

Exhibit: National Inquiry into Missing and

Murdered Indigenous Women and Girls

Location/Phase: Part 1: Calgary

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Initials

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Entered

63

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**The National Inquiry into Missing and Murdered Indigenous Women and Girls  
Institutional Hearing – Government Services, Victim Services Panel**

**Overview of the Public Prosecution of Canada (PPSC)  
Crown Witness Coordinator (CWC) Program**

***Introduction***

Under section 3(3) of the *Director of Public Prosecutions Act*, the Director of Public Prosecutions (DPP) has the Attorney General's authority to initiate and conduct federal prosecutions, to intervene in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations, to issue guidelines to federal prosecutors, and to advise law enforcement agencies on matters related to prosecutions generally and particular investigations that may lead to a prosecution. The DPP also communicates with the media and the public on all matters respecting the institution.

In the Yukon, the Northwest Territories and Nunavut, the Attorney General of Canada (through the Public Prosecution Service of Canada) is responsible for prosecuting *Criminal Code* offences. In the provinces, the PPSC has jurisdiction to prosecute a limited number of *Criminal Code* offences, including those related to terrorism, criminal organizations, money laundering, proceeds of crime, and fraud. Under arrangements with the provinces, the PPSC may also prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces charges within federal jurisdiction.

The PPSC also participates in therapeutic court programs where these are available and appropriate to the individuals involved. In the Yukon, the Domestic Violence Treatment Option (DVTO) was created in 2000 and the Community Wellness Court was created in 2007; in NWT, the DVTO has been available since 2011 and the Wellness Court has been available since 2014; in Nunavut, the Rankin Inlet Spousal Abuse Program has been available since 2002.

The CWC program is an essential aspect of the PPSC's work to combat violence against Indigenous women and girls. In prosecutions of violence against women and children, the CWCs assist in applying the law, such as seeking information to support protection orders, special conditions in judicial interim release orders, or testimonial aids where possible and appropriate. The PPSC has a specific policy related to victims of crime (see the Public Prosecution Service of Canada Deskbook, chap 5.6) which applies to CWCs and prosecutors.

**Crown Witness Coordinator (CWC) Program**

***Overview***

The Crown Witness Coordinator (CWC) Program is a post charge, court based support service for victims of crime and witnesses to crime who find themselves involved in the criminal justice process. CWCs work for the PPSC in the three northern territories. The program was originally developed, in 1991, to bridge the cultural gap between the prosecutors and the victims and



witnesses with whom they worked and between traditions deeply rooted in Common Law and Aboriginal and Inuit cultures.

The program has 20 Crown Witness Coordinators who provide support to victims and witnesses in over 63 northern communities. There are 8 positions in the Nunavut Regional Office, 7 positions in the Northwest Territories Regional Office and 5 positions in the Yukon Territorial Office. Their role is to promote access to information on the justice process in a safe and comfortable manner.

### ***Role***

Specifically, the CWCs

- Initiate contact with victims and witnesses after charges are laid and ensure they have a clear understanding of the charges before the court, and are provided with the time, date and reason for court appearances of the accused.
- Provide information on the roles of the prosecutor and the Crown Witness Coordinator including privacy, confidentiality, disclosure and support services offered by the CWCs. Information is provided to assist the victim with an understanding that the Crown does not represent them in the court proceedings, but the views of the victim will be considered by the Crown during the prosecution.
- Provide information on the criminal justice system and its participants (including the judge, defence counsel, court room staff, etc.) and the court process that may lay ahead (first appearance to sentencing or acquittal).
- Ensure victims are provided a clear understanding of their rights under the *Canadian Victims Bill of Rights*. These include:
  - Right to information about the criminal justice system, the role of the victim, and services and programs that are available to the victim;
  - Right to be informed of the status and outcome of the case before the court
  - Right to protection and have their security considered by the appropriate authorities;
  - Right to complete a Victim Impact Statement (VIS);
  - Right to request a testimonial aid;
  - Right to request restitution;
  - Right to have their views considered by the appropriate authorities throughout the court process.
- Assess victim and witness requirements for assistance and provide appropriate and timely referrals to support organizations. When a crime occurs, significant trauma can affect the victim and witness who find themselves engaged in the criminal justice process. At times, the needs of a victim or witness related to that trauma may fall outside of the mandate of the CWC program. The role of the CWC would be to assess those needs and provide referrals to local resources, such as counselling, emergency shelter, travel assistance, etc.





- Assess the special circumstances or needs of a victim where their ability to process information about the proceedings may be altered, for example
  - In the case of a child witness;
  - Where the victim expresses severe trauma, suicidal ideation or depression;
  - Where there are cognitive or developmental delays or diagnosis of Foetal Alcohol Syndrome Disorder; or
  - Where the dynamics of domestic violence, sexualized violence, and grief due to violent offences may have an impact on memory.
- Take appropriate steps to enhance the safety and comfort of victims and witnesses, and to minimize inconvenience to them during the court process. The CWC will ensure the victim or witness is provided a copy of the release order of the accused, where appropriate. CWCs will help victims to understand the conditions imposed on the accused, including no contact provisions. Additionally, information is provided to victims and witnesses about other supports if they have safety concerns, such as emergency shelters, contact numbers for the RCMP in communities that do not have 911, and referrals to Victim Services for formal safety planning, etc.
- Keep victims and witnesses apprised of developments in the prosecution including:
  - Dates and times for court appearances, preliminary hearing, trials, plea and sentencing negotiations, stay of proceedings, dispositions and appeals.
  - Where an accused is sentenced with conditions, the conditions of sentence, including no contact orders or restitution.
  - Where the accused is sentenced to a federal penitentiary, provide information on the victim registration process and assist with this process.
  - Notification of release dates for territorial offenders, where possible; or
  - Information regarding offender involvement of all therapeutic treatment courts or Mental Health Review Boards.
- Assist prosecutors in obtaining information regarding any concerns of victims or witnesses relating to the criminal proceeding, including:
  - Any safety concerns;
  - Vulnerabilities of the victim or witness;
  - Supports currently being accessed by the victim or witness;
  - Victims and witnesses' availability for trial;
  - Testimonial aids; or
  - Request for reconciliation processes related to diversion agreements.
- Prepare witnesses to testify by
  - Assessing the safety concerns of a victim and coordinating with RCMP, the court Sheriff and Crown to assist in mitigating these concerns;
  - Assessing the requirements for a testimonial aid under section 486 of the *Criminal Code* and supporting the development of affidavits outlining the evidentiary basis for the application;



- Assessing both formal and informal support needs of the victim;
  - Providing translation services in Inuit languages in Nunavut to assist non-English speaking victims and witnesses in communicating with the Crown;
  - Conducting an orientation of the court room and the process of testimony;
  - Coordinating meetings with the Crown to review their statement and to obtain information on the process of testimony.
- Provide individualized personal and emotional support throughout the court process
  - Inform victims of diversion agreements and circle sentencing hearings. The CWC will work with the Crown on files being considered for restorative justice programs to ensure the victim is made aware of the alternative justice process being considered and has input into any conditions, including safety and victim/offender reconciliation processes. The CWC will facilitate victim offender resolution requests or victim's participation in traditional cultural justice processes such as circle sentencing. The CWC provides emotional support to the victim and assists with debriefing to ensure they fully understand what has occurred.
  - Provide information to the victim on the outcome of their case to ensure they fully understand the verdict, are provided an opportunity to speak with the Crown who prosecuted the case and obtain answers to outstanding questions.

A final needs assessment and referral process is offered by the CWC to all victims who appear to require ongoing trauma or counselling supports once the file is concluded in court.

### ***Training***

Cultural awareness training is mandatory for all staff in the PPSC offices located in the Yukon and Northwest Territories. Cultural awareness training is available to all staff in Nunavut and is mandatory for the lawyers. This training takes many forms: on-line modules, on the land camps with Elders, self-paced reading, group discussions, participation in local college courses, local agencies' cultural training programs or off-site training. While these training opportunities differ each year due to availability, the on-line training is available each year.

Additional training for Crown Witness Coordinators is regularly provided on issues specific to their duties. Past training for CWCs has included multi-day bi-annual training to bring together all the CWCs from the three territories and to focus on the particular needs of their positions. Past training topics have included vicarious trauma, victim's rights including a two day overview of the *Canadian Victims Bill of Rights* and their responsibilities when this legislation came into force, mental health first aid, overview of not criminally responsible /review boards, first aid, HIV prosecutions, etc.

In winter 2018, the CWCs received training on supporting witnesses to homicide. This two day training was led by an educator with experience in providing clinical support to first responders. This training addressed trauma and neuroscience, grief, resiliency and compassion fatigue. This training helped CWCs to address the challenges of being a front line worker in small communities.