

## Adding Insult to Injury – Criminal Injuries Compensation Board



Since the February 2007 release of the Ombudsman's report *Adding Insult to Injury*, both the Criminal Injuries Compensation Board (CICB) and the Ministry of the Attorney General (MAG) have continued to implement the Ombudsman's recommendations to reduce backlogs and delays and to address concerns about the board's insensitive, overly rigid and bureaucratic processes.

Additional staff were hired, new adjudicators appointed and, in March 2008, **\$100 million** in funding was allocated to the CICB. In June 2008, the board and MAG reported to the Ombudsman that two issues remained outstanding with regard to the

Ombudsman's recommendations, including a pilot project with the Toronto Police Services on police questionnaires and the establishment of an advisory committee comprised of crime victims, their advocates and victim services professionals. These were to be reviewed in the wake of the report of the province's task force on the victim compensation system as a whole, chaired by the former chief justice, Hon. Roy McMurtry.

Mr. McMurtry's report, released in August 2008, included several recommendations to the government to improve victim services, including providing victims with a single point of access to supports and services, working with local community services, police and Crown attorneys to develop a protocol for informing victims about available services, and reporting annually to the public on provincially funded victim programs. The same month, the government announced the appointment of a new Chair of the CICB.

In March 2009, the board's new Chair reported to the Ombudsman on several new initiatives to improve the CICB's responsiveness to victims of violent crime, including setting a **30-day service standard** for board members to draft orders, allowing more cases to be decided through the speedier documentary hearings process, and establishing a working group with the Victim Quick Response Program (which covers emergency expenses in the aftermath of violent crime), to improve communications and the transfer of information between the related agencies and reduce timelines for interim assistance.

As of January 31, 2009, the CICB's caseload stood at 6,650, down from 8,290 in November 2007 and 9,640 in July 2006. Since the beginning of fiscal 2008-2009, it has received on average 334 cases per month – a 7% decrease from 2007-2008, but a 25% increase over 2006-2007. In the same period, it has completed an average of 288 cases, a 6% increase over 2007-2008 and a 57% increase over 2006-2007. The CICB estimated that nearly **5,000** claims would be processed to the hearing-ready stage by March 31 and more than **3,900** hearings would have been held in fiscal 2008-2009. The average processing time for claims has been reduced from an average of **three years** to an average of **two years** – still not ideal by any means, but certainly moving in the right direction.

The CICB also reported that further upgrades to its case management system would be completed in April 2009. In addition, it has re-initiated its pilot project with the Toronto Police Service to share police questionnaires electronically. The establishment of an advisory committee is still under consideration. While the CICB supports the concept of creating avenues for meaningful exchange with victims and other stakeholders, it wished to consider all options available. It expects to be in a better position to provide a final response to this recommendation by fall 2009.

Complaints to the Ombudsman about the CICB have continued to fall – from **172** in 2006-2007 to **73** last fiscal year – and to **54** this past year. Some of these complaints were about delays and poor customer service. Most were quickly resolved. The Ombudsman continues to monitor CICB's progress.

### ***Collateral Damage – Mental Health Services for Soldiers' Children***

The Ombudsman continues to monitor the implementation of his 2007 recommendations regarding the provision of mental health services for the children of soldiers based at Canadian Forces Base (CFB) Petawawa. In March of that year, a SORT investigation found the demand for psychological counselling had grown tenfold as a result of Canada's ongoing military mission in Afghanistan. Due to a lack of resources, children of military families were waiting up to six months for treatment at the local children's mental health provider, the Phoenix Centre for Children and Families. The investigation revealed a standoff between the federal and provincial governments, even though it was clearly a provincial responsibility to provide mental health care to the children of military members. The kids waiting for the care they so desperately needed were, in effect, collateral damage.

In response to the Ombudsman's recommendations, the provincial government created a \$2-million contingency fund to provide children's mental health support to communities facing crisis or extraordinary circumstances and provided the Phoenix Centre with immediate funding. The Minister of National Defence also confirmed the federal government was open to further discussions with the province to ensure that the mental health needs of CFB Petawawa's children were met. The increased funding provided by both governments allowed the Phoenix Centre to hire more staff to meet the growing demand for services.

This collaborative funding by the provincial and federal governments has continued and appears to be working well. Ontario's Ministry of Children and Youth Services is monitoring the demand for services.

In December 2008, the Phoenix Centre reported it had experienced no reduction in need and with the death of three soldiers earlier that month, anticipated the referral rate would increase in the new year. Since then, several more soldiers from CFB Petawawa have been killed. The latest group of soldiers deployed to Afghanistan from Petawawa began returning in February 2009, with most arriving home in April. Another deployment from the base is expected later in 2009.

SORT continues to receive monthly updates from the Ministry of Children and Youth Services on the number of children on the waiting list. In February 2008, **89** military clients received services, while 13 waited for family/child treatment and one waited for group counselling. SORT investigators are in regular contact with the Phoenix Centre and military authorities and are closely monitoring developments.