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## OM

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## OM - ch. 37.6. Victim Assistance

**Directive Amended: 2016-01-05**

For information regarding this policy, contact Operational Policy and Compliance Section, Contract and Aboriginal Policing.

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## 1. General

1. 1. The RCMP recognizes Victim Services to be an integral component of the continuum of comprehensive police services we deliver to the citizens of Canada.

1. 2. The RCMP supports Victim Services programs and will share relevant information with them in accordance with the [Privacy Act](#), [Canadian Victims Bill of Rights \(CVBR\)](#), and Provincial/Territorial Acts so that victims may be informed of services to which they are entitled.

1. 3. Members/Victim Services Coordinators should advise victims that the [CVBR](#) provides them with the following rights:

1. 3. 1. Right to Information - Victims have the right to information about the criminal justice system, victim services programs, and specific information about the progress of their case and the status of the person who harmed them.

1. 3. 2. Right to Protection - Victims have the right to have their security and privacy considered at all stages of the criminal justice process, reasonable and necessary measures to protect them from intimidation and retaliation, and an enhanced ability to protect their identity from public disclosure.

1. 3. 3. Right to Participation - Victims have the right to convey their views and have them considered at various stages of the criminal justice process, e.g. victims have the right to submit a Victim Impact Statement to the court describing the impact the crime has had on them.

1. 3. 4. Right to Restitution - Victims have the right to seek a restitution order in all

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offences for readily ascertainable losses. Victims also have the right to have the order enforced as a civil debt in cases where the offender does not pay.

NOTE: Members/Victim Services Coordinators should advise victims about how they can access information regarding the [CVBR](#), e.g. resource contact information, websites, pamphlets, cards, brochures.

1. 4. All law enforcement agencies and correctional facilities are bound by the [CVBR](#).

1. 5. Victims must be treated with courtesy, compassion, and respect in accordance with the Core Values of the RCMP and the [Canadian Statement of Basic Principles of Justice for Victims of Crime](#).

1. 6. Timely involvement of Victim Services is critical to the preservation of peace and prevention of crime. It is an integral part of the prevention and reduction of victimization and potential re-victimization and is an obligation of the RCMP. See [Sec. 18.](#) and [20., RCMP Act](#).

1. 7. The RCMP provides specific information to Victim Services to fulfill our obligation and enabling them to safely contact victims of crime.

## 2. Definitions

2. 1. **Exceptional circumstance** means a situation where the victim is unable or incapable of providing consent due to his/her medical or mental capacity and/or a member believes it would be in the best interest of the victim to be referred to Victim Services.

2. 2. **High-risk victim** means a victim of domestic or family violence or other violent crime where there is a continuing risk of serious bodily harm or death.

2. 3. **Persons offence** means an aggressive act or threat of violence against a person, including but not limited to, all categories of assaults, sexual offences, threats of bodily harm, acts of terrorism, human trafficking, property offences causing danger to life, harassment, and driving offences where persons are injured or killed.

2. 4. **Police-based Victim Services** means Victim Services personnel located in an RCMP detachment, who use RCMP office equipment and supplies. The personnel must have an RCMP Reliability Status (RRS) security clearance and be under the supervision of the Detachment Commander/delegate.

2. 5. **Proactive referral** means a referral made without consent, to Victim Services under one of the five circumstances listed in [sec. 4.1.3.](#)

2. 6. **Serious property offence** means an offence involving property of a person or business where the loss exceeds \$5,000 including, but not limited to, acts of break and enter, theft, damage, fraud, forgery, false pretences, or other criminal acts against the rights of property.

2. 7. **Victim** means a person who has suffered physical or emotional harm, property damage, or economic loss as a result of the commission or alleged commission of an offence. Victim is also defined in [Sec. 722., CC.](#)

2. 8. **Victim Services organization** means an organization that is certified by the director or manager of Victim Services in the province in which it operates, as complying with that province's security clearance requirements, and the handling, transmission, transportation, storage, and destruction of personal information. This organization must be recognized by the Commanding Officer of the division that is located in the province as an organization that may receive information for the purposes of the [CVBR](#).



2. 9. **Victim Services program** means a program that is designated to assist victims and may be provided or funded by provincial/territorial government.

2. 10. **Vulnerable sector** refers to any person or group that is susceptible to physical or emotional injury. A vulnerable person means a person who, because of his/her age, a disability, or other circumstances, whether temporary or permanent, is in a position of dependence on others or is otherwise at greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

### 3. Division

3. 1. Divisions may share specific information with Victim Services if the victim consents to a referral.

3. 2. Divisions intending to make proactive referrals to provincial/territorial Victim Services must establish a Memorandum of Understanding (MOU) with the province/territory, unless the Victim Services are police-based.

3. 3. Divisional MOU are subject to the Treasury Board of Canada Secretariat [Directive on Privacy Impact Assessment](#) and must be approved by National Criminal Operations.

3. 4. The information shared with Victim Services without a victim's consent should be limited to information necessary to make contact with the victim and to ensure the safety of both the victim and the Victim Services worker including:

3. 4. 1. the victim's name, age, gender, address, telephone number, and language preference;

3. 4. 2. the victim's relation to the accused;

3. 4. 3. the type of crime alleged to have been committed against the victim and the charge, if laid;

3. 4. 4. whether the accused, if charged, has been released; and if so, what conditions have been imposed, or is being held pending a bail hearing; and

3. 4. 5. a statement of whether the victim has been informed that information about him/her is being provided to Victim Services.

NOTE: In the case of a child, vulnerable, or a deceased victim, the names and contact information of the victim's parent/guardian/next of kin may be provided.

### 4. Roles and Responsibilities

#### 4. 1. Member

4. 1. 1. Inform victims of the services provided by Victim Services and make an offer for referral using a referral script such as the following:

*"I am going to advise Victim Services about this incident and provide them with your contact information. Victim Services is a confidential service that can provide you information, keep you informed and offer support. Is that okay?"*

4. 1. 2. If the victim consents to a referral for services, see [App. 37-6-1](#) for the process.

4. 1. 2. 1. Complete [Victim Services Referral Form 5151](#), or the accepted form used in your jurisdiction, and submit it to Victim Services as outlined in divisional/detachment directives.

4. 1. 3. Consider a proactive referral to a Victim Services organization, or if Victim Services delivery in your jurisdiction is police-based, and the victim does not or is unable to consent to a referral to Victim Services, ascertain if one or more of the following circumstance exist:

- 4. 1. 3. 1. person's offence,
- 4. 1. 3. 2. serious property offence,
- 4. 1. 3. 3. high-risk victim,
- 4. 1. 3. 4. vulnerable victim, or
- 4. 1. 3. 5. exceptional circumstance.

4. 1. 4. If one or more of these circumstances exist, inform the victim, where appropriate, that a proactive referral will be made to Victim Services who will seek consent on behalf of the RCMP. Document the specific circumstance by checking the appropriate box on [Form 5151](#) and submit it to Victim Services through the appropriate channel, as outlined in divisional/detachment directives.

4. 1. 5. Victim Services referrals must be documented on the operational file.

4. 1. 6. Occurrences involving Victim Services referrals will include UCR Scoring to reflect whether a referral was made with or without consent.

4. 1. 7. If a Victim Services program does not exist in your area, follow-up with the victim and provide information in accordance with applicable provincial/territorial victims of crime legislation.

4. 1. 8. Before Victim Services personnel attend a scene, assess risk, and ensure the scene or situation is safe before engaging their services.

#### **4. 2. Member/Victim Services Coordinator**

4. 2. 1. Familiarize yourself with the Victim Services programs available in your area and the services they provide.

4. 2. 2. Ensure that the victim has been informed of the status of the investigation, in accordance with the [CVBR](#), regardless of whether or not an arrest has been made or a charge has been laid.

4. 2. 2. 1 When investigating serious offences, e.g. aggravated assault, child abuse, or homicide, develop a schedule in consultation with the family/reporting party to provide updates on the status of the investigation.

4. 2. 2. 2. Ensure all follow-up with the victim is documented on the operational file.

4. 2. 3. Ensure that the victim has been advised of the status of any judicial proceedings, including but not limited to: bail hearings, remands, and first appearance dates.

4. 2. 4. Ensure that the victim has been informed of the possible right to restitution.

#### **4. 3. Supervisor/Detachment Commander**

4. 3. 1. Provide members with information about the Victim Services programs available in the area.

4. 3. 1. 1. Provide members with information regarding provincial/territorial victims of crime legislation.
4. 3. 2. When reviewing operational files, confirm that Victim Services referrals have been made where applicable and appropriately documented on the file.
4. 3. 3. Where a Victim Services referral should have been made and has not been indicated on the operational file, follow-up with the member to ensure a referral was made and is properly documented on the file.
4. 3. 4. Ensure that the member/Victim Services Coordinator has completed all of his/her roles and responsibilities outlined in [sec. 4.1.](#) as required, and that he/she has documented all follow-up with the victim on the operational file.
4. 3. 5. Engage local Crown to ensure the roles and responsibilities regarding the CVBR are consistent with those established under [sec. 4.4.1.](#) and [4.4.2.](#)

#### 4. 4. Divisional Criminal Operations Officer/Delegate

4. 4. 1. Engage provincial prosecution services and provincially sanctioned victims services programs to ensure that roles and responsibilities are clearly established concerning: information-sharing processes with victims, e.g. juridical interim release and other application juridical processes, restitution, victim impact statements, victim court appearances, protection and prevention.
4. 4. 2. Consider establishing an MOU with key stakeholders, e.g. those identified in [sec. 4.4.1.](#), that outlines the agreed upon roles and responsibilities.

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#### References

- [Canadian Charter of Rights and Freedoms](#)
- [Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003](#)
- [Section 4.2.d., Provincial Police Services Agreement](#)

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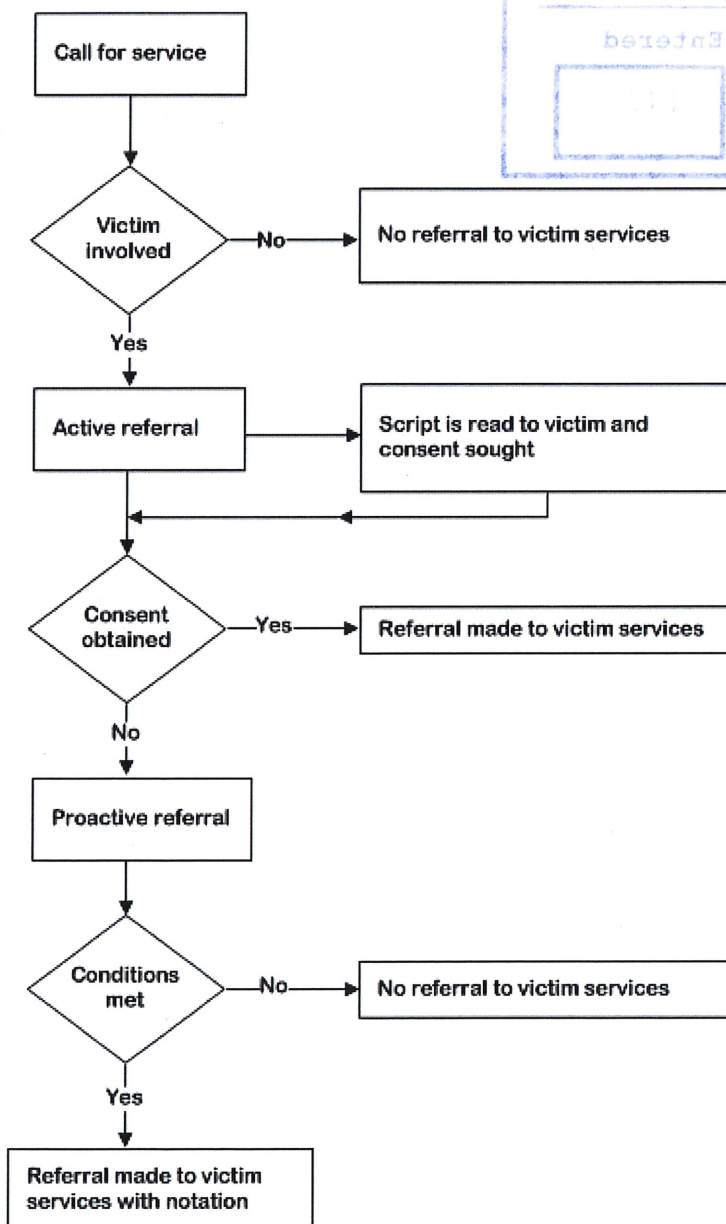
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## OM - App. 37-6-1 Victim Services Referral Process

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New Chapter: 2011-07-28



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Date Modified: 2011-07-28

<b>Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls</b>		
Location/Phase: <u>Part 2 Regina</u>		
Witness: <u>Brenda Butterworth-Carr</u>		
Submitted by: <u>Anne McConville</u>		
Add'l info: <u>P02 P02 P04 01</u>		
Date: <u>JUN 28 2018</u>		
Initials	I/D	Entered
<div>63</div>	<div></div>	<div>111</div>