

## MENTAL HEALTH & LAW SERIES

### Help! I Need A Lawyer!

#### Part 4: Services for Victims and Witnesses of Crime



*Over the next several weeks and months, Community and Legal Aid Services Programme (CLASP), a student legal aid clinic at Osgoode Hall Law School, and MDAO will provide you with a series of articles describing the different types of legal services available in your communities. This installment will offer a brief overview of the options available if you have been a victim or witness of a crime.*

#### **HOW DO VICTIMS AND WITNESSES FIT INTO THE CRIMINAL JUSTICE SYSTEM?**

In criminal trials, the two parties are the accused (the person charged with the crime) and the Crown (government lawyer prosecuting the accused). As you can see, there is no official place for the victim or witness of a crime. Generally speaking, a person in either of these situations will be asked by the Crown to give evidence at the trial. This is referred to as testifying. Because this process can become complicated by the rules of the Court and the circumstances of the case, there are a variety of service programs available to provide guidance, assistance and even accompaniment for victims and witnesses.

#### **WHO CAN I GO TO FOR ASSISTANCE IF I AM A VICTIM OR WITNESS TO A CRIME?**

*VICTIM SUPPORT LINE: 1-888-392-3777*

Calling this phone number is a great place to start if you are unfamiliar with the resources available to you. If you call this number, you can get general information about and/or referrals to various programs. The subjects covered by this organization include the criminal justice system in general, arrest and release procedures, parole, probation, conditional sentences, police responsibilities and how to be a witness at trial. This service is available everyday and is open from 8:00am until 10:00 pm. This is a confidential and anonymous service, so you will not have to give your name and any details discussed will not be disclosed to anyone for any reason.

#### **POLICE-BASED SERVICES**

When the police are called to the scene of a crime, they can bring with them (or easily contact) a crisis intervention group. These officers can provide the victim with emotional support, practical assistance with regards to the criminal justice system and referrals.

#### **WHAT IF I WANT SOMEONE TO COME WITH ME TO THE TRIAL?**

Because a witness is not technically a party to a crime, they do not usually have their own lawyer, except in really unusual circumstances. They can, however, have someone prepare them for and go with them to a trial. This type of service is called “accompaniment” and is provided by several different organizations.

*VICTIM WITNESS ASSISTANCE PROGRAM (VWAP) - (416) 212-1310*

VWAP is a program that has offices in most Toronto courthouses. This organization provides support workers who explain the trial process and provide emotional and practical support for witnesses. They will help prepare you for questions during your testimony (giving oral evidence in court), both from the Crown Attorney and the accused’s lawyer. Because they are located in courthouses, VWAP can take you into an actual courtroom and will show you where all the people involved will sit, so that you can become comfortable in this setting. Additionally, VWAP has designed a specialty program for children who are testifying as victims and/or witnesses that is age appropriate and can also help with

video testimony for children. Similar services may be available in other cities as well. Ask at your local courthouse.

#### LEGAL CLINICS

Although there are not many, there are some legal clinics that will provide victim witness accompaniment. You can also ask your local legal aid clinic whether they provide this service.

- (a) Community Legal Aid Service Program (CLASP) – (416) 736-5029.
- (b) Barbra Schlifer Clinic (for victims/witnesses of domestic violence and sexual assault (416) 323-9149.
- (c) 519 Church St. (emphasis on gay/lesbian clients) – (416) 392-6874.

#### WHAT IF MY RIGHTS ARE NOT BEING TAKEN INTO ACCOUNT?

*CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME* - ([www.crcvc.ca](http://www.crcvc.ca))

This is an advocacy center for victims and witnesses of crimes. The primary concern of this organization is to ensure that all victims and witnesses are treated fairly and equitably when they appear in Court. This group will listen to the experiences of the victim/witness and argue on their behalf so that these experiences are appreciated and acknowledged. If you have a problem in this regard, the CRCVC website provides various resources that you can look at that will help you decide if victim advocacy is necessary in your case.

#### HOW CAN I GET MONETARY COMPENSATION FOR MY INJURIES IF I AM NOT A PARTY TO A TRIAL?

*CRIMINAL INJURIES COMPENSATION BOARD* – 1-800-372-7463

The CICB is a tribunal that allows victims of violent crimes to recover money for the injuries they have suffered. A tribunal is run in a similar fashion to a courtroom, but the decision maker is usually a “tribunal member” and not a judge. In order to get a hearing before the CICB, you must call them directly and request the forms. The forms that the CICB uses are quite user friendly and can be filled out by the victim themselves or by someone on their behalf (some clinics will assist with this). With the applications, you have to send some kind of medical records showing your injuries from the incident. Once received and processed, the CICB will schedule a hearing to decide whether to award compensation. The accused crime does not have to be present at the hearing but must be notified of the application.

The forms must be requested no later than 2 years (e.g. injury in June 2005, forms requested by June 2007), after the crime was committed and the maximum award from CICB is \$25,000. Although CICB can provide you with closure and compensation, this process is lengthy (it often takes 6 months to 1 year to schedule a hearing) and the awards are generally quite low. It does, however, provide a good outlet for victims who are frustrated with the criminal justice system.

Other services may be available in your area. Please ask your local legal clinic for additional information and referrals.

The final article in this series will talk about finding a good lawyer and the difference between lawyers, paralegals and other legal services.

*The next article in this series will cover finding a good lawyer and the difference between lawyers, paralegals and other legal services*