

When a family member is a victim:
An interview with David Molzahn and Christina
Guest
of CSC Victim Services.

‘Stranger’ crime happens, but it is the family home that may be the most dangerous place to be. Murder, rape, domestic violence, child abuse, incest, robbery - the list in which one family member, or someone who was previously in a relationship with the offender, is the victim. The list probably includes every crime.

The Canadian Families and Corrections Network knows from its work with families that the offender is much closer to home than anyone likes to talk about. The CFCN also takes a wider view, that even if a family member is not the victim, the family is still harmed by the criminal behavior of the offender and its consequences on the family.

The CFCN was very interested with the start-up of the Correctional Service of Canada’s Victim Services and about what services could they offer to families. David Molzahn and Christina Guest, who work with Victim Services for the Correctional Service of Canada, agreed to discuss this topic.

CFCN. There’s a lot of concern and discussion about ‘stranger’ crime, but perhaps not as much discussion about crime happening with a family relationship. What do you think that’s about?

DM. I have some personal theories on why that is. It’s easier to think about people and offering services to them when there is a separation between the victim and the offender. When there is not, it becomes much more complex emotionally, psychologically, spiritually.

Within the correctional system, there are some challenges from an operational perspective where staff deal with the offenders in the institutions and hear, for example, that the victim is a spouse. On top of that, the family member would like to continue the relationship. It’s difficult for some folks to comprehend. Not difficult, of course, in the community where you see that kind of thing happening all the time, but operationally staff wrestle with that a bit more. I think that this is a growing edge for us in Victim Services of the Correctional Service of Canada – to become clear about who the victims are and who the registered victims are. In



many serious crimes, the crime occurs within the context of the family and we haven’t been able to talk about that as clearly as we need to. I think some of the work that the CFCN is doing is helping us ask those questions.

CFCN. You were recently in Saskatchewan to meet with Aboriginal peoples and families. Was there any discussion about family members being victims?

DM. The Aboriginal counselors and pastors at the meetings raised so many issues. They shared heart-breaking stories about their work in some of the smaller communities and discussed reaching out to both victims and offenders. That’s such a unique perspective. My personal experience in working with family members as victims of crime has mostly been with Aboriginal families. When I was a hospital chaplain, I sat with a mother whose son was in intensive care and whose life support was being turned off. It was a family-on-family crime. The mother was dealing with a son who had passed away and another son who was going to serve a life sentence. That is the kind of story we heard quite frequently.

CFCN. Could you tell us about when, how and why Victim Services was started?

CG. In 1992 the law (the Corrections and Conditional Release Act) was changed to include an obligation on the part of the government of Canada to provide information to victims of federal offenders. A process was set up by which the Correctional Service of Canada could provide information to registered victims - victims who requested to receive that information about the offender who had harmed them.

CFCN. If a family member is a victim and they phoned the Victim Services, what can they expect?

CG. If they phone, they'll be asked to choose the region where they live by entering a number to push. What they can expect then is that someone at that regional office will answer, although they might have to leave a voice message. Someone will phone them back, same day, if they leave a voice message.

The family member would ask to register as a victim in order to get information about the person who harmed them. The Victim Services Officer would then describe the process of registering, what has to happen before CSC can release information to someone. The reason for that is that we can't release private information about the people in our custody except within very specific requirements. Victims are some of the limited number of people to whom we can provide some information and we need to ensure that the people who are phoning are actually the victim. There has to be some way for us to check that the person on the phone is who they say they are. A few simple questions are asked of the victim about the crime, about things that the general public would not know about the particular crime against them.

CFCN. Would the family member have to give their name right off the bat?

CG. No, not if they are just phoning for information about Victim Services and what we do. We can readily give out information about what services are available to people who register, what information can be provided to registered victims, why victims have to register if they want this kind of information, why we have to follow certain policies and procedures to protect victims and to protect private information about the offender, because both have rights.

CFCN. And then if a family member wanted to register they would provide their name, phone number and other contact information?

CG. That's right. We do require the request in writing. We would say where to get the forms, what they would need to do to fill it out. The Victim Services officer could also fill it out for them over the phone and then send it to the family member for them to sign and send it back.

CFCN. If the family member registered as a victim and phoned Victim Services, would they speak to the

same person again or would they have to explain their story each time?

CG. The goal is to have as few people as necessary to speak with. Because all the information provided by the victim is recorded on a secure database, if the original Victim Services Officer is not available, other VSOs in that office would be able to answer questions or provide the information without the family member having to repeat their story.

CFCN. If a family member was registered, what kind of information can you provide?

CG. There are two categories. One is the information that CSC must disclose to registered victims are : the offender's name, the offence for which the person was convicted - This is included because the victims may not have followed the court process all the way through and the offender may not have been convicted with the offence that he or she was initially charged with, the court that convicted them, the date when the sentence began, and then the dates when the person will become eligible for temporary absences and parole. The second category is discretionary information may be disclosed based on the balance of the offender's rights and the victim's rights. The victim may be told the offender's age, the location of the penitentiary, the date that the offender is to be released for various reasons, times of hearings, conditions that are attached to the offender's release, the destination of the offender when released and whether the offender is in custody, and if not in custody, the reason.

What victims often are interested in is finding out when the person might be allowed out of the institution, for example to do a work program, an educational program, mental health program. We are obliged to tell the victim the date that the person is being escorted outside the penitentiary. This can be reassuring to victim or the victim's family members to know, to be kept in the loop, that when they don't hear anything, the offender is inside the penitentiary.

Registered victims can have access to sentencing information such as the parole eligibility date, the end date of the sentence – anything that might affect the victim in terms of the person's release. If they are interested, they can inform the National Parole Board about their feelings about the person's potential release in the form of a Victim Impact Statement

when the offender goes before the Board for a decision.

CFCN. In the CFCN's work, some family members who are victims end the family relationship. Others continue the relationship. There is conflict inside the family because one family member wants to support the offender, while another family member doesn't want to have anything to do with the offender. What have you found so far inside Victim Services around that?

CG. Clearly there's that mix. One of the things that is important for family members to know is that in cases where children have been harmed a family member can register on behalf of the child. It's clearly stated in the legislation who can serve as an 'agent' of the actual victim if the victim is incapacitated, under age or unwilling to deal directly with the Correctional Service.

CFCN. A grandmother, an aunt?

CG. A grandmother, an aunt, a stepmother, and as you said, a number of families fall apart. For example, if a child was the victim and the mother has divorced the offender, the mother can register as a victim and can also register as the agent for the children. She could qualify under both those categories.

Victim Services is not there to judge the relationship that they choose to maintain or not with the offender. The services are available to those who qualify as victims. Family members do not have to be decided about what their relationship is going to be with the person who is incarcerated.

The CSC does assist people who want to maintain a relationship with the offender but have been victimized by them. Sometime that can assist family members who register as victims to be assured that the information that they receive is correct. The information that they receive from the person who is incarcerated may not always be complete or correct.

CFCN. Is the offender told that a family member has registered as a victim. Is there safety - is the identify of the victim protected in that sense?

CG. The information about victims is completely separate and secure. There are very clear procedures in place so that the offender does not know that a victim has registered and obviously a family member who is registered as a victim would be in that

category. It is very clear that the victim's information is not shared with the offender. Individuals who deal primarily with managing the offender's sentence don't have access to the victim's information.

CFCN. If there was one thing that you would want family members who are victims to know, what would it be?

CG. Call. Check out the services that are available. I would want them to know that the Correctional Service, although it has the mandate to manage the sentences of offenders, also has the mandate, equally valid and important, to assist people who have been victims. We have a role in helping them to live in the aftermath of the crime, to give them options and freedom, as well as access to CSC's victim services and the National Parole Board's services, to help them take charge of their lives in whatever way they choose to do that.

CFCN. So that whatever happened doesn't have to control their lives any further.

CG. There may have been a horrible time in their lives, but there are resources to help people work through and get beyond it.