial Court of Alberta
6th Floor North, Law Courts Building		6th Floor North, Law Courts Building
1A Sir Winston Churchill Square		1A Sir Winston Churchill Square
Edmonton, Alberta T5J 0R2		Edmonton, Alberta T5J 0R2
- You can make a complaint about the conduct of a justice of the Court of Queen's Bench or the Court of Appeal. Write to the Canadian Judicial Council:
Canadian Judicial Council
Place de Ville B
112 Kent Street, Suite 450
Ottawa, Ontario K1A 0W8

If your complaint is about Alberta Correctional Services

Probation services

- You can make a complaint about probation services. Contact the Executive Director of Community Corrections and Release Program Branch.

Executive Director
Community Corrections and Release Program Branch
Alberta Solicitor General and Public Security
10th Floor, John E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta T5J 3W7

Phone: (780) 422-5757

To call toll-free, phone 310-0000 and ask for (780) 422-5757.

Adult correctional centres

- You can make a complaint about an adult correctional centre. Contact the director of the correctional centre involved or the Executive Director of Adult Centre Operations Branch.

Executive Director
Adult Centre Operations Branch
Alberta Solicitor General and Public Security
10th Floor, John E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta T5J 3W7

Phone: (780) 427-4703

To call toll-free, phone 310-0000 and ask for (780) 427-4703.

Young offenders

- If the offender is a youth, you can make a complaint to the Executive Director of Young Offender Branch.

Executive Director
Young Offender Branch
Alberta Solicitor General and Public Security
10th Floor, John E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta T5J 3W7

Phone: (780) 422-5019

To call toll-free, phone 310-0000 and ask for (780) 422-5019.

If your complaint is about the Correctional Service of Canada

- For help in making a complaint about the Correctional Service of Canada in the Prairie Region, contact:

Regional Victim Liaison Coordinator
Correctional Service of Canada (Prairie Region)
Phone (306) 975-4412

(The Regional Victim Liaison Coordinator may be able to provide you with other useful information as well.)

or contact:

Correctional Service of Canada
Regional Headquarters (Prairies)
2313 Hanselman Place
P.O. Box 9223
Saskatoon, Saskatchewan S7K 3X5
Phone (306) 975-4850

- If you are not satisfied with the Correctional Service of Canada response, you can contact the National Office for Victims:

National Office for Victims
Public Safety and Emergency Preparedness Canada
To call toll-free, phone 1-866-525-0554

The National Office for Victims is a central office for victims of offenders supervised by the Correctional Service of Canada.

The National Office for Victims responds to complaints about services provided to victims by the Correctional Service of Canada and the National Parole Board, after a victim of crime has tried all existing avenues for complaint.

As well as responding to complaints, the National Office for Victims provides:

- General information for victims and the public,
- Referrals to the Correctional Service of Canada and the National Parole Board for specific questions, and
- A victim's perspective in national policy development.

For more information about the National Office for Victims:

To call toll-free, phone 1-866-525-0554

Website: www.psepc-sppcc.gc.ca/media/bk/2005/bk20051020-en.asp

If your complaint is about the National Parole Board

- Any complaints about the National Parole Board in the Prairie Region, which includes Alberta, should go to:

Regional Manager, Community Relations and Training
National Parole Board
Scotia Place, Scotia 2, Suite 401
10060 Jasper Avenue
Edmonton, Alberta T5J 1V6

Phone: (780) 495-4290

Cell: (780) 984-1976

Fax: (780) 495-4403

Toll-free Victim Information Line: 1-800-597-4397

- If you are not satisfied with the National Parole Board response, you can contact the National Office for Victims:

National Office for Victims
Public Safety and Emergency Preparedness Canada
Phone toll-free: 1-866-525-0554

The National Office for Victims responds to complaints about services provided to victims by the Correctional Service of Canada and the National Parole Board, after a victim of crime has tried all existing avenues for complaint.

If you are not sure who to complain to, or are not comfortable making a complaint to the service involved

You can ask for help from the Office of the Director, *Victims of Crime Act*, if...

- You believe you have not been treated according to the principles in the *Victims of Crime Act* and you are not sure where to complain,

or

- You are not comfortable making a complaint to the service involved.

When you ask for help, the Office of the Director will give you information and help make it easier for you to get your concerns heard.

Office of the Director, *Victims of Crime Act*
Alberta Solicitor General and Public Security
10th Floor, John E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta T5J 3W7

Phone: (780) 644-2958

To call toll-free, phone 310-0000 and ask for (780) 644-2958.

Fax: (780) 422-4213

If you still have concerns

If you are still not satisfied, you can contact the Office of the Ombudsman. The ombudsman can hear complaints about the Alberta public service and certain other professional groups. People contact the ombudsman when they believe the behaviour of one of these groups harmed them. The harm could come from something the groups neglected to do, from something they did or from how they did it.

Before you contact the ombudsman, be sure you have used all the possibilities explained earlier. Make sure you have appealed any decisions you did not agree with when that is possible.

The Legislative Assembly appoints the ombudsman for the province of Alberta. The ombudsman's job is to receive, investigate and resolve complaints related to matters within the authority of the provincial government. The ombudsman acts as a neutral party when reviewing issues that are brought to its attention.

▪ In Edmonton

Head Office of the Ombudsman
10303 - Jasper Avenue NW, Suite 2800
Edmonton, Alberta T5J 5C3

Phone: (780) 427-2756

Fax: (780) 427-2759

▪ In Calgary

Regional Office of the Ombudsman
Suite 2560
801 - 6 Avenue SW
Calgary, Alberta T2P 3W2

Phone: (403) 297-6185

Fax: (403) 297-5121

▪ Everywhere else in Alberta

Call Service Alberta toll-free at 310-0000. Ask for either office listed above.

An investigator or assistant will be able to discuss your concern(s) during regular office hours. The office is open Monday through Friday from 8:15 am - noon and 1:00 p.m. - 4:30 p.m.

Note: The ombudsman cannot investigate complaints about the police, because police services are not provided directly by the Government of Alberta.

Remember...

If you received good service and want to tell someone, you can contact the specific agencies listed above.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Part Three: MORE INFORMATION

Help available to victims of crime in Alberta

Part Three: MORE INFORMATION

Help available to victims of crime in Alberta

Victim Services Units

Nearly all RCMP detachments and municipal police services have a Victim Services Unit. The units help victims of crime during their involvement with the criminal justice system. The unit can give victims information, support and referrals. Some First Nations police services also have a Victim Services Unit. If they do not have one, they can connect you with a Victim Services Unit in a community nearby.

Contact your local police service to find out how to reach the nearest Victim Services Unit.

Financial Benefits Program

If the crime hurt you physically or emotionally, you may be eligible for financial benefits. You can apply for financial benefits whether or not the police laid charges. Usually you have to ask for benefits **within two years** of the crime.

To get information about financial benefits:

- Call the Financial Benefits Program at (780) 427-7217
To call toll-free, phone 310-0000 and ask for (780) 427-7217.
- Look online at www.victim.gov.ab.ca.
- Contact the Victim Services Unit that is based in your local police service or RCMP detachment. The Victim Services Unit might also be able to help you complete the application form.

If you have questions or concerns about what the Financial Benefits Program has said to you in a letter, contact the person who signed the letter.

Requesting Restitution Program

You may have lost money or property or you may have had property damaged because of the crime. You may want restitution. This means you want to ask the court to order the offender to pay some of these costs as part of the sentence.

If the court finds the offender guilty, the court could order the offender to pay restitution. ("Restitution" is a court order that says an offender must repay a victim for some or all of the expenses caused by the crime, or in some other way must repair the damage caused by the crime.) Restitution could be an amount of money or a return or replacement of property. It recognizes that the crime harmed you. You can also start a civil action to ask for restitution.

The court may make a restitution order but restitution payment may be difficult to collect.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Victim services can explain how to ask the court for restitution. This is called a restitution request. You can ask a lawyer for advice to see if a civil action might help you get restitution.

Victim Impact Statement Program

You have the right to prepare a victim impact statement. After a guilty verdict and before sentencing, the judge must ask if you were informed of the opportunity to prepare a victim impact statement.

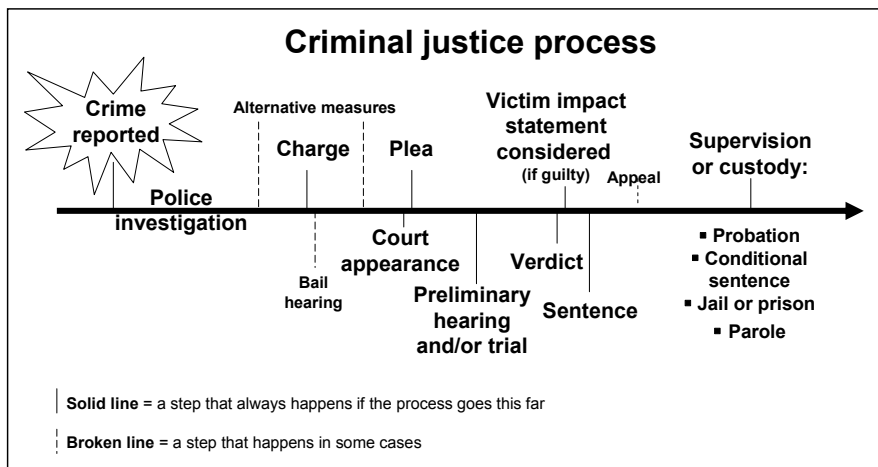
Victim impact statement forms are available from victim services. They can explain how to prepare a victim impact statement and submit it to a courthouse.

Part Three: MORE INFORMATION

Who does what in the criminal justice system

Who does what in the criminal justice system

The diagram below illustrates phases of the criminal justice process, from the time a crime is reported until an offender serves a sentence. People who work in the criminal justice system have responsibilities at different phases of the criminal justice process.



Police

When are the police involved?

The police are involved from when you report a crime until they lay charges and send the charges to the Crown prosecutor.

What is the job of the police?

Police services must:

- Protect life and property;
- Prevent and investigate crime;
- Keep the peace; and
- Enforce laws within the geographic area where they have authority.

The *Victims of Crime Protocol* applies to municipal and First Nations police services, the RCMP and the Canadian Forces Military Police.

What do the police do for victims of crime?

- Respond when you report a crime.
- Tell victims of crime about victim services.
- Tell victims of crime how to contact an investigating officer.
- If asked, give the victim information about how the investigation is going and tell victims when police lay charges.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

- If a victim has safety concerns, help the victim understand what choices are available for staying safe.

Police may ask the Victim Services Unit to help them make sure that victims of crime know:

- What help is available to them; and
- How victims can take part in the criminal justice process.

Victim Services Units

When are Victim Services Units involved?

Victim services work with victims from the time police respond to a crime until the end of the criminal justice process.

What do Victim Services Units do for victims of crime?

Victim Services Units give victims of crime information, support and referral, including:

- Give victims information about:
 - The criminal justice system and how victims of crime can work with the system;
 - How to ask for restitution;
 - How to prepare and submit a victim impact statement;
 - How to apply for financial benefits; and
 - Other programs that might be useful.
- Help victims deal with the immediate impact of the crime.
- Be a link between victims and the criminal justice system.
- Refer victims to other community resources that could help.
- Provide court orientation for victims of crime.
- Accompany victims to court, if someone from the Victim Services Unit is available.

Police and Crown prosecutors sometimes ask the Victim Services Unit to help them give victims information about the status of their case.

Office of the Crown Prosecutor

When is the Office of the Crown Prosecutor involved?

The Office of the Crown Prosecutor is involved in a case from the time the police lay charges until the end of court proceedings (including any appeals.)

What is the job of the Office of the Crown Prosecutor?

Crown prosecutors are lawyers hired by the Government of Alberta. They work for Alberta Justice and Attorney General. They prosecute people accused of crimes under the federal *Criminal Code and Youth Criminal Justice Act* and under Alberta provincial law.

The Crown prosecutor is not the victim's lawyer. The Crown prosecutor's job is to work in the public interest.

In a typical case, the Crown prosecutor's responsibilities include:

- Review the charges laid by the police;
- Make sure that the person accused of the crime is informed of the evidence in the case;
- Discuss the case with the defence counsel (the lawyer for the person accused of the crime);
- Examine and cross-examine witnesses;
- During a hearing or trial, present evidence and arguments about conviction and sentence; and
- Conduct appeals.

The Crown prosecutor's decisions must follow the law. That means they must follow:

- The Charter of Rights and Freedoms;
- Legal tradition;
- Alberta Justice policy; and
- The Law Society's Code of Conduct that applies to all Alberta lawyers.

What does the Office of the Crown Prosecutor do for victims of crime?

- Make sure that victims of crime know about the status and progress of their case, if they ask.
- Help witnesses get ready to give testimony. For example, the Crown prosecutor might go over their witness statement or their testimony from a preliminary hearing, if the victims ask for this help.
- Ask a judge to allow victims with special needs get extra help so that they can testify.
- After a guilty verdict and before sentencing:
 - Tell the judge if the Crown prosecutor has information that the victim is going to submit a victim impact statement; and
 - Make a request for restitution if the victim has asked for it.

Crown prosecutors are responsible to see that victims of crime who have requested information about court hearings and trials receive that information when it is in the hands of the Crown. Crown prosecutors can ask their own support staff, the police, victim services or correctional services to help them give information to victims.

Office of the Medical Examiner

When is the Office of the Medical Examiner involved?

The Office of the Medical Examiner may be involved during the police investigation of a crime resulting in death and provide evidence during court proceedings.

What is the job of the Office of the Medical Examiner?

The Office of the Chief Medical Examiner carries out an investigation when a death occurs suddenly or cannot be explained.

What does the Office of the Medical Examiner do for victims of crime?

- The medical examiner makes every effort to complete the investigation quickly and efficiently so the body can be released to the next of kin; and
- The medical examiner's reports are available to the adult next of kin.

Court Services

When is Court Services involved?

Court Services are involved from the time the police lay charges until the end of court proceedings.

What is the job of Court Services?

Court Services give administrative support to all the courts in the province.

What does Court Services do for victims of crime?

- Help victims who are witnesses and have special needs to get help so they can testify.
- Cooperate with the police, sheriffs and Crown prosecutors to make sure victims are safe in courthouses.
- If victims who are witnesses have expenses because of being witnesses, arrange to have those expenses reimbursed.
- After a guilty verdict and before sentencing, let the judge know if Court Services has information that the victim is planning to make a victim impact statement or has already submitted one.
- When Court Services receives a restitution payment, record the payment and send it to the victim of crime.
- After sentencing, make sure that any victim impact statement eligible for consideration by the court goes to the provincial or federal correctional services or the Alberta Review Board.
- When a judge makes a stand-alone restitution order, (A “stand-alone restitution order” is a restitution order that is not part of a sentence. A “restitution order” is a court order that says an offender must repay a victim for some or all of the expenses caused by the crime, or in some other way must repair the damage caused by the crime) send the victim a copy of the order and let the victim know that he or she must file the order with the Court of Queen’s Bench.

Sheriffs

When are sheriffs involved?

Sheriffs are involved from the beginning of court proceedings until a convicted offender goes to a correctional centre.

What is the job of the sheriff?

- Provide security in the courthouse and courtroom in communities across the province.
- Transport inmates between the courts, police holding cells and jails.
- Provide security services for the legislature and for members of government.

What do sheriffs do for victims of crime?

- Help make sure victims of crime are safe in courthouses.

The Judiciary: Justices of the Court of Queen's Bench and Judges of the Provincial Court

When is the judiciary involved?

The judiciary is involved from the time the police lay charges until the end of court proceedings.

What is the job of the judiciary?

Justices of the Court of Queen's Bench and judges of the Provincial Court will:

- Decide what legislation means and how to follow it.
- Develop the common law.
- Decide the validity of laws.
- Determine facts and make decisions in a fair and impartial way. By doing this, they uphold the rule of law.

What does the judiciary do for victims of crime?

- Review and make decisions about a victim's request to get special help to testify.
- Follow procedures in the *Criminal Code of Canada* about how to use victim impact statements in court.
- Use the information in any properly prepared victim impact statement when making a decision about an offender's sentence.
- Judges of the Provincial Court review applications for emergency protection orders and decide whether to grant them.
- Justices of the Court of Queen's Bench review emergency protection orders within nine working days after a judge grants the order.
- Justices of the Court of Queen's Bench review applications for a Queen's Bench protection order and decide whether to grant them.

Justices of the peace

When are justices of the peace involved in a victim's case?

Justices of the peace are involved during bail hearings and applications for emergency protection orders.

What is the job of a justice of the peace?

- Sitting justices of the peace are in charge of trials, including offences under the *Traffic Safety Act*.
- Presiding justices of the peace deal with every offence under the *Criminal Code of Canada* that needs a decision from someone in the judiciary, up to, but not including, preliminary hearings and trials. They hear:
 - Applications for bail and search warrants under the *Criminal Code*; and
 - Applications for emergency protection orders under the *Protection Against Family Violence Act*.

What do justices of the peace do for victims of crime?

- Consider the protection and safety of victims of crime when they make decisions about giving bail.
- Hear applications for emergency protection orders.

Alberta Correctional Services

When is Alberta Correctional Services involved?

If Alberta Correctional Services is asked to give a pre-sentence report, they are involved starting at the time of a verdict. They stay involved until an offender under their supervision has completed the sentence.

What is the job of Alberta Correctional Services?

Both the federal and provincial governments operate correctional services. Alberta Correctional Services is responsible for supervising:

- Accused adults who are in a provincial jail while they wait for a hearing or trial;
- Adult offenders who get sentences of less than two years or who get community sentences such as probation or conditional sentences; and
- Young offenders before their trials, when necessary, and during community sentences, custody sentences and Extrajudicial Sanctions Programs.⁶

What does Alberta Correctional Services do for victims of crime?

- If there are victim safety concerns, notify the police when the accused is released on bail or released from jail.
- In certain cases, consult with victims of crime when they prepare a pre-sentence report.
- Monitor whether the offender follows sentence conditions that affect the victim, such as restitution, service orders or no-contact conditions.
- If the victim asks for information about the offender in the correctional system, caseworkers will work with the victim to provide whatever information is allowed under guiding laws and policies.

Alberta Correctional Services may ask the police, the Victim Services Unit or Court Services for help in getting information to victims of crime.

Correctional Service of Canada

When is Correctional Service of Canada involved?

Correctional Service of Canada is involved from the time an offender is sentenced to a federal prison until the offender has completed the sentence.

What is the job of Correctional Service of Canada?

- Correctional Service of Canada is in charge of offenders as they serve their sentence in federal prisons or in the community.
- Adult offenders who get prison sentences of two years or more are the responsibility of the Correctional Service of Canada.

⁶ Extrajudicial Sanctions Programs are explained in the glossary at the back of this booklet.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

What does the Correctional Service of Canada do for victims of crime?

Correctional Service of Canada will:

- Consider information in any victim impact statement when doing case planning and when making decisions about early release of the offender; and
- Give the victim information about the status of the offender in the federal correctional system, if the victim asks for it.

National Parole Board

When is the National Parole Board involved?

The National Parole Board is involved when considering whether to grant, deny or revoke an offender's parole.

What is the job of the National Parole Board?

The National Parole Board makes decisions about:

- Whether to grant, deny or revoke an offender's parole; and
- If parole is granted, what conditions will be attached.

What does the National Parole Board do for victims of crime?

- If a victim asks, tell the victim where and when parole hearings will take place.
- Consider the information in victim impact statements during parole hearings and at any other time decisions are made about an offender.
- Give victims information about the decisions that are made on an offender's case and a written copy of decisions if requested.

Victims of Crime Protocol:

What victims of crime can expect from the criminal justice system

Part Three: MORE INFORMATION

Glossary of criminal justice system terms

Glossary of criminal justice system terms

- An **accused person** is a person charged with a criminal offence.
- An **acquittal** means the judge or jury found the accused person not guilty.
- An **adjournment** happens when the court stops the proceedings and sets a date to continue later.
- An **affirmation** is a promise to tell the truth by a witness under 14 years of age or a witness over 14 years of age whose mental capacity has been challenged.
- The **Alberta Review Board** is a nine-person board appointed by the Lieutenant Governor in Council. It supervises accused individuals who are determined to be “unfit to stand trial” or whose hearing or trial has a verdict of “not criminally responsible because of mental disorder.”

The Alberta Review Board makes or reviews dispositions for such persons. It is also responsible to decide whether a person under its supervision should be subject to a detention order or conditional discharge, or be granted an absolute discharge.
- The **Alternative Measures Program** may be offered to adults whose crime is considered less serious, who admits responsibility for the crime, and who meets the criteria for offenders and offences eligible for alternative measures. Rather than go through a hearing or trial, the offender will sign an agreement to carry out one or more sanctions. The sanctions are what the offender must do. For example, the offender might have to write a letter of apology or an essay, donate to a charity, and/or do community service work.
- To **appeal** means to ask a higher court to review a lower court’s decision and, if justified, to change the decision.
- An **arrest** happens when the police take a person into their custody.
- An **autopsy** is an examination of the body following a sudden or unexplained death by a medical examiner to determine the manner and cause of death.
- A **bail hearing**: is held by a judge or justice of the peace to decide if a person should be released from jail before a trial. In Canada, the formal term for “bail” is “Judicial Interim Release.”
- **Charges** are the formal legal accusation(s) that a person has committed a crime.
- **Community supervision** means that an offender convicted of a crime is in the community, not in a prison or jail, and is being supervised by a probation officer.
- A **conditional sentence** is a sentence in which an offender is sentenced to go to jail, but the judge states that if the offender follows certain conditions, he or she can remain in the community instead of going to jail. An offender is supervised by a probation officer while in the community. If the offender breaks the conditions, he or she will go back to court and may have to serve the jail sentence.

- **Conditions** are limits or restrictions or requirements attached to bail, release or sentences.
- A **conviction** means the accused person pled guilty or a judge or jury found the accused person guilty of a criminal offence. The accused person then receives a sentence.
- **Cross-examination** is when the defence lawyer or the Crown prosecutor asks questions of a witness called by the other side.
- **Court proceeding** is the formal legal process that takes place in a courtroom with a judge presiding over what is allowed to happen.
- **Custody** is time in jail or prison. Custody may be a pre-trial condition for an accused person, or a sentence for a convicted offender.
- A **defence** is a denial or answer to a charge against an accused person.
- A **defence lawyer** is a lawyer who represents an accused person.
- A **discharge** is the release of the accused person after a preliminary hearing. A discharge means there is not enough evidence to go to trial.
- A **disposition of the court** is what the court decides will happen as a result of the verdict.
- A **disposition** is the decision by the Alberta Review Board about who is responsible for supervising an accused who is found "unfit to stand trial" or an offender after a hearing or trial in which there is a verdict of "guilty" or "not criminally responsible because of mental disorder."
- A **disposition hearing** is a proceeding held by a court or review board to review the status of an accused or offender, and to make or review the arrangements for supervising that person.
- An **election** is the accused person's choice of trial. The accused person can choose trial by a provincial court judge, by a superior court judge alone or by a superior court judge and a jury.
- **Emergency protection order** (see sub-section under protection orders).
- An **examination** is the time in a hearing or trial when the Crown prosecutor or the defence lawyer asks questions of a witness they have called to give evidence.
- **Extrajudicial** is something that happens outside of the regular justice system.
- The **Extrajudicial Sanction Program** may be offered to young people who are charged with less serious crimes. Being part of the program means the young person does not have to go through the formal court youth justice process. The program gives the young person an opportunity to take responsibility for the crime, for example, by doing community work and/or making an apology to the victim.
- An **extrajudicial sanction** is what a young offender must do to take responsibility for the crime, as decided by the community rather than a judge.

- A **financial guarantee** is an amount of money paid by an accused person to guarantee that the person will follow bail conditions. If the person follows the conditions, the money will be returned. If the person does not follow bail conditions, he or she may lose the money.
- A **hearing** is a court proceeding where a judge reviews information and makes a decision. In some hearings, the judge hears witnesses and witnesses present evidence.
- An **investigation** is a close study of the circumstances surrounding a crime.
- **Not guilty** means there was not enough evidence to prove “beyond a reasonable doubt” that the accused person is guilty.
- An **oath** is a sworn statement that the person giving the oath will tell the truth.
- An **offender** is an accused person who is found “guilty” of a criminal offence by the court.
- **Parole** is an early release decision that allows a federal offender to serve some of the sentence out of prison under supervision. Parole is discretionary. This means that it is not automatic. The National Parole Board has to decide whether to grant parole. Conditions go with parole. If the offender does not stick to those conditions, he or she may go back to prison.
- A **preliminary hearing** is a hearing by a judge to decide if there is enough evidence to commit an accused person to stand trial.
- **Probation** is a sentence that allows the offender to be supervised in the community by a probation officer.
- To **prosecute** a person for a crime takes two steps. First, the police lay a charge against the accused person. Then the Office of the Crown prosecutor prepares and conducts legal proceedings against that person.
- A **protection order** is an order from a court that forbids someone to have contact with another person. It can also set rules about what contact is allowed.

The Victim Services Unit can give you information about how to apply for a protection order. After you apply, a judge will decide whether to grant the protection order.

Examples of protection orders are:

- An **emergency protection order** is an order available to people who have been subjected to family violence. The order must be approved by a provincial court judge or justice of the peace and can be granted by telephone.

The judge or justice of the peace can order that one family member not have contact with other family members for a certain number of days. This may mean that the family member cannot be in the family residence during those days.

An emergency protection order must be reviewed by a Queen's Bench judge within nine working days after it is granted.

A claimant (the person who requested the emergency protection order) is not required to attend the Queen's Bench review. However, if you are a claimant, it may

be in your best interests to attend. You may be able to obtain legal assistance from the Legal Aid Society of Alberta to represent you at the Queen's Bench review of an emergency protection order.

- A **Queen's Bench protection order** is an order granted by a Queen's Bench judge to a person who has been subjected to family violence.

A Queen's Bench protection order can order one family member not to have contact with other family members or not to be in the family residence for a certain period of time up to one year.

A Queen's Bench protection order can also include other provisions such as:

- Ordering a family member to reimburse other family members for costs that were caused by the family violence; and
- Ordering a respondent to receive counselling, or authorizing a child to receive counselling.

Both the claimant (the person who asks for the order) and the respondent (the person who will have to obey the order if it is granted) can speak during review of an application for a Queen's Bench protection order.

A Queen's Bench protection order may be extended for terms of not more than one year each. A claimant must apply to have the order extended.

Applications for a Queen's Bench protection order are made "on notice." That means the respondent is informed that the application has been made.

If a person who has been subjected to family violence feels threatened if the respondent is notified of the application, a restraining order may be a more appropriate protection order.

- A **peace bond** is a court order available to protect a person from injury or property damage by another person.
- A **restraining order** is a court order that requires one person to stay away from another person. A restraining order may be granted in the Court of Queen's Bench without notifying the person who is to be restrained that someone has applied for the restraining order.
- A **publication ban** means that a judge has ordered that details of a case cannot be reported in the media.
- **Queen's Bench protection order:** see sub-section under "protection orders".
- **Release conditions** are the rules that an accused or offender has to follow when he or she is back in the community instead of jail or prison. Examples include:
 - No-contact provisions, where the accused is not allowed to contact the victim;
 - Curfews, when accused must be home at certain times; and
 - No alcohol.
- **Restitution** is a court order that says an offender must repay a victim for some or all of the expenses caused by the crime, or in some other way must repair the damage caused by the crime.
- **Restraining order** (see sub-section under "protection orders").

- **Sanctions** are what the offender agrees to do when the case is settled outside the formal court process.
- A **sentence** is a formal decision by a judge about what the punishment will be for an accused person found guilty of a criminal offence.
- The **status of the investigation** is the stage of the investigation process, that is, whether police are still investigating the crime, whether charges have been laid, or whether the file has been closed. When police provide information about the "status of the investigation," it means they will tell you what stage of the investigation process they are working on. police will not tell you about their findings.
- A **subpoena** is a court order that requires a witness to appear in court to give testimony.
- A **temporary absence** is for adult offenders in provincial jails. It is an early conditional release program. This means the offender can be released into the community if he or she follows certain conditions. If the adult offender does not stick to those conditions, he or she may go back to jail. If the victim is identified, Alberta Correctional Services will contact the victim when they are deciding whether to grant a temporary absence to an offender.
- To **testify** means to give information when the Crown prosecutor or the defence lawyer questions you under oath. The information must be based on what you know about what happened, not what someone else told you.
- The **testimony** is the information that witnesses give when they testify during a hearing or trial, under oath to tell the truth.
- A **verdict** is the court's decision about an accused person. Through a verdict, the court says the accused person is guilty or not guilty of the offence(s) of which they were accused. The verdict could also be "not criminally responsible because of mental disorder."
- A **warrant** is a court order that allows police to arrest a person or search a place.

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What victims of crime can expect from the criminal justice system
