



Family-Victim Research: Needs and Characteristics Ontario Region

FINAL REPORT

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EXECUTIVE SUMMARY

The mission of Canadian Families and Corrections Network (CFCN) is “*to build stronger and safer communities by assisting families affected by criminal behavior, incarceration and community reintegration*”. CFCN is a Canadian charity organization, overseen by a volunteer Board of Directors from across Canada and a member of the Public Safety Roundtable, Correctional Service of Canada Community Corrections Working Group, the National Associations Active in Criminal Justice (NAACJ) and The Ontario Ministry of Community Safety and Correctional Services. CFCN has over 20 years of experience and has contributed in an important manner to Canadian research, policy, resources and service delivery to families affected by crime.

CFCN serves family members who are always a victim of the ‘consequences’ of crime. Families are the ones who deal with the financial and emotional harm, geographical separation, stigma, being ostracized from the community, lack of knowledge, emotional cycle of incarceration, etc. Many of these family members may also have the challenge of being a ‘direct’ victim of the crime for which the offender is serving time. Although the family is the victim in many of the most serious crimes, this relationship is often an unspoken reality and a focus not often considered. The current government concern toward increased support for victims aligns with CFCN in our efforts to assist families who are both direct victims and victims of the consequences of the crime.

In October of 2013, Public Safety Canada contracted with Canadian Families and Corrections Network to conduct a study of current Family-victims programs (mainly in Ontario) in support of the Effective Corrections Initiative as part of the Public Education/Citizen Engagement Strategy renewed by Treasury Board Ministers in 2005 to raise Canadians’ confidence in the criminal justice system; ensure meaningful public input into the development of policies, priorities and programs; and strengthen community partnerships.

To support the objectives of the Effective Corrections Initiative, this research on family-victims was to:

- Inform the policy development process in the area of family-victim related initiatives
- Improve intersectoral and interdisciplinary collaboration and delivery of services
- Increase capacity for not-for-profit organizations to fulfill their mandates in serving and strengthening public safety
- Increase community capacity to work with family-victims and local communities

To this end, CFCN was to consult with experts in the fields of corrections, victims and government agencies as well as four organizations that serve family-victims in Ontario. The consultation objective was to determine best practices in the field of family-victim program services, to make recommendations for the successful creation of family-victim services, to examine challenges and opportunities for the governance of family-victim programs, and identify questions and areas for further research that might assist family-victim program development.

While meeting this criterion, CFCN widened the consultation field in an effort to include more voices and opinions. Fifteen experts and seventeen victim-serving agencies were interviewed and a vital resource was included, namely six family-victims themselves.

Canadian Families and Corrections Network joined in partnership with Wilfrid Laurier University (Brantford Campus) and in particular, Dr. Stacey Hannem, Assistant Professor at the Department of Criminology (Research Leader) to complete the research and analysis on this valuable project. The project and its methodology was reviewed and approved by the Wilfrid Laurier University Research Ethics Board (Certificate # 3860) in accordance with the Canadian Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans.

The outcomes of the project were to answer the primary research question:

How can victim-service programs and resources in Canada adequately address the needs of family-victims, giving particular attention to the complexity of family relationships that have been disrupted by crime?

This broad question was broken down into a series of focused interview questions around family-victim needs, resources, legislation, offender accountability, further research potential, etc.

Canadian Families and Corrections Network staff completed all interviews which took between 30 and 75 minutes each. There were three classifications for interviews; namely experts, victim-serving agencies and family-victims.

Experts were chosen from the fields of corrections, victim services and government for their credibility, policy recommendations and understanding of current legislation around victims of crime. Their focus was not to be reflective of any particular type of crime (e.g. domestic violence) but to be broad enough in scope to offer insights around all familial crime in Ontario and across Canada.

The victim-serving agencies were carefully chosen to reflect integrity, stability and varied insight gleaned over time. They were to be agencies family-victims would be drawn to in order to obtain strong, credible information. A great deal of time was spent ensuring that victim-serving agencies were inclusive of all types of crime and the consultation participants included agencies dealing with domestic violence, elder abuse, child abuse, sexual assault, youth crime, etc. They were chosen to represent both male and female victims, various ages, Aboriginal and French perspectives, and the rural and urban perspective across Ontario.

Family-victims were added to the consultation process to add the value of experienced reality. Several individuals stepped forward from the solicitation process and were granted anonymity to encourage them to speak freely.

The research found that family-victims share the same Core Needs as all victims of crime, but that these needs take on unique, additional considerations in light of the complexity of the family dynamic and the kinship relationship between the victim and offender. The prevalence of family-victims among clients of victim-serving agencies is not well documented and there is very little systemic recognition that family-victims have specific needs and concerns which differ from those of non-familial victims. The decision to continue contact or a relationship with the offender has a negative impact on family-victims' ability to access services and many services assume that there is no ongoing relationship or contact between victim and offender. This results in many family-victim needs specific to the relationship with the offender and the navigation of the prison system going unmet. Family-victims feel that their situation and the stigma associated with their status as the family members of offenders is not understood by victim-service providers or by the larger community. There are clear gaps in service provision to family-victims and this research contributes to our understanding of these gaps and how they might best be addressed.

Canadian Families and Corrections Network wishes to express its appreciation to Public Safety Canada and, in particular Cliff Yumansky and Dariusz Galczynski, for their support to CFCN and to the family members of offenders who will benefit from the Family-Victims Needs and Characteristics Research.

BACKGROUND

Rationale

Canadian Families and Corrections Network (CFCN) mandate is to assist family members affected by crime. Many of these family members are also direct victims of crime for which the family member has been sentenced.

Direct family-victims tend to be an unspoken reality. It is a problem that is not often addressed by victim advocacy groups or in restorative justice practices. The family is the victim in many of the most serious crimes against persons, including murder, rape, domestic violence, child sexual abuse, etc. Services to victims have had a focus on 'stranger' crime and there has been less public attention to family members as direct victims of crime. As the Government of Canada looks toward improving victims' rights and better addressing the needs of victims of crime, research and policy analysis were needed to discover if family-victims have the same needs and requirements as other victims, or if there were unique, unaddressed needs.

Operational Definition

Notwithstanding our belief that the family members of offenders are hidden victims of crime who suffer harm because of the offence, for the purposes of this research we defined family-victims as:

Individuals who are the named (primary) victims of a criminal code offence committed by a member of their family – broadly defined to include spouse, parent or step-parent, sibling or step-sibling, grandparent, aunt/uncle, cousin, or other immediate in-law. We also included the immediate family members of a homicide victim who was killed by a shared family member (i.e. the surviving family member and the victim are both related to the offender).

Research Team

Dr. Stacey Hannem, Assistant Professor at the Department of Criminology at Wilfrid Laurier University was the Research Leader with extensive research and publications in the area of qualitative and quantitative research and analysis in the area of families affected by corrections and the criminal justice system.

Canadian Families and Corrections staff team for this project was comprised of Louise Leonardi, Project Leader and Executive Director, Margaret Holland, Ontario Coordinator and Cindy Pelletier, who all have research experience related to families who are victims of crime.

Research Questions

To contribute to the mandate and goals outlined above, the primary research question to be addressed by this process was:

How can victim-service programs and resources in Canada adequately address the needs of family-victims, giving particular attention to the complexity of family relationships that have been disrupted by crime?

This broad question was broken down into a series of focused questions, including:

1. Do family-victims have the same needs and requirements as other (non-familial) victims? What unique needs or requirements do they have?
2. What services and resources are currently available for family-victims in Ontario?
3. What services and resources are being used by family-victims? Which are not, and why?
4. Does current legislation and policy serve the needs of family-victims?
5. Do family-victims submit Victim Impact Statements? Why or why not?
6. What proportion of family-victims maintains a relationship with the offender?
7. What are the unique needs of child family-victims, and are they being addressed?
8. What are the effects of criminal behaviour on adults? On children?
9. What else don't we know about family-victims and their circumstances?

Project Goals

1. To conduct a study of current family-victims programs with some Canadian focus, but mainly in Ontario
2. To lead a consultation process with Experts (in the fields of corrections, victims and government agencies) as well as four organizations that serve family-victims in Ontario
3. Determine best practices in the field of family-victim program services to make recommendations for the successful creation of family-victim services
4. Examine challenges and opportunities for the governance of family-victim programs
5. Identify questions and areas for further research that might assist family-victim program development

Work Plan

The project began in early October 2013 at which time the Project Leader and Research Leader met and developed the initial draft of the methodological approach and research plan. The document contained the research rationale and focus questions as well as literature review, data collection strategies, ethical considerations, data analysis, and workplan outlines and was presented to Public Safety during the October 22nd project kick-off meeting. At this time, ahead of schedule, the draft research instrument was also presented. The documents were accepted by Public Safety with little revision and CFCN moved onto to implementing the workplan.

The Research Team began organizing immediately upon receiving notification of the contract and the workplan resulted in October and November being a time of participant recruitment, consultation on project details and data collection, as well as the ethics review requirements. Participant consultations were largely held through the months of December and January with the Literature Review being conducted concurrently. Transcription and data analysis followed in February and March.

REVIEW OF THE LITERATURE ON FAMILY VICTIMIZATION

Prevalence of Family-Victims in Canada

In order to ground our review of the relevant scholarly literature on family-victims, it is important to first assess the scope of the issue. Statistics Canada's analysis of the Uniform Crime Reporting (UCR) data from the year 2010 provides us with the following data about family victimization:

- One quarter (25%) of all reported victims of violent crime, or approximately 99 000 Canadians, were victims of family violence. Forty-nine per cent of these were spouses to the offender, while 51% were children, parents, siblings, or other relatives. If the definition of intimate partner violence is expanded to include dating violence then this statistic increases to 39% of reported violent incidents in 2010 (Sinha, 2012).
- From 2000-2010, 35% of all homicides and 59% of homicides involving children under the age of 18 as victims were committed by a family member (Sinha, 2012).
- Twenty five percent (25%) of all violent offences against children under the age of 18 were committed by a family member (70% of all infant and toddler victims aged <3 years; 47% of all victims aged 3-11; 18% of all victims aged 12-17) (Sinha, 2012).
- Approximately 30% of reported violent crime against seniors was perpetrated by a family member (Sinha, 2012).

The UCR data also reveals that rates of charging are higher for violent crime perpetrated by a family member than by a stranger or acquaintance (Sinha, 2012). This difference in charge rates can be attributed to several factors including the fact that the perpetrator is *known to the victim* and can be readily identified, as well as mandatory charge policies for domestic and intimate partner violence. The overall picture presented by these statistics is that, despite the fact that reported rates of family violence have been declining (in concert with the overall violence crime rate) for the past thirty years, family-victims still comprise a significant overall percentage of violent crime victims in Canada.

The statistics on family violence should also be understood in light of the well-known fact that not all crime comes to the attention of the police. Self-report victimization surveys consistently show that sexual violence and intimate partner / domestic violence are under-reported; the General Social Survey on Victimization in 2004 found that only 28% of victims of spousal violence reported their victimization to the police (Mihorean, 2005). In 2009, the GSS identified a slight drop in reporting, with only 22% of victims reporting incidents of spousal violence (Statistics Canada, 2011). Similarly, while these proportions of childhood victimization are significant, it is likely that these numbers under-represent the true prevalence of family violence since children often do not

report their own victimization and most reports of violence against children are made by family members or other concerned parties. The General Social Survey on victimization does not capture the victimization of children under the age of 15 years. Given the reality of low report rates, it is likely that the proportion of family-victims is significantly higher than the statistics indicate.

Consideration of the UCR data in light of our focus on family offenders reveals a fairly significant oversight in the data collection which suggests that familial relationships are not systematically considered to be a significant factor in some types of crime. As noted by the Statistics Canada researcher, “While all *Criminal Code* offences are captured by the UCR Survey, the survey *does not record victim information for non-violent crime, such as the relationship of the accused to the victim*. As a result, it is not possible to identify non-violent incidents that targeted family members” (Sinha, 2012: 9, emphasis added). Given recent concerns with elder abuse in Canada (Leroux & Petrunik, 1990) and the risk of financial exploitation or theft from the elderly (Kemp & Mosqueda, 2005; Gibson & Greene, 2013), it is concerning that the UCR data does not capture instances of intrafamilial non-violent crime. Similarly, parents of teenaged or grown children with histories of drug abuse or mental illness may be the victims of “non-violent” property crime, including the destruction of property or theft¹ (see Stewart, Langan & Hannem, 2013), and these incidents would not be reflected in the available statistics on family crime.

Treatment of Family-Victims in the Scholarly Literature

There is a substantial volume of academic and government-generated research on victimization in Canada and, more broadly, in western developed nations. The sheer scope of the academic literature on victimization makes a comprehensive literature review of families and victimization a daunting prospect. However, there are some key generalizations that may be made about the existing corpus with respect to its treatment of family-victims. While a large subset of the literature does address family-victims in the sense that the focus is on particular forms of victimization that occur largely or only in families (e.g. intimate partner violence, child abuse, domestic and family violence, incest), relatively little attention has been paid to explicitly documenting the unique needs and considerations of these victims in terms of the complexity of family relationships and ongoing needs post-victimization. For example, Waller’s (2011) *Rights for Victims of Crime*, a volume designed for and referred to by victim-serving agencies and victim advocates, includes a thorough coverage of the wide-ranging needs of victims, generically, but does not mention the specific emotional and practical needs that distinguish family-victims. In the literature on generic forms of victimization (e.g. homicide, assault, sexual assault, theft, property crimes), there is often no consideration of the importance of the victim relationship to the offender, and analyses reveal a pre-existing bias toward assumptions of stranger crime. For example, in Greenberg and Beech’s (2004) study of the “social, cognitive, and affective determinants of property crime victims’ decisions to notify the police”, the possibility that a familial relationship to the offender might affect

¹ One family victim participant in the present research identified that she had been the repeated victim of theft by her teenage son.

the decision to report was not investigated, nor even hypothesized. In another example, Armour's (2006) American study of the trauma and stigmatization associated with being the surviving family member of a homicide victim addresses the complications of intra-familial homicide in one sentence: "Intrafamilial homicide occurs... as a result of domestic violence, child abuse and severe mental illness (Ewing, 1997), leaving tragic complications such as imprisonment of the remaining parent, rifts with extended family members, and foster placement of children" (68).

The research on homicide does include a subset directed at contextualizing and understanding intra-familial homicide (see, for example, Ewing, 1997; Kashani et al, 1997; Underwood & Patch, 1999; Last & Fritzson, 2005). The gap in this literature is that intra-familial homicide is most often considered from the criminological perspective of the offender, focusing on comparisons of offender and victim characteristics, prevalence, motives, risk factors, protective factors, and prevention. However, a smaller number of articles do address the experiences of survivors of intra-familial homicide (see, for example, Jaffe & Juodis, 2006; Hardesty et al, 2008). A notable study of the utilization of counselling services by family survivors in the aftermath of homicide identified that although the survivors of intra-familial homicide initially demonstrated higher rates of service access than the survivors of stranger homicide, they were markedly less likely to continue the use of counselling services after the initial 8-week crisis period than were survivors of stranger or unsolved homicides (Horne, 2003). The author of this study speculated that "the heightened responsiveness of these survivors to the offer of services during the initial crisis period was displaced by an increased awareness of ambivalent feelings about their relationship to the perpetrator, which might be accompanied by feelings of guilt or shame..." (Horne, 2003: 79). Horne (2003) further recommended that services for the surviving families of intra-familial homicide be sensitive to the complexities of the relationship to the offender and the possibility of guilt or shame that may be associated with decisions to maintain or sever the relationship with the offender. Consideration that family-victims may legitimately wish to maintain a relationship with the individual who victimized them are often strangely absent in the literature or, as is often the case with domestic and intimate partner violence, pathologized or attributed to victim fear and the offender's control over her.

The category of family or domestic violence is the most well documented and researched aspect of family victimization in Canada, but also the most fraught with contradictions. Only in the past thirty years has our understanding of family violence moved away from viewing it as a private problem to be dealt with behind closed doors (Dawson, 2001; Richie, 2006; Montalvo-Liendo, 2009). While certainly not a panacea, since the early 1980s changes in criminal justice legislation and policy have been made to respond to perceived weaknesses in our systemic response to family violence, including such measures as the introduction of mandatory charge policies for domestic violence, court support programs, and specialized domestic violence courts (Eley, 2005). Particularly the introduction of mandatory charge policies in the early 1990s, which require police to arrest and lay charges in domestic violence cases where there is evidence to support that a

criminal assault has taken place, without requiring the victim to agree to the charges, was intended to send a message that domestic violence is a serious crime, to compel police response to women's complaints, and to reduce case attrition due to victim reluctance to proceed with criminal prosecution (Landau, 2000). We have seen increased social intervention in family violence and a shift in public perceptions of family violence such that acts of violence against family members are currently viewed by the public and the legal system as serious crimes (Duffy & Momirov, 2011; Bala, 2008; Schneider, 2007).

Ironically, the very policies initially created to underscore the seriousness of family violence and to enable a more consistent response that empowered victims to extract themselves from abusive relationships have since come under fire as contributing to a rigid response that is no longer sensitive to issues of gender inequity and imbalances of power. Issues of reciprocal violence and "dual charging", in which both the alleged victim and offender are charged with assault are seen by feminist scholars as downplaying gender imbalances of power and disempowering victims from engaging in self defense (Stewart, Langan & Hannem, 2013; Chesney-Lind, 2002), and the very value of an aggressive criminal justice response that fails to recognize the complexities of family relationships and dynamics has been questioned (Landau, 2000; Erez and Belknap, 1998; Gill and Landau, 1998; Roberts, 1996; Busch *et al.*, 1995; MacLeod, 1995; Martin and Mosher, 1995; Snider, 1995; Valverde, 1995; Rodgers, 1994). Landau (2000) provides thorough coverage of the inconsistencies in mandatory charge policies and of the resultant effects on women who do not necessarily equate calling the police to stop an incident of violence with criminalizing and charging their romantic partner. Research which consults with women involved in abusive relationships consistently finds that the primary objective of calling the police is to stop the violent incident and that women often do not wish to comply with the criminal justice process and the criminalization of their partner (Stewart, Langan & Hannem, 2013; Gillis, Diamond, Jebely et al., 2006; Johnson, 2006; Landau, 2000). This reality often leads to victims of domestic violence being characterized by police and crown prosecutors as "uncooperative witnesses" (Dawson & Dinovitzer, 2001; Erez & Belknap, 1998), and contributes to inconsistent responses to family violence. As argued by Landau (2000):

"In the context of spousal assault, this is extremely worrying. It takes on the aura of victim blaming - not simply for tolerating spousal violence in an ongoing situation, but also for undermining the whole prosecution process and the material and institutional resources that have been committed to the strategy. An atmosphere of intolerance, paternalism and punitiveness has developed towards women who refuse to co-operate in the prosecution of their spouses" (153).

The documented inadequacy of systemic responses to family and domestic violence and women's discontent with these judicial processes suggests that the complex dynamics of family victimization are not easily addressed with "one size fits all" solutions. Specialized domestic violence courts in Canada have made strides toward the application of justice that is individualized to family context, considers the needs and voices of family-victims, and is mediated by prosecutors and judges who

are immersed in the world of family violence and sensitive to its complexities and ambiguities. Dinovitzer and Dawson (2007) suggest that domestic violence courts operate on a notion of “family based justice” (Daly 1987; 1989) that is attentive to familial roles and needs. However, as Johnson and Fraser (2011) suggest, evaluations of policies and programs to combat domestic violence have tended to focus on procedural outcomes germane to the criminal justice system and only rarely investigate “what matters” to the victims of domestic violence. The present research begins to fill this gap in the literature by probing the question of “what matters” to family-victims and how we might be more attentive to their needs and empowerment.

Constructing Identities: Families of Offenders and Family-Victims

In addition to the literature on victimization and families, there is also a growing literature which discusses the needs of “families of offenders” or “families affected by incarceration” (see, for example, Bakker, Morris & Janus, 1978; Fishman, 1990; Withers, 2003; Braman, 2007; Condry, 2007; Codd, 2008; Comfort, 2008; Hannem 2008, 2010). This body of research originated in the recognition that when a crime is committed, the family of the offender is affected by the crime and by the resulting criminal justice response to it; many researchers working in this area present the families of offenders as secondary or “hidden” victims of crime. A shortcoming of this work is that although researchers do acknowledge that these families are also often primary victims of crime, the analysis often marginalizes that victimization in favour of a focus on the collateral effects of the criminal justice system. There is a gap in the literature which needs to be addressed through careful research and holistic consideration of the effects of crime and justice system responses on families. Tellingly, the *International Handbook of Victimology* includes a chapter on “secondary victims” of crime which presents, somewhat critically, the notion that families of offenders may be understood as secondary victims of the justice system. The author only briefly mentions at the outset of the chapter that the family of offenders are also often the primary victims of the offence and does not address at all the implications of this reality (Condry, 2010), once again creating a seeming bifurcation of victims and families of offenders that does not reflect the reality of intrafamilial crime. The documented inability of some family-victims to access victim services further emphasises the false dichotomy between families of offenders and “legitimate” victims (Hannem, 2008).

Victim Services in Canada

While police, courts, and corrections in Canada have all developed policies which claim to respond to the unique needs of family-victims, including police protocols for mandatory charging in cases of intimate partner violence, domestic violence courts, and family violence programming in prison (Sidha, 2012), it appears that this awareness of victims of family violence has not translated into either an awareness of or policies to deal with the specific emotional, practical, and financial effects of familial crime. Allen (2014)² reports that victim service agencies often have dedicated services to target a specific population – e.g. 28% have services specifically tailored for Aboriginal victims.

² Allen (2014) also provides a detailed statistical breakdown of victim services and their use in Canada.

Other than victim services for family/domestic violence, we have been unable to locate victim services that are specifically targeted at family-victims. However, as our research will demonstrate, family-victims are certainly accessing generic victim services. The Canadian Families and Corrections Network published a resource for family-victims, *One Step at a Time: Reshaping Life following Crime within the Family*, which provides an overview of the dynamics of victimization in the family and the emotional and practical aspects of the aftermath (Moroney, 2008). It is not at all clear that these particular dynamics and complexities are being taken seriously by victim service providers and particularly family-victim relationships with offenders are often minimized or ignored. For example, services provided to victims of domestic violence often take it as a given that the most desirable outcome is the dissolution of the abusive relationship, irrespective of the victim's wishes or perspective on the situation (Johnson and Fraser, 2011; Hannem, 2008).

The Correctional Service of Canada also offers services for victims and while recent updates to their website acknowledge family-victims and the overlap between victims and the families of offenders, at the present they have no victim services tailored to the specific needs of family-victims. (<http://www.csc-scc.gc.ca/family/index-eng.shtml>). Similarly, there is no evidence in the literature that other government agencies or victim-service agencies are actively distinguishing the unique needs of family-victims from those of other victims of crime. A renewed focus on family-victims should in no way detract from the progress that is being made to recognize and respond effectively to the needs of the families of offenders, nor to victims of crime more generally. Rather, the recognition of family victimization should be one piece of improving our overall response to victims, offenders, and their families. In the coming pages we detail the methodology and findings of this research and conclude with some recommendations to improve the services to family-victims in the province of Ontario.

RESEARCH METHODOLOGY

Primary Data Collection Strategies

The questions that are outstanding about the circumstances faced by family-victims in Canada are complex. Given the lack of solid, existing data on these issues, it was determined that these types of questions could best be answered using structured and semi-structured qualitative data-gathering processes and by triangulating data from several key sources; experts on victims, organizations working specifically with family-victims, and family-victims themselves.

Drawing on the literature and previous research with families affected by incarceration, the research questions and interview schedules were developed by the Research Leader with input from the Research Team. A structured, qualitative survey was designed to elicit responses from experts and victim-service agencies about the services they offer, the number of victims served and the prevalence of family-victims, their experiences working with family-victims, their perceptions of the needs of family-victims, victims' rights legislation, present trends in the Criminal Justice System, and funding for victim services (See Appendix A). A separate, semi-structured qualitative interview schedule was developed to explore family-victims' experiences with the criminal justice system, the immediate and long-term effects of crime, and their relationships with the offender (See Appendix B).

The parameters of the research contract stipulated that data would be collected in the province of Ontario, focusing on the Ottawa, Kingston, Toronto and Waterloo regions with expected outreach to the surrounding rural areas. Experts and victim-serving agencies were invited to participate in the research via email, with follow-up telephone calls to ensure the best possible response rate. Interviews were conducted by CFCN staff either in person, via video technology, or over the telephone. Where permitted by participants, interviews were digitally recorded and subsequently transcribed for the purposes of analysis. When audio recording was not permitted, the interviewer took notes on responses to the survey. The success rate for receiving interviews from contacted participants was 72% and resulted in a final sample of 15 experts, including academics, executive directors of non-profit organizations serving victims, and government directors (EX), 17 victim service providers (VSP), and 6 family-victims (FV).

Experts on victims were solicited from the areas of corrections, victim services, and government agencies in order to conduct a broad-based consultation process to determine best practices and make recommendations for a successful creation of family-victim services within an Ontario context. They were chosen based on certain factors such as credibility, policy contributions, education and position. They were to have an understanding of the current legislation around victims and not to represent any focused area of crime but be of a general enough nature to make comment on all aspects of crime such as police and courthouse-based victim services, The Office of the Correctional Investigator, Correctional Service of Canada, Parole Board of Canada, etc. They

were to be thoroughly checked for their integrity, credibility, and knowledge base that included not only Ontario but Canada more broadly. Choices for interviewing of experts came from known sources of the research team, long-standing, respected partners of Canadian Families and Corrections Network, internet research, and referrals from CFCN's Board of Directors and one interviewed expert to another. In accordance with accepted research ethics, all interviewees were offered anonymity, but expert and agency participants could choose to be named. A list of experts interviewed who agreed to be named appears in Appendix E.

Data was also collected from organizations currently offering services to victims in Ontario. These Victim-serving agencies were to be well-recognized and be chosen from services that family-victims would be drawn to. Interviews were requested based on the value of their insight as well as their integrity and added credibility to the research. They were chosen as long-standing agencies with stability that would be able to offer information gleaned over time with respect to needs, challenges, and opportunities for serving family-victims. Consideration was also given to the fact that the data collected should be inclusive of various types of crime against family members and be inclusive of various cultures, gender, age, and geographic location. Several sources were used to gather the victim-serving agencies. Credible organizations were readily known to the research team and these were supplemented with research, internet exploration, CFCN Board of Director referrals and recommendations made by interviewees. A list of victim-servicing agencies interviewed who agreed to be named appears in Appendix E.

Family-victims were not part of the contractual obligation but it was imperative to CFCN to add this opinion to this vital research. Potential interviewees were gathered from clients and referrals, from the experts and agencies contacted for participation in the research, as well as those known to the Research Team. An open call for participation was also posted on the CFCN website and the CFCN Board of Directors was consulted. Family-victims were contacted and several individuals came forward for personal interviews using a semi-structured qualitative questionnaire. It was key to involve Family-victims who have ended contact with the offending family member, as well as those who have chosen to maintain a relationship in order to understand the range of needs. There is no list of Family-victims as all were offered anonymity to encourage participation.

Ethical Considerations

The research protocol was approved by the Research Ethics Board of Wilfrid Laurier University (Certificate # 3860), in accordance with the Canadian Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans. While CFCN has its own professional code of confidentiality and complies with the Privacy Act, the Research Team was briefed by the Lead Researcher on the requirements of the Tri-Council Policy, interview techniques and ethical considerations prior to commencing data collection. Additionally, all members of the research team completed the online tutorial on research ethics provided by the Tri-Council. In accordance with these policies, informed written consent was required of all participants (see Appendices C & D).

Consent documents were stored securely, separate from all research data, and will be retained until no longer required as evidence of compliance with Tri-Council policy.

This research was considered minimal risk to participants as there were no invasive procedures; however, discussion of victimization and recovery may be traumatic for some family-victim participants. CFCN offered resources and referrals to counselling in the event of an adverse reaction to the research interview.

Data Analysis

Responses were aggregated and, where possible, numerical indicators were assessed (i.e. proportion of victim service clients who are Family-victims, proportion of family-victim clients who maintain a relationship or contact with the offender). The Lead Researcher used NVivo qualitative analysis software to organize and sort the data, which was subject to an initial, thematic open-coding and a second round of coding to further parse the data, expanding and re-grouping themes. The expert and agency interviews were initially coded separately from the family-victim interviews and a third comparative analysis was used to identify discrepancies and points of convergence between agency and family-victim responses. The following sections detail the findings of this research and provides discussion of their implications for intervention with family-victims.

RESEARCH FINDINGS

Family-Victims Accessing Services

Participating victim-serving agencies were asked about their overall client caseload and were asked to respond to the question: what percentage of your clients would fit our definition of “family-victims”? The primary finding that emerged from this question is that victim-serving agencies in Ontario are not currently tracking victim relationship to the offender as a key measure of service. The only agencies able to provide a solid answer to this question were those who exclusively serve victims of family violence; their response was that 100% of their clients are family-victims. Twenty respondents were willing to provide rough estimates, based on their recollections and experiences; their answers ranged from 20 to 100%, with a median response of 75%. Six participants indicated that 100% of their clients could be defined as family-victims (this was the mode).

Given the lack of solid data on the numbers of family-victims accessing services, it would be inadvisable to cite these estimates as reliable or generalizable. However, the numbers are significant enough to warrant further consideration and CFCN strongly recommends that victim service agencies be requested to begin collecting information on the relationship between the victim and offender, where appropriate, in order to better gauge the number of family-victims accessing services and the need for specific services. (Recommendation 1)

In addition to the lack of statistical information on family-victims accessing services, what emerged from the interviews with victim-serving agencies was that, for many, this was the first time that they were challenged to consider, in a focused way, the impact of the kinship relationship between victim and offender. CFCN staff who conducted the interviews had to redirect the participants’ attention specifically back to family-victims from broader discussions of victimization, and in several cases the interviewer had to reiterate the focus of the research and the definition of family-victim to the participant. When asked if they had anything else to add at the end of the interview, the participants from one expert agency responded with a very lengthy silence. When the interviewer prompted once more, the participant responded:

“Our silence is the result of your question, because it’s profound. I think what we’re doing is reflecting on our practice and we are identifying that there are areas where we have not necessary provided a strong focus, so that’s something we want to talk to you about. And that’s that awareness piece.” (EX12)

In addition to gathering statistical and descriptive data from victim-service agencies, there is clearly room to raise awareness among these service providers, and in the larger community, about the unique needs and concerns of family-victims. (Recommendation 3)

Services Available for Family-Victims in Ontario

The responses of experts and victim service agencies documented a wide range of available services for victims of crime in Ontario, including:

Victim-offender mediation: both face-to-face and indirect via letters, telephone conference, or video exchange; Aboriginal healing circles (n=4)³; victim notification services regarding offender transfers, parole, location, etc. (n=2) ; peer support groups: for male and female victims of sexual abuse, child victims and witnesses of family violence, families of offenders, survivors of violent crime and trauma (n=4); victim advocacy – both individual (n=4) and collective/political (n=2); long-term “emotional support” (n=2); consciousness raising through public education (n=3); informational resources and/or referrals to services (n=8); accompaniment services for court: both criminal court and family court (n=5) and parole hearings (n=1); assistance in preparing victim impact statements (n=5) ; crisis response (n=5); safety planning (n=4) and “safety phones” (n=1) for victims at risk of violence; supported transportation to hospital services for victims of sexual assault or domestic violence (n=1); financial assistance with costs associated with victimization (n=4); victim witness assistance (n=1); post-trauma counselling and family counselling (n=5); family centred conferencing (n=3); supervised access for parent-child visits (n=1); educational and psycho-educational groups (n=4); adult protective services for individuals with intellectual or developmental disabilities (n=1); emergency housing (shelter) services (n=2) ; crisis lines (n=2).

Agency participants indicated that all victim services were open to family-victims, but there were very few services designed specifically to respond to family-victims, other than services for victims of domestic violence. Discussions with service providers who work exclusively with domestic violence suggest that in some cases there may be a lack of sensitivity to a victim’s desire to maintain or repair a relationship with a spouse who has been abusive; interventions with victims are often designed to facilitate an exit from the relationship rather than to provide assistance in dealing with the root of the dysfunction, whether it be the abusive spouse’s mental illness or own past trauma. The decision to remain in the relationship exacerbates stigma and may even have the effect of limiting the services that she can access. As one victim service worker put it:

“I don’t think there is enough support for women who choose to stay with the offender, because people have a hard time with why we bother with them, why stay with them? So I don’t think there is support for that particular woman who chooses to stay.” (VSP15)

Similarly, trauma counsellors and victim service workers may construct a family-victim’s desire to maintain a relationship with the offender as pathological. When asked what else she would want us to know, one victim vehemently presented her perspective:

“Well I guess the assumption that the victim [always] wants the relationship to be over is a faulty assumption. And then there’s another assumption that I’ve heard lots of professionals

³ Indicates the number of agency respondents who indicated that they provided this service.

make, especially when I was working in the system, and that was that if the victim wanted the relationship to continue it was because of the abuse of power the offender held over the victim. And that's not necessarily the case. I mean I can certainly think of lots of sort of, you know, here are my air quotes, 'battered women's syndrome' situations where it looks for all the world like a woman's invitation to have a man back in her life is because of the power he has over her and that is often the case but I also know other situations where myself or other victims have genuinely forgiven and do feel a capacity to have a continued relationship with this person and do feel a right to have a continued relationship with the offender. And it's not up to professionals to decide what the victim's experienced situation is or to decide what's best for that victim. Like, it's really up to the victim to decide that." (FV02)

Aside from domestic violence services, several notable services designed to respond to family-victims were mentioned in the interviews. A program specifically designed to respond to elder abuse in the family using a restorative circle model has had success in assisting families to address emotional conflicts and practical issues around elder care, finances, and abuse. One family-victim spoke enthusiastically of her experience as the first client of a brand new initiative called "courageous family discussion", a unique restorative justice family-conferencing approach designed to provide families affected by crime with the opportunity to discuss the effects of the crime on them and on their relationships with one another.

A discrepancy emerged in the data with respect to family-victim perspectives on victim services. Of the six family-victims interviewed, two were relatively happy with the victim services that they received and the other four found the services unhelpful or negligible in their assistance. The availability of specific services varies from city to city and larger municipalities are better resourced and have a larger number of services than smaller communities. The six family-victims who were interviewed were, at the time of their victimization, not aware of the large range of services available and five of the six⁴ noted that they searched, often with limited success, for appropriate services. One woman who had been victimized by her husband stated:

"Honestly... the first year [after the offence], probably the time I needed the most support, the most acute support and I knew absolutely nothing. The way that my situation worked, I think it was very much driven out by who I am...so I didn't need what was being offered and I did need what wasn't being offered." (FV04)

As we will discuss further below, there is clearly a need to provide family-victims with timely and thorough information about the kinds of services that are available and how to contact services providers. (Recommendation 4)

⁴ The fourth woman was violently assaulted by her spouse and immediate crisis response was provided, along with follow-up services.

Unique Needs and Considerations for Family-Victims

The qualitative data collected from experts and government officials, victim service providers, and family-victims indicated that while family-victims share many of the same needs as non-family-victims, there are unique needs and considerations that set them apart and require sensitivity and expanded services. The data we collected supports that family-victims share what Waller (2011) has documented as “Core Needs for Victims of Crime”:

1. Recognition and emotional support
2. Information on criminal justice, their case, services, and personal developments
3. Assistance to access practical, medical, and social services
4. Help to pay bills caused by victimization
5. Personal safety and protection from the accused
6. Choice to voice in justice
7. Best public safety
8. Implementation [of appropriate and effective victim services]

(Waller, 2011: 19)

However, the data also showed that in the context of family victimization, each of these Core Needs takes on additional complexity and requires specific considerations of family dynamics and situations. Below we explore the unique needs of family-victims associated with each of these Core victim needs.

Recognition and Emotional Support

The need for recognition and emotional support is complicated by kinship with the offender due to the stigma that is often associated with being the family member of an offender⁵. Many family-victims may find that their victimization is discounted due to this stigma and fear of stigmatization may impede family-victims from seeking assistance. As one participant stated:

“Typically what the victim’s family would experience is a fair amount of community support and engagement. There is the awkwardness with respect to knowing how to reach out, but there is that good intention of supporting ... and empathising with. With the family-victims, although they are...there is a great deal of shame and there can be ostracization. They can be viewed as being responsible in some manner, due to parenting, due to influence, due to lack of support, due to dysfunction within the family unit. So there doesn’t appear to be the same reaching out, empathetic response that comes with those who are the direct victims of the act.” (EX12)

⁵ See Hannem, 2008; 2012 for a thorough examination of the stigma associated with families of offenders.

Family-victims need, both at an individual and a systemic level, recognition of their victimization and an acknowledgement that their relationship to the offender does not lessen nor invalidate their experience of victimization. This is particularly crucial in the context of the therapeutic, post-trauma relationship and in their interactions with victim service crisis responders, whose response affects whether the family-victim will continue to seek out and access services. The stigma associated with family-victims may place blame on the victim by emphasizing choice or agency in the relationship with the offender, as when parents of offenders are constructed as responsible for their child's crime due to failed parenting, or victims of domestic violence are criticized for failing to leave an abusive relationship. This dynamic is further complicated when one takes into consideration that a significant number of family-victims may choose to maintain a relationship with the offender, even after he/she has been charged and convicted of the offense.

Definitions of "family" and who is seen as a "victim" can have a profound effect on an individual's experience and satisfaction with the criminal justice system and on his or her sense of acknowledgment. One family-victim participant whose father had killed her step-mother explained:

We were really close. I looked at her as my mother, and then she was taken away from me too, right... All of a sudden she's gone, and I was heartbroken; it was like losing a real mother, because I didn't have a mother, so. Nobody thought of that, it was just like 'oh, she's not your mom.' Well she was! ...She was like my mom, and nobody cared. It's like, 'oh, well. Your dad did it, so who cares about you?' (FV06)

This family-victim described that while her step-siblings received services and victim assistance in the wake of her step-mother's murder, she was not considered to be a "real victim" and was given no victim-witness assistance, even though she was to be called as a witness against her father. She described being treated "like a criminal" by court staff and the crown attorney, rather than as the bereaved daughter that she was. Narrow definitions of who is a victim and who is eligible for services and assistance create situation of inequity, like this one, and leave family-victims without much-needed support.

An expert participant stated:

"I think a lot of people don't think about this [family-victims], so it's really good that for one, we are starting to see even the stepping stones, of considering more formally that families are also victims and that just because they're associated, that shouldn't discredit or take away from the fact that they indeed went through that process of victimization as well. 'Cause I think, 'cause of the moral stigma that's associated with them, there's a tendency, sometimes from certain interest groups or what have you to kind of push them aside because they were associated biologically, this happened within the family so you know, perhaps they aren't as deserving. It goes along that hierarchy, of who deserves and who doesn't and I think that that needs to be reconsidered. You know, because nobody deserves to go through the victim of a crime without any support or intervention afterwards." (EX04)

Recognising that victim-serving agencies were not keeping statistics on the relationship between the victim and the offender, participants in the research were asked to respond to the question: *in your experience, approximately what percentage of your family-victim clients are still in a relationship or have voluntary contact with the offender?* Twenty respondents were willing to provide an estimate, based on their recollections and experiences and their responses ranged from zero to 100% with a median response of 50%. The responses were bimodal with 25% and 75% appearing 3 times each.

Again, we note that the nature of the estimates does not indicate reliable or generalizable data. However, the wide distribution of the responses does bear some consideration and interpretation. The zero response was a function of the particular service being offered by the agency – a family court support program which required the victim of domestic violence to be in the process of dissolving the marital/custodial relationship. Three agencies indicated that 100% of their family-victim clients were still in a relationship with the offender; two of these were providing services directed specifically for families of offenders and noted that the family-victims were seeking out these services precisely because they wished to maintain a relationship with their incarcerated loved one. The third agency offered services for victims of elder abuse that were largely restorative and holistic in nature, involving the family in decisions about elder care and response to the abuse. As we will discuss further below, the choice to maintain a relationship with a family member who has perpetrated a crime adds complexity to the healing process for victims and may require a more holistic response to the family. In some cases, victims do not wish to have a relationship but are put in situations that require them to have contact with the offender, such as at family gatherings or due to child custody issues. In other cases, the victim may desire to maintain a relationship but be denied that agency, as in the case of child victims or children in domestic violence situations. As such, information on this aspect of the family-victim's situation is crucial to appropriate victim services. We recommend that victim-serving agencies in Ontario begin to attend to and document this aspect of the victim-offender relationship. (Recommendation 2)

[Information on criminal justice, their case, services, and personal developments](#)

Research consistently demonstrates that all victims of crime need and desire information. The justice system is complex and many victims do not know what to expect, are unaware of their rights (or lack thereof), and do not know where to turn for assistance. Both Correctional Service Canada and the Parole Board of Canada offer victim notification services to let the victim know, for example, if the offender will be transferred, released from prison, has a Parole Board hearing, or is returned to prison, but this information may not address the needs of family-victims who have chosen to remain in contact with the offender. For these family-victims, once again, the need and desire for information may go beyond the usual victim concerns; they may wish to know what will happen to the offender, how to contact the offender if s/he is incarcerated (pre- or post-conviction), how to visit the offender in jail or prison. While this information is available, one needs

to know how and where to access it – there is no centralized and consistent means for victims to obtain all of the information that they need about the criminal justice system and some kinds of information that family-victims may want, such as about prison visiting or family reintegration, is not considered to be within the purview of victim-serving agencies. (Recommendation 3)

Assistance to access practical, medical, and social services

Like other victims of crime, family-victims may require medical services, mental health and counselling services, and any of myriad family services. In addition to the “usual” kind of services that most people familiar with crime and victimization would think of, several respondents raised issues of practical concern that may not be generally considered: assistance to fill out forms for compensation or for Employment Insurance(EI)/Long-term Disability (LTD); assistance with funeral planning; assistance to relocate for safety; crime-scene clean-up if the offence was committed in the victim’s home; provision of meals or child-care to allow the victim to attend court, etc. As one expert responded:

I had a person explain to me once, this was many years ago, in a workshop, and a woman and her family had been involved with a homicide case: Practical assistance, nobody gets it. Nobody gets it that we didn’t understand what was happening; nobody gets that we don’t have any milk in the house and I couldn’t leave the house, for someone to go and get that and bring it here. For someone to just listen to us; for someone to say “you have got arrangements to make,” “how are you going to care for your dog?” I don’t know how I am going to get the dog in the kennel, nobody is helping me with all these little practical things that are making this day unbearable. All these little things feel huge. (EX15)

The familial relationship to the offender also creates unique practical needs that may not be typically considered typical by victim-serving agencies. For example, family-victims may require assistance to store (or otherwise dispose of) the offender’s personal effects once he is incarcerated; transportation to visit the incarcerated offender, assistance to understand prison visiting procedures and regulations; or financial assistance if the offender was a contributor to household income. They may require information about the family-court system and civil proceedings with respect to divorce and custody of children or the division of assets. The financial aspects of family-victims’ needs are further discussed below.

Help to pay bills caused by victimization

Victimization is expensive: not just for society as a whole but for individual victims. When we consider the harms of criminal victimization, our collective imaginations most often do not follow-through on the financial implications (both short and long-term) that the criminal event has for the victim. All kinds of victims experience financial effects of crime in loss of working days and wages, due to physical or mental trauma, medical or counseling appointments, court preparation and attendance, and – if the victim later chooses – attendance at Parole Board hearings. Depending on the type of crime, there are also many out-of-pocket expenses that may accompany the experience of victimization – everything from parking costs at the hospital and courthouse; transportation;

child care; the costs to replace damaged or stolen property; the replacement of home locks for victims of domestic abuse; relocation costs; crime scene clean-up costs; the costs of ongoing counselling or therapy once coverage is exhausted.

There are unique financial implications and considerations for family-victims who may have lost a contributor to household income and now are incurring additional costs. One issue that is rarely considered is that if the offender does not meet the criteria for legal aid and a public defender, the family-victim may actually become responsible for the offender's legal fees. Family-victims may be unable to protect their assets, such as a home or savings, if they are co-owned by the offender and divorce proceedings are not completed. Further, if the offender has caused damage or destruction to property that is co-owned with the victim (e.g. an individual tries to kill his spouse and sets their home on fire), insurance will not compensate the victim for the damage or loss of her home because the spouse is also named on the insurance policy.

Another troubling systemic cost is the potential irony of the mandatory victim surcharge fees, which came into force in the fall of 2013. The fee, assessed on top of any fine or custodial sentence, is intended to make offenders accountable for the costs of victim services. When the offender is a family member, and particularly a father or spouse of the victim who previously contributed to household income, the victim surcharge, in effect, is being taken directly from the victim's pockets:

"Let's say the majority of the offenders are male, they've sexually assaulted a child in the family, the male is removed, he's incarcerated and now he has to pay a fine, that's really financially hard on families who've probably already are struggling. So I don't know why you are going to end up taking more money out of the kids mouths, I don't know why people would want to do that. Like victim funds are really good for rich people, because you gotta hit some people where their wallets are right, you can't get them any other way. The majority of these guys, they don't have any money to start with and if they're going to be in jail, who do you think is going to end up paying that fine on their behalf, probably their female partner who is trying to raise a child who was sexually abused. I'll tell you that much, there is no point in taking money out of children's mouths to pay a fine." (VSP18)

While all participants agreed that money was necessary to fund victim services and that offender accountability was, in theory, a good thing, there were differences in opinion as to the utility of the mandatory victim surcharge and ten of the participants mentioned the potential negative impact on the families of offenders (whether direct victims or not). Five participants specifically mentioned that they were in favour of restitution that would be paid directly to victims in appropriate circumstances, rather than a generic victim surcharge:

"It goes into the provincially run victim services program. So it's very, very remote from his or her individual victim. There is one surcharge for every conviction. Whether there was a victim or not, or if the victim happened to be Walmart or a vulnerable individual or a

commercial victim, like shoplifting, they have to pay for that; as opposed to an individual who has particular needs. They call it ‘enhancing the accountability of offenders’ but it doesn’t actually link their crime to an individual victim and those particular needs. So if anything, it alienates furthermore the perpetrator from the actual needs of the victim because they will resent this” (VSP06).

The victim surcharge fees go to fund victim compensation programs such as the Ontario Victim Quick Response Program (VQRP) which was described by several victim service providers as offering funds of up to \$1500 to pay for the various ancillary costs of crime incurred by victims. The Ontario Criminal Injuries Compensation Board also provides funding to cover medical, counselling, and other costs resulting from crime. However, for family-victims, there may be unforeseen barriers to accessing financial assistance from provincial victim assistance funds like these, due to policy restrictions. For example, a victim cannot collect financial compensation if s/he was involved in criminal activity connected to the victimization. In practice, this means that if a woman was the victim of domestic violence but was charged with reciprocal violence due to fighting back against her abuser, she would not be eligible for provincial victim assistance funds.

In light of these considerations, we recommend that attention be given to the collateral impacts of victim surcharge fees on family-victims and that provincial victim compensation policies be scrutinized for systemic discrimination against family-victims. Judicial and executive discretion should be given to judges and adjudicators of criminal injuries compensation applications to make decisions, on a case by case basis, that respect the unique situation(s) and needs of family-victims for financial justice. (Recommendation 5)

Personal safety and protection from the accused

All victims need to feel protected and that their safety is assured with appropriate measures. For family-victims there may be practical, concrete concerns about having further contact with the offender – a scenario that is made more likely due to the kinship connection:

“I’d say it’s more for psychological safety because they often still see their perpetrators at family events. If it’s a stranger you are not likely to see them again. So it’s more psychological safety that’s an issue for them. It’s never safe for them really, because they could run into a parent at a family gathering... How in the world does that work? Where you go to family events and the person who sexually abused you is...so there’s a real different level of feeling of emotional safety for them. The risk just doesn’t ever really go away for them, I guess or the feeling of being safe in the world never really goes away, it’s always there.” (VSP04)

Victim service providers also articulated an added concern for safety for victims of domestic violence who may be attempting to exit an abusive relationship: new technologies and social media complicate the ability to keep the victim safe or to conceal her whereabouts from her (ex-) spouse. When there is a history of violence in the relationship, the family-victim is far more vulnerable to

repeated and escalated violence than the victim of a stranger crime and protection from further harm becomes an important consideration for victim service providers. Well developed and widely available services for domestic violence include safety planning as a matter of course. However, the need for improved availability of emergency and transitional housing for victims of domestic violence is well documented in Ontario and across Canada. We recommend that the government assess the need and availability of bed space in emergency and transitional housing and ensure that this important protection is available to all women and children who are in need.

(Recommendation 6)

[Choice to voice in justice](#)

Victims should be given a choice to actively (or passively) participate in the justice process, including the choice of engagement in the criminal trial process. One expert and one victim service provider discussed the need for victims to be provided with their own legal counsel who would represent their rights to the court, independent of the crown attorney who does not work for the victim but in the public interest. One participant was opposed to the provision of separate counsel for family-victims, arguing that the adversarial nature of the criminal justice process would not address their complex needs:

“I think in terms of direct family victims, the worst thing you could do is to have a dedicated state lawyer who is representing them in opposition to the family. I think the adversarial system will not serve them well because of the intimate nature of the betrayal.” Just a thought. (VSP01)

Family-victims and Victim Impact Statements

The federal government has made changes to legislation over the last several decades to permit victims of crime to participate in the justice process by submitting victim impact statements, first in court at the time of sentencing and, more recently, at Parole Board hearings to determine conditional release of the offender from prison. It is not clear that the victim impact statement meets the need of victims, and particularly family-victims, to feel that their voice has been heard. Two of the six family-victims who participated in this research had submitted VIS; three did not submit because they were not offered the opportunity and the other did not report her victimization to the police. When asked about the experience of submitting her VIS, one victim’s response indicated the ambivalence that she experienced with respect to her participation in the process:

“At that time I submitted it, I wish now that I had worded it differently, just letting the courts know that he needs help within the treatment system. It is just like I told you earlier, he is a good guy sober and I just want him to get help. It was not asking to get back together; it was to get help mandatory for when he gets out.” (FV03)

When asked if she would submit a VIS to the Parole Board if offered the opportunity, this victim of intimate partner violence told the interviewer: “I hope that will never happen and that he is out of my life.”

Other high profile victims of crime have expressed their concern with the ongoing involvement of the victim in the parole process as perhaps having unhealthy implications for victims’ recovery and as emphasising punitivity toward offenders over meaningful victim services. One family-victim participant who has since gone on to work in the area of criminal justice discussed the negative impact of victim notification and ongoing involvement with the justice system that she has seen:

“This thing about having ongoing opportunities to read Victim Impact Statements to the Parole Board, you know Wilma Dirksen [mother of a murdered daughter] talks about that in terms of walking victims and offenders into dysfunctional dialogue for the rest of their lives... Last year, a group of victims came to institution where I worked to have conversation with the offenders. And there was a woman in that group who’s a domestic violence, attempted murder survivor. And so her former husband has served about 15 years, or it’s been about 15 years since her victimization. I was the first person to tell her that not her personal responsibility to keep him in jail.

Interviewer: The first person ever to tell her that?

Yep and that weight on her, like her whole identity, her whole way of living in the world is oriented towards receiving Victim Notification knowing where he is all the time. Twice in their family life, notification came on her daughter’s prom date and then her daughter’s graduation date, her ex-husband had screwed up on those days and was being sent back to jail and that notification came on those days. And it sent the whole family into a tizzy about like, just a re-victimization tizzy and nobody had ever said to her, ‘Maybe you’d rather not have notifications’. ‘Maybe it’s time you stopped thinking about him’. Hello, it’s 15 years later and he hasn’t made another single attempt on your life. And in September, and that was in June she told me about that and then in September I said ‘Really, like it’s not your personal responsibility to keep him in prison’... She looked like I had given her the key to her jail cell. So like what is that?

Interviewer: To her own personal jail?

Yeah, I mean she is probably suffering more than he is cause he doesn’t give a shit what anybody else thinks right?” (FV02)

Clearly, not all victims of crime feel that the VIS process provides the kind of meaningful voice and opportunity for healing that they need. Five of the agencies interviewed indicated that they provided assistance with VIS; others indicated that they would refer to court-based Victim Witness Assistance programs as the need arose. The five agencies who had assisted with VIS all reported very low estimates of overall numbers of clients who completed VIS (fewer than 10 per year). We recommend that, in the interests of full disclosure, all family-victims who are considering participating in the VIS and victim notification programs be provided with sensitive and balanced information about the long-term implications of continuing to receive follow-up notifications about the offender’s status, both positive and negative. (Recommendation 7)

Family-voice and Restorative Justice

Seventeen interview participants (including four family-victims, 7 experts and 6 victim-service providers) discussed their support for restorative justice processes. Restorative justice or mediative processes were viewed as a useful tool for engaging family-victims, offenders, and larger kinship networks in meaningful dialogue and providing them with a voice and opportunity to respond to the offence in a genuine and meaningful way:

“I think it would have a lot more dialogue and inter-relationship between the two [family-victim and offender]. If it’s a stranger victim, they simply want compensation, restitution and maybe some counselling to get over any particular trauma that they experienced. But if there’s going to be an ongoing relationship then there needs to be some reconciliation on a more personal level about the incident and how it can be resolved. The roots of it would probably be RJ [Restorative Justice]. The family members need to sit down and figure out what’s transpired and what would need to be put into place so that they could go forward from there and have a constructive relationship.” (VSP06)

However, there were cautionary caveats placed on the possibilities for restorative dialogue between family-victims and offenders, particularly emphasising the need for appropriate time to heal and the need for mediators to be sensitive to power imbalances that might undermine restorative processes or cause them to be traumatic for the victim. Service providers emphasised the need to return power to the victim who had been disempowered by the victimization:

“I am very careful and those have to be approved on a case by case basis, for instance if there was a request for mediation for anything that involved domestic violence, my answer is no. I will not become involved because the two are already not on an equal playing ground with domestic violence, so I will not become involved. Sexual assault, I will not become involved. I have become involved in a violence situation. More importantly, the request has to come from the victim. I will not accept a request from an offender. The victim always has the control taken away from them therefore it is very important that they are in control, if they ask for mediation that is something that I will consider.” (EX15)

There is evidence of increased interest in Restorative Justice in Canada at both the individual and systemic level, including the incorporation of restorative justice practices by Correctional Service Canada. The overarching message that arose from the data in this research was that restorative justice processes hold a great deal of promise for family-victims but that the way in which we accomplish these processes needs to be tailored to take into account the specific and unique dynamics of family victimization and the outcomes that the victims and offenders wish to see in terms of the relationship.

“The challenge is, in most of our traditional or well-defined approaches to Restorative Justice encounters, you allow time for the victim and time for the community in which the harm took place to get to the place where they are actually prepared for that restorative encounter. And the true restorative encounter requires that all parties, if you have the victim, the offender and the community as the three, all three parties are prepared. Well, when you have a ‘neutral’ victim and the community that has time to heal and time to have their own journey

as they get to that encounter, that encounter can be more productive. What is so often the case with families is, because of an almost over-riding concern to keep the family together, even if it's not logical, particularly if the healing has not yet taken place, and yet you try to keep the family together, the victim keeps visiting the offender in prison or the wider community, if the family comes to visit the offender before any authentic healing has taken place on their side of the relationship it can circumvent the healthy process that is required for families, for the victims to go through as they would prepare for a true Restorative Justice encounter. So I think that's the most significant challenge with family-victims. I think there is an authentic healing journey that they need to go through but their very status as family and the desire to keep family together at all costs sometimes actually undercuts the ability of them to heal which in the long-term then contributes to a breakdown, a more thorough breakdown, of the relationship at a later time." And in my experience...there were a lot of families who may even have started the incarceration journey trying to keep the family together but for various reasons, depending on the level of victimization, they just couldn't."(EX13)

One family-victim participant in this research described herself as the "guinea pig" for a newly developed pilot restorative process called "Courageous Family Discussion". As the first (and, thus far, only) family to engage in the process, she felt that the experience had been beneficial in bringing together her extended family to discuss the effects of her son's crimes on their family relationships, to deal with hurt, feelings of fear, stigmatization, and to generally promote closer family relationships and a better understanding of each other's experiences:

"It was huge. Because there's so many things that go unsaid and they build up and preconceived, my daughter had all these preconceived notions that my sister's family thought of her as basically trash because she had this defunct brother, right? And she had stopped going to family things because she felt like a second-class citizen. But that was her view. And my sister was saying 'We don't feel that way', 'You're separate from your brother you know?' and she felt just lumped in, you know, that we're all the black sheep family. That was hugely helpful, if that was in Victim Services, that would be a hugely helpful thing. Because you know usually the Restorative Justice stuff is done between, you know if there's been a murder or you know, if there's been a big thing, but families who live through this I think need it just as much. And really it doesn't exist... And it's going to get my sister, hopefully, talking with my son again, because she'd cut off all conversation with him. And I was able to say to her, 'You can tell him that you're mad', 'You can tell him that', ...'You have the right to tell him that' and I said 'And that will be a starting point of talking again', because, you know, she's worried about resentment and stuff and I said 'If you cut off all conversation there's going to be way more resentment than if you clear the air and say how you feel and say where we can go from here, sort of thing.' So that would be huge, that kind of, and I know it takes a lot to orchestrate it but..." (FV01)

Given the promise of such mediated family dialogue, it appears that restorative justice processes may offer a viable space to provide family-victims with a meaningful voice. We recommend that expert practitioners in restorative justice work with family-victim experts to further develop this kind of specially tailored process to respond to family victimization in a restorative way, taking into

account the complexities of family dynamics and the unique needs of family-victims. (Recommendation 8)

Restorative justice practices begin from the premise that the offender must take responsibility for the harm he or she has caused and attempt to repair that harm. The expression of remorse is considered an important thing for victims, both in a restorative justice process and in the traditional criminal justice system. An offender who is unrepentant and does not express sorrow for his actions may often be given a more punitive sentence than one who accepts responsibility for his crime and exhibits remorse. The small sample size in this research means that the data is inconclusive, but it is interesting to note that five of six offenders did express remorse to the family-victim participants. In four of these five cases, the family-victim indicated that they felt the remorse to be genuine and accepted the apology. However, an accepted apology neither guaranteed the maintenance of a relationship with the offender nor was necessarily required. One family-victim continued to have contact and a relationship with the offender despite the fact that he had never offered an apology or expressed remorse for his actions; in another case, an apology had been offered and accepted, but the family-victim chose to end the relationship. Further description and research into this aspect of the family-victim/offender dynamic could be useful in designing effective restorative processes and supports.

Best public safety

All victims have the right to be protected from further victimization, and need best practices in public safety that prioritize proactive and preventative measures. Family-victims are uniquely concerned with the effects of intergenerational trauma; children who have been victims of or witness to family violence require supportive post-trauma intervention to decrease the possibility of continued cycles of family violence. The evidence from this research suggests strongly that services for children are difficult to obtain and that often available services are running at capacity, or not designed to effectively address the ambivalent relationship that may exist between a child and an abusive parent. The experience of one mother who is a family-victim underscores the importance of early intervention:

“No, I’ve had no help. I’ve been pleading for help for Aaron since he was 5. He’s been on probation since he was 11. I was saying then, he needs help, now they just see a drug addict and criminal. They don’t see the little boy who fell through the cracks long before he was an addict.” (FV01)

Some victims may feel well served by legislative changes which increase punitive penalties for crime, while other victims may not wish to see harsher penalties levied and may feel that such policies are symbolic gestures that do not directly serve their needs. Most often missing from the discussion of such policies is the reality that victims and offenders are not discrete categories. Many offenders are themselves the victims of violence. Several agency participants who provided services to both victims and offenders indicated that, in considering the topic of family-victims, they recognised long histories of victimization among their “offender” clients:

“I think what this conversation has highlighted for me, and I lose sight of it, is this strong

coloration especially with men being victim and offender, that they're often both. And because I focus on them coming out of incarceration, and yes I know they've got a background; but we tend to focus on their identity as offenders and they lose the identity as victims. I'm thinking we need somehow... that can't happen. There's gotta be a corrective there." (VSP10)

Family-victims themselves identified a sense of a false dichotomy between victim and offender, and several interview participants discussed their hope that improved services for victims would not be accomplished at the expense of effective intervention for offenders (and their families). Taking into account the complexities of family relationships and family violence, the reality of intergenerational cycles of trauma and violence, and the significant number of offenders with a history of victimization, it is imperative that public safety initiatives incorporate prevention and early response for survivors of trauma into the scope of their services, rather than relying on the presumed (and unsubstantiated) deterrent effect of longer and harsher sentences for offenders. (Recommendation 9)

"I really worry about the current agenda which is supposedly meant to correct the lack of services to victims isn't actually providing services to victims; it's providing opportunities to legitimate the system and punitive responses which is really different than meeting victim's needs. And I don't want them to put more money into longer sentences, I want them to, I want them to put money into real services for victims that ultimately allow that victim to move forward if that's the choice they made." (FV02)

Implementation [of appropriate and effective victim services]

Victims deserve to know that the rights and services that are afforded to them on paper will be available in practice. The implementation of appropriate and effective victim services is an integral need for all victims who require these services. For family-victims, the availability and implementation of such services may be affected by the relationship to the offender. Some victim service agencies do not recognize family-victims as such and some family-victims report having been denied services to which they were legitimately entitled by virtue of being a named victim in a criminal proceeding. When asked if she were aware of available victim services, one family-victim replied:

"I do, I know of many starting with the government bodies of VWAP [Victim Witness Assistance Program], Police Victim Services, the Crown's office and so on. My particular experience in accessing them for support was negligible. I found that what the organizations were often saying in their mandates was not carried out in the day to day practice. It was hit or miss in who you get on the day that you call or visit a Victim Service's office if you are a family member of an offender, as you know there is a great amount of stigma that comes along with that. And unfortunately some people who are in positions of providing support are judgemental, they are unable to reach out and assist, are less helpful than others, they may have more of an agenda or a view of you as a family-victim and what you should or shouldn't be doing or as the family member of an offender." (FV04)

Another family-victim stated:

“No I was never told [about VIS] because I was never seen as a victim really, I don’t think. I mean, I guess in Quebec I sort of was, but it was weird. It was weird how they treated me because they thought you can’t be a victim and still support [the offender]; it was like that for them.” (FV01)

It appears that the choice to support or maintain a relationship with the offender can have a negative impact on the family-victim’s ability to access services, due to rigid assumptions about who are victims and the appropriate kinds of responses to offenders:

“I think that often there are Victim Services in Ontario, there can be a gap there when people are trying to access, especially crime within a family. There may be difficulty accessing Victim Services if they’re viewed as just the perpetrator’s family and not with the correct lens that they’ve actually been victimized here too.” Do you know what I mean? And I think of Shannon Moroney as a popular example of that, or a public example. Even though she actually, she was victimized by her husband herself, her and her mother, it wasn’t, they weren’t recognized by Victim Services in their area as victims when her husband committed those crimes... they were never offered proper Victim Services or support.” (EX05)

Fundamentally, although family-victims have unique needs that should be identified and addressed, their right to access services should not be predicated on their relationship to the offender. The effective implementation of victim services requires inclusive definitions and understandings of victims and equal rights to services for *all* victims of crime. (Recommendation 10)

Unmet Needs of Family-Victims

In our discussion (above) of the Core Needs of victims and their specific applicability to family-victims, we have uncovered a number of unmet needs for family-victims around definitions of victimization and victims, access to services, collateral consequences of legislation such as the mandatory victim surcharge and provincial victim compensation policies, the availability of restorative justice processes for families, and the ability to have a meaningful voice in the justice process. Other specific unmet needs that emerged from the data include:

- The need for longer-term counselling and therapy than is currently covered.
- Difficulty in amending no-contact orders if the victim decides to resume contact with the offender.
- Lack of awareness about available community services that could be helpful.
- Fear of stigma prevents family-victims from reporting or seeking assistance.
- The need for immediate crisis intervention for children involved in domestic violence (as victims or witnesses).
- Improved collaboration between criminal justice, victim service, and child protection agencies around case management (ie. case conference models).
- Early intervention and availability of mental health services to prevent escalation of violence in families or intergenerational trauma.
- Bio-hazard cleanup in suicide cases is currently not covered.
- Lack of uniform availability of services across jurisdictions.

Funding and Service Challenges

Victim service providers were asked to comment on their current sources of funding. Sources of funding included:

- Federal Government grants (Sustaining funding grants from Ministry of Public Safety and Ministry of Justice)
- Provincial Government (Ministry of the Attorney General, Ministry of Community and Social Services, Ministry of Health)
- Government provision of service contracts
- Municipal funding (including police services funding)
- Charitable organizations (United Way, Trillium Fund)
- Religious organizations
- Charitable Donations (individuals, Police Associations, public fundraising)
- In-kind support (rent-free space, etc.) from Canadian Police Association
- Members' fees
- User fees (e.g. counselling co-payments)
- Corporate Sponsorship

With the exception of permanently funded government departments who were represented among the Expert interviewees, the majority of victim service organizations rely on more than one source of funding and their budgets may vary widely from year to year, making the continuous provision of services challenging. Some programs are made available based on specially allocated, limited time grants; once the funding has expired, agencies are unable to continue to offer the program. Even if the program has demonstrated success or meets a need, it may not be possible to obtain sustaining funding. At least one victim service agency in this sample has engaged corporate sponsorship to fund special initiatives for children at risk. The possibilities of this type of corporate sponsorship are desirable, and should be further explored, but when programs are designed to address the needs of offenders' families, it is more difficult to obtain a corporate partner because of the stigma.

In addition to the ongoing challenges of funding, victim service providers identify the limitations of their mandates and contracts for service as one barrier to expanding or improving service provision to family-victims. Additionally, many of these organizations are operating at or close to capacity in terms of service provisions and could not expand the scope of their services without additional staff.

Family-Victim Voices

We would like to close our presentation of the research findings with some key messages that emerged from the family-victims, themselves. The short time frame that was given in which to conduct this research prevented us from recruiting and interviewing more family-victims. Nevertheless, we wish to give our sincere thanks to those six courageous women who were willing

to share their stories with us, in the hopes that they would be able to assist in improving the systemic response to other family-victims like them.

The family-victims in this research shared that they did not feel that others understood the difficult situation in which they found themselves – torn between their hurt and anger at their victimization and the family bond that they shared with the perpetrator:

“I was in a conflicted position because I still support my son but we were, you know, he had stolen some stuff from me that I couldn’t replace so we needed to, you know, claim through the insurance and everything. So I didn’t feel, I don’t know if I didn’t feel understood, but that’s probably how I felt was, you know, ‘Why would I have anything to do with him if he was the person?’, you know when you’re stuck in that position, the person you’re supporting is also the person who’s hurting you. It is a really, I don’t think that service, all they really wanted to know was did I feel safe...
He’s my son. I’ve had people say ‘You have 3 kids, cut your losses’. How could I do that? He’s my son. If I’m not there to support him who is, you know?” (FV01)

Family-victims who do not report their victimization often feel even more ambivalent and less understood. What emerged from the second family-victim interview was the sense that criminal justice responses are not always perceived as adequate to address the complexity of the situation and the importance of family:

“Now, I would love to tell you why I never went to the police. I did not feel that charges would be helpful, I thought it was more likely that they would create more reasons for victimization and I was very clear for my entire life that I, whatever I was going to do about this, I did not want to lose my family. And I felt that an adversarial, I mean I wouldn’t have had this language then, but in my heart I knew that an adversarial response to the situation or reaction from me would not create the kind of healing or family dynamic that I would want it to. It was really important to me, it remains really important to me and it just would not have been possible through an adversarial response...
But I guess the biggest need I have that is unmet would be in a wider, cultural support for my choices that I have made. I would put it this way, so outside of the Restorative Justice circle, people look at you like ‘huh, you want to forgive somebody for something like that?’ And just that idea that you, okay so you the general public, have not had this experience and you want to, and the judgement that gets placed on a response like mine, is kind of, sometimes gets a little annoying.” (FV02)

Family-victims often blame themselves and experience profound guilt and shame about their own victimization. Particularly in intimate partner violence, victims draw on cultural expectations about “the kind of woman” who stays in an abusive relationship and what that means for their own identity.

“I guess because for the three and half years I always blamed myself for the reasons why he do what he did. You know I never understood the whole alcohol thing. I can go out and have a few drinks and you know obviously you know where I have seen him have two and

just not be that person. Do you know what I mean, so I always thought oh no, it is alright, let's buy a six pack and we will go here and go here, I never stopped it. And he did stop drinking for eight or nine months and things were good. He never hurt me, he never lay a hand on me, he never, you know, and then until the alcohol came again, he can't drink. So I guess that's where the guilt comes from, where I kind of blame myself for being put in those situations and for almost losing my life. But now I know that that is not true. I know now but I remember thinking at the time I remember thinking that, I loved him, I loved him with all my heart and I could not understand how he could do something like that. I remember screaming at him, "It is me! It's me!" Screaming and tears; he just, his eyes, it wasn't him, you could tell by the eyes... Because it is like there is a devil in there, do you know what I mean, until you actually see it yourself it is scary. And he just not him. He is just not him." (FV03)

This interview excerpt also reveals the ambivalence and complexity of her relationship to the offender and the difficulty that family-victims often have in reconciling the offence with the person that they know and love. It is this contradiction that often keeps family-victims in relationships that others, on the outside, may not understand.

Family-victims also emphasised that the effects of victimization are far-reaching and long lasting:

"It completely destroyed the life that I was living. I wouldn't say destroyed, let's say shattered, shook, fractured my identity in the community, my reputation. I endured character assault, my marriage, I developed Post-Traumatic Stress Disorder, I had a lot of health problems as a result, weight loss, insomnia, high level of stress, flashbacks, all kinds of things that we are used to seeing with violence...It's 8 year later, I still cope with my Post-Traumatic Stress symptoms from time to time so I still have flashbacks, I would say 1-2 times/year which are pretty debilitating and affect me for 24-36hrs. Still stress from being exposed to violence and sexual violence has really affected the way that I experience day to day activities like watching TV. All of those things are affected because I was exposed to that kind of sexual violence you can't just watch a movie where there is sexual violence. I'll never be able to do that again. There definitely are long term consequences that I'm still only realizing in some ways. Unless you've lived through it, it's hard to really understand what the true, long-term, permanent impact is." (FV04)

An adequate response to the devastating impacts of victimization is not a short-term venture. Victims may require services, particularly medical and mental health services, for many years. The violation of trust and security that is experienced when an individual is victimized by a person that s/he loves is a life-changing event. As a society and community we need to think about victim services in a holistic, longitudinal way, recognizing that immediate crisis response is only the tip of the iceberg, and designing services and case management processes that allow for continuity of care and support as victims travel on their journey to healing. Perhaps most importantly, what emerges from the data is the power of individual relationships and caring people to assist family-victims with this healing. Although systemic changes are necessary to address the complex needs of family-victims, the participants pointed out repeatedly that there were a few people or even a

single individual in the system who they recall as making a difference just by treating them kindly and with respect.

There were some people at the prison, where Dad was... actually, I even remember the guards' names, because they were so nice. And then you get the total opposite where some of the other ones treat you just as bad as I'm sure they do some of the inmates. And they don't have to be that way. If I was that way at my job, I'd be fired. (FV05)

Ensuring that front-line workers at all levels of the criminal justice system (police, victim services, courts, and corrections) recognize the legitimacy of family-victims and afford them basic courtesy and respect is a key first step to improving services for this population. Discourtesy, delegitimization, and unprofessionalism among criminal justice responders adds to the trauma that these individuals are already experiencing and may dissuade them from seeking further services and assistance.

DISCUSSION: THE COMPLEXITIES OF BROKEN FAMILY RELATIONSHIPS

An overarching theme that emerged clearly from this data was the fact that family relationships are complicated, and never more so than when they are shattered by criminal victimization. Every participant in this research referenced family difficult dynamics in their responses to the interview questions. However, the crime does not comprise the totality of the relationship; even many family-victims with histories of multiple incidents of victimization appear to contextualize the offences within the broader experience of the relationship. While outsiders may find it difficult to comprehend, the relationship between the family-victim and offender is commonly marked by ambivalence, vacillating between anger, hurt and betrayal, on one hand, and loyalty, love, and a sense of loss on the other. Whatever the situation, these kinds of relationships are never simple and cannot be neatly placed into the mould of our societal expectations. The fact that so many family-victims do not immediately choose to end their association with the offender contributes in many ways to the stigma that they experience; outsiders simply cannot comprehend *why a person would choose to love someone who hurts them*.

Ultimately, the answer to this question is an individual one, but family-victims in many cases wish to have the choice to maintain a relationship with the offender and wish to be supported in their decision. Intervention and services for family-victims must be sensitive to this complex dynamic, understanding that to pass judgement on their relationship decisions and choices is to risk that these family-victims will become further isolated, withdraw from unsupportive services, and will be at greater risk of re-victimization or of perpetuating intergenerational trauma.

"You know I've worked with women for years in a research and policy role. And what I found was that the complexity of their victimization was not...we weren't adequately addressing it in the work I was doing. And the impact that victimization, direct family victimization, has on the

ability of women to parent. The “tree”, it just sort of builds down and down and down inter-generationally. We need to stop it!” (VS01)

It is precisely because of this complex family dynamic and the violation of trusted relationships that specialized services are required to address the trauma of family victimization:

“Because there’s that kinship, because it’s family, there would need to be some kind of very intensive psychological interventions for the family member and some children, if they were involved, to be able to unpack, whether it was sexual abuse, to go through the harms associated with it. Because I think those types of instances, they are so layered because of the association, because it’s not a stranger crime. So if we are looking at children for example, they may be really struggling with how to process that because on the one hand, it’s still their parent. They still love them; perhaps some fond memories of them. But on the other hand, there was an awful behaviour going on. So I think having the right kind of really specialised form of interventions to help them cope with that is really important.” (EX04)

This ambivalence and the varied emotional responses to the offender also makes the decision to end the relationship an incredibly difficult one in many cases, or may compel support from a more reluctant family-victim. Skilled victim-service providers need to create the space for family-victims to feel all of their emotional responses and to assist them in sorting through the emotions to come to a decision about the relationship that is best for everyone involved, whether it is the decision to leave the relationship or to preserve it. One participant gave an example of attempting to support precisely this kind of dialogue and to create the space for the victim to exercise agency in her relationship with the offender:

“I have one case where the mother, the family wants to talk. This is a case of incest and the woman gave a very scathing Victim Impact Statement, just ‘How could you do this?’, ‘You betrayed me’, but now she’s saying ‘I want to talk to him’, ‘I want to see where he’s at, what’s happened to him in the institution’, ‘Has he actually taken responsibility for what he’s done?’ [This is] Her husband and the main, the direct victim was her daughter. But she certainly qualifies as a victim under Victim Services. So that’s an example of a case where she really wants to meet with him and talk, she’s got some big decisions to make. She’d rather make them before he gets out not after...and she doesn’t know if she wants to, probably wants to reconnect with him when the children are out of the house and that’s not a concern but then her daughter just got pregnant now so that raises a whole safety issue with her grandchild. So she wants to meet with him and the problem is there’s a no-contact order so that has to get changed before we can even talk. But once he is free, when his sentence is...then they can talk freely, there’s no limit after that.

Interviewer: Let me ask you about the daughter, the direct victim, does she want to talk to him?

She does. But she’s prepared to wait until after he’s released. But the mother specifically wants to plan ahead. And then also a brother, the brother of the victim wants to talk with him too and ask him questions that he never got a chance to ask because he was arrested.” (EX08)

Supporting families to engage in this kind of dialogue, to allow victims to have their questions

answered, to assess the offender's remorse, and to hear an apology, is a step toward healing, not only the broken relationship, but also the victim's trauma. Repeatedly in this research we were told that there is not enough support for non-adversarial, holistic, restorative processes to allow family-victims to process the trauma that they have experienced. The goal should not be to keep the family together at all costs but to create the space for family-victims to find solutions that will help them heal.

LIMITATIONS OF THE RESEARCH

While we have done our best to be thorough in our examination of the issues facing family-victims in Ontario, there are some limitations to this study. The lack of available data on the proportion of family-victims among victim service clients and the proportion of family-victims who choose to maintain contact or a relationship with the offender are key gaps in the data. The data presented in this report is derived from participants' estimates and, as such, can only be considered an indication of victim workers' experiences and not a reliable statistic. Further research in this area is required.

We have also endeavored to solicit participation from various sectors of victim service in Ontario, taking into account differences in clients' gender, Aboriginal status, rural and urban settings, varying approaches to victim service, and services directed at various forms of victimization. The sample represented here cannot be said to be statistically representative of all victim-service agencies in Ontario and the results presented on available victims services are not generalizable to all provinces. We recommend that the government undertake similar research in other Canadian provinces to assess the situation in those jurisdictions.

While the terms of this research did not originally include data collection from family-victims themselves, CFCN strongly believes that the addition of their voices strengthens our understanding of the issues that they face. It is vital that we give family-victims (and, indeed, all victims of crime) the opportunity to speak for themselves whenever possible as a means of empowering them to share their experiences. The short timeline for data collection in this research (November 2013 – February 2014) meant that we were unable to recruit and interview as many family-victims as we had hoped. Participant recruitment for research on sensitive topics, like victimization, is time consuming and often very difficult. We hope that further research will be conducted to further explore the needs and experiences of family-victims in Canada.

Directions for Further Research

As part of our consultation with expert and victim service participants, we asked what else they would like to know to improve their service to family-victims, and to victims of crime more generally. Participants were overwhelmingly interested in seeing the outcomes of this research

and indicated that they would appreciate more research to provide direction for best practices in working with family-victims, including the answers to questions such as:

- Who do victims trust and turn to for assistance?
- What methods of communication do victims prefer for information about assistance?
- Best practices for outreach and awareness of services in under-served communities and groups
- What is the impact of family victimisation on mental health and the psychosocial development of children?
- Information on the development of resources specifically for family-victims
- Profiles of family-victims and indicators of non-disclosure
- Family-victim needs around the return of the offender from prison and reintegration
- How to support the healing process for family-victims
- How to design an effective restorative justice process for family-victims that does not revictimize them
- More research with the experiences and opinions of actual family-victims

RECOMMENDATIONS

Drawing on the preceding analysis, CFCN has 10 recommendations to improve services to family-victims in the province of Ontario.

1. **Documentation of the prevalence of family-victims:** Victim-serving agencies in Ontario should begin documenting and collecting statistics on the prevalence of family-victims in their case loads to ascertain the demand for family-victim-specific services.
2. **Documentation of family-victim characteristics:** Victim-serving agencies in Ontario should document and collect statistics on the characteristics of family-victims in their case loads, with particular attention to the status of their relationship with the offender (e.g. whether or not they choose to maintain a relationship with the offender) in order to assess the need for specific family-victim interventions.
3. **Promote awareness of family-victim issues among victim-service providers:** By sharing this research widely, through the presentation of family-victim awareness training, individuals working with and for victims of crime should be encouraged to consider the implications of these issues for their practices.
4. **Make information about all services for family-victims readily available:** In addition to raising awareness among victim service providers about the unique types of information that family-victims may need, we recommend that an educational booklet about the criminal justice system and the family which details “what to expect” and where to find relevant services and information be made available to all family-victims in Ontario at their first contact with police or victim-serving professionals.
5. **Assess the impact of legislation on the financial circumstances of family-victims:** Particularly with respect to victim surcharges and policies surrounding Criminal Injuries Compensation claims, judges and adjudicators should be given discretion to assess how the policy affects family-victims and to make rulings that would lessen the impact on family-victims.
6. **Increase the number of emergency transitional housing spaces available for women and children who are victims of domestic violence:** Transitional houses (shelters) for battered women and children should be provided with adequate and sustaining funding to meet the needs of women and children fleeing abusive homes.
7. **Inform and prepare family-victims for the possible long-term effects of receiving victim notification and participating in submitting Victim Impact Statements to the Parole Board:** The experiences of some victims suggest that this may not always be a positive thing for victims; family-victims should be sensitively provided with balanced information about the long-term implications before they register with the Parole Board of Canada to receive notifications.

8. ***Develop and pilot a Restorative Justice mediated dialogue process designed specifically to address the complexities of the family-victims / offender dynamic.*** This should be done in consultation with expert restorative justice practitioners and experts in the psycho-social dynamics of family victimization.
9. ***Ensure that public safety initiatives focus on evidence-based crime prevention and early intervention for survivors of trauma to reduce intergenerational family trauma.***
10. ***All government-sponsored victim services, as well as the proposed Victims' Bill of Rights, should utilize an inclusive definition of victims of crime that does not exclude family-victims:*** No victim-service provider should deny services to those family-victims who continue to maintain contact or a relationship with the offender.

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APPENDICES

Appendix A – Questionnaire for Victim-Service Providers and Experts

This research is focused on learning more about resources available to individuals who have been the direct victim of crime perpetrated by a member of their family (“Family-victims”), and on identifying whether family-victims have any needs that are unique from non-familial victims. Thank you for agreeing to participate. I’m going to start off by asking some questions that are specifically about your organization and the victim-clients that you serve:

1. Please describe the victim services offered by your organization.
2. Please describe any programs or resources that are specifically directed at family-victims.
3. How many victims are served by your organization each month, on average, over the past year?
 - a. Over the past year, what percentage of your clients would be considered “family-victims” (in a familial or domestic relationship with the offender)?
4. Which of your services are used most often by family-victims?
5. List any services that are NOT used by or are not appropriate for family-victims.
6. If you offer assistance in writing Victim Impact Statements, please indicate the approximate percentage of VIS clients who are family-victims in the past year.
 - a. Please comment on any unique or special considerations required when assisting a family-victim to prepare/present a VIS?
7. Approximately what percentage of your family-victim clients is still in a relationship with the offender (defined by continued contact of their own volition)?
8. Does your organization offer any services specifically for child victims?
 - a. If so, please describe any services which are directed at children who are related to the offender.
9. How is your organization funded? Please explain any funding challenges.

The next few questions ask you to think more generally about the needs of family-victims, from your experience, and the current state of victim services and legislation in Canada:

10. Please explain any distinct needs of family-victims that you may have identified that differ from those of other (non-familial) victims?
11. Please comment on any needs of family-victims that you have identified that are currently unaddressed in your area.
12. Are you aware of recent and proposed changes to crime legislation that affect victims (ie. The Victims Bill of Rights)? Please comment on aspects of the legislation that you perceive

as positive or negative for family-victims. Are there changes to legislation that you wish to see?

13. Is there any information or research that you believe could assist you in improving the services that you offer to family-victims? (ie. What else would you like to know about family-victims?)
14. Is there anything else that you would like to add, related to your experiences serving family-victims, that you think is important for us to know?

Finally, just a couple of closing administrative questions for the purposes of our research reporting:

15. Do you (and your organization) wish to be anonymous or named in the final report of this research?
16. Please provide us with a contact name and number or email for your organization, to whom we may address follow-up questions or clarifications.

Appendix B – Questionnaire for Family-Victims

Thank you for agreeing to participate in this research. I'd like to start by asking you some questions about any victim services or resources that you have accessed.

1. Do you know of any services or resources to help people who have been victims of crime that are available through community organizations, faith groups, police, government, etc.?
 - a. Which of these services have you used?
 - b. Can you tell me how these services addressed your needs, including any positive or negative experiences?
 - c. (If none) Can you tell me more about why you have not accessed these services?
2. Which of the services that you used have been most helpful to you in dealing with your family member's crime and the aftermath - why?
 - a. Which services were least useful, and why?

If it's okay, I'd like to talk a little bit now about your relationship with the person who offended against you and the effects of the crime. Please remember, if you are uncomfortable with any of the questions, or you are feeling upset and don't want to answer, just let me know and we can move on to something else or stop. It's no problem. Is it okay if I ask some questions now about your relationship with the offender?

3. What is your relationship to the family member who committed the crime?
 - a. Do you currently have contact with him/her; how and when do you contact this person?
 - b. Can you tell me a bit about how you made the decision to maintain/end the relationship?
 - c. Do your family and friends support your decision? Please explain.
4. Has the offender apologized or shown remorse for his/her crime?
 - a. Has s/he done anything to repair the harm or assist you and your family?
5. What kind of effect did the victimization have on you at the time of the offence?
 - a. Do you see any long-term effects of the victimization you experienced?
6. Do you have any needs related to your victimization that are currently unmet? Please explain.
7. Do you have any children who have been affected by this crime? **(IF NO – SKIP TO #10)**
 - a. IF YES: Was the child(ren) a direct victim?
 - b. Has the child received any services or resources to deal with the effects of the crime? Please explain.
 - c. Were any of these services particularly helpful or positive? Did you have any negative experiences with these services?

8. Does the child have any current contact or wish to have contact with the family member?
9. Does your child have any needs related to this victimization that are currently unmet?
Explain.

Thank you for your answers. Are you feeling okay to continue? I'd like to ask you some questions now about current victim rights and services and how you feel about changes to the law, if that's okay?

10. Did you know that, as a victim of crime, you could submit a victim impact statement to the court at the time of sentencing?
 - a. Did you submit a victim impact statement? Why/why not?
 - b. Did you have any assistance in submitting your VIS? Explain.
11. Are you aware of the changes to the law that would allow you, as a victim, to attend and submit a VIS at a parole-board hearing?
 - a. If you were given the opportunity, would you submit a VIS to the parole board? Why or why not?
12. Are you aware that the Correctional Service Canada and Ontario Ministry of Corrections offer services for victims of crime, such as victim notification, Restorative Opportunities?
 - a. Have you used any of these services? Why or why not?
13. Please describe your experiences in dealing with the criminal justice system – particularly anything that was positive and helpful, or negative.
14. Thinking about your experience with police, courts, corrections, and victim services, are there any gaps in services that we should be aware of? Any resources you would like to have? Any experiences that were particularly positive or helpful?
15. Please describe your experiences with the community's response to your victimisation. Have you felt stigmatized or supported in your community? Please explain.
16. Is there anything that I haven't asked about that you would like to add, or think is important for this research? Are there other areas you feel we need to look at or research?



CFCN
Canadian Families and
Corrections Network

RCAFD
Regroupement canadien d'aide
aux familles des détenu(e)s

Appendix C – Letter of Information & Consent for Agency Participation
Canadian Families and Corrections Network Family-Victims Research

Letter of Information & Consent for Agency Participation

The mandate of the Canadian Families and Corrections Network (CFCN) is "building stronger and safer communities by assisting families affected by criminal behavior, incarceration and community reintegration." CFCN serves family members who we know are always a victim of the 'consequences' of crime. Families are the ones who deal with the financial harm, geographical separation, stigma, emotional harm, being ostracized from the community, lack of knowledge and emotional cycle of incarceration, etc. Many of these family members may also have the challenge of being a direct victim of the crime for which the offender is serving time.

We are lacking information about the situation faced by these "family-victims" in Ontario (and more broadly in Canada); specifically, we do not have a clear picture of the types of services being offered to and accessed by these families, nor do we know if these families are being well served by existing programs and resources. As such, the CFCN has contracted with Public Safety Canada to conduct a survey of victim service organizations, those who work with family-victims, and family-victims themselves to assess whether the needs of these victims are being met. This research is being led by Dr. Stacey Hannem from the Department of Criminology at Wilfrid Laurier University, on behalf of CFCN. The research and its methodology have been approved by the research ethics board at Wilfrid Laurier University (certificate #3860).

As an organization offering services to victims, you are invited to participate in this research and share your knowledge of the situations faced by family-victims in your area. You may participate by agreeing to take part in an interview about your services and client profile. The interview will take approximately 45-60 minutes of your time and can be conducted in person or over the telephone. We also request that you provide a contact name and number or email whom we may approach with any follow-up questions, if necessary. By consenting to participate in the interview, you agree to the use of the data as outlined below and you agree that you have the appropriate authority to consent to the use of such data on behalf of your organization.

The data that you provide about your organization will be combined with data from other organizations and presented in aggregate only. Your organization will not be identified by name in the final report, unless you specifically request it, and your participation is voluntary and strictly confidential. You have the right, if you so choose, to obtain a copy of the transcript of your interview and to delete any information that you do not wish to be used in the analysis or that you feel poses a

risk to you or your agency. In writing up the research, we may wish to use (and publish) direct quotes from your interview. If you do not wish to have your exact words quoted (anonymously), you may decline below and still participate in the research. We anticipate that there be will approximately 30 agency participants in this study.

Data will be securely preserved by the lead researcher on this project until such time as it is no longer necessary for analysis and writing. The data will be used to write a report for Public Safety Canada which will be published on the CFCN website. Data may also be used to write articles or book chapters for academic publications. The results of the research will be available in early June 2014 and can be obtained from the CFCN website (<http://www.cfcn-rcafd.org/>). Resulting journal articles or book chapters may be obtained by contacting Dr. Stacey Hannem at Wilfrid Laurier University. You will be provided with a copy of this form for your records. Any questions about this research may be directed to Dr. Stacey Hannem at shannem@wlu.ca ; 519-756-8228 ext. 5785, or Louise Leonardi, Executive Director of CFCN at national@cfcn-rcafd.org ; 1-888-371-2326.

Questions or concerns about the ethical nature of this research may be directed to Dr. Robert Basso, chair Ethics Review Board, Wilfrid Laurier University; rbasso@wlu.ca ; 519-756-8228 ext. 4994.

I, _____, have read the information above and consent to be interviewed for the Family-Victim research as described. I agree that I have the appropriate authority to consent to this research on behalf of my organization, (insert agency name here)_____.

I agree to have the interview digitally recorded: Yes_____ No _____

I agree to allow direct (anonymous) quotation of this interview in publications: Yes____ No____

I wish to obtain and review a copy of the interview transcript: Yes____ No____

Follow up questions may be addressed to:

Name: _____

Tel: _____

Email: _____

My organization DOES / DOES NOT wish to be identified by name in the final report.

Signature of Agency Participant:

_____ Date: _____

Interviewer Signature:

_____ Date: _____

Signature of Lead Researcher:

_____ Date: _____



Appendix D – Letter of Information and Informed Consent Form for Family-Victim Participants

Canadian Families and Corrections Network Family-Victims Research Letter of Information and Informed Consent Form for Family-Victim Participants

The mandate of Canadian Families and Corrections Network (CFCN) is "building stronger and safer communities by assisting families affected by criminal behavior, incarceration and community reintegration." CFCN serves family members who we know are always a victim of the 'consequences' of crime. Families are the ones who deal with the financial harm, geographical separation, stigma, emotional harm, being ostracized from the community, lack of knowledge and emotional cycle of incarceration, etc. Many of these family members may also have the challenge of being a direct victim of the crime for which the offender is serving time.

We are lacking information about the situation faced by these "family-victims" in Ontario (and more broadly in Canada); specifically, we do not have a clear picture of the types of services being offered to and accessed by these families, nor do we know if these families are being well served by existing programs and resources. As such, CFCN has contracted with Public Safety Canada to conduct a survey of victim service organizations, those who work with family-victims, and family-victims themselves to assess whether the needs of these victims are being met. This research is being led by Dr. Stacey Hannem from the Department of Criminology at Wilfrid Laurier University, on behalf of CFCN. The research and its methodology have been approved by the research ethics board at Wilfrid Laurier University (certificate #3860).

You are invited to participate in this research by sharing your experiences and insight as an individual who has been the victim of an offence by a family member. You will be asked to participate in an interview conducted by a CFCN staff member; the interview will take approximately 60-90 minutes to complete. You will be asked questions about your use of victim services, what resources or services have been helpful, or not, about your experiences in negotiating the criminal justice system, and about your current relationship/interactions with the family member who committed the offence. If you have children under the age of 16, you will be asked to comment on the impact of the offence on your child(ren), and on any supports they may be accessing. The interviewer will ask your permission to use a digital recorder during the interview in order to ensure that the information you provide is recorded accurately.

Given the subject of this research, there is a chance that some of the questions may cause you to feel uncomfortable or sad. If at any time during the interview you do not wish to answer a question, you

are free to not answer the question. You may also end the interview and withdraw from the study if you wish, at any time, for any reason, without any explanation. There is no consequence to withdrawing your participation in this study. If you withdraw from the study, every attempt will be made to remove your data from the study, and have it destroyed. If at any time you wish to obtain support services or referrals to victim assistance services, please let the interviewer know; if you are in need of assistance following the interview, do not hesitate to contact Canadian Families and Corrections Network at 1-888-371-2326.

All information provided to the researchers for the purposes of this study will be kept strictly confidential. The information that you provide will be retained indefinitely by the lead researcher (Dr. Stacey Hannem) for the purposes of future research, analysis and/or publications. Only the researcher will have access to signed consent forms containing your name; the interview recordings and transcripts will be kept separately from the consent forms. A student research assistant may be responsible for making a written record of the recorded interview. If you are uncomfortable with this, you may request that one of the researchers personally transcribe your interview. Electronic material will be stored in password protected files on a secure computer terminal and paper documents will be kept in a locked filing cabinet in the lead researcher's office. At the conclusion of this project and no later than July 2014, a summary of the research findings will be made available on the CFCN website: www.cfcn-rcafd.org/

In order to ensure anonymity, in the written record of the interview we will use a pseudonym in place of your real name and will alter any identifying names, places, speech patterns, or specific events to protect your identity. You also have the right, if you so choose, to obtain a copy of the transcript of your interview and to delete any information that you do not wish to be used in analysis or that you feel endangers you, your family or friends. Please indicate below if you wish to receive a copy of the transcript and provide a contact email or mailing address.

In writing up the research, we may wish to use (and publish) direct quotes from your interview. If you do not wish to have your exact words quoted (with the safeguards of changed names, etc. mentioned above), you may decline below and still participate in the research. We anticipate that there be will approximately 30 participants in this study.

If you have questions at any time about the study, or you experience adverse effects as a result of participating in this study please contact the lead researcher, Dr. Stacey Hannem at shannem@wlu.ca or 519-756-8228 ext 5785 or Louise Leonardi, Executive Director of CFCN at national@cfcn-rcafd.org ; 1-888-371-2326.

This project has been reviewed and approved by the University Research Ethics Board (Certificate #3860). If you feel you have not been treated according to the descriptions in this form, or your rights as a participant in research have been violated during the course of this project, you may contact Dr. Robert Basso, Chair, University Research Ethics Board, Wilfrid Laurier University, (519) 884-1970, extension 5225 or rbasso@wlu.ca

The results of this research will be published in a report to Public Safety Canada (the funders of this research) that will be available on the CFCN website. The data may be used by Dr. Stacey Hannem for other publications such as conference presentations, journal articles, or book chapters. If you wish to receive copies of any publication of the research results, you may provide me with a mailing

address or email to which you wish me to send these documents, or you may contact the lead researcher (Dr. Stacey Hannem) at any time to obtain copies.

Please feel free to ask the interviewer any questions that you may have about this research. If you wish to participate in this study, please sign the following statement of consent: (You will be given a copy of this information sheet to keep for your records).

CONSENT

I, (print name) _____, have read and understand the above information about the study of Family-Victims being conducted by Dr. Stacey Hannem of Wilfrid Laurier University on behalf of Canadian Families and Corrections Network. I have received a copy of this form and I agree to participate in this study, in accordance with the terms set out above.

I agree to have the interview digitally recorded: Yes_____ No _____

I agree to allow direct (anonymous) quotation of this interview in publications: Yes___ No___

I agree to allow the researcher to contact me in the future, if necessary: Yes_____ No_____

I WISH TO OBTAIN A COPY OF THE INTERVIEW TRANSCRIPT: YES_____ NO_____

If yes, provide follow-up contact phone number and/or email address:

I would like to be contacted to participate in any future research on families affected by crime

Yes_____ No_____

Participant's signature_____ Date: _____

Interviewer's signature_____ Date: _____

Lead Researcher's signature_____ Date: _____

*Appendix E – List of Named Research Participants in Ontario*Expert Participants:

Academic Researcher - Children Impacted by Parental Incarceration
Canadian Resource Centre for Victims of Crime
Correctional Service of Canada
Muskoka Victim Services
National Associations Active in Criminal Justice (NAACJ)
Office of the Correctional Investigator
Office of the Federal Ombudsman for Victims of Crime
Ottawa Police Victim Crisis Unit
Parole Board of Canada
Restorative Justice Expert
Victim Services of Kingston and Frontenac
Victim Services Wellington

Victim Service Participants:

Canadian Association of Elizabeth Fry Societies
Community Justice Initiatives, Kitchener
Dawn House Women's Shelter Inc., Kingston
Elder Abuse Ontario (Ontario Network for the Prevention of Elder Abuse)
F.E.A.T. for Children of Incarcerated Parents, Etobicoke
Friends of Dismas, Toronto
Kingston Community Counselling Centres
Mennonite Central Committee Ontario
MOMS Ottawa
Sexual Assault Centre Kingston
St. Leonard's Society of Canada
The Bridge: From Prison to Community, Hamilton
The John Howard Society of Canada
The Salvation Army Correctional & Justice Services - Freedom Ministries, Kingston