

Department of Justice and Public Safety

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Minister's Directive

Assistance to Victims of Crime

Police Act

**Prince Edward Island
Department of Justice and Public Safety**

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Pursuant to paragraph 3(3) (e) of the *Police Act* R.S.P.E.I., 1988, Cap. P-11.1, I hereby issue the following Directive concerning the duty of members of police services to assist victims of crime. This Directive will come into effect for each police service on the date a Memorandum of Understanding is signed with that police service.

Dated at Charlottetown in the Province of Prince Edward Island this 25th day of November 2010.



Doug W. Currie
Minister of Justice and Public Safety and Attorney General

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1. Purpose

1.1 This Directive specifies that the duty of members of all police services to assist victims of crime, as set out in subsections 7(1) (d) and 13(d) of the *Police Act*, includes the duty to provide information to Victim Services. This information will enable Victim Services to contact victims of crime and inform them about the assistance available through Victim Services. The Directive also specifies the types of information to be provided to Victim Services regarding adult victims, child victims, and deceased or incapacitated victims.

1.2 This Directive will work in conjunction with Memoranda of Understanding which shall be entered into with each police service, pursuant to subsection 35(1.1) of the *Victims of Crime Act*.

2. Authority

2.1 Paragraph 3(3)(e) of the *Police Act* provides that the Minister may issue directives, guidelines or standards to police services for certain purposes, including promoting the efficiency, adequacy and effectiveness of police services.

2.2 Subsections 7(1) (d) and 13(d) of the *Police Act* state that the duty of a person who is a member of a police service includes assisting victims of crime.

2.3 The RCMP is the provincial police service for Prince Edward Island. As a national police service, the RCMP is governed by the federal *Privacy Act*. Section 8(2) (f) of the *Privacy Act* provides that a government institution may disclose personal information in its possession under the terms of an agreement between Canada, or a government institution, and the government of a province "for the purpose of administering or enforcing any law or carrying out a lawful investigation."

2.4 The municipal police services on Prince Edward Island are not governed by privacy legislation. The provincial *Freedom of Information and Protection of Privacy Act* does not apply to them.

2.5 Victim Services, Department of Justice and Public Safety, is a provincial government agency (a public body) governed by the *Freedom of Information and Protection of Privacy Act*. Section 32(1) (a) (ii) of the *Freedom of Information and Protection of Privacy Act* allows a public body

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to collect personal information by a method other than directly from the individual concerned when such collection is authorized by another Act.

2.6 Subsection 35(1.1) of the *Victims of Crime Act* states:

(1.1) The Minister, acting on behalf of the government, may enter into agreements with the Government of Canada, the Royal Canadian Mounted Police or any other police force in the province respecting the disclosure of information reasonably required for the purposes of this Act.

2.7 The purposes of Victim Services are set out in section 7 of the *Victims of Crime Act* as follows:

7. The Minister shall establish and administer a program to be known as Victim Services, the purposes of which are
- (a) to assist victims as needed throughout their contacts with the criminal justice system;
 - (b) to help victims to access other needed services;
 - (c) to receive applications for criminal injuries compensation and investigate claims on behalf of the Minister;
 - (d) to assist with the preparation and filing of victim impact statements;
 - (e) to assist justice personnel and community agencies in providing services to victims;
 - (f) to promote the Statement of Principles set out in section 2.

3. Principles

The provision of information by the police to Victim Services regarding all incidents with an identified victim is crucial for the following reasons:

- In accordance with section 7 of the *Victims of Crime Act*, Victim Services provides assistance to victims of crime from the time of their initial contact with the criminal justice system until the matter has been fully resolved;
- Victim Services requires information about the occurrence and the victim at the earliest opportunity so that Victim Services Workers can contact victims of crime to explain the services available and ask if they wish to receive any of these services;
- Victim Services works with the police, Crown attorneys, courts, corrections and other government and community-based services to provide comprehensive assistance to victims of crime;
- Some victims may be eligible for criminal injuries compensation through Victim Services without the case proceeding through the criminal justice system after the incident is reported to the police.

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4. Definitions

In this Directive

“emergency protection order” means an order under section 4 of the *Victims of Family Violence Act* R.S.P.E.I 1988, Cap. V-3.2;

“police service” means police service as defined in subsection 1(v) of the *Police Act* R.S.P.E.I., 1988, Cap. P-11.1;

“Victim Services” means the program established by section 7 of the *Victims of Crime Act* R.S.P.E.I. 1988, Cap. V-3.1.

5. Duty

The duty of a person who is a member of a police service to assist victims of crime includes providing to Victim Services the information in his or her possession about an occurrence, and about a victim, as set out in section 6.

6. Information to be provided

6.1 Information about an occurrence:

A member shall provide the following information in his or her possession about an occurrence to Victim Services as soon as reasonably possible after obtaining it:

- (a) the date the information is being provided to Victim Services;
- (b) the name of the RCMP detachment or police department;
- (c) the investigating officer;
- (d) the occurrence date;
- (e) the file number;
- (f) whether a person has been charged or the matter is still under investigation; and
- (g) if criminal charges have been laid:
 - (i) the name of the accused;
 - (ii) the age of the accused;
 - (iii) whether the accused is to appear in adult court or youth court; and
 - (iv) the date the accused is to appear in court.

6.2 Information about an adult victim:

A member shall provide the following information in his or her possession about an adult victim to Victim Services as soon as reasonably possible after obtaining it:

- (a) the victim's name;

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- (b) the victim's age;
- (c) the victim's gender;
- (d) the victim's address and telephone number;
- (e) the victim's relation to the accused;
- (f) the victim's language preference;
- (g) a brief description of the crime alleged to have been committed against the victim and the charge, if laid;
- (h) whether the accused, if charged, has been released and if so what conditions have been imposed, or if the accused is being held pending a bail hearing;
- (i) whether the accused or suspect is subject to an emergency protection order or an order under section 810 of the *Criminal Code*; and
- (j) a statement of whether the victim has been informed that the information about him or her is being provided to the Victims Services.

6.3 Information about a child victim, a deceased victim or an incapacitated victim:

A member shall provide the following information in his or her possession about a child victim, a deceased victim or an incapacitated victim to Victim Services as soon as reasonably possible after obtaining it:

- (a) the victim's name;
- (b) the victim's age;
- (c) the victim's gender;
- (d) the name of the victim's parents, guardian or next of kin;
- (e) the address and telephone number of the victim's parents, guardian or next of kin;
- (f) the victim's relation to the accused;
- (g) the language preference of the victim's parents, guardian or next of kin;
- (h) a brief description of the crime alleged to have been committed and the charge if laid;
- (i) whether the accused, if charged, has been released and if so what conditions have been imposed, or if the accused is being held pending a bail hearing;
- (j) whether the accused or suspect is subject to an emergency protection order or an order under section 810 of the *Criminal Code*; and
- (k) a statement of whether the victim's parents, guardian or next of kin have been informed that the information about the victim is being provided to Victim Services.

Footnote

Memorandums of Understanding were signed on the following dates:

- RCMP - August 31, 2011
- Charlottetown Police Services - January 3, 2012
- Summerside Police Services - January 3, 2012
- Kensington Police Service - January 3, 2012
- Borden-Carleton Police Service - January 3, 2012