

**Investigation into Ontario's Criminal Injuries
Compensation Board Yields Report**

By Claudia C. Belda

2007

On August 23, 2006, the Ombudsman for Ontario, André Marin, announced that he had set up a team to carry out an investigation into the Criminal Injuries Compensation Board (CICB).

The CICB is a provincially run government agency which provides compensation to the victims and survivors of violent crimes. It has a budget of approximately \$21 million and it deals with 4,000 to 5,000 cases each year. The CICB reports to the Ministry of the Attorney General.

The announcement of an investigation was preceded by several months of complaints being directed to the Ombudsman's office from individuals and interest groups regarding the treatment received by the victims and survivors of crime by the CICB.

The complaints were on a variety of topics and including the following:

- Lengthy administrative delays before reaching a decision or awarding compensation;
- Heavy bureaucratic burdens;
- Demands for a lot of complex and extensive paperwork, and
- Re-victimization of people applying for compensation.

On February 27, 2007, the Ombudsman held a press conference where he released a 92 page report titled, *Adding Insult to Injury*. The report uncovered a system that, in the words of the Ombudsman, is a "colossal failure".

While the CICB is mandated by law to provide compensation to the victims and survivors of crime, the report uncovered that only 2.5 % of those who apply actually get compensation.

Not only does it award compensation to a few people, but it also takes a long time for them to get the compensation or get their files moving. Compounding the problem is the fact that the applicants get treated with suspicion rather than support.

At the press conference, the Ombudsman said, "the Board has become so dysfunctional that it often causes more frustration and hurt to crime victims than it relieves. ... With its rule-obsessed, paper-shuffling culture, its pace is [extremely slow]. Far from serving as the comfort to victims it was intended to be, it denies them closure through cruel delays."

Of the 35,000 calls the Board receives per year, only 7,500 applications are set out. Of those, more than half of the people give up in the face of extremely complicated forms. And even when the forms are submitted, the Board operates with such a rigidity that they treat each application "with the sanctity and rigidity of legal evidence rather than as pleas

for help from lay people who are vulnerable, distraught and in need.”

Driving his point forward, the report details heart wrenching stories of re-victimizations of several victims and survivors of crime at the hands of the Board. Some of the stories discussed include that of a man whose 5 year old daughter was raped and murdered yet was told that he would have received more money if she had lived, a blind retired woman who had to chose between food or burying her murdered daughter, a man who died while waiting for the Board to deal with the claim, and many more.

The report indicated that the reason the CICB is not working is due largely to huge lack of funding. It is also understaffed, it uses old and inefficient systems and is used to delaying applications as a way to work within its budget. In all of this, the government has chosen to do nothing, except for making sure that the CICB flies under the radar so victims of crime are not aware of their services so that they won't have to pay any more compensation than they are paying now.

The report also lists a number of recommendations to deal with the problems including:

- The government should increase funding in resources in order to meet the demand.
- Adopt a new model for the compensation of victims of crime.
- Have an outreach campaign to educate victims of crimes of their rights.
- Making the Board independent from the Ministry of the Attorney General.
- Give formal training to the staff to deal more sensitively with victims of crime.
- Eliminate paperwork.
- Shorten delays.
- Overhaul their file proceeding methods.

The Attorney General's response to the findings is also included in the report. The Attorney General shared the views expressed in the report and has committed to having a plan to implement the recommendations by August 15th, 2007

More Information About the Criminal Injuries Compensation Board

The Criminal Injuries Compensation Board is an independent agency of the Ministry of the Attorney General. Created as a result of the Compensation for Victims of Crimes Act, the role of the Board is to give financial compensation to victims of violent crimes in Ontario.

Who is Eligible for Compensation?

- Those who have been injured as a result of violent crime in Ontario.
- Those who were injured while trying to prevent a crime or were helping a police officer make an arrest.
- Those who were responsible for taking care of a victim of a crime and have suffered a loss of income or had expenses as a result of the victim's death or injury.

- Those who were dependent on a deceased victim of a violent crime.

Who Can Apply?

Anyone who has suffered physical, mental, emotional or psychological injuries as a result of a crime of violence committed against them can apply to the CICB. The crime must be in the Criminal Code of Canada and it includes offences such as assault, sexual assault, criminal harassment, child abuse, domestic violence and murder.

You have 2 years from the date of the injury to apply. Usually the person who suffered the injury should apply. But if you are a minor or unable to apply by yourself, a caregiver can do it for you. You have to request the forms from the CICB. You can contact them at 1-800-372-7463 or check the web at <http://www.cicb.gov.on.ca> for more information.

What Can You Get Money For?

You can get reimbursed for medical, dental and therapy expenses, funeral and burial expenses, legal representation, traveling costs, pain and suffering, loss of income and loss of support.