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The Criminal Injuries Compensation Board: An Option for Survivors of Violence

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Services Programme

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METRAC, Action on Violence

- works to prevent violence against women and youth
- a not-for-profit, community-based organization

www.metrac.org

METRAC's Community Justice Program

- provides accessible legal information and education for women and service providers
- focuses on law that affects women, from diverse backgrounds, especially those experiencing violence or abuse

FLEW, Family Law Education for Women in Ontario

- provides information on women's rights and options under Ontario family law and other relevant laws when families break down
- in 14 languages, accessible formats, online and in print

www.onefamilylaw.ca

www.undroitdefamille.ca

Presenters

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Topics to be Covered

1. What is the Criminal Injuries Compensation Board?
2. Who Can Apply for Money from the Board?
3. What Can the Board Award Money For?
4. How Much Money Does the Board Pay?
5. How Do I Apply?
6. What Happens After I Submit My Application?
7. Additional Resources

Information is accurate as of May 27, 2016



What is the Criminal Injuries Compensation Board?

What is the CICB?

The Ontario Criminal Injuries Compensation Board (CICB)

- a decision-making body that awards money to survivors of violent crime:
 - who have fairly serious injuries from the crime
 - injuries can be physical, psychological, emotional
- can award money for the effects of domestic assault, sexual assault, and stalking (criminal harassment)
- the alleged offender does **not** have to be charged or found guilty of the crime

Where Does the Money Come From?

- Money awards from the Criminal Injuries Compensation Board are paid by the CICB
- The money comes from the Ontario government
- The person accused of the crime does not pay the money awarded by the CICB



Who Can Apply for Money from the CICB?

Who Can Apply to the CICB?

- You can apply to the Criminal Injuries Compensation Board if:
 - you are a survivor of a violent crime, and the crime has affected you in a fairly serious way
 - the crime occurred in Ontario
 - you are 18 years or older
 - a parent or legal guardian can apply for a person who is under 18 years old

Who Can Apply to the CICB?

Time limits

- **new rule** for survivors of sexual assault and intimate partner assault
 - can apply to the CICB at any time after the alleged offence
 - in effect as of March 8, 2016
- for all other offences, the application must be within 2 years of the alleged offence
 - can request an extension of time, if there is a reason

Who Can Apply to the CICB?

Time limits

- CICB has granted extensions for applications after the 2 year time limit if:
 - the person didn't know about the CICB
 - the person was too injured to apply in time
- In cases of childhood abuse:
 - 2 year period to apply begins when you turn 18
 - time limit extensions can be granted after age 20

Who Can Apply to the CICB?

- The Criminal Injuries Compensation Board can award money to anyone seriously affected by a violent crime including:
 - direct victim of a crime of violence (or representative)
 - person with a financial connection to victim (e.g. family)
 - person who paid expenses arising from the victim's death
 - person hurt while helping a police officer make an arrest
 - person hurt while trying to prevent a violent crime from happening against a person or property
 - person who suffered mental/nervous shock from witnessing a crime of violence
 - police officer injured during an arrest

What is a Violent Crime?

- The CICB may award money for the effects of these violent crimes:
 - sexual assault (any unwanted touching of a sexual nature)
 - domestic violence (sexual, physical, emotional violence between intimate partners)
 - criminal harassment (stalking)
 - child abuse (sexual, physical, emotional)
 - murder or attempted murder
 - assault
 - poisoning
 - firearm offenses
 - arson (purposely setting fire to cause damage or harm)



What Can the CICB Award Money For?

What Can the CICB Award Money For?

The Criminal Injuries Compensation Board can award money for:

- costs you paid because of the crime, such as:
 - medical/dental/therapy costs (not covered by insurance)
 - travel to treatment
 - loss of income or support
 - some legal fees to apply to the CICB
 - support for a child born from a sexual assault
 - funeral and burial expenses
- pain or distress you suffered because of the crime (emotional, psychological, physical)

What the CICB Does Not Award Money For

The Criminal Injuries Compensation Board does **not** award money for:

- legal fees for criminal court or a private lawsuit (civil court)
- lost wages or distress from attending court
- damage or stolen property
- accidents
- pain and suffering of family members of survivors of violent crime
- effects of crime committed outside of Ontario



How Much Money Does the CICB Pay?

How Much Money Does the CICB Pay?

- Criminal Injuries Compensation Board awards vary depending on the situation and seriousness of injuries
- the maximum award is \$25,000, but is rarely awarded
- the average award in 2015 was about \$9,000
- awards are usually one payment, but can be divided into several payments over time
- immediate payment may be available by calling the **CICB Victim Support Line 1-888-579-2888**
- payments for counselling or therapy are usually made directly to the treatment provider

Good to Know about CICB Awards

- If you are receiving benefits from Ontario Works (OW) or the Ontario Disability Support Program (ODSP)
 - you must report a money award from the CICB to OW or ODSP
 - CICB money awarded for pain and suffering will not be deducted from your social assistance benefits
 - CICB money awarded to pay for other costs or losses may affect your social assistance benefit payments
- more than 50% of awards each year are for survivors of sexual or domestic assault

Can My Behaviour Affect the Amount?

Some reasons why the CICB might reduce the amount of your award:

- you got compensation from somewhere else
- you directly contributed to your injuries
- you indirectly contributed to your injuries
- you did not cooperate with police or the Court
 - survivors of sexual or domestic assault are usually **not** expected to report to police to get a full award from the CICB
- your criminal activity before, during or after the crime that caused injuries

Good to Know About CICB Awards

- CICB may do a criminal record check on the Applicant to learn if they have been the subject of a police investigation or a criminal conviction
- If you have been involved with the police or charged with a criminal offence, it is a good idea to talk to a lawyer to help prepare your CICB Application

Presenters

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Review Counsel, CLASP





How Do I Apply to the CICB?

How Do I Apply to the CICB ?

- Get an **Application Form** from the Criminal Injuries Compensation Board
- The CICB also provides a **Guidebook** to help you complete the form

www.cicb.gov.on.ca

(416) 326-2900 (Toronto)

1-800-372-7463 (toll free)

What do I Need to Prove?

You need the CICB to believe:

- It is **more likely than not** that the violent crime occurred
- It is **more likely than not** that you have injuries from the violent crime
 - your injuries cannot be from another cause or crime
- You do **not** have to prove:
 - you called the police
 - the accused person was charged
 - the accused person was convicted

How Do I Apply to the CICB ?

- The Application Form includes questions about:
 - details of the crime
 - details of your injuries
- Provide as much detail as possible, including:
 - dates, times, locations
 - descriptions of all physical, emotional and psychological injuries

How Do I Apply to the CICB ?

- Provide as much detail as possible about the impact or effects of the crime, such as:
 - changed relationships with your partner, children, friends, other family members
 - new concerns about dating, going out, or taking part in community activities
 - difficulties with work, school, responsibilities
 - difficulties with daily life
- Describe treatments such as counselling, physical therapy, need for medication and whether they are helping

What Else Can Help?

In your Application, you can also ask for:

- money you need immediately, while your Application is being processed
 - for example: therapy, counselling, medications
- money to support a child born as a result of sexual assault

What Else Can Help?

It can help to include supporting documents with your application, such as:

- a statement from a friend or family member
- police reports
- therapy records
- doctor/hospital notes
- letter from a doctor, counsellor, shelter worker
- a Court order (Restraining Order, Peace Bond, Probation order)
- Victim Impact Statement

What Else Can Help?

A Court decision:

- if the accused was **convicted** in Criminal Court, the CICB will accept that the crime happened
- if the accused person was convicted for another, **similar offence**, such as domestic assault, the CICB is more likely to believe the crime happened
- a **Family Court decision** that describes abuse or violence between the partners can help prove the violent crime happened

What Else Can Help?

Include copies of receipts for any expenses you had to pay because of your injuries, such as:

- medical bills (not covered by insurance)
- prescription and other drug costs (not covered by insurance)
- lost wages or lost income support
- cost of counselling and therapy, including healing therapies such as massage
- funeral expenses

How Do I Apply to the CICB ?

- The Application Form includes an **Agreement and Authorization for Release of Information**
- This asks you to sign that you agree and allow the CICB to gather more information about your Application from other people
- If you do not sign, the CICB may not accept your Application
- If you have questions about signing this Agreement, it is a good idea to talk to a lawyer

How Do I Apply to the CICB ?

Consider getting help with the Application Form from:

- a community legal clinic

www.legalaid.on.ca/en/getting/default.asp

- a woman's shelter

www.oaith.ca

- a rape crisis centre

www.sexualassaultsupport.ca

- the Victim/Witness Assistance Program (V/WAP)
- hire a lawyer



What Happens After I Submit My Application?

What Happens After I Apply?

- When the CICB receives your Application, it will send you a letter with your **file number**
 - keep your file number where you can find it
 - you need to give your file number every time you contact the CICB
- You can contact the CICB at any time to find out what is happening with your Application
- It can take up to a year for the CICB to schedule a hearing for your Application

What Happens After I Apply?

- If you do not have these documents, the CICB can get them for you:
 - police records
 - Court documents
 - hospital records
 - some medical, dental and therapy reports (up to a cost of \$100)

What Happens After I Apply?

- If you do not provide reports from a treatment provider (doctor, dentist, therapist), the CICB may send you a form for the provider to complete
- The treatment provider must give details about dates of your visits and the kind of treatment you received, and send the completed form to the CICB
- Your Application will be processed more quickly if you include these documents with your Application

Will the Accused Person Know About My Application?

- If the person has been **convicted** of the crime, the CICB will **not** send a notice about your Application
- If the accused person has not been convicted, usually the CICB will notify the person, who has a right to respond to your Application in writing, attend a hearing, and ask you questions

If the Accused Person Wants to Respond

- If the accused person wants to respond to your Application, you should request copies of all documents the person provides to the CICB
- If the accused person participates in the hearing, the person or a lawyer for the person may ask you questions
- It is important to talk to a lawyer before your hearing, if the accused person wants to participate

Will the Accused Person Get My Contact Information?

- The CICB will **not** give the accused person your contact information
- Other confidential information, including your medical information, is not usually given to the accused person

Will the Accused Person Know About My Application?

- If you do not want the accused person to know about your Application, you can explain why, and ask the Board not to notify the person
- The CICB will decide
- If the accused person wants to attend the hearing about your Application, you can request an electronic hearing (by phone or video), so you don't have to be in a room together

Will There Be a Hearing?

- When the CICB has all the information for your Application, it will set a date for a hearing
- The hearing may be:
 - in person
 - on the phone or by video (electronic)
 - based on a review of all documents
- Most in-person or electronic hearings take 1-2 hours
- Hearings are held around the province
 - 21 locations, based on where Applicant lives
 - by phone, some video conferencing
- There are usually publication bans on cases involving abuse, so you cannot be identified

In-person Hearings

- At an in-person hearing, you go to a room with members from the Criminal Injuries Compensation Board
- The hearing is usually informal
- If the accused person is participating, the hearing may be more formal
- You are able to tell the Board members about your Application, what happened, and why you should get an award of money
- The Board members are able to ask you questions
- You may bring witnesses and a person with you for support
- The hearing is usually closed to the public

When Will I Get the Decision?

In-person and electronic hearings

- you may get the decision the day of the hearing
- if you receive an award, it is usually sent 1 month after the hearing
- the Board may write a decision and send it, usually 4 months after the hearing
- if you receive an award, it is sent out with the written decision

When Will I Get the Decision?

Documentary hearings

- a written decision is sent to you, usually a few months after the Board has considered your Application
- if you receive an award, it will come with the written decision

Appeals

- if you are not satisfied with your decision or award, you should contact the CICB right away, to find out what you can do

Presenters

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Review Questions

Consider this Situation

Amy is 19 and lives with her parents. Last week, her boyfriend attacked her in a jealous rage. She went to the hospital and is still taking painkillers. She doesn't know if the police have talked to her boyfriend.

Amy hasn't been able to go to her college classes, or even out with friends, she is so frightened and humiliated. She has an appointment with a therapist starting next week. She is thinking about applying to the Criminal Injuries Compensation Board for an award.

Review Question 1

1. Does Amy need one of her parents to apply to the CICB with her?
 - a) Yes, because she is only 19 years old.
 - b) No, because she is over 18 years old.
 - c) No, but her Application will be more convincing if her parents write how they have been affected by her assault.

Answer 1

1. Does Amy need one of her parents to apply to the CICB with her?

b) No, because she is over 18 years old.

Anyone who is 18 or older can apply to the CICB for an award, to compensate them for a violent crime that has had fairly serious effects on them. Amy's Application does not need to include information about how her parents have been affected. If her parents have lost money or had expenses that have been fairly significant because of the crime against Amy, they may submit their own Application to the CICB for compensation.

Review Question 2

2. Does Amy have to wait until her boyfriend is charged by police, before she can submit her Application to the CICB?
- a) Yes, because if her boyfriend isn't charged, she won't be able to prove she is a victim of a crime.
 - b) Yes, because she has to find out if her boyfriend is convicted, to prove she is a victim of crime.
 - c) No, she shouldn't wait, because the criminal justice system can take a long time, and she has to submit her Application within 2 years of the offence.
 - d) No, Amy can submit her Application to the CICB at any time. If her boyfriend is charged with assault, and if he is convicted, that will help her Application, but it isn't necessary.

Answer 2

2. Does Amy have to wait until her boyfriend is charged by police, before she can submit her Application to the CICB?

d) No, Amy can submit her Application to the CICB at any time. If her boyfriend is charged with assault, and if he is convicted, that will help her Application, but it isn't necessary.

There is no time limit to apply to the CICB for compensation for an intimate partner assault. The police do not have to charge her boyfriend for her to prove she is a victim of a violent crime. Police records would help her prove it. A criminal conviction would be accepted by the CICB that the crime occurred, and her boyfriend would not get notice of her CICB Application.

Review Question 3

3. The CICB might award Amy compensation for all of these expenses and injuries:

- i) the full cost of her medication, including the amount that was covered by her health insurance plan;
- ii) the cost of her counselling;
- iii) her school tuition;
- iv) some money for the pain from her physical injuries;
- v) some money for feeling afraid and humiliated;
- vi) some money for losing the benefits of going to school and the enjoyment of going out with friends.

- a) True
- b) False

Answer 3

B) False

Amy might get an award that compensates her for the cost of her medications, but it would not include the amount that was paid by her insurance. She might have the cost of her therapy paid for, but the payments would likely go directly to the therapist, not to Amy. If she was not able to complete her education because of the attack, and she could not get a refund for the tuition she paid, she might get an award for that amount. She would likely get some money awarded for her physical and emotional pain, including her lost education, social life, and feelings of fear and humiliation.

Review Question 4

4. All of these are documents Amy should try to include with her Application:

- i) her hospital records
- ii) a police report, if there is one
- iii) receipts for medications
- iv) a report from her therapist
- v) a letter from her parents, describing how Amy has been affected by the attack
- vi) letters from friends who saw the attack

- a) True
- b) False

Answer 4

a) True

Hospital records, a police report and letters from friends will all help Amy prove that she was the victim of a violent crime. Receipts from her medications will prove the amount of money that she had to pay because of the attack. A report from her therapist, and a letter from her parents will help describe Amy's emotional injuries, and help prove the impact that the attack has had on her life.

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Additional Resources

Additional Resources

Ontario Criminal Injuries Compensation Board

www.sjto.gov.on.ca/cicb/

Ministry of Attorney General – Victim Services

www.attorneygeneral.jus.gov.on.ca/english/ovss/programs.php

211 Canada.ca – Finding Community Services in Ontario

211canada.ca/

Additional Resources

Victim Crisis Assistance Ontario (VCAO)

- Immediate, on-site service to victims of crime 24 hours a day, 7 days a week
- Toll -free: 1-888-579-2888
- Toronto: 416-314-2447

Victim Support Line (VSL)

- province-wide, multilingual, toll-free information line providing a range of services to victims of crime
- Services available from 8 a.m. to 10 p.m., 7 days a week in 13 languages
- Toll -free: 1-888-579-2888
- Toronto: 416-314-2447

Victim Services in Ontario

<http://services.findhelp.ca/ovss/>

Court Prep

www.courtprep.ca

- provides information on the Canadian legal system and prepares victims and witnesses to give evidence

Additional Resources (General)

Online forms

<http://www.ontariocourtforms.on.ca/english/family/>

Ontario Court Forms Assistant

<https://formsassistant.ontariocourtforms.on.ca/Welcome.aspx?lang=en>

- Get help online to complete family court forms

Ontario Courts

<http://www.ontariocourts.on.ca/>

- Online guide provides an overview of all courts in Ontario
- Information on family courts:
 - Superior Court of Justice <http://www.ontariocourts.ca/scj/en/famct/>
 - Ontario Court of Justice <http://www.ontariocourts.ca/ocj/family-court/overview/>

Ontario Court Locations

http://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/

- Find court addresses across Ontario

Domestic Violence and Abuse

For information, if your partner or family member is abusive or violent:

Assaulted Women's Helpline <http://www.awhl.org/>

- 24 hours/7 days; multiple languages
- Toll-free: 1-866-863-0511; TTY: 1-866-863-7868

Legal Aid Ontario http://www.legalaid.on.ca/en/getting/type_domesticviolence.asp

- Available to every immigration status
- Free telephone interpretation services for languages other than English and French
- Toll-free: 1-800-668-8258; TTY: 1-866-641-8867

Family Violence Authorization Program (Legal Aid Ontario)

- Free 2-hour emergency meeting with a lawyer
- Offered through some shelters and community legal clinics
- Toll-free: 1-800-668-8258; TTY: 1-866-641-8867

FLEW (Family Law Education for Women) Resources page

<http://www.onefamilylaw.ca/en/resources/>

Domestic Violence and Abuse

Barbra Schlifer Legal Clinic

- Toronto: 416-323-9149 x278 (legal intake) TTY: 416-3231361
- Free counselling, referral, legal and interpreter services to survivors of violence (Family, Criminal and Immigration law)

Community Legal Education Ontario (CLEO)

- “Do You Know a Woman Who Is Being Abused?”
www.cleo.on.ca/en/publications/handbook

Domestic Violence and Abuse

Network of Sexual Assault/Domestic Violence Treatment Centres

www.sadvtreatmentcentres.net

Ontario Coalition of Rape Crisis Centres

www.sexualassaultsupport.ca/

Ontario Association of Interval and Transition Houses (OAITH)

<http://www.oaith.ca/>

Family Court Support Workers

- Check local community agency or call Toll-free:1-888-579-2888 or 416-314-2447

Additional Resources (Family)

Legal Aid Ontario

<http://www.legalaid.on.ca/en/getting/default.asp>

- Toll -free: 1-800-668-8258; TTY: 1-866-641-8867
- Toronto: 416-979-1446 (accepts collect calls)

Family Law Information Centres (FLICs)

http://www.legalaid.on.ca/en/getting/type_family.asp

Family Law Services Centres (FLSCs)

<http://www.legalaid.on.ca/en/contact/contact.asp?type=flsc>

Family Law Education for Women (FLEW)

<http://www.onefamilylaw.ca/en/resources/>

Femmes ontariennes et droit de la familles (FODF)

<http://undroitdefamille.ca/>

Ontario Women's Justice Network (OWJN)

www.owjn.org

Additional Resources (General)

Law Society of Upper Canada Lawyer Referral Service

<http://www.lsuc.on.ca/with.aspx?id=697>

- Toll -free: 1-800-268-8326
- Toronto: 416-947-3330
- TTY: 416-644-4886

Toolkit for a good Client-Lawyer Relationship

<http://schliferclinic.com/vars/legal/pblo/toolkit.htm>

- Barbra Schlifer Commemorative Clinic

Ministry of the Attorney General

<http://www.attorneygeneral.jus.gov.on.ca/english/>

- Toll free: 1-800-518-7901
- TTY: 1-877-425-0575

Find a community legal clinic near you

<http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>