National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part 2 Institutional Hearings: “Government Services”
Sheraton Suites Calgary Eau Claire
Calgary, Alberta

PUBLIC

Part 2 Volume 1
Monday May 28, 2018
Panel 1: “Models for Delivery of Victims Services to Indigenous Peoples”

John Phelps, Chief Federal Prosecutor, Yukon Region;

Leanne Gardiner, Director of the Community Justice and Policing Division for the Department of Justice, Government of the Northwest Territories;

Naomi Giff-MacKinnon, Senior Policy Analyst, Government of Canada

Betty Ann Pottruff, Q.C., Senior Advisor, Government of Saskatchewan

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II

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Counsel: Anne McConville for Government of Canada
Witness: Leanne Gardiner, Director of the Community Justice and Policing Division for the Department of Justice, Government of the Northwest Territories;
Counsel: Karin Taylor and Brad Patzer for Government of Northwest Territories
Witness: Naomi Giff-MacKinnon, Senior Policy Analyst, Government of Canada
Counsel: Anne Turley for Government of Canada
Witness: Betty Ann Pottruff, Q.C., Senior Advisor, Government of
Counsel: Barbara Mysko for Government of Saskatchewan

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OPENING CEREMONIES

Calgary, Alberta

--- Upon commencing on Monday, May 28, 2018 at 8:22 a.m.

--- OPENING CEREMONIES

MS. TERRELLYN FEARN: Welcome. My name is Terrellyn Fearn, and I’m a visitor to this territory. I am from Glooscap First Nation in Mi’kmaw’ki. I’m very honoured to be here today and -- and to engage in this event, this ceremony, over the next five days on the Treaty 7 territory with acknowledgement for the Métis Free Nation as well.

I have the honour of introducing our MC today, and his name is Jason Goodstriker, and he is a -- was a regional chief. He served from ’03 to ’07. He is from the Blood tribe, and during his time as chief, he was really instrumental in building a foundation for many of the movements for the Indigenous people in the Alberta area. Built some foundations for the residential school agreement, for the Kelowna Accord.

His beautiful wife, Tiffany, who may be joining us later, has worked in -- for AWAC in Prince George and currently works at the Inn from the Cold here, a homelessness shelter in Calgary, where she works with many Indigenous women. So they are no strangers to the work, to the issue of murdered, missing Indigenous women and girls and survivors of violence.

We’re very honoured to have him today -- I
hear he’s funny -- to -- to walk us through and to keep us on track. So I’d like to take this opportunity to introduce Jason Goodstriker, our MC.

(APPLAUSE)

MR. JASON GOODSTRIKER: Okay.

Aahsikskanaotonni. That means “good morning” in Blackfoot. I’ll teach you all the word. First word we’ll say is oki. Oki. Oki. Now, this is a special place, and I’ll tell you about it throughout the week. We’re going to have a lot of time together, and I’m very happy to be here. Very, very excited to see my sister Michèle, one of the commissioners who is -- I’ve worked with her off and on for the last 20 years and she’s a very, very strong, forthright voice, as is each of the commissioners, and thank you for joining us here in Calgary, in what we call Moh-kíns-tsís. Moh-kíns-tsís. Can you say that? Moh-kíns-tsís. Moh-kíns-tsís. It means “the elbow.” It’s special to our people in this area.

Two things before we start getting into our program that I just wanted to say, and it’s very important for myself to say it, because ever since my sister Dana (ph) asked me if I would consider coming out and helping on this, I just wanted to go back to one of our societies we have amongst the Blood Tribe. They’re called the Buffalo Women. And amongst the Blackfoot Confederacy here in the south country, we have this special society. My late aunt,
Joyce Goodstriker (ph), was a member of that, my sister is a
current member, and I have many relatives that are part of
this Buffalo Women’s Society.

Anyways, besides them, my dad is a drummer of
them. Women’s societies can’t sing their own songs, so my
dad is a slave to them, and so is -- so is some of our
uncles, and I think the guys here, they know. Now, they
help out the Buffalo Women’s Society, and that’s very
important, so having a man helping out, it’s an honour for
me. It’s -- it’s no stranger in our family business of
helping out when help is needed, and so I’m very honoured to
have been asked to come up here to help out.

But I just wanted to, while we’re getting
things going and we get the things set, look. It’s so
small, how the world is. So small how a world is. My wife
and I have been together for coming in on seven years and
she has worked at -- say, that organization in Prince George
was called AWAC. And we’ve -- we’ve -- we’ve -- she’s been
in this business for 15 years, working, following her late
father helping walk in the seniors’ footsteps and helping
people.

Anyways, I’m going to tell you the truth,
this is truth and reconciliation. I did not know about
homelessness or poverty until I had finished two years,
three years outside of having been the chief. I didn’t know
about it. It’s -- my wife and I had sat together on the
drives that we’ve taken and things like that, and I’ve
started to understand it more.

When we moved to Calgary back six, seven
years ago, she had employment at the drop-in centre, which
isn’t too far from here. It’s only about four, five blocks.
But that’s one of the largest shelters of homelessness in
North America, with men and women. We have a big
homelessness scene here in Calgary because we’ve been trying
to work on a -- on an initiative that we’ve called
Homelessness First, I suppose, and it was started under
Premier Klein’s government. Premier Prentice, Premier
Redford, and Premier Notley, and Ed Stelmach have -- we’ve
worked with each of those premiers, but they’ve confronted
and they’ve tried to attack this issue from that standpoint.

Here’s what’s very, very touching to myself
personally and especially my wife. She started this
business 15, 20 years ago. We started showing up names,
posters, pictures on posters. That was one of the original
parts of the Highway of Tears. And in her homeless shelter
in Prince George, she knew some of the original 16 women
that had not -- had not ever shown up again. Something that
she’s been helping prep me for, she said, “Don’t fool around
there too much, but try and do your best.” So I commend --
I was talking with one of our friends just this morning, the
camera crew, and we’ve had a total of 17 coming in on 18
hearings across the country now. Many of you have seen it
online. Many of you have seen it where it’s been available
to watch, this inquiry. We’d like to thank you all and wish
you all well. Enjoy Calgary. Stay away from Ranchmen’s.
But anyways, we’ll tell you about that later on.

We’d like to call on a couple of Elders that helped us out. I didn’t see Jim up here just yet, but I’d
like to call on Spike and Alvine to come in to say a prayer.
Now, when we pray in Blackfoot country, we just stay seated.
The reason for that is -- is because if we prayed in our
tipis the way we do every day, it gets pretty crowded when
you stand up. So just stay seated, but I’ll ask my Elders
to come and say this opening prayer. You can clap if you
like.

(APPLAUSE)

--- OPENING PRAYER

MS. ALVINE EAGLE SPEAKER: Aahsikskanaotonni.

My real name is Soyiibiksaki (ph). In our -- our language,
it means “water bird.” It’s always good to hear my people
call me by my real name, although I seldom respond to Alvine
sometimes. (Speaking in Native language).

MR. SPIKE EAGLE SPEAKER: Okay. (Speaking in
Native language). My name is a -- my -- that’s my real
name. My English name is Spike Eagle Speaker, Norton. I
was always taught that -- to respect people that come into Blackfoot territory. And I just wanted to welcome all of you to the Blackfoot territory here in Calgary, and to enjoy your -- what events that you’re here for. And to -- like Jason said, enjoy Calgary. Enjoy the people here. We just thought it’d be honourable to welcome all of you to our territory. Thank you. Yeah.

MR. JASON GOODSTRIKER: Thank you, Spike and Alvine. Our brother just came in. This is the richest Indian in Alberta, so --

(LAUGHTER)

MR. JASON GOODSTRIKER: -- anyways. Gerald come over here. Gerald is from Tsuu T’ina. And we always tease our relatives because Tsuu T’ina is one of our closest allied Bands here in this area. And they set up shop when the reservations were made. They happened to be the closest community designated near Fort Calgary. The city grows up and they need a ring road, and there’s only one way to do it with Indians, is to make the payment good. So anyways, he’s still spending his money, I’m sure. But give him a round of applause, come and welcome. This is Gerald Meguinis.

(APPLAUSE)

MR. GERALD MEGUINIS: I thought I was going to have a cup of coffee, but they --

(LAUGHTER)
MR. GERALD MEGUINIS: I never knew I was rich ‘til I got to -- I was divorce.

(LAUGHTER)

MR. GERALD MEGUINIS: But this talking about the road, that’s the reason why I was late, all the construction, trying to find this place because Calgary’s changed so much in, you know, there’s so many new things coming up. And I’m honoured to be present here today, to represent my reserve. I try to help out in any way that I can, to represent my reserve as a whole. We do have a lot of projects going, but the wisdom that we have is trying to educate our young people from where they come, the difficulties that they face in life. And we tried to talk to them to make a path easier for them, so that when they do get older that, at least, they know the paths and how they can be able to the future because there are so many pit-falls that is happening today that we have to address as Elders.

I’ve been doing this for quite awhile and when it comes to public speaking, I kind of choke up and just don’t know what else to say, just that I’m glad to be here amongst you guys and I hope I get to know each and every one of you. So while I’m here, I’ll just say a short prayer for each and every one of you. That we have a good day, you know, the things that we’re going to talk about,
we’ll get somewhere with it. But we’ll all part knowing
that something better that’ll help us and what it is that
we’re trying to conquer. So with that, I’ll say a prayer in
-- in my language. (Speaking in Native language).

So what I said, I prayed for everyone here
today. That everything that we talk about, that we -- may
help us, for the young people, it’s coming up, and it hasn’t
come. That we make a better path for them. The only way is
to communicate with -- have an open mind. Always try to
pray because He’s the one that made this Earth possible, and
everyone here present. So at the end of the day, we’ll have
something that we can -- help us in the job that you’re
doing, and hopefully, we can conquer something today. So
it’s with that, I thank you for this small speech. And I’ll
get back to my corner and count my money, I guess.

(LAUGHTER)

(APPLAUSE)

MR. JASON GOODSTIKER: Thank you, Gerald.

Unfortunately, Grandma, I have to tell you, I think only
about three Inuit people live in Calgary, but we’re happy
for each one of them. Anyways, you’re our farthest guest
that came here, from the farthest part of Canada. And I’ve
been a -- a number of ceremonies and First Ministers
Meeting, and I know how important it is to have the lighting
of the lamp. And so I’m going to ask Louise Haulli to help
us out. And we’ll just, kind of, have a little bit of a
time while she does this, and she’ll explain. So let’s give
Louise a round of applause for joining us in Calgary.

(APPLAUSE)

**MS. LOUISE HAULLI (VIA TRANSLATOR):**

(Speaking in Native language). Thank you very much, I’m
going to be using my language. I’ll be speaking in -- I’ll
be lighting up a Qulliq. I’m from Nunavut. My name is
Louise Haulli. I’m an Inuk from Artic. I’m going to light
up this Qulliq from our ancestors. It was created by
ancestors. Even today, it’s still being used at -- for
ceremonies. It used to be used in the land -- it -- it was
created from the land itself, and it has -- and it has oil
and some grass to light it up. The light has -- light is
very powerful. It used to be used to warm --
to -- for one, to cook food, and also to light up and to
keep us warm. And -- and to keep us -- and take care for
this day. While I light up this Qulliq, I want you to know
how powerful this light will be as I light it slow. So I'd
like to have a great day with each and every one of you, so
I'll start to light it now.

--- LIGHTING OF THE QULLIQ

**MS. LOUISE HAULLI:** This light Qulliq, it's
called Qulliq in Inuktituut. It's made from soap stone, 18
in the middle of harsh winter we -- it used to be used to
warm up the place, and it's still being used today. And it's also written in a document, if you can -- if you want to learn more about the Qulliq, there's some documents, papers, that you can get. And this is the end. Let's all have a great day, thank you.

MR. JASON GOODSTRIKER: Thank you, Louise. I understand that that's the direction on how your ceremony goes. Thank you very much, I appreciate that. Okay, so we're -- thank you again, and we've acknowledged all of the participants, and if I had a Métis jigging band on the side, I'd let them dance, but I don't have a band with me. So anyway, I acknowledge the Region 3 of the Métis Nation, the southern region, my good friend Lawrence Gervais is the vice president of the Métis people down here on this side, but I'd like to thank and acknowledge them for their efforts, if they are in fact involved in this inquire hearing and all of the like, so thank you.

So, now, as we get down to the -- to the participants in today's event, I'd like them -- for them to stand, and I'm going to call Cynthia Cardinal to come on over here, but Melanie Morrison, Myrna LaPlante (ph), Sarah Nowrakadluk, and Charlotte Wolfway (ph), if you could please stand and let them be acknowledged. Give them a round of applause, this is the National Family Advisory
Circle.

(APPLAUSE)

**MS. CYNTHIA CARDINAL:** Hello, and welcome to the Institutional Hearing on Government Services. My name is Cynthia Cardinal, and I am from Maskwacis, Alberta, who is formerly known as Hobbema. Myself, Melanie Morrison, Myrna LaPlante, Charlotte Wolfway and Sarah Nowrakadluk is here as members of the National Family Advisory Circle or NFAC, which is made up of family members and survivors.

Our role is to advise the commissioners and staff of the National Inquiry and to provide support that ensures a family first approach.

The issues being discussed this week are government services, victim services, health services and housing, all things that we as family members have experienced -- have experience with and know about firsthand. It is important for us to find ways to move forward on all these issues, so our sisters, mothers, grandmothers, aunties, friends, don't continue to be put into positions that put them at risk due to gaps in services.

We look forward to a good week together and hope to be able to connect with some of you throughout our
time here.

It is an honour to be here today, and I'm sure to gain much knowledge from those who will be speaking this week. I would like to say thank you to Treaty 7 for welcoming the Inquiry, so that we could hold this institutional hearing in this beautiful city.

There are many flaws with investigators through the Pickton trial that were very negligent in their duties, also with Victim services, we had gone through quite a -- it was a really bad experience with them, I just -- I'm hoping that, you know, like, throughout these hearings we could have a -- we could make some changes so that it -- you know, so that it works for our women.

I used to be angry, and I turned my anger into something good with my little sister Bonnie Fowler, we started an organization called Edmonton's Sisters for Sisters Society, and in 2017, we were handed the torch to organize the February 14th memorial walk in Edmonton.

Our organization is to help and support the family members when going to court for their loved ones. We have put out our personal numbers so that families can call us if they just want to talk. Our goal is to one day have a healing lodge for the families who need support, so we are seeking further advice and input from family members
regarding different cultural ways of hearing.

So thank you for listening to my unexpected speech. I pray we can help change the attitudes and unfairness towards our native women and children, thank you.

(APPLAUSE)

MR. JASON GOODSTRIKER: Thank you to the National Family Advisory Council. I'm going to ask Barbara Dumont Hill and Elder Laureen Blu Waters to come and join us here for a prayer, they, I believe, have been with the Inquiry for a number much stops, so I'm going to ask them if they could come and say final words of prayer, then we're going to introduce you to the Commission. So come on up here, let's have you're final words of prayer, then we're going to begin our sessions. Thank you.

Give a round of applause for these Elders.

(APPLAUSE)

MS. BARBARA DUMONT-HILL: Hello everyone, I hope you are all living your life in the good way. I am a very proud Anishnaabe woman, my name is Barbara Dumont-Hill, I am Turtle Clan, and I was born on the Kitigan Zbi Indian Reserve.

I -- just before I pray, I would like to say I'm very humble to be here on Treaty 7 territory and to be allowed to pray. You know, yesterday -- I've been very
privileged, actually, to have attended a number of these
hearings and what I experienced was the strength and
resilience of the families, what they have gone through, and
how much they -- they still carry on, and I am so proud
today to be an Indigenous person in this country.

Yesterday, when I arrived, first thing we did
is go down to the Bow River because I wanted to put tobacco
down by the water for the women, for the reason we are here
and the family. And while I was down there, I noticed all
the geese. Hundreds of geese and their families. And we
watched one particular family. Some of them only had one
little chick, but this one family in particular had 22
chicks with them. And we watched them watching their little
ones. And the commotion that all of a sudden happened when
one of the little ones fell off the edge of the -- the shore
and fell into the water. And the commotion of the parents
and how the -- all the little ones ran right to their
parents. And the -- as they call that little one back, how
to get back up onto the shore with them.

And it really struck my heart as to have a
family as changed when someone they love is hurt. And even
a family of 22 is never going to be the same when they’ve
lost one, when one has -- has been taken from them.

It’s very important, I think, for all
Canadians to understand what colonization has done, and that
we are here today to understand that we’ve affected seven
generations, but we can -- if we all open our ears, listen
with our minds and our hearts, that the next seven
generations will be better for everyone.

This prayer that I want to say for you today
is the prayer that I say every day. It’s part of my -- of
who I am. I’m very grateful for the day the Creator has
given me. I’m grateful for each one of you here today. You
have good minds and good hearts and good thoughts. I’m
grateful for our grandfather, the sun, who shares his light
with us each -- each day, and our grandmother, the moon, who
lights up our night sky and breaks down our seasons for us.

I’m grateful for our sacred Mother Earth, who
provides everything we need to live our life in a good way.
I’m grateful for the sacred air, the breath of (speaking in
Native language), and the sacred water, the blood of our
Mother Earth that quenches our thirst and also brings life
into the world.

I’m grateful for all the winged, the four
legged, the swimmers and the crawlers. I’m grateful for all
the trees, the plants, the roots, the medicines that grow
here on Great Turtle Island that add beauty to our life each
day and have always shared their bounty with us.

I’m grateful for all the ancestors who
created a good path for us all to follow and those seven
generations of ancestors that we all have responsibility to leave a good path for. I’m grateful for all the people who live their life in the good way who want to create the change, who are working to create change so we can all do better.

And I ask the Creator to touch each one of you today, to bless you with good health and wisdom for you, for your children, your grandchildren, your great grandchildren, that we all understand we all belong to one Creator, and we all have responsibility to respect all of her creations.

So for all of you people and for all of these things, I say Gchi Migweetch, and listen with your hearts and your ears and your mind over this next week. Thank you.

**MS. LARUEEN BLU WATERS:** (Speaking in Native language). I say thank you to Treaty 7 for having us here, for allowing us to be on your territory, for allowing us to come in and use our language and our prayers, and to work together with you to -- to help bring good minds to this tragedy that affects each and every one of us.

Those of us that have lost family members or had them gone missing, we don’t play one role here. We -- we have many roles, all of us. We are family members who have lost people, our mothers, our fathers, our grandparents, our children, and it’s extremely hard work.
And I want to say thank you to each of our commissioners, to Commissioner Michèle, who brings us that laughter from the -- the Eastern part and is that fierce warrior. And Commissioner Qajaq, who brings that gentle (indiscernible) from the North, who teaches us to talk a little bit quieter sometimes. To Commissioner Brian, who’s the strong, silent type.

(LAUGHTER)

MS. LAUREEN BLU WATERS: Although, he did come to me and give me tobacco to help be one of his advisors, and I’m grateful for that, that he offered me that tobacco to give me this opportunity to do this work.

And to our Chief Commissioner Marion, who’s our matriarch, a grandmother, a mother, former judge, a woman who’s been in many positions where she’s been challenged and people have come to her not happy, but yet, she remains humble and graceful and kind. She -- she looks towards those solutions and towards those ways to make things happen in a good way. And she stands there so humble before us all the time and helps guide the commission with her strengths as well.

And I want to say thank you to NFAC members were part of this life driving force behind this. All those family members who fought for this commission for many years, to have their stories told and heard and to have
solutions brought forward. And I ask those ancestors to help us to do this work today, and to take care and bless each and every one of them that are here, and all of you that are here. Because, as I say, this work is not easy. It’s not -- it’s not a work that we want to be doing, but it’s a work that needs to be done. And as we come together collectively, we use those gifts that we’re each given to bring forth the -- the answers and the solutions to put to the end of report that gives life and allows us to make changes throughout the country, to have no more of our women, girls, two-spirited trans go missing or be murdered.

This is what we ask today. I ask this from the Creator, from those ancestors. And I ask those ancestors that are yet to come here, those little ones that are waiting to be born, that they be patient and kind with us because we’re trying. We’re trying our best to do this work to make this a safer space for them. None of us is perfect. We all make mistakes. We are humans with our spiritual being inside of us, and we’re trying to walk the best road that we can. So we ask them to have -- have pity on us if we don’t do an amazing job for them, but we’re trying the best that we can.

And I’m grateful that we have this beautiful day on this territory in this space that has such good energy, this space that welcomes each and every one of us to
do the best that we can and to put forth our best effort.

So for these things, I say hi-hi (ph) today, and I hope that we all have a great week this week. Hi-hi.

**MR. JASON GOODSTRIKER:** You know, this past week, I realized Indians are a bunch of liars sometimes. So anyways, reason why I know this is because we had -- you know, I have a big following of friends on Facebook, and everybody’s mad about things, you know, and they talk about sovereignty, self-government, let’s do the treaties over again, no to pipeline, all this stuff. And here, all my friends stayed up and watched the royal wedding. That’s when I realized they’re a bunch of liars.

(LAUGHTER)

**MR. JASON GOODSTRIKER:** So anyways, happy for Harry and Meghan.

(LAUGHTER)

**MR. JASON GOODSTRIKER:** I’d like to -- I’d like to call on the commissioners just to give us some up-to-speed things. As Calgarians, we haven’t had a chance to take part in any or all of the commissions that have had the hearing. So maybe if we can have a bit of an update, and then your -- your forecast on what you foresee coming out in the next five days.

So I’d first like to introduce the Chief Commissioner Buller, and let’s acknowledge Chief
Commissioner with a round of applause. Welcome to Calgary.

(APPLAUSE)

CHIEF COMMISSIONER MARION BULLER: Good morning. (Speaking in Native language). I would like to start with a sincere welcome to those who are not in attendance today by honouring and remembering the spirits of all missing murdered -- missing and murdered indigenous women and girls. I also want to acknowledge the special courage of our 2SLGBTQ people.

I want to welcome all of you who are here today. Families, survivors, members of NFAC who spoke so well. Thank you, also, to the people of Treaty 7 and also to the Metis Nation in Region 3. Thank you for your warm and gracious welcome. You’re wonderful hosts.

Elders, grandmothers, pipe carriers, drummers and our MC Jason Goodstriker, thank you for -- for being here and starting us in a good way today.

Honoured witnesses, welcome. And those of you who are joining us to watch, to witness, either in person or through the internet, welcome as well.

Thank you all for coming together today to honour our missing and murdered indigenous women and girls, the 2S members of the community. As always, we started in ceremony today. That’s to ground us, to focus us in this important work that we have ahead of us this week.
As you know, this National Inquiry is a truly historic undertaking. Our mandate is sweeping. So far, we have heard from more than 1,200 people who have lived through profound tragedy and loss every day. Family members and survivors who have spoken their truths at community hearings and statement gatherings across the country. And we will continue to hear from those voices.

Thank you, all of you, for sharing your courage and wisdom with us. We hope to build on your contributions.

Today is a great day. It’s the start of a new chapter of how we gather our information, and it’s going to be today, of course, on institutional -- it’s our institutional hearing on Government Services. We start in this phase to take a close look at some of the existing institutional policies and practices that contribute to our loss of traditional knowledge, culture, and the profound intragenerational trauma and violence that too many of us have experienced and continue to experience.

Also, I hope we’re going to hear about what has worked and what is working to reduce violence against our women and girls. This is very important work. It will help us better understand the systemic causes of all forms of violence against our women and girls and analyze the underlying causes, the systemic causes, that contribute to
the ongoing violence.

Also, this is going to provide us with the foundation and other parts of the work that need to be done for good recommendations that hopefully will end this national tragedy.

Over the next few days, we’ll hear about shelters, about mental health services, about transitional housing services that are available in remote communities when nothing else is available for our women and girls. All of this, of course, we are going to interpret through a human rights lens. What our witnesses in Quebec City two weeks ago taught us very carefully, look through the human rights lens.

My hope for this week is that we will listen very carefully with our minds and our hearts so that we can take the gifts that are given to us this week to move forward in a good way.

I’m looking forward to learning more. Families and survivors have told us a lot, and now, we can put this in the right context.

I look forward to meeting more of you this week, and I’m going to ask now my dear colleague, Commissioner Robinson, to share a few words. Thank you, all.

(APPLAUSE)
COMMISSIONER QAJAQ ROBINSON: (Speaking in Native language), good morning, bonjour. I’d like to start by acknowledging and thanking our Elders for the ceremony this morning, and preparing us for this week in -- in a way that is grounded, that is holistic, and that keeps our minds and our hearts together. Thank you.

I’d like to (speaking in Native language).

The Qulliq has been part of the ceremony of the National Inquiry across this country. In some areas, we’re also able to have a sacred fire outside, and this is really about shining light, but also doing things in a way that -- that is warm and welcoming and safe, and that’s, for me, the Qulliq is a big symbol of that, so I’m very grateful that it’s in this space with us this week as well.

I’d like to also acknowledge and express my gratitude for being welcomed into this territory, Treaty 7 people’s territories, as well as the territory of the Metis Nation in Region 3.

I want to acknowledge all of the families and survivors here in this room, those listening and watching, those who have come and shared with us, and for who this inquiry is not their medicine, but this work is for -- is for everybody, and it is my hope that it will result in meaningful change for -- for everyone.

I want to express my gratitude and express
how happy I am to see our NFAC members, and thank you for
being here and continuing to guide and teach us.

Grandmothers, Elders, Jason, our drummers, as
well as the National Inquiry team, ones with the purple
shirts that know, even though that this is an institutional
hearing, this is hard work for everyone, even if your status
is as an Elder or an NFAC or as a party with standing, this
hits deep. And no one will leave this room, no one has left
this process untouched. So I thank you, the National
Inquiry health support team and the AV and our team in
general, for the support you give us to create this space so
that we can do this work.

I’m not going to repeat a lot of what was
said. I think Cynthia captured the importance of this work
and really captured why we are focusing on government
services and why this topic of victim services, health,
mental health and housing have been chosen to be addressed
this week. We’ve looked through the statements and the
evidence of the over 1,200 people that we’ve heard from, and
these are some of the reoccurring things that have come
forward: Lack of services, lack of shelter, nowhere to go,
especially in isolated communities. Victim services, how
overwhelming and frightening the systems are, and how do you
navigate through it?

So I’m looking forward to hearing from the
witnesses who are going to be speaking this week. I may (indiscernible) to hear what you have to bring and -- and to teach us. I want to encourage all of those here to speak to shed your title, shed guilt, shed defensiveness, and recognize that the status quo, as it is, is unacceptable, fundamentally unacceptable. We must challenge it, and you play a role in that, to ask yourself tough questions, to answer tough questions. Because the objective, at the end of the day is to have safer communities, safer families, safer regions, a safer nation for Indigenous women and girls two spirited and trance. This is something that every Canadian needs, the social inequities, the gaps have to be closed. This is something we all need to see happen.

So I ask you to take part in this with an open heart. Give yourself to this process, we all need it. This country needs it if we are going to be the country that we say we are when we’re in front of the UN or in front of the camera, but it’s not the reality that is lived by many, many Indigenous women and girls.

So I thank you again and I will pass the mic to my colleague, Commissioner Eyolfson. (Speaking in Native language)

COMMISSIONER BRIAN EYOLFSON: Good morning, bonjour. I too am very pleased to be here today, this morning. As guest here, I’d really like to add my thanks to
Treaty 7 peoples and the Metis Nation in Region 3 for welcoming the National Inquiry to this beautiful territory this morning.

I’d also like to say thank you to our respected Elders for starting us in a good way this morning with the pipe ceremony, the prayers, the lighting of the Qulliq. And I also want to thank, very much, the members of our National Family Advisory Circle who have supported us and offered us advice along the way and they’re here -- the members are here this morning as well.

And I’d like to thank our very special grandmothers as well, and our MC and the entire National Inquiry team. And, of course, the witnesses who are here this week for sharing their knowledge and expertise with us, thank you very much.

So we’ve been very busy receiving the testimony of families and survivors at a number of hearings and statement gathering events, and quite a few families and survivors have participated. And hearing these personal truths of loss and pain has been incredibly humbling and it’s been a profound experience. And I reign so very committed to honouring our murdered and missing loved ones, our survivors, and being a part of this healing process going forward.

And as was mentioned just two weeks ago, we
conducted a hearing in Quebec City. It focused on Human Rights and Indigenous rights of Indigenous women and girls and 2SLGBTQ people.

For me that hearing in Quebec helped to highlight how ensuring that substantive human rights are implemented and decolonizing existing structures takes place as key to creating safe environments for our women, girls and 2SLGBTQ people.

As emphasized in our interim report, the National Inquiry has already endorsed recommendations that include federally co-ordinated cross-jurisdictional National action plans to address violence against Indigenous women and girls and 2SLGBTQ people, and these plans include some government services, such as improved access to safe housing, culturally appropriate health, mental health, addictions and trauma services, and programming for Indigenous men to help break and prevent cycles of violence.

And this week we’ll hear from witnesses about some of these subjects and where a better understanding of how access to services or lack of access relates to the vulnerability of Indigenous woman and girls, we’ll learn more about what can be done to better support our people and our communities.

So I look forward to working with you all over the next few days this week. I just want to say thank
you very much, merci, (speaking in Native language), and I’ll pass the mic on to my colleague, Commissioner Audette. Thank you.

(APPLAUSE)

COMMISSIONER MICHÈLE AUDETTE: (Speaking in Native Language) 20 years ago. No, nine -- nine years ago. I was going to say when we were young, but whatever.

(LAUGHTER)

COMMISSIONER MICHÈLE AUDETTE: Before I start, I have to say (speaking native language) qui nous accueillent ici sur leur territoire. Wow, trilingual, c’est amazing. Le traité no. 6, le traité no. 7, le traité no. 8, la nation Blackfoot, merci beaucoup de nous accueillir sur votre grand territoire et de nous accueillir à Calgary.

I want to say thank you to the Elders for the -- we had something special this morning, and it was needed because we don’t have that for a long, long time, a pipe ceremony. The one in Quebec City, I think I missed it. I’ll put that on my kids.

(LAUGHTER)

COMMISSIONER MICHÈLE AUDETTE: But this morning it was very important because I did left my kids earlier. Usually I bring them Monday morning, so I start my week after giving them kisses and all of that, but because of this important journey, I had to say goodbye yesterday
before they went to their dad and spend a week there. So it was a broken heart feeling, but also a feeling of fighting for justice, making sure that we do this right, making sure that we do it with the right people.

And this morning the right people were in that circle, the two beautiful Elder who are here. Merci beaucoup for the teaching, and we go to many places, we respect protocols, we are un-student, I’ll speak for myself, and one of the beautiful teaching of this morning was that they were making me laughing when they were teaching me how we do things in their way. And laughing for, I think, Grandmother Blu said it, it’s one of my medicine to survive this world.

Thank you so much, also, for the strong advisory circle that we have. We have members across Canada, we were able to -- to bring few of them, but if magic was there we would bring more and more and more family members and survivors. This is how -- I believe this is my principles and values that they’re not only in the centre of this process, but are also my mentors, my teachers and the women and families and survivors that remind me that when I fall and I want to run home and say, “That’s it, enough.” They say, “Well, I don't have that privilege, so stand up.” So we have to honour that and thank you for your teaching.

I’m blessed because I speak also French, so I
have a grandmother who speaks French in Quebec, Penelope, alors merci beaucoup Penelope and a grandmother from BC, coast to coast. Bonnie, she’s somewhere, busy where she is, but she’s here in Canada, thank God.

Thanks for everybody for being here, people in this room. It’s not the same setup, it’s not the same energy of community hearings where the emotions was the flow, was there every day, but let’s not forget that every word that you would say today or the next couple days in this phase will bring some -- a lot of emotion from the families’ perspectives -- or survivors’ perspectives. You’re talking about issues that exactly what Cynthia said, which is their expertise. Their five scents are aware about those, the violence, the poverty, lack of housing, lack of proper services or cultural appropriate services and so on. So the list is long.

And I love what Chief Commissioner said and my other colleagues about the differences and the reality, the real world. I’m from the real world in my community, and we went to a place in Washington a few years ago with the Native Women Association of Canada where we had to debate -- explain how Indigenous women are living the reality. And on the other side we had Canada explaining how they see that reality, how they want to improve or how they propose things to change or help and support and so on, but
at the end of the day, we felt like from two different planets. Let’s be frank, but everybody was in good faith, I’m pretty sure. You know, the statistic, sad to say, we are the champion of those sad statistic. Women are missing for many, many sad reason. Women are more than just missing -- disappearing, also, for sad reason. They kill our women for sad reason.

We were asked to go to the route cause, so yes, again, I’ll say the extensions is so crucial, so we can do a proper work, to go to that route cause. Yes, we live that route cause. But it seem that, sometimes, we need to have that public debate to bring a strong report, with strong recommendation, so nobody can pretend that it’s not in my yard, or it’s not my responsibility, or it’s not my jurisdiction. But it become a collective jurisdiction, a collective responsibilities, a collective -- things that we have to do for the women, for the men, the Elders, the youth, the in-between like me, and so on.

We’ve heard many, many women and men over the past 20 months. And I agree, that we all, not only the Inquiry, but all of us: government, Chief, leaders, citizen, people across Canada, we need to put an end of this. The whole country needs to put an end on this national tragedy. Let’s not pretend, again, that’s -- it doesn’t exit in my yard.
Most of all, we have to honour the truth, the courage, the strength of those families and survivors that came to us, wasn’t easy for them. And I -- I honour that strength. I honour that beautiful capacity, or anger to say, “Hear my truth.” So with this institutional hearing, it’s going to be important as a mother, as a woman, and also, Commissioner, to find ways to honour that truth and that strength.

I was hoping, and I will continue to hope that what we’ve heard with the women and men across Canada, that we will be able to ask the hard question, the good question, or to listen from what you’re willing to propose for a real change. We might feel that it’s different, but I hope at the end of the day, we all do it like grandmothers said today to us, “With an open mind. With an open spirit.” And let’s be honest.

And I say it with very, very -- lots of emotion, we were failed too many times. What -- we were failed by institutions, by governments, by organizations, sometimes by our own families. But the families, I have to say that, services, program, then we go further, government aren’t there to support -- support the families and their children. So let’s not pretend that we do not fail the people, and the -- the nations across Canada, but we -- we, the Commissioners, the people in this room, governments,
Indigenous people, Canadian, of course, need to put an end on these systemic causes that women are facing every day. I say in French, arrêtons de faire l’autruche. How can I translate -- translate this? I don’t know. I say also in French, arrêtons d’être témoin pour devenir malheureusement complice d’une tragédie nationale. I don’t want to be a witness, and then to become slowly a -- accomplice of that national tragedy. I don’t want to be an ostrich. First of all, it’s an ugly bird.

(LAUGHTER)

COMMISSIONER MICHELE AUDETTE: But maybe there’s a reason why she’s there, or it’s there. And I don’t want to insult the poor bird, but what they do, putting their head in the sand, so I don’t want to see that. I’m very visual. I want to see strong people in this room. Assume that we have responsibilities. Assume that we did some mistake. But together we can make that change. It needs to happen. Thank you.

(APPLAUSE)

MR. JASON GOODSTRIKER: Mademoiselle, your -- your English has really come along in 15 years.

(LAUGHTER)

MR. JASON GOODSTRIKER: When we first met, she couldn’t even speak English. So anyways, she’s done very well for herself. Thank you very much there,
Commissioner Audette. I’m going to call on Bernie Poitras to come and help us out. She has some gifts, and then this will bring us to our final -- our closing for the opening of the ceremonies here. And then we’ll have a short break. So just give us about five more minutes.

(APPLAUSE)

**MS. BERNIE WILLIAMS POITRAS:** I’d just like to say *Howa* and good morning, and -- to the people of Treaty 7, and type two Métis three. My name is Guul Kiit Jaad, also known as Bernie Williams. And my traditional name means, “Golden Spruce Woman.” I come from the Haida Nation on my grandmother’s side. And I’m also Nuu-chah-nulth on my father’s side. I just want to also say *Howa* to the Elders of this territory. And if there’s any Chiefs here, I want to say *Howa* too. But also, to -- at the spiritual people, for allowing us to do this work in your beautiful territory. I’ve got wonderful memories here in Calgary of a group of kids that I grew up with in a residential school outside of Calgary that I had the good fortune of -- is being with them and I just want to say is *Howa* to them, like for -- is walking with me, you know, in my journey to -- to where I’m at today.

But one of the greatest gifts in my culture, in the Haida culture, is the gift of copper. And I would like to -- is ask the Commissioners to assist me. This
copper is our platinum. And this is one of the wealthiest
gifts as a up-and-coming hereditary Chief in August of this
year, that I have that good fortune while I’m -- to stand
here, and I’d like to give it to the Commissioners to
present it to these amazing human beings, Spike Eagle
Speaker and his wife, Alvine, to please come up. And I’d
like to invite up Gerald Meguinis too, please, the Elder.
Sure.

And I’d like to invite up our Elder Barbara
Dumont-Hill too, please. I would also like to invite our
MC, Jason Goodstriker. Please come up, Commissioner. I was
really funny because a -- after Jason asked me my last name,
like, it’s Poitras, and I said, “No. I’m not from your
territory here.” I said, “Don’t you notice the height thing
out here?” And he said, “Okay, west coast, then, yeah.”

I have been really blessed to have the good
fortunes to work with this amazing National Family Advisory
Circle, and it's very humbling to learn all the time from
you amazing women and family members too. I'd like to ask
Melanie if she would gift our family member the gift of
copper here. She's never had one.

And the other family member who is sitting
there, to come up here too and -- yeah. This was just
thrown in, so very surprising.

Anyway, I just want to say to all and to
acknowledge our -- our grandmother over here, Louise, she's so quiet, and also our other grandmother is Cathy and Blu. I know your work is going to be hard this week and one of the things that I have learned through this journey is that I'm also a survivor of sexual and domestic abuse and violence, and I'm also a family member whose mother and three sisters were murdered, and I really support you here and I'm seeking the same thing as a family member, is answers. It's been a really hard journey for us and we want those answers. We want these organizations to -- not only to listen, but to be held accountable.

There's been a lot of good that's happened, but there's been a lot of bad. Our women are still going missing. We haven't got enough places to bring these dear women and these children that are on the streets. I just flew in from Vancouver yesterday, and to know that those streets that we work on as frontline workers, that nothing has changed. Our social housing is so down that women are being forced to go on these dates that they call survival sex work just so they will have a place to stay. We need more social housing, we want answers as to the whys. And the question that I would like to put forth to you, we know what the problem is, and the question I want to ask, it's what's working for us? We know what's not working, but as
a family member I seek your direction, and we do want answers because this is far too long.

There's family members that have been fighting for over 40-50 years with no answer yet. So I really commend you, I commend your work, I commend your tenacity that you have come back again here. And to the government who is listening, these are still crimes against humanity, and I say shame on you.

I watched a thing this morning, 1,500 children that are missing in the United States is -- that they're immigrants and nobody is looking for them, and I -- it really resonated to me. We have over 150,000 children that were in residential school, and 50,000 of those kids are not accounted for, but it doesn't matter. I really challenge you this week to be kind to one another, you know, too. And it's really hard work, but again, I just want to express my gratitude for you all being here.

I'm a woman of very little words and that, but I really had to say that, you know, this morning, a lot of our families have waited, waited decades, and I really want to let you know that we are here for you too if you need just to go for a walk or go for coffee, take a break. The grandmothers and I pray, in fact, and the women who are wearing, like, the purple, this is not an easy job. I
certainly wouldn't want it, but I really honour all of you, each one of you, howa to you, howa, thank you for doing this for my family, thank you.

(APPLAUSE)

MR. JASON GOODSTRIKER: Thank you, Brenda.

Having to straighten out the Métis, I don't want them to fall.

I'll tell you a conference trick, remember this the rest of your life. I've been in this business for pretty much about 20 years as an employee, as a chief, as a chief of Alberta, anyway, I always kept my nametags, the first few years that I was involved in the scene, keep your nametags, put them in your brief case or your rolly car, whatever, then when you go to a conference, just pull out one that looks like the one that is at the conference. I've never paid for a conference for 15 years, so --

(LAUGHTER)

MR. JASON GOODSTRIKER: -- that's a trick.

I should have told that story to the Reconciliation Commission, come clean on that.

I've got to tell Louise, you've got to watch these Blackfoot boys here, we always take things if we see somebody from visitors, and looking at that seal hide, we don't have seal around here, so only in the zoo.
Anyway, we're going to sing a song here, we're going to sing two songs and these aren't powwow bums, so -- they're respectable gentlemen, they know how to sing, they grew up singing these songs. Craig, he works at -- oh, one of them, Spike, he works at the N7, which is a movement by Nike working with Indigenous communities, and he helps with the front that they have [in] Siksika. One is working with the child welfare, is that Skip? Oh, Craig? Craig works with child welfare in Siksika. Skip works -- he's been working a long time with the -- oh, Glenbow, okay. So just down the street, while you were in town, if you get a few extra moments, Glenbow Museum, it's just down the street, has a great beautiful Blackfoot display. Show your conference tag, I'm sure they will let you in.

(LAUGHTER)

MR. JASON GOODSTRIKER: Really. Anyway, we worked for years on that. We talk about us being, like, sovereign or separate from the Queen, that's not actually the case. We always were very, very proud, ever since 1877, that we signed a treaty with the Queen's people. I said this in the ceremony this morning, we said -- we called them (speaking in Native language). And try and say that word, (speaking in Native language), it's important.
(Speaking in Native language), it's an important word because we use that word for the Queen's people, no matter what level of government, if you push a mop or if you're a medium level manager, or if you're involved in some sort of way with the Queen's people, we said prayers for them. And the reason why we do that is because we believe so much in our Treaty, and so we're very, very astute, we're very, very proud of our Treaty process and who we are, and again, thank you and welcome to our land, so we sing this song. This is -- we will call it Prince Harry and Meghan's wedding song. So --

(LAUGHTER)

MR. JASON GOODSTRIKER: Anyway, we still honour the monarchy because of our connection to the Treaty, so this is actually a monarchy song. Then we're going to sing an honour song for the women that are here and for what we're all gathered here for. So please rise.

--- DRUMMING CEREMONY

(APPLAUSE)

MR. JASON GOODSTRIKER: I was just opening my mouth. I wasn’t singing.

(LAUGHTER)

Okay, we’re going to have two minutes to just get -- let me tell you one quick story before we break, and I wanted to say while the singers were still here, you see,
when I was involved at AFN -- you could all have a seat. When I was involved at AFN, they had a big bunch of money for a drum group. Anyway, so the drum group didn’t show up. They were invited. But the boys in Ottawa, they take registration, they work for AFN, they did things. Anyways, they fooled around with drum -- drum group once in a while. Here, when the drum group didn’t show up, they had to bring in the boys, and the problem with the boys, they only knew one song.

So anyway, they brought in all the flags, Eagle staff, and the boys sang their one song they knew. And then the MC tells the drum, “Okay, now the flag song.” And they looked at each other. So they sang the same song again.

(LAUGHTER)

MR. JASON GOODSTRIKER: And then they thought, “Okay, we’re done now.” And then suddenly, the -- the chairman looked at them, “Now, the veterans song.”

(LAUGHTER)

MR. JASON GOODSTRIKER: They sang the same song again, hey. Anyways, these are good singers. They know all kinds of songs. Give them a round of applause. Thank you.

(APPLAUSE)

MR. JASON GOODSTRIKER: Okay. Thank you
very much to all who’s involved. Just a bit of a
housekeeping note, we’re going to get it on in a few minutes
here, so we got a coffee break. I’ve been told that the
Elders are going to be here for the duration of the week,
and so if some of you had been seeking out some advice,
perhaps some reflection, or if you ask them for something,
they’re going to be here all week. So good for that, and
all of the organizations will start getting you ready to
come and -- I’ve been told that we have had problems in the
past with long breaks, and so I’m actually a big fan of
getting a day done as quick as you can, so we’re not going
to be dilly-dallying in the hallway.

So I’m going to ask our boss to come up. We
have a couple more gifts, and then you can open the doors,
and we got some coffee. So come on up.

UNIDENTIFIED SPEAKER: (Indiscernible) the
drummers.

MR. JASON GOODSTRIKER: Oh, for the drummers?
Okay, we’re going to give our drummers -- don’t forget me,
even though they cut me.

(LAUGHTER)

MR. JASON GOODSTRIKER: That’s what we call a
double dip, so...

(LAUGHTER)

MR. JASON GOODSTRIKER: All right. Okay, so
you can exit, you can go get a refreshment, come on back. Five minutes, and we’ll try and be prompt. So thank you again, and thank you, everybody, for the opening ceremony.

--- Upon recessing at 9:48 a.m.
--- Upon reconvening at 10:00 a.m.

**MR. JASON GOODSTRIKER:** If we could start getting seated, and we’re going to begin.

**UNIDENTIFIED SPEAKER:** Just the fact.

**MR. JASON GOODSTRIKER:** For those that are here or coming back into the room, we’re going to begin on some exciting discovery and some exciting dialogue in regards to the business at hand. Now, like I said, I’ve been very fortunate to have been -- honoured to have been asked to help out, and I’m going to try and walk the table a little bit on the -- as well -- as best that I can for -- for today’s hearings. Now, I was talking with some of my friends with the -- with the camera and the media outlets, and we’re going to -- we’re going to do a thing. We’re going to adopt the Siksika Nation protocol of phones that ring in a meeting.

*(LAUGHTER)*

**MR. JASON GOODSTRIKER:** So if your phone goes off and you don’t know how to turn it off, you owe the room a chicken dance. That means you’ve got to dance right on that. So that’s -- anyways, turn your phones off if you
could, because it’s -- it can be disruptive to our presenters. So, again, we would appreciate that. I’ll remind us all again after the lunchtime just to make sure your phones are off.

As we get down to brass tacks, I come from a -- from a line of political leadership where we’re very blunt. We’ll just say what we mean. I served with Ralph Klein when Ralph was premier and you’d just get right to the point of things and he wouldn’t dilly-dally. So I would appreciate your honesty and your -- your being forthright to all of the witnesses. And just get down to it, because there’s issues when it comes to systemic poverty, when it comes to what we’re all talking about here in terms of violence, in terms to what’s now come to our communities. We all have stories. If you have a complaint about agencies that don’t work together, voice it. If you have a complaint about not being increased or feeling like you’re prioritized (sic) in your -- in your work or in your direction, voice it, because these petitioners, they need to hear that.

And it all extends to eradicating not only the poverty but the -- the toughness that has come our way over the last 50, 60 years. Again, the commissioners -- and it’s all being recorded, the commissioners are all here. They’ve been doing their best, I would say, ever since it was brought forward, and so we’re very excited that Calgary
now has our chance for our opportunity. We’re going to get going here right away, and if you see me stand or take to the podium again, this is going to be on the direction of the inquiry itself. I’ve been told that we haven’t had too much legwork for MCs prior to this, but it's just to try and help out, bring some order and some attention to the agenda in terms of hurrying things along.

So I'm going to present the models for delivery for Victim services to Indigenous people. Our first witness is going to be John Phelps, Chief Federal Prosecutor of the Yukon and Region, and Leanne Gardiner, Director of Community Justice and Policing Division for the Department of Justice, Government of the NWT. And their counsel is Anne Turley, Brad Patzer and Karin Taylor.

And if I could teach -- sorry, if I could speak to any of the presenters, when it's your turn, if you could kindly introduce yourself. And, again, for those that are of Francophone that are visiting or those that prefer to hear, the interpretive units are available at the back of the room and we're doing our best.

So, again, let's welcome our witnesses and our testifiers, give them a round of applause on our first presentation.

(APPLAUSE)

MS. MEREDITH PORTER: Good morning. Good
morning, Chief Commissioner and Commissioners. I'm Meredith Porter, Commission counsel with the National Inquiry, and I'm sitting here today with the witnesses who will be called to give evidence with respect to the models of service deliveries of Victims services in various jurisdictions, both regionally and nationally.

Our MC has already provided a brief introduction of the witnesses and their counsel, but I wanted to speak very briefly to some of the areas that they are actually going to be touching on in their evidence appearing here today.

John Phelps, the Chief Federal Prosecutor in the Yukon Region is going to be speaking today about a program that is delivered in that region, the Crown Witness Coordinator Program. Leanne Gardiner, the Director of Community Justice and Policing from the Northwest Territories is going to be sharing some evidence with respect to the victim services program that's delivered in that region.

We also have Naomi Giff-MacKinnon who will be the senior policy analyst with the policy centre for Victim services, and she's going to be giving a national and regional perspective of the FILU program that was set up to work collaboratively with the National Inquiry to
provide information to families.

We also have Betty Ann Pottruff who is the senior advisor and ADM to the ADM of Innovation in Saskatchewan, and she's going to be speaking about the provincial partnership committee on missing persons and some of the successes and gaps in the services provided through that program.

The approach that we're going to be taking with the panel and the evidence before you today is a little bit different than we've done in the past. Our procedural guide that we follow for the National Inquiry does provide in Rule 31 that with the consent of commission counsel, a counsel for witnesses can request leave to lead the evidence. That, of course, is subject to the granting of that request by yourself, Chief Commissioner, and the other Commissioners.

So at this time, I'm going to ask whether their request to lead the evidence of the witnesses is a request that you are prepared to grant?

COMMISSIONER MICHELLE AUDETTE: Yes, certainly.

MS. MEREDITH PORTER: Thank you. So before witness counsel for John Phelps begins with his evidence, I'm going to request that the registrar promise in the
witnesses Leanne Gardiner and John Phelps.

MR. REGISTRAR: Sworn or affirmed?

MS. MEREDITH PORTER: Affirmed.

MR. REGISTRAR: Okay.

JOHN PHELPS, Affirmed:

LEANNE GARDINER, Affirmed:

MS. MEREDITH PORTER: Thank you very much.

Okay, Ms. Turley, I ask you to proceed.

MS. ANNE TURLEY: Thank you. Good morning, Chief Commissioner, Commissioners, my name is Anne Turley, and I'm counsel for the Government of Canada, and I will be questioning the first witness from the Government of Canada, John Phelps, today.

Before we start, I'd just like to take the opportunity to acknowledge the traditional territories of the people of the Treaty 7 Region in Southern Alberta and acknowledge that the city of Calgary is also home to the Métis Nation of Region 3.

Also just a housekeeping matter before we begin, we have provided the parties with standing advance copies of the documents, but for the ease of the witness and the commissioners, we have presented a book of documents so that you may follow along.

CHIEF COMMISSIONER MARION BULLER:
Ms. Turley, are you asking that the book be marked as an exhibit or the documents separately?

**MS. ANNE TURLEY:** I will be asking separately the documents be marked as an exhibit. Thank you.

**EXAMINATION-IN-CHIEF BY MS. TURLEY:**

**MS. ANNE TURLEY:** Mr. Phelps, before we get into the meat of your testimony, I'd like to talk about your -- the background. If we can have you look at Tab 1 of this book of documents?

**MR. JOHN PHELPS:** I have that before me, yes.

**MS. ANNE TURLEY:** And is this your biography?

**MR. JOHN PHELPS:** It is, yes.

**MS. ANNE TURLEY:** And I understand, according to this, that you're a fourth generation Yukoner?

**MR. JOHN PHELPS:** I am.

**MS. ANNE TURLEY:** And that after graduating from law school, you returned back to the territory to practice law?

**MR. JOHN PHELPS:** Yes, that's correct.

**MS. ANNE TURLEY:** And right now, you are a chief federal prosecutor with the Public Prosecution Service of Canada?
MR. JOHN PHELPS: That's correct, yes.

MS. ANNE TURLEY: And you've been in that position since 2010?

MR. JOHN PHELPS: Yes.

MS. ANNE TURLEY: Chief Commissioner, I would ask that the biography of John Phelps be admitted as the first exhibit to his testimony.

CHIEF COMMISSIONER MARION BULLER: The biography is Exhibit 1, please.

MS. ANNE TURLEY: Thank you.

--- EXHIBIT NO. 1(a):

Biographical Sketch – John W. Phelps, (one page)

--- PIÈCE NO. 1(b):

« Notice bibliographique (sic) – Mé John W. Phelps »

MS. ANNE TURLEY: Mr. Phelps, as chief federal prosecutor in the Yukon, what is your role with respect to the Crown Witness Coordinator Program?

MR. JOHN PHELPS: For the last six years, I have been the direct supervisor for the team in the Yukon territory, and I'm involved in discussions with respect to the program in the Pan-Northern Basis to develop the policies and protocols for the team to follow in the Pan-Northern Basis.
MS. ANNE TURLEY: And if I can have you look at tab 2 of the book of documents?

MR. JOHN PHELPS: Yes, I have that.

MS. ANNE TURLEY: This is a document entitled Overview of the Public Prosecution Service of Canada's Crown Witness Coordinator Program?

MR. JOHN PHELPS: Yes.

MS. ANNE TURLEY: And what is the purpose of this document?

MR. JOHN PHELPS: This document was developed for this hearing today to outline the service that we provide.

MS. ANNE TURLEY: Thank you. And does it accurately characterize the Crown Witness Coordinator Program?

MR. JOHN PHELPS: It's an accurate summary, yes.

MS. ANNE TURLEY: And are you able to talk to the matters discussed in this overview today?

MR. JOHN PHELPS: Yes, I am.

MS. ANNE TURLEY: Chief Commissioner, I would ask that this document, the Overview of the Public Prosecution Service of Canada's Crown Witness Coordinator Program, be admitted as the next exhibit to Mr. Phelps's testimony.
CHIEF COMMISSIONER MARION BULLER: Yes,
just before we go any further, I'm assuming that these
documents are going in by consent; is that correct?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Yes.

CHIEF COMMISSIONER MARION BULLER: Exhibit
2, please, is the Overview of the Public Prosecution of
Canada's Crown Witness Coordinator Program.

MS. ANNE TURLEY: Thank you.

--- EXHIBIT NO. 2:

Overview of the Public Prosecution of
Canada Crown Witness Coordinator (CWC)
Program, (four pages)

MS. ANNE TURLEY: And as you may
hear -- during the testimony you may hear two acronyms.
First PPSC, which is public -- Public Prosecution Service
of Canada, and CWC, which is a Crown Witness Coordinator.
Now, if we can talk, Mr. Phelps, about the program, and
first describe what is PPSC's responsibility in the three
territories?

MR. JOHN PHELPS: The PPSC is a federal
prosecution service. Unlike in the provinces, in the
territories we have the responsibility for the prosecution
of all Criminal Code offences, so our responsibility is
that of our southern counterparts for the responsibility
over all federal legislation, and in the north the addition of Criminal Code prosecutions.

**MS. ANNE TURLEY:** And when was the Crown Witness Coordinator Program introduced at PPSC?

**MR. JOHN PHELPS:** It's been in place since prior to my joining the department. It was put in place in 1991 to address the disconnect that existed at that time between the prosecution service and the victims of crime, in particular a recognition that there was a significant disconnect between the prosecution service and Indigenous victims across the north.

**MS. ANNE TURLEY:** Now, what is the role of a Crown Witness Coordinator under this program?

**MR. JOHN PHELPS:** Generally speaking, the role is to be the conduit between the prosecution service and victims and witnesses of crime. Keeping in mind, that we only become familiar with a file once a charge has been laid, which could be days, weeks, or months, and in the case of some serious crimes, it could be years after the actual offence occurred. Their primary responsibility upon the receipt of a file is to make early contact with the victim of the crime.

**MS. ANNE TURLEY:** And when you talk about victims of crimes, is a Crown Witness Coordinator assigned to all cases where there are victims of crime?
MR. JOHN PHELPS: Yes, they are. When a file is received within our various offices, right away, or within the first week of its existence in the office, the practice is to assign the file to a Crown Witness Coordinator. And the Crown Witness Coordinator, who is assigned the file, is responsible for the conduct of that file throughout its duration in the office.

MS. ANNE TURLEY: And when you say, “Throughout its duration in the office,” that is from the beginning until when?

MR. JOHN PHELPS: That’s correct. It’s from, basically, we receive the file on first appearance in court. And they have the responsibility from then until the file has been completed either by way of an acquittal, a sentencing, or an appeal. Or in the rare case, that it’s before a review board for a mental health issue, then they have conduct until that’s finished as well.

MS. ANNE TURLEY: And you said that a Crown Witness Coordinator is assigned once the file comes to PPSC. How do they initiate contact with a victim?

MR. JOHN PHELPS: When we receive the file from the RCMP and there’s been the first appearance in court, the expectation is that there’s contact information within the file for the victim provided by the RCMP. And the majority of cases, I would say, there would be at least
a telephone number where we can receipt -- where we can get into contact with a victim, and they would make a contact by telephone. If there is not a telephone number for the victim, then are various approaches that they may take to try and track down a victim, including contacting friends and family, or using the services of the RCMP, or other agencies that may be attached to the particular victim.

**MS. ANNE TURLEY:** In terms of a homicide, who is considered the victim for the purposes of the Crown Witness Coordinator program?

**MR. JOHN PHELPS:** In the case of a homicide, it would be the family members and the individuals who suffered loss as a result of the homicide.

**MS. ANNE TURLEY:** And would the Crown Witness Coordinator meet with the family as a whole, or only certain family members?

**MR. JOHN PHELPS:** Generally speaking, by the time the file gets to our office, the -- the victim family has been identified by the RCMP. Our Crown Witness Coordinator would contact those individuals that have been communicating with the RCMP, and develop a rapport, and commence the dialogue under the CVBR, the Canadian Victim Bill of Rights, with those members. Ideally, having them identify an individual within the family who can be our
primary point of contact. If -- if the family is split, either geography -- by geography or due to ill will within the family, for example, or just simply a disconnect within the family, then we’re -- we often will have more than one contact with -- in -- individual within a family.

**MS. ANNE TURLEY:** And in that circumstance then, the Crown Witness Coordinator would keep all family members updated?

**MR. JOHN PHELPS:** All of the identified contact individuals. And if that were to be all of the family members, then, yes, that would be the case.

**MS. ANNE TURLEY:** Now, what happens if a victim or a witness does not want to access this program?

**MR. JOHN PHELPS:** That’s their right. So once we’ve made first contact with the victim, and if they’ll hear us out and allow us to provide them with information about who we are and their rights under the Canadian Victim Bill of Rights, and at that point if -- if they don’t want to have any contact with us, if they don’t wish to receive any updated information, then that’s their right, and we would respect that right. The exception being, if a matter was to be set for trial. If a matter is set for trial, then we would re-engage with the victim because they would ultimately be subpoenaed for the trial, and perhaps they would want our services at that point in
MS. ANNE TURLEY: I’m going to turn now to page 2 of the exhibit to the overview of the program, just so that we can address some of the roles, particular roles, of the Crown Witness Coordinators. You spoke about initiating contact with the victims, or the witnesses. If we can go through some of these roles that are set here. Under the second bullet, it talks about providing information on the roles of the prosecutor and the Crown Witness Coordinator. Can you elaborate on that?

MR. JOHN PHELPS: I can. So just by way of -- of the practice of the program, the practice is to initiate contact with the victim and have that first contact. When I speak of first contact, often the first contact will be multiple conversations because, as you see in the documentation, there’s a lot of information that a victim needs to hear from us and has the right to hear from us. So it’s not always possible to have that -- or provide that information in one single conversation. So initiating contact, and initial contact, may be several conversations throughout a lengthy period of time.

When we talk about the Crown Witness Coordinator advising of the role of the prosecutor, the Crown Witness Coordinator is part of the prosecution team. It’s important that the victim that’s having contact with
us, understand that -- understand that we have a responsibility to disclose information to an accused that we may receive from a victim, and that includes information that we might receive through our Crown Witness Coordinator Program. It’s also important for a victim to understand that we are not lawyers for a victim. We are impartial to the system, and it’s our responsibility to put all information before the court, whether or not it’s beneficial to our particular case. And the Crown Witness Coordinator covers that off with the victims, so that they have an understanding of our role, and their role, and the link between the two.

**MS. ANNE TURLEY:** Now, you referred earlier to the Canadian Victims Bill of Rights, and the forth bullet here says, “Ensure that victims are provided clear understanding of their rights.” Can you explain that?

**MR. JOHN PHELPS:** The Crown Witness Coordinator will advise the victim of what’s going on in the court system currently. When they make their initial contact, they will advise them of their rights to receive information about the process and assess whether or not they wish to receive information. They will cover off in that initial contact the right to file a victim impact statement in a proceeding, should a matter go to a sentencing.

If an individual wishes to follow through
with the victim impact statement, then they will facilitate that process by providing the necessary form to the victim, and receiving the form from the victim, and facilitating the filing with the court. In some cases, if a victim is, for some reason, unable to fill out the form themselves, our Crown Witness Coordinators will assist them as a scribe, putting their words down into the form on their behalf, and then filing the form for them. This might be due to a -- a language issue, a -- an English language issue, or it may be due to the location of the victim at the time that this -- the sentencing’s occurring. They will also cover off the right to restitution, if there’s been monetary loss, and facilitate that process if there was monetary loss.

MS. ANNE TURLEY: The next bullet talks about providing a -- assessing the victim and witness requirements for assistance. Can you elaborate on what that entails?

MR. JOHN PHELPS: Yes. Throughout that initial contact, the Crown Witness Coordinator assesses a number of factors with respect to a victim and the victim’s needs. But we do not provide any form of a counselling or significant support service for victims who have needs beyond the information, and beyond what we’re able to provide during a trial process. So our practice is to make referrals to other agencies within the community. Those agencies may be First Nation based, they may be territorial
based. For example, in the Yukon Territory, there’s a very well-resourced victim services program. They may be referred to non-government organizations as well, and mental health services, counselling services, that type of things.

**MS. ANNE TURLEY:** Now, if a case goes to trial, what would the Crown Witness Coordinator’s role be with respect to the victim or the witness?

**MR. JOHN PHELPS:** Our Crown Witness Coordinator, again, being the primary conduit for the victim -- between the victim and prosecutor, shares the information with respect to the trial process with a victim, and as a responsibility to ensure that meetings are set up between a victim and prosecutor so that there can be a briefing before a trial, and a relationship, a brief as it may be, can be built with the prosecutor. They have a responsibility to ensure that the victim has all of their evidence by way of transcripts and is familiar with them. They do that by providing a copy of the transcript of the evidence to the victim, and where necessary, and in many cases, they’ll read that transcript of evidence to the victim so that they can recall what they had said some time ago to the RCMP.

We also do a court orientation with each victim. We explain the role of a prosecutor, the type of questions that a prosecutor may be asking in court, the role
of the defence lawyer, the difference between the prosecutor’s questions and the defence lawyer’s questions, and I’ll explain the role of a judge and a jury in the case of a jury, and explain to a victim both that role and the fact that the victim may be questioned by a judge as well, so that they can expect that to take place. And they discuss the physical layout of the court as well.

**MS. ANNE TURLEY:** And would a Crown Witness Coordinator attend the court hearing with a victim or witness?

**MR. JOHN PHELPS:** Yes, they do. If a victim wants the support, then our Crown Witness Coordinator will attend court with them and stay with them throughout the proceeding.

**MS. ANNE TURLEY:** Now, what happens after a proceeding? What role would a Crown Witness Coordinator play?

**MR. JOHN PHELPS:** The -- the role of the Crown Witness Coordinator after a trial depends on the outcome of the trial. In any case, they have a responsibility to debrief the victim with respect to what occurred. It’s often the case that a victim doesn’t wish to remain in court through the trial process, so they would be responsible for contacting the victim and letting them know the outcome immediately or as soon as they can after the
outcome is known

If the victim has difficulty understanding the outcome of the proceeding, then the Crown Witness Coordinator would facilitate a meeting between the prosecutor and the victim, either in person or by telephone, depending on geography and the wishes of the victim.

So the responsibility on an acquittal would be to assist them in understanding -- notifying them and assist them in understanding the outcome, if there was a conviction and the sentencing had not occurred yet, and they would relay the information, remind them about the victim impact statement availability, assist them with that, and assist with knowing what’s going on with respect to the scheduling of the sentencing, their opportunity to present the victim impact statement in court and to physically support them to that process as well.

If the -- if the sentencing had taken place immediately after the conviction, they would, of course, be notifying them of the outcome and whether or not there are any -- for example, any conditions on the accused, for safety purposes, that were put in place by the judge, provide them with copies of those conditions to make sure that they understand what’s in place for their safety.

**MS. ANNE TURLEY:** And I’m just going to go back one minute to when we discussed trials. With respect
to homicides or other cases where there may be graphic or
sensitive information, what role does a Crown Witness
Coordinator play with respect to giving any advice to a
victim or a witness?

MR. JOHN PHELPS: Our Crown Witness
Coordinator program is part of our prosecution team.
They’re -- they’re housed with the prosecutors in the same
-- in the same office, and there’s an ongoing relationship
on files, particularly on homicide and sexual offences.
With that ongoing relationship, there’s an understanding of
what’s going to unfold in court, and a sharing of that
information and the Crown Witness Coordinator will advise
the victim of the fact that there may be some graphic
information that’s presented in court. It’s deemed to have
been necessary by -- by the prosecutor, so how do they want
to deal with the fact that there’s this graphic information
that’s going to be presented before the Court. Do they want
to be present for it? If so, will they have the appropriate
supports in place? Even with the appropriate supports in
place, making sure they understand that they don’t have to
remain in the courtroom should they be overwhelmed by the --
the presence of that evidence. How to deal with that, and
the knowledge that in addition to their own supports, that
the Crown Witness Coordinator will also be there to support
them.
We have, at times, had victims attend via CCTV in order to avoid being present during the presentation of graphic material. We’ve had situations where we’d simply made arrangements to advise the judge that we’re about to get into an area that includes graphic information for the benefit of the victim or the victim family, so that they can make their decision and take steps to enact the -- the process that had agreed to with the Crown Witness Coordinator, be it leaving the courtroom, moving to another room for hearing in a different fashion, or at least, you know, prepared for what’s coming next.

MS. ANNE TURLEY: And in that same vein, with respect to the Canadian Victims Bill of Rights, it talks about the right to request a testimonial aid. Can you address that? What types of testimonial aids might there be available?

MR. JOHN PHELPS: The choice of the testimonial aid really depends on the nature of the victim’s concerns balancing, getting the best evidence before the Court with the wishes of the victim and concerns of the victim we will often make arrangements that are relatively simplified in that we will have a support person, be it a Crown Witness Coordinator or a support person for the victim sitting within eye contact of the victim at all times, so that they have the comfort of that individual in the
courtroom. We can make arrangements to have somebody sit next to a victim to provide them with more immediate support, proximity support to the individual and have that comfort of their support person with them. We can arrange to have a screen put in place, which is provided through the Court Services, Department of the Territorial Government. The screen is a device that would sit on the witness stand and block the view between the witness and the accused individual, so that they don’t have to see that individual when they’re testifying in court, but the judge has the opportunity to see the witness, as do counsel. And where it’s available, CCTV, so that they can actually testify from a separate location in court so that they don’t have to be in the courtroom at all.

In the Yukon Territory, the CCTV is available in Whitehorse and is available in most of the communities. Now, they have a remote system that they can take to the communities to ensure that victims can testify from a remote location -- sorry, by remote, I mean another part of the building, but within the building.

**MS. ANNE TURLEY:** And just for the purposes of the record, CCTV, can you --

**MR. JOHN PHELPS:** A closed circuit television. So they would be testifying on a TV screen within the courtroom and responding audio through the TV
MS. ANNE TURLEY: Thank you. You have referred to the Canadian Victim’s Bill of Rights, and when was this, to your knowledge, enacted?

MR. JOHN PHELPS: In 2015.

MS. ANNE TURLEY: And to your knowledge, what was the purpose of this Bill of Rights?

MR. PHELPS: Essentially to codify in bringing to law the -- the rights of victims across Canada. In some jurisdictions, there were regional pieces of legislation, given victim’s rights, but this was the first National legislation enshrining the rights of victims across Canada.

MS. ANNE TURLEY: And so this was in 2015, and the Crown Witness Coordinator Program has been ongoing since 1991. Did the enactment of the Bill of Rights have any impact on the PPSC’s Crown Witness Coordinator Program?

MR. JOHN PHELPS: It did. As it was being developed in anticipation of the passing of the legislation and after the passing of the legislation, a lot of work was done within the PPSC to see whether or not the program that we had in place was compliant with the requirements of the CVBR. We went through a relatively in-depth analysis of our services and compared them to the CVBR, and generally, what we found was that our service was quite consistent at that
point in time with the requirements of the CVBR. Our practice had already been to make early contact, to provide information, and to provide support throughout the process.

But what we did find was there was a disconnect between the service being provided by the Crown Witness Coordinator unit and the front-line prosecutor who may be in court at the time with the file. With the passing of the CVBR, there were changes to the Criminal Code requiring that a prosecutor be able to answer certain questions that a judge would pose regarding the efforts made to contact a victim and what the victim’s requests were with respect to the CVBR and the process that was before them.

MS. ANNE TURLEY: And what did the PPSC do in response to that disconnect that you spoke about?

MR. JOHN PHELPS: Well, acknowledging that our practice and -- and procedures were relatively in line at the time with -- with the new legislation, we took steps to develop a uniform approach to the -- what I called that first contact or that first series of discussions with a victim in order to provide a method for Crown Witness Coordinators to ensure that they covered all of the necessary information and recorded the responses of the victims to those questions and to the information provided and had a method to get that information into our files so that a prosecutor in court could have quick access to the
wishes of the victim.

MS. ANNE TURLEY: Can I ask you to turn to tab 4 of the book of documents?

MR. JOHN PHELPS: Yes.

MS. ANNE TURLEY: And this is a document entitled “CVBR Common Checklist.”

MR. JOHN PHELPS: Yes.

MS. ANNE TURLEY: And is this what you were referring to?

MR. JOHN PHELPS: It is, yes. This was created to address the concerns that I just raised.

MS. ANNE TURLEY: And is this checklist used in all three territories?

MR. JOHN PHELPS: The checklist -- it’s -- it’s -- sorry. The checklist system is used in all three territories. There are slight modifications regionally, but in general, this would represent what’s done in each territory.

MS. ANNE TURLEY: And who completes, then, this checklist?

MR. JOHN PHELPS: This is completed by the Crown Witness Coordinator, typically during the dialogue that they have with the victim, so it can be used as a guideline to ensure that they’re covering off all of the necessary information that they should be providing to a
victim, and also, at the same time, they can be filling it out. They can fill it out manually or they can fill it out electronically. Either way, whether it’s done manually or electronically, it is intended to be printed off and attached to the physical file that goes to court.

**MS. ANNE TURLEY:** Chief Commissioner, I’d ask that this document entitled “CVBR Common Checklist” be admitted as the next exhibit to Mr. Phelps’s testimony.

**CHIEF COMMISSIONER MARION BULLER:** The CVBR Common Checklist will be Exhibit 3.

--- EXHIBIT NO. 3:

Canadian Victims Bill of Rights (CVBR)

Common Checklist, (two pages)

**MS. ANNE TURLEY:** Mr. Phelps, I notice on page 2 of this checklist, the last heading is called “Complaints.” Can you elaborate on the complaint process?

**MR. JOHN PHELPS:** The CVBR requires each service or entity that’s dealing with victims to have a complaint process. The Public Prosecution Service of Canada does have a formal complaint process. It’s available on our website on our main page, and this box is to ensure that a victim understands that, if we are not meeting or satisfying them with respect to their rights under the CVBR, there is a process to lodge a complaint with respect to our conduct.

**CHIEF COMMISSIONER MARION BULLER:** Excuse me,
Ms. Turley. Just for our record, Exhibit 3 will be both the French and English version together. Thank you.

**MS. ANNE TURLEY:** And just for the record, we have provided all of the other exhibits as well in -- in both official languages.

**CHIEF COMMISSIONER MARION BULLER:** Just for clarification, French and English versions are marked as one exhibit. Thank you.

**MS. ANNE TURLEY:** Since the enactment of the Canadian Victims Bill of Rights, have there been any complaints to PPSC by victims or witnesses?

**MR. JOHN PHELPS:** Not under the formal policy, no. From time to time, it’s not uncommon for a victim to be upset with respect to the outcome of a proceeding and for that information to be relayed to a Crown Witness Coordinator. Our first response to that would be to have a prosecutor meet with -- with the victim and explain the outcome and have a dialogue with the victim or the victim family. In the case where the concern is with respect to the conduct of the prosecutor, perhaps, or the communication style of a prosecutor, then it’s -- that complaint would come either to myself or the General Counsel, Legal Operations, who is responsible for the supervision of the prosecutors within our office, and we would necessarily meet with the victim or the victim family.
to have a discussion and to try and provide the
clarification and -- and ensure that there’s an
understanding of what occurred.

MS. ANNE TURLEY: I’m going to ask you, Mr. Phelps, to turn to tab 3 in the book of documents.

MR. JOHN PHELPS: Yes.

MS. ANNE TURLEY: Can you tell us what this document is?

MR. JOHN PHELPS: This is a excerpt from the Public Prosecution Service of Canada desk book, which are directives that are placed on us by the Attorney General of Canada with respect to our prosecutions.

MS. ANNE TURLEY: And it --

MR. JOHN PHELPS: This particular excerpt being with respect to how prosecutors deal with victims of crime.

MS. ANNE TURLEY: And is this a public document?

MR. JOHN PHELPS: It is, yes. It’s available on our website.

MS. ANNE TURLEY: And what -- you said it applies to prosecutors. Does it also apply to Crown Witness Coordinators?

MR. JOHN PHELPS: Yes, it does.

MS. ANNE TURLEY: And with respect to the
Canadian Victims Bill of Rights, is this dealt with in this chapter as well?

MR. JOHN PHELPS: Yes. The chapter was rewritten after the passing of the Canadian Victim (sic) Bill of Rights.

MS. ANNE TURLEY: Chief Commissioner, I would ask that chapter 5.6, “Victims of Crime,” of the Public Prosecution Service of Canada’s desk book, dated January 15th, 2017, be admitted as the next exhibit to Mr. Phelps’s testimony.

CHIEF COMMISSIONER MARION BULLER: Exhibit 4, please.

--- EXHIBIT NO. 4:

Public Prosecution of Service Canada Deskbook Chapter 5.6, “Victims of Crime,” (January 15, 2017), Directive of the Attorney General Issued Under Section 10(2) of the Director of Public Prosecutions Act, (nine pages)

MS. ANNE TURLEY: I’m going to turn now, Mr. Phelps, to the organization of the Crown Witness Coordinator Program in the three territories. Can you tell us about the present complement of the program? How many Crown Witness Coordinators there are in each territory?

MR. JOHN PHELPS: Currently, the program has
21 employees. There’s one coordinator, program coordinator, that’s currently housed in the Northwest Territories, previously had been housed in the Yukon Territory. That individual is responsible for the development of the policies and common practices of the Crown Witness Coordinator team and to coordinate training for each of the -- the teams across the North. Within each region, the numbers vary. In Nunavut, there are currently eight positions, in the Northwest Territories, there are seven positions, and in the Yukon Territory, there are five positions. And within those positions regionally, there are frontline workers as well as one supervisor, a team supervisor, whose responsibility is to ensure compliance by the team with respect to our guidelines and policies and to performance manage the team. Those supervisors are both supervisors and frontline workers, so they carry a caseload as well.

**MS. ANNE TURLEY:** And how many communities would these Crown Witness Coordinators serve in the three different territories?

**MR. JOHN PHELPS:** Again, it varies from territory to territory. In Nunavut I believe there are 23 communities that are serviced by the program. In the NWT, there are 20 communities, and in the Yukon territory, there are 14.
MS. ANNE TURLEY: And how many of these communities would be fly-in communities?

MR. JOHN PHELPS: In -- I'll continue with east to west. In Nunavut, they would all be considered to be fly-in communities. In the Northwest Territories, I believe it's 14 or 15 of the communities that they service are fly-in communities, and in the Yukon territory there is one fly-in community, the rest of the communities are accessible by road.

MS. ANNE TURLEY: And how often would a Crown Witness Coordinator visit these fly-in communities?

MR. JOHN PHELPS: That's set by the Court Services of the territory, depending on the population and the demand for Court to attend each -- each individual community. Excuse me. In the Yukon territory, it's very uniform, we visit each community six times a year, unless there is a special sitting which would add on to that number. In the NWT and in Nunavut, the number varies from community to community. It can be as low as a couple times a year that they're scheduled to go and as many as 20 plus times a year.

MS. ANNE TURLEY: And in your present complement of Crown Witness Coordinator workers, how many are Indigenous?

MR. JOHN PHELPS: Across the north, in
Nunavut all of them are. There's a requirement in Nunavut to speak Inuktitut, and each of the employees does speak one of the variations of the language. In the NWT currently there is one, and in the Yukon currently there is one. I'm speaking of self identified individuals.

**MS. ANNE TURLEY:** And with respect to recruitment, what steps does the Public Prosecution Service take to recruit people, and do they require certain background or experience?

**MR. JOHN PHELPS:** That's varied over the years. Currently we follow the standard Government of Canada process for posting positions. A poster goes up on the Federal Government website. It goes up on websites regionally, so territorial websites for jobs. There are efforts made to put it on social media, and in some jurisdictions recently the NWT they post them with the college as well and are looking at posting them in the hamlets.

The requirements for the position currently, the most recent posting that we had in the NWT and the Yukon, a joint poster required a high school education for the position.

**MS. ANNE TURLEY:** Typically how many people would you have applying when you recruit for these positions?
MR. JOHN PHELPS: It's not a significant number. With any position that we post in the northern territories, we have difficulty with getting people to apply on the processes. It can be as few as a handful for any time that we post a position. It really doesn't matter what the position is within the office, we just have a difficult time recruiting.

MS. ANNE TURLEY: And once you do recruit, how often do people tend to stay in the position of a Crown Witness Coordinator?

MR. JOHN PHELPS: That varies as well. We have a significant turnover of personnel within the northern offices. Again, regardless of the position, be it lawyers, Crown Witness Coordinators, support staff, it is not uncommon for us to be staffing positions. Individuals come north sometimes for these positions and return south, or individuals move into other fields within -- within justice and move on with their careers.

We have quite a high turnover -- what I consider to be a high turnover -- in the Yukon because we always have one or two individuals moving on every -- every year or two, so it's consistent that people move on to other opportunities. We've had them move into the social work field, we've had individuals move into the RCMP. In Nunavut, recently a couple of the Crown Witness
Coordinators moved on to the -- and are supported by the
PPSC, moving into the law school program that's available
in that jurisdiction.

So frequent turnover in the positions,
however we do, I believe in each jurisdiction,
have -- we've had individuals that have been in those
positions for a long time. In the Yukon, we've had a
couple of individuals that have been in the positions for
seven to eight years, for example.

**MS. ANNE TURLEY:** Once a person is hired as
a Crown Witness Coordinator, do they receive any type of
training?

**MR. JOHN PHELPS:** Yes, the -- there's a
variety of training that occurs for Crown Witness
Coordinators. There's required cultural awareness
training, depending on the jurisdiction it can take
different -- different forms, be it in-person training or
modular training online. For example, in the Yukon
territory, the Northern Institute of Social Justice, in
partnership with the Council of Yukon First Nations,
developed a -- what they entitled a First Nations 101
program that's available both in person, it's about a
two-day program, or it's available in an online modular
format that can be done by way of self-study, and that's
the mandatory program for all of our employees within PPSC
within the Yukon regional office, including the Crown Witness Coordinators. There's a formal program that's available in Nunavut as well, and in the NWT they take advantage of other offerings that will be provided regionally for their employees.

In addition to that, our program coordinator developed in -- or participated in, sorry, the development of a modular based training program with the Northern Institute of Social Justice for individuals who participate in the -- or participate or work in the justice system, and that's a self-study based modular program to give them an overview of the justice system as a whole, and it's got particular components with respect to victims.

We also have a -- a relatively rigorous -- or relatively defined, sorry, on-the-job program training. So there's job shadowing that takes place, there's work that takes place -- or sessions that take place with prosecutors to inform Crown Witness Coordinators of the legal process, to inform them of the various types of court that we have in the region, and to assist them in their understanding of process and procedure.

That, if I didn't say it already, is about a three-month process typically, for the integration into the program.
MS. ANNE TURLEY: Now, you spoke about the fact that the Crown Witness Coordinators work in the same office as the prosecutors?

MR. JOHN PHELPS: That's correct.

MS. ANNE TURLEY: And how does it -- the roles between prosecutors and a Crown Witness Coordinator work on a file? How do they communicate?

MR. JOHN PHELPS: It really is a team approach. We're not really big offices, so we have the opportunity to interact with one another on a regular and ongoing basis. The checklist that we've previously referred to is filled out on every case and filed, so depending on the severity of the file, there may be as little communication as the checklist, additional information though would be provided either verbally by the Crown Witness Coordinator to the prosecutor or by email perhaps, if one or the other are travelling or unavailable at the time. And, of course, the Crown Witness Coordinators, generally speaking, attend court, so they may relay the information in that environment as well.

MS. ANNE TURLEY: And you spoke earlier about file assignment, when you said that a Crown Witness Coordinator is assigned at the beginning of a file, would that be at the same time as a prosecutor being assigned?

MR. JOHN PHELPS: That depends on the nature
of the file. For serious files within our service, such as a homicide or a sexual assault, all of those files would be assigned to a prosecutor as soon as they come into our office, and the prosecutor would have responsibility for that file throughout its process through the court. For less serious offences, property crimes, perhaps simple assaults that aren’t spousal in nature, and those kinds of offences. A Crown who would not necessarily be assigned, so they would be relying on that information being passed on the checklist to the file so that they have the information before the Court. Those files would not be specially assigned or assigned to a particular prosecutor until and unless they’re set for trial. So they -- they would go through multiple prosecutors in the process.

**MS. ANNE TURLEY:** And in terms of Crown Witness Coordinators, would there also be multiple Crown Witness Coordinators or would there be one assigned to a file?

**MR. JOHN PHELPS:** The standard practice for -- for most files would be one Crown Witness Coordinator attached to a file for the lifetime of the file. Crown Witness Coordinators are also attached to circuits. In the Yukon region, for example, we try to keep them attached to a circuit for a minimum of a two-year period, so that they -- there’s continuity with respect to files on circuit, and
then would have responsibility for all of those files.

We assign Crown to circuits on the same basis, so there’s a relationship that’s built between a Crown Witness Coordinator and a prosecutor in relation to a particular circuit. For more complex files, particularly homicides, generally speaking and depending on the circumstances and the nature of the family of the victim, we would assign two Crown Witness Coordinators to a file that’s complex and requires a lot of attention. Again, complex sexual assaults that may have more than one victim, may have more than one Crown Witness Coordinator to deal with all of the -- the notification and the support that’s required for that particular file. So one Crown Witness Coordinator for sure, sometimes two.

And the same with the Crown themselves, on those complex files we would have, generally speaking, more than one Crown.

**MS. ANNE TURLEY:** In terms of the Crown Witness Coordinator program, are there any challenges or gaps in the program that could be improved on?

**MR. JOHN PHELPS:** I think so. I think that our Indigenous representation, for example, that I’ve already gone through is low given the victimology that we deal with in the territories. Of course, the exception being Nunavut. We also have a significant difficulty at
times contacting victims, either we don’t have adequate information coming from the investigative agency or because of the lapse in time, victims have moved on and if we could improve our ability to contact victims because our mandate is to contact them early on in the process, I believe that we would have a better service overall.

**MS. ANNE TURLEY:** And in terms of the program, you being a prosecutor, and now the Chief Federal Prosecutor, would you say that the program has been successful in the three territories?

**MR. JOHN PHELPS:** I would. I think that it’s a critical program for a prosecution service to have, and we carry, in each three territories, a very high caseload as prosecutors. We deal with a significant percentage of violent and sexualized violent crime within the territories compared to the National averages. Our prosecutors are extremely busy, and without this service, in the vast majority of cases I would suggest that there would be insufficient or no communication with victims given the passage of time that occurs between the charging and the receipt of the file in our office and the difficult time that our Crown Witness Coordinators go through to make contact. It would be significantly less if there wasn’t the program in place, so I consider it to be a huge success, a very important part of the prosecution team and something
that while they could improve upon, is beneficial to the
victims within each territory.

**MS. ANNE TURLEY:** Thank you, Mr. Phelps,
those are my questions in examination-in-chief.

**MS. MEREDITH PORTER:** Thank you. Thank you,
Ms. Turley. Our next witness is Leanne Gardiner from the
Northwest Territories. And counsel for Ms. Gardiner is
Karin Taylor.

**MS. KARIN TAYLOR:** Thank you. As was just
stated, my name’s Karin Taylor. I’m legal counsel with the
Government of the Northwest Territories, and questioning Ms.
Leanne Gardiner with regards to her role in terms of victim
services in the NWT.

I just want to mention at the outset that we
did submit quite a number of documents to the Registrar
prior to the hearing, and upon reflection on preparing, we’d
only like to enter two of those documents as exhibits today,
so I’ll mention those when we get to them, but I just want
to flag that, the number of documents, but we don’t
necessary wish to rely on all of them today.

**LEANNE GARDINER, Previously Affirmed:**

**EXAMINATION-IN-CHIEF BY MS. TAYLOR:**

**MS. KARIN TAYLOR:** So, Ms. Gardiner, we’ve
already heard your position is the Director of Community
Justice and Policing Division, Department of Justice,
Government of the Northwest Territories. Could you tell us how long you’ve been in that role?

**MS. LEANNE GARDINER:** I’ve been in the role since September 2016.

**MS. KARIN TAYLOR:** Can you tell us a little bit about your employment background prior to entering that position?

**MS. MEREDITH PORTER:** Sorry, one moment, we have a question from one of the Commissioners.

**COMMISSIONER MICHÈLE AUDETTE:** Désolé, vous comprenez le français? L’assermentation des témoins s’il vous plaît? In English, assermentation -- the oath? I don’t -- I don't remember Leanne -- so sorry. By the time I get it in French, sorry. Thank you. Thank you so much.

**MS. KARIN TAYLOR:** So, yes, could you tell us a little about -- about your employment background?

**MS. LEANNE GARDINER:** I’ve been with the Department of Justice, Government of the Northwest Territories since 2004, when I joined Corporate Services as an intern. In 2012 I left the department on an education leave for a couple years. My position at the time was Assistant Director of Corporate Services. I came back to that position after completing a degree in business administration and was fortunate enough to get an opportunity in 2016, to move over into the program area of
the department, into Community Justice and Policing, which
was -- was one that I greatly looked forward to, to taking
-- taking that step.

I’ve been in the Northwest Territories for
close to 38 years at this point. I moved there as a child,
so it’s definitely home.

**MS. KARIN TAYLOR:** Could you tell us a little
bit about your division as a whole that you -- that you
manage?

**MS. LEANNE GARDINER:** My division has six key
areas of responsibility: Victim Services, Restorative
Justice, Crime Prevention, Community Policing, Integrated
Case Management, and Family Violence.

**MS. KARIN TAYLOR:** So I’d just like to
confirm, you’ve just described a fairly broad scope in terms
of your employment role, and I just wanted to note my
understanding that today you’re here to talk specifically
about victim services programming in the NWT and you’re not
in the position to speak about some of the other aspects
that your division covers?

**MS. LEANNE GARDINER:** That’s right.

**MS. KARIN TAYLOR:** So I think it’s important
to cover a little bit about the unique context of the
Northwest Territories as it might affect service delivery.
So if you could tell us some -- something about that context
just as a way of background.

**MS. LEANNE GARDINER:** The Northwest Territories covers a vast geographic area. In that area there are 33 communities with their own unique contexts and challenges, many of which are not on a road system. As far as remoteness goes, they -- many communities are either not on a road system at all or only have partial year access by ice road. Otherwise they’re fly-in community.

The -- in the Northwest Territories Indigenous people make up the majority of the population of the Territory. Wainlaif (ph) there, it’s the traditional territory of Dene, Inuit, Cree and Metis people, and in the whole territory Indigenous people make up about -- just over half, but outside of Yellowknife it’s closer to 75 percent. So when I refer to people we serve, the majority of the people we are serving are Indigenous people.

**MS. KARIN TAYLOR:** Can you give us a brief or a general overview of the victim services model in the NWT?

**MS. LEANNE GARDINER:** The model in the Northwest Territories is a community-based model, so victim services are delivered by community organizations, Indigenous governments, hamlet councils, rather than some models that rely on public servants. So funding is providing from my division to those organizations to provide the service funding and support, sorry.
MS. KARIN TAYLOR: Can you speak a little bit about what types of needs your victim services providers meet?

MS. LEANNE GARDINER: Victim services providers in the territory are a person-centered service, so they really do respond to whatever needs may be presented by victims when they’re referred. It’s a self—victims can self-refer. They can walk into any Victim Services office and ask for assistance. The program is—works independently of the court, the Crown, or police, so a victim does not have to be involved in any of those processes, the criminal justice system, to access those supports. And providers assist with a, you know, a wide variety of—of either referrals or support, so that can be immediate emotional support. It can be a referral to other services. They’re not technically a counselling service that they’re providing, but they are absolutely, quite often, most immediate emotional support for victims. I think that covered it.

MS. KARIN TAYLOR: Could you say how many victim services providers exist in the NWT?

MS. LEANNE GARDINER: Right now, we have eleven victim services providers under agreement with—or funded to eight community organizations, so eight communities with eleven providers.
MS. KARIN TAYLOR: Just to go back to your division and your staff, I’d like to know what staff in your division are responsible for this area, and if you could talk about them and their roles?

MS. LEANNE GARDINER: Okay. I have 15 staff members that report to me in all of those program areas. Three of them have primary responsibility for supporting the victim services program. A manager, an -- a Coordinator of Victim Services, and a CVBR Coordinator, that’s referring to the Canadian Victim Bill of Rights that Mr. Phelps mentioned earlier.

The manager has primary responsibility as the lead for victim related issues in the GNWT. That manager position has been -- well, we’ve had a manager responsible for the program since about 2013. They have -- they are responsible also for the development of standards and polices, and for assisting at times with relationships among stakeholders across the territory.

The next position is the Coordinator of Victim Services. And this position really does have the day-to-day responsibility of supporting victim -- local victim services providers. The position speaks with all of those providers on a weekly basis, I would say. And that support can range from practical support, walking through situations that a provider may not have experienced before,
to assisting with some of the relationships, and as well as
they’re responsible for supporting the Victim Assistance
Committee, which is established through the Victims of Crime
Act in the Northwest Territories. And then the
third --

**MS. KARIN TAYLOR:** Does the Victim Services
Coordinator play a role with training?

**MS. LEANNE GARDINER:** Absolutely. We have
a -- an annual training event that takes place for victim
service providers, typically in our capital city. And
that -- that position is responsible for arranging that
training event, and coordinating it, making sure it happens.

**MS. KARIN TAYLOR:** And your third staff, the
Canadian Victim Bill of Rights Coordinator, could you speak
a bit about that person’s role?

**MS. LEANNE GARDINER:** It -- this is a
federally funded position and was a result of the CVR
-- CVBR, sorry, coming into force in 2015. Their
responsibility is really to ensure the implementation of
CVBR in the Northwest Territories. And that -- that ranges
from providing public education, training, outreach to
stakeholders across the territory, those stakeholders
include police. RCMP, is the police service in the
Northwest Territories. They do outreach and training with
those individuals, they provide that to shelter workers, to
victim services providers, and any other stakeholders that may benefit from understanding the fundamental rights of victims in Canada. They’re also responsible for making sure that testimonial aids, such as witness screens and other aids are available for victims to use during the court process.

**MS. KARIN TAYLOR:** Just to go back, you mentioned in speaking about your Victim Services Coordinator, that they provided some support to the Victims Assistance Committee, and when you were talking about that, you mentioned the *NWT Victims of Crime Act*. Could you just say a bit about that particular piece of legislation and how it impacts your work?

**MS. LEANNE GARDINER:** The *Victims of Crime Act*, establishes a ministerial appointed Victims Assistance Committee. So it’s a committee of three members, appointed by the Minister, responsible for the administration and the disbursements out of the Victims Assistance Fund. So that’s a fund that surcharges for adults who are ordered to pay fines in the Northwest Territories, either federal or territorial fines. Those fines, or the victim surcharge portion of the fines go into a fund and this committee receives proposals, reviews proposals from community organizations, and decides on disbursements. Those disbursements are to be used for public education on
victims’ issues, training opportunities for key stakeholders, and in general, victims’ issues.

The committee is typically made up of representation from across the territory, whenever possible from all regions of our territory. I mention it’s a vast area, and communities and regions are as diverse as the distances between them, so it’s important to have that representation wherever possible.

**MS. KARIN TAYLOR:** Are you able to provide an example of a project that’s been funded through the fund?

**MS. LEANNE GARDINER:** M’hm. There’s been many very impactful projects that the committee has approved funding for over the years, including the very beginnings of some of our programs. I had mentioned eight communities have programs right now. Some of those programs received development and implementation funding from that fund to do the work that they needed to do to start a program. And although they may have flowed into funding from my department to maintain the program, the committee’s involvement was fundamental to the -- to their start.

Some of the other programs that have been funded through there include youth and Elder opportunities for connection in communities. One that has been funded the -- the last four years, actually including this year, is the homicide -- Secondary Victims of Homicide Travel Assistance
Fund. So as we heard in previous testimony, the court in Northwest Territories travels to communities. This sometimes does not -- depending on what the court requires for matters to proceed, sometimes families, if they want to participate in the trial of an individual accused in the homicide of their loved one, they have to travel to do that. And travel can be quite expensive, so this fund is run by one of our community organizations. It’s administered and allows for family members to come and participate in that process.

**MS. KARIN TAYLOR:** Is there other funds available to people who don’t have a project or a training program in mind, but have more immediate needs?

**MS. LEANNE GARDINER:** The Victims of Crime Emergency Fund is a fund that my division is responsible for. It addresses the immediate financial needs of victims of serious violent crimes. So -- and by serious violent crime, we would refer to assaults, sex assault, and any other serious violent crimes where victims have been impacted. Typical expenses that we cover out of that fund are really the immediate safety needs of an individual. So sometimes that includes repairs to doors and windows to make sure that someone’s home can be made safe. The occasional, or medical reimbursement, such as purchasing eye glasses, crime scene clean up at times, whatever -- and quite often,
actually, safety phones are what the fund ultimately funds for people, so that they're able to have that -- that surety that they can reach someone if they're in need.

**MS. KARIN TAYLOR:** How are clients made aware that this fund is available to them when they need to use it?

**MS. LEANNE GARDINER:** We use publications. We have publications for all of our services, but ultimately the best way to get that information to victims is through the victim services providers. They're the community based organizations, they're the community members who know best how to reach people who need the information, so we do send that information out to health centres and RCMP detachments and other community organizations where we know people go, but really we rely on victim services providers to be the experts of how to get that information to people who need it.

And they also -- sorry, those providers are the ones typically assisting victims to fill out just, you know, short paperwork required to kind of administer the fund. Although it's not required, those requests can come directly to us.

**MS. KARIN TAYLOR:** You spoke about one of your staff members, a victim services coordinator, you spoke briefly about some training that was part of their
job in terms of delivering training, and I wondered if you
could speak about GNWT’s role in providing training for
victim services providers in communities?

**MS. LEANNE GARDINER:** So our role is to
support communities in general through this process. So
the training part of that would be the initial, if there's
a new victim services provider. If there's an existing
provider in that community that is able to be there and
provide that kind of training and mentorship for a new
person, then of course that's the best option, and we would
provide whatever support is requested.

Sometimes that's not how it works out, of
course, and the coordinator would then provide various
materials and support typically over the phone initially to
a new victim services provider, just with kind of general
expectations. Some -- some of that around our contribution
agreement that we have, but really just about expectations
for the best way to reach out and make the relationships or
the connections in the community to best support victims,
and then also in connecting providers to other local
service providers. There's a strong network of people
doing this work in the territory, and even though they are
technically employees of various organizations,
they're -- it's a strong network of support among them, so
they contribute to that mentorship and training as well.
And then I referred to an annual training event that happens, and sometimes we're in -- because we're sort of -- justice is also in my division, and many of those folks work together at a community level, we are in a good position to provide training opportunities where we bring everyone in together for common -- common topics that would be helpful to everyone.

When it comes to Victim services, we take our cue from the providers in what kind of training they feel that they need, so quite often it will be a day or so of program administrative type information and assistance, and then -- the most recent, this past March, the training that happened was we brought in the Canadian Centre for Child Abuse, or, sorry, the association, to do child court accompaniment training, so that's a three-day program. And in that particular instance, we also invited the Crown Witness Coordinators to participate with our community victim services providers. It was a great opportunity to kind of build on that relationship, the relationships between them.

And then last year, the topic for training was on critical incident stress management. Some of that was about debriefing and other -- and other topics around that same key training area.

**MS. KARIN TAYLOR:** I'd like to move to the
actual service delivered in communities, and I'm wondering, can you tell us how that service is delivered and what exactly victim services providers offer?

**MS. LEANNE GARDINER:** So local sponsoring organizations, such as Indigenous Government, hamlet councils -- and hamlet councils, submit proposals for funding to our division for the delivery of direct victim services, so the frontline service, as well as public education and outreach events. The victim services coordinator supports this process. It's typically an annual process. For as long as I've been aware of the program, it's been annual. We've just changed that to move to a two-year process so that we can extend the funding commitment and give that additional funding security to programs.

Main services provided to victims -- despite all the different organizations providing the service, the main services being provided are pretty consistent across the territory, and that's -- I referred to before, immediate emotional support, accompaniment to other services, such as health centres, RCMP, the Crown's office. They also provide practical assistance and referrals to things like housing programs and income assistance. Really, when I say person centered, that -- that really is what's happening.
People present with needs that are sometimes linked to the crime that has occurred, and sometimes they're just part of what that individual needs support-wise at that moment, and that's what those victim services providers give.

**MS. KARIN TAYLOR:** What about referrals? How do people get referred to the programs?

**MS. LEANNE GARDINER:** So people can self-refer, as I mentioned before, and we also have an MOU with the RCMP in “G” Division for referrals, to make sure we do our best to connect victims at the moment where it becomes obvious that that support could be helpful.

**MS. KARIN TAYLOR:** Okay. So in terms of the MOU, this is one of the documents I'd like to refer to, so I have a copy for Ms. Gardiner here, and it's in our materials and, confusingly, it's marked as Leanne Gardiner EX07, so it was originally called Exhibit 7, but -- it's our first exhibit. Leanne, are you familiar with this?

**CHIEF COMMISSIONER MARION BULLER:** For our records, it's Memorandum of Understanding between RCMP -- RCMP “G” Division and Government -- yeah, Government of the Northwest Territories Department of Justice on Behalf of Victim services Programs of the Northwest Territories.

**MS. KARIN TAYLOR:** That's right, and we're
seeking to enter that as an exhibit.

**CHIEF COMMISSIONER MARION BULLER:** That's Exhibit 5.

**MS. KARIN TAYLOR:** Thank you.

--- **EXHIBIT NO. 5:**

Memorandum of Understanding Between Royal Canadian Mounted Police “G” Division and Government of the Northwest Territories on behalf of Victim Services Programs of the Northwest Territories, signature date 2018-10-03, (four pages)

**MS. KARIN TAYLOR:** So, Ms. Gardiner, you mentioned this document just now speaking about referrals, could you just describe what it is and why it was created?

**MS. LEANNE GARDINER:** So as I mentioned, this is a memorandum of understanding between the RCMP and our department, really to formalize the process in terms of referring to victim services, I see it. So this particular MOU was executed in 2008 and formalizes that RCMP will refer victims to victim services, and some of the kind of standards around that referral, as well as our responsibilities when it comes to monitoring the implementation of the protocol.

So what I -- I would have seen this as
a -- or I see this as a way to formalize something that is happening and should be happening, and this allows that formalization to not depend on individuals that are involved, of course. And given the nature of people moving in and out of the positions, the MOU is a good tool for that.

**MS. KARIN TAYLOR:** Is there any formalized way that you monitor referrals from the RCMP, or how this MOU is working?

**MS. LEANNE GARDINER:** At this time, we had some challenges around -- around statistics. There is -- the RCMP keep those referrals and we have some statistics, some ugly statistics, that our victim services providers have. It -- it remains an area, I think, that is a challenge to keep track of, but there is -- there is some of that done at the RCMP level.

**MS. KARIN TAYLOR:** So returning to the providing of the service, you mentioned previously there are eight sponsoring organizations and 11 service providers. Could you talk about what those eight sponsoring organizations -- where they are and -- and how that actually looks?

**MS. LEANNE GARDINER:** The eight programs are in Fort Smith, Fort Simpson, Fort Good Hope, Tulita, Behchokǫ̀, and Yellowknife, Kátł’odeeche, and Inuvik. There
are two providers in each Kátł’odeeche, which is Hay River Reserve, Inuvik, and Yellowknife, and those additional providers are intended to dedicate themselves to outreach to surrounding communities, although all of those service providers provide service to other communities.

**MS. KARIN TAYLOR:** So what happens when there’s no service provider resident in a community?

**MS. LEANNE GARDINER:** Victims will be connected through -- quite often through the RCMP to the nearest victim services provider, often by phone. What happens in -- in remote communities, often, is if the victim requires other services, those may also be located in another community, so our victim services providers go to great efforts to connect with victims when -- when -- in person whenever possible, but also provide a lot of service by phone.

**MS. KARIN TAYLOR:** How do services provided in each community differ based on the individual community?

**MS. LEANNE GARDINER:** As I mentioned before, the main, kind of standard core services provided remain pretty consistent, but as far as the lens in -- under which that service is provided, I would say that that differs from one community to the next because it’s unique to the community that that provider is a member of. That will be informed by all manner of factors when it comes to -- it
would -- being informed by culture, by remoteness, by dynamics in the community.

So the services and the lens that they’re provided within, I think, differ, and then where we really see the uniqueness comes in the public engagement. The -- the ways in which that provider decides to engage community members in awareness activities about victims’ issues such as family violence, sexualized violence, consent, really do differ. They’re really quite unique to each community. Where in one community, sharing circles may be the -- may be the way people tell stories and share their stories, in other communities, that is not necessarily the -- the approach that works for people in that community, so we find that’s -- that’s where so much of the value comes from having local service providers.

And I would say language quite often plays a role in that. We have our victim services providers. Many of them speak at least one local Indigenous language, sometimes more. We have a few that speak more than one. And although there are other interpretation options for -- whether it’s family members or other local interpreters, it’s certainly -- we do have feedback that that’s, you know, receiving that service in someone’s first language makes a difference in terms of reaching them.

**MS. KARIN TAYLOR:** Do victim services
providers help with things such as safety planning?

**MS. LEANNE GARDINER:** Yes. They’re -- one of
-- I would say one of the main activities they -- they do
with victims that come to them for support is safety
planning. Safety planning will address really making
deliberate actions or plans to address their own safety when
it comes to either safety during -- during a violent
situation, safety at work, safety at home, and safety
especially if there’s an intention to leave an unsafe
situation, so those -- those providers then, quite a bit of
time, really talking through those scenarios with people
they’re supporting to come up with a most relevant tool for
that individual victim. Everybody’s situations are unique,
even if there are commonalities that we find in -- in the
types of things happening. Of course, each victim has their
own unique needs that are addressed in that way.

**MS. KARIN TAYLOR:** How does the remoteness of
the communities impact safety planning?

**MS. LEANNE GARDINER:** Victim services
providers are -- I think they get creative with -- with
their clients when it comes to -- to that planning. There’s
-- they’re aware of the programs available through various
service providers because, I think, as we know, some of
those services come from different -- different -- either
areas of government or -- or non-government organizations.
They’re experts in their communities about how to get things done in a variety of ways, including with safety planning, so they get creative in -- in that. They know their communities best and they know how to -- how to best access resources available.

**MS. KARIN TAYLOR:** How do emergency protection orders fit into the mix?

**MS. LEANNE GARDINER:** So emergency protection orders are short-term orders provided under the Northwest Territories legislation called the Protection Against Family Violence Act. An EPO, which -- emergency protection order, is one of the orders that can be made under that Act. There’s another, longer-term order called a protection order, and it’s -- we see it as a tool, as part of someone’s safety plan.

And in my office, we have two main responsibilities when it comes to that Act. One is outreach and education, training for shelter workers, victim services providers, RCMP, any stakeholders that need to know, need to understand that Act, need to understand how victims might be able to use tools available through that Act to help in their safety. And we also have a contribution agreement with a non-government organization to act as a 24-hour access, or to provide 24-hour access to the ability to apply for an order. They’re immediate orders that can -- a
Justice of the Peace can hear a hearing over the phone.

**MS. KARIN TAYLOR:** So what’s the role of the designate there?

**MS. LEANNE GARDINER:** The designate would help with the documentation. They’d help complete the documentation to the point that a Justice of the Peace could receive it and then facilitate that. So quite often, that’ll -- that will also include a victim services provider with the victim and the designate working together to support that process.

**MS. KARIN TAYLOR:** We heard a little bit about the court process in relation to the Crown Witness Coordinators and their role. How do victim services providers help with court orientation or court processes?

**MS. LEANNE GARDINER:** I -- I think it’s a similar role when it comes to orientation. Some people -- many people have never come into contact with the formal court process before, and it can -- that just can -- it does -- it is a difficult process to be involved in, and I think as much information as people can give, and that’s about what’s going to happen, can help ease someone’s experience there. So our victim services providers provide that right from the very beginning of their connection and their building a -- a relationship of trust with someone from the beginning of their connection to the victim.
So they provide that. They also, more formally, provide assistance with completing victim impact statements. That’s something that they’ve been doing for -- it predates when the CVBR was enforced. They assist victims to complete that process if they wish to have to submit it to the Court. And it’s -- it can be a complicated process for victims because the Court, of course, requires that statement to only refer to the matter before the Court, and people -- people don’t necessarily show up with all of those -- those kind of walls around that one incident. So it takes some works sometimes, to talk through that and to really allow a victim to get forward their experience and how they’ve been impacted by that crime.

**MS. KARIN TAYLOR:** What about emotional support and referrals to other service providers?

**MS. LEANNE GARDINER:** Victim services providers -- local victim services providers are often -- I would refer to them as first responders when it comes to emotional support for victims. They assist -- or they accompany victims sometimes to hospitals, to health centres, to RCMP detachments, and although, you know, they have varying levels of formal training in this regard, they’re often walking through these situations with -- with victims. And I would say that sums it up.

We -- we do our best to support -- support
them in that way as well through compassion fatigue
training, wherever we can in support in that, as well as
some other more formal -- more formal supports. The reality
is, is that there -- you know, they have a compounding
impact from their experiences with people in their own
communities as well.

**MS. KARIN TAYLOR:** After hours calls and 24-
hour coverage, how is this dealt with by the services
providers in the territory?

**MS. LEANNE GARDINER:** This varies by -- most
often by size of the community. So some communities have
formal volunteer programs that volunteers will take those
calls from when a full-time victim services provider is off
until they start the next day. So that would be in larger
centres, and they either fund those efforts, the training
efforts for volunteers because it requires some training, of
course; through their program that we fund directly, if
there’s room, or they go to the Victim Assistance Committee
that I mentioned, for funding that way.

Other -- in other smaller communities the
victim services providers will ultimately be on call, and
that can -- they have varying levels of frequency that that
would happen, that they’re called out, but they have those
relationships with RCMP and with other service providers in
the community and -- and establish what the process is per
MS. KARIN TAYLOR: Challenges. What are some of the challenges and gaps you see with how the program is delivered in your jurisdiction?

MS. LEANNE GARDINER: I think one of the most impactful challenges is around building relationships, having relationships based on trust. And the service provision to victims is best delivered when all of the stakeholders are communicating well, and especially given the small community, the reality that we have in our community one -- maybe one victim services provider and two or three RCMP officers, whenever there’s any turnover in any of those positions, that impacts that relationship. And depending on the individuals involved, it can have a significant impact or it can -- or it can be mitigated, but everybody shows up to that table with a different set of experiences, different relationship. Previously with either victim services or RCMP, there -- sometimes RCMP come from other jurisdictions that have different models. It’s -- at some points it has to start from scratch. So -- and informal documentation is good for no need to refer to when I want to remind all of us what we should be doing to support people, but the reality is, is that that has to happen at a relationship level, and any disruption can -- can impact that service.
I think that people do a really good job, whether it some police in our communities or the victim services providers in reaching out and making those relationships work, but there’s varying -- I mean, it will vary based on the individuals involved in the communities.

**MS. KARIN TAYLOR:** Are there -- are there challenges beyond that? I mean, you’ve already mentioned geographic expense and -- and remoteness. How does that challenge your service providers?

**MS. LEANNE GARDINER:** The reality is, is that we don’t -- we don’t have victim services providers in every single community in person ready to support someone. And crime and victimization happens in every single community. I think that there -- the providers in our program have supported the development of some -- some approaches to that when it comes to using phone and other technology. As -- as northerners are apt to do, we -- they’re -- you adjust to the -- to the circumstances and the context that you’re in, but that can absolutely impact the ability to respond in a -- in a timely fashion.

We have people in, you know, the places that have the most activity, but it can be a challenge to -- to meet that need on occasion, and every time something happens, where we find that it didn’t go as well as we’d hoped, whether that’s “we” being my division or our partners
in communities, there’s an effort to take that apart and see where we might have been able to do better, and we continue to -- to look for ways to improve it, but it’s absolutely a challenge.

And I -- finally, the -- I mentioned before that compounding impact on our providers. I think the -- the very thing that makes this model so relevant for serving these small communities, also means that we have service providers who are impacted by these, by crime and tragedy and victimization in their own communities at the same time. So often they will -- and I can say from hearing from them, that they feel best placed to respond in their communities quite often to these tragedies, but that has a compounding effect on them as well, and they have often come to these positions already being the leaders, and the -- the care providers in their community.

So those can sometimes be challenging dynamics, and -- and we can -- we assist and -- and the program works well in terms of if there’s, you know, obvious -- obvious conflicts that need to be addressed, a service provider from another community will -- will provide that service, and that’s whether a victim indicates there is a conflict or a service provider or anyone else. It’s about providing that person’s centre of service. But I think that it -- just like many caring professions, it weighs on -- on
people, but I think this context magnifies that.

**MS. KARIN TAYLOR:** I just want to go back one step to talk more about how -- how technology is used to overcome some of those barriers around not having someone specifically present in the same place as a victim who needs support.

**MS. LEANNE GARDINER:** So historically or in recent years, telephone has been the, kind of, technology to depend on to provide that service. If -- if we’re not able, if someone’s not able to be there in person, there are some challenges as far as internet service, so we’re certainly looking. We’ve been looking, we continue to look at some of those other solutions whether it’s to have someone teleconference or whatever platform you choose to do to have kind of a face to face experience. That is -- no matter what that solution looks like, it’s likely not to be the same in each community because access to consistent internet service with bandwidth available to that kind of varies or varies based on the weather impacting, et cetera. So we’re constantly finding ways to do that. It's also not always the most comfortable technology for people to use if we think about the situations that they're finding themselves in, so that -- I mean, I think what we will do is our best to provide it as an option for people to take advantage of if it's the right fit for them.
MS. KARIN TAYLOR: Okay. I'd like to look at our second document, it's labeled in our materials as Leanne Gardiner EX06, it's called -- it starts with Northwest Territories Victim Services Program 2016-2017. So there's a copy for Ms. Gardiner here. I'd just like to refer to this document and hoping to enter it as an exhibit.

CHIEF COMMISSIONER MARION BULLER: Could I have the title again, please?

MS. KARIN TAYLOR: Pardon me?

CHIEF COMMISSIONER MARION BULLER: The title of the document?


CHIEF COMMISSIONER MARION BULLER: Okay. Northwest Territories Victim Services Program 2016-2017, Federal project number 8396493, entitled a Framework for Enhancing Victim Services in the NWT, 2016-2021, is exhibit number 6, please.

MS. KARIN TAYLOR: Thank you.

--- EXHIBIT NO. 6:

Northwest Territories Victim Services Program, “A Framework for Enhancing Victim Services in the
NWT: 2016-2021 - Interim report
for the period April 1, 2016 -
March 31, 2017," Federal project #
8396493, dated June 15, 2015, (12
pages)

**MS. KARIN TAYLOR:** So, Ms. Gardiner, are you familiar with this report?

**MS. LEANNE GARDINER:** Yes, this is the final report that we provide, the program report, to Justice Canada for the funding they provide to enhance our victim services program, and provides a summary of the activities within the program.

**MS. KARIN TAYLOR:** Do you know who drafted this?

**MS. LEANNE GARDINER:** My staff did. So the coordinator of victim services with a review by the manager.

**MS. KARIN TAYLOR:** I just wanted to highlight a couple of items in the report that I think may be useful. One is at the top of page 2, there is a discussion on the official languages of the NWT. It notes that there's 11 official languages in the territory. I wondered, I know you spoke a little bit about this, but you really just touched on it. How does your programming account for this broad diversity in language and how do
victim services providers try to tackle that?

**MS. LEANNE GARDINER:** As I mentioned, so the Northwest Territories has 11 official languages, nine of which are Indigenous languages. Having a community based program gives an opportunity for that organization to choose someone to deliver that service who speaks the local language. In cases where we have victims where there isn't someone that speaks their -- either their -- if they're uni-lingual or if they're more comfortable in another language, there are other kind of approaches that the providers take, and that's taking advantage of community members or family members of the -- of the person, the client, that needs service.

We also, because we do serve a wide range of victims when there is -- so there are non-Indigenous languages that people need assistance with as well, whether that's French or other languages, there's, like, a telephone based service where there can be translation or interpretation provided that way as well. For Indigenous languages, though, they mostly rely on community members.

**MS. KARIN TAYLOR:** If you could just flip to page 7 of the report. Now, on this page, it gives some interesting examples of outreach efforts on the part of victim services providers, and you did speak a little bit about this, but I wondered if you could highlight some of
the creative solutions that providers have come up with in regards to outreach in their communities?

**MS. LEANNE GARDINER:** M'hm. Local providers of the service are really well placed to judge the best way to outreach and to provide that outreach in their communities about victims' related issues. I mentioned that previously issues like family violence and sexualized violence are difficult for most people to speak about, and in smaller communities it becomes at times even more difficult to tackle. They find really creative ways to get information about healthy relationships, about self-care, for example, to community members, and some of those, there's been some radio shows in Indigenous language that victim services providers have done, usually with some kind of prize available for people who call in and share their stories, and always that prize being really relevant to that community, all the way to drumming circles, to community feasts to celebrate changes, changes in seasons, but also take advantage of those opportunities of having the community together to make sure it's clear what services that they can provide.

Sometimes too, to provide proactive support to victims of domestic violence, for example, can be a challenge in a small community where there are varying levels of appreciation for that. The dynamics of those
relationships, and the providers, like I said, find creative ways to do that outreach to women, primarily, to make sure they're creating safe spaces that they can come and share those stories, and that can -- that looks like a variety of things, from sewing circles to -- yeah, any manner of different approaches.

**MS. KARIN TAYLOR:** Okay. I'll turn you to page 9 and this is just an opportunity to review some of the statistics that we do have on the programming, so you will see there's a bit of a table there and it continues on to the next page, that's a bit of a summary of services?

**MS. LEANNE GARDINER:** M'hm.

**MS. KARIN TAYLOR:** So could you give us some context here about how these statistics are collected and where they come from?

**MS. LEANNE GARDINER:** Sure. The victim services providers provide monthly reporting. It's de-identified reporting, so we don't receive detailed statistics or information on clients, what we receive is information about what kind of services that they are looking for.

You will see brief service contacts, that is literally what it is, so someone making a call asking for assistance, stopping in needing something, quite brief. That would not include court accompaniment or anything kind
of longer term. It might include one brief referral somewhere else.

Then new clients, so in 2016/17 it was 595 new clients. And then you will see continuing cases, so that's clients requiring support from previous to this fiscal year.

Then there's a list of services that you will see, and that's a variety of services that the providers are offering, as well as some summary information about where they're referring victims to, other agencies that they're referring.

MS. KARIN TAYLOR: Page 11, there's three charts on that page. When you look at that breakdown, how would -- how would you describe sort of the client base for victim services when you look at that?

MS. LEANNE GARDINER: The vast majority of victims that are being provided service through these programs are female and Indigenous. It's also, you will note, that the majority of people being served by the program in the territory are Dene, with other groups showing the cross section of people being served by the programs.

You will see the type of offence, violent and sex offences and partner abuse make -- make up the vast majority of services or experiences of victims that are
accessing the local -- pardon me, the local program.

**MS. KARIN TAYLOR:** Are these statistics also
driven by the monthly reporting? That's the basis for this
as well?

**MS. LEANNE GARDINER:** It is. I should
mention, some of the challenges that we have having a
community-based program rather than an incident police-based
service. The way we collect statistics isn’t in line with
uniform crime reporting, so it’s -- it’s not based on -- you
can’t easily compare all the time to other jurisdictions.
So when it’s not based on which charges are being laid
because it’s independent of that process, so sometimes it
can be a challenge to compare across although, we, for many
years, have been keeping the same stats. It can be a
challenge too when you’re looking at the standardized
approaches.

**MS. KARIN TAYLOR:** My final question for you
is, do you think this is -- the model employed in the NWT is
a good one and why? Or why not?

**MS. LEANNE GARDINER:** I do. I think it’s not
without its challenges. We -- we’ve spent some time talking
about that today, but this is about putting the agency and
-- and giving communities the autonomy to provide this
service in the most appropriate, relevant for their
community. So like I said, there -- there are definitely
challenges, but it’s important that we give that or that we make that a possibility that communities are able to address these justice -- justice issues and other issues at a community level and the way that most makes sense for the people that they’re serving.

MS. KARIN TAYLOR: Okay, thank you. Those are all my questions for Ms. Gardiner in direct examination.

MS. LEANNE GARDINER: Thank you for the opportunity to be here.

MS. MEREDITH PORTER: Chief Commissioner, I’m going to -- at this point in time, I’m going to request a brief break. Commission Council would -- well, for two reasons, Commission Council would appreciate a quick opportunity to confer with council for the witness. And I would also request that the examination of this witness not be completed until I’ve had an opportunity to confer with her council.

CHIEF COMMISSIONER MARION BULLER: Okay. You’re just requesting a short break, or ... MS. MEREDITH PORTER: Just a short break.

CHIEF COMMISSIONER MARION BULLER: Sure. Five minutes.

MS. MEREDITH PORTER: Okay. And as we go off to a break, I did just want to remind the parties of Rule 48 of our procedures prevents any individuals speaking about
anything to the witnesses in relation to the evidence that
they are presently giving. So I’d appreciate it if you’d
familiarize yourself with that rule and not speak to any of
the witnesses while we are on a break.
--- Upon recessing at 11:55 a.m.
--- Upon reconvened at 12:13 p.m.

MS. MEREDITH PORTER: Thank you. Thank you so much for that break. After having an opportunity to
speak with counsel for the witness, on consent, we were able
to address an issue of the exhibits. And I believe that
counsel for the witness has several exhibits that she would
like to put to the witness, and potentially have entered
into the record. And I’ll -- I’ll let her speak to that at
this point. Thank you.

MS. KARIN TAYLOR: So there’s some additional
documents we’d like to submit as exhibits, as just
mentioned. I’ll just go through them with the witness, and
ask they be entered individually.

The first is, a -- a form related to victim
impact statements and information for victims. And in our
materials it was described as -- sorry, I’m just looking,
EX08. So Ms. Gardiner, if you could just identify that
document and -- and provide a brief context on what it is
and how it’s used.

MS. LEANNE GARDINER: This is the Victim
Impact Statement Form that victims use when they want to provide a description of the physical or emotional harm, property damage, or economic loss they’ve suffered as a result of an offence. So it has some information for victims and then a form that they would fill out to submit to the court.

MS. KARIN TAYLOR: So we’d ask that that be entered as an exhibit.

MS. MEREDITH PORTER: Okay. The Victim Impact Statement Form will be Exhibit 7.

--- EXHIBIT NO. 7:

Victim Impact Statement (Form 34.2), Northwest Territories Department of Justice, Community Justice and Policing - Victim Services, (five pages)

MS. KARIN TAYLOR: There’s an additional document entitled, “Community Impact Statement.” In our materials it’s described as Leanne Gardiner, EX09.

MS. MEREDITH PORTER: The Community -- go ahead, sorry.

MS. KARIN TAYLOR: Leanne, could you just describe the document to us and what it’s purpose is?

MS. LEANNE GARDINER: This is a Community Impact Statement, similar to the victim impact statement. It’s a -- a form with some general information. And it may
be used for a -- a community to provide a description of physical or emotional harm, property damage, or economic loss suffered by the community as a result of an offence. It has some information, general information, and then is the actual form that community members would fill out to submit to the court.

**MS. KARIN TAYLOR:** We’d ask that that particular document be entered as an exhibit, please.

**MS. MEREDITH PORTER:** Exhibit 8, please.

--- **EXHIBIT NO. 8:**

Community Impact Statement (Form 34.3), Northwest Territories Department of Justice, Community Justice and Policing - Victim Services, (five pages)

**MS. KARIN TAYLOR:** There’s a further form entitled, “Statement on Restitution.” And, I believe, in our materials it’s located at EX12. If you could review that document and provide a brief synopsis.

**MS. LEANNE GARDINER:** This is a statement on restitution. It’s a form used for victims to provide a description of financial losses and damages suffered as a result of the commission of an offence. It’s some information, some general information, for victims about how -- what information to include as well as a form to fill out to submit to the court.
MS. KARIN TAYLOR: We’d ask that this
document be submitted as an exhibit, please.

MS. MEREDITH PORTER: Statement of
Restitution, sorry, Statement on Restitution, I believe is
the proper name, will be Exhibit 9, please.

--- EXHIBIT NO. 9:

Statement on Restitution (Form 34.1),
Northwest Territories Department of
Justice, Community Justice and Policing
- Victim Services, (three pages)

MS. KARIN TAYLOR: Thank you. An additional
document we would like to refer to, in our materials, it’s
referenced as EX10. It’s entitled, “Victims Assistance
Committee Victims Assistance Fund Application Guidelines.”
Ms. Gardiner, could you -- are you familiar with that
document?

MS. LEANNE GARDINER: Yes. This is -- these
are the application guidelines for -- that we use to provide
information to the public. And -- and really more
specifically to community organizations when they want to
develop proposals, funding proposals, for the consideration
of the Victims Assistance Committee of the Northwest
Territories. And that’s the committee appointed by the
Minister of Justice under the NWT Victims of Crime Act.

MS. KARIN TAYLOR: And we’d ask that this
document related to the Victims Assistance Committee be
submitted as an exhibit, please.

MS. MEREDITH PORTER: Yes. Victims
Assistance Committee of the Northwest Territories Victims
Assistance Fund Application Guidelines is Exhibit 10,
please.

--- EXHIBIT NO. 10:

Victims Assistance Fund Application
Guidelines (approved June 2000), Victims
Assistance Committee (VAC) of the
Northwest Territories, (five pages)

MS. KARIN TAYLOR: Also, in the materials
that we had brought in advance to the Commission and the
parties with standing, there were some pamphlets related to
the work of our victim services division in the NWT. I’ll
say, in general, I just want to invite any of the parties
with standing to ask questions about those pamphlets if they
have them as -- as everybody with standing has had an
opportunity to review those already. There’s two that I
will specifically ask be entered as exhibits. The first is
entitled, “Staying Safe.” And in our materials submitted,
it’s referenced as EX03. And I’ll just ask Ms. Gardiner to
review and provide a -- a brief -- brief synopsis of its
contents.

MS. LEANNE GARDINER: This is a publication
that our department developed, and produces, and distributes across the Northwest Territories, primarily through our community-based programs. It’s called, “Staying Safe.” It has some practical advice for victims, as far as their safety’s concerned, including a form outline for a safety plan.

MS. KARIN TAYLOR: So we would ask if this particular document, this Staying Safe booklet be entered as an exhibit.

MS. MEREDITH PORTER: Yes. The document, Staying Safe is Exhibit 11.

--- EXHIBIT NO. 11:

“Staying Safe” booklet (April 2017),
Government of the Northwest Territories,
(27 pages)

MS. KARIN TAYLOR: And finally, we’d like to reference document -- it’s a pamphlet, in pamphlet form, NWT Victim Services. It is in our materials as EX04. Ms. Gardiner, if you could just review that and -- and tell us a bit about what it is.

MS. LEANNE GARDINER: This is a general information pamphlet about Victim Services, about the program in the Northwest Territories. Touches on who provides victim services, who can ask for it, the cost, et cetera. And is part of our -- our suite of publication
information for distribution across the territory.

MS. KARIN TAYLOR: And, I believe, that
covers it in terms of additional documents. Could that
please be submitted as an exhibit?

MS. MEREDITH PORTER: Yes. The brochure, NWT
Victim Services will be Exhibit 12.

--- EXHIBIT NO. 12:

“NWT Victim Services” pamphlet (April
2017), Government of Northwest
Territories, (one page)

MS. KARIN TAYLOR: Thank you. Subject to any
questions, that would conclude our direct examination.

MS. MEREDITH PORTER: Okay. So at this time
I will ask if any of the Commissioners do have any questions
for the witness that they’d like to ask at this time?

CHIEF COMMISSIONER MARION BULLER: I’m going
to defer cross-examination to the end.

MS. MEREDITH PORTER: Thank you.

COMMISSIONER MICHÈLE AUDETTE: Merci
beaucoup, Me Porter. Pour ma part, je vais attendre que
toutes les parties intéressées fassent leurs examen avec les
témoins, merci.

COMMISSIONER QAJAQ ROBINSON: Yes.

MS. KARIN TAYLOR: Okay.

QUESTIONS BY THE COMMISSIONERS:
COMMISSIONER QAJAQ ROBINSON: I do. Just a few contextual questions that I’m -- I think, at this point, are important, and clarification questions, otherwise, I -- I also reserve, and will have more questions following cross-examination. With regards to the Public Prosecution Services of Canada and the CWC Program, I’d like to have a better idea of -- for -- for all of us, geographically where are these offices and these employees located in the three territories?

MR. JOHN PHELPS: Yes. Thank you for -- is this on?

COMMISSIONER QAJAQ ROBINSON: I don’t think so.

MR. JOHN PHELPS: Okay? Thank you, and thank you for the question. The Public Prosecution Service of Canada offices in each territory are in the capital cities. The only exception to that being is that there is a sub office of the Nunavut Regional Office that is in Yellowknife that assists with the ability to service Western Nunavut, so in that sub office there -- I believe there are two prosecutors and one Crown Witness Coordinator, the rest would be in Iqaluit.

COMMISSIONER QAJAQ ROBINSON: Okay, and all the staff are located in those hubs and work from those hubs?
MR. JOHN PHELPS: That's correct, yes.

COMMISSIONER QAJAQ ROBINSON: Thank you.

Ms. Gardiner, I'm trying to understand the funding process for the victim services programs, and I just want to make sure I have this clear in my head. In terms of the victim service providers, the front line, they are funded through project based funding agreements that are -- have a two-year term; is that correct?

MS. LEANNE GARDINER: Thank you, Commissioner, for your question. Right now, they're, as in the agreements that organizations are entering into for this fiscal year and next, is the first year that we have gone into a two-year contribution agreement for frontline delivery of victim services and outreach, so we receive a proposal from the sponsoring organization and then it leads eventually to a contribution agreement. If that answers your question?

COMMISSIONER QAJAQ ROBINSON: It does. In terms of the types of activities or how these organizations can use their funds, is the list in Exhibit -- I didn't mark it, the Victim's Assistance Committee Assistant Fund Application Guideline? It's Exhibit 10 in your material, the Victim's Assistance Committee Victim Assistance Application Guidelines, and I believe it's at page -- this is my first time working off a tablet, I'm a paper person,
so it's hard to tab and mark in the margins on a computer. I think it's at page 2 of the document that talks about the funds. So they can be used for training, directed services, public awareness and research, is that all they can use the funds for, or can they use it for staffing, space, other types of -- I guess core funding versus project funding?

**MS. LEANNE GARDINER:** Thank you, Commissioner. If I can clarify, we are talking about two different funding streams.

**COMMISSIONER QAJAQ ROBINSON:** Okay.

**MS. LEANNE GARDINER:** There's a core services funding stream which are the contribution agreements that I'm referring to about that core service delivery, so that's the funding to pay victim service providers as employees of those sponsoring organizations, and includes -- their work plans include some outreach activities, activities around family violence awareness week, those kinds of things, as well as frontline service provision. In a separate -- so that's using funding appropriated through the Government of the Northwest Territories business planning processes, as well as taking advantage of other funding sources through the Federal Government, but that's where that funding comes from.

And then the document that you referred to
in your question relating to the Victim Assistance Committee, Victim Assistance Fund Application Guidelines, that is a separate funding stream where those -- I had mentioned earlier, the victim's fine surcharges --

**COMMISSIONER QAQAQ ROBINSON:** Okay.

**MS. LEANNE GARDINER:** -- that adult offenders pay, territorial and federal, goes into a special purpose fund and this committee appointed by the Minister of Justice considers proposals in those categories that you mentioned, and then recommends to the Minister disbursements from the fund.

**COMMISSIONER QAQAQ ROBINSON:** Okay.

**MS. LEANNE GARDINER:** Does that clarify --

**COMMISSIONER QAQAQ ROBINSON:** No, that does answer my question because I wasn't sure if the -- the -- where the money came from for those frontline programs, so that does clarify that a lot. So those are one-time projects for the victim's assistance fund, it's not the same contribution agreement formula that's used for the programs?

**MS. LEANNE GARDINER:** Yes, that's correct.

**COMMISSIONER QAQAQ ROBINSON:** All right.

**MS. LEANNE GARDINER:** Although, some of those programs have been approved several years in a row, like the families of homicide victim's project that I
mentioned, that was funded, it was recommended by the Victim's Assistance Committee and has been funded three years in a row.

COMMISSIONER QAJAQ ROBINSON: Okay. Do you have and are you able to provide us with the overall budgets and funding that you have available to you in your department for victim services and the territory in general?

MS. LEANNE GARDINER: The overall budget, including -- including funding provided from Justice Canada, is about $1.6 million.

COMMISSIONER QAJAQ ROBINSON: And that includes GNWT funds, the Fed funds and the victim surcharge money?

MS. LEANNE GARDINER: It -- that includes GNWT appropriated funding, which would include funding received from the Federal Government, that is separate from the Victim Assistance Committee. I can tell you that the balance of that special purpose fund varies based on the fines or the surcharges that are received, but they do disburse about $100,000 a year, and their reports are public and tabled in our legislative assembly as well, so the details of those are available there, but it's about $100,000 a year.

COMMISSIONER QAJAQ ROBINSON: Okay, thank
you. Those are all my questions at this stage.

**MS. LEANNE GARDINER:** Thank you.

**COMMISSIONER BRIAN EYOLFSON:** Thank you, I'll wait until after cross-examination.

**MS. MEREDITH PORTER:** Okay, thank you very much. Chief Commissioner and Commissioners, it is now 12:30, and I would suggest that we take a break and reconvene on abbreviated lunch break, so we can regain some of the time that we've lost this morning. So if that is agreeable to all of you, I will make that request and suggest that we adjourn for a lunch break at this point.

**CHIEF COMMISSIONER MARION BULLER:** Yes, we will stop for lunch and we will re-start at one o'clock, please.

**MS. MEREDITH PORTER:** Before the parties step out, I would like to suggest if you have not had an opportunity yet to speak with commission counsel, I would suggest that you do this at this point, (indiscernible) and Thomas, with respect to the order for cross-examination that will begin later on this afternoon.

**MR. JASON GOODSTRIKER:** Thank you, Michèle. Oops, it was this one. Okay, so we're going to have our lunch break. And thank you again for your questions and answers. Thank you to the Commission. And you people sitting in the back, after lunch, let's hope you say
anything. You remind me of lawyers I used to hire, so they
don't talk, but they're real expensive. No, just kidding.

Okay, so again we will have a quick lunch
break and we will reconvene as the instructions from our
counsel. We do have a presentation in the afternoon on the
Queen's Council from Saskatchewan, so we will try and give
some time for that as we follow the agenda. All right, so
enjoy the food from Calgary, it's real Alberta beef.

--- Upon recessing at 12:31 p.m.

--- Upon reconvening at 1:10 p.m.

**MS. MEREDITH PORTER:** Before we get started,
I do want to remind parties with standing that numbers for
cross-examination are closing, so I believe there are still
a few parties that have not pulled a number. If they could
tend to that sooner rather than later that would be
appreciated, because it will be closing.

**MR. JASON GOODSTRIKER:** Thank you. We're
going to begin right away. This is some of my favourite
people in the world, Saskatchewanites.

**(LAUGHTER)**

**MR. JASON GOODSTRIKER:** So anyways, I say
that in a joke because I'm the only Albertan that lived in
Saskatchewan for eight years, I think I told you that. I
went to school there for a whole bunch of years, but I'm
glad that our sisters are here. And just to prove the
point, you should watch the next Stampeders’ home game
there’s more green in the stands than there are red. So
again, thank you, and I’ll let them introduce themselves and
we’ll continue on from the break.

**MS. MEREDITH PORTER:** Thank you very much.

Good afternoon, Commissioner and Commissioners. We are
going to hear now from two more witnesses. We -- they were
briefly introduced this morning. I did speak a little bit
to what they were going to be sharing today. I will
introduce now that they are sitting with me at the table.

I will introduce Betty Ann Pottruff, and she
is the Advisor to the Assistant Deputy Minister of
Innovation in Saskatchewan -- the Government of
Saskatchewan. And we also have Naomi Giff-MACKINNON, who is
the Senior Policy Analyst at the Policy Centre for Victim
Issues. Sitting with Naomi is her counsel, Anne McConville,
and sitting with Betty Ann is her counsel, Barbara Mysko.

So at this point I will ask that the -- both
witnesses prefer to be affirmed in.

**NAOMI GIFF-MACKINNON, Affirmed:**

**BETTY ANN POTTRUFF, Affirmed:**

**MS. MEREDITH PORTER:** Thank you. So, Ms.
McConville, I will ask you to proceed with the witness.

**MS. ANNE MCCONVILLE:** Thank you, Commission
Council. Good afternoon, Chief Commissioner, Commissioners.
Before we start, you should have a book of documents for Ms. Giff-MacKinnon’s evidence. As before, it is put together for ease of reference. All the documents have been provided to parties withstanding in advance, and we will be introducing or asking that some be made exhibits, but we’ll do that individually.

EXAMINATION-IN-CHIEF BY MS. MCCONVILLE:

MS. ANNE MCCONVILLE: Ms. Giff-MacKinnon, you’re the Senior Policy Analyst with the Policy Centre for Victims Issues at the Department of Justice Canada?

MS. NAOMI GIFF-MACKINNON: Yes.

MS. ANNE MCCONVILLE: And as Commission Counsel said this morning, you’re here today to give evidence specifically about the Family Information and Liaison Unit initiative; is that correct?

MS. NAOMI GIFF-MACKINNON: Correct.

MS. ANNE MCCONVILLE: So if we could turn, then, to tab 1 of your document book. And this document is entitled “Biography”; is this your biography?

MS. NAOMI GIFF-MACKINNON: Yes, it is.

MS. ANNE MCCONVILLE: Does it set out your professional experience with the Department of Justice Canada?

MS. NAOMI GIFF-MACKINNON: Yes, it does.

MS. ANNE MCCONVILLE: And can you please
describe for us your roles and responsibilities as a Senior Policy Analyst?

**MS. NAOMI GIFF-MACKINNON:** I work as part of a team within the Policy Centre for Victim Issues that provides advice on Federal victim related initiatives within Justice Canada. I work closely with Federal, provincial, territorial colleagues, as well as, non-governmental organizations to advance victim related initiatives. Since I started in the Policy Centre -- excuse me, Policy Centre for Victim Issues, I’ve been working primarily on advancing specialized services and supports for Indigenous victims and survivors of crime.

**MS. ANNE MCCONVILLE:** And what role have you had specifically with Family Information and Liaison Units, which are also known as FILUs or FILUs. We’ll be referring to them today as FILUs.

**MS. NAOMI GIFF-MACKINNON:** So I was part of a team that worked on the development of the Federal FILU initiative, and once the funding was announced I worked with provincial and territorial governments to clarify the objectives of the FILU investments and to assist them in accessing the funding. I’ve also worked with federal colleagues to create a Federal virtual FILU network and I’ve also been working with FILU teams across the country for the last year and a half to create a national FILU network.
MS. ANNE MCCONVILLE: And although you work with the Department of Justice Canada; are you a lawyer?

MS. NAOMI GIFF-MACKINNON: No, I’m not. I am a policy analyst.

MS. ANNE MCCONVILLE: Chief Commissioner, may we have Ms. Giff-MACKINNON’s biography marked as the next exhibit?

CHIEF COMMISSIONER MARION BULLER: Okay. The biography of MACKINNON is Exhibit 13, please.

--- EXHIBIT NO. 13(a):

Biography of Naomi Giff-MacKinnon,
Senior Policy Analyst, Policy Centre for Victim Issues, Department of Justice Canada, (two pages)

--- PIÈCE NO. 13(b):

Biographie de Naomi Giff-MacKinnon,
Analyste principale des politiques, Centre de la politique concernant les victimes, Ministère de la Justice Canada

MS. ANNE MCCONVILLE: You can turn, then, to tab 2 of the document book. This is a document entitled “Overview of Family Information Liaison Units.” Are you familiar with this document?

MS. NAOMI GIFF-MACKINNON: Yes, I am.

MS. ANNE MCCONVILLE: Can you describe the
MS. NAOMI GIFF-MACKINNON: This document was created to provide an overview of the FILU initiative, to describe some of the origins of the initiative and some of the different models in place and some of the partnerships that have been established in developing FILUs across the country, as well as highlight some of the early achievements of the FILU network.

MS. ANNE MCCONVILLE: And who prepared the document?

MS. NAOMI GIFF-MACKINNON: I did.

MS. ANNE MCCONVILLE: Chief Commissioner, may we have the overview marked as the next exhibit?

CHIEF COMMISSIONER MARION BULLER: The overview of Family Information Liaison Units is Exhibit 14, please.

--- EXHIBIT NO. 14:

Overview of Family Information Liaison Units, Department of Justice Canada,
(seven pages)

MS. ANNE MCCONVILLE: And one last document to take you to is at tab 3 of the document book. This is a document entitled “Victim Services in Canada”. Can you briefly describe what this document is?

MS. NAOMI GIFF-MACKINNON: This is an
overview of victim services across the country. It’s organized by province and territory to set out some of the different models in place across Canada, some of the different legislative frameworks that victim services operate within, and to provide a general overview of a victim services picture within Canada.

**MS. ANNE MCCONVILLE:** And who prepared the document and how was it prepared?

**MS. NAOMI GIFF-MACKINNON:** It was prepared by our research and statistics division in the Department of Justice Canada to create a -- a tool for Canadians to understand how victim services operate, and it was -- it was prepared in collaboration with provincial and territorial colleagues.

**MS. ANNE MCCONVILLE:** How does the document relate to the FILU initiative?

**MS. NAOMI GIFF-MACKINNON:** Within each section of the research report, you’ll see a -- a short reference to how the FILUs operate in that jurisdiction. But really, the value of the -- the -- the larger context I -- in understanding FILUs is to see where they’re situated and -- and the kinds of services that are available.

**MS. ANNE MCCONVILLE:** You mentioned that the document describes a variety of victims services and programs available in the provinces and territories. To
what extent can you speak to those programs?

**MS. NAOMI GIFF-MACKINNON:** [I am familiar] with provincial and territorial victim services programs across the country. However, our provincial and territorial colleagues would be best suited to answer any specific questions you may have about how they operate victim services.

**MS. ANNE MCCONVILLE:** Chief Commissioner, commission counsel has asked that we tender this document through this witness. Although she can’t speak to all of the details of the programs and services listed, it may be a helpful reference for you and resource for you, and with that caveat, may we have it marked as the next exhibit?

**CHIEF COMMISSIONER MARION BULLER:** Yes. “Victim Services in Canada 2018” will be Exhibit 15, please.

--- **EXHIBIT NO. 15(a):**

Victim Services in Canada (2018), Research and Statistics Division, Department of Justice Canada, (78 pages)

--- **PIÈCE NO. 15(b):**

Les services d’aide aux victims au Canada (2018), Division de la recherche et de la statistique, Ministère de la Justice du Canada (91 pages)

**MS. ANNE MCCONVILLE:** So turning, then, to
Family Information and Liaison Units, can you tell us what that initiative is?

**MS. NAOMI GIFF-MACKINNON:** Yes. FILUs, or Family Information and Liaison Units, or FILUs, as I’ll call them throughout our -- our discussion, are a new service for families of missing or murdered Indigenous women and girls across Canada. They were established in response to the many systemic and institutional barriers that the families had described in seeking information about their missing or murdered loved one.

FILUs across Canada work with and for families to gather all the information about their missing or murdered loved ones available through all government agencies and departments, including police, including Crown prosecutors, corrections, child protection, health services, any agency that families have questions from, FILUs will organize that. So they work closely with family members to identify what information they’re seeking, they work with the agencies to gather that information for families, and then they organize opportunities for families to receive that information.

**MS. ANNE MCCONVILLE:** You mentioned that it’s a new service. How long have FILU services been available?

**MS. NAOMI GIFF-MACKINNON:** For just over a year and a half. The funding was announced in August 2016.
and FILUs have been in development -- started in development since then.

**MS. ANNE MCCONVILLE:** You mentioned they were developed in response to structural barriers that families were experiencing in accessing information. Can you describe what some of those barriers were?

**MS. NAOMI GIFF-MACKINNON:** Sure. So some of the barriers that families have identified in terms of accessing information about their loved one are -- are -- there are many intersecting challenges. One is uncertainty about what information might be available given some of the historical events that families have experienced. Families have talked about the uncertainty about where to gather the information, which agency would hold the information they’re seeking. Families are also seeking information from multiple agencies and departments and navigating the access to information or any -- any information request procedures across those agencies could be very difficult. At the same time, many families live in a jurisdiction that is different from where their loved one went missing or was murdered, and that can create another layer of -- a barrier for access to information for families as well.

The most significant barrier that families have spoken about is the -- the level of -- the low level of trust and mistrust they have with the agencies who hold the
information, and that creates a very significant barrier for families in terms of communicating and feeling that they’re getting all the information from the agency.

**MS. ANNE MCCONVILLE:** Why is receiving this information so important?

**MS. NAOMI GIFF-MACKINNON:** Victims and survivors across Canada have talked very openly and frequently about the importance of having information about the -- the person who harmed them, as a victim or survivor, as well as about -- general information about how systems work, as well as how decisions are made within that system. So for families, having accurate up-to-date information about their loved one and about -- about all of the information that they’re seeking about that experience can be a part of their healing journey moving forward.

**MS. ANNE MCCONVILLE:** How do FILUs help to overcome some of the barriers that you’ve identified?

**MS. NAOMI GIFF-MACKINNON:** So the FILU initiative is grounded in three core objectives. The first objective is to provide a coordinated, dedicated team that works with and for families to gather all the available information from a -- from multiple agencies and across jurisdictions. The second key objective is to provide those services in a culturally grounded and culturally responsive manner. And the third objective is to provide those
services and supports in a trauma-informed way.

**MS. ANNE MCCONVILLE:** When you speak of having a dedicated team, can you tell us what specifically FILU team members do to overcome some of the barriers families have been experiencing?

**MS. NAOMI GIFF-MACKINNON:** Sure. So I think what might be helpful is if I walk through a little bit of a scenario about how a FILU might work with families, starting from the point that FILU teams take their direction and their lead from family members as to how they’d like to proceed. Given that, FILU teams work closely with families to help clarify and specify the information that they’re seeking.

While many families know exactly what information they’re seeking, there are some families who aren’t sure exactly what -- what type of information they’re seeking, so FILUs have those discussions so that there’s clarity around the information gaps that families have, and with that, the FILU teams then identify which agencies within that jurisdiction, as well as across Canada within other jurisdictions and other governments, hold that information.

And with that, they move forward to begin discussions with that agency, and sometimes families join them on this journey. It’s up to families, of course. They
can work with or for families as families would like. And they start to work with the agency to begin the process of having that agency review their files, review their documents, to gather up that information and be prepared to share that with families.

Throughout this process, at all points, their work with family members. The FILU teams check in on a regular basis about the supports that families have. They talk about the natural supports that families might have to help them through this -- this process of seeking information, and they help families identify any additional supports they might like to have. And they help identify where those supports can be brought to the family. So they organize that those -- those supports are provided to the family as well.

Sometimes the information that families are seeking might be the first time that they’ve made the request for information, so that might be part of a family’s experience, that they may have never really talked about their experience in seeking information from agencies or their experience of loss, so FILUs speak very carefully and sensitively with families about that. Sometimes the information they’re seeking can be very graphic, it can be very upsetting. If the family member is seeking to understand the determination of the cause of death and is
seeking to look at autopsy O or coroner's reports, FILUs have very specific conversations with family members to identify how that can cause trauma for them, further trauma, and they talk about supports and how that trauma can be reduced in receiving that information.

MS. ANNE MCCONVILLE: When you say that FILUs can help connect families to other supports, who is providing those supports and services?

MS. NAOMI GIFF-MACKINNON: So supports might be provided within the FILU network and team themselves, they might have built in those needed supports, or they might be through partnerships with community organizations.

MS. ANNE MCCONVILLE: Why is it important to have a dedicated team to assist with the information gathering process?

MS. NAOMI GIFF-MACKINNON: The value of having a dedicated team is that it's -- it's not a referral system, so one of the core objectives of FILU's essay were established, which every FILU takes very seriously, every FILU team, is that it's not an -- it's not an aid -- a referral agency, so the idea is families aren't going to be given a number to call or a name of someone that they should contact, that it's a coordinated one-stop team that works with families from beginning to end to gather the information.
MS. ANNE MCCONVILLE: Generally speaking, can you tell us from what professional backgrounds or experience backgrounds staff members are drawn from?

MS. NAOMI GIFF-MACKINNON: So this varies across the country. FILU teams are drawn from multi backgrounds. Some are drawn from victim services, some are drawn from social services or health services, some are from community organizations, and many FILU team members have families with lived experience as part of their team.

MS. ANNE MCCONVILLE: The second core objective that you mentioned earlier with the FILU initiative was to provide a trauma-informed approach. What do you mean by trauma informed in this context?

MS. NAOMI GIFF-MACKINNON: So I'm not an expert on a trauma-informed approach, but I've certainly learned a lot over the years in terms of how trauma-informed practice can operate within a victim services framework. Drawing from the work that health services have done in terms of identifying what it means to provide a trauma-informed practice, as I understand it, one of the core principles is recognizing that individuals who seek helping services may often be bringing intersecting experiences of trauma. And in recognizing that, those services operate in a way to not cause further trauma, to
not mirror the trauma that those individuals may have experienced, and to seek opportunities to reduce trauma as they -- they access that service.

**MS. ANNE MCCONVILLE:** How do FILU's achieve this, a trauma-informed approach to accessing information?

**MS. NAOMI GIFF-MACKINNON:** So this is a core, one of the core objectives of the FILU initiative, and all the FILU team members across Canada are aware of and have had training in what it means to provide a trauma-informed practice within their community. In terms of the practices that they put in place when they're working with families, by the very nature of taking their lead from families and providing a strength-based approach that builds on the existing networks that families have and helping families to identify new networks that they might like to build into their -- their toolkit, those are some ways that they take a trauma-informed approach. They're not a referral agency, they really do as much of the legwork as they can for family members.

**MS. ANNE MCCONVILLE:** The third component you mentioned was to have a culturally responsive approach. Can you explain how FILUs incorporate a culturally responsive approach?
MS. NAOMI GIFF-MACKINNON: So it's critical that all FILU teams are Indigenous informed, and within their operations respect and reflect the cultural identities of the family members that they're serving. So FILUs have done this in different ways. They have strengthened and built relationships with community organizations to provide the needed supports that families may have as they go through the FILU -- working with the FILU team. Many of them have elders advisory committees in place to provide ongoing direction to their work.

MS. ANNE MCCONVILLE: Who can access FILU services?

MS. NAOMI GIFF-MACKINNON: All family members of missing or murdered Indigenous women and girls across Canada can access the FILU teams and the services that they can provide. FILUs take a very broad definition of family member, much like the work of the Commission in terms of a family of the heart, so in addition to blood relatives there's cultural kin, foster care relatives, new generations of families that are coming forward advocating for their families. A very, very broad definition.

MS. ANNE MCCONVILLE: If a family wishes to use the services of a FILU, how do they go about doing so?
MS. ANNE MCCONVILLE: Will all the information that families are seeking be available through the FILU initiative?

MS. NAOMI GIFF-MACKINNON: No. No, not all the information families are seeking is available, and there are a couple of reasons for this that I can highlight. One is that how information is shared and to whom, is -- is defined by privacy regulations and policy directives and legislation that guides the agency that holds that information. So that's one reason families wouldn't receive information -- some of the information they may be seeking.

Another reason they made not receive that information might be because of an ongoing investigation. So that FILU teams have learned that there are some limitations within police agencies when there's an ongoing investigation. And sometimes the information families are speaking of, the documents don't exist or they can't be found, and that is -- that is very upsetting for families, it's very frustrating, but those would be some of the
reasons families wouldn't be able to get all the
information.

**MS. ANNE MCCONVILLE:** What impact do some of
these limitations on the availability of information have
on FILU operations?

**MS. NAOMI GIFF-MACKINNON:** It certainly is
very frustrating for families to hear why information that
is so critical to their loss, why they wouldn't have that.
FILU teams work with families to let them know early on
that that's a possibility. They're never certain, but they
try to make sure that family members know that not all the
information will be available. And FILU teams aren't
responsible for those decisions, those are decisions made
by the agencies that hold the information.

**MS. ANNE MCCONVILLE:** Can you tell us how
the FILUs are funded?

**MS. NAOMI GIFF-MACKINNON:** So the FILUs are
funded through the Department of Justice Canada, so they're
federally funded, and the funding is in total $11.7
million, and it became available in September 2016 and it
sunsets March 31st, 2019. The funding was made available
to provincial/territorial victim services and -- and
provinces and territories have FILUs in place now across
the country.
MS. ANNE MCCONVILLE: So you mentioned that the funding began in August 2016, when were the FILUs themselves operational?

MS. NAOMI GIFF-MACKINNON: So, yes, the funding became available in September 2016 and it was announced the month prior. There -- all the -- most of the FILUs became formally operational, I say, throughout 2017, the last one became formally operational just this last spring, in 2018. And I say formally operational because that would mean that they have a -- all their protocols in place, all their teams are staffed, their training has been provided, the networks and the linkages are in place, their communications materials have all been completed, they're really ready to describe their operations. But I think it's important to note that once the -- the day the funding was announced all victim services were ready to begin answering those questions, it just wouldn't have been such a robust or dedicated framework for that work to take place.

MS. ANNE MCCONVILLE: And is there a FILU unit in each province and territory now?

MS. NAOMI GIFF-MACKINNON: Yes, there is.
MS. ANNE MCCONVILLE: And why did it take longer for some of the FILU units to be fully established, as you've described?

MS. NAOMI GIFF-MACKINNON: So there were some jurisdictions who had infrastructure and capacity to build on, so some jurisdictions had already been exploring a liaison role with families and police agencies, so they had that infrastructure to build on. Other jurisdictions had a lot of the interagency MOUs or protocol sharing agreements in place, so they could draw on those.

This was a brand new initiative. We might have taken our provincial/territorial colleagues off guard a little bit with it, but they really rose to the occasion right away to start the development work and get their FILU models in place.

MS. ANNE MCCONVILLE: And why are FILUs located within provincial and territorial victim services?

MS. NAOMI GIFF-MACKINNON: So provincial/territorial governments have the responsibility for the delivery of victim services across Canada. They have the jurisdictional responsibility to provide that service, so we worked with provincial/territorial governments to flow that funding to them, and in doing so it provides us also the opportunity to have a National
network and to ensures FILUs would be in place with a consistent structure within each province and territory.

**MS. ANNE MCCONVILLE:** What is the role of the FILUs with respect to the National Inquiry?

**MS. NAOMI GIFF-MACKINNON:** So FILUs aren’t part of the National Inquiry. The National Inquiry is independent, and FILUs are a parallel investment, they’re a complimentary investment to the work of the Commission to provide a framework for families to gather the information that they’re seeking.

**MS. ANNE MCCONVILLE:** And are the services available to families that are connected to the National Inquiry or beyond the National Inquiry?

**MS. NAOMI GIFF-MACKINNON:** So FILU services are available to all family members regardless of whether they participate in the Inquiry or not. Many provincial, territorial FILUs work closely with families who have participated actively in the Inquiry, and they’ve been, in some cases, support persons for those family members. In some ways they’ve helped families to -- to register or answer questions they had throughout the process. So they -- they’ve been a resource for families about the Inquiry.

**MS. ANNE MCCONVILLE:** And when FILUs are working with families who are participating in the Inquiry, does their focus remain accessing information and assisting
families to access information?

MS. NAOMI GIFF-MACKINNON: Yes.

MS. ANNE MCCONVILLE: You described that the funding was in place in 2016. Can you explain to us who was involved in developing the individual FILU units?

MS. NAOMI GIFF-MACKINNON: So the Provincial and Territorial Government, Victim Services Divisions took the lead to begin developing their FILU models with input from family members, community organizations and agencies within their jurisdiction.

MS. ANNE MCCONVILLE: How did families provide input into how the FILUs would be designed?

MS. NAOMI GIFF-MACKINNON: So families provided a lot of information at the very beginning of the pre-inquiry sessions, when they talked about some of the -- the gaps that they face and the barriers they face when seeking information.

In addition to that, FILU teams across the country invited family members to participate in formal or informal consultations and dialogues to understand what information families and their -- their jurisdiction were seeking -- seeking about their -- their loved one, so that they could design their model to be as reflective to family needs as possible. They also invited family members to participate on advisory committees or steering committees.
that provided advice on the design and the delivery of the FILU model.

And as I mentioned, many FILU team members are families with lived experience and they provide input on an ongoing basis to the operations of the FILU.

MS. ANNE MCCONVILLE: Just explain a little bit more about what the role of the advisory or steering committees are, and whether they have an ongoing role?

MS. NAOMI GIFF-MACKINNON: Sure, so that definitely varies across jurisdictions. Not every jurisdiction has an advisory committee or a steering committee. Where they do have them, some of them are made up of Elders. Some of them are made up specifically for family members. Some of them are a composition of community organizations and family members. Yes, so they vary, but they’re not in place in every jurisdiction, they’re just one way that some FILUs engaged family members.

MS. ANNE MCCONVILLE: What role did the community organizations have in the design and development of the FILU units?

MS. NAOMI GIFF-MACKINNON: So early on the FILU teams strengthened existing relationships or built new relationships with community organizations across their jurisdiction. But the organizations that had the experience and knowledge about how best to support and assist families,
so they also were invited to participate in steering committees that were set. They were also asked to participate in formal and informal dialogue and engagement sessions with the FILU development team to provide advice and direction.

**MS. ANNE MCCONVILLE:** Can you provide any examples of how input from community organizations influenced the design of the FILU?

**MS. NAOMI GIFF-MACKINNON:** Sure. So in some jurisdictions they heard from Indigenous community organizations about the importance of locating FILU team members within Indigenous community organizations. So where jurisdictions heard that they worked with community organizations to collaborate and partner on their FILU operations.

**MS. ANNE MCCONVILLE:** And what types of organizations are you speaking of, just generally speaking?

**MS. NAOMI GIFF-MACKINNON:** You mean who did they speak --

**MS. ANNE MCCONVILLE:** Right.

**MS. NAOMI GIFF-MACKINNON:** Yes. So it certainly depended on each jurisdiction, but I think generally speaking we’re thinking of Indigenous Women’s Associations, friendship centres, Community Justice Committees, Missing or Murdered Indigenous Women and Girl
Coalitions. I said friendship centres. They provided a lot of input as well.

**MS. ANNE MCCONVILLE:** Given that the provinces and territories took the lead and the development of the delivery -- the delivery model for FILUs as you’ve described with input from families and community organizations. Are there differences in the way that FILUs are delivering their services across the country?

**MS. NAOMI GIFF-MACKINNON:** Yes, there are. There are some differences in terms of structure, in terms of location, in terms of composition of FILU team members. So we see some variety and variation across the country in those three areas. For example, in terms of composition, some FILU teams have one team member, some FILU teams have up to five, so there’s a difference there in terms of the number of direct team members working in that jurisdiction.

They also vary in terms of location, where they have located their FILU teams. Some jurisdictions have all their FILU team members in one location. Some have satellite offices where they have located some of their FILU team members across the jurisdiction. Some jurisdictions have located part of their team police services where they’ve got an infrastructure to build on that has worked in their -- in their jurisdiction. So there’s -- there’s quite a variety in terms of location.
In terms of different types of partnerships as well, as I mentioned, many -- many provincial and territorial FILU team members heard through their discussions with Indigenous community organizations about the importance of partnering and co-locating some of the FILU work within community organizations that have the knowledge and expertise to best support and assist families.

So jurisdictions across Canada have -- FILU teams have made those arrangements. We see that, for example, in the Yukon where there’s a Yukon FILU team member located in victim services, and there’s a FILU member located in the Yukon Aboriginal Women’s Council, and they work together. So it’s not that they work separately, they work together, but it’s a way to -- to strengthen and rebuild partnerships.

We also see that in Saskatchewan where there is an individual team member located within victim services, but there are also some FILU team members located within the Federation of Sovereign Indigenous Nations as well, serving the province.

**MS. ANNE MCCONVILLE:** You mentioned -- that’s just two examples, there’s many.

**MS. NAOMI GIFF-MACKINNON:** Two examples.

**MS. ANNE MCCONVILLE:** And you mentioned that some FILUs are located within policing agencies. Can you
explain the types of situations where that works?

**MS. NAOMI GIFF-MACKINNON:** You mean specifically where we might see that? So that -- that -- where that has worked very well, one jurisdiction has been Manitoba where they’ve got -- they’ve developed a family police liaison model through their Project Devote team, and so that has been a very -- that has had a lot -- that has helped families achieve a lot of information through that process from the police agencies and being kept up to date, and that has been a good model for them to move forward with and build on.

**MS. ANNE MCCONVILLE:** Why do some of these differences exist? I know you’ve touched on a few factors, but are there -- there others that explain why there’s differences across the country?

**MS. NAOMI GIFF-MACKINNON:** So I’d start by mentioning that the variation was expected. We never thought that there’d be any one model that would work across our humungous country and the various interests and -- and various concerns that -- and different frameworks that exist for the delivery of victim services. So when we developed the FILU initiative, we weren’t thinking of prescribing models, but rather creating key objectives that we were asking the FILU teams to achieve.

So we do have this variation, but I think the
variation can be attributed to the input that they received from family members early on. I think it can be attributed to the varying victim services models that we have across Canada to build on, and the -- and the different infrastructures that different jurisdictions have. And also some of the -- the privacy legislation that’s in place as well might -- and the -- and the infrastructure they have and the relationships that the FILU teams and Victim Services Division have already in place with the agencies that hold the information.

**MS. ANNE MCCONVILLE:** How have FILUs approached delivering their services to communities that may be more remote or isolated?

**MS. NAOMI GIFF-MACKINNON:** So that is definitely a challenge for all services and I think we heard about that with some of the earlier testimony today in terms of the north.

So FILU teams are always taking opportunities to partner, to be at community events, to -- to be at -- to provide workshops to partners across the province or territory. They also travel across the jurisdiction, and they’re looking at new ways to have a mobile FILU team. So some jurisdictions are exploring that and what that might look like. And I think have the satellite offices as well, some jurisdictions, for example in Ontario. They’ve got
satellite offices in Thunder Bay, Sioux Lookout, and Sudbury in order to make sure they can have as much reach as possible.

**MS. ANNE MCCONVILLE:** With the degree of variation that you’ve described across the country, how do you ensure that the services that are available are consistent?

**MS. NAOMI GIFF-MACKINNON:** I think that goes back to the three core objectives that we set early on, and the idea that FILU teams were -- were to provide a coordinated dedicated team to work with and for families to gather the information they’re seeking, to ensure that their operations are culturally responsive and grounded, and to ensure that their practices and their design was trauma informed. At the same time, by having a -- we’ve been able to establish a national FILU network across the country, so FILU teams from all jurisdictions -- we have a conference call every week with a chance to share best practices, to share the tools that we’re developing, to share experiences and strategies to do the best jobs that they can, and to -- to build their toolkit and their work for families. And I think that’s been a great opportunity as well, to see consistency where consistency is a good thing.

**MS. ANNE MCCONVILLE:** What happens if a family who comes to a FILU for help with their information
needs has other types of needs as well?

**MS. NAOMI GIFF-MACKINNON:** So I think that goes back to the trauma informed nature of many of the FILUs recognizing that many -- many individuals access helping services because they often experience multiple types of harm or trauma that they’re working through. So FILU teams are very much connected to all the available community services that families can tap into. They’re very much connected to Indigenous community organizations to make sure that families have additional needed supports as they need them, and -- and they make those linkages for families.

**MS. ANNE MCCONVILLE:** So although the FILUs have only been in place for a relatively short time, can you tell us what the demand for their services has been like so far?

**MS. NAOMI GIFF-MACKINNON:** So we don’t have a robust data set at this point. We will soon, but we don’t have it right now, but what I’ve learned from our FILU colleagues across the country is that demand is growing, and from some unofficial numbers, some early numbers, at this point in time, 400 family members across Canada are working with FILUs.

**MS. ANNE MCCONVILLE:** And what types of questions are families seeking answers to, or what types of information gaps are they looking for help with?
MS. NAOMI GIFF-MACKINNON: So it’s a very wide range of questions that families are bringing to FILUs. The most common question based on -- on the feedback I’ve received are questions from police agencies. So they’re asking questions about investigations, they’re asking for status updates, they’re asking about steps taken by police in the investigation of their loved ones’ murder or disappearance. So overall, questions about the status of the investigation.

The second most common question families are bringing to FILUs at this point is about the determination about the cause of death. So families are asking to -- to hear from medical examiners and coroners, and understand the -- those reports and how -- how those decisions were made. Families are also asking about the criminal justice system and outcomes, they’re asking about sentencing, they’re asking about the -- the different processes in place, like plea bargaining, and trying to better understand how those decisions were made.

At the same time families have questions from child protection about children who were placed outside the home. They have questions from health authorities, and hospitals about health records. So FILUs are working with those agencies to gather the information for families. I think there’s also a lot of questions that FILUs may not
have expected that families were asking. They’re asking for
information about burial sites of their loved ones. They’re
asking about information about residential schools, and
children who died while at residential schools, they’re
asking for details about that. They’re asking about DNA
matching. They’re asking how to file a missing persons
report.

So FILUs are really open to any questions
that families have, and they’ll -- they’ll do their best to
get the information.

**MS. ANNE MCCONVILLE:** To what extent were the
types of information that families are seeking assistance
from the FILUs with, to what extent was it available before
the FILUs were created?

**MS. NAOMI GIFF-MACKINNON:** That’s a good
question, so FILUs aren’t able to access any information
that families would not have been eligible to receive
outside the FILU process. What’s different about the FILU
service is that it provides a support team around families
as they -- as they seek and move forward on that journey to
get that information. They provide opportunities as well
for families to meet with the agencies who are the holders
of those informations, who wrote those reports, who
investigated those -- those incidents, and they have a
chance to connect with them and talk to them.
MS. ANNE MCCONVILLE: You mentioned at the outset when you were describing the work that the teams do with the FILUs, that they start from a family driven perspective; can you elaborate on that? What does it mean to be family driven in this context?

MS. NAOMI GIFF-MACKINNON: I think very simply it means that FILU team members take their lead directly from family members that their working with. So they -- they check in regularly with how families would like to proceed, they provide options for families. Families really set the pace and they set the work that FILUs do.

MS. ANNE MCCONVILLE: Several types of -- of the types of information you are describing that families are interested in are held by municipal, provincial or territorial authorities. How are FILUs working with those agencies to help families?

MS. NAOMI GIFF-MACKINNON: So FILU teams are where they -- they don’t already have an inter-agency sharing protocol in place, are developing those. They’re developing those at the municipal level to get vital statistics or to get any -- any records to help families with any information requests they have about their loved one. At the municipal level, they’re -- they have information sharing arrangements and protocols and memorandums of understanding with provincial and territorial
agencies as well that hold the information.

And families will also have questions about information that’s held at the Federal level, so we have identified points of contact to work with the FILUs at the Federal level within each department and agency to ensure that families can access all that information as well, just as easily and seamlessly. So we’ve got contacts within the RCMP, we’ve got contacts within Global Affairs because many families are identifying questions and information gaps about their loved one who went missing or was a victim of homicide in the United States. And we’ve got contacts with Public Prosecution Service of Canada and Correction Services Canada, CIRNA, all the -- all the department agencies that hold information.

MS. ANNE MCCONVILLE: And these contacts within Federal agencies is that the virtual FILU --

MS. NAOMI GIFF-MACKINNON: Yes.

MS. ANNE MCCONVILLE: -- you were speaking of earlier?

MS. NAOMI GIFF-MACKINNON: Yes, yeah. So the -- the intention is that families -- not really the intention, the idea is that families would start their information journey with FILUs, and that FILUs would coordinate that. Families are always welcome to contact any agency directly. FILUs are not meant to replace other
methods families might like to proceed to -- to gather
information.

MS. ANNE MCCONVILLE: Even thought the
initiative is fairly new, can you tell us what results
you’ve seen to date with the work that the FILUs have been
doing?

MS. NAOMI GIFF-MACKINNON: Sure, so yes,
they are new. They are a new service, but we are seeing
that, and I am hearing from FILUs across the country, that
many family members are receiving the information that
they’re seeking from multiple sources, from many
jurisdictions across the country in a seamless fashion.
They are receiving that information in culturally grounded
and culturally safe way that reflects an environment that
they’ve helped to co-create, so it has the supports in place
as they would like to have them. Sometimes families would
like to meet with the agencies who are the holders of the
information. FILUs will do the best they can to organize
that with the agencies and with families and have those
supports in place so that’s culturally grounded and trauma
informed in its approach of information sharing. And at the
same time, we’re seeing that families are not just receiving
information, which can be full of jargon and technical terms
sometimes. They’re also having an opportunity to really
understand the information that they’re receiving through
those -- those information sharing sessions, and through
having a FILU team who is there to -- to support any follow-
up questions families have or to seek further clarification
where they -- where they would like to have it.

MS. ANNE MCCONVILLE: One of the barriers you
mentioned that families were experiencing before were inter-
jurisdictional barriers. Can you explain how FILUs are
addressing that challenge?

MS. NAOMI GIFF-MACKINNON: So by having a
FILU in every province and territory that is very strongly
connected and works closely together, the
intra-jurisdictional barriers that might have been in place
are really diminished. FILU teams, whether they're located
in British Columbia or Newfoundland and Labrador, or
Northwest Territories, are all working very closely
together.

MS. ANNE MCCONVILLE: How have you assessed
or evaluated whether the FILU teams across the country are
meeting their core objectives?

MS. NAOMI GIFF-MACKINNON: So that's to
come. It is a new initiative, we don't have data sets yet,
we don't have reporting from the FILUs. We expect to have
some reporting from FILU teams later this summer in terms
of the scope and reach of their work and how they've met
the objectives set in terms of getting that information for
families.

**MS. ANNE MCCONVILLE:** Apart from the core mandate of navigating access to information, what other forms of support or assistance have FILUs been able to provide to families since the operations started?

**MS. NAOMI GIFF-MACKINNON:** So FILU teams have been -- have been sharing experiences where they've seen that the opportunities that families have to meet with the holders of information, to have the FILU support, have helped them on their healing journey. Families have requested from FILUs assistance in terms of, as I mentioned earlier, finding burial sites of their loved ones, finding sites where their loved one went missing or was murdered, so that they can have ceremony at that place, and they've really helped families in those ways as part of their journey in terms of how that -- how knowing that and being able to have those ceremonies have helped them in their healing journey.

At the same time, they have helped families to cope with the grief and trauma of their loss. So FILU teams are working with Indigenous community organizations and elders all across their jurisdiction to organize family gatherings for families, to have workshops and sessions, to have ceremony, and to have events with families to help
them, and to make linkages or to help provide culturally
grounded grief and trauma counselling for families as they
would like to have it to augment their natural support
networks.

**MS. ANNE McCONVILLE:** And with respect to
communications between government agencies and families,
have FILUs had an impact in that area?

**MS. NAOMI GIFF-MACKINNON:** So FILUs have
been able to create opportunities for families to meet with
the agencies that hold the information in many -- in many
situations. I don't want to say all, because sometimes
there are other reasons why that's not possible, but FILU
teams across the country are seeking to make those
information sessions occur. So through those sessions,
through those opportunities, FILU teams are -- the
operations of FILU are providing opportunities for the
agencies who hold information to learn more about how their
inactions or actions have impacted family members, they're
learning about how important ceremony and cultural protocol
is to families because they're participating in some of the
ceremonies that are part of the information sessions, yeah.

**MS. ANNE McCONVILLE:** One of the other
barriers you identified earlier, I think one that you said
was probably the largest barrier, was the issue of
mistrust --

MS. NAOMI GIFF-MACKINNON: M'hm.

MS. ANNE MCCONVILLE: -- with government agencies. How far have FILUs been able to address that issue to this point?

MS. NAOMI GIFF-MACKINNON: So that is a very deep concern that will require a lot of different initiatives, a lot of different opportunities to rebuild or to build that trusting relationship. It -- in my -- as my -- as I understand it, and what I've heard from the FILU teams across the country, is that the FILU operations and how they work with families have created opportunities to redefine the relationship between family members and some of those agencies that -- that might be based on a more trusting relationship.

There are many examples across the country where FILU teams have reported that by bringing the agencies who hold information to families to share that information, that that's provided an opportunity for families to feel heard and recognized. And while they might be very frustrated with the outcome, or they might be frustrated with not being able to access all the information that they were hoping to have, families are sharing with FILU teams that -- that they have an increased
understanding of why that is and that they do feel -- they feel recognized and heard by the agencies.

**MS. ANNE MCCONNIVLE**: What factors, in your view, have contributed to some of these results that you've just been sharing today?

**MS. NAOMI GIFF-MACKINNON**: I think adequate funding is a really important factor to make sure that there's funding so that FILUs can operate as they need to, that they can engage and partner as they need to with all the right agencies and organizations, and that they can stay flexible. So we've had a very flexible approach from the very beginning, and I think that that's been an important element of the success that -- where FILUs have had success, that has helped to achieve that.

I think the partnerships that -- that the FILU teams have organized with Indigenous community organizations who have the expertise, the partnerships they've built with the agencies who hold the information, and the -- the being driven by the input that families provided early on, and that they provide on an ongoing basis to FILU operations, I think those are some of the main -- main reasons for the successes that have been achieved to date where there have been.

**MS. ANNE MCCONNIVLE**: Thank you. Those are
my questions in-chief.

CHIEF COMMISSIONER MARION BULLER: Excuse me, I've had a request for a very short break, please.

MS. MEREDITH PORTER: So when -- it's now two o'clock, when would you like --

CHIEF COMMISSIONER MARION BULLER: Five minutes.

MS. MEREDITH PORTER: Five minutes? Okay, thank you. So we will take a five-minute break.

--- Upon recessing 2:01 p.m.

--- Upon reconvening at 2:11 p.m.

MS. MEREDITH PORTER: We have Betty Ann Pottruff, and for counsel, once again, is Barbara Mysko, and I’ll ask that Barbara proceed, then, with the witness.

BETTY ANN POTTRUFF, Previously Affirmed:

EXAMINATION-IN-CHIEF BY MS. MYSKO:

MS. BARBARA MYSKO: Thank you. Good afternoon, Betty Ann. Good -- good afternoon, Commissioners, thank you. Betty Ann, I’d like you to start off by telling the Commissioners a little bit about your experience. That is, your work experience as it relates to the testimony that you plan to give this afternoon.

MS. BETTY ANN POTTRUFF: All right. Thank you. I’m going to talk about my experience with the Ministry of Justice in Saskatchewan for about the last 40
years. Are you ready? It’s a long afternoon. But most particularly, I’m going to talk about my experience as -- as counsel with the Ministry in terms of the work I’ve done on areas affecting Aboriginal justice. On interpersonal violence and abuse, perhaps, as well. I worked for a lot of years as counsel up in the Ministry, as a prosecutor, as a civil lawyer, doing child protection matters, also running the Family Law branch and then became Director of Policy in 1987 to about 2003, and then the Executive Director of the Policy area for the Ministry from 2003 to 2014.

After that, I had the opportunity to start Saskatchewan’s first Counsel for Children program to provide counsel for children involved in child protection matters, and over those various years, I’ve -- I’ve been involved in various commissions and -- and processes to advance Aboriginal justice issues and -- and particularly, one of my areas of -- of love is -- is dealing with issues affecting children. I’m really a child advocate. So that’s very short, sweet.

MS. BARBARA MYSKO: Thank you for that. I see that you have in front of you a document with your name on the top, and it’s a summary of your experience as I understand it, as it relates to the testimony that you plan to give here this afternoon. Is that correct?

MS. BETTY ANN POTTRUFF: That’s correct.
MS. BARBARA MYSKO: Okay. And I note that there are a couple of errors on that document that we wanted to put on the record while we tender it as an exhibit for the benefit of the Commissioners, and one is there’s the spelling of your last name, which accurately is spelled P-O-T-T-R-O -- R-U-F-F, two T’s and two F’s. And in addition, you mentioned to me, Betty Ann, that you wish to acknowledge and recognize the work of the members of the PPCMP, or the Provincial Partnership Committee on Missing Persons, as also having won the Premier’s Award for Innovation for Leadership for the work of the PPCMP. And so, for that reason, you wanted to add the words at the last paragraph on the first line, which say, “Betty Ann won with the members of the PPCMP the Premier’s Award for Innovation for Leadership.” Is that correct?

MS. BETTY ANN POTTRUFF: That’s correct.

MS. BARBARA MYSKO: So we’d like to tender this document as the next exhibit to the Commissioners at this time, and that’s with the errata that’s mentioned. It’s a bio, okay?


--- EXHIBIT NO. 16:
Document “Betty Ann Pottruff, Q.C.,  
Senior Advisor toe ADM of Innovation,  
Ministry of Justice, Government of Saskatchewan (two pages)

MS. BARBARA MYSKO: Thank you. So to start off your testimony this afternoon, Betty Ann, would you like to speak to the terms that you will be using today?

MS. BETTY ANN POTTRUFF: Okay. I just wanted to make sure that no one was offended if I use the term "Aboriginal" as well as the word "Indigenous." Through much of my history the work that we've been doing has been called Aboriginal justice or Aboriginal justice reform or the statistics are Aboriginal, and I know that we're moving towards the term Indigenous, but I don't mean any disrespect if I switch back and forth between terms, it's just where I'm comfortable explaining it from.

MS. BARBARA MYSKO: Thank you. So to move into the substantive part of your testimony, we will talk generally about the Inquiry and how it relates to your work. So as you know, the Inquiry touches on the issue of violence against Indigenous women and girls, and much of your work also has touched on those issues over the years. Can you speak to, from your experience, some of the Provincial Government's challenges as well as responses to these issues, just as a high -- at a high level to start?
MS. BETTY ANN POTTRUFF: I'll just try a few. Challenges are many, as you -- as you all know. Saskatchewan has a very high rate of violence and a very high crime rate, double the national rate, and, as you know, violence against Aboriginal women is two to three times that against non-Aboriginal women. Violence in our northern communities is five times the level of violence in the rest of the province. So that's a huge challenge, how do -- how do we deal with that level of violence, that level of victimization and offending and community disorder?

The other challenge certainly is geographical. The community spread across the province, there are two large urban municipalities, but then there's a large rural population and as well a northern population, so the services available in communities vary dramatically, particularly with fewer services being available in remote and rural communities, and we know that that's a challenge for people.

I think we also are very aware of the levels of disadvantage experienced in the Indigenous communities, whether it's poverty or housing, or whether it's the impact of intergenerational abuse and disadvantage, so those are some of the -- some of the challenges we face.
The other challenge that I'll just raise and
-- is that in my experience one of the limitations on -- on
the momentum to change is the fact that we are dealing with
different levels of government, so we're always in the
process of -- of changing leadership or changing
directions, whether it's elections at the First Nations
level, elections at the provincial level, elections at the
federal level, and so there's this consistent churn in term
of policy direction and commitment, and so it's very hard
to keep momentum going when you want to make big, big
changes and really shift society. That's one -- one of --
one of the strengths of democracy, but it's also one of the
weaknesses, so I've often said that in a four-year mandate
you will often only get 18 months of really productive work
because there's so much churn going on at both ends.

MS. BARBARA MYSKO: Thank you. So you've
described some of the challenges, can you describe at a
high level some of the responses that the Provincial
Government has, some of the approaches that it has taken
that you've been involved with?

MS. BETTY ANN POTTRUFF: Well, starting
1990-91-92, we started discussions with our partners, both
Federal and Métis and First Nations, and out of that came
the commitment to hold the Indian and Métis Justice Review
Committees, which were two parallel committees in 1991 that reported in 1992. And the important thing about that process was not only the fact that we initiated that process to get practical recommendations for how we could change the justice system to be more inclusive and more responsive to the Aboriginal community, but as well the process itself was a partnership.

So while Judge Linn chaired the committees, we had nominated people from First Nations, Métis, Federal Government and the Province that sat as equal partners on the committee. We toured the province, heard from communities, we toured custody facilities and heard from inmates, to come up with the recommendations that were in those reports, and those were recommendations that were aimed at making practical change in the system right away.

And, for example, coming out of that, one of the major recommendations in that report too was to reinstitute the Aboriginal court worker program. So building off the partnerships that we built as part of the Indian and Métis Justice Review Committees, we then used the same process to reinstate the Aboriginal court worker program, and we had the same participants sitting around a table and negotiating how would we reinstitute the program in a way that was more community based and involved more in
terms of the Aboriginal community itself leading the process.

From that, then we move on to in 2001 we have the First Nations and Métis Peoples and Injustice Reform Commission in Saskatchewan, again we had all levels of government, First Nations, Métis, Federal and Provincial, nominate people to that commission. And coming out of that then we sat again as partners to talk about how do we implement some of the recommendations out of that commission.

So it was very much building on that experience, and the experience of working with Indigenous partners, that then led to the -- the approach to create the partnership committee to look at missing persons because our experience had been that when we work in partnership it may take us a little longer to get to solutions, but the solutions are better.

**MS. BARBARA MYSKO:** So you referred to the partnership committee, can you describe what that was and why it was created?

**MS. BETTY ANN POTTRUFF:** In 2000 and -- well, there was the Amnesty International Report on murdered women that came out, and there was a lot of media finally picking up on the issue of missing and murdered
Indigenous women in 2005, and so it was pressure to do something. And out of that pressure Premier Calvert, at the time, announced that there would be a task force created to deal with the issue of missing persons. And the task force was never really a task force, it was three related initiatives.

The one was looking at policing policies in terms of how they responded to cases; the other was funding specific police positions to investigate cold cases or long term missing cases; and the third element was a partnership with Indigenous and other organizations to actually try to come up for solutions in terms of how to prevent and how to reduce people from going missing. And the -- and that was sort of the genesis with coming up with the partnership committee.

What we did was then we looked to our partners, policing, community agencies like Alzheimer's, Child Find and our Indigenous partners, such as Federation of Saskatchewan Indian Nations, as they were then, Women's Commission and Saskatchewan Aboriginal Women's Circle Corporation, Métis Family and Community Justice Services Inc., we look for this range of partners that had province wide responsibility or experience in terms of dealing with missing person situations to come together to see if we
could find ways to, in fact, have -- have some solutions, some actions, that would help to prevent and reduce persons from going missing. And it was all persons because when we looked at the number of missing persons in the police database, there clearly are Indigenous and non-Indigenous people, and we wanted to learn the solutions in terms of dealing with the problem as a whole.

**MS. BARBARA MYSKO:** Thank you. So just to clarify for the record, when you or I refer to the PPCMP, that will be referring to the Provincial Partnership Committee on Missing Persons, that's correct?

**MS. BETTY ANN POTTRUFF:** That's correct.

**MS. BARBARA MYSKO:** Thank you. So during this time there was the creation of a website by the Saskatchewan Association of Chiefs of Police. Can you describe that just at a high level?

**MS. BETTY ANN POTTRUFF:** The website was actually created by the Saskatchewan Association of Chiefs of Police in 2005. So it actually was created before the partnership committee was actually formally formed in January of 2006. So we were really fortunate to be able to have that information, which not only identified all the cases that were known to them of long-term missing persons, but also identified Aboriginal versus non-Aboriginal, male
and female, and it gave some basic information about the
missing -- circumstances of the missing person. And that
was something that other jurisdictions did not have.

**MS. BARBARA MYSKU:** Thank you. You also
described some of the leadup, some of the discussion prior
to the creation of the PPCMP. Reflecting back on that, do
you think the institutions involved had an understanding of
the issues before the partnership was formed?

**MS. BETTY ANN POTTRUFF:** I think the -- the
organizations involved all had an understanding of the
issues from their perspective. What we didn’t have and --
was a holistic understanding of the issues from a shared
perspective, and that was what we really needed
to create when we started the PPCMP.

**MS. BARBARA MYSKU:** Okay. And reflecting
back on some of the successes of the partnership, what do
you see as having been some of the key ingredients of both
the PPCMP as well as some of the earlier partnerships that
you were involved in?

**MS. BETTY ANN POTTRUFF:** Well, I think it has
been mentioned earlier today, one of the major issues that
you need to deal with in work like this is building trust.
Because if you don’t build the trust and focus on
relationships, then -- then it’s going to be much more
difficult for you to be successful. People have to feel
they’re in a safe environment in which they can -- they can say what they want to say, even if what they have to say, you know, might be hard to hear. There’s got to be a -- a -- a safety in -- in -- in who you’re dealing with, and in understanding that your view is going to be respected, you’re going to be listened to, and -- and every member there is -- is of the same value. Everyone is to be respected and -- and treated as equals.

**MS. BARBARA MYSKO:** In that vein, do you have anything to say about power sharing?

**MS. BETTY ANN POTTRUFF:** Well, certainly what -- what we have done with -- with some of the processes is that we would take turns sharing meetings, whether it was the -- some of the work that was done after the Indian and Métis Justice Review Committees in -- in instituting the Aboriginal court worker. We’d take turns sharing -- sharing the meetings and developing the agendas. I was also involved in negotiation for the Aboriginal justice funding from 1993 to about 1997 with First Nations communities and leaders, and we took turns sharing the meetings and sending the agendas and making sure that no one was seen more powerful than the other.

**MS. BARBARA MYSKO:** Okay. Viewing partnerships, reporting structure, did everybody report to government?
MS. BETTY ANN POTTRUFF: No, the partnership members report to their own organization. The Provincial Partnership Committee does not report to government. That -- it would not be a partnership if we reported to government. Government is simply a partner. I -- I co-chaired the Partnership Committee from 2006 to 2014. That co-chairing was really a facilitation of -- of discussion amongst equals.

MS. BARBARA MYSKO: Then was it a -- was it and is it a closed partnership, and what is the process for determining who is or who is not a partner?

MS. BETTY ANN POTTRUFF: It’s not a closed process. When we started in 2006, we had about 15 partners at the table, and now we’ve got over 20. What we look at is whether an organization or -- has -- has some province-wide involvement in missing persons issues and whether they can bring that perspective, a new perspective, to the table. And if that’s the case, then we will -- we will add them as a partner.

MS. BARBARA MYSKO: In a higher level, what is the mandate of the PPCMP?

MS. BETTY ANN POTTRUFF: Well, the mandate that -- of the Provincial Partnership Committee is to work towards a situation where we can prevent and reduce the number of persons who go missing, recognizing the equal
value of every life.

**MS. BARBARA MYSKO:** Thank you. Now, around
the time of its creation, what did the PPCMP do to gather
the requisite information to guide its work?

**MS. BETTY ANN POTTRUFF:** Well, as I said, we
were fortunate to have the Saskatchewan Association of
Chiefs of Police website and information. We also funded a
professor from the University of Regina, Jeff Pfeifer, to do
in-depth research on how the police in Saskatchewan were
responding to missing persons cases because there was no
real information on how these cases were being dealt with,
and so he did.

He interviewed all the police and gathered
data, and from that we found that, to our surprise, but
probably not to the surprise of the police, but to our
surprise, that there were over 4,500 reports of missing
persons a year in the province and that the majority of
those were under age 18 and many of those were chronic,
repeat runaways or -- or leaving. And -- and we also found
that, you know, that there was not a consistent police
practice in dealing with these cases.

**MS. BARBARA MYSKO:** Thank you. Were there
other lessons drawn from that research?

**MS. BETTY ANN POTTRUFF:** Well, certainly we
-- we saw that -- that it happened across the province, that
it was not isolated to any particular area, but there were people reported missing from all of them. In the majority of situations, 99.9 percent of cases, the person is -- is found within 48 hours, but it is the long-term cases where, in fact, we know that -- that -- that there’s the most tragic results.

**MS. BARBARA MYSKO:** Can you name any specific initiatives that resulted from this research?

**MS. BETTY ANN POTTRUFF:** I think that the research itself simply underlay the other processes that we then followed, because we also then heard from the investigators at the Highway of Tears. We had -- had them come and talk to us. We looked at other -- other information that was available, and coming out of that, we developed some preliminary recommendations for action that we want to take as -- as a partnership committee, and -- and before we could finalize any recommendations, though, we realized that we needed to go out and meet with the families to ground what we thought we had found and -- and where we were going. And -- and so the next step for the Partnership Committee, then, was to actually organize to have meetings with the families.

**MS. BARBARA MYSKO:** Tell us a little bit about how that occurred, how the families were chosen, how you reached out to them.
MS. BETTY ANN POTTRUFF: Well, we were, of course, forging our own new path doing this, much as the commission has in trying to do this work, and we determined that what we wanted to do was to get information that would help us understand how families interact with the system and where were -- where were the inadequacies in the system and where were the things that worked well. And to do that, we felt that we wanted to look at families from 1991. Not to disrespect families who had lost loved ones earlier than that in any way, but -- but merely because we were looking for information on how the current system could be improved and felt we -- we should start with the families had the most recent experience with the various system responses.

So what we did, then, was, through the cold case investigators who were linked with the families, we had them reach out to the families and indicate to the families -- there were 47 families that we were involved with at the time -- reach out to those families and advise them that this work was going on and that they were going to be contacted and that there was going to be this opportunity to meet with the Partnership Committee to talk about their situation.

And -- and we then followed up with a letter to the families and to the key contacts in each family, requesting whether they would be prepared to come and meet
with us and -- and indicating that they could bring family support members with them. And we heard back from, I think, 24 or 23 families at that time. About 50 -- 50 people in total came, and we had meetings in Regina, Saskatoon, and Prince Albert to try and gather families from the north, the central region, and -- and the south. And -- and those were very informative, very helpful meetings. We learned a lot from the families at those meetings. We organized the meetings so that it would be most of the day, starting about 9 'til sometime in the afternoon, 3. We made sure that we had funds available for the families when they arrived to pay for travel, to pay for food, and if they needed hotel, we had arranged hotel accommodation.

Of the families we invited it's important to understand that these were families for all missing persons, so there were Aboriginal and non-Aboriginal families involved. And we ensured that we had victim services available, we had elders available, we had ceremony available for those that wanted to participate in ceremony.

And we started off the process each -- by trying to tell the families what our role was, what we were attempting to do, and giving them some information about what we had found out about the issue of missing persons by that point.
And then we had told them before they --
they came, in the letter that we sent, that we wanted to
talk to them about what went well and what did not go well
in their -- in their case, and that we also wanted to know
if there was one thing that could be fixed what would that
one thing be. So we felt that by giving them an
opportunity to focus on a couple of very clear questions
they would -- they would be able to contribute, right. So
after we had had some discussion, we then broke into
smaller groups to have discussion around those questions
and to hear the family feedback on that.

I think one of the other things that was
sort of really -- really important that day was we had
arranged the room so that there were circle tables, right,
and we tried to arrange it so that we had the families
mixed with various groups so that they would start to get
to know each other a bit because one of the things we had
heard was the need for support groups and for basically
families to support families. And -- and we also felt it
was important to make sure that the Aboriginal and
non-Aboriginal families mixed to the degree that was able
to so that they could -- they could share their experiences
because one of the problems with -- with families often is
that they feel so isolated, and this was a way to try to
deal with that isolation, but it was also a way to
demonstrate that that isolation is not racially based.
Families of missing persons all feel that isolation. And
there are different aspects, of course, depending on the
family, but there are common aspects as well.

We also had developed then, by the RCMP, a
big board that had the pictures and names of all the
missing persons, all 90 or so at that time, so that people
could see the diversity of missing persons across the
province and understand that this was -- this was a problem
for everyone because any family can experience someone
going missing and -- and that we needed to sort of step
back and look at what were the common issues, as well as
what were the specific issues in terms of the various
perspectives that people had, including the missing
Aboriginal women.

**MS. BARBARA MYSKO:** Betty Ann, can you
provide the Commissioners with an overview of who was
present at those meetings from the various institutions?

**MS. BETTY ANN POTTRUFF:** Well, we had victim
services, and we also had all the members of the Provincial
Partnership Committee, and that includes, police, that's
RCMP as well as Indigenous organizations, Alzheimer's,
Child Find, Stops to Violence, that whole range. And --
and we also made sure that we had present at all of those
the investigators, the cold case investigators themselves
for each of the cases.

And the families then, after we had done the
general discussion on the questions, we then made sure
there was special time for the families to just sit down
with the investigator in their case and actually have one-
on-one time with the investigator. And we heard back from
the families that, in fact, they found that to be the most
valuable part of the day. Because what happened was when
-- often there would be four or five family members and one
of them is the key contact, but sometimes you would find
that the key contact had not shared information with the
other family members, or that other family members had
information that had not been given to the police, and it's
simply a communication issue.

The other area is it was important from the
investigators' point of view too, they also felt that that
was the most valuable part of the day for them because they
actually were in a more comfortable space with the family,
they felt safe and -- in terms of the family communicating
with them, and the -- and the interaction was very good,
and generally they felt they -- they had both been heard
then in terms of what the process was and trying to share
information, so that was -- that was part of it, yeah.

**MS. BARBARA MYSKO:** Speaking of lessons, what were some of the major lessons learned from this process?

**MS. BETTY ANN POTTRUFF:** Well, I think to start with, that I would say the major lesson we learned, we learned from our Indigenous partners, who helped us throughout this whole process understand how to do a family meeting because they had done them and we never had. So we learned a lot of lessons from FSIN Women's Commission and SOC (ph) and others about how to do this.

I think the other lessons that we learned were that, you know, the strength of the families, and that they had a lot of valuable information to contribute if anybody would listen to them. And a number of them commented that this was the first time anybody had ever listened to them and they were grateful for that opportunity.

I think we also learned that there's -- there are some subtle differences in terms of dealing with families, that if you're dealing with the families of missing, they're -- they're in a different space than the families of the missing and murdered, and that we had to be careful in these events to have separate discussions, the
families of the missing and murdered from just the families of the missing because they're simply at a different point in the process in terms of processing things.

That -- the family of the missing are obviously still living in hope that the person will be found, and they are frustrated with the system because they don't have the answers they want, but there may be reasons why they don't have the answers there. And you can explain to them that there are reasons why the police can't tell them more about the investigation, but they're still frustrated and they want somebody to fix this. They're angry with the police because they want the police to fix it, but the police can't, but they're still trying to do the investigation.

With the families of the missing and murdered what you would find, sometimes, is that they now understand some of the issues with the investigation and why they weren't given the information when they wanted the information because the investigation was ongoing, but they've now moved on because of the -- of the tragedy of the death and -- and they're dealing with grieving that way, and often what they want is to simply make sure that this never happens to another family. So just different processes.
MS. BARBARA MYSKO: And what were some of
the other challenges or issues that the families raised in
those meetings with you?

MS. BETTY ANN POTTRUFF: Well, certainly
there's always communications. Communications is the key
one, between the police and the families and within the
families as well, and communications with the supporting
agencies. Those are major ones. The families also raised
with us issues about obviously financial and emotional
support while they go through this process, the feeling of
being isolated and not understanding, you know, that there
are other families that have gone through this. And simply
the lack of knowledge in terms of what to do when your
family member goes missing. For many of us we would never
have thought, you know, what do I do next if someone
doesn't come home, right?

They also talked about the challenges of
dealing with the media and -- and particularly for, I'd
say, the Aboriginal families those challenges were greater
because the media had -- had maybe inappropriately
commented on -- on certain lifestyle or other issues that
were not relevant to the fact that the person went missing,
and that they felt that was very detrimental. Those were
the sort of things they raised.
MS. BARBARA MYSKO: So are there lessons that you would draw or like to pass on to others who may want to engage in a similar process?

MS. BETTY ANN POTTRUFF: With family type meetings?

MS. BARBARA MYSKO: Right.

MS. BETTY ANN POTTRUFF: Well, obviously you need to have lots of support for the families because you're asking them to talk about very traumatic things and -- and they will be in a vulnerable situation when they -- when they have to talk about this, so victim services and trauma supports are very important. Ceremony is important. Certainly making sure that there is time to actually hear from the family. Our agendas, while they were agendas, they were very flexible agendas, and if the families needed more time on one area than another, then that's -- that's what you do. You have to be flexible because you're asking them to come and share on something that is very, very personal and very difficult for them.

The other thing that we -- we tried to do was make sure that while we were asking for this information and -- we also wanted to make sure we gave the family something back that day too, that they gained something out of the process. So, for example, that was
one of the reasons as well for having the investigators
there, it gave the families something that they didn't
otherwise have access to. So those would be some of the
lessons.

**MS. BARBARA MYSKO:** Okay. So I understand
that at the beginning of the meetings you presented
proposed recommendations to the families for feedback, and
so moving out of those meetings how did you achieve some
progress on some or all of those recommendations?

**MS. BETTY ANN POTTRUFF:** Well, certainly
coming out of the meetings we -- we added to the
recommendations because the families had told us a number
of things that we hadn't thought about, so that was very
valuable, and they had also corrected us on a couple of
areas where we had maybe not appreciated the issue well
enough, but then we moved forward and -- and finalized the
report in 2007. And -- and there are 20 areas of
recommendation in the final report that was issued in 2007.

The partnership committee then carried on to
try to figure out how to implement those recommendations.
And once again, because it's a partnership committee, each
individual organization is responsible for sort of taking
what they can do back and doing it, and, as well, we're
responsible as a group for coming up with things that we
can do together.

So, for example, the government acted on the recommendations and passed *The Missing Persons and Presumption of Death Act* to provide some new remedies for families to deal with property and estate matters when -- when someone is missing, and also to provide the police with a tool to get information from -- from basically anyone about someone who is missing. And those were -- those were things that were identified by the families and the police directly in the hearings, that this is what they didn't have.

We then also went forward and -- and had the police, the Saskatchewan Association of Police, agree to a protocol that victim services could help families of missing in 2010, and in 2011 we actually created three missing person liaison positions in the Province of Saskatchewan, and I think the Commission is familiar with those.

We also went forward and the partnership committee developed a number of things that we -- tools that we thought the families had asked for. We developed a checklist for what to do when someone goes missing. We developed a media kit for what to do when you're trying to deal with media. We developed a list of agencies who are
involved in missing persons situations and could be supports. And we put all those on the website, as well as an agency book, and the agency book advises or tries to advise agencies in terms of if you're dealing with a family who has a missing person, here are some of the things you can do, here's how you can help them, and it includes the checklist in it, for example.

And so we did a number of tools and we -- we went back to families then in 2009 and said here are some of the things we've done, or here are some of the tools we've developed, and what do you think? Are these the right things or have we missed something or is there something more we should be doing? And -- and they -- we got support for the media kit and the checklist, with some suggestions for improving it.

We -- we also asked them some questions about a couple of the recommendations that when we got to implementation we weren't sure how to act on. One of them was a recommendation about creating a memorial, and we asked the families, you know, what does this mean to you? And what we heard back was that families with missing persons did not want a memorial. A memorial meant something to them that was not aligned with hope.

What they wanted was remembrance, we need to
always be remembering our missing loved ones, and so we
took that -- that back. And while we've supported -- the
government has supported various remembrances across the
province, being with the Saskatoon police have one that was
created, and there's the place of reflection at the RCMP,
the province has also contributed to that, but we also
planted an oak tree in Wascana park in 2014 because this is
a tree that will grow tall and strong and live a long time
and protect a lot of area. And that's what we want for our
families, we want our communities to grow tall and strong
and protect each other.

So they also had asked in the
recommendations for support for families, including
financial support, and so we went back and talked to the
families again about what did that mean because each
family's journey is very different in terms of what their
needs might be and how would we be able to accommodate
that. And I think we've never achieved what we needed to
achieve on that. We have put in place, as I say, supports
for the families, such as the missing persons liaisons, but
we've never been able to find a way to figure out how to do
the financial support given the diversity of needs, so that
is one thing that's still outstanding, I think.

MS. BARBARA MYSKO: Okay, thank you for that
and thank you for your candor. I'd like to take this time
to enter as exhibits three exhibits further to Betty Ann's
testimony. The first being an exhibit that was previously
provided to the Commissioners and the parties with
standing, it's entitled Agency Response Guide to Missing

UNIDENTIFIED SPEAKER: Excuse me, could you
hold the document up? I think I have --

MS. BARBARA MYSKO: Absolutely. In fact, I
think I have the -- thank you. I can provide my copy as
well.

UNIDENTIFIED SPEAKER: I just want to make
sure we have the right document.

UNIDENTIFIED SPEAKER: Schedule “G”?  

MS. BARBARA MYSKO: It looks like this.

It's quite a blank page.

UNIDENTIFIED SPEAKER: Could we have your
copy, please?

MS. BARBARA MYSKO: Absolutely.

UNIDENTIFIED SPEAKER: We will mark it as
exhibit 17, but could I have the proper title again,
please?

MS. BARBARA MYSKO: Agency Response Guide to
Missing Person Situations in Saskatchewan.
UNIDENTIFIED SPEAKER: Okay. Exhibit 17, please.

MS. BARBARA MYSKO: Would you like me to bring it to you?

--- EXHIBIT NO. 17:

“Agency Response Guide to Missing Person Situations in Saskatchewan”
(March 3, 2017 version), Saskatchewan Provincial Partnership Committee on Missing Persons (24 pages)

MS. BETTY ANN POTTRUFF: So, yes, the Agency Response Guide to Missing Person Situations in Saskatchewan is the one created by the partnership committee.

MS. BARBARA MYSKO: Thank you, Betty Ann.

Thank you. And the second document which I have handy as well, just in case, is entitled Media Relations, a Toolkit For Families. And although it's possible that this document was entered as an exhibit at the Saskatoon community hearings in November, we would like to enter it as an exhibit again here today.

UNIDENTIFIED SPEAKER: Exhibit 18.

MS. BARBARA MYSKO: I'll just put the exhibit to the witness.

Betty Ann, if you could speak to this
document? Are you familiar with this document?

**MS. BETTY ANN POTTRUFF:** Yes, I'm familiar with this document. This is the one created by the partnership committee, and it responds to comments from the families, in particular because when we talked to them in 2009 we had thought about it from the context of the media coming to the families. When we met the families, they indicated one of their concerns was, how do they get media attention when the media’s not paying attention? So that was added to the document after 2009.

**UNIDENTIFIED SPEAKER:** You can print out a copy.

**MS. BARBARA MYSKO:** The Media Relations Toolkit will be exhibit 18.

--- EXHIBIT NO. 18:

"Media Relations: A Toolkit for Families", (five pages)

**MS. BARBARA MYSKO:** Thank you, and we can provide this copy to the Commissioners if it should please the Commissioners. And the third document, for this point in time, in any event, is the Progress Report, dated 2007 to 2018, and I’ll put that document to the witness as well.

Betty Ann, can you tell us a little bit about this document. I know you had referred to some of the
progress that had been made on the recommendations earlier.

Just explain to us at a high level what this document is and how it was created.

**MS. BETTY ANN POTTRUFF:** Okay, so this document is -- is a partnership document that tries to detail the progress that we made on the recommendations in -- made in 2007 and -- and 2009. And it indicates in the front table the number that we feel we’ve completed, although, some of them require ongoing attention because public awareness is never done.

(LAUGHTER)

**MS. BETTY ANN POTTRUFF:** But -- but it tries to give the history for -- for the Provincial Partnership Committee and what we’ve done, and some explanation as to what these actions undertaken are. And this is a public document, it’s on the Justice website, and we will continue to try to provide updates as required. I think what’s -- what’s also useful in this document is to talk about what the Provincial Partnership Committee has done since 2009, and that is, we heard from families in 2009 that -- that they were pleased that we’d done as much activity as we had on the recommendations, but there was more to be done. And that included concerns about what was happening in our jurisdiction needed to happen in other jurisdictions as well. And we took that comment back, and as a result of
that, with Justice Canada funding, we then hosted a Western Regional Forum on supporting families of missing persons in 2011, March 2011.

The coldest March 1st in 40 years in Saskatchewan, and we had -- our guest speaker was from Australia, who had never been in Canada before. Okay, she was really impressed with snow, she thought it was really pretty.

**MS. BARBARA MYSKO:** So maybe we’ll just enter that as an exhibit at this time.

**MS. BETTY ANN POTTRUFF:** The snow?

**MS. BARBARA MYSKO:** Do the Commissioners have a copy of this document?

**UNIDENTIFIED SPEAKER:** The Progress Report 2007 to 2018 is Exhibit 19, please.

--- **EXHIBIT NO. 19:**


**MS. BARBARA MYSKO:** Okay, thank you very much.

**MS. BETTY ANN POTTRUFF:** Okay, so we -- we invited representatives from community organizations, the government, and Aboriginal organizations to the Western Regional Forum in 2011 in Regina. And we had about 80
participants at -- at a two-day workshop to figure out how we could best support families of missing persons. We had very good engagement, and -- and I think people left really enthused about the potential to work together, and within their jurisdiction as well as a cross-jurisdiction to -- to try and improve the services available for families, and to coordinate those services. One of the recommendations coming out of that was for people to lobby for more government support for this area, to develop more collaborative relationships, and also to develop directions to go forward. So the partnership committee in Saskatchewan took that and then developed a strategic distance plan in terms of what we should do going forward, and we developed that and that was made public in 2012.

And there were three directions proposed for work going forward. One, continuing to enhance our collaboration across organizations and across jurisdictions. Another one is -- is continuing to support families, find ways to support family. And the third, and final, was finding ways to -- to really highlight prevention and awareness. So again, we took that report and -- and the next year we started the annual missing persons week in Saskatchewan, which has happened every year since 2013 now. And each year we try to work as a partnership to come up with what will be our -- our theme or our focus for the
week. How can we get more partners engaged in profiling what they do in their community and in profiling the issues? How can we engage the media?

And we -- we’ve done sessions on the myths around missing persons. We’ve done sessions showing the different types of situations in which people go missing. And -- and most recently this past year, was everyone has a role when someone goes missing. And so -- we’ve had good media engagement and public engagement with that, and we continue to work towards the public awareness, but we’ve also been working through the partners in -- in many ways to -- to better support families. And -- and much of that is set out in the report here in terms of the actions that the partners have taken.

**MS. BARBARA MYSKO:** Thank you. So just to take you back for a minute to the discussion around the Western Regional Forum. Can you tell us just to be sure that it’s on the record, what was the impetus for the Regional Forum in terms of any issues that may have been raised by the families?

**MS. BETTY ANN POTTRUFF:** Certainly, in 2009 when the families were talking about the work that we had done, they indicated that, you know, this was fine for Saskatchewan, but for some family members had gone missing in other jurisdictions. And what we’re going to do to help
in those situations, so that in fact they could be supported there as well, and -- and that was their reason for -- for asking that we look at how we could act beyond just Saskatchewan, what we could do.

**MS. BARBARA MYSKO:** And what were some of the lessons that resulted from the Forum in terms of informing the work on a national level?

**MS. BETTY ANN POTTRUFF:** Well, I think many of the recommendations involved the need for a national database, for example, and we’ve seen that happen now. The need for consistent policy across jurisdictions on how the police deal with missing persons cases. The need for supports for families, and that weren’t limited by jurisdictional boundaries, and -- and I think things like the DNA databank were also raised at the Regional Forum as things that needed to happen. But a lot of focus on improving collaboration and on working with partners.

**MS. BARBARA MYSKO:** And was there any link or any influence in relation to the National Committee on missing --

**MS. BETTY ANN POTTRUFF:** Missing women? Some, but the -- the National Committee on missing women, which I was also part of, was focusing more on -- on how to manage these cases within the criminal justice system. So it wasn’t -- it looked at support processes as well, but it --
it was a slightly narrower focus whereas, I think, the
Western Regional Forum was really looking at how can we all
work together to -- to better support families both outside
the justice system and within the justice system.

**MS. BARBARA MYSKO:** So fast forward to 2014,
and were there any specific initiatives around that time for
follow-up or support with families?

**MS. BETTY ANN POTTRUFF:** Yes, in -- in 2013
the partnership committee started talking about the fact
that we actually hadn’t talked to families since 2009. And
we were a little worried that we were no longer being
relevant or grounded in terms of what the realities were,
and that we needed to find a way to get back and talk to
families again, but we didn’t want to just call people
together without being able to give them something to take
away. And so we were impressed to hear about some training
in the U.S. that dealt with the issue of ambiguous loss and
trauma and this seemed to be relatively new information.
And when we heard about it, it seemed very relevant to be
able to provide to agencies and to families to help them
understand some of what they were feeling and going through
and, as well, to give them some tools that they could take
away to help -- to help work on the trauma. And -- and so
then we organized to have a one-day meeting in Saskatoon
with agencies. We invited 130 agencies, I think 80
attended. For a one-day training on ambiguous loss and trauma, so that they would understand what their clients were going through. And then we held meetings with families the days after in Regina, Saskatoon, and by TeleHealth with the north to engage with the families and to talk to them about ambiguous loss and trauma and -- and how that has physical impacts and -- and mental impacts on the individual and -- and things that they can do to sort of deal with this trauma.

**MS. BARBARA MYSKO:** Okay. You used the word “ambiguous”, ambiguous loss. Not being a psychologist, but can you provide an overview of what that means in your understanding?

**MS. BETTY ANN POTTRUFF:** My understanding, not being a psychologist either, these -- this is the tension that is inherent in the situation of a missing person, where -- where the family is -- the individual is hoping very much that the family member is found, but is also fearing the results that they may not be positive or that the person may never be found. So they’re in a -- in a constant state of anticipation but can’t really move forward because they -- they can’t -- it’s not like they can grieve an actual situation. They’re still in hope and -- and so often they’re -- they’re just simply caught in that moment and can’t move on.
MS. BARBARA MYSKO: Betty Ann, you talked about engaging the north with an organization that you referred to as TeleHealth. Can you explain how that happened?

MS. BETTY ANN POTTRUFF: Well, we did want to meet with the north families and -- and I -- I will admit the partnership committee feels that we have not sufficiently met with northern families. We met with them in 2007 with a few families in Prince Albert. We were invited to go north to meet with more families and it just never happened for a variety of reasons, and then when we did the meetings in 2009 they were Saskatoon and Regina, so we didn’t go to the north again.

And then we were settling the -- the 2014 meetings. We were doing Regina and Saskatoon, and once again, we felt just going to Prince Albert or La Ronge, even that doesn’t help because there are families all over the north, and how are they going to get there? But there was the opportunity to meet with them by TeleHealth. And -- and Saskatchewan Health in -- in -- has been very active in developing TeleHealth facilities with the north so that people can actually get counselling and other things by TeleHealth. And they do seminars and training by TeleHealth, and so we thought maybe this would be a better way to reach out to more communities that way.
And -- and it turned out that it was excellent. We had -- we had an excellent -- we touched five families in four communities and we were able to be interactive in terms of answering questions, and as well, we made sure that -- that the family, the victim services people were there, the police investigators were there, so while we did the session on ambiguous loss, then when -- when the TeleHealth session was over, the families were still supported there and still had those processes, that they could get something out of the day.

**MS. BARBARA MYSKO:** Thank you. So to wrap up this discussion around the family meetings and the PPCMP, can you describe, in reflection, what were some of the key learnings from this process that perhaps -- that you haven’t already covered?

**MS. BETTY ANN POTTRUFF:** I -- I think of it, it’s -- it’s always important to provide the families with -- with some space to have discussions. Obviously, when you -- when you try to probe around the day, there’s not enough time for the families to actually interact and -- and to be able to raise the issues that they want to raise, so you really -- you -- there’s a period where you can provide information and feedback, but you also need to have the flexibility to be able to have smaller group discussion and -- and have the families direct the issues they want to talk
about. And -- and so I -- I, you know, I think that’s primarily it. It’s got to be -- it’s got to be a safe space, it’s got to be supportive, and -- and the families really -- they -- my view, they need to be provided with something they can leave with that is a benefit to them for that day.

**MS. BARBARA MYSKO:** Thank you. You described earlier the impact on police policy in Saskatchewan through the work of the PPCMP. Have you covered everything that you wanted to speak to there?

**MS. BETTY ANN POTTRUFF:** Well, certainly the police have changed their policy, so the Saskatchewan Police Commission developed a policy that has now been adopted by all police in Saskatchewan and on a voluntary basis by the RCMP as well. So there’s one consistent approach to how missing persons cases are handled in the province, consistent intake forms, and -- and it’s clearly understood that there never was a waiting time to report a missing person, but too many people still believe there is. But there never was a waiting time before you could report somebody missing. And the policy is now very clear that there is no waiting time that they will take a report as soon as somebody brings it in, and they will take it irrespective of what police force it comes to. So just because the person that you’re concerned about went missing...
from, you think, Prince Albert doesn’t mean you can’t go to the Saskatoon Police and report it. You can. So we -- it’s trying to make consistent policy across the province.

**MS. BARBARA MYSKO:** Thank you. And we looked at the progress report and entered it as an exhibit, and have you spoken to every last detail of how the government responded to the recommendations there? Or would you refer people to the progress report for more detail?

**MS. BETTY ANN POTTRUFF:** I would certainly refer them to the progress report for more detail because I do not pretend to have addressed everything in here.

**MS. BARBARA MYSKO:** You didn’t want to go through everything in detail today?

**MS. BETTY ANN POTTRUFF:** I will say that the one other thing that I -- I didn’t mention is on the Western Region Forum, we made a report from that forum, went back to all participants so that they had a -- and -- and the same with the -- the strategic plan for the Provincial Partnership Committee. We shared that with all jurisdictions.

**MS. BARBARA MYSKO:** Thank you. So moving on, how did the PPCMP’s work impact on the development on victim services?

**MS. BETTY ANN POTTRUFF:** As I mentioned, I think, the -- the police agreed because these are police-
based victim services, so the police agreed that victim
services can be provided to families of missing across the
province, and, as well, in 2011, three missing person
liaisons were -- positions were created in Regina,
Saskatoon, and Prince Albert with Federal funding support,
and that funding is, I believe, in place until 2020. And
-- and those positions specifically deal with families of
missing persons, but they also support victim services
across the province.

MS. BARBARA MYSKO: Okay. I’ll ask you to
turn to one last document in your binder. It’s entitled,
“Part 2: Institutional Hearings on Government Services” in
large print, “Panel on Victim Services”.

MS. BETTY ANN POTTRUFF: In the binders?

MS. BARBARA MYSKO: It’s a 28-page document,
and I’ll just ask you if you’re familiar with this document?

MS. BETTY ANN POTTRUFF: Yes, I am.

MS. BARBARA MYSKO: And were you involved at
a high level in its preparation?

MS. BETTY ANN POTTRUFF: Yes, I was.

MS. BARBARA MYSKO: Thank you. I would like
to enter this next document as an exhibit.

CHIEF COMMISSIONER MARION BULLER: Yes, “Part
2: Institutional Hearings on Government Services” will be
Exhibit 20.
--- EXHIBIT NO. 20:

Government of Saskatchewan document

“Part II: Institutional Hearings on Government Services – Panel on Victim Services” dated May 18, 2018 (29 pages)

**MS. BARBARA MYSKO:** Thank you. And you’re offering this exhibit as higher-level context to your testimony?

**MS. BETTY ANN POTTRUFF:** Yes.

**MS. BARBARA MYSKO:** Thank you. I’m cognizant of the time, Betty Ann, so I’ll ask you one last question. How do you hope that this National Inquiry process would be able to support the work that the Provincial Partnership has been doing?

**MS. BETTY ANN POTTRUFF:** Well, I’m really looking forward to getting some -- some concrete practical recommendations from the National Inquiry that we can take forward and -- and look at in terms of a work plan for the Partnership Committee and -- and for government in terms of things that we can do to support families to deal with trauma that the families experience and -- and to improve processes to make sure that people -- fewer people go missing or stay missing. And certainly there -- there are many, many needs for -- for trauma supports that -- that are, I think, are evident with -- with the National Inquiry.
That the families have current and ongoing needs. And speaking to the -- the opening ceremonies this morning, if we want to have safe communities, we have to have healthy people and healthy communities. And I think that starts with dealing with the trauma that so many people have suffered.

I also wanted to just take a moment and speak to the sash. Ministry of Justice and Correction and Policing in Saskatchewan has had an Elder’s Committee for a number of years since about 2005, and I’ve spoken to them many times about the Missing and Murdered Inquiry. And as well, the Commissioners met with them in December of 2016. I was with the Elders again May 14th, and -- and they gifted me with this sash, and so I wanted to bring it today to acknowledge the support and the advice that I’ve been provided by the Elder’s. Thank you.

MS. BARBARA MYSKO: Thank you, and that concludes my questions for the witness.

MS. MEREDITH PORTER: Thank you. I’m going to suggest at this point, are any questions from any of the Commissioners, if they would like to put to the witness advance of the cross-examination?

COMMISSIONER MICHELE AUDETTE: I just literally have one minutes here.

UNIDENTIFIED SPEAKER: While they’re
discussing, I was telling my sisters here, I didn’t want to knock over the Inuit lamp, I’ll get Inuit bad luck for ten years or something so ...

UNIDENTIFIED SPEAKER: Longer than that, my friend.

MS. MEREDITH PORTER: One -- one question.

Okay.

UNIDENTIFIED SPEAKER: Yeah.

MS. MEREDITH PORTER: There’s one question.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER MICHEÈLE AUDETTE: While she’s looking for her question ‘cause she had so many good question, she have to choose the question. I just want to say thank you for your presentation this morning; the first panel and the second one also. It was very interesting and scratching also. I’m so anxious for tomorrow. Merci.

QUESTIONS BY THE COMMISSIONERS:

COMMISSIONER QAJAQ ROBINSON: I echo her gratitude. I only have one question, and it’s for you with respect to the FILU programs. And I’m asking it now, just ‘cause I think it will help everybody. When you talk about eligibility, you indicated it’s for all families of -- of Missing and Murdered. How do you define that? And -- and I’ll give you an example or a question to help contextualize that. Would that include family members who lost a loved
one to say, what the coroners determine to be suicide for
example?

**MS. NAOMI GIFF-MACKINNON**: Yes, it would. It
includes all families who’ve lost loved ones. They --
families come to the FILUs. Many times, they are -- the --
the coroner has determined a cause of death that -- that
doesn’t sit well with them, that doesn’t resonate with their
experience. And the FILUs will work with those family
members as well. I think what - the definition is broad,
and I think what changes is what information can be shared
that’s going to be defined by the relationship of that
family member to the person about whom the information is
about, which is determined by the agency.

**COMMISSIONER QAJAQ ROBINSON**: I think at that
this point, that’s sort of my only question.

**CHIEF COMMISSIONER MARION BULLER**: We’re
deferring further questions until the end of cross-
examination.

**MS. MEREDITH PORTER**: Okay. Well, thank you
very much. And so we are going to move into the -- we’ve
completed now the -- sorry. Was -- did you have a question.
I have another request.

**COMMISSIONER QAJAQ ROBINSON**: I have another
request. We’ll take the afternoon break, please.

**MS. MEREDITH PORTER**: Yes, we’re going to
actually take about a 30-minute break, 'cause we need to
have an opportunity to get parties organized with their
questions --

**COMMISSIONER QAJAQ ROBINSON:** Yes.

**MS. MEREDITH PORTER:** -- for cross-
examination, but I do also want to thank the witnesses and
counsel for their assistance today in leading the evidence.
So I will request a 30-minute time.

**COMMISSIONER MICHÈLE AUDETTE:** Okay. She
gave us afternoon off.

**MS. MEREDITH PORTER:** 30-minute break.

**UNIDENTIFIED SPEAKER:** Hey, there’s three
women here looking at me, wondering if I’m going to say
something. I’m not, so ...

(LAUGHTER)

**UNIDENTIFIED SPEAKER:** Okay. What I’m
hearing is a 30-minute break --

**UNIDENTIFIED SPEAKER:** Okay.

**MS. MEREDITH PORTER:** -- and then we’ll come
back for cross-examination.

**UNIDENTIFIED SPEAKER:** And we will come back
here and those questions.

**UNIDENTIFIED SPEAKER:** Okay.

**MS. MEREDITH PORTER:** All right. We have one
comment here.
UNIDENTIFIED SPEAKER: If -- if a --

UNIDENTIFIED SPEAKER: One comment? Okay.

Sorry.

MS. MEREDITH PORTER: Sorry, and that’s what I was looking at. I -- I understand my -- that my client wanted to make a comment.

UNIDENTIFIED SPEAKER: All right. All right.

MS. CHRISTA BIG CANOE: And just so --

MS. MEREDITH PORTER: Or announcement.

MS. CHRISTA BIG CANOE: Hello? Okay. Thank you. Just, we are having a 30-minute break. Ten minutes into the break, if all parties could meet in the room, that office, so that we can have that meeting?

UNIDENTIFIED SPEAKER: Okay.

MS. CHRISTA BIG CANOE: Just a reminder that rule 48 now reverses.

MS. MEREDITH PORTER: Yes. Yes. Yeah.

Yeah.

UNIDENTIFIED SPEAKER: We do I believe have break-out rooms, right? We’re going to defer whoever --

MS. MEREDITH PORTER: We -- yes, we do. And the parties will meet in the -- the break out room and get -- again, get organized with respect to the order that they have for asking questions. But I also did want to remind
that you, again, of -- of rule 48. This morning, during the
in-Chief examination, the parties were asked not to approach
the witnesses and discuss with them the elements or any
relation to their -- their evidence. At this point in time,
we’re going to ask counsel not to discuss elements of the --
of -- of evidence with their witnesses as the parties move
to their cross-examination. Again, rule 48 of the
procedure guide speaks to that issue. So thanks very much.
--- Upon recessing at 3:21 p.m.
--- Upon reconvening at 3:59 p.m

UNIDENTIFIED SPEAKER: Excuse me, Me Porter.

MS. MEREDITH PORTER: Thank you. Okay, we
are now going to move into our cross-examination of the
witnesses, and the first party that I would like to invite
up is The Institute For the Advancement of Aboriginal
Women, and this party will have 23 minutes for the
cross-examination and the time will start when they reach
the podium and begin speaking. Thank you.

JOHN PHELPS, Previously Affirmed:

CROSS-EXAMINATION BY MS. WEBER:

MS. LISA WEBER: Thank you very much. Good
afternoon, Commissioners, panelists, thank you for the
opportunity to cross-examine some of the panelists from
today. I apologize, I actually haven't been at any of the
previous proceedings, so if you will bear with me if I'm not aware of any particular protocol, but I think I'm okay. In any event, where I would like to focus my questions this afternoon would be on the -- the presentation by Mr. Phelps this morning, and in preparing the questions I have for you, Mr. Phelps, I've tried to be cognizant that you are with the Yukon territory, and I'm trying to -- so the questions I've put together really are an attempt to garner information that's relevant for those of us who are in the provinces and who are in jurisdictions where prosecutions are managed by the provincial Departments of Justice, so with that in mind, I've structured my questions.

Given also your -- the level of expertise, that we know your involvement with the public prosecutions, the first question I'll ask is, have you been involved with or are you aware of any cross jurisdictional or inter-jurisdictional work with provincial Crown departments in regards to programs such as the Crown Witness Coordinator Program?

**MR. JOHN PHELPS:** I haven't personally been involved, no, with any FPT working groups or anything like that, no.

**MS. LISA WEBER:** Okay. And are you aware if
MR. JOHN PHELPS: Not intimately, no. There may be. I'm not familiar with their content or their mandate.

MS. LISA WEBER: Okay, thank you. So I'll jump around a little bit with my questions, Mr Phelps, the topic being contact with victims. So I was wondering if you could just speak to how do coordinators make and keep contact with victims who may be homeless in your jurisdiction?

MR. JOHN PHELPS: That's not an infrequent problem that we face in the Yukon or across the north, either homeless or individuals that do move around a lot. So, I mean, there are two problems, at times one and the same. And it's quite frequent in the communities, in the northern communities, the remote communities, that people simply don't have access to telephones for a variety of reasons, so those challenges are faced on a regular basis by our Crown Witness Coordinator team, and we reach out to other organizations that may be able to assist us in locating individuals, one of the primary departments would be the RCMP in the north, to see whether or not they can assist us in locating an individual or direct us to a particular community or a particular family member that
they're aware of that may know the whereabouts of the individual, and we do our best to sort of track the individual down from there, but it's not without its difficulties.

Our Crown Witness Coordinators aren't hired as investigators, but it's a big part of what they do to try and track people down, is to work with other organizations. There's a vibrant, vibrant, a well-resourced victim services unit in the Yukon territory and they're in every community -- they're not based in every community, but they go to every community and provide support, so we -- we do reach out to them.

We have self-governing First Nations around the Yukon in most of the communities and they have justice departments, and we will reach out to them as well to see whether or not there's any information they can provide to assist us in locating somebody.

**MS. LISA WEBER:** Okay, thank you. Once you do make that contact and are maintaining that contact, has it been your observation or experience of your program that language barriers impact that ongoing contact, the effective ongoing contact?

**MR. JOHN PHELPS:** It would vary across the north. So in the Yukon territory the answer to that
question would be no because primarily the -- the language
that's spoken in the Yukon is either English or French, so
we don't have that same barrier, that same problem, in the
Yukon territory. As you move east the prevalence of the
first language being other than English and French
increases, and that can create a barrier, for sure.

MS. LISA WEBER: Okay. Question, are your
Crown Witness Coordinators public service employees?

MR. JOHN PHELPS: Public prosecution service
employees?

MS. LISA WEBER: Yes.

MR. JOHN PHELPS: Yes, they are.

MS. LISA WEBER: Yes. So you talked about
confidentiality and it is outlined in the program
description as well, I'm just wondering, when you -- when
your coordinators are working with victims and the issue of
explaining confidentiality arises, given that they are, in
fact, employees of the Crown, how do you go about dealing
with what may perhaps be a conflict of interest with
respect to confidentiality?

MR. JOHN PHELPS: So they -- we keep
confident -- confidential the contact information with
respect to a victim and information that isn't necessarily
relevant to the prosecution, but it's explained to them at
the outset, before any meaningful dialogue takes place with
the victim, that they are part of the prosecution service
and that if information comes forward that would be
relevant to the prosecution the Crown attorney would have
the responsibility of disclosing that.

It -- it seems like it would be a
significant barrier to the relationship with victims, but
our experience is that the vast majority of victims are
okay with that relationship, they understand the barriers
to the information that we can receive and our Crown
Witness Coordinators are trained to stop a conversation
before information is shared, to explain to a victim that
if they that want to provide, for example, new information
on a case, then we have a procedure for that which involves
the RCMP, so that we will necessarily make an arrangement
with the RCMP and set it up so they can provide that
information directly to the investigative agency and not to
us.

**MS. LISA WEBER:** Okay. Have you ever had
instances where a victim has their own counsel as part of
that process?

**MR. JOHN PHELPS:** To my mind I can't think
of a specific instance. It wouldn't be unusual that we're
dealing with victims that would have lawyers for other
reasons and may get some assistance, for example, as a result of a spousal assault. There may be a family lawyer attached to the victim and they may get the assistance of that lawyer, but I can't think of a situation where there would be a referral -- necessary referral to get counsel before providing that information to the RCMP.

**MS. LISA WEBER:** Okay. I believe from my notes this morning you talked about the quarters -- coordinators, excuse me, not providing support beyond the trial process, and you indicated there would be referrals outside otherwise; is that correct?

**MR. JOHN PHELPS:** Beyond the court process --

**MS. LISA WEBER:** M'hm.

**MR. JOHN PHELPS:** -- that's correct, so up to and including sentencing, and then through an appeal process, for example, if it were to exist and a retrial, et cetera, but beyond that there would be referrals to other agencies.

**MS. LISA WEBER:** Okay. So my question regarding that then is, does the program presume that such witnesses will request that type of support, or is there a presumption that that information needs to be provided proactively by the program?
MR. JOHN PHELPS: It's -- it's not presumed that it would be asked for, so it's an ongoing relationship from first -- from first contact, when we receive the file, all the way through the end. And at any point in time there is a need perceived with the victim, there would be a dialogue about possible agencies that could assist with the particular need. And particularly at the end of a process, if the individual is showing signs of difficulty, trauma or otherwise, then the referral would proactively be made to say, look, there's this particular organization in your community that may be able to assist you, and provide information to them, and should they be wanting to make access and require some assistance, then provide the assistance.

And as I indicated earlier, the victim services branch of the territorial government does have services that they provide in every community in the Yukon, and those services aren't tied to charges.

So if there's criminal activity that takes place that never results in discussions with the RCMP, victim services may be providing support to those individuals. Once a matter goes through court, whether victim services are attached to that individual or not through the court process, they would be willing to provide
support post the court process.

**MS. LISA WEBER:** Skip over to another subject matter, Mr. Phelps. When you were describing the relationship between the witness coordinators and assigned Crowns, you made reference that perhaps the coordinators may have some awareness of when evidence may be presented in court, the type of evidence, that sort of type of thing, because of their close relationship. And I’m just wondering, then, how do the coordinators deal with in interactions with victims deal with, perhaps, conflicting Indigenous beliefs about either the types of questions that they may expect to be asked of them as witnesses in court or the, in fact, presentation of evidence if it conflicts with their beliefs. How is that handled?

**MR. JOHN PHELPS:** I’m not too sure I quite understand the question, so when they’re dealing with a victim and the victim has a different belief system, is that?

**MS. LISA WEBER:** Yeah, I’ll give you an example, if that helps. If you’re dealing with a sexual assault, a serious sexual assault, and there’s an expectation that the witness, the victim, will testify in court, if there is a belief in that person’s culture to not speak about sexual activity, how -- how would your coordinators prepare that witness to be able to speak in
court in the -- in the process to be questioned about that
if that goes against their own beliefs?

**MR. JOHN PHELPS:** I’m not certain that we had
ever been faced with that particular scenario in the Yukon.
The responsibility of the Crown Witness Coordinator would be
to explain the court system to the victim and the nature of
the requirement. If there’s a refusal to testify for -- for
any reason, be it cultural or otherwise, and if they’ve
provided the information and explained it adequately to the
victim, they would make arrangements to have the prosecutor
meet with the particular victim and question, if the victim
is willing to do so, to assess whether or not the
prosecution can continue in light of the refusal.

**MS. LISA WEBER:** I’m wondering, then, just in
terms of training, perhaps, that’s offered to your witness
coordinators, are they kept informed or made aware through
training as to what the specific beliefs might be that are
particular to the area?

**MR. JOHN PHELPS:** Well, as I indicated
earlier, there’s -- there’s a mandatory training that takes
place, which is titled First Nations 101, and was developed
by the Council of Yukon First Nations and that provides
historical and cultural context to the 14 First Nations from
the Yukon Territory. It is, however, just one form of
training and -- and doesn’t cover all aspects and may not
cover the aspect that you’re referring to.

We take advantage of any other training that may come through the Yukon College, through the Northern Institute of Social Justice, and by individual First Nations that may be provided -- that can provide more education, more understanding and more insight for the Crown Witness Coordinators.

For example, Tr’ondek Hwech’in First Nation is putting on a cultural -- a cultural training, sorry, in their traditional territory in August, and we’ll be sending the majority of our Crown Witness Coordinator team to understand their perspective and learn what they’re prepared to -- to teach us with respect to their culture. Not every First Nation is able to do that or is willing to do that, but where it’s available, we would provide it.

**MS. LISA WEBER:** Okay. You talked a little bit this morning, or there was reference also to graphic evidence as one example of evidence that’s presented in court, and I’m just wondering in your experience or to your knowledge what would be considered graphic evidence that’s been in some of your courtrooms for prosecutions?

**MR. JOHN PHELPS:** The most common would be scenes of a violent offence, be it a homicide or other type of violence that show things like blood, for example, at the scene. Show disarray at the scene, and quite common would
be that show, perhaps, imagery of an individual who is the deceased in relation to the homicide.

**MS. LISA WEBER:** Okay. And so when you say imagery, would these be photographs or some type of media presentation?

**MR. JOHN PHELPS:** Commonly it would be photographs, yes, or, you know, video reenactments and that sort of a thing, where there would be discussion or dialogue with respect to what occurred, that a victim family would be hearing for the very first time, so you want to make sure that they understand that this is coming and they’re going to learn information for the first time, and it’s going to be very difficult for them, and make arrangements to see if we can support them through the process.

**MS. LISA WEBER:** Okay. So in your experience and knowledge, have any of the Crowns in your jurisdiction ever introduced actual body parts into evidence?

**MR. JOHN PHELPS:** Not -- not since I’ve been with the organization, no.

**MS. LISA WEBER:** Okay. And that was for how long?

**MR. JOHN PHELPS:** Since 2003.

**MS. LISA WEBER:** Okay. And I want to talk a little now about the Canadian Victims Bill of Rights, which was, I believe, given Royal Assent in 2015, if I recall?
MR. JOHN PHELPS: Actually, yes.

MS. LISA WEBER: Keeping in mind the principles of the UN Declaration on the Rights of Indigenous Peoples, to your knowledge was there involvement by Indigenous peoples in the development of the Bill of Rights?

MR. JOHN PHELPS: I apologize, but I’m not familiar with the creation of the Bill of Rights. We were consulted at the tail end with respect to the changes to the Criminal Code but I’m not familiar with the development of the legislation.

MS. LISA WEBER: Okay. And the related directive, which was introduced this morning as an exhibit. I’m sorry, I don’t remember the number, but were you -- was -- do you recall the consultation process for the directive?

MR. JOHN PHELPS: The -- the desk book directive?

MS. LISA WEBER: Yes.

MR. JOHN PHELPS: I do. It was created at our headquarters, but each region was consulted on it, yes.

MS. LISA WEBER: Okay. And when was that, the consultation?

MR. JOHN PHELPS: I don't recall the actual dates, but it was post implementation of the Canadian Bill of Rights, around or post.

MS. LISA WEBER: Thank you very much, Mr.
Phelps, those are all my questions. Those are all my
questions, Commission.

MR. JOHN PHELPS: Thank you.

MS. MEREDITH PORTER: Could we have counsel’s
name for the record?

MS. LISA WEBER: Oh, sorry, yes. Lisa Weber,
counsel for the Institute for the Advancement of Aboriginal
Women. Thank you.

MS. MEREDITH PORTER: Thank you. Next party
I would like to invite up and to question the Panel is
Counsel for Pauktuutit and several other organizations. And
counsel will have 34 minutes for questioning.

CROSS-EXAMINATION BY MS. SYMES:

MS. BETH SYMES: Good afternoon. I’m Beth
Symes, and I am counsel to Pauktuutit to the Inuit Women of
Labrador, to Saturviit, to the Ottawa Inuit Children’s
Centre, and to the Manitoba Inuit Association.

I want to begin by thanking my colleague,
Darin Blane for generously giving me 11 of his precious
minutes, so thank you.

So I’d like to, sort of, turn this
corner of conversation sort of on -- on its head. We’ve heard a lot
today about the services that are provided to victims and to
families when the woman or girl is deceased. And I’d like
to look, in fact, at what surely should be our goal, which
is to prevent, eliminate violence against Indigenous women
and girls, and in particular child sexual abuse. And I’m
going to focus on Inuit because that’s my -- that’s my
retainer.

So the first thing, and -- and I -- I’m not
sure who could answer it, but maybe Mr. Phelps. I
understand that you have been a Crown prosecutor for some 13
years, is that correct?

MR. JOHN PHELPS: You’re making me do math,
but since 2003, yes.

MS. BETH SYMES: Okay. And before that, did
you also do defence work before you joined prosecution?

MR. JOHN PHELPS: I did, yes.

MS. BETH SYMES: Okay. And in total, then,
how many years have you done representation of accused as
well as prosecuting?

MR. JOHN PHELPS: Since 2008 (sic), so my
math skills can say 20 years.

MS. BETH SYMES: That’s true. Good, even
numbers. And so if we look generally, then, based on your
20 years of experience, would you agree with me that in
Canada, overall, that the crime rates have been falling over
the last 20 years?

MR. JOHN PHELPS: To be honest with you, I’m
not intimately familiar with the crime rates over that
period of time, but I’ve got no reason to disagree with you.

MS. BETH SYMES: Well, let me ask you about the territory that you know the best, which is Yukon. Over that period, have the crime rates in Yukon increased?

MR. JOHN PHELPS: The -- certainly the -- the file count within our office has increased, yes, and we have extreme variations with respect to particular types of crime, so it’s -- it’s hard to say, but right now, we’re in a situation where the homicide rate is extremely high for our territory.

MS. BETH SYMES: We were in -- a year ago, we were in Whitehorse and we heard stories of recent murders of Indigenous women and girls from the Yukon. Do you know whether from your -- your current position, do you know whether the crime rate in the Northwest Territories is also climbing?

MR. JOHN PHELPS: I don’t -- I can’t answer that question. I’m sorry.

MS. BETH SYMES: And we had evidence two weeks ago in Québec City that the crime rate in Nunavut is, in fact, increased 114 -- no, not 114 percent, but from the base year to the current year, it’s 114 percent in contrast to the rest of Canada. Is that your understanding, given your responsibility for this particular program?

MR. JOHN PHELPS: I’d have no reason to
disagree with it, but I -- I don’t know the figures, so.

MS. BETH SYMES: But your experience is that your workload is not going down in terms of providing support to victims of crime in the three territories?

MR. JOHN PHELPS: That is correct.

MS. BETH SYMES: You’re not working yourself out of a job.

MR. JOHN PHELPS: Not so far.

MS. BETH SYMES: Okay. And would you agree with me that whatever programs governments enact and fund, legislation, policies, procedures, et cetera, that they need to be measured to see if they’re effective?

MR. JOHN PHELPS: I would agree with that -- that statement, yes.

MS. BETH SYMES: And so in terms of, for example, these CWCs, they’ve existed since 1991, is that correct?

MR. JOHN PHELPS: Correct.

MS. BETH SYMES: And you’ve outlined this morning to Mrs. Turley the fact that you provide quite a broad range of services through your CWCs. It’s -- it’s not just accompanying them to court. You do referrals, is that correct?

MR. JOHN PHELPS: Yes, that’s correct.

MS. BETH SYMES: And in case that it’s a
victim that is not a deceased, you’re worried about her safety before it gets to trial?

MR. JOHN PHELPS: Throughout the process, yes, that’s correct.

MS. BETH SYMES: And in any of the things that you talked about, has there been any measurement of your program since 1991 that it has, in fact, increased the safety of Indigenous women?

MR. JOHN PHELPS: On --

MS. BETH SYMES: Any -- sorry. Let me say, any empirical study?

MR. JOHN PHELPS: Not that I’m aware of, no.

MS. BETH SYMES: And we talked, then, very much about violence. That is, battery, assault, murder, et cetera. But would you also agree with me that, across the three territories, you also have problems, we have problems, with child sexual abuse?

MR. JOHN PHELPS: I would agree with that, yes.

MS. BETH SYMES: And that those problems are not diminishing? Do you agree with me?

MR. JOHN PHELPS: I do.

MS. BETH SYMES: So in terms of thinking, then, of being proactive, to reduce the number of Indigenous women and girls who are murdered or go missing, would you
agree with me that looking at the causes or the risk factors of death or violence would be a fruitful study?

MR. JOHN PHELPS: Pardon me, did you say “fruitful?”

MS. BETH SYMES: Fruitful.

MR. JOHN PHELPS: Yes, I agree.

BETTY ANN POTTRUFF, Previously Affirmed:

CROSS-EXAMINATION BY MS. SYMES:

MS. BETH SYMES: And now, Ms. Pottruff, you -- your counsel provided us earlier on, about a week ago, with an interim report with respect to deaths in Saskatchewan. And fortunately, you’ve provided, I think on Saturday, the final report. I’m going to ask if your counsel can provide it to you. I believe that you have it. Let me just -- this is huge. It is the Saskatchewan Domestic Violence Death Review Report, and it’s dated July 24th -- pardon me, May 24th, 2018. Hot off the press. And that is a report that was -- what would you say, ordered or commissioned by the Saskatchewan government Department of Justice?

MS. BETTY ANN POTTRUFF: It -- it was requested that an independent panel produce the report, and -- and they did.

MS. BETH SYMES: And one of the things that this independent panel did, and I believe if you look in
appendix A, you will see there that they looked at what are the risk factors and -- just a second. Domestic violence, domestic death, were situations in which one -- sometimes it’s called one intimate partner killed another.

**MS. BETTY ANN POTTRUFF:** That’s correct.

**MS. BETH SYMES:** So they could be spouses, they could be in any other relationship, but intimate partners. Dating relationships. And in appendix A, there are a number of what are called themes. So is it correct that what your researchers did, or the people you commissioned, is that they looked at a number of domestic deaths in Saskatchewan and tried to analyze commonalities? That is, what factors were present in all or most of the deaths? Is that correct?

**MS. BETTY ANN POTTRUFF:** Okay.

**MS. BETH SYMES:** And appendix A, then, sets out the factors they looked at.

**MS. BETTY ANN POTTRUFF:** Yes. They’re also summarized and the ones that they found most common, right.

**MS. BETH SYMES:** Okay. And so I don’t want to take up any more of this time, because it’s actually not yours, but that report, then, is, I think, the most recent report we have of an empirical study trying to establish, and the language in the report are themes, right? Themes. They call them themes, but they might also be called risk
factors.

MS. BETTY ANN POTTRUFF: Yes.

MS. BETH SYMES: And for example, if a woman had been abused before, that was a significant risk factor or theme in her eventual death.

MS. BETTY ANN POTTRUFF: Correct.

MS. BETH SYMES: And the researchers found that, for almost all women who died, that the violence that they endured escalated over time. Is that correct?

MS. BETTY ANN POTTRUFF: Correct.

MS. BETH SYMES: And so it would be incredibly rare that, out of the blue, someone is killed, a woman is killed. That -- that’s -- would be a very rare situation.

MS. BETTY ANN POTTRUFF: I’m not sure I can say that. I can say what they found in these six cases they looked at.

MS. BETH SYMES: Okay. But in each of those cases, they found escalating --

MS. BETTY ANN POTTRUFF: Correct.

MS. BETH SYMES: -- violence.

MS. BETTY ANN POTTRUFF: Right.

MS. BETH SYMES: Escalating violence in which if only something had happened, maybe death might not occur; is that correct?
JOHN PHELPS, LEANNE GARDINER, BETTY ANN POTTRUFF
Previously

CROSS-EXAMINATION BY MS. SYMES:

MS. BETHY ANN POTTRUFF: Correct.

JOHN PHELPS, LEANNE GARDINER, BETTY ANN POTTRUFF, Previously

Affirmed:

CROSS-EXAMINATION BY MS. SYMES:

MS. BETH SYMES: Okay. Now, is that -- Mr. Phelps, is that also your experience over your -- your 20 years, that in the cases that you’ve seen where domestic violence, in fact death, has usually escalated before someone -- the woman is actually killed?

MR. JOHN PHELPS: That’s not a question that I’m very comfortable answering in a quantitative sense. It’s certainly the case that we’ve seen in intimate -- or intimate partner homicides, that they -- they can have no history with the RCMP for example. Whether or not there was violence in the relationship that was noted by another organization, I wouldn’t be able to say, but I certainly have seen cases where there have been repeated reports of violence that have occurred prior to the homicides. So...

MS. BETH SYMES: Mr. Phelps, would you agree with me that for all women in Canada who are experiencing domestic violence, there is -- literature tells us that the rate of violence is underreported? That’s is, very few women who are physically abused actually go to the police to report that violence.

MR. JOHN PHELPS: I’m not familiar with
particular numbers, but I am aware that this would be called a dark figure that exists with respect to all crime and in particular would exist with respect to spells of violence as well, yes.

**MS. BETH SYMES:** Ms. Pottruff, you’ve had lots of experience in Saskatchewan. Would you agree with my statement that domestic violence is underreported by women in Canada?

**MS. BETTY ANN POTTRUFF:** Yes, I would.

**MS. BETH SYMES:** Now, going back to you, Mr. Phelps, ‘cause I want to talk about the North, and in particular Inuit in the North, but maybe this is not just related to Inuit. Would you agree with me that in remote communities that the pressure not to report is very strong?

**MR. JOHN PHELPS:** I would agree with that statement that the -- there’s pressure not to report or there’s pressure not to follow through should there have been a report, yes.

**MS. BETH SYMES:** And would you agree with me that in small, remote communities, that there are many relationships, that is, relatives of each other? And that the --

**MR. JOHN PHELPS:** Yes.

**MS. BETH SYMES:** -- that the perpetrator and the victim could have been cousins or other -- other kinds
of relations?

MR. JOHN PHELPS: There are seemingly large families within small communities that -- that are very extensive, yes. And whether or not it’s a family member or a member of an opposite family, those pressures are very real within the community. I would agree with you.

MS. BETH SYMES: So it -- I want to then move up in terms of escalating violence.

MR. JOHN PHELPS: Yeah.

MS. BETH SYMES: In terms of domestic or family violence, once it has happened, and let’s say the woman has been badly beaten. Do each of the three Territories, and remember, I’m going to be focusing on prevention; prevention of escalating violence, prevention of death. So let’s just assume that a woman has been badly beaten in -- in a domestic, intimate partner violence. Do each of the three territories have emergency protection orders?

MS. ANNE TURLEY: I would like to interject at this point, Chief Commissioner. I would just like to remind counsel that Mr. Phelps was put on the stand to testify about --

MS. BETH SYMES: Do, please, stop the time for me. Yes.

MS. ANNE TURLEY: That Mr. Phelps was put on
the stand to talk about the Crown Witness Coordinator Program, and you know, I have given quite some room here going beyond the scope of his examination-in-chief, but pursuant to the legal path, the rules of this Commission, counsel are to respect the scope of the examination-in-chief, and this is a -- a panel about victim services, and not about the Criminal Justice System, and about violence in the community and it’s verging on asking Mr. Phelps here opinion evidence, in my submission.

**UNIDENTIFIED SPEAKER:** Is that a reminder, Ms. Turley, or a formal objection?

**MS. ANNE TURLEY:** Well, it’s I guess a mix of both, because if counsel is going to continue on -- on this path with Mr. Phelps, I don’t feel that it is fair to the witness, because he was called for a particular reason; to talk about the Crown Witness Coordinator Program, not about prosecutions at large, and this is a victim services panel.

**MS. BETH SYMES:** Chief Commissioner, let me just re-word it, because I thought I was doing that. So let me just go back and route it. Mr. Phelps --

**MS. ANNE TURLEY:** Okay. Thanks.

**MS. BETH SYMES:** -- I thought you told us this morning that one of the possible services that a CWC could provide to -- to a victim, is assistance in getting emergency protection orders or directing them to emergency
MR. JOHN PHELPS: I -- I believe my friend from the Northwest Territories spoke about assisting through their program. If there is a safety concern, then we would make a referral to another organization, but we would not be involved in that process, no.

MS. BETH SYMES: Okay. So -- so let me just ask you that if there is a safety concern then, and your CWC’s are concerned about the victim’s safety, then they would make a suggestion that the woman might seek an emergency protection order; is that correct? That’s one of the services to keep the woman safe?

MR. JOHN PHELPS: That’s quite possible, yes. Without providing too many particulars, they would make the referral though to victim services, and advise that there is territorial legislation that could assist them in their particular circumstance and there would be help for them there.

MS. BETH SYMES: And can I ask you this in terms of we heard in Whitehorse, in Yellowknife, in Rankin Inlet, in Happy Valley-Goose Bay, we heard from mothers, sisters, sometimes neighbours and friends who had witnessed a woman being beaten, who -- who had seen her bruises and broken bones, but were not permitted to intervene or get the Crown or police protection for that woman. If the woman is
not prepared to go herself, is there any way in your system that someone else who has firsthand information about abuse of the woman could act to try and protect her life?

MR. JOHN PHELPS: Again, I apologize, but I’m not intimately familiar with the emergency intervention legislation, or the requirements under that legislation, as we don’t -- we don’t as a Prosecution Services deal with that legislation. As a federal agency, we refer that to the territorial agencies.

MS. BETH SYMES: Okay. So could I ask then Leanne Gardiner whether or not that’s who -- who was the person who did that? Could I ask whether or not that is anything within your jurisdiction or your program’s jurisdiction whereby, let’s take a mother, let’s just take a simple example, and a number of these were mothers who had seen her daughter badly bruised, had seen broken bones, and because of fear, or whatever reason, the woman herself was unable, unwilling to go. Sometimes, we heard evidence, “He’s going to kill me. That’s why I don’t go.” Is there anything in your system that would enable that mother who has seen these things to go to get help for her daughter?

MS. LEANNE GARDINER: Thank you for the question. So we do have territorial legislation in the Northwest Territories, as you mentioned, The Protection Against Family Violence Act. I'm not -- I'm not sure if
there is a provision that a third party can make that application, but I -- I am reasonably sure that if that's the case it doesn't happen very often. And I would -- I would say that the advice that our victim services providers give, which I understand from my role in the overview of the program, is that emergency protection orders are a tool to consider as part of an overall safety planning effort as well.

I would just submit that it's an important consideration when we're looking at all the tools available in that -- in the scenarios that you're providing, that there would be also other considerations for their safety.

MS. BETH SYMES: I'm going to ask you from new -- Northwest Territories' perspective, but I'm going to ask you from Saskatchewan's perspective, would you agree with me that both of your jurisdictions have laws that protect children who are being abused? I'll go with you first from Northwest Territories.

MS. LEANNE GARDINER: I believe that we have laws that protect children, but I would say that those are Criminal Code and not specific -- not specific to our territory, but, yes.

MS. BETH SYMES: Well, in particular I want to know, do you have laws and policies that say that if
someone, like a teacher or a nurse or a minister, sees that a child, or has reasonable belief that a child is being abused sexually or physically, that they have an obligation to report?

**MS. LEANNE GARDINER:** I'm unaware of the specifics around it, but anecdotally, yes.

**MS. BETH SYMES:** Okay. Betty Ann, in Saskatchewan you've got that kind of law, don't you?

**MS. BETTY ANN POTTRUFF:** Yes, child protection legislation as well.

**MS. BETH SYMES:** And there is a statutorily obligation to report, would you agree with me, because the child is vulnerable?

**MS. BETTY ANN POTTRUFF:** Correct.

**MS. BETH SYMES:** Betty Ann, would you agree with me that abused women are vulnerable?

**MS. BETTY ANN POTTRUFF:** Yes.

**MS. BETH SYMES:** And that in many cases they need protection as well?

**MS. BETTY ANN POTTRUFF:** That is correct. I would note that I think under the emergency protection legislation in Saskatchewan, either the police or a victim services or other agency can apply on behalf of the woman. Now, that being said, that would -- that's generally
considered in the context of a woman who is willing. I don't know if they've used that authority in the situation of a woman who is unwilling.

**MS. BETH SYMES:** Does any of the other three witnesses agree that -- or does anyone disagree with the statement that abused women, abused Indigenous women, are vulnerable persons? Does anyone disagree with that? Okay, silence.

Now, once you have an emergency protection order, in small communities -- let me ask from the Northwest Territories, how do you enforce them? In small remote communities?

**MS. LEANNE GARDINER:** The RCMP are responsible for enforcement of the orders.

**MS. BETH SYMES:** When we were in Quebec City we heard that for Inuit, and in particular in Inuit, Nunangat, that there is a crisis in terms of housing, in particular crowded housing, overcrowded housing, so I want you to assume that that was the evidence in Quebec City. If -- if there is then, as a result of the emergency protection order, a no contact order, and given that there's a housing crisis, where is the woman to go?

**MS. LEANNE GARDINER:** In the scenario you present, although I'm not an expert in that, I can see and
I agree that it compounds the risk for that person.

**MS. BETHY SYMES:** And in -- Betty Ann, in Saskatchewan you have very, very small remote First Nations communities?

**MS. BETTY ANN POTTRUFF:** In northern communities, yes.

**MS. BETHY SYMES:** Northern communities, that's what I meant, northern communities. So do you have the same problem that it is not possible to enforce an emergency protection order if there is a housing shortage, nowhere to go?

**MS. BETTY ANN POTTRUFF:** There's a lot of difficulty in terms of where do they go for a safe space, or whether if they go and live with another family that creates a danger for the other family. It is a difficult situation. Perhaps the only thing we've got that's different from -- from the territories is that we do have a northern transportation program where we will provide funding to help the women and children flee the community. Not the best resort, but it's -- it provides some safety valve.

**MS. BETHY SYMES:** And in the Northwest Territories that is a flight out for Inuit women living in Inuvialuit; do you agree?
MS. LEANNE GARDINER: Yes, I absolutely agree. I also would -- would say that our victim services providers are, I mentioned before, experts in the area of which programs to tap into, to address those -- those potential barriers to leaving, if that's what the client wants to do, and they do assist them to access those, the programming or the funding or the connection to the next safest place.

MS. BETH SYMES: Now, in Inuvialuit there's only one shelter, one safe house, and that in Inuvik, right?

MS. LEANNE GARDINER: To the best of my knowledge, it's outside of my responsibility, but from my knowledge as oversight of the program, that's the case. I believe that there was one in Tuk as well, but --

MS. BETH SYMES: It shut down?

MS. LEANNE GARDINER: I'm not sure, I'm sorry.

MS. BETH SYMES: And then for the other communities in that area, it's not like taking a boat or a road to Inuvik, it's a flight, right?

MS. LEANNE GARDINER: In many cases, yes. There's a highway now that better connects communities, but all of that is subject to weather and all sorts of
conditions as well. They're remote.

MS. BETH SYMES: And does your division pay for that flight, if a woman is -- a woman and her children fleeing danger?

MS. LEANNE GARDINER: We do not. There is a program offered by the GNWT through health and social services and the shelter system, although I'm not aware of all the intricacies of the program, the details of it, but that is what I know our victim services providers assist clients to access.

MS. BETH SYMES: Mr. Phelps, in terms of the time in the three territories where your CWCs are working, would you agree with me that there is a long -- there can be long delays from arrest to trial?

MR. JOHN PHELPS: Yes.

MS. BETH SYMES: And would you agree that the length of time from arrest to trial is made more difficult because you have circuit courts?

MR. JOHN PHELPS: It's made more difficult because of the time between circuit courts you mean? Yes.

MS. BETH SYMES: Yes.

MR. JOHN PHELPS: It's -- that does add to delay in a number of cases, yes.

MS. BETH SYMES: So a circuit court might go
into a very small remote community one or two times a year?

**MR. JOHN PHELPS:** Yes. As you -- as you go
east in the Yukon territory regardless of the size of the
community, it's six times a year. That being said, that's
still two months in between.

**MS. BETH SYMES:** But in NWT and in Nunavut
it is less frequent; is that correct?

**MR. JOHN PHELPS:** That would be yes, that's
correct.

**MS. BETH SYMES:** And on occasion court is --
doesn't happen because of bad weather?

**MR. JOHN PHELPS:** That is correct, yes.

**MS. BETH SYMES:** And that, in fact, is not
as infrequent as we would think? It happens fairly often;
would you agree?

**MR. JOHN PHELPS:** It does, I -- I apologize
for not going the actual court services and judicial
practice in the other two territories. When weather causes
a delay in the Yukon territory, court still takes place in
the sense that the matters are called, they're called,
generally speaking, by telephone with facilitation at the
community end so that issues such as pleas could be dealt
with. But, again, counsel not being there, it still adds
to delay. I don't disagree with that statement.
MS. BETH SYMES: And if the accused is out on bail, would you agree with me that, for your CWCs, that there’s a fear in that delay from arrest to trial? There’s a fear, then, for the victim and her family?

MR. JOHN PHELPS: Sorry, I -- I -- I have a difficult time with generalization. I -- your risk could exist. On a case-by-case basis, the risk could exist. It depends on the fact scenario and the circumstances of the particular case, but our Crown Witness Coordinators may be concerned with delay.

MS. BETH SYMES: Well, in fact, your prosecutors said, we’ve heard from families, again, across the north. They told us the stories that a prosecutor accepted a plea to a lesser charge because there was a fear that time was running out. You know, that they were going to hit the 30-month time frame. Is that, in fact, one of the things that your CWCs have to deal with in trying to explain to the family why, if their sister or daughter was murdered, a plea is accepted to manslaughter?

MR. JOHN PHELPS: I don’t have any personal knowledge of a circumstance like that. I -- I can’t answer the question. It certainly has not arisen in my jurisdiction, being the Yukon.

MS. BETH SYMES: We certainly heard about it in Yellowknife, in Rankin Inlet, and in Happy Valley. I
want to ask you about Gladue principles. Your community, your CWCs, explain to the victim and her family why the sentence is less than what they might have thought. Is -- is that one of the things that they do? Explain the sentence, its length, or its lack of length?

**MR. JOHN PHELPS:** They certainly explain the outcome of the court. It wouldn’t be our practice to provide an opinion on whether or not it was long or short. It would be an explanation as to what occurred in a sentencing hearing and what the result was, what the sentence was that was rendered by the judge.

**MS. BETH SYMES:** But let me ask you it this way, is that we heard across the four northern hearings the concern that Gladue principles in intimate partner violence were, according to the Inuit women, a license to maim, a license to kill. Have you heard that expressed through your CWCs?

**MR. JOHN PHELPS:** I have not, no. I don’t, you know, I -- I can’t provide an answer with respect to what may have happened in one of the other two jurisdictions. I have not received that information in that terminology in the Yukon, no.

**MS. BETH SYMES:** You’ve not heard it been -- but you supervise also NWT and Nunavut, don’t you?

**MR. JOHN PHELPS:** No, I do not.
MS. BETH SYMES: With respect to the CWCs?

MR. JOHN PHELPS: No. I -- I supervise the CWCs in the Yukon Territory only. The supervision of the CWC team in the other two territories is taken -- takes place within those other two territories, either by a team supervisor or a team leader.

MS. BETH SYMES: In --

MR. JOHN PHELPS: Pardon me?

MS. MEREDITH PORTER: I’m sorry to interject, but the 34 minutes for cross-examination have been completed.

MS. BETH SYMES: They have? Oh, I’m sorry. Thank you.

MS. MEREDITH PORTER: That’s no problem.

Thank you very much. We have completed the two parties with their -- their counsel cross-examination. I understand, however, before we do adjourn for the day, we had requested an -- to extend beyond 5:00, that some parties had indicated that were -- that were next to go having requested that we do reconvene tomorrow morning at 8:30 as opposed to continue on beyond 5:00 time. But before we do adjourn, I’m going to -- I do understand that there is a closing prayer that will be shared with the group, and after that, shared with the group. Then, I suppose, we will adjourn until tomorrow morning at 8:30.
UNIDENTIFIED SPEAKER: Certainly. 8:30 tomorrow morning, please. Thank you.

MR. JASON GOODSTRIKER: Now, I’m in charge of telling you we’re not to go tonight, so...

(LAUGHTER)

MR. JASON GOODSTRIKER: Anyways, thank you very much to the Commissioners and to all of our friends here that are standing as expert witnesses. Thank you for the questions. Very much important to all and it’s all very relevant of what it is that you are desiring and what it is that you’re tending on hearing, so congratulations and thank you again.

Just a couple quick things. If you’re not familiar with the area, just outside the hotel doors and straight down is -- they call it Prince’s Island Park. No vehicles beyond this area, so you could go for a walk around the island. There’s a restaurant out there. You can’t get to it by vehicle. You can only walk there. Good steakhouses around here, including a Hy’s, Caesar’s, and a couple others. There’s one at the Hudson Bay. Sorry my Flames aren’t in the playoffs, otherwise we could give you a playoff game.

But I believe that Alvine, who helped us with the opening prayer, is going to help us with our closing. In Blackfoot country, we just usually pray in the morning
and that’s good all day, so. But -- so we’ve got all of our
friends. I’d like to especially, as well, acknowledge our
Inuit Elders here. Thank you again for your beautiful lamp.
It brought a special spirit to our territory here and that
was very good, so thank you again to our Inuit Elders.

Alvine, again, helped us with our opening
prayer. We’ll go with that with our closing prayer, and
like I said, it’s a hot day. I’m sorry to some of you,
especially some of our lead witnesses having to cover up
today thinking we turned up the air conditioning. Just go
outside and warm up, so you can do it that way. Okay, thank
you again. I’m going to ask our Grandmother here to come on
up and -- (speaking in Native language). And our Elder --
Elders with the Inuit, I don’t know your protocol on this,
but you’re invited to come on up and help close.

MS. ALVINE EAGLE SPEAKER: This -- this
morning, I was going to ask to say a few words. I wasn’t
-- I didn’t know what I was supposed to do. But I’m -- I’m
very honoured to be a part of this very special and very,
very -- I don’t know how to explain it, but it’s so amazing
how people get together. It doesn’t matter what aura you
are or what culture you’re from. When you hurt, everybody
in my community, we hurt too for the people that are having
a hard time with their missing people and their families.
We -- we just -- the best thing we do is that we just pray
and smudge every day. We (indiscernible) every day for people to be safe.

And by prayer, this morning, what we do is we pray for our people. We pray for the day. We also invite our ancestors that have gone ahead of us to come and join us for the day, because we truly need them. We also pray for the people that are sick, people that are in the hospitals, for people that are -- that have lost loved ones, which I have. I used to have really long hair. Last month, I lost one of my older brothers, so, in our custom, we -- in order for me to let go of him, I needed to cut my hair.

There’s a lot of things that it’s always good to, especially if we don’t understand the language, it’s always good to explain what we’re talking about in our prayers. We also pray for the people that are on the streets of our nations that have -- homeless. We also pray for the Elders of our communities so that they be strong and be with us for a longer time. We also pray for you, each and every day, even though I don’t know who you are. And we also pray for anybody that might need the prayers. These are some of the things that I pray for each and every day. My husband and I pray and smudge before -- as soon as sun comes up. And we pray and smudge again before the sun goes down to thank the Creator for what he has given us for the day. To be thankful for everything that he has provided us,
especially the food. And -- and the company that we --
we’ve met new friends, new relations. So you’re all my
relations, and -- and what do we say in Black (Speaking in
Native language). To all of you are my relations.
(Speaking in Native language).

**MS. LOUISE HAULLI:** Meeting is adjourned.

**(LAUGHTER)**

**(APPLAUSE)**

**UNIDENTIFIED SPEAKER:** Meeting is adjourned.

Thank you.

--- Upon adjourning at 5:03 p.m.
LEGAL DICTA-TYPIST’S CERTIFICATE

I, Krystle Palynchuk, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.

Krystle Palynchuk

May 28, 2018