



***Adding Insult to Injury* – OPENING REMARKS**

André Marin

(TORONTO – Feb. 27, 2007) If, indeed, as has been said so many times, society will be judged by the manner in which it treats its most vulnerable members, then we in Ontario are at serious risk of being judged as living in a cruel and insensitive society. For over a decade, we have dealt with victims of crime by renegeing on our promise to take care of them, by *Adding Insult to Injury*, which is the title of the report I am making public today.

In Ontario, the responsibility by law to receive claims and determine appropriate awards for victims of crime is vested in a little-known body called the Criminal Injuries Compensation Board. I say “little-known” from the perspective of the average citizen who has not suffered through injuries caused by a crime. For those who have been so unfortunate, their next stop has often been to make a claim with this government body. And almost invariably, they have emerged scarred and justifiably embittered by the bureaucratic sclerosis they have encountered. For many, their encounter with this government organization has only added to the trauma they have suffered at the hands of a criminal.

This Board greets victims of crime with bureaucratic indifference and suspicion. Instead of giving steadfast and urgent assistance, it trades in technicality and embraces delay. It is one of those organizations that craves officialdom and relishes red tape.

My report details the gruelling process that victims must go through to get compensation, which takes an average THREE YEARS for each and every claim. The primary reason for this is that the prosecution arm of the provincial government, the Ministry of the Attorney General, has been and continues to act contrary to law. It has been starving the Board of resources to properly carry out its statutory mandate. At times, the Ministry has even directed this emaciated adjudicative body to delay compensation to victims in order to stay within its budget – disregarding the fact that the Board is, by statute, an independent quasi-judicial tribunal.

Because it lacks money, the Board has come to rely on stalling tactics to survive, even when they make no sense. For instance, we found it routinely tells victims it cannot process their claims until any criminal trials in their case are concluded, which is simply wrong.

On top of this, the Board lacks a human touch. Its staff receive no special training in how to deal with traumatized people. They seem obsessed with making sure all their forms are perfectly filled out, and often make victims redo them, resulting in pointless delay. The Board appears to suffer from an official document fetish.

Today's report tells the appalling stories of several victims – including one man who actually died waiting for compensation. And after his death, the Board sent his family a letter, touting the fact that the claim had been processed more quickly than usual!

Another man, whose five-year-old daughter was raped and murdered, was treated as though he was trying to scam the Board out of a few thousand dollars to pay for her funeral. A mother of a murder victim was berated for forgetting to give her file number when she called the Board. We even learned of a claim that was sent back because, among other problems, the applicant had forgotten to dot one of the I's in his name.

In this report, I make seven recommendations to the Ministry of the Attorney General, the organization to which the CICB reports. In the recommendations, I urge the government to properly support the Board, both financially and operationally, while also recognizing the government's obligation to hold meaningful consultations on the future of the Board. I am pleased to report that all recommendations directed to the Ministry have been accepted.

Unfortunately, I can't say the same about the CICB, whose response to my preliminary report was singularly and surprisingly unimpressive. I made 10 recommendations to the CICB to inject into their treatment of files some common sense and sensitivity, such as cutting down on the holding of oral hearings which are far too technical and often end up causing unnecessary trauma to victims of crime. After 10 days of deliberations with the report, the Board responded by committing to implement none of them.

The Board's response to the preliminary report can only be characterized as a "batten down the hatches and sail through the storm instead of fixing the problems" approach. Rather than trying to find ways within its current legislative framework to lighten the heavy emphasis on officialdom and red tape in which the Board is effectively drowning, it appeared quite content with the status quo on the basis that it is justified by such catchphrases as "procedural fairness." The Board ignored – with breathtaking insouciance – the well-documented lack of sensitivity it has displayed towards its clientele, though it is quite happy to take a greater government handout. Sadly, the CICB proposed to take the money and run – without binding itself to any corrective measures.

It appeared to me that the CICB just didn't get it. The attitude expressed in its initial response to my report threatened to spike any meaningful reform. Instead of victims of crime having to put up with a bloated, rigid, uncaring and unresponsive bureaucracy, they would be dealing with a bloated, rigid, uncaring and unresponsive bureaucracy that burned through more cash.

Armed with the CICB's response, I finalized the report and issued a media advisory for this press conference. Shortly after the advisory was issued, the CICB did an about-face and it now appears to agree to all the recommendations.

So where does all this lead us? While the responsible Ministry is prepared to act diligently and move forward to fixing its share of the problem, the quasi-judicial tribunal's initial but revisited response was to take a "damn the torpedoes but thanks for the extra cash" approach.

The Government will be unable to correct the problems with the CICB without the Board's co-operation. Unless there is a sea change in our treatment of victims of crime, I fear that they will again be left in the lurch, put through the wringer by a bureaucracy in denial.

While I accept as genuine the sober second thought expressed by the CICB as the press conference was announced, I intend to closely monitor developments to ensure that the commitment to change along with a clear timetable for action is duly implemented so we can finally meet our 36-year-old promise to treat victims of crime with compassion and dignity.