

FINAL REPORT
CROWN WITNESS COORDINATOR PROGRAM SUB-STUDY

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Crown Witness Coordinator Program Sub-Study

Table of Contents

1.0	Executive Summary ...	4
2.0	Introduction ...	7
	2.1 CWC Program Sub-Study ...	7
	2.2 CWC Program Sub-Study Plan ...	7
	2.3 CWC Program Sub-Study Final Report ...	8
	2.4 CWC Program Description ...	9
3.0	The Northern Territories ...	11
	3.1 Demographics, Infrastructure and Governance ...	11
	3.2 Crime Rates in the Northern Territories ...	12
	3.3 Victimization in the Northern Territories ...	14
4.0	Sub-Study Questions: Responses and Research Findings ...	16
	4.1 Question 1 ...	16
	4.1.1 Yukon Territory ...	17
	4.1.2 Northwest Territories ...	18
	4.1.3 Nunavut Territory ...	20
	4.1.4 Summary: CWC Program Volume and Reach ...	21
	4.2 Question 2 ...	23
	4.2.1 Yukon Territory ...	23
	4.2.2 Northwest Territories ...	23
	4.2.3 Nunavut ...	24
	4.2.4 Summary: CWC Program Service Demand ...	25
	4.3 Question 3 ...	26
	4.3.1 Traumatized Victims and Witnesses ...	26
	4.3.2 Vicarious Trauma ...	26
	4.3.3 Crime Rate ...	27
	4.3.4 CWC Security ...	27
	4.3.5 Circuit Court ...	27
	4.3.6 Cultural Differences ...	28
	4.3.7 Public Attitudes ...	28
	4.3.8 Training Issues ...	28
	4.3.9 Resource Issues ...	29
	4.3.10 Summary: Challenges and Contextual Factors ...	29
	4.4 Question 4 ...	31
	4.4.1 Increasing awareness and understanding among victims/witnesses about victim issues, legislation resources ...	31
	4.4.2 Increasing the willingness of victims/witnesses to participate in the criminal justice system ...	31
	4.4.3 Increasing the capacity of CWCs to respond to the needs of victims/witnesses ...	33
	4.4.4 Increasing the responsiveness of CWCs to the needs of victims/witnesses ...	34
	4.4.5 Increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown prosecutors ...	35
	4.4.6 Summary: CWC Program Outcomes ...	36
	4.5 Question 5 ...	40
	4.5.1 Description of Training and Support Activities ...	40
	4.5.2 Impact of Training and Support Activities ...	41
	4.6 Question 6 ...	42
	4.6.1 Agreements Between Service Providers ...	42
	4.6.2 Alternative Program Delivery ...	42
5.0	Summary ...	46
	5.1 Summary of Sub-Study Findings ...	46
	5.2 Table Summary of Sub-Study Findings ...	47
	Bibliography ...	49

Appendix A: Comparative Table of Data Collection Inventory, by Territory ...	50
Appendix B: CWC Program Data Collection and Performance Measurement Strategies ...	56
Appendix C: Sub-study Plan Table Summary ...	60
Appendix D: Crown Witness Coordinator Case Studies ...	63
Appendix E: CWC Training Sessions ...	70

1.0 Executive Summary

Crown Witness Coordinator Program Sub-study Process

The sub-study of the Justice Canada Public Prosecution Service of Canada (PPSC) Crown Witness Coordinator (CWC) program was undertaken as part of the wider evaluation of the Federal Victims Strategy. The specific purpose of the CWC program sub-study was to assess the program's relevance, capacity, responsiveness, challenges, impacts and outcomes, through the examination of both qualitative and quantitative data. The sub-study covers the time period from January 2003 (the date of the first CWC program assessment) to May 2009.

The CWC program sub-study was conducted in two phases. Phase One (October 2008 to March 2009) focused on ascertaining the availability of data, collecting relevant research, designing performance measurement and data collection strategies, and developing a sub-study plan. Phase Two (April 2009 to November 2009) included site visits, interviews with northern criminal justice professionals, the collection and analysis of statistical data, and the preparation of the final report. This process was overseen by an Advisory Committee which included representatives of the Public Prosecution Service of Canada (Headquarters), the Policy Centre for Victim Issues and Evaluation Division, Justice Canada.

A total of 45 interviews and focus groups were held with northern criminal justice professionals: 10 CWCs; 5 Chief, and Associate Chief, Federal Prosecutors; 3 members of the judiciary; 3 defence counsel; 15 Crown prosecutors; 6 representatives of territorial government victim services programs; 1 representative of the Public Prosecution Service of Canada, Northern Region; and, 1 representative of the Policy Centre for Victim Issues.

Due to privacy concerns victims and witnesses were not interviewed during the sub-study process. However, to the extent possible, the perceptions and experiences of victims and witnesses involved with the northern criminal justice system, and therefore the CWC program, have been gathered from the reports and case studies of respondents. (PPSC is developing a method of surveying northern victims and witnesses involved with the CWC program that respects their privacy rights.)

CWC Program Description

The CWC program is unique to Canada's three northern territories: Yukon, Northwest Territories and Nunavut (total population of 108,973 in 76 communities). Fourteen (14) Crown Witness Coordinators (CWCs) work closely with the forty (40) Crown prosecutors in the three (3) northern Public Prosecution Service of Canada (PPSC) offices. They locate, support and prepare crime victims and witnesses for their role in the prosecution of crimes. CWCs act as liaisons between the Crown prosecutor and victims/witnesses, keeping both parties apprised of developments and situations which impact the case. CWCs encourage the use of Victim Impact Statements (VISs), assist in the arrangement of testimonial aids, attend court with victims/witnesses and follow up with them as necessary. CWCs also arrange referrals to other supportive services. They work with the resident courts in Whitehorse, Yellowknife and Iqaluit and travel with the circuit court to 57 small territorial communities (13 communities in Yukon, 21 communities in NWT and 23 communities in Nunavut).

In the course of their work CWCs, and other criminal justice system professionals, must deal with challenges and circumstances specific to northern Canada: the highest rates of violent crime in Canada; chronically traumatized victims and witnesses; extensive travel to small isolated communities in difficult weather; a heavy workload with court imposed deadlines; a variety of cultural traditions, beliefs and languages; a lack of community based victims' assistance resources; and, widespread lack of understanding, and wariness, of the criminal justice system.

Crime and Victimization in the Northern Territories

The research review undertaken during this sub-study revealed that the NWT, Nunavut and Yukon (in this order) have the highest rates in Canada for all *Criminal Code* offences (excluding traffic offences). According to *Statistics Canada* violent crime rates in the territories are many times the rates in southern Canada (in NWT and Nunavut they are about 7 times the national average and, 3 times the national rate in Yukon). The sexual assault rate in Nunavut is almost 9 times the national average, and in NWT it is 5.5 times the national average. Nunavut has the highest homicide rate in Canada. Furthermore, between 1999 and 2006, the national crime rate in Canada declined by 1%, and 5% in the Yukon. In NWT and Nunavut violent crime rates increased by 28%.

Results from the 2004 General Social Survey, *Criminal Victimization in Canada's Territories* revealed that 37% of northern residents (15 years and older) reported being victimized at least once in the previous 12 months (this figure is 28% in the provinces). Survey results also indicated that territorial residents were more likely than provincial residents to have been repeat victims of crime and almost three times more likely than provincial residents to experience a violent crime such as sexual assault, robbery or physical assault. Northern victims reported that they were injured in 43% of violent incidents, compared with 25% of violent incidents in the provinces. Violent incidents against territorial residents were much more likely to be perpetrated by someone known to the victim, according to survey respondents. Only 25% of all violent crime is reported to police (a similar rate to southern Canada).

CWC Program Sub-study Findings

During the sub-study process it became clear that PPSC, Northern Region, does not have a history of consistent CWC program data collection. While iCase data collection in each northern PPSC office routinely tracks the number of Crown cases and the numbers of victims and witnesses (by year and community), there is agreement among respondents that the recorded number of victims and witnesses is too low. Furthermore, there is no accurate record indicating exactly how many of the recorded victims and witnesses were assisted by CWCs.

In the Yukon CWCs have tracked their caseload totals by year. But CWC caseloads in the NWT and Nunavut can only be extrapolated from the total number of Crown cases which, by definition, involve victims and witnesses. Despite this lack of hard data it is estimated that northern CWCs have dealt with approximately 21,354 cases since 2003 (3,285 cases per year). CWCs serve victims and witnesses in 78% of all territorial communities; 70% of these communities receive victim services only from the CWC program.

Yukon respondents report that they can meet the demand for CWC service when they are fully staffed. However, with some exceptions, Yukon CWCs do not generally handle sexual and spousal assault cases. Victims of these crimes in the Yukon are assisted by the territorial government's Victim Services Unit. If Yukon CWCs took on these cases they would not be able to meet the demand at their current staffing levels. NWT and Nunavut CWCs are unable to meet the demand for their service due to increasing crime rates, staffing shortfalls and the growing number of victims and witnesses spread over many isolated, small communities. In the Yukon and NWT CWCs have been able to travel with most court circuits since 2007/2008 (when staffing levels were increased). However, in Nunavut, it is only possible to include CWCs on about 60% of all circuit courts.

Despite the challenges faced by the CWC program, respondents in all three territories were largely in agreement that the program is meeting its overall goals of increasing victim/witness awareness and participation in the criminal justice system. More victims and witnesses, including vulnerable and unilingual victims/witnesses are being located, attending court and testifying (although it remains difficult to get abused elders and abused women to testify). There is an increasing use of testimonial aids and Victim Impact Statements. Risk assessments (which assess the physical and emotional risks to victims/witnesses) are more widely used in case management. Many believe that the suicide rate among victims of crime has been reduced as a result of this added contact by CWCs.

Furthermore, Crown prosecutors point out that the CWC program has increased their understanding of northern cultures and social problems, and has sensitized them to the needs, abilities and circumstances of northern victims and witnesses.

In addition, respondents described several unanticipated outcomes resulting from the CWC program's supportive work with northern victims and witnesses. Members of the judiciary report that the CWC program has been largely responsible for: an increase in guilty pleas; the greater use of testimonial aids and Victim Impact Statements; and, a more stable trial process throughout their respective territories. Crown prosecutors, defence counsel and CWCs believe the program has contributed to higher crime reporting and conviction rates, and a growing acceptance and understanding of the criminal justice system amongst all northerners.

The training and support activities of the Policy Centre for Victim Issues (PCVI) are credited with providing the stability, information, education and supportive network responsible for much of the success of the CWC program. And, although respondents did not suggest an alternative method of delivering the CWC component of the Federal Victims Strategy, they state that they are anxious to build on the strengths of the CWC program by: increasing the number of CWCs in NWT and Nunavut; locating CWCs in outlying/regional communities; continuing the highly valued training and support regime established by PCVI; accessing territorial government and regional training opportunities; instituting a consistent and comprehensive method of victim/witness data

collection; and, resolving of a variety of outstanding support oriented and logistical challenges such as the need for clinical supervision, a procedures manual and increased time with victims and witnesses on circuit court. Most respondents also pointed out that the CWC program's effectiveness would be significantly enhanced by the increased development of community-based victim services programs in each territory.

According to respondents, the CWC program has gone some distance towards altering public attitudes about the criminal justice system, and has increased the presence and voice of northern victims and witnesses in that system. Furthermore, respondents universally agreed that the CWC program has matured to the point that victimized northerners, and criminal justice professionals, now rely on the program's provision of accessibility, inclusivity and stability to the northern criminal justice system.

2.0 Introduction

2.1 CWC Program Sub-study

The sub-study of the federal Department of Justice, Public Prosecution Service of Canada northern territories' Crown Witness Coordinator (CWC) program was undertaken as part of the broader evaluation of the Federal Victims Strategy. The parameters for the CWC program sub-study process are laid out in the *Results-Based Management and Accountability Framework, Federal Victims Strategy: Evaluation and Performance Measurement Strategy – Summative Evaluation*.¹ Specifically, the CWC program sub-study sought to answer the questions outlined in the section of that document entitled *Intermediate Results for Activity # 5: Building Capacity of Northern Service Providers*.

These questions required the assessment of the program's relevance, capacity, responsiveness, challenges, impacts and outcomes through an examination of both qualitative and quantitative data. The sub-study covers the time period from January 2003 (the date of the first CWC program assessment²) to May 2009.

2.2 CWC Program Sub-study Plan

The sub-study of the CWC program was overseen by an Advisory Committee which included representatives of the Public Prosecution Service of Canada (Headquarters), the Policy Centre for Victim Issues and Evaluation Division, Justice Canada.

The sub-study was carried out in two phases. Phase One (October 2008 to March 2009) focused on ascertaining the availability of data, collecting relevant research, designing performance measurement strategies, creating data collection tools and developing a sub-study plan.

During Phase One the contractor worked with the Advisory Committee, northern criminal justice professionals and iCase personnel to locate and assess the quality and quantity of statistical data about: the number and types of northern Crown cases; the number of victims and witnesses assisted; the number and types of CWC cases; and, the number, frequency and location of court circuits. Information gaps in historic and current data collection efforts were identified.

Participants in this process during Phase One offered recommendations, and listed barriers, for future data collection and performance measurement strategies. Appendix A, "Comparative Table of Data Collection Inventory by Territory", contains the results, in table format, of these initial inquiries. Appendix B, "CWC Program Data Collection and Performance Measurement Strategies", contains a summary of possible future data collection and performance measurement strategies.

At the close of Phase One a Sub-study Plan and data collection tools were developed. The sub-study plan is summarized in Appendix C, "Sub-study Plan Table Summary".

Phase Two of the CWC program sub-study process (April 2009 to November 2009) included site visits, interviews and/or focus groups with northern criminal justice professionals, research reviews, the collection and analysis of statistical data, the collection of case studies, and the preparation of the final report.

Due to privacy concerns raised by northern PPSC respondents, victims and witnesses were not interviewed during the sub-study process. This places a significant limitation on the scope and depth of this sub-study.³ However, there is an attempt to include the perceptions and experiences of victims and witnesses through the reports, insights and experiences of respondents, as well as from other Justice Canada victim/witness research.

Interviews were structured around six (6) questions developed by the Advisory Committee. These questions were based on questions posed in the *Results-Based Management and Accountability Framework, Federal Victims Strategy: Evaluation and Performance Measurement Strategy – Summative Evaluation*.

¹ *Results-Based Management and Accountability Framework, Federal Victims Strategy: Evaluation and Performance Measurement Strategy – Summative Evaluation*, Evaluation Division, Justice Canada, Ottawa, 2007

² *Needs and Workload Analysis of Northern Victim Witness Assistants in the Yukon, Northwest Territories and Nunavut*, Jenifer Rigby, Ottawa: Evaluation Division and Policy Centre for Victim issues, Justice Canada, 2003.

³ PPSC is developing a method of surveying northern victims and witnesses involved with the CWC program that respects their privacy rights.

The sub-study questions were:

1. What has been the volume (level of activity) and reach of the CWC program since its inception?
2. Is the demand for CWC services being met?
3. What challenges or contextual factors influence the ability of the CWC program to achieve its intended results?
4. To what extent has the CWC program achieved its intended outcomes:
 - increasing awareness and understanding among victims/witnesses about victim issues, legislation and/or available resources;
 - increasing the willingness of victims/witnesses to participate in the criminal justice system;
 - increasing the capacity of CWCs to respond to the needs of victims/witnesses;
 - increasing the responsiveness of CWCs to the needs of victims/witnesses; and,
 - increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown prosecutors?
5. How have training and other support activities increased the capacity of CWCs to respond to the needs of victims/witnesses?
6. What alternatives are available to the current delivery of the CWC component of the Federal Victims Strategy?

Each question included indicators to guide the inquiry process. These indicators are described in Appendix C, "Sub-study Plan Table Summary".

A total of 6 focus groups and 39 individual interviews were held with northern criminal justice professionals: 10 CWCs; 5 Chief, and Associate Chief, Federal Prosecutors; 3 members of the judiciary; 3 defence counsel; 15 Crown prosecutors; 6 representatives of territorial government victims services programs; 1 representative of the Public Prosecution Service of Canada; Northern Region; and 1 representative of the Policy Centre for Victim Issues. These interviews and focus groups took place in Whitehorse Yukon, Yellowknife NWT, Iqaluit Nunavut and Ottawa Ontario between May and November 2009.

In addition, three (3) case studies were produced. One CWC in each territory took on the task of summarizing either a specific case or a typical court circuit. These case studies are found in Appendix D, "Crown Witness Coordinator Case Studies".

The sub-study activities in Phase Two also included the collection and analysis of iCase data which tracks Crown cases and CWC workloads. The Records Departments in each northern PPSC office, including the iCase Coordinators, cooperated in the location and analysis of this data under the direction of the Justice Canada National iCase Business Analyst. The Records Departments in each northern PPSC office also undertook to locate and provide court circuit data for their territory.

2.3 CWC Program Sub-study Final Report

The final sub-study report is largely structured around the six (6) sub-study questions listed above. However, in the interests of clarity, and to establish an overall context for the sub-study findings, the report begins in section 3.0 with an overview of the demographics, governance structures, victim services, crime rates and victimization issues in each territory.

The following section in the report (section 4.0) presents the sub-study findings by question. Questions one (1) and two (2) are answered by territory as the CWC program's reach, level of activity and overall service demand varies between the three territories. Question three (3) through question six (6) are answered by category of information because CWC program challenges, outcomes, training/support activities and service delivery recommendations are largely uniform across all three territories.

Research around the challenges and contextual factors influencing the CWC program is included in the summary of findings to sub-study question three (3). Case studies, which illustrate program outcomes, as per question four (4), are found in Appendix D, "Crown Witness Coordinator Case Studies".

The sub-study report concludes with a summary of the major findings, a bibliography and the appendices described above.

2.4 CWC Program Description

In the Yukon, Northwest Territories and Nunavut, the Attorney General of Canada, through the Public Prosecution Service of Canada (PPSC), has responsibility for prosecuting *Criminal Code* offences. As a result, the federal government, rather than the territorial government, is responsible for the delivery of court-based victim services. While victims of crime in the provinces are supported exclusively by non-government organizations, the provincial government and/or police services, victims of crime in the territories receive assistance from non-government organizations, the territorial government, some First Nations and police services (via first response, pre-court, police-based support) as well as federal northern Crown Witness Coordinators. Consequently, together, the PPSC and the Policy Centre for Victim Issues (PCVI) employ and support fourteen (14) Crown Witness Coordinators (previously known as Victim Witness Assistants) who respond to the needs of territorial crime victims.

Under the Federal Victims Strategy, PCVI supports the CWC program with salary dollars⁴, policy development, training and networking/information sharing opportunities. PCVI also funds the full time PPSC Northern Victim Services Coordinator position, which supports the CWC program.

The overall goal of the Federal Victims Strategy is to improve the experience of victims of crime in the criminal justice system. The specific goals, both short and long term, of the CWC component of the Strategy include:

- increasing awareness and understanding among victims/witnesses about victim issues, legislation and/or available services;
- increasing the willingness of victims/witnesses to participate in the criminal justice system;
- increasing the capacity of CWCs to respond to the needs of victims/witnesses;
- increasing the responsiveness of CWCs to the needs of victims/witnesses; and,
- increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown Prosecutors.

CWCs undertake a variety of activities in order to reach these goals. These activities include liaison and information sharing with Crowns, and the location of victims and witnesses involved in court cases. CWCs assess the risk factors inherent in each case and identify other issues that might impact the involvement of the victim/witness in the criminal justice system. They prepare victims and witnesses for court, explaining the criminal justice system and their rights under the *Criminal Code* as crime victims. They explain the victim's right to present a Victim Impact Statement and they arrange testimonial aids as necessary. CWCs also support and accompany victims and witnesses during their court process and refer victims and witnesses to supportive community services when appropriate, and where those services exist. However, because many communities in the territories have no victims services resources, the federal CWC may be the victim's sole support. After their court case CWCs continue to share information with victims and witnesses regarding the status of their case.⁵

All CWCs are long term or indigenous northerners, and they often speak the language of the clients they serve. As a result, they are aware of the social and cultural context of the crime in question. These unique qualities increase the CWC program's ability to assist both victims and northern Crown prosecutors.

The logic model on the following page summarizes the CWC program activity areas, reach, outputs and outcomes.

⁴ PCVI funds 7 of the 14 CWC positions.

⁵ Spousal and sexual assault victims are assisted by the Yukon Department of Justice Victim Services and Family Violence Prevention Unit. Yukon CWCs do not generally work on spousal and sexual assault cases unless a Victim Services worker is unavailable.

CWC Program Logic Model

Activity Area	Reach	Outputs	Outcomes	Long Term Outcome
<ul style="list-style-type: none">liaison and information sharing with Crowns	<ul style="list-style-type: none">Crown Prosecutors and other criminal justice professionals	<ul style="list-style-type: none">advice and information sharing with Crownsmeetings, email, phone contact with Crowns and victims/witnessescoordination of meetings with victims/witnesses and Crowns	<ul style="list-style-type: none">increasing awareness about the needs of victims and witnesses among criminal justice personnel, namely Crown Prosecutors	<ul style="list-style-type: none">improved experience of crime victims and witnesses involved in the criminal justice system
<ul style="list-style-type: none">provision of training and support to CWCs	<ul style="list-style-type: none">CWCs	<ul style="list-style-type: none">workshops and coursesconferencesresearchinformation and resource sharing	<ul style="list-style-type: none">increasing the capacity of CWCs to respond to the needs of victims and witnesses	
<ul style="list-style-type: none">location of victims and witnesses involved in court cases	<ul style="list-style-type: none">victims and witnesses	<ul style="list-style-type: none">coordination with other service providers and community residentsmeetings, phone, email contact with victims and witnessesongoing updating of contact information	<ul style="list-style-type: none">increasing understanding among victim/witnesses about victim issues, legislation and/or available servicesincreasing willingness of victim/witnesses to participate in the criminal justice systemincreasing the capacity of CWCs to respond to the needs of victim/witnessesincreasing the responsiveness of CWCs to the needs of victims/witnessesincreasing awareness of victim/witness needs among criminal justice personnel, namely Crown Prosecutors	
<ul style="list-style-type: none">explanation of the criminal justice system and preparing victims and witnesses for court	<ul style="list-style-type: none">victims and witnesses	<ul style="list-style-type: none">assessment of victims' and witnesses' needs and circumstancesinterviewing and information sharing with victims/witnesses and Crownsmeetings, email and phone contact with victims and witnesses		
<ul style="list-style-type: none">support and court accompaniment of victims and witnesses during the court process	<ul style="list-style-type: none">victims and witnesses	<ul style="list-style-type: none">interviewing and information sharing with victims/witnesses and Crownscourt attendance with victims and witnesses		
<ul style="list-style-type: none">referral of victims and witnesses to supportive community services	<ul style="list-style-type: none">victims and witnesses	<ul style="list-style-type: none">meetings, email and phone contact with other service providersinterviewing and information sharing with victims and witnessesreferral to other service providers		
<ul style="list-style-type: none">information sharing and follow up with victims and witnesses	<ul style="list-style-type: none">victims and witnesses	<ul style="list-style-type: none">meetings, email and phone contact with victims and witnessesmeetings, email and phone contact with Crowns		

3.0 The Northern Territories

3.1 Demographics, Infrastructure and Governance ⁶

Small Dispersed Population

The total population of the three northern territories is 108,973.⁷ This population is spread over a land mass that covers more than one third of Canada. The majority of residents reside in the capital cities of Whitehorse Yukon (75% of the population), Yellowknife Northwest Territories (45% of the population) and Iqaluit Nunavut (22% of the population). Approximately 52% of the residents are First Nation, Inuit or Métis (23% in Yukon, 50% in NWT and 85% in Nunavut).

There are a total of 76 communities in the territories. Most communities outside the capital cities and regional centres have populations of between 50 to 1500 people. Fifty-seven (57) of these communities are on the court circuit schedule: 13 of 17 communities in Yukon; 21 of 33 communities in the NWT; and, 23 of 26 communities in Nunavut.

Language Issues

There are eight (8) Aboriginal languages in the Yukon, spoken by .75% of the population. There are eleven (11) official languages in the NWT, where an Aboriginal language is spoken by 13% of the population. In Nunavut 70% of the population speak Inuktitut or Inuinnaqtun as their mother tongue.

The CWC program must accommodate these language issues through the use of interpreters or through the hiring of staff who speak one, or several, of the indigenous languages.

Limited Road System

All Yukon communities are on a road system with the exception of Old Crow, which is 'fly-in' only. Fourteen (14) NWT communities are on a road system. The remainder (19 NWT communities) are 'fly-in' only or 'winter-road' only. There is no road system in Nunavut. Therefore, a total of 46 territorial communities are 'fly-in' only.

The long distances between these communities, and the lack of a road system to most of them, means that the CWC program is available to assist victims and witnesses in person only during the scheduled circuit court.

Complex Governance Systems ⁸

The Yukon and Northwest Territories have public (territorial and municipal) governments as well as First Nations' self-governments based on original treaties. Many First Nations' governments have responsibility for some level of justice programming, including victim services. In addition, in the NWT, small community municipal governments are often combined with First Nations self-governments.

In Nunavut, where 85% of the population are Inuit, the public territorial government is also the self-government. Separate Inuit associations and organizations have been established to protect the specific rights of the indigenous Inuit population.

⁶ Yukon demographic statistics are from the Yukon Bureau of Statistics and the Yukon Department of Health and Social Services (2008), Statistics Canada, the 2006 Census and the Yukon Native Language Centre. Northwest Territories demographic statistics are from the NWT Bureau of Statistics (2008), Statistics Canada, and the 2006 Census. Nunavut demographic statistics are from the Nunavut Bureau of Statistics, Population Estimates (2009).

⁷ The Yukon Territory has a population of 33,928. The Northwest Territories has a population of 43,283. Nunavut has a population of 31,762.

⁸ The governance structure of Yukon municipalities is as follows: 1 city; 7 towns; and, 5 local advisory areas. There are also fourteen (14) First Nation self-governments in the Yukon which provide extensive programming for their beneficiaries, including justice programs. There are numerous forms of community governance in the NWT: First Nation Community Governments and Designated Authorities; Settlement Corporations; Charter Communities; Hamlets; cities, towns and villages; and, one First Nation reserve. In addition, several First Nations are in the process of establishing their own settlement-area self-governments and their own programs, including justice programs. Furthermore, the NWT is divided into six (6) regions for the administrative and programming purposes of the territorial government. Nunavut communities are governed by municipal hamlet and town councils. Nunavut is divided into 3 regions for the administrative and programming purposes of the territorial government.

These governance systems have implications for the CWC program which must co-ordinate the services they provide to victims/witnesses with those provided by territorial governments, municipal governments and First Nation self-governments.

Public Prosecution Service of Canada

There are a total of three (3) PPSC offices in the northern territories in: Whitehorse, Yukon; Yellowknife, Northwest Territories (the NWT PPSC has a field office in Inuvik); and, Iqaluit, Nunavut. These offices employ a total of 40 Crown prosecutors (13 in Whitehorse, 13 in Yellowknife, 1 in Inuvik and 13 in Iqaluit). Fourteen (14) CWCs work from these offices (4 in Whitehorse, 4 in Yellowknife, 1 in Inuvik and 5 in Iqaluit).

With the exception of the Inuvik field office, all Crown prosecutors and all CWCs reside in the same community as the PPSC office and resident court. They travel with the circuit court to outlying communities.

Government Services for Victims

The territorial governments and First Nation self-governments in the northern territories provide the following services for victimized individuals and families:

- 16 transition homes/shelters/safe houses for women and their children: 5 in Yukon; 5 in NWT; and, 6 in Nunavut;
- victim services programs:
 - Yukon: the Yukon Department of Justice, Victim Services and Family Violence Prevention Unit (8 Victim Services workers, 2 of which are community-based); and, Kwanlin Dun First Nation in Whitehorse, and several other First Nations in smaller communities;
 - NWT: the NWT Department of Justice, Victim Services (8 Victim Services programs, with a total of 10 community-based Victim Services workers);
 - Nunavut: there is no territorial government victims services program, although Community Justice Specialists and Community Justice Outreach Workers offer some services to victims;
- legal information:
 - Yukon: territorial Law Line, First Nations' justice programs and the Yukon Legal Services Society;
 - NWT: territorial Law Line, First Nations' justice programs and the NWT Legal Services Society;
 - Nunavut: territorial Law Line and the Nunavut Legal Services Society;
- counseling/treatment services:
 - Yukon: numerous counseling services and treatment programs located mostly in Whitehorse and the regional centres of Dawson and Watson Lake (some service delivery to the smaller communities on a 'mobile' basis);
 - NWT: numerous counseling services in each regional centre (Yellowknife, Inuvik, Hay River, Fort Smith, Fort Simpson) and one territorial treatment program in Hay River;
 - Nunavut: limited counseling services in Iqaluit and regional centres of Rankin Inlet and Cambridge Bay, and a few smaller communities, although no addiction treatment centre (people are referred to Quebec, Ontario, Manitoba and NWT treatment centres).

3.2 Crime Rates in the Northern Territories

The crime rates in Yukon, Northwest Territories and Nunavut are significantly higher than elsewhere in Canada. The table on the next page illustrates this reality, comparing northern crime rates with the rest of Canada.⁹

⁹ Statistics Canada 2008.

Canadian Crime Rates by Offences, by Territory, 2008 (rate per 100,000 population)

Offences	Canada	Yukon	Northwest Territories	Nunavut
All Incidents	7,424.2	23,971.2	47,561.4	36,806.8
<i>Criminal Code Offences</i> ¹⁰	6,589.2	21,804.9	43,509.0	34,867.1
Crimes of Violence ¹¹	931.8	2,857.2	6,547.6	7,816.1
Homicide	1.8	9.1	6.9	12.7
Attempted Murder	2.2	3.0	0.0	19.1
Assaults (level 1 to 3) ¹²	714.2	2,528.4	5,912.3	6,779.5
Sexual assault	64.5	150.9	406.6	667.8
Other sexual offences	8.9	33.2	13.9	98.6
Other crimes of violence ¹³	43.3	87.5	154.8	187.6
Property crimes	3,079.5	3,910.2	5,346.2	4,264.2
Impaired driving	254.4	1,095.2	2,070.1	817.2
Breaking and entering	629.7	763.3	1,966.1	2,076.4
Drugs	306.1	639.6	1,074.3	731.4

These statistics substantiate the following conclusions:

- the “all incidents” crime rate in Yukon is over 3 times the national average; over 6 times the national average in NWT; and, about 5 times the national average in Nunavut;
- assault, a subset of violent crime, is seven times the national average in NWT and Nunavut;
- the sexual assault rate is 9 times the national average in Nunavut and 5.5 times the national rate in NWT;
- rates for assaults with an offensive weapon are 4 (Yukon), 6 (NWT) and 7.8 (Nunavut) times the rate in Toronto (Canada’s largest city); ¹⁴
- between 1999 and 2006, while the national average crime rate declined by 3%, and the Yukon rate remained flat, the NWT and Nunavut crime rates increased by 65% and 70% respectively; ¹⁵
- between 1999 and 2006, the national violent crime rate declined by 1% and the Yukon rate declined by 5%, the NWT and Nunavut violent crime rates both increased by 28% ¹⁶;
- all three territories have comparable property crime rates; property crime rates in the territories are much closer to the national average than the rates for crimes of violence;
- drug incident rates are highest for the NWT at 2.6 times the national average; and,
- the three northern territories have significantly more police officers per resident than any other jurisdiction in Canada. ¹⁷

¹⁰ Excluding traffic offences.

¹¹ “Crimes of Violence” include all violent crimes listed by category on subsequent lines: homicide; attempted murder; assaults; sexual assaults; other sexual offences; and, other crimes of violence.

¹² “Assault level 1” is the first level of assault. It constitutes the intentional application of force without consent, the attempt or threat to apply force to another person, or openly wearing a weapon (or an imitation) while accosting or impeding another person.

¹³ Includes unlawfully causing bodily harm, discharging firearms with intent, abductions, assaults against police officers, assaults against other peace or public officers and other assaults.

¹⁴ *Crime in Canada’s North: A Relative Perspective*, Yellowknife: NWT Bureau of Statistics, October 2007.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ In 2005, for every 100,000 residents, there were 387 police officers in Yukon, 402 in NWT and 403 in Nunavut. This compares to an average of fewer than 200 police officers for every 100,000 residents in the provinces. This statistic needs to be understood in context: northern residents live in many small isolated communities, the majority of which are not on a road system. See *Victimization and Offending in Canada’s Territories*, Ottawa: Statistics Canada, 2004 and 2005.

3.3 Victimization in the Northern Territories

The 2004 *General Social Survey on Victimization* provides useful information about northern victimization.¹⁸ Respondents, contacted at random, were asked about their victimization experiences and perceptions. The results of this survey revealed that:

- 37% of northern residents (15 years and older) reported being victimized at least once in the previous 12 months (28% in the provinces);
- territorial residents were more likely than provincial residents to have been repeat victims of crime;
- northerners were almost three times more likely than provincial residents to experience a violent crime such as sexual assault, robbery or physical assault;
- northern crime victims reported only 25% of violent incidents to the police (similar to the rest of Canada);¹⁹
- violent incidents against territorial residents were much more likely to be perpetrated by someone known to the victim (74% of northern crime victims said they knew the perpetrator, compared with 43% of provincial crime victims);
- northern victims were injured in 43% of violent incidents, compared with 25% of violent incidents in the provinces;
- northern residents experienced higher levels of spousal violence than their provincial counterparts;
- 12% of northern residents in a current or previous marital or common-law relationship reported being the victim of some sort of spousal violence in the 5 years preceding the survey (this compares with 7% in the provinces);
- there was no statistically significant difference in the rate of spousal assault against men (12%) and women (13%);²⁰
- residents of Nunavut were far more likely to have been victims of spousal violence (22%) than residents in NWT (11%) or Yukon (9%);
- northern female victims of spousal violence were twice as likely as male northerners to suffer the most severe forms of spousal violence;
- northern women were also twice as likely to be injured as a result of the violence; and,
- northern victims of spousal violence were just as likely as provincial victims to say that their partner had been drinking at the time of the incident.

Research has revealed that several key demographic, social and economic factors increase the risk of victimization. Some of these factors are: being young (Lochner, 2004); living in lone-parent families (Stevenson et al., 1998); living common-law (Mihorean, 2005); having high levels of unemployment (Raphael and Winter-Ebmer, 2001); being an Aboriginal person (Brzozowski et al., 2006); and the consumption of alcohol (Vanderburg et al., 1995).²¹ All these factors are descriptive of the northern population.

Northern residents, especially in NWT and Nunavut, tend to be younger in general than residents in the rest of Canada. The territories have the highest proportion of lone-parent families in Canada, and a higher proportion of common-law families. Rates of unemployment are higher in the northern territories than elsewhere in Canada. Aboriginal people represent 85% of the population in Nunavut, 51% of the population in NWT and 23% of the population in Yukon.²² And, territorial residents report higher levels of heavy drinking than provincial residents.²³

¹⁸ *Criminal Victimization in Canada's Territories: Results from the 2004 General Social Survey*, Ottawa: Canadian Centre for Justice Statistics, Statistics Canada, 2004. This survey is based on the respondent's personal assessment of their victimization.

¹⁹ The 2004 *General Social Survey* estimated that 88% of sexual assaults, 69% of household thefts, and 67% of personal property thefts were not reported to the police. See *Victimization and Offending in Canada's Territories*, Ottawa: Statistics Canada, 2004 and 2005.

²⁰ This self-reported statistic contradicts other research which indicates that the majority of spousal and sexual assault victims are female. See *Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*, Anna Paletta, Ottawa: Research and Statistics Division, Justice Canada, 2008.

²¹ *Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*, Anna Paletta, Ottawa: Research and Statistics Division, Justice Canada, 2008.

²² Young Aboriginal men are over-represented in the northern criminal justice system. 93% of territorial accused are First Nation, Métis or Inuit. 98% of sexual assault accused are male. 87% of family violence accused are male. The average age of the accused was early thirties. See *Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*, Anna Paletta, Ottawa: Research and Statistics Division, Justice Canada, 2008.

²³ *Legal Service Provision in Northern Canada, Summary of Research in the Northwest Territories, Nunavut, and the Yukon*, Pauline De Jong, Ottawa: Department of Justice Canada, 2002.

Justice Canada research also describes numerous additional factors that influence the high rates of victimization in northern Canada.²⁴ These are: limited formal education (fewer than 20% of northerners have attained a high school diploma); lack of community services (educational opportunities, employment, addiction treatment and trauma recovery); a history of colonialism and residential schools; high rates of chemical addictions (133.8% the national rate in NWT and 119% the national rate in Yukon²⁵) and Fetal Alcohol Spectrum Disorder (FASD); and, northern demographics/geography (large land areas with numerous small isolated communities).

Additional Justice Canada research describes territorial victims in greater detail, as follows:²⁶

- the majority of sexual and spousal assault victims are female (over 90% of sexual assault victims are female and 85% of spousal assault victims are female)²⁷;
- the average age of a territorial sexual assault victim is 19 (youngest victim was one and oldest victim was 86);
- the average age of a spousal assault victim is 29;
- the majority of family violence victims were current spouses or partners and the majority reported an injury (67% reported a minor injury and 17% reported a major injury);
- approximately 23% of sexual assault victims reported an injury;
- the majority of victims of both types of assault completed a Victim Impact Statement; and,
- as well as the injuries reported at the time of the incident, the majority of VIS submitted by victims reported: the inability to sleep; feelings of fear, disgust, shame, anger, confusion, loss of trust; the inability to go to the place where the assault occurred; and, recurring memories.

Following are some excerpts from territorial Victim Impact Statements that describe these symptoms: ²⁸

Victim 1: It made me scared and sad. I am having a hard time at school because I kept thinking about it....I have been having bad dreams since this happened. I have been depressed and upset sometimes. ... I am not eating or sleeping very well since this happened.

Victim 2: In the inside I'm hurt [in a way] that no one could understand. I lost my power of living a normal life with my friends and family.

Victim 3: I'm scared of ... some day he just might do something to me that no one will ever know what happened to me. I don't want my kids to grow up without a mother.... since 1990 – 95 he has been assaulting me but [I] never did report it to the RCMP because I was too afraid of him.

Data describing public perceptions of crime, victimization and the criminal justice system in the territories is also available. The *General Social Survey on Victimization, Cycle 18: Personal safety and perceptions of the criminal justice system in the territories*²⁹ asked a sample of residents in each territory about their experiences and perceptions of these issues, with results as follows:

- 59% believe that the level of crime in their neighbourhood is lower compared to other areas, and hasn't increased in the last five years;
- 53% feel "very satisfied" with their level of personal safety;
- the majority of respondents felt the police were doing a "good job" or "average job" in terms of enforcing the laws, responding to calls, being approachable, supplying information on crime reduction, ensuring public safety and treating people fairly;
- 72% feel the criminal courts do an "average" or "poor job" of "providing justice quickly";
- 65% believe the courts do an "average" or "poor job" of "helping the victim";
- 81% believe the courts do a "good" to "average job" of "ensuring a fair trial for the accused"; and,
- 58% believe the courts do an "average" or "poor job" of "determining whether or not the accused is guilty".

²⁴ See *Creating a Framework for the Wisdom of the Community: Inventory of Crime Victim Services, Nunavut, Northwest Territories and Yukon*, Mary Beth Levan, Ottawa: Research and Statistics Division, Department of Justice Canada, 2003.

²⁵ Statistics on alcohol consumption in Nunavut are not available.

²⁶ *Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*, Anna Paletta, Ottawa: Research and Statistics Division, Justice Canada, 2008.

²⁷ See footnote # 20.

²⁸ Ibid.

²⁹ *General Social Survey on Victimization, Cycle 18: Personal safety and perceptions of the criminal justice system in the territories*, Ottawa: Statistics Canada, 2004.

4.0 Sub-study Questions: Responses and Research Findings

4.1 Sub-study Question # 1

What has been the volume (level of activity) and reach of the CWC program since its inception?

Data Challenges

Ideally an assessment of the volume and reach of the CWC program would be based, in part, on the recorded numbers of victims and witnesses served by the CWC program in each territory since 2003. However, an exact and accurate number of victims and witnesses served by the program does not exist.

The PPSC Records Departments in each territory are responsible for the iCase data entries which list the numbers of victims and witnesses involved in each Crown case.³⁰ However, respondents in all three territories point out that these numbers would be higher if the Records Department staff in each territory had the time and resources to enter this data on a consistent basis. CWC respondents stated that, based on their own experience, there are many more victims and witnesses each year, per case and per community, than are recorded by the PPSC Records Departments.

As a result, there appear to be more Crown cases involving victims and witnesses than actual numbers of recorded victims and witnesses, particularly in NWT and Nunavut. In addition, there is no way to determine how many, or which, of the recorded victims and witnesses were assisted by the CWC program. That data has never been collected by either the CWC program or the Records Departments in the northern PPSC offices.

During Phase One of the CWC program sub-study process the Advisory Committee, and PPSC professionals in each territory, acknowledged this lack of quantitative data and saw the need to develop a more accurate, universal and user-friendly method of CWC program data collection.³¹

Case Management

Although complete quantitative statistical data is not available, it is important to note that CWCs do track their clients for the purposes of case management. The CWC program in each territory has developed its own internal method of information sharing and record keeping for each case. However, as described in Appendix A, these methods vary from one territory to the next and, aside from the Yukon, they are not consistently employed by every CWC in each PPSC office. Furthermore, these records are not kept in an electronic or data base format.

The case management tools, and history of iCase data entry, of northern CWCs are summarized below by territory.

Yukon

- iCase timekeeping records from 2003 to present;
- "Contact Log" information about each victim/witness from 2003 to present ("Contact Log" information tracks each contact with a victim/witness as well as legal information pertinent to their court case, but it is not in electronic format);
- CWCs prepare schedules for circuit court with the names and location of victims/witnesses (these schedules are not electronic and are not retrievable);

Northwest Territories

- intermittent iCase timekeeping records from 2003 to present;
- "Witness Information Sheet" records were started in December 2008 (the NWT "Witness Information Sheet" records contacts with the victim/witness as well as legal information pertinent to their court case, but it is not used by all NWT CWCs and is not electronic);

³⁰ The collation of existing iCase data about victims and witnesses in the territories was provided by the Justice Canada iCase National Business Analyst.

³¹ Suggestions for future CWC program data collection are contained in Appendix B, "CWC Program Data Collection and Performance Measurement Strategies". These methods include: the consistent and universal use of existing iCase timekeeping and data collection tools; the creation of additional iCase, or other, software which focuses on CWC program impacts and outcomes; the use of hand-written forms to record case outcomes and client satisfaction; and, the use of some combination of electronic and hard copy record keeping. All these methods are dependent on consistent and ongoing data entry by CWCs and PPSC Records Departments.

- CWCs prepare schedules for circuit court with the names and location of victim/witnesses (these schedules not electronic and are not retrievable);

Nunavut

- some iCase timekeeping records from 2003 to February 2006;
- no iCase records from February 2006 to present;
- CWCs sometimes add notes to the Crowns' files about victim/witnesses (not electronic, not retrievable); and,
- CWCs prepare schedules for circuit court with the names and location of victim/witnesses (these schedules are not electronic and are not retrievable).

In summary, current CWC case management tools are designed to facilitate the ongoing information sharing, court circuit, risk assessment³² and case management needs of the CWCs and Crown prosecutors in each PPSC office. However, these are not electronic records which calculate the numbers of victims and witnessed served by the CWC program. Accurate electronic victim/witness data by demographic profile, by charge, by community, or by territory is not available at this time.³³

Sub-study Data

Despite these data shortfalls, the volume and reach of the CWC program can be deduced from several other data bases as follows:

- the Yukon CWC program has, since its inception, used iCase to record the actual number of Crown cases in which it has been involved;
- CWC program case numbers for the NWT and Nunavut can be estimated using the number of Crown cases³⁴ which, by definition, include victims and, often, witnesses³⁵; and,
- court circuit schedules in each territory, which indicate the communities served by the PPSC, and CWC program, which are accurate.³⁶

This sub-study question is answered by territory due to the differences in CWC program volume and reach between the territories. Additional contextual data about prevalent charges, victimization statistics and circuit court communities is provided for each territory, by community.

4.1.1 Yukon Territory

Crown Cases, Victims and Witnesses

Between January 2003 and May 2009 a total of 10,965 criminal cases were prosecuted by the Crown in the Yukon Territory.³⁷ This is an average of 1,687 Crown cases per year. The ten most common *Criminal Code* charges in the Yukon, in descending order of prevalence, were:³⁸

- 733.1 Failure to comply with a probation order;
- 145.3 Failure to comply with condition of undertaking or recognizance;
- 266 Assault;
- 253 (1) (a) Operation while impaired;
- 253 (1) (b) Operation while impaired;
- 145 (5.1) Failure to comply with conditions of undertaking;
- 430 (4) Mischief in relation to property;

³² Risk assessments pinpoint the safety and support issues inherent in each case and help CWCs and Crowns manage the case in a manner that maximizes the safety and protection of victims, witnesses and court personnel.

³³ PPSC and PCVI are considering workable CWC program data collection and performance measurement tools. See Appendix B "CWC Program Data Collection and Performance Measurement Strategies".

³⁴ Data about the number of Crown cases and prevalent charges in each territory is considered accurate. This data was collated by the Justice Canada iCase National Business Analyst.

³⁵ Cases that include victims and witnesses are: sex offence cases; criminal negligence cases; homicide/manslaughter/attempted murder cases; assault cases; and, sex assault cases.

³⁶ The number of court circuits attended by CWCs is based on percentage estimates in the Yukon and Nunavut as their presence on court circuits is not recorded. In NWT the presence of CWCs on court circuits has been recorded since 2007.

³⁷ Yukon Crown case data was derived from Justice Canada iCase records.

³⁸ See Justice Canada iCase records.

- 264.1 Uttering threats;
- 145 (5) Failure to comply with appearance notice or promise to appear; and,
- 348 (1) (b) Breaking and entering with intent, committing offence.

According to iCase records there were 3,156 Crown victims and witnesses between January 2003 and May 2009. This represents approximately 486 victims and witnesses per year in the Yukon.

The ten communities with highest number of victims and witnesses from January 2003 to May 2009 were, in descending order: Whitehorse: 1583³⁹; Watson Lake: 353; Dawson City: 157; Carmacks: 117; Carcross: 107; Mayo: 87; Pelly Crossing: 86; Ross River: 84; Teslin: 68; and, Haines Junction: 62.

Yukon CWCs do not usually provide services to Crown victims and witnesses in cases of spousal or sexual assault. Victims of spousal and sexual assault are assisted by the Yukon Department of Justice, Victims Services and Family Violence Prevention Unit. In preparing for court cases these territorial Victim Services workers coordinate their efforts with the Crown Prosecutors.⁴⁰

There is no accurate record of the exact number of victims and witnesses assisted by the CWC program. However, Yukon CWCs dealt with 2,923 cases from January 2003 to May 2009, an average of 450 cases each year.⁴¹ This represents CWC involvement in approximately 27% of all Crown cases.

Yukon CWCs assist victims in the preparation of Victim Impact Statements. From January 2003 to May 2009 they assisted in the completion of 589 Victim Impact Statements; an average of 91 VIS per year.⁴²

CWC Program and Yukon Communities

The following 13 outlying Yukon communities are served by circuit court: Beaver Creek; Burwash Landing; Carcross; Carmacks; Dawson City; Faro; Haines Junction; Mayo; Old Crow; Pelly Crossing; Ross River; Teslin; and, Watson Lake.

Each of these thirteen (13) communities receives six (6) circuit court visits each year. One (1) CWC is assigned to each circuit court. Therefore, CWCs assist Crown victims and witnesses in the outlying communities 78 times per year. This represents approximately 507 CWC circuit court trips between January 2003 and May 2009.⁴³

The CWC program also serves Whitehorse (the location of the resident court). Therefore a total of 14 (85%) Yukon communities are served by the CWC program. Cases occurring in the remaining 3 communities (Destruction Bay, Marsh Lake and Tagish) are heard in the nearest larger community so victims and witnesses from those 3 communities also benefit from the CWC program.

Ten (10) Yukon communities have neither a territorial government Victim Services program nor a women's transition home. Therefore, in terms of victim services, 60% of all Yukon communities are served by the CWC program alone.

4.1.2 Northwest Territories

Crown Cases, Victims and Witnesses

Between January 2003 and May 2009 a total of 18,822 criminal cases were prosecuted by the Crown in the NWT. The Inuvik PPSC office prosecuted 5,108 cases and the Yellowknife PPSC office prosecuted 13,714 cases.⁴⁴ This represents an average of 2,896 Crown cases per year in the NWT.

³⁹ Whitehorse accounts for 3/4 of the territory's population and therefore has the majority of crime victims.

⁴⁰ Yukon CWCs do assist victims of spousal and sexual assault when territorial victim services workers are not available.

⁴¹ In the Yukon the CWCs track their ongoing file count. This figure is from the CWCs' own iCase data entry records.

⁴² In the NWT and Nunavut CWCs do not assist in the completion of Victim Impact Statements as they perceive this involvement to be a conflict of interest. In these territories victims are referred to the police, victim services workers and other local service providers for assistance in the completion of Victim Impact Statements.

⁴³ This figure is an estimate only as it does not account for leave time, temporary vacancies or court circuits which don't involve crime victims. However, respondents stated that almost all court circuits since 2003 have included a CWC.

⁴⁴ NWT Crown case data was derived from Justice Canada iCase records.

The ten most common *Criminal Code* charges in the NWT were, in descending order of prevalence:

- 266 Assault;
- 733.1 Failure to comply with a probation order;
- 145.3 Failure to comply with condition of undertaking or recognizance;
- 430 (4) Mischief in relation to property;
- 145 (5) Failure to comply with appearance notice or promise to appear;
- Youth Criminal Justice Act 137 Failure to comply with sentence or disposition;
- 253 (1) (a) Operation while impaired;
- 145 (5.1) Failure to comply with conditions of undertaking;
- 348 (1) (b) Breaking and entering with intent, committing offence; and,
- Offences under the Liquor Act.

There were, according to iCase records, a total of 5,972 victims and witnesses in NWT between January 2003 and May 2009.⁴⁵ This represents approximately 919 victims and witnesses per year.

The ten communities with the highest number of victims and witnesses, in descending order, from January 2003 to May 2009 were: Yellowknife: 1346; Inuvik: 835; Behchoko: 411; Tuktoyaktuk: 381; Hay River: 340; Fort Smith: 266; Fort Good Hope: 239; Fort Providence: 212; Fort Liard: 195; and, Fort McPherson: 184.

There is no reliable record of the number of victims, witnesses or cases NWT CWCs have dealt with since 2003.⁴⁶ However, NWT CWCs assist in most Crown cases involving a victim. An approximate number of victims and witnesses served by NWT CWCs can be deduced from the number of Crown cases which, by definition, involve a victim, and usually witnesses. Since 2003 there have been:

- 346 sex offence cases;
- 3 criminal negligence cases;
- 27 homicide/manslaughter/attempted murder cases;
- 6297 assault cases; and,
- 544 sex assault cases.

This represents a total of 7,217 cases since 2003 (an average of 1,110 cases per year) which directly involve victims and witnesses.

Until late in 2008 the NWT was served by three (3) CWCs (2 in Yellowknife and 1 in Inuvik). Two (2) additional CWCs joined the team in Yellowknife in October 2008. Therefore, until late 2008 three (3) CWCs handled a very large volume of cases, but were unable to assist as many crime victims as the current team of five (5) CWCs.

CWC Program and NWT Communities

Twenty (20) NWT communities are served by the resident court in Yellowknife, or the circuit court, as follows: Aklavik; Behchoko (Rae-Edzo); Fort Liard; Fort McPherson; Fort Providence; Fort Resolution; Fort Simpson; Fort Smith; Hay River; Inuvik; Lutselk'e; Paulatuk; Sahtu communities (Fort Good Hope, Norman Wells, Tulita, Deline)⁴⁷; Tuktoyaktuk; Ulukhaktok (Holman); Whati; and, Yellowknife (resident court).

Therefore, 60% of all NWT communities benefit directly from the CWC program. Victims and witnesses from communities not served by the court circuit attend court in the nearest large centre and therefore also benefit from the program.

NWT communities are served by the circuit court on a regular basis. In the last 2 years (August 2007 to August 2009) the NWT circuit court schedule has indicated the presence or absence of CWCs on each court circuit.⁴⁸ Over these two (2) years the CWCs have traveled with the court circuit to the outlying communities as follows: Aklavik: 8 trips; Behchoko (Rae-Edzo): 30 trips; Fort Liard: 14 trips; Fort McPherson: 17 trips; Fort Providence: 19

⁴⁵ The total number of recorded crime victims and witnesses in NWT includes both the Inuvik and Yellowknife PPSC offices.

⁴⁶ CWCs in NWT do not track their ongoing file count, or record the numbers of victims and witnesses they assist.

⁴⁷ NWT PPSC circuit court data usually records the Sahtu communities as one entity. There are four (4) communities in the Sahtu region that are served by the circuit court.

⁴⁸ Prior to mid 2007 the presence of CWCs on circuit court was not recorded.

trips; Fort Resolution: 17 trips; Fort Simpson: 20 trips; Fort Smith: 19 trips; Hay River: 39 trips; Inuvik: 65 trips⁴⁹; Lutselk'e: 18 trips; Paulatuk: 4 trips; Sahtu communities (Fort Good Hope, Norman Wells, Tulita, Deline): 37 trips; Tuktoyaktuk: 17 trips; Ulukhaktok (Holman): 4 trips; and, Whati: 19 trips.

In total, over the last two (2) years, NWT CWCs have made 282 circuit court trips (an average of 141 trips per year).⁵⁰ In addition, NWT CWCs have served Yellowknife based victims for a total of 139 person-weeks (an average of 69.5 person-weeks per year).

Twenty four (24) NWT communities have neither a territorial government Victim Services program nor a women's transition home. Therefore, in terms of victim services, 75% of all NWT communities are served by the CWC program alone.

4.1.3 Nunavut

Crown Cases, Victims and Witnesses

There were 16,166 total Crown cases in Nunavut between January 2003 and May 2009.⁵¹ This represents an average of 2,487 Crown cases per year in Nunavut.

The ten most common *Criminal Code* charges in the Nunavut, in descending order of prevalence, were:

- 266 Assault;
- 733.1 Failure to comply with a probation order;
- 145.3 Failure to comply with condition of undertaking or recognizance;
- 430 (4) Mischief in relation to property;
- 348 (1) (b) Breaking and entering with intent, committing offence;
- 267 (a) Assault with a weapon or causing bodily harm;
- 271 Sexual Assault;
- 145 (5.1) Failure to comply with appearance notice or promise to appear;
- *Criminal Code*/Other; and,
- 253 (1) (a) Operation while impaired.

According to iCase records there have been 9,607 victims and witnesses from January 2003 to May 2009. This is approximately 1,478 victims and witnesses per year.

The top ten communities with the highest number of victims and witnesses, in descending order, from January 2003 to May 2009 were as follows: Iqaluit: 2548; Kugluktuk: 741; Rankin Inlet: 732; Cambridge Bay: 717; Cape Dorset: 553; Pond Inlet: 517; Pangnirtung: 444; Baker Lake: 416; Igloolik: 330; and, Arviat: 316.

Nunavut CWCs assist in most Crown cases involving a victim. However, there is no accurate record of the number of victims, witnesses or cases Nunavut CWCs have dealt with since 2003.⁵² An approximate number of victims and witnesses served by Nunavut CWCs can be deduced from the number of Crown cases which, by definition, involve a victim, and usually witnesses. Since 2003 there have been:

- 1837 sex offence cases;
- 6 criminal negligence cases;
- 51 homicide/manslaughter/attempted murder cases;
- 8383 assault cases; and,
- 937 sex assault cases.

Therefore, a total of 11,214 cases since 2003 have directly involved victims and witnesses (an average of 1,725 cases per year).

⁴⁹ There is a resident CWC program in Inuvik. This CWC normally covers court in Inuvik, although Yellowknife based CWCs assist when the workload dictates.

⁵⁰ This total does not include the Inuvik court circuit as there is a resident CWC program in Inuvik.

⁵¹ Nunavut Crown case data was derived from Justice Canada iCase records.

⁵² CWCs in Nunavut do not track their ongoing file count or record the number of victims and witnesses they assist.

Until 2007, Nunavut was served by three (3) CWCs. Since then, two (2) additional CWCs have joined the team. All are based at the Iqaluit PPSC office. According to respondents, staff turnover, leaves and temporary vacancies mean that three to four CWCs handle this large volume of cases. If it isn't possible for a CWC to travel with the court circuit, a CWC contacts the victims and witnesses by phone.

CWC Program and Nunavut Communities

The following 23 Nunavut communities are served by the resident court in Iqaluit, or the circuit court: Arctic Bay⁵³; Arviat; Baker Lake; Cambridge Bay; Cape Dorset; Chesterfield Inlet; Clyde River; Coral Harbour; Gjoa Haven; Hall Beach; Igloolik; Iqaluit (resident court); Kimmirut; Kugaaruk; Kugluktuk; Pangnirtung; Pond Inlet; Qikiqtarjuaq; Rankin Inlet; Repulse Bay; Sanikiluaq; Taloyoak; and, Whale Cove.

Therefore, 90% of all Nunavut communities benefit directly from the CWC program. Victims and witnesses from communities not served by the court circuit attend court in the nearest large centre and therefore also benefit from the CWC program.

Nunavut communities are served by the circuit court on a regular basis. In the last two (2) calendar years (2007 and 2008) court circuit trips to Nunavut communities were as follows: Arctic Bay: 6 trips; Arviat: 9 trips; Baker Lake: 8 trips; Cambridge Bay: 10 trips; Cape Dorset: 8 trips; Chesterfield Inlet: 2 trips; Clyde River: 8 trips; Coral Harbour: 4 trips; Gjoa Haven: 8 trips; Grise Fiord: (heard in nearest large centre); Hall Beach: 8 trips; Igloolik: 8 trips; Iqaluit (resident court): 73 court-session weeks; Kimmirut: 6 trips; Kugaaruk: 4 trips; Kugluktuk: 10 trips; Pangnirtung: 8 trips; Pond Inlet: 8 trips; Qikiqtarjuaq: 8 trips; Rankin Inlet: 11 trips; Repulse Bay: 4 trips; Resolute: 3 trips; Sanikiluaq: 4 trips; Taloyoak: 8 trips; Whale Cove: 2 trips; and, other areas: (heard in nearest large centre).

In total, during the 2007 and 2008 calendar years, the Nunavut Court of Justice made a total of 155 circuit court trips outside Iqaluit. The presence of CWCs on these court circuits is not recorded. However, given the prevalence of violent crime in Nunavut (which has the highest rate of violent crime in Canada) it is likely that CWCs, when available, traveled on many of these circuit courts. Nunavut respondents themselves estimated that CWCs travel on about 60% of all court circuits. In addition, Nunavut CWCs served Iqaluit based victims, in 2007 and 2008, a total of 73 person-weeks (an average of 36.5 person-weeks per year).

Twenty (20) Nunavut communities have neither a territorial government Victim Services program nor a women's transition home. Therefore, in terms of victim services, 75% of all Nunavut communities are served by the CWC program alone.

4.1.4 Summary: CWC Program Volume and Reach

As stated at the outset of this question, the CWC program does not track the number of victims and witnesses it assists. And, the PPSC Records Departments data in NWT and Nunavut indicates that there are more Crown cases in those territories involving victims/witnesses than the actual recorded number of victims/witnesses.

Despite these obvious data shortfalls, and based on respondent insights, the following conclusions regarding CWC program volume and reach can be drawn:

- CWCs in the northern territories assist over 3,000 victims and witnesses per year;
- CWCs are present on close to 300 court circuits per year;
- 78% of all northern communities receive assistance from the CWC program; and,
- 70% of all northern communities receive victims' assistance from the CWC program alone.

The following table summarizes the available CWC program data as presented in this section.

⁵³ Grise Fiord, Arctic Bay and Resolute Bay cases are heard as needed in Resolute Bay or Arctic Bay.

CWC Program Volume and Reach: January 2003 to May 2009⁵⁴

Volume and Reach Indicators	Yukon (4 CWCs)	NWT (5 CWCs)	Nunavut (5 CWCs)	Northern Territories (14 CWCs)
Total number of all Crown cases	• 10,965	• 18,822	• 16,166	<ul style="list-style-type: none"> • 45,953 total Crown cases • average of 7,070 Crown cases per year
Average number of Crown cases per year	• 1,687	• 2,896	• 2,487	
Total number of victims/witnesses	• 3,156 *	• 5,972 *	• 9,607 *	<ul style="list-style-type: none"> • 18,735 total victims/witnesses * • average of 2,882 victims/witnesses per year *
Average number of victims/witnesses per year	• 486 *	• 919 *	• 1,478 *	
Total number of CWC cases ⁵⁵	• 2,923	• 7,217 *	• 11,214 *	<ul style="list-style-type: none"> • 21,354 total CWC cases * • average of 3,285 CWC cases per year *
Average number of CWC cases per year	• 450	• 1,110 *	• 1,725 *	
Number and percentage of communities served by CWCs	<ul style="list-style-type: none"> • 14 (out of 17 communities) • 85% 	<ul style="list-style-type: none"> • 20 (out of 33 communities) • 60% 	<ul style="list-style-type: none"> • 23 (out of 26 communities) • 90% 	<ul style="list-style-type: none"> • 78% of all northern communities (57 in total) are served by the CWC program
Number and percentage of court circuits served by CWCs, per year	<ul style="list-style-type: none"> • 78 • 100% * 	<ul style="list-style-type: none"> • 141 • 75% * 	<ul style="list-style-type: none"> • 77.5 * • 60% * 	<ul style="list-style-type: none"> • 296 northern court circuits per year are served by the CWC program
Percentage of communities served by the CWC program alone ⁵⁶	• 60%	• 75%	• 75%	<ul style="list-style-type: none"> • average of 70% of all northern communities receive victim services from the CWC program alone

⁵⁴ Statistical information marked with an asterisk (*) indicates approximate numbers based on all available data.

⁵⁵ The number of CWC cases in Yukon is accurate. The number of CWC cases in NWT and Nunavut are estimates based on the number of Crown cases which involve a victim.

⁵⁶ These are communities without a resident victim services program or a women's transition home.

4.2 Sub-study Question # 2

Is the demand for CWC services being met?

The answer to this question is partially dependent on determining the number of court circuits in each territory which did not include a CWC.

In the Yukon, according to respondents, there is a CWC available on every court circuit. In the NWT, since late in 2008, CWCs have been available on most court circuits that involved victims and witnesses. However, prior to the fall of 2008, when there were three (3) rather than the current five (5) CWCs, respondents estimate that CWCs were available on approximately 50% to 60% of all NWT court circuits.⁵⁷ In Nunavut there are no records indicating the number of Nunavut court circuits which included CWCs. Respondents estimate that there is a CWC on 60% of all court circuits.

Further insight regarding the demand for CWC services was provided by northern criminal justice professionals⁵⁸ in the three territories. Because service demand varies from one territory to the next the responses to this sub-study question are presented below by territory. A summary of these responses is provided after the territory-specific service demand descriptions.

4.2.1 Yukon Territory

Criminal justice professionals in the Yukon feel, in general, that when all four (4) CWC positions are fully staffed they have adequate resources to meet the demands placed on the CWC program. However, they point out that if the Yukon CWC program becomes responsible for spousal and sexual assault cases, now handled by the territorial government's Victim Services program, they will need several more CWC positions.

In terms of suggestions related to service demand, the Yukon judiciary recommended that CWCs be located in the regions outside Whitehorse, suggesting that a CWC be stationed in each of the two (2) main outlying communities (Watson Lake and Dawson City). This decentralizing of CWC resources would provide greater access, throughout the territory, to court-based victim services. The representative of Yukon government Victim Services program and the Crown prosecutors also agreed that the long distances between Yukon communities presents a logistical challenge for CWCs, who are based in Whitehorse, and they also recommended that CWCs be located in several outlying communities.⁵⁹

The Yukon defence counsel⁶⁰, interviewed during the sub-study process, made more generalized comments in relation to the CWC program and the demand for its services, stating that the Yukon is "already well resourced on the state side" in comparison with the "limited resources" available to the accused and their defence counsel.

4.2.2 Northwest Territories

In the fall of 2008 two (2) new CWC positions were added to the existing three (3) positions, for a total of five (5) CWC positions in the NWT. However, most respondents believe that the NWT could still use one or two additional CWC positions, particularly in the Inuvik PPSC office. The CWCs themselves say that the additional positions haven't decreased each CWC's workload. However, there is now a CWC on most court circuits; something that wasn't possible in the past. And despite the addition of these two (2) positions the CWCs find that they still don't have adequate time for each complainant, remembering that NWT CWCs, unlike their Yukon counterparts, handle sexual and spousal assault cases.

A CWC in the NWT described this situation as follows:

"When we have 4 communities on one circuit, and spend 2 days in each community, there is not enough time to talk with each victim and witness before court. We need more time before court to interview

⁵⁷ There are no records indicating the number of court circuits attended by NWT CWCs prior to mid 2007.

⁵⁸ Throughout this document, and unless otherwise indicated, "criminal justice professionals" refers to: Crown Witness Coordinators (CWCs); Crown prosecutors; Chief, and Associate Chief, Federal prosecutors (CFPs); judiciary; defence counsel; the Policy Centre for Victim Issues (PCVI); and, the Public Prosecution Service of Canada, Northern Region (PPSC).

⁵⁹ There is one fly-in community in the Yukon: Old Crow.

⁶⁰ Yukon Legal Aid Society.

*victims and witnesses ... by the time we get to the second or third community on a court circuit the victims and witnesses are getting less attention.*⁶¹ CWC Respondent

However, the current situation is still a vast improvement over the level of assistance available to victims and witnesses prior to the CWC program. Many NWT respondents stated that prior to the CWC program there was literally no time at all to prepare and assist victims and witnesses.

Crown prosecutors in the NWT unanimously shared the opinion of other NWT respondents in requesting more CWC positions, especially in the Inuvik (Beaufort-Delta) region and Sahtu communities. In particular they hope to avoid 'burn-out' amongst existing CWCs, all of whom, they report, carry large caseloads, and regularly travel to a minimum of 16 fly-in communities and 14 communities on a road system.⁶² According to NWT Crowns, it still isn't possible to have a CWC on each and every circuit court. Their absence greatly increases the Crown's circuit court workload, and adds additional stressors for victims and witnesses.

4.2.3 Nunavut

There are a total of five (5) CWC positions in Nunavut, all located in Iqaluit. Nunavut CWCs report that they need a minimum of two (2) CWCs per region. (There are three regions in Nunavut.) However, according to the CWCs, this minimum doesn't really meet the demand and an additional two (2) positions, for a total of seven (7) CWCs, would mean less weekend/overtime work, and reduced travel, for the existing CWCs. This number would also ensure the presence of a CWC on all circuits which involve victims and witnesses. (Nunavut CWCs deal with sexual and spousal assault cases.)

Nunavut CWCs do a court circuit every two (2) weeks and report that it isn't uncommon to log up to 33 hours of overtime in one week, especially when many cases involve multiple victims and witnesses. This situation is complicated by the fact that, unlike the other northern territories, there is no territorial government victim services program in Nunavut. As a result, CWCs are the only formal support to victimized individuals in Nunavut.

The judiciary, Crown Prosecutors and defence counsel⁶³ in Nunavut concur with Nunavut CWCs in stating that two (2) or three (3) additional CWC positions are necessary to meet the existing demand for CWC services.

The judiciary further notes that the CWC program should be expanded given the rapid turnover of Crown prosecutors in Nunavut. CWCs are often in the position of providing cultural, social and linguistic information and training for new Crowns, and are also one of the few connections to community members for new Crowns. Because of this, and in addition to several new CWC positions, the judiciary recommends that Crown prosecutors and new CWC positions should be located in the regional centres of Rankin Inlet and Cambridge Bay, as well as in Iqaluit.

Other respondents stated that there are a number of additional reasons why five (5) CWCs cannot meet the demand for their service. They described, first of all, the escalating crime situation in their territory; a description that is born out by the statistical evidence.⁶⁴ As one respondent noted:

"The CWC program is not able to meet the demand. There isn't a CWC on every court circuit, although there is a CWC on more than 50% of all circuits. But service demand is way up because crime stats in the last 10 years have doubled. There are double the number of charges and there are many more firearm offences and more homicides than in the past." Crown Prosecutor Respondent

In addition to the escalating crime rate and lack of territorial victim services, the Nunavut CWC program has to meet the demand for their services in 22 'fly-in' communities over a vast territory. As in Yukon and NWT, climate and distances in Nunavut makes travel to these communities long and arduous.

⁶¹ CWCs travel to the first community on the court circuit schedule on the day before court is held, or sometimes several days ahead of the court. They begin locating and contacting the victims and witnesses in the first community as soon they arrive. When court is complete in the first community the court party travels immediately to the next community on its circuit and begins hearing cases. Therefore, CWCs have less time to locate and contact victims and witnesses in the second, third and fourth communities on the court circuit schedule.

⁶² In the NWT there are 19 fly-in communities and 14 communities on a road system. However, not all fly-in communities are served by the court circuit and, furthermore, the court party sometimes flies into communities on the road system as the distances are great.

⁶³ Malliganik Tukisiiniakvik, Nunavut Legal Aid Society.

⁶⁴ See the statistical data in section 3.4 "Crime Rates in the Northern Territories".

4.2.4 Summary: CWC Program Service Demand

The ability of the CWC program to meet the demand for its services can be partially summarized with a quote from a respondent who points out that the CWC program has a specific mandate and is not in a position to meet all the needs of victimized individuals in the northern territories.

"In some territories, yes, the CWCs can meet the demand, given their mandate and what they are expected to accomplish/complete. Each territory needs their own additional supports and they are unique. We should always remember that CWCs are not social workers nor are they counselors. That is what many communities need but CWCs cannot do that work." Justice Canada Respondent

The following table summarizes the current (March 2010) CWC program service demand situation for each territory. Respondent suggestions regarding service demand improvements are included. These suggestions focus on the creation, and decentralization, of additional CWC positions in each territory.

CWC Program Service Demand 2009

	Yukon	Northwest Territories	Nunavut
CWC Circuit Court Availability	<ul style="list-style-type: none"> CWC service level is adequate for current circuit court demand 	<ul style="list-style-type: none"> CWC service level is largely adequate for current circuit court demand CWCs are present on "most circuits" 	<ul style="list-style-type: none"> CWC service level is not adequate for current circuit court demand CWCs attend about 60% of all circuits
CWC Service Level Shortfalls	<ul style="list-style-type: none"> victims and witnesses in small communities must wait until circuit court to work in person with a CWC there are long distances between the small communities 	<ul style="list-style-type: none"> there are several circuit courts each year which do not have a CWC present there is an increasing demand for court-based victim services in the Inuvik and Sahtu regions 	<ul style="list-style-type: none"> CWCs are not available for about 40% of all circuit courts & do little follow up there is an increasing demand for court-based victim services across Nunavut
Respondent Suggestions	<ul style="list-style-type: none"> add 2 new CWC positions if victim services in spousal and sexual assault cases is moved to PPSC locate CWCs in regional centres (Watson Lake and Dawson City) 	<ul style="list-style-type: none"> add 1 or 2 new CWC positions locate new CWCs in the Inuvik (Beaufort-Delta) region and/or Sahtu region 	<ul style="list-style-type: none"> add 2 or 3 new CWC positions locate new CWCs in regional centres (Rankin Inlet and Cambridge Bay)

4.3 Sub-study Question # 3

What challenges or contextual factors influence the ability of the CWC program to achieve its intended results?

Northern criminal justice professionals provided extensive input and analysis in response to questions about CWC program challenges and contextual factors. Additional insights were found in a review of the relevant research about crime and victimization in northern Canada.

Responses to this question are presented by category of challenge (or contextual factor), rather than by territory. Unlike answers to several other sub-study questions, there is general agreement across all three territories about the challenges and contextual factors faced by CWCs in the delivery of their service.

Research findings describing the circumstances surrounding crime and victimization in northern Canada are presented in the summary of this sub-study question. This research supports the observations and experiences of respondents in all three territories, as they are described below.

4.3.1 Traumatized Victims and Witnesses

Criminal justice professionals in the all three territories pinpointed numerous challenges and contextual factors which influence the CWCs ability to deliver their service.

The primary challenge, as respondents in each territory pointed out, is that most crime victims and witnesses are very traumatized. Because many are victims of chronic long-term abuse they struggle with a wide range of ongoing personal and family problems. These problems can include: chemical and behavioural addictions; lack of confidence, depression, anxiety and poor self-esteem; dysfunctional behaviours such as aggression, hostility, passivity; fetal alcohol syndrome/effect, and other forms of cognitive impairment; chronic illness; poverty; inadequate housing; limited income; lack of employment; and, inability to access resources. The following comments illustrate this situation.

"The biggest challenge for CWCs is the shock of what the victims go through, and the brutality of it."
Territorial Victims Services Respondent

"The crimes are increasingly brutal. CWCs end up bearing the emotional brunt of the court case." Judicial Respondent

This complex constellation of traumatic symptoms is not always understood by all the criminal justice professionals who come into contact with the crime victim, which further complicates the CWC's task. CWCs report that they often feel sandwiched between the demands of the criminal justice system and the needs, abilities and circumstances of the crime victims they are attempting to assist.

This landscape of endemic traumatization also impacts the complainant's willingness to testify in court. Because the focus of traumatized individuals is on physical survival they are often afraid to testify against the accused. This instinct is reinforced by their own family, and the family of the accused, who often blame the victim for the abusive treatment they have endured. Family members, themselves trapped in various patterns of violence, can bring tremendous pressure to bear on victims in order to keep them silent. As a result, the CWC must deal with the victim's traumatic symptoms as well as the family dynamics of blaming and denial that surround and influence the victim.

The reluctance to testify plays itself out in various ways; some complainants look for ways to avoid or delay their court case. Others simply refuse to testify in the hope that the charges will be dropped. Still others deny or minimize the incident in question when they take the stand.

4.3.2 Vicarious Trauma

Working with traumatized individuals and their families is stressful for those who work with them. Feelings of helplessness, anger, depression, and other symptoms of vicarious trauma, are inevitable. Ideally, professionals who work on a daily basis with traumatized people have an opportunity to de-brief and consult with specialists

trained in clinical supervision⁶⁵. This service is only partially available to CWCs through the federal government Employee Assistance Program. CWCs in all three territories say they simply de-brief with each other and attempt to deal privately with their symptoms of vicarious trauma.

As one CWC said:

"We don't get any clinical supervision or debriefing. We could use a few hours each month of clinical supervision ... we get emotionally fatigued. Right now we debrief with each other ... we need an outside neutral person." CWC Respondent

4.3.3 Crime Rate

As described in section 3.4 of this report, "Crime Rates in the Northern Territories", violent crime rates in all three territories are higher than elsewhere in Canada. Furthermore, in Nunavut and NWT crime rates are escalating, although they appear to be stable in the Yukon. This means that the number of victims and witnesses in NWT and Nunavut are increasing as well. In addition, Nunavut respondents report that violent crimes in their territory are now "more brutal" than in the past. This situation places added psychological and logistical burdens on CWCs. A respondent in Nunavut summarized this situation as follows:

"The nature of violence is getting worse. Younger people are getting charged for sexual assault and the crimes are more brutal now. Crime has gone through the roof and is getting worse and more violent. The use of firearms is higher. We had 8 homicides in 18 months and more women are getting charged with manslaughter now." CWC Respondent

4.3.4 CWC Security

The despair, anger and fear felt by the victim, the accused, and their families, can become physically dangerous. Victims and witnesses may be distraught during the trial process, or angry about the eventual judgment and sentence. The accused, and the families of both the victim and the accused, often blame the victim for the incident in question and sometimes project that blame, and their anger, at anyone who is supporting the victim, such as the CWC.

"Security is an issue ... the CWCs may end up getting more blame than the Crown if the victim and witness is not happy with the outcome." Judicial Respondent

CWCs report that they have been threatened with knives and found themselves in other dangerous situations, especially in small remote communities where few services exist. CWCs say that they haven't always felt supported or protected in these situations. Shortfalls in terms of infrastructure and security (lack of vehicles and cell phones on circuit court) can exacerbate this situation.

4.3.5 Circuit Court

The court circuit system presents its own additional challenges for CWCs. The limited time in each community, dictated by the pre-arranged court circuit timetable, means CWCs have minimal time for working with victims and witnesses, and familiarizing themselves with the community.

Furthermore, in regard to circuit court, there are few places, especially in the smaller communities, to meet privately with victims and witnesses. Crowns and CWCs alike often find themselves meeting with their clients in hotel rooms, bathrooms, laundry rooms and broom closets. This situation has obvious consequences in terms of confidentiality and court preparation. In addition, these smaller communities often have no services to which CWCs can refer victims and witnesses for further assistance. When CWCs are the only support for victims and witnesses the difficulties associated with assisting them are compounded.

"We have clients who tell us that they have no one at all to talk to ... we need victims services in Nunavut. We are the only support to the victim and witness." CWC Respondent

⁶⁵ Clinical supervision is an opportunity for workers to deal with the stress and vicarious trauma of working with traumatized and distraught individuals and families.

Court circuit work also presents numerous logistical challenges for CWCs, particularly in Nunavut where there is extensive court circuit travel by air, and ongoing accommodation problems in most small towns.

"The challenges are the endless difficult travel, often with no place to stay. You have no idea how hard the travel is. There are often 10 people flying on a small plane for 4 hours with no bathroom." Judicial Respondent

Finally, in terms of the challenges presented by the court circuit system, respondents in all three territories report that the length of time between the alleged incident and the actual trial causes its own set of problems: over time victims and witnesses are often coerced into altering their upcoming testimony; complainants have growing fears that their partner or relative (the accused) will be sent to jail; other problems in the complainant's life take priority over the court case; and/or, victims decide that the issue has been resolved to their satisfaction. CWCs state that the biggest complaint they hear from victims and witnesses is the long waiting time between the incident and the trial.

4.3.6 Cultural Differences

Respondents, particularly in Nunavut, pointed out that the Canadian criminal justice system doesn't always reflect the traditional northern indigenous approach towards violent behaviour.

"This system of justice conflicts with the Inuit approach to justice. In the old days people used to be kicked out for this behaviour ... now there are no consequences for violent behaviour in Nunavut." CWC Respondent

CWCs report that they spend considerable time explaining the dominant culture's criminal justice system to indigenous people for whom procedures such as plea bargaining, no-contact orders and sentencing make limited sense. They also face the challenge of explaining northern indigenous social and cultural norms to non-indigenous court and policing professionals.

4.3.7 Public Attitudes

As noted above, public perceptions and attitudes towards the criminal justice system present persistent challenges for CWCs, as well as other northern criminal justice professionals. The court system, the Public Prosecution Service and other components of the Canadian criminal justice system are often viewed with suspicion and fear by the northern public, particularly in smaller communities, where, among other things, it is not fully understood that the courts are another, and separate, branch of government.

This attitude of hostility and fear towards the criminal justice system is often projected onto CWCs who are frequently blamed and targeted by community members for their affiliation with that system.

This situation is complicated by the fact that, according to respondents, the majority of northerners do not know their rights under the law. Neither victims nor accused are aware of the protections and recourse available to them under the Canadian *Criminal Code*. In addition, the territorial family violence intervention legislation passed in recent years, in all three territories, is not yet well known or fully utilized.

These public perceptions, and the lack of information, lead to other problems too. Victims and witnesses sometimes hide or refuse to testify when the court sits in their community. CWCs say that they have to search for and locate over half the victims and witnesses in most communities. Some victims and witnesses attempt to avoid court and others have no where to live, and are therefore difficult to locate. In some cases Crowns issue witness warrants to ensure the victim/witness is available for court. These measures impact public perceptions of the court system and place additional stressors on CWCs.

4.3.8 Training Issues

Respondents report that there are numerous training challenges for CWCs and other criminal justice professionals. For their part CWCs say that they often find themselves in the position of orienting Crowns and police who are new to the north, explaining northern social/cultural norms and northern attitudes/behaviours related to the criminal justice system. Nunavut CWCs say these professionals often come north with limited policing and prosecution experience, in addition to their lack of experience with northern indigenous cultures. In

Nunavut in particular these 'orientation' expectations are, according to Nunavut CWCs, often accompanied by an assumption that CWCs will provide translation and interpretation services, as well 'on-the-job training'.⁶⁶

Several CWCs pointed out that they are not paid as trainers, or recognized for the training/orientation that they provide. In this respect they recommend that the role of the CWC be further defined and clarified. And they further recommend that new Crowns and temporary Crowns be instructed about the role of the CWC within the PPSC.

CWCs also feel that they themselves need more training. CWCs, and other respondents in all three territories, recommended that CWCs receive additional training in the following areas:

- orientation to CWC job responsibilities, and the parameters and boundaries of CWC work, for both CWCs and for other northern criminal justice professionals (this recommendation was made by CWCs in light of the undefined, and assumed, 'orientation' expectations placed on CWCs by the RCMP and PPSC, as noted above);
- legal and criminal justice system training;
- victim/witness assessments, including risk assessments;
- victimology (the motivation and behaviour of victims, with a focus on vulnerable, angry and distraught victims and witnesses, mental illnesses and psychological problems);
- the dynamics of domestic violence;
- referral options;
- file updating and case management; and,
- personal security.⁶⁷

Several respondents suggested that at least some of this training could be accessed through territorial government and regional training initiatives.

"CWCs need additional core training re the criminal justice system. They need to be able to access existing territorial government training more regularly. There should be regional shared training for CWCs more often, in contrast to annual training meetings. We need to strive for consistency in approach where possible." Justice Canada Respondent

4.3.9 Resource Issues

An ongoing challenge for CWCs in all three territories is the lack of community-based victim services, and the lack of treatment and rehabilitation resources, at both the territorial and community levels. Respondents also pinpointed the need for community-based spousal assault programs, counseling resources, public education initiatives, social workers and probation officers.

Another challenge in terms of resources is the inconsistent availability of testimonial aids. Although every respondent noted an overall improvement in the use of testimonial aids most also stated that these aids are not yet universally available. In addition, some judges and Crowns are unfamiliar with testimonial aids and need training in their use. In particular, CWCs recommend the greater utilization of closed circuit testimony.

CWCs are also dealing with inadequate logistical resources as they try to balance a heavy workload. Office space and administrative shortfalls are issues in Nunavut. CWCs in all three territories described the need for cell phones and vehicles when they are in the smaller communities.

4.3.10 Summary: Challenges and Contextual Factors

The challenges and contextual factors described by CWC program sub-study respondents are reflected in other Justice Canada research.

⁶⁶ All Nunavut CWCs speak Inuktitut as well as English. This ability helps CWCs work with unilingual victims and witnesses. It also assists Crown prosecutors, the majority of whom do not speak Inuktitut, communicate with their clients. However, Nunavut CWCs point out that they are not professional translators or interpreters and requests for formal translation and interpretation services are inappropriate as this service is not part of their job description.

⁶⁷ For additional information about CWC program training suggestions see *Feasibility Study, Working with Victims of Crime in the North*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues, Justice Canada, 2006. This study surveyed CWCs and other northern victim services providers in the three territories to determine their training needs.

*Creating a Framework for the Wisdom of the Community, Inventory of Crime Victim Services in Nunavut, NWT and Yukon*⁶⁸ followed 2 lines of research: an inventory of all victim services in the 3 northern territories⁶⁹; and, a qualitative analysis of victimization and victim treatment/services (past and present) in the territories. (This research also included victim services recommendations from community-based service providers, crime victims, governments, First Nations, Métis and Inuit organizations.) This research supports and mirrors the list of challenges and contextual factors identified by respondents.

Findings from the research *Needs and Workload Analysis of Northern Victim Witness Assistants in the Yukon, Northwest Territories and Nunavut*⁷⁰ are similar. This study, completed in 2003, involved a needs and workload analysis of the CWC program in the three territories.

At that time the reported challenges and contextual factors influencing the ability of the CWC program to deliver its service included: the stress of working with traumatized people; the community pressure on CWCs who are blamed for the outcome of court cases; the stressful impact of listening to detailed descriptions of violent incidents; dealing with distraught witnesses who refuse to testify; the difficulty of interviewing children and adults who have been chronically abused; the challenge of locating victims and/or witnesses who don't attend meetings or their court case; the different languages and dialects; the lack of regular supervision; lengthy and exhausting court circuits; the constant orientation of new police and Crown Prosecutors; and, the many victims and witnesses (and their families) who are suspicious of the criminal justice system.

*Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*⁷¹ also names the challenges faced by northern victim services providers working with Aboriginal Canadians. The researcher, quoting Rupert Ross, summarizes these challenges as follows:

"[the] first line of social response to these symptoms of community, family and individual traumatization is, unfortunately, the criminal justice system, and it is my growing conviction that it is substantially incapable of responding productively in this context of unique and deep-seated traumatization, for a wide variety of reasons.

*... domestic violence has reached frightening levels in some communities, but prosecution is almost impossible. For one thing, poverty, derelict housing and large families impose hardships on abused women that they can seldom endure on their own. The majority of abused women who see their husbands taken out to jail find themselves incapable of hauling wood and water on their own, as well as feeding and clothing children – and keeping the drunks at a safe distance at night. On a routine basis they are forced to conclude that his abuse is preferable to his absence, and they refuse to support a prosecution that will result in his removal."*⁷²

In summary, and in short, the analysis of CWC program challenges and contextual factors provided by program respondents, as listed earlier, concurs with the available research on this issue.

"Our program has identified the real need for victims and their families .. but we are a band aid solution only. We need government funded resources for education and counseling in communities." CWC Respondent

In conclusion, it is important to note that the challenges and contextual factors weighing on CWCs, and all northern criminal justice system professionals, are not just felt in the northern territories.

"CWC challenges illustrate the (overall) challenges in meeting the needs of victims and witnesses in the north in terms of implementing legislative changes which in turn informs our policy development and programs." Justice Canada Respondent

⁶⁸ *Creating a Framework for the Wisdom of the Community, Inventory of Crime Victim Services in Nunavut, NWT and Yukon*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues and Research and Statistics Division, Justice Canada, 2004.

⁶⁹ *Victim Services in the Territories: A Compilation of Contacts and Resources*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues, Justice Canada, 2002.

⁷⁰ *Needs and Workload Analysis of Northern Victim Witness Assistants in the Yukon, Northwest Territories and Nunavut*, Jenifer Rigby, Ottawa: Evaluation Division and Policy Centre for Victim issues, Justice Canada, 2003. At the time of this study the current CWC program was known as the Northern Crown Victim Witness Assistants (VWA) program.

⁷¹ *Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples*, Anna Paletta, Ottawa: Research and Statistics Division, Justice Canada, 2008.

⁷² *Traumatization in Remote First Nations: An Expression of Concern*, Rupert Ross, unpublished report.

4.4 Sub-study Question # 4

To what extent has the CWC program achieved its intended outcomes, as follows:

- increasing awareness and understanding among victims/witnesses about victim issues, legislation and/or available resources;
- increasing the willingness of victims/witnesses to participate in the criminal justice system;
- increasing the capacity of CWCs to respond to the needs of victims/witnesses;
- increasing the responsiveness of CWCs to the needs of victims/witnesses; and,
- increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown prosecutors?

Respondents across the north were in general agreement about CWC program outcomes. As a result, responses to this question are organized below under each sub-section of the question, rather than by territory.

As well, and as part of the sub-study process, a CWC in each territory wrote a case study to further illustrate program outcomes. These case studies provide descriptions, in narrative format, of the day to day work of CWCs. The case studies can be found in Appendix D.

4.4.1 Increasing awareness and understanding among victims/witnesses about victim issues, legislation and resources

Every respondent in each territory, without exception, stated that northern victims and witnesses are increasingly aware of resources, legislation, and, victim issues in general. They report that the criminal justice system, and its provisions for victims and witnesses, is also now more widely understood by the general public. And, the CWC program itself has become a well known resource for victimized individuals, and those supporting them.

According to respondents, more victims and witnesses have attended court and testified since the advent of the CWC program. The inclusion of Victim Impact Statements in trials has increased and more victims and witnesses know about, and request, testimonial aids. When circuit court arrives in a community many victims and witnesses seek out the assistance of the CWC traveling with the court party. The following respondent quotes make these accomplishments clear.

"CWCs humanize the court process and there is more participation from victims and witnesses. The CWCs give victims and witnesses a high level of information and increase the victims and witnesses sense of inclusion in the criminal justice system." Defence Counsel Respondent

"The CWC program has absolutely increased awareness. Victim Impact Statements have increased the voice of victims." Crown Prosecutor Respondent

In particular, criminal justice professionals who worked in the north prior to the CWC program reported a substantial difference in the level of criminal justice system awareness amongst victims and witnesses.

"Prior to the CWC program victims and witnesses had no access and no comfort and no way to get to know the court system and process. The CWCs take away the intimidation and put a human face on the process. CWCs give the process legitimacy (in the eyes of the public)." Defence Counsel Respondent

4.4.2 Increasing the willingness of victims/witnesses to participate in the criminal justice system

In response to questions about any increased willingness of victims and witnesses to participate in the criminal justice system, many respondents pointed out that the CWC program doesn't necessarily increase "willingness" to participate. However, like the CWC quoted below, respondents report that the CWC program makes it easier, and less stressful, for victims and witnesses to participate in the criminal justice system.

"No one really wants to testify ... so no one is really "willing". But with our help it is easier for them. The CWC program increases victims and witnesses understanding of how to testify." CWC Respondent

Despite the wording of the question, respondents made it clear that the CWC program has significantly increased victim/witness participation in the criminal justice system. Many victims and witnesses tell the Crowns and CWCs that they would not be able to testify without the support of the CWC.

CWCs encourage participation in the criminal justice system by providing the support and information victims and witnesses need to feel secure, especially when local resources are scarce and they are pressured not to testify by the accused and by family members. Northern Crowns state that victims and witnesses are now able to present their testimony with more ease, clarity and detail than was the case prior to the CWC program.

As well, more victims are now presenting Victim Impact Statements in court. Respondents report that 15% to 20% of all cases now include Victim Impact Statements. And there are now a high number of Victim Impact Statements in the more serious cases that involve personal violence. Defence counsel and Crowns agree that Victim Impact Statements further legitimize the Crown's case, as well as validate the experience of victims and witnesses.

CWCs have also impacted the participation level of vulnerable victims and witnesses through their promotion of, and education about, testimonial aids. Most communities now have screens, and some have closed circuit TV for use with victims and witnesses who due to their age, or other circumstances, need that support in order to testify. CWCs can also arrange for a support person to sit with the victim or witness when they are testifying.

"Now we get more people testifying. We use the screens more and sometimes closed circuit TV. And there are fewer closed courts. We often use telehealth equipment for video conferencing." Territorial Victim Services Respondent

The role CWCs play in locating victims and witnesses, and assessing their risk level, has been especially important in terms of stabilizing the overall court process. Respondents report that there is "only a 50/50 chance" of victim/witness participation when no CWC is available. As a result cases are "dragged out", postponed and otherwise destabilized. When CWCs are involved respondents report that trial lists are shorter and cases move through the courts more smoothly.

Furthermore, the risks posed by the accused (and by the victim towards themselves), as determined by the initial risk assessment process, are now more fully understood and included in the overall case planning process. In this respect, and according to respondents, CWCs may have helped those contemplating suicide as a result of their circumstances.

Also, in terms of stabilizing the court process, respondents note that CWCs remain stable while new police and Crowns rotate in and out of the northern criminal justice system.

This increase in the participation rate of victims and witnesses is not just evident in the larger centres. Since the advent of the CWC program victims and witnesses in the smaller circuit court communities are also more involved in the criminal justice system. Respondents report that the victims and witnesses in smaller communities frequently tell them that they would not have attended court, or testified, without the help of the CWC.

Furthermore, some respondents believe that the presence and assistance of CWCs has increased the likelihood of convictions in those types of cases, such as sexual assault, where local juries in smaller communities have not delivered guilty verdicts in the past. CWCs give victims and witnesses the support and information they need to attend court and testify.

"For the first time we got 2 sexual assault convictions with juries in (an NWT community) ... I'm not sure this would have happened without the CWC program helping those victims and witnesses." Crown Prosecutor Respondent

The assistance of CWCs in the smaller communities is crucial in other ways as well. Many CWCs speak the same language as the victims and witnesses, and know the community dynamics and local family connections. These abilities increase the prospect of involving victims and witnesses in the criminal justice system. And they also lower any potential risk to those involved in the case, including the court party.

"The biggest difference the CWC program has made is that there is now more help for victims in the communities. And, one wider impact is that it is now safer for everyone who goes on circuit court." Territorial Victim Services Respondent

In summary, the increased participation of victims and witnesses in the criminal justice system has had numerous direct and indirect impacts within the northern criminal justice system. There are now increasing numbers of victims and witnesses testifying in court, using testimonial aids and preparing Victim Impact Statements. Respondents also report that the trial 'collapse rate' has been reduced, and there are an increasing number of guilty pleas as the accused now realize that the victims and witnesses involved in their case will appear in court and testify.

4.4.3 Increasing the capacity of CWCs to respond to the needs of victims/witnesses

This sub-section of the question asked respondents to describe any increased capacity of the CWC program to effectively address the situation of northern victims and witnesses. Respondent answers to this question, as well as statistical data, confirm that the program's ability to deal with a wide range of victim/witness needs and circumstances is growing. This developing capacity is evident in the increased awareness of, and participation in, the criminal justice system by victims and witnesses, as described in the previous sections of this question. Statistical data, as presented in answer to questions #1 and #2, also indicate the increased capacity of the CWC program to meet its mandate.

Responses from criminal justice professionals, as evidenced throughout this paper, also illustrate the increased capacity of the CWC program to meet its liaison responsibility with Crown prosecutors and other criminal justice professionals.

In addition, in terms of increased capacity, respondents note that four (4) new full time CWC positions were added in 2008, bringing the total number of northern CWCs to 14. CWCs are now available on the majority of court circuits in each territory.⁷³ Northern resident courts benefit from the CWC program as well. This accomplishment is particularly significant in light of the limited services for northern victims; 70% of all northern communities receive victims' services from the CWC program alone.

The additional CWC positions have had other positive impacts as well: they have stabilized the workload and decreased the overall stress for CWCs; and, CWCs in each PPSC office are now able to coordinate their workloads with each other, providing a more comprehensive and cohesive approach to meeting the court based needs of victims and witnesses. The 4 new positions have also given CWCs a greater voice within PPSC and the northern criminal justice system.

The capacity of the CWC program has also been enhanced by the creation of the Northern Victims Services Coordinator position (located in Ottawa). This position will provide the CWC program with a full-time resource, and coordinator, whose sole focus will be developing the capacity and responsiveness of the territorial CWC program.

There are also some specific examples of the increased capacity of the CWC program, as indicated by the following information, provided by respondents:

- in the Yukon's Domestic Violence Treatment Option court CWCs are asked by the judge to provide an oral overview of the victim's situation, making a "significant contribution" to the ability of that court to adequately address the needs of both the accused and the victim;
- in each territory CWCs have been instrumental in the provision of closed circuit testimony for vulnerable victims/witnesses and victims/witnesses unable to travel;
- CWCs are responsible for the increased location and inclusion of hard-to-find victims and witnesses;
- CWCs have increased the use of risk assessments, which increase the safety of everyone involved in the case; and,
- although it may fall outside their job description, CWCs in all three territories are often asked to instruct school classes and other groups about the criminal justice system.

Defence counsel in the three territories have also found the CWC program helpful and noted the growing capacity of the program across the north. They report that CWCs are "a useful tool for the defence too" as they "make inquiries and check the home life" of the victims and the accused. This information helps control the risk factor for

⁷³ The CWC program is available during circuit court in 78% of all northern communities. Between circuit courts CWCs are in phone contact with victims and witnesses.

all concerned, and increases effective case management for both the Crown and the defence. Defence counsel report that CWCs are also “helpful in reconciliations” and in cases of property crime stating that, “In property crimes you can see the CWC prep work.”

Territorial victim services providers as well report that CWCs work closely with them to provide additional services and supports to victims and witnesses.

CWCs themselves report that they have grown in capacity, confidence and knowledge, and are therefore less intimidated by the demands and challenges of their work.

“When I compare back to when I began, I am more confident now. I just do it and don’t worry. Now the victims and witnesses know I am available and its much smoother.” CWC Respondent

In summary, although respondents saw the need for more CWC training and supervision⁷⁴, the following quote would appear to summarize the increasing capacity of the CWC program:

“The CWCs know their role and our role ... they look after the victims and witnesses emotionally and logistically, and in terms of their safety.” Crown Prosecutor Respondent

4.4.4 Increasing the responsiveness of CWCs to the needs of victims/witnesses

According to the majority of respondents the CWC program has grown in its responsiveness to the needs of victims and witnesses. In particular, respondents report that the CWC program is increasingly responsive to the needs of children, elders, severely traumatized individuals and other vulnerable victims/witnesses.⁷⁵

These, and other areas, where CWC program responsiveness has increased are born out by the following respondent observations:

- Crowns and defence counsel alike report that victims and witnesses are increasingly more comfortable on the stand and now provide clearer statements of the incident in question;
- the increased comfort level of victims/witnesses, and their effectiveness on the stand, is particularly evident among vulnerable victims and witnesses in the criminal justice system;
- territorial victim service providers report that CWCs are doing an increasing number of referrals to local caregivers and service providers;
- CWCs themselves report that, due to the increased number of positions and their growing expertise, they are now able to do more preparation and follow up with victims and witnesses;
- the CWC program is now a known court-based resource; victims, witnesses and other community members seek their assistance when they are in town for circuit court;
- Crowns report that CWCs are effective at keeping victim/witness contact information up to date; and,
- Crowns also report that the CWCs’ knowledge of local events and situations keeps the “right boundaries” in place as cases progress.

A defence counsel summarized the responsiveness of the CWC program as follows:

“CWCs, testimonial aids and Victim Impact Statements have really helped make court more accessible to northerners.” Defence Counsel Respondent

However, according to respondents, there are still situations where CWCs find it difficult to involve victims and witnesses in the criminal justice system. Respondents note that despite the efforts of the CWC program, and others, some abused elders and abused women persistently refuse to participate in the prosecution of the person accused of victimizing them. There are, as described throughout this paper, entrenched social and economic reasons which at least partially explain this phenomenon.

“Many elders have their money taken by their kids and they won’t testify because its family. Its also hard to get victims and witnesses to testify if its wife abuse. Women don’t want their man to be sent away.”
CWC Respondent

⁷⁴ See sub-study question # 5 for training and supervision recommendations.

⁷⁵ Vulnerable victims and witnesses include people with cognitive disorders, addictions, mental health problems, physical conditions and other infirmities. Children and seniors are also vulnerable, and have special needs in terms of participating in the criminal justice system.

"We are always dealing with women who are trapped in the cycle of violence and the CWC presence isn't enough intervention to encourage the victim and witness to participate in the criminal justice system."
Crown Prosecutor Respondent

A few defence counsel respondents do place some responsibility for this situation on the CWC program, and on the complainants themselves. These respondents report that they have heard complaints from victims and witnesses about feeling pressured by CWCs to testify, saying that they "didn't lay the charge", don't want to testify and don't want the accused to go to jail.

This reluctance to testify may have other roots too. One northern defence counsel explains this phenomenon as follows:

*"The complainant is always believed. The reason some of them don't want to testify is they know what they are saying is a lie. So, if you are believed you know something could happen to the accused. Besides, we know that today's victim is tomorrow's accused."*⁷⁶ Defence Counsel Respondent

Other respondents feel that the CWC's lack of specific training, along with the absence in most communities of any other victim services, weakens the relevance and responsiveness of the CWC program in general.⁷⁷

"The CWCs don't necessarily have any training in therapy or assessment or the cycle of violence. To do referrals they need to know the resources and the client's situation. They need to know the criminal justice system and get more training in vulnerable witnesses, hostile witnesses, boundaries, mental illnesses, psychological problems and personal safety. The CWC role needs to be more defined." Crown Prosecutor Respondent

However, and in summary, the support victims and witnesses receive from the CWC program has had, according to most respondents, the overall effect of increasing the stability and safety of the victim/witness's life.

"The comfort level of vulnerable victims and witnesses is higher now. For the complainant the support they get from CWCs resonates into other areas of their life." Crown Prosecutor Respondent

4.4.5 Increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown prosecutors

Respondents were in universal agreement about the CWC program's positive impact on the awareness level of all those working within the criminal justice system. They report an increased appreciation of victim/witness issues amongst northern criminal justice professionals. The Crown prosecutors and the Chief Federal Prosecutor in each territory described in some detail how the CWC program has increased their understanding of northern victims and witnesses. CWCs have also helped Crowns, and other criminal justice professionals, understand the First Nations, Inuit and Métis cultures in the three territories.

"The Crowns have been helped a lot by the CWCs. The Crowns know very little about the culture and the communities. Some communities don't accept the court system ... CWCs are good at bridging the gap between southern lawyers and northern culture." Defence Counsel Respondent

In this regard, respondents report that CWCs have helped criminal justice professionals, particularly Crown prosecutors, understand the following realities of life in northern Canada:

- the extensive, complex network of family/clan connections in Aboriginal cultures;
- the fact that time and clocks do not have the priority in Aboriginal cultures that they have in the dominant culture;
- the traditional adoption practices within Aboriginal cultures;
- the community history and social dynamics in small indigenous northern towns;
- the reliance on elders in indigenous cultures; and,

⁷⁶ This opinion is not fully supported in the research.

⁷⁷ See sub-study question # 5 for more respondent recommendations regarding CWC training.

- the high levels of collective and individual trauma, cognitive disorders, chronic abuse and FASD (and the resulting social problems).⁷⁸

CWCs function as intermediaries between the southern cultural approach of most Crowns and the northern Aboriginal culture of most victims and witnesses. They have increased the ability of Crown prosecutors to communicate effectively with victims and witnesses by:

- interpreting for both victims/witnesses and Crown prosecutors⁷⁹;
- explaining communication differences (for example, and as described by respondents: silence in Aboriginal cultures doesn't always mean agreement; and, the use of "maybe" in Inuit culture reflects a reluctance to attribute blame or disagree with someone who is older);
- assisting people with speech impediments;
- teaching lawyers how to explain and describe legal matters in plain language; and,
- helping lawyers moderate the direct and focused approach common in the dominant culture, but interpreted as aggressive by indigenous cultures.

In addition, and as noted earlier, CWCs have helped Crown prosecutors assess the risk levels of victims and witnesses. In this regard, they've helped the Crowns understand and utilize testimonial aids for vulnerable and at-risk victims and witnesses.

"The CWC program was designed to provide more support to victims and witnesses. But an unexpected outcome has been that it has increased the Crowns ability to do their job. The CWCs also help the Crowns assess the level of risk from offenders, and the risk victims and witnesses pose to themselves. More Crowns now know about testimonial aids. We are just now starting to use screens and closed circuit testimony." Crown Prosecutor Respondent

Other service providers also credit the CWC program with improving the responsiveness of the criminal justice system to victims and witnesses. In addition, they are clear about the effective resource the CWC program provides for other victim service providers, and the public.

"Criminal justice professionals are, since the advent of the CWC program, more responsive to the needs of victims and witnesses. The CWCs and Crowns are a good resource for us too and we have a great working relationship with all of them." Territorial Victim Services Respondent

In summary, the cumulative effect of the assistance Crown prosecutors receive from CWCs has, according to respondents, stabilized the overall prosecution process in northern Canada, and may be contributing to higher crime reporting rates and increased convictions.

4.4.6 Summary: CWC Program Outcomes

The growing competence and professionalism of the CWC program is perhaps best illustrated by the descriptive case studies provided by several northern CWCs. These case studies, in Appendix D, illustrate the challenges, and describe the tasks, CWCs undertake on a daily basis during circuit courts and while working with the resident court. They describe some of the impacts of the CWC program in terms of: victim/witness awareness and participation; the capacity and responsiveness of the CWC program; and, the increased awareness of criminal justice personnel to the needs of victims and witnesses.⁸⁰ These case studies make the following observations possible. Observations are arranged according to CWC program objectives.

Increased Victim/Witness Awareness and Participation in the Criminal Justice System

CWCs understand their role in terms of increasing awareness of the criminal justice system amongst victims and witnesses as evidenced by CWC case study accounts of:

- explaining the criminal justice system to victims and witnesses (including processes such as preliminary hearings, jury selection, cross examination and trials);

⁷⁸ These issues in particular were pinpointed by respondents.

⁷⁹ Many CWCs speak the local indigenous language.

⁸⁰ These case studies retain the original formatting and expressive style of the CWCs who wrote them. Dates and locations have been altered.

- providing contact information and encouraging victims/witnesses to call them with questions and concerns; and,
- providing the information necessary for court appearances: reviewing victim/witness statements; describing and touring the courtroom with victims/witnesses; and, explaining the roles of all courtroom personnel.

CWCs encourage victim/witness participation in the criminal justice system as their case studies describe:

- the success CWCs have in locating hard-to-find, fearful and reluctant victims and witnesses;
- the importance of providing victims and witnesses with regular updates before, during and after their case is heard;
- CWCs' coordinating work with child guardians, case workers and other victim/witness support persons;
- CWCs' effective interactions with traumatized, confused and vulnerable victims and witnesses; and,
- CWCs' arrangement of travel and accommodation for out of town victims and witnesses.

The case studies also describe how CWCs increase the safety and resources available to victims and witnesses by:

- doing risk assessments with victims and witnesses to ascertain their safety needs;
- finding treatment and shelter options, and arranging victim/witness protection if necessary;
- assisting and supporting people who are afraid and don't want to testify; and,
- following up with victims and witnesses after their case is heard.

Increased Capacity and Responsiveness of the CWC Program

The case studies also illustrate the overall capacity and responsiveness of the CWC program in terms of service to northern victims and witnesses. They demonstrate that CWCs have a growing capacity to:

- locate victims and witnesses in all circuit court communities;⁸¹
- explain their role within the criminal justice system to victims and witnesses;
- escort vulnerable victims and witnesses to court and support them throughout the court process;
- retain sensitivity to the cultural and personal needs of victims and witnesses;
- locate private areas to meet with victims and witnesses;
- arrange closed court, video taped testimonies and testimonial aids;
- provide supplies and make waiting arrangements for children and young people;
- inform victims about their right to submit a Victim Impact Statement, and explain when and how it is read in court;
- debrief with victims and witnesses after they testify;
- inform victims and witnesses of the sentencing process and post-trial processes;
- do any necessary follow-up with the victims and witnesses;
- coordinate with community victim services workers; and,
- coordinate cases with the local RCMP in all communities.

Increased Awareness of Criminal Justice Personnel

The case studies further illustrate the role CWCs play in increasing the awareness of other criminal justice professionals, notably Crown prosecutors, by:

- arranging meetings between Crown prosecutors and victims/witnesses;
- facilitating effective and timely communications between victims/witnesses and Crown prosecutors;
- briefing Crown prosecutors with information pertinent to the case and complainant in question;
- providing Crown prosecutors with risk assessments and cultural information in relation to each case; and,
- interpreting for unilingual Crown prosecutors and victims/witnesses.

In summary, as evidenced by these case studies and according to respondents' answers to this question, it would appear that the CWC program has met, and in some respects exceeded, its intended outcomes.

⁸¹ Some victims and witnesses are hard to locate because they have no where to live and 'camp out' with a variety of friends and family. Others are difficult to locate because they are afraid to testify and attend court.

These accomplishments are especially noteworthy in light of the many challenges the program faces in the delivery of its service.⁸² When these challenges are reviewed in light of program outcomes, as reported throughout this paper, and in the case studies, it appears that the CWC program has grown significantly in its ability to address, accommodate and overcome the dilemmas and contextual factors it faces.

In that regard, respondents report that CWCs have grown in their ability to work with traumatized and vulnerable individuals, and have increased their participation in the criminal justice system. The CWC program's focus on testimonial aids, Victim Impact Statements, and the tracking of these victims and witnesses, has contributed to their overall security and given vulnerable victims and witnesses the support they need to testify. In this regard the majority of respondents credit the CWC program with lowering suicides amongst vulnerable and traumatized victims and witnesses. And some respondents also believe that the CWC program has been largely responsible for increasing crime reporting rates, and conviction rates, in cases where reporting, and convictions, are traditionally hard to achieve in northern Canada.

The increased capacity of the program, due to the addition of seven (7) new positions and a coordinator position, and due to the experience/skill level of the CWCs, has helped the program meet the demands of an escalating crime rate, especially in NWT and Nunavut. Although respondents see the need for several more positions in these two territories, CWCs are largely available and able to meet the demands created by these high crime rates.

Likewise the difficulties presented by cultural and communication differences between the dominant culture's criminal justice system and northern indigenous victims/witnesses has been successfully addressed by the CWC program. Respondents agreed that CWCs have made the criminal justice system relevant and accessible for indigenous victims and witnesses. And, likewise, they have assisted southern trained lawyers work effectively with northern First Nation, Inuit and Métis peoples.

According to respondents, the CWC program has also gone some distance towards improving northern public attitudes towards the criminal justice system. CWCs are now known and recognized as individuals, attached to that system, who can be relied on to provide information, safety and support to victimized northerners. All respondents feel that the program is both legitimizing and humanizing the criminal justice system amongst northerners.

These outcomes are particularly important given the overall lack of treatment and support services in northern Canada. As noted earlier, the CWC program is the only support to victimized people in 70% of all northern communities. When this lack of resources is combined with the intimidation many victims and witnesses experience, the increasing awareness and participation of victims and witnesses in the criminal justice system is noteworthy.

In the final analysis, CWC program outcomes, as reported by respondents and demonstrated in the available statistical data, and as illustrated in the CWC case studies, can be highlighted and summarized as follows:⁸³

- there appears to be an overall increase in awareness about the criminal justice system, and victim resources, amongst victims/witnesses and the public;
- respondents report that more victims and witnesses are being located, prepared and encouraged to attend court;
- respondents say that more victims and witnesses, including vulnerable victims/witnesses, testify in court (however, it is still difficult to get abused elders and abused women to testify);
- there is an increasing use of testimonial aids, particularly with vulnerable victims/witnesses;
- more Victim Impact Statements are presented in court;
- CWCs are now present on the majority of court circuits;
- respondents report that victims and witnesses in small, court circuit communities are now more supported, increasing their participation in the criminal justice system;

⁸² CWC program challenges are described under sub-study question # 3: "What challenges or contextual factors influence the ability of the CWC program to achieve its intended results?"

⁸³ These outcomes represent the opinions and insights of respondents, and the indications of the data that is available. They are not presented here as empirical facts. It is also important to remember that victims and witnesses involved with the CWC program were not interviewed (due to privacy concerns.)

- it is reported that more victim/witness risk assessments are completed, increasing overall safety;
- since 2008, due to the creation of 7 new positions, the capacity of the CWC program has doubled;
- there is a reported increase in crime reporting;
- there is a reported reduction in the trial 'collapse rate';
- there are reportedly more guilty pleas due to increased victim/witness court attendance and testimony;
- there is a reportedly higher conviction rate, particularly in smaller communities where convictions by juries for violent crimes were previously minimal;
- respondents state that suicide, and suicide attempts, amongst vulnerable victims/witnesses have been reduced;
- defence counsel state that they are assisted by the CWC program through complainant assessments and other measures that assist in case management;
- there is a reported increase in court/trial participation from unilingual victims and witnesses;
- there is a reported increase in awareness of the cultures, social problems, disabilities, family connections and community dynamics amongst Crown prosecutors;
- respondents state that communications between Crowns and victims/witnesses has improved;
- CWCs have, according to respondents, remained fairly stable while police and Crowns rotate in and out of the north;
- there is more CWC involvement in alternative justice initiatives, such as treatment option courts; and,
- the overall court/trial process is reportedly more stable, accessible and inclusive since the advent of the CWC program.

4.5 Sub-study Question # 5

How have training, and other support activities, increased the capacity of CWCs to respond to the needs of victims and witnesses?

4.5.1 Description of Training and Support Activities

The Policy Centre for Victim Issues (PCVI) and the Public Prosecution Service of Canada, Northern Region (PPSC) were asked to provide an overview of the training opportunities, and other support activities, made available to CWCs, since the inception of the CWC program.

Since 2000, when PCVI was established, it has taken responsibility for developing the CWC program. PCVI has supported the program through a variety of initiatives: annual meetings bringing together all northern CWCs; specialized training sessions; resource development; research about northern victims' issues; the creation and funding of seven (7) new full time CWC positions in 2008; the creation of a full time Northern Victims Services Coordinator position; resource and organizational support for CWCs to attend victim related training events; and, the development of coordinated working relationships with territorial victim services programs. Details of these training and support activities are provided below.

CWCs attended annual meetings and training sessions outside the north, as a pan-territorial group, in 2003, 2004, 2005, 2007 and 2009. These meetings and specialized training sessions were in the areas of: child victims and witnesses; domestic violence; self care; vicarious trauma; compassion fatigue; and, working with families of homicide victims. Appendix E, "CWC Training Sessions", describes these CWC meetings and training sessions in greater detail.⁸⁴

In terms of resources PCVI has contributed funds towards research on victim issues in northern Canada⁸⁵ and published an inventory of victim services in the three territories.⁸⁶ A CWC resource, training and referral manual was developed and a survey done of CWC training needs.⁸⁷ As well, the numerous resources PCVI has developed for use by all Canadian victim services providers have proven valuable to northern CWCs. In particular, *Working with Victims of Crime: A Manual Applying Research to Clinical Practice*⁸⁸ has become an established resource for the northern CWCs.

The new Northern Victims Services Coordinator position, located at PPSC, Northern Region offices in Ottawa, is funded and supported by PCVI. In 2008 PCVI funded four (4) new full time CWC positions across the northern territories. Nunavut and NWT PPSC offices each gained two (2) new CWC positions. As a result, the number of full time CWC positions has increased to fourteen (14), which has in turn increased the number of northern court circuits with a CWC presence.

PCVI also promotes and maintains linkages between victim services providers at the federal and territorial levels. Joint training opportunities, resource sharing, frequent consultations and yearly in-person meetings have, according to respondents, contributed to solid working relationships amongst victim services providers at all government levels. As one territorial victim services provider said:

"The coordination between the various levels of government is good. There are now more people to work with. The CWCs and Crowns are a good resource for us too and we have a great working relationship with all of them." Territorial Victim Services Respondent

PCVI and PPSC are also developing a CWC program data collection and performance measurement strategy to ensure that accurate and consistent victim/witness data is collected, and the CWC program's scope, reach and impact is fully recorded and understood.

⁸⁴ In addition, CWCs have contributed to research related to Fetal Alcohol Syndrome Disorder and its impact on the needs and abilities of crime victims. And, in September 2009 CWCs contributed to, and participated in, a major pan-territorial conference, *Northern Approaches and Responses to Victims of Crime* held in Yellowknife NWT.

⁸⁵ *Creating a Framework for the Wisdom of the Community, Inventory of Crime Victim Services in Nunavut, NWT and Yukon*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues and Research and Statistics Division, Justice Canada, 2004.

⁸⁶ *Victim Services in the Territories: A Compilation of Contacts and Resources*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues, Justice Canada, 2002.

⁸⁷ *Feasibility Study, Working with Victims of Crime in the North*, Mary Beth Levan, Ottawa: Policy Centre for Victim issues, Justice Canada, 2006.

⁸⁸ *Working with Victims of Crime: A Manual Applying Research to Clinical Practice*, James K. Hill, Ottawa: Policy Centre for Victim issues and Research and Statistics Division, Justice Canada, 2004.

4.5.2 Impact of Training and Support Activities

Criminal justice professionals in each territory were asked about the impact of training opportunities, and other support activities, on the capacity of CWCs to respond to the needs of victims and witnesses.

Respondents in each territory report that the training and support CWCs have received in the past, and continue to receive, has increased their capacity to respond to the needs of victims and witnesses. Comments from personnel in every sector of the criminal justice system bear this out.

"The CWCs have had some good training. We're all glad that the group of CWCs remains stable." Crown Prosecutor Respondent

In particular, CWCs stated that training in the areas of child victims/witnesses, sexual/spousal assault, suicide intervention, vicarious trauma, victimology, multiple trauma and counseling has been invaluable.

"The training is wonderful and I really look forward to it. I get so tired and its good to share with other CWCs. When I compare back to when I began, I am more confident now ... I just do it and don't worry. The recent training on vicarious trauma was fantastic ... I learned so much." CWC Respondent

Other respondents believe that the training and support CWCs receive from PCVI has stabilized the program by: providing opportunities to share challenges, best practices and strategies: and, addressing the isolation of northern working conditions by connecting CWCs with other victim services providers across Canada.

Several respondents, in answer to this question, also suggested areas where additional training for CWCs, and other criminal justice professionals, would be helpful.⁸⁹ The following training topics were mentioned most frequently:

- CWC job orientation ("how to") training;
- legal and criminal justice system training;
- cultural sensitivity and cross cultural training;
- traumatic reactions and chronic traumatization;
- victimology; and,
- the use of screens and closed circuit TV.

⁸⁹ CWC training needs are discussed in more detail in Section 5.3.8. The training suggestions presented here were given in response to this particular question and are therefore included with the other responses to this question.

4.6 Sub-study Question # 6

What alternatives are available to the current delivery of the CWC component of the Federal Victims Strategy?

4.6.1 Agreements Between Service Providers

In the Yukon and Northwest Territories there are a variety of agreements, and Memorandums of Understanding (MOUs), between the RCMP, Justice Canada, territorial government Departments of Justice, and, community based victims services providers. These agreements spell out the role of each service provider in the support of crime victims and witnesses.

In the Yukon the territorial government Department of Justice has an MOU with the Public Prosecution Service of Canada to provide victim services, including court-based support, in cases of spousal and sexual assault. In these cases the territorial Department of Justice Family Violence Prevention Unit's Victim Services workers work directly with the Crown Prosecutor and crime victim. CWCs in the Yukon work with all other victims and witnesses. This arrangement is unique to the Yukon. In Nunavut and NWT court-based support of all victims and witnesses is provided by the CWC program.

In the NWT the PPSC and the territorial government Department of Justice, Community Justice, Victim Services unit have an MOU which outlines the protocols for each stage and category of victim assistance. Victim Services workers in the NWT sometimes provide court-based support for victims when a CWC is not available.

PPSC and PCVI also have an MOU which delineates the transfer of resources from PCVI to PPSC for the hiring of the seven (7) new full-time CWC positions and the Northern Victims Services Coordinator position.

4.6.2 Alternative Program Delivery

According to respondents, many CWC job functions are tied to the role of the Crown prosecutor and the Public Prosecution Service of Canada and are therefore not likely suitable for transfer to another agency. In particular, respondents pointed out that the following job functions are closely associated with the role of the Crown in the northern territories: the role CWCs play in locating victim/witnesses; the CWCs' liaison function between the Crowns and victims/witnesses; the court preparation work done by CWCs; the legal explanations of ongoing court proceedings; and, the follow up work CWCs do with victim/witnesses regarding legal issues such as sentencing, parole hearings, restraining orders and conditions of probation.

However, in terms of alternate program delivery options, Yukon PPSC personnel recommended that those victims and witnesses who are currently assisted by the Yukon government's Victims Services Unit (spousal and sexual assault victims) would be better served by the CWC program. This would make the coordination and preparation of the Crown's case in these matters less awkward and logistically complicated. However, not all Yukon respondents concur with this recommendation and the territorial government Victim Services respondent believes the current arrangement is working well.

The Yukon arrangement regarding spousal and sexual assault cases is not mirrored in the other two northern territories. In the Northwest Territories victims and witnesses in all criminal cases are assisted in court related matters by the CWC program, and in other victim related issues by the territorial government's Victim Services program. And, in the NWT, it is not unusual for a Victim Services worker to explain the court process and attend court with the victim and/or witnesses, especially when no CWC is available.

In Nunavut there is no territory-wide Victims Services program. Although some service providers are required to include victim services as part of their overall mandate, there is no stand alone program, aside from the CWC program, whose sole focus is victim services.

As a result, the main CWC program service delivery recommendations, in both NWT and Nunavut, focused on increasing the number of CWCs in their territory and decentralizing these positions into the various regions.

"We don't need changes to program delivery, but we need 2 additional workers." Crown Prosecutor Respondent

In addition to these territory-specific program delivery recommendations, respondents in all three territories offered a variety of suggestions for improving the delivery of the CWC program across northern Canada. These suggestions are described below by category.

CWC Supervision and Job Support ⁹⁰

Several respondents in each territory discussed the need for clinical supervision for CWCs. These criminal justice professionals believe that this type of supervision and debriefing is important for workers who deal with highly traumatized, and often hostile, people on a daily basis.

"The CWCs need clinical supervision. They are carrying the full load of the victim's emotional trauma. They need proper debriefing." Judicial Respondent

Other job supports were recommended as well: a "step by step" CWC resource manual⁹¹; the institution of a northern CWC exchange program; and, the provision of a knowledgeable northern CWC program coordinator who involves CWCs in policy development.⁹²

In addition, several respondents noted that the "job parameters" and the "role" of CWCs is not sufficiently defined. Respondents stated that due to the high level of need, and lack of resources in most northern communities CWCs are often pulled in many directions at once. CWCs are not trainers, social workers, therapists, child care workers, administrative assistants or professional interpreters. However, they often find themselves in situations where they are asked to deliver these services.

A procedures manual that clarifies CWC roles, responsibilities and job parameters would strengthen the program and reduce the stress placed on CWCs. CWCs would then be further empowered to deliver their core services with some level of consistency across all three territories. (Though they would still need to deal with requests for services that are beyond their mandate.)

CWC Program Logistical Supports

A number of program delivery suggestions can be summarized under this heading. They include such things as: improving the availability of testimonial aids in all communities; improving the meeting room space in communities; increasing the amount of CWC time with victims and witnesses (including more time for follow up); increasing the emphasis on victim/witness risk assessments; providing a witness travel assistance program; and the creation of criminal justice system information in Inuktitut. These recommendations are described in greater detail below.

Although testimonial aids are available in most communities they are, according to respondents, still not used to their maximum potential. CWCs report that judges, Crowns and other criminal justice personnel need more training about their use and the role they play in encouraging the testimony of vulnerable victims and witnesses. Ideally, respondents hope to see screens and closed circuit TV available in all northern communities. And they ask that criminal justice professionals become familiar with the use and value of these aids within the northern criminal justice system.

Respondents also stated that the CWC program, and other PPSC services, are hampered by the lack of meeting space, and lack of time, to work with victims and witnesses on circuit court.

In terms of limited time; a further increase in the number of CWC positions, especially in NWT and Nunavut, would give CWCs in those territories more time to work with isolated victims and witnesses. As well, it might be appropriate to schedule CWC time in a manner that allows them more time with victims and witnesses both before and after their case is heard.

"We need more time before court to interview victims and witnesses. By the time we get to the second or third community on circuit court the victims and witnesses are getting less attention. It would be nice to have more follow up with victims and witnesses in the future." CWC Respondent

⁹⁰ Some respondent suggestions re CWC clinical supervision and job support are also reported under sub-study question # 3.

⁹¹ A revised CWC resource manual is now being produced (December 2009).

⁹² The CWC coordinator position, entitled "Northern Victims Services Coordinator, was filled during the CWC program sub-study process.

Another issue in terms of logistics concerns victim/witness risk assessments. While all northern PPSC offices do victim/witness risk assessments, respondents stated that there should be more emphasis on this safety measure.

In terms of data collection, respondents recognized the need for an increased emphasis on case file updates and the statistical tracking of victims and witnesses. During the sub-study process it became obvious that there is presently no method within northern PPSC offices of collecting accurate statistical data about victims and witnesses. Recording the actual numbers of victims and witnesses (by date, community and case) appears to be the responsibility of northern PPSC Records Departments. If this is the case PPSC Records Department staff in each territory need the time and resources to perform this function.

Victim/witness demographic data, contact information, risk assessments, referral information, VIS information, and the legal facts surrounding the case in question, are currently collected by most CWCs for case management purposes, as described in question # 1. However, this information, as described in question # 1 and Appendix A, is not in electronic format, not used by all the CWCs in each PPSC office, and is not retrievable.

Phase One of the CWC program sub-study process included an investigation of how this victim/witness data might be collected in the future, thereby creating a fuller picture of the overall impact of the CWC program than is possible without it. Appendix B, "Performance Measurement and Data Collection Strategies", describes some alternative approaches to performance measurement and data collection.

These approaches include the expanded and more consistent use of iCase (the Justice Canada electronic timekeeping and data gathering tool) and/or the development of specific software designed to collect the victim/witness information in question. Alternatively, some respondents suggested that a non-electronic method of data gathering be developed given the difficulties CWCs have experienced with iCase data entry requirements. This approach would require the periodic collection, collation and electronic entry of hand written forms.

A number of 'smaller' logistical issues also need attention according to respondents: the witness travel assistance program in each territory needs to be more accessible; and, CWCs asked that they have the use of cell phones and vehicles in the communities. And, in Nunavut, criminal justice system information needs to be in Inuktitut.

Criminal Justice System Delivery Improvements

Some respondents made specific suggestions for improving the overall delivery of justice in northern Canada. Their belief is that these improvements would enhance the CWC program, as well as other components of the criminal justice system, and increase the ability of that system as a whole to serve northern victims and witnesses.

Specifically, respondents suggested the following actions:

- the cost sharing the CWC program with territorial governments and/or other federal government departments:
 - at this time the Policy Centre for Victim Issues (PCVI) funds the CWC positions in northern Canada;
 - since 2006 the Public Prosecution Service of Canada, which employs the CWCs, has been in a separate department from PCVI (although they are still linked and report to the same Minister of Justice);
 - the suggestion is that PCVI should continue to fund and support the CWC program;
 - however, transition options, in terms of program funding, need to be considered over the next 5 years;
- improving the orientation for new judges:
 - several respondents noted that judges new to the north are unfamiliar with the indigenous cultures, the high levels of trauma, the overall social situation, northern court processes and the use of testimonial aids;
- involving CWCs in alternative justice initiatives:
 - CWCs and other criminal justice professionals were in agreement that CWCs can and should be more involved in alternative justice initiatives such as community sentencing alternatives, mediation, diversion and other culturally appropriate restorative justice approaches;
- developing treatment option courts in NWT and Nunavut:
 - respondents in NWT and Nunavut would like to see the development of treatment option courts in their territory, similar to those in the Yukon;

- developing a territorial victim services program, healing initiatives and spousal assault prevention programs in Nunavut:
 - although this suggestion falls under the mandate of the territorial government, Nunavut respondents believe these programs would reinforce the work done by the CWC program, and support the overall delivery of justice in Nunavut;
 - a specific suggestion was also made to increase the utilization of intervention provisions under the Nunavut *Family Violence Intervention Act*;
- funding accused witness coordinators:
 - several defence counsel respondents believe that the accused and defence counsel should, like Crown prosecutors, have access to witness coordinators⁹³;
- regionalizing CWCs and Crowns:
 - as mentioned earlier, several respondents in all three territories believe victims and witnesses would be better served if CWCs and Crown prosecutors were located in each region of each territory;
 - this arrangement would lighten circuit court obligations and provide victims and witnesses with increased access to the criminal justice system; and,
- reducing trial delays:
 - all respondents report that trial delays negatively impact the participation of victims and witnesses in the criminal justice system;
 - the suggestion is that a means be found to lessen the length of time between the incident and the trial.

⁹³ In Nunavut and the NWT this service already exists through the Aboriginal Court Worker Program.

5.0 Summary

5.1 Summary of Sub-study Findings

The sub-study of the Crown Witness Coordinator program generated a great deal of qualitative data about the relevance, capacity, responsiveness, impacts and outcomes of the program. However, and as indicated under the first sub-study question, there is somewhat more limited quantitative data measuring the program's effectiveness. And, in addition, the voices of the northern victims and witnesses who have been involved with the CWC program are absent, which further limits the scope and depth of this sub-study.

The supporting research around crime rates and victimization in northern Canada, in section three (3), clearly indicates that there is a much higher rate of violent crime and victimization in the territories than exists elsewhere in Canada. When this situation is considered in light of demographic and infrastructure factors (many small towns with few services and no road network), the need for the CWC program becomes increasingly evident.

The program is further justified by the many challenges and contextual factors faced by the northern criminal justice system, as described by respondents and as seen in the research. Victims and witnesses in all three territories are often very traumatized and many lack a basic understanding of the Canadian criminal justice system. Cultural perspectives and public attitudes about crime and the criminal justice system have contributed to feelings of suspicion, and often outright hostility, towards the system and the people who work in it. When these attitudes, opinions and beliefs are coupled with the limitations imposed by the circuit court system, northern citizens, and victims in particular, often feel alienated from the very system designed to protect their rights, their security and their freedom.

According to respondents, and the available statistical data, the CWC program has gone some distance towards bridging these gaps, ameliorating prevailing attitudes towards the criminal justice system and providing a voice for northern victims and witnesses.

Evidence of these accomplishments are provided under sub-study questions two (2) and four (4) wherein respondents describe the increasing demand for CWC services and the growing participation of victims and witnesses in the criminal justice system. Respondents universally agreed that the capacity and responsiveness of the CWC program has matured over the years to the point that other criminal justice professionals (the judiciary, the Crown prosecutors and defence counsel) now rely on the program's provision of accessibility, inclusivity and stability to the northern criminal justice system.

Respondents also agreed that the ongoing success of the program is at least partially reliant on several key factors: the continuation of the highly valued training and support regime established by the Policy Centre for Victim Issues; the creation of several new CWC positions in NWT and Nunavut; and, the resolution of a variety of support oriented and logistical challenges such as the need for clinical supervision and the lack of time with victims and witnesses on circuit court.

In the final analysis respondents could not see an alternative means of delivering the CWC component of the Federal Victims Strategy. As the role of CWCs is so closely tied to that of the Crown prosecutor no suggestions were made to transfer the program to another level of government, or to the private sector. However, a few respondents suggested that the program should be cost shared with territorial governments and/or other federal government departments. And, respondents did have suggestions for improving CWC service delivery within the Public Prosecution Service of Canada, as noted in under sub-study question # 6.

In conclusion, most respondents pointed out that the CWC program's effectiveness would be significantly enhanced by the further development of community-based victim services in each territory. The increased reporting of violent crimes, the participation of victims and witnesses in the criminal justice system and the overall goal of reducing crime and victimization in northern Canada, is dependent on more than one dedicated victims' service, the CWC program, working towards this end.

5.2 Table Summary of Sub-study Findings

The following table summarizes the sub-study findings by question. Responses and sub-study findings described by territory in the body of the report are presented by territory. Responses and sub-study findings that were presented in the report in a pan-territorial format appear in that format in the table.

Table Summary of CWC Program Sub-study Findings 2009⁹⁴

Sub-study Question	Yukon	Northwest Territories	Nunavut	Pan Territorial
Sub-study Question # 1 What has been the volume (level of activity) and reach of the CWC program since its inception?	<ul style="list-style-type: none"> 1,687 average Crown cases yearly 486 * average number of v/ws yearly 450 average CWC cases yearly 85% of communities are served by CWCs 78 CWC court circuits yearly 60% of communities served by only CWC program 	<ul style="list-style-type: none"> 2,896 average Crown cases yearly 919 * average number of v/ws yearly 1,110 * average CWC cases yearly 60% of communities are served by CWCs 141 CWC court circuits yearly 75% of communities served by only CWC program 	<ul style="list-style-type: none"> 2,487 average Crown cases yearly 1,478 * average number of v/ws yearly 1,725 * average CWC cases yearly 90% of communities are served by CWCs 47 * CWC court circuits yearly 75% of communities served by only CWC program 	<ul style="list-style-type: none"> 7,070 average Crown cases yearly 2,882 * average number of v/ws yearly 3,285 * CWC cases yearly 78% of communities are served by CWCs 296 * CWC court circuits yearly 70% of communities served by only CWC program
Sub-study Question # 2 Is the demand for CWC services being met?	<ul style="list-style-type: none"> can meet circuit court demand recommend 2 new positions if CWC's take on more caseload recommend locating CWCs in regional centres 	<ul style="list-style-type: none"> can largely meet circuit court demand recommend 1 or 2 new positions located in Inuvik and/or Sahtu region 	<ul style="list-style-type: none"> cannot meet circuit court demand recommend 2 new positions located in Keewatin and Kitikmeot regions 	
Sub-study Question # 3 What challenges or contextual factors influence the ability of the CWC program to achieve its intended results?	<ul style="list-style-type: none"> traumatized victims and witnesses vicarious trauma high crime rate CWC security shortfalls circuit court challenges cultural differences public attitudes about the criminal justice system training issues resource issues 			
Sub-study Question # 4 To what extent has the CWC program achieved its intended outcomes?	<ul style="list-style-type: none"> more victims and witnesses are being located, prepared and encouraged to attend court more victims and witnesses, including vulnerable victims/witnesses, testify in court (however, it is still difficult to get abused elders and abused women to testify) there is an increasing use of testimonial aids, particularly with vulnerable victims/witnesses more Victim Impact Statements are presented in court CWCs are now present on the majority of court circuits victims and witnesses in small, court circuit communities are now more supported, increasing their participation in the criminal justice system more victim/witness risk assessments are completed, increasing overall safety there is an overall increase in awareness of the criminal justice system, and victim resources, amongst victims/witnesses and the public since 2008, due to the creation of 4 new positions, the capacity of the CWC program has doubled there is a reported increase in crime reporting there is a reported reduction in the trial 'collapse rate' there are reportedly more guilty pleas due to increased victim/witness court attendance and testimony there is reportedly a higher conviction rate, particularly in smaller communities where convictions by juries for violent crimes was previously minimal 			

⁹⁴ Data with an asterisk (*) indicates an estimate. The short form "v/ws" refers to victims and witnesses.

	<ul style="list-style-type: none"> • suicide, and suicide attempts, amongst vulnerable victims/witnesses have been reduced • defence counsel are assisted by the CWC program through complainant assessments and other measures that assist in case management • there is increased court/trial participation from unilingual victims and witnesses • there is increased awareness of the cultures, social problems, disabilities, family connections and community dynamics amongst Crown Prosecutors • there are improved communications between Crowns and victims/witnesses • CWCs have remained stable while police and Crowns rotate in and out of the north • there is more CWC involvement in alternative justice initiatives, such as treatment option courts • the overall court/trial process is reported to be more stable, accessible and inclusive
<p>Sub-study Question # 5</p> <p>How have training, and other support activities, increased the capacity of CWCs to respond to the needs of victims and witnesses?</p>	<ul style="list-style-type: none"> • training and support activities included: annual meetings; specialized training sessions; resource development; the creation and funding of 4 full time CWC positions; the creation of a full time CWC coordinator position; resource and organizational support for CWCs to attend victim related training events; the development of coordinated working relationships with territorial victim services programs • training impacts include: greater CWC confidence; CWC program stability; upgraded assistance to traumatized, vulnerable and special needs v/w/s; more use of testimonial aids and VISs; more CWCs on circuit courts; coordinated victim services between all levels of government; increased CWC knowledge and skill level • request for continued PCVI training and support • request for CWC access to territorial government training • request for regional training opportunities • request for more training in: CWC program orientation including job parameters; criminal justice system; cultural sensitivity; trauma; victimology; v/w risk assessments; domestic violence; referral options; file and case management; personal security; therapy; mental illness; social work
<p>Sub-study Question # 6</p> <p>What alternatives are available to the current delivery of the CWC component of the Federal Victims Strategy?</p>	<ul style="list-style-type: none"> • institute a method of accurately recording victim/witness data • in Yukon move assistance of spousal and sexual assault victims from territorial government to PPSC • addition of 1 or 2 new CWC positions in NWT • addition of 2 new CWC positions in Nunavut • provide clinical supervision for CWCs in all territories • clarify CWC job parameters (need for procedures manual) • institute a CWC exchange program • solve CWC program logistical problems re: the availability of testimonial aids in all communities; the lack of meeting room space in communities; the use of victim/witness risk assessments; the amount of CWC time with victims and witnesses; witness travel assistance program; criminal justice system information in Inuktitut • improve the orientation for new judges • involve CWCs in alternative justice initiatives • regionalize CWCs and Crowns in all territories • reduce trial delays • develop treatment option courts in NWT and Nunavut • develop a territorial victim services program and spousal assault prevention program in Nunavut • fund accused witness coordinators • cost share CWC program with territorial governments and/or other federal government departments and work towards the transition of CWC program funding to PPSC from PCVI

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Appendix A

Comparative Table of Data Collection Inventory, by Territory

Comparative Table of Data Collection Inventory, by Territory

One component of the *Sub-study of the Crown Witness Coordinator Component of the Federal Victims Strategy*, focused on an assessment of the program's current data collection/performance measurement activities. This work was completed during Phase One of the overall sub-study process. The results of this assessment are contained in Appendix A. Appendix B outlines suggestions for the development of an ongoing CWC program data collection/performance measurement strategy.

The table of past and current data collection methods described on the following pages included input from: the Policy Centre for Victim Issues; PPSC Northern Region; CWCs in each territory; Chief Federal Prosecutors in each territory; iCase Administrators in NWT and Nunavut; and, the iCase National Business Analyst, Justice Canada.

Past and current data collection methods and tools can be summarized, by territory, as follows:

Yukon

- iCase timekeeping records from 2003 to present;
- "Contact Log" information about each victim/witness from 2003 to present ("Contact Log" information tracks each contact with a victim/witness as well as legal information pertinent to their court case, but it is not in electronic format);
- CWCs prepare schedules for circuit court with the names and location of victims/witnesses (these schedules are not electronic and are not retrievable);

Northwest Territories

- intermittent iCase timekeeping records from 2003 to present;
- "Witness Information Sheet" records were started in December 2008 (the NWT "Witness Information Sheet" records contacts with the victim/witness as well as legal information pertinent to their court case, but it is not used by all NWT CWCs and is not electronic);
- CWCs prepare schedules for circuit court with the names and location of victim/witnesses (not electronic, not retrievable);

Nunavut

- some iCase timekeeping records from 2003 to February 2006;
- no iCase records from February 2006 to present;
- CWCs sometimes add notes to the Crowns' files about victim/witnesses (not electronic, not retrievable); and,
- CWCs prepare schedules for circuit court with the names and location of victim/witnesses (not electronic, not retrievable).

The table on the following pages describes these data collection and recording keeping methods in detail. Respondent suggestions for improved data collection/performance measurement strategies are included in this table and incorporated into Appendix B, "CWC Program Data Collection and Performance Measurement Strategies".

Respondents: Existing CWC Data Collection Tools⁹⁵

	Yukon	NWT	Nunavut
Case Information	<p><u>CWC File Notes/Contact Log</u> (since 2003)</p> <ul style="list-style-type: none"> file numbers for Crown, Court and RCMP accused name charges offence date investigator CWC assigned to file names of co-accused charges of co-accused <p><u>iCase</u></p> <ul style="list-style-type: none"> iCase records track CWC time spent on each case iCase records back to 2003 <p><u>Community Log Book</u></p> <ul style="list-style-type: none"> tracks the same data as the contact log, but hand written while in community for circuit court not in electronic format 	<p><u>Witness Information Sheet</u> (start on Dec. 1, 2008)</p> <ul style="list-style-type: none"> PPSC file # accused name court number date of judicial proceeding Crown (name) CWC (name) <p><u>iCase</u></p> <ul style="list-style-type: none"> iCase records focus on the CWC time spent each day on each case in ½ hour increments and include prep time and court time will soon record time break down on circuit court iCase records back to 2003 <p><u>Victim/Witness Coordination Schedule</u> (started on Dec. 1, 2008)</p> <ul style="list-style-type: none"> this schedule details prep and contact info about victims/witnesses in communities on the court circuit not in electronic format 	<ul style="list-style-type: none"> CWCs sometimes add notes to Crown files in cases of spousal assault, common assault and child sexual assault these notes include contact information, dates a "Risk Assessment" form may be filled out at court with victims and given to Crown to address release and sentencing <p><u>iCase</u></p> <ul style="list-style-type: none"> CWCs have not recorded timekeeping on iCase since Feb. 2006 some CWCs recorded timekeeping on iCase from 2003 to 2006 <p><u>Pre-Circuit Witness Information</u></p> <ul style="list-style-type: none"> this form includes the file #, accused name, charges victim and witness name, age and contact info this form is used "frequently" but info is not transferred, not electronic
Victim / Witness Information	<p><u>CWC File Notes/Contact Log</u></p> <ul style="list-style-type: none"> victim/witness names victim/witness contact information appearance reasons and dates VIS (advised, filed, declined) restitution requested (yes, no, amount, quote on file) no contact requested (yes, no) not attend (yes, no, address) availability of witness relevant witness information: <ul style="list-style-type: none"> special needs testimonial aids travel needs description of offence 	<p><u>Witness Information Sheet</u></p> <ul style="list-style-type: none"> name of witness address of witness, phone numbers and email address appearance type (preliminary inquiry, trial) VIS (yes, no, date) involvement in case (complainant, witness) subpoena (yes, no, date) cooperative (yes, no) prepped on (date) victim services referral (yes, no, date) 	<ul style="list-style-type: none"> CWCs sometimes add notes to Crown files in cases of spousal assault, common assault and child sexual assault these notes include contact information and dates a "Risk Assessment" form is sometimes completed the "Pre-Circuit Witness Information" form is used "frequently"
Victim / Witness Contact Summary	<p><u>CWC File Notes/Contact Log</u></p> <ul style="list-style-type: none"> contact date results of court appearance or communication follow up record of transfer of case to territorial government meetings and conversations recorded by date 	<p><u>Witness Information Sheet</u></p> <ul style="list-style-type: none"> initial contact date (phone, in person, mail) comments subsequent contact date (phone, in person, mail) comments on subsequent contact comments / running record 	

⁹⁵ Passages in bold indicate data collection areas, comments and recommendations that are common to more than one territory.

Respondents: Perceptions of Gaps in Victim/Witness Data

	Yukon	NWT	Nunavut
Extent of Available Data (Nov. 2008)	<ul style="list-style-type: none"> iCase timekeeping records back to 2003 these records break down time spent on various tasks and can be collated into reports "Contact Log" information (and community log book for circuit court) on every victim/witness back to 2003 	<ul style="list-style-type: none"> iCase timekeeping records back to 2003 these records break down time spent on various tasks and can be collated into reports 	<ul style="list-style-type: none"> CFP says: "there is no consistent long or short term data available" "we have to start from scratch to collect data in Nunavut" iCase data from 2003 to 2006
CWC Work with Crowns	<ul style="list-style-type: none"> work with Crowns not recorded aside from what is recorded on the victim "Contact Log" 	<ul style="list-style-type: none"> work with Crowns not recorded 	<ul style="list-style-type: none"> "the CWCs work with Crowns is not recorded"
CWC Workload (# of cases, time per case, types of interactions etc)	<ul style="list-style-type: none"> iCase is the only record of workload 	<ul style="list-style-type: none"> iCase is the only record of workload 	<ul style="list-style-type: none"> "there is no record of the amount of work the CWCs puts into each case ... their work is all inter-related and inter-connected"
Victim/Witness Statistical Data	<ul style="list-style-type: none"> the statistical data is limited to what is collected on the "Contact Log" form 	<ul style="list-style-type: none"> "there isn't any demographic or statistical information about the victim/witnesses we see" "right now we just record v/w preparation and court time on iCase" "the new form will have more victim/witness information" 	<ul style="list-style-type: none"> there are no CWC iCase records after 2006, and no other statistical data about victims in Nunavut
Measuring Victim/Witness Satisfaction	<ul style="list-style-type: none"> "we need to measure victim/witness satisfaction with our service" 	<ul style="list-style-type: none"> "victim/witnesses, especially in spousal and sexual assault cases, are often hostile and not cooperative ... they might not feel 'satisfied' with our service" 	<ul style="list-style-type: none"> "there is no follow up with victims after their court case" "we need to measure victim/witness satisfaction with our service"
CWC Impact	<ul style="list-style-type: none"> "there is nothing measuring our impact on clients" 	<ul style="list-style-type: none"> "timekeeping doesn't really measure our impact on victims and witnesses" 	<ul style="list-style-type: none"> "there is nothing indicating the impact of the CWCs"
Other Gaps in Victim/Witness Data Collection	<ul style="list-style-type: none"> CWCs in Yukon do not deal with spousal and sexual assault cases "we would like to have a tool that assesses the level of trauma a victim/witness is experiencing" 		

Respondents: Data that would Illustrate the Reach and Impact of the CWC Program

	Yukon	NWT	Nunavut
Planned Data Collection	<ul style="list-style-type: none"> no new data collection planned 	<ul style="list-style-type: none"> CWCs plan to start (Dec 1, 2008) using the "Witness Information Sheet" described in the first table CWCs plan to start (Dec 1, 2008) using the "Victim/Witness Information Schedule" described in the previous table 	<ul style="list-style-type: none"> no new data collection planned
CWC and CFP Data Collection Suggestions	<ul style="list-style-type: none"> "we need data that illustrates the satisfaction of victims and witnesses with our service" 	<ul style="list-style-type: none"> "could we add victim/witness demographic information to the iCase record keeping regime?" "maybe we could add into iCase the victims and witnesses names, the time spent per victim and witness and the type of interaction" "would it be possible for CWCs to collect additional data on a weekly form that was just numbers: of interviews, of clients etc.?" "the evaluation should focus more on CWC activities and less on outcomes" it isn't helpful to measure success by the number of convictions or the number of victim/witnesses who show up for court "success should be measured by how many files the CWCs help with, especially those files with vulnerable complainants" "the Crowns should be interviewed" "CWCs could do a survey with the victims and witnesses" "the best way to illustrate the work of the CWCs is with monthly statistics and the number of cases the CWCs are involved in" 	<ul style="list-style-type: none"> "to measure "reach" you have to look at the demographics of the victims and witnesses" "to measure success we have to look at what the CWCs do that no one else does" "we need to be able to measure outcomes" it isn't helpful to measure success by the number of convictions or the number of victim/witnesses who show up for court

Respondents: Barriers and Solutions to CWC Data Collection

	Yukon	NWT	Nunavut
Barriers to CWC Data Collection	<ul style="list-style-type: none"> • "it is hard to collect information in the communities due to limited time there ... in the communities we mostly spend our time looking for people" • "information in the community log book is hand written and not always transcribed into electronic format" • "in Whitehorse it is hard to collect data on street people" • "we spend a lot of time locating people with no fixed address" • "we have between 80 to 100 active cases at any one time" 	<ul style="list-style-type: none"> • "lack of time to fill out data collection forms" • "several CWCs have trouble using a computer" • "some of the victims and witnesses are hostile" • "the information we collect may be subjective" • "how will the data be relevant?" • "how would we access the evaluation forms?" • "interviewing victims and witnesses might re-traumatize them" 	<ul style="list-style-type: none"> • "CWCs don't have time to fill out hand written forms or enter data into iCase"
Solutions to CWC Data Collection	<ul style="list-style-type: none"> • "there was a file review done a few years ago" • this file review focused on sexual and spousal assault cases in all 3 territories and went back 3 years • researchers were looking at sentencing results and other data • this research might have some useful data re the CWC evaluation" 	<ul style="list-style-type: none"> • "could we add victim/witness demographic information to the iCase record keeping regime?" • "maybe we could add into iCase the victims and witnesses names, the time spent per victim and witness and the type of interaction" • "would it be possible for CWCs to collect additional data on a weekly form that was just numbers: of interviews, of clients etc.?" • "CWCs could do a survey with the victims and witnesses" • "talk to our iCase Administrator" 	<ul style="list-style-type: none"> • "use a video format to illustrate the work of CWCs, particularly on circuit court" • "interview victims and witnesses about their experiences with CWCs" • "victim/witnesses could be interviewed through a survey given to them by CWCs" • "talk to our iCase Administrator"

Appendix B

CWC Program Data Collection and Performance Measurement Strategies

CWC Program Data Collection and Performance Measurement Strategies

One component of the *Sub-study of the Crown Witness Coordinator Component of the Federal Victims Strategy*, focused on an assessment of the program's current data collection/performance measurement activities. This work was completed during Phase One of the overall sub-study process. The results of this assessment are contained in Appendix A. Appendix B outlines suggestions for the development of an ongoing CWC program data collection/performance measurement strategy.

Data Collection and Performance Measurement Strategy: iCase

PPSC Records Departments, Crown prosecutors and some CWCs use iCase for timekeeping purposes and for recording other statistical data including: case information by charge, date and community; and, complainant (victim) and witness information by charge, date and community. As noted under sub-study question 1 it appears that complainant and witness numbers have not been accurately recorded due to workload issues in territorial PPSC Records Departments. Furthermore, and according to respondents, iCase timekeeping data, which can record CWC time by case, complainant, date and community, is not entered by CWCs on a consistent or accurate basis (although it is a job requirement).

According to the iCase National Business Analyst, Justice Canada, information about complainants (victims) and witnesses can be collected from CWC timekeeping records with the addition of an additional iCase software program. However, this approach will only work if CWCs are faithful about accurately entering iCase timekeeping data following pre-set codes, categories and text fields.

Listed below are the categories of data that can be collected, according to the iCase National Business Analyst, with the addition of appropriate iCase software, and the cooperation of both CWCs and territorial PPSC Records Departments:

Victim/Witness Demographic Information:

- ages of victim/witnesses;
- location of victim/witnesses;
- gender of victim/witnesses;
- special needs victim/witnesses;
- previous victim/witness involvement with court.

CWC Case Management Data:

- total number of victim/witnesses assisted by CWCs, by year, by charges and by community;
- time spent assisting victim/witnesses, by charges and by community;
- number and category of CWC referrals to other agencies;
- number and category of referrals to CWCs from other agencies.

CWC Program Intervention Outcomes:

- main victim/witness outcomes prior to, during and after their court case, by charges, date and community:
 - 'outcome areas' would be listed and CWCs would tick them off;
 - it is possible to add this area of data collection by designing a "page" called "particulars" which would provide a "text field" and "codes" for entering specific information into iCase;
- victim/witness satisfaction with the CWC intervention:⁹⁶
 - areas of satisfaction would be listed and ticked off;
 - as above, it is possible to add this area of data collection by designing a "page" called "particulars" which would provide a "text field" and "codes" for entering specific information into iCase.

There are many advantages in using iCase as the main method of ongoing data collection and performance measurement. The CWCs have entered data on iCase since 2003, albeit inconsistently, and are therefore familiar with the program. If new areas of data collection are required for the purpose of ongoing performance measurement it is a fairly straightforward process to make these software additions.

⁹⁶ CWCs and CFPs asked that victim/witness satisfaction with the CWC program be recorded on an ongoing basis. This performance measurement strategy would involve finding a suitable method of asking victims/witnesses for their perceptions of the CWC program.

A further advantage of using iCase for ongoing data collection and performance measurement is that iCase data, being electronic and filed under a variety of headings, it is relatively easy to retrieve, collate and analyze. Furthermore, it is the mandate of the iCase National Business Analyst, and her team, to respond to requests from within Justice Canada for reports and data summaries specific to departmental needs. Therefore, PCVI, PPSC Northern Region, and other Justice Canada divisions, can, for example, request regular quarterly reports from iCase which summarize the performance measurement data in predetermined categories.

There may, however, be some disadvantages to employing iCase for the purposes of ongoing CWC program data collection and performance measurement. As stated above, routinely entering timekeeping and other data into iCase is a job requirement for all CWCS. However, some CWCs are not completely comfortable using an electronic data collection system. And other CWCs state that they don't have time to enter electronic data about the victims and witnesses on their caseload. It would therefore likely be necessary to provide CWCs with training in iCase and ensuring CWCs have adequate time to consistently and accurately enter their information.

In addition, in terms of challenges, the utilization of iCase will require various divisions within Justice Canada to work together to design the appropriate data collection and performance measurement software. Given the busy schedules of every division in Justice Canada, including iCase, it may take some time to develop and implement new iCase data collection/performance measurement tools.

However, despite these disadvantages, iCase appears to provide an efficient, comprehensive and readily available method of ongoing data collection and performance measurement.

Data Collection and Performance Measurement Strategy: Alternate Software Program

It would appear that the most efficient method of collecting statistical data about the CWC program is through the existing iCase format. However, there is no reason why a separate software program couldn't be developed by Justice Canada for the sole purpose of collecting CWC program data and measuring CWC program performance on an ongoing basis. This option would be dependent on the availability of technical assistance within Justice Canada capable of designing and implementing an electronic data collection tool that would meet the pre-set goals of the data collection and performance measurement strategy.

The advantage of this option is that PCVI and PPSC Northern Region could set the parameters of this data collection tool, deciding what data to collect, and thereby avoid any restrictions inherent in the iCase format and implementation challenges.

However, there are several disadvantages as well. There may not be the technical capacity within Justice Canada to develop this software program. As well, CWCs may not have time to input data into both iCase, which is a job requirement, and into an additional data collection/performance measurement tool.

Data Collection and Performance Measurement Strategy: Hybrid Data Collection Strategy

A less technical data collection approach would involve designing a 'hard copy' form which CWCs filled out by hand on a weekly basis. This option is by far the simplest in terms of development and implementation. It has the advantage of being user friendly, especially for CWCs who are uncomfortable using computers. And it could be easily altered and adapted as time went by.

However, this 'hard copy' approach has drawbacks too. The main problem is that because data would not be recorded electronically, the periodic collection and electronic collation of data would be necessary and time consuming. And it's not clear who would be responsible for this task.

But there is another way to look at data collection that might make the option of a stand alone non-electronic, 'hard copy' measurement tool more practical. As it stands the iCase data entries now made (inconsistently) on a daily/weekly basis can provide a great deal of information, if they are entered accurately by CWCs and PPSC Records Departments (which is not currently the case). As noted earlier, this information can be collated into reports by the iCase technical team and distributed to the Justice Canada division in question. This would seem to cover off the need for statistical data about the numbers of victims and witnesses assisted by the CWC program. And this approach does not involve changing the existing iCase format, just an increased commitment to data entry on the part of CWCs and PPSC Records Departments.

Additional information in the areas of victim/witness demographics, referral information, case outcomes and client satisfaction (as requested by CWCs and other northern criminal justice professionals) could be recorded by hand on pre-set 'hard copy' forms when a case is closed.

If these 'hard copy' forms were only filled in when the court case was finished they would not represent a major weekly time/administration burden for CWCs. These forms could then be collected in a central location in each office and periodically transferred into an electronic format useful to the CWCs, PCVI and PPSC Northern Region.

In summary, a hybrid method of data collection and performance measurement would involve:

- CWCs and PPSC Records Departments meeting their existing obligations in terms of iCase data entry (with no changes to the existing iCase format);
- CWCs filling in a 'hard copy' victim/witness and case information form at the close of each case;
- victims and witnesses completing a 'hard copy' form which measures their level of satisfaction with the CWC program, and recommending improvements; and,
- the periodic collection and collation of these forms into an electronic format suitable for distribution.

Appendix C
Sub-study Plan Table Summary

Sub-study Plan Table Summary

Sub-study Question	Indicators	Methods	Participants	Timing
Sub-study Question # 1 What has been the volume (level of activity) and reach of the CWC program since its inception?	<ul style="list-style-type: none"> number of victims/witnesses and communities assisted by the CWC program <hr/> <ul style="list-style-type: none"> current volume (level of activity) and reach of the CWC program 	<ul style="list-style-type: none"> collation of existing iCase files <hr/> <ul style="list-style-type: none"> collation of existing iCase files 	<ul style="list-style-type: none"> iCase National Business Analyst Contract Authority (Evaluation Division, Justice Canada) <hr/> <ul style="list-style-type: none"> iCase National Business Analyst Contract Authority (Evaluation Division, Justice Canada) 	<ul style="list-style-type: none"> during Phase I and II of the sub-study (spring 2009) <hr/> <ul style="list-style-type: none"> during Phase I and II of the sub-study (spring 2009)
Sub-study Question # 2 Is the demand for CWC services being met?	<ul style="list-style-type: none"> number of court circuits where no CWC is available, by year, by territory <hr/> <ul style="list-style-type: none"> perceptions of criminal justice professionals <hr/> <ul style="list-style-type: none"> perceptions of victims/witnesses 	<ul style="list-style-type: none"> consultations with the territorial Departments of Justice Records Clerks in each territory <hr/> <ul style="list-style-type: none"> interviews and/or focus groups with criminal justice professionals <hr/> <ul style="list-style-type: none"> victim/witness surveys 	<ul style="list-style-type: none"> territorial Departments of Justice Records Clerks <hr/> <ul style="list-style-type: none"> criminal justice professionals <hr/> <ul style="list-style-type: none"> victims and witnesses 	<ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) <hr/> <ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) <hr/> <ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009)
Sub-study Question # 3 What challenges or contextual factors influence the ability of the CWC program to achieve its intended results?	<ul style="list-style-type: none"> criminal justice professionals' perceptions regarding CWC program challenges and influential contextual factors <hr/> <ul style="list-style-type: none"> victims/witnesses' perceptions regarding CWC program challenges and contextual factors <hr/> <ul style="list-style-type: none"> previous research re the challenges and context of the CWC program in northern Canada 	<ul style="list-style-type: none"> focus groups and interviews <hr/> <ul style="list-style-type: none"> victim/witness surveys <hr/> <ul style="list-style-type: none"> summarize pertinent research data 	<ul style="list-style-type: none"> criminal justice professionals <hr/> <ul style="list-style-type: none"> victims and witnesses <hr/> <ul style="list-style-type: none"> contractor Contract Authority 	<ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) <hr/> <ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) <hr/> <ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009)

Sub-study Question	Indicators	Methods	Participants	Timing
Sub-study Question # 4 To what extent has the CWC program achieved its intended outcomes: <ul style="list-style-type: none"> increasing awareness and understanding among victims/witnesses about victim issues, legislation and/or available resources increasing the willingness of victims/witnesses to participate in the criminal justice system increasing the capacity of CWCs to respond to the needs of victims/witnesses increasing the responsiveness of CWCs to the needs of victims/witnesses increasing awareness about the needs of victims/witnesses among criminal justice personnel, namely Crown Prosecutors? 	<ul style="list-style-type: none"> perceptions of criminal justice professionals perceptions of victims and witnesses perceptions of service providers and territories 	<ul style="list-style-type: none"> focus groups and interviews victim/witness surveys victim/witness case studies survey of service providers and territories 	<ul style="list-style-type: none"> criminal justice professionals victims and witnesses CWCs Yukon Government, Family Violence Prevention Unit, Victim Services NWT Government, Department of Justice and territorial victim services Nunavut Government, Community Justice, Victim Services 	<ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) during Phase II of the sub-study (spring 2009) during Phase II of the sub-study (spring 2009)
Sub-study Question # 5 How have training, and other support activities, increased the capacity of CWCs to respond to the needs of victims and witnesses?	<ul style="list-style-type: none"> description of training and other support activities perception of criminal justice professionals perceptions of victims and witnesses 	<ul style="list-style-type: none"> review of CWC training and support activities focus groups and interviews victim/witness surveys 	<ul style="list-style-type: none"> PCVI and PPSC Northern Region criminal justice professionals victims/witnesses 	<ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) during Phase II of the sub-study (spring 2009) during Phase II of the sub-study (spring 2009)
Sub-study Question # 6 What alternatives are available to the current delivery of the CWC component of the Federal Victims Strategy?	<ul style="list-style-type: none"> description of victim services partnerships and formal agreements with other levels of government criminal justice professionals' suggestions regarding CWC program delivery alternatives 	<ul style="list-style-type: none"> review of MOUs and other agreements focus groups and interviews 	<ul style="list-style-type: none"> CFPs, PCVI, PPSC Northern Region criminal justice professionals 	<ul style="list-style-type: none"> during Phase II of the sub-study (spring 2009) during Phase II of the sub-study (spring 2009)

Appendix D

Crown Witness Coordinator Case Studies

Yukon Case Study

This case study, provided by a Yukon CWC, details the stages of an assault case involving a young victim.

The charge in this case was 267(a) (Assault with a weapon or causing bodily harm). The accused entered a guilty plea but disputed some the facts so the victim needed to testify.

The first meeting was just a meet and greet, to explain our roles in the court system. I met with the young person (the victim), the guardian and the Crown Attorney. Contact was made through another agency. Regular updates were provided to the guardian on what was happening with regards to the court process. The witness on the matter was also a young person, so the preparation for the witness was the same as with the victim.

The court preparation process went through several stages:

- I set up meetings with the Crown;
- meetings were held with the Crown, the CWC, and the guardian on a regular basis;
- we reviewed the statements (not just the paper copy, we also listened to the statement from the CD format);
- we toured the courtroom before the court proceedings;
- I explained where everyone sat during the trial: the Crown, the defence counsel, the accused, the Judge, the court clerk and the court reporter;
- I explained everyone's role in the court process;
- I let the young person know that if they had any questions they could call me themselves or pass the question along to the guardian, and I provided my contact information;
- I was present at court as a support to the victim, the guardian and the witness, and I made sure they knew where I would be at all times;
- we requested a closed courtroom, which was granted by the judge hearing the matter;
- I prepared the separated area where young people wait with their support person;
- I supplied paper and colouring matter, and snacks, while we waited to go into the courtroom;
- I explained how a Victim Impact Statement works and who reads it and when it is read by the court, and let the victim know I could assist with the Victim Impact Statement (the young person had submitted a Victim Impact Statement);
- I debriefed with the victim and witness after they testified;
- I kept the guardian updated on the next steps as sentencing did not take place until a later date; and,
- throughout the process I always kept the young person informed about what was happening, including next steps.

In terms of the outcome of this case: the accused received a 3 month conditional sentence with a number of conditions and a 15 month probation order. The young person remained with a foster family and is doing very well.

Northwest Territories Case Study

Following is a description of a CWC's workload during a five (5) day court circuit in the Beaufort-Delta region of the NWT, in mid February 2007.

Sunday February 15, 2007

I arrive at the airport at 4:30 pm on a Sunday afternoon. I'm flying to Inuvik in order to catch tomorrow morning's court charter to the first stop on the Territorial Court circuit. I arrive in Inuvik and check into a hotel for the night.

I spend the evening making contact with those witnesses with telephones and passing messages through relatives to those who do not. I manage to make contact with a little over 1/3 of the witnesses for the next day's trials; a fairly good start. I speak to an elderly woman regarding the sexual assault preliminary inquiry scheduled for the next day. This was the second phone conversation I'd had with this individual. The first contact was to ensure she had received her subpoena and knew of the scheduled preliminary inquiry. I explained my role as a CWC and the services I would be able to provide. I spoke with the complainant at length regarding the importance of her testimony, as she was very reluctant to testify. I arranged to meet with her the next day to review her statement with her and to escort her to court.

I also tried to contact witnesses in spousal assault files, an assault with a weapon/assault causing bodily harm file, several uttering threats files, etc. Their last known phone numbers were no longer valid, but I did manage to track down a relative and learn that one witness was out of town (return date unknown), another witness was uncooperative and the third witness was living with an accused on an unrelated file.

Monday February 16, 2007

I arrive at the Inuvik airport at 7:30 am to catch the 8 am court charter to Aklavik, NWT. We arrive in Aklavik and make our way to the Community Center, which will serve as the court house for the day. I spend the next hour meeting with witnesses on the day's trials. These meetings take place in the kitchen area of the center, or if that is being used by defence, a bench in an out of the way corner of the hall. I find the Crown witnesses by asking those I have just finished meeting with to point them out.

At 10:30 am, Territorial court is called to order. While the Court is running through the docket matters, I am prepping our witnesses. I meet with the son of the elderly complainant in a sexual assault prelim. He is also a Crown witness in this matter. He provided me with information regarding his mother's upbringing and culture and how having her testify in public against a male goes against her cultural and personal beliefs. We try to brainstorm different approaches we may be able use. However, we still must have the elder describe the sexual assault in detail in front of her community.

I met with the complainant in a spousal assault file who indicated that she and the accused are still in a relationship. She was very emotional and did not want to proceed with the charges. I met with another of the Crown witnesses in this matter. He was incredibly upset that he had been subpoenaed. He indicated he was missing work and he had nothing of importance to say, though he was able to volunteer the information needed in his testimony. He advised that he would no longer cooperate with the RCMP or the Crown in the future. The other Crown witnesses were the parents of the accused. They appeared to be cooperative, though were very hesitant to "make things worse" for the accused.

I met with the four Crown witnesses, all youths, in an uttering threats file. We reviewed the trial process and the importance of their candid, truthful testimony. I described to each the available testimonial aids available to youthful witnesses. I met one on one with the youthful witnesses. They were very nervous about having to testify but seemed more confident once they understood the trial procedures and knew who would be asking the questions and the types of questions they would likely face (i.e.: open-ended vs. leading).

During the lunch hour, I met with the elderly complainant in the sexual assault preliminary inquiry at her home (RCMP presence was necessary for safety reasons). She very nervous and did not want to have to face the accused, a man she had helped raise from childhood. We focused on the differences between the preliminary inquiry and the trial. She was not happy to discover that she would have to testify twice. I escorted her to the community center, where court was being held in the auditorium. As there were no private rooms available in the

community center I sat with her in her vehicle until the file was called for the prelim. While we were waiting in the vehicle, I described the types of questions she could expect from the two different lawyers. As this was a sexual assault file, I described the importance of using the names of the body parts involved. At this she became very upset and indicated she would not use those words in front of her children and community, as they were considered dirty words. I explained the reasons why the court needed to know exactly what happened during the assault. However, she was still not willing to use those words. When the file was called, we proceeded from her vehicle into the community center. The elderly complainant testified well and was able to clearly recall the incident. She refused to say the words of the body parts used, but the accused was still committed to stand trial. In total, there were 6 scheduled trials, 2 preliminary inquiries, and 19 witnesses prepared.

When court closed for the day, the court party were driven to the Aklavik airstrip, where the court charter was waiting to take us to Fort McPherson. We arrived in Fort McPherson at 4:30 pm and checked into a bed and breakfast for the night. I had arranged to meet the Victims Services Coordinator at his office at 7 pm for the evening's meetings. During the course of the evening, I met with a complainant in a spousal assault file, a young complainant in a sexual assault file and with the complainant in a spousal sexual assault file.

At 9 pm, the day is done and I return to the bed and breakfast where I brief the Crown Prosecutor on the witness meetings.

Tuesday February 17, 2007

I arrived at the Fort McPherson Community Center at 9 am and met with a complainant on a mischief, assault and uttering threats file. I had previously spoken to him on the phone to inquire whether he had received a subpoena in preparation for the day's trial. He had indicated he did, but that he did not have a way into Fort McPherson as he was from a neighbouring community. The Band office in his community had arranged a van to bring everyone required for court into Fort McPherson. During our meeting on the day of court he indicated that he didn't have a place to stay since he had previously been banned by the local hotel, where all accommodation arrangements needed to be made through a contract with the GNWT Witness Expense Program. I indicated I would see what could be done before the day was over. I had him review his statement and he was prepped for trial. He indicated he would like to complete a Victim Impact Statement. I had the Victim Services Coordinator help him fill one out.

From 9:00 am to 1:00 pm, I met with the complainant on a spousal assault file. She had not provided a statement and did not want to testify. I also met with a witness to an assault. During my last circuit to Fort McPherson this witness had been convicted of a sexual assault on a minor. The complainant in the spousal sexual assault file solidly refused to testify. She adopted her statement as an accurate description of the incident, but refused to proceed to the preliminary inquiry. I also met with the complainant in a spousal uttering threats file. He was not overly cooperative and could not understand why we would proceed with a file that did not involve anything "physical". The youthful complainant in the sexual assault preliminary inquiry brought her aunt with her to act as a support person for her, though she refused a witness screen. And, I met with four witnesses on a break and enter file.

After the noon break, we began the trial for a spousal assault matter. The complainant recanted on the stand and the charges were stayed. We resolved a spousal uttering threats matter with a common-law peace bond. We began another spousal assault trial. When the accused saw the complainant present and willing to testify, he changed his plea to guilty. Facts and sentencing were heard.

In total, there were 8 trials, 2 preliminary inquiries, and 15 Crown witnesses prepped. We traveled back to Inuvik and arrived at 6:30 pm.

Wednesday February 18, 2007

As Wednesdays are docket days for the Inuvik Territorial Court, I met with a child witness to begin to prep for a child abuse matter set for trial the next day. I had previously spoken with her case worker, and arranged to meet her at the Health and Social Services office in Inuvik. She was very shy at first, but we were able to develop a very good rapport. She had already done a tour of the court house and had received some very good preparation for court. I had her review her video taped statement, as we were planning on using it during the trial. We then played a 'truth or not truth' game, in which I would give a scenario and ask her to decide if it was true or not true (i.e.: the color on her sweater and questions about other objects in the room). We played for a little while

and, by the end of our meeting, she was very comfortable with me. We discussed the witness screen she had seen during her court tour and she indicated she felt safe behind it. We also discussed having a support person sit with her, and her social worker indicated it would be her. We discussed some of her fears about court and it was brought up that she was scared her mother would yell at her if she told the truth.

I also met with the social worker we were planning on calling as Crown witness. She had been to court previously, but was looking for some additional information on the trial process. At the end of the meeting we arranged another meeting that afternoon so she could meet the Crown Prosecutor.

I arrived at the RCMP detachment at 1:30 pm to review the upcoming files and to obtain updated contact information for the Crown witnesses scheduled to attend court later in the week. We also reviewed travel arrangements that were made for a sexual assault trial scheduled for later in the week.

Because we were planning on playing a digital video during a trial the next day, I spent the next hour setting up and testing the equipment required to play the videotaped statement of the child witness for the trial the next day.

At the scheduled time, the Crown Prosecutor and I were able to spend about an hour with our child witness, at the end of which she seemed comfortable with both the Crown Prosecutor and myself.

It was decided that her social worker could not be the support person, as she was a witness: the person who took the pictures. We also determined that the child witness was comfortable enough with me that I may be able to act as a support person for her.

We had a meeting scheduled that evening with a complainant in a spousal assault file scheduled for trial the next morning. She did not show up for the meeting, though I had spoken to her on the phone several hours previously.

Thursday February 19, 2007

The day began at 7:30 am with a review of the videotaped statement of the child witness to ensure it was a complete copy, as the transcript made it appear that the video ended shortly after it began.

At 9 am, I met with a complainant on a break and enter and theft/forgery of credit card file. We explained that this matter likely would not be proceeding as scheduled today. The complainant was very upset. However, we did explain that we were going to prosecute this file at a later date.

I met our child witness at the front door and brought her to the barrister's lounge, as it was the only free, private room available. This meant that lawyers were continuously walking in and out. I was able to stay with the young witness for most of the morning, as we waited for the file to be called. For the most part, we played and tried not to focus on court. Her social worker was able to also stay in the room, which allowed us to create a fairly stress-free environment, considering the circumstances. Unfortunately, the matter was not able to proceed on this date and was adjourned to a date approximately two months away.

During the lunch break, I contacted the family members of a deceased victim in a murder file to remind them of an upcoming court date. This is a file that I have been assigned to and thus act as a contact person for the family members of the victim. I am able to keep them advised of upcoming court dates and assure them that if they are unable to attend I will contact them and let them know what occurred. In this case, there are two family members with whom I am in frequent contact.

At the conclusion of court for the day, I met with a youthful complainant on a sexual assault file scheduled for trial the following day. I had previously been in contact with her by phone and had confirmed she knew of the trial date and that her travel arrangements from Manitoba to Inuvik were confirmed. It was obvious she was nervous about the trial and she confessed to being afraid of having to describe what happened to a room full of people. I had been trying to reach her in Inuvik though her cell phone was out of minutes. She was able to contact me by text message and we arranged to meet at the RCMP detachment. She reviewed her statement and had an independent memory of the incident, though she was heavily intoxicated at the time. We spoke to her about completing a Victim Impact Statement, but she was not interested. Also, we described witness screens and

support people. She did not appear interested in either, though agreed to think about it and let us know the next morning. Though she was nervous, she was willing to proceed to trial.

In total, there were 4 scheduled trials, and 7 Crown witnesses prepped.

Friday February 20, 2007

I met the youthful complainant of the sexual assault at the door of the court house. I brought her to a meeting room where she reviewed her statement again and we did final court preparation, including last minute questions. I described how many people were in the courtroom and she asked about whether the lawyers were going to try to confuse her.

The court decided to proceed with an impaired trial, while the defence counsel for the accused in the sexual assault matter reviewed some of his disclosure. During this time I waited with the complainant and other crown witnesses in the waiting room. Two other Crown witnesses were late arriving to court, and I was able to prepare them for the trial.

Another Crown witness did not show up for the trial. She had not attended court the previous day as a complainant on an unrelated matter, and a Material Witness Warrant had been issued for her arrest. We did not expect her to appear in court that day.

After the noon break, I met with the complainant again as there were questions as to whether or not there would be court time remaining after the impaired trial concluded. I assured her that we wanted to proceed with this matter, however, it would come down to whether the judge decided to proceed or not.

At the conclusion of the impaired trial, the sexual assault matter was called. When the presiding judge learned that this trial was expected to take approximately four to five hours, he reluctantly adjourned the matter to another court date.

At the conclusion of court for this circuit, I caught a cab to the Inuvik airport where I awaited my return flight to Yellowknife, arriving at 7:30 pm.

Nunavut Case Study

The file I am describing was opened in July 2004. The victim came in to see me and she was very traumatized, shaking and vomiting. She was very young when the incident happened. The accused totally denied any wrong doing.

The victim made the charge after the preliminary hearing into another case. After that preliminary hearing the brother of the accused killed this woman's son who was in his early 20s.

We did a victim risk assessment to find out how she felt about testifying. Victims and witnesses often don't want to testify because they are scared of both families; the family of the victim and the family of the accused. Usually the victims don't want court ... they just want it all to stop. But when the accused attacked and killed her younger son it all came out.

The preliminary hearing for this case was in September of 2004. She was 11 at the time of the incident. In March 2005 there was a trial by jury. She knew nothing about court. During her testimony the mental health worker sat with her while she gave her testimony. As the CWC I kept encouraging her and pushing her. We went to her community to bring her to court and we reviewed her statements with her. We drew a map of the court for her and explained cross examination to her. The defence lawyer often blames the victim.

The prelim was in Pond Inlet. When reviewing the statement with her it made her sick again. We had a witness who was at the house when the incident happened. Then we went through the jury list with her.

In the end the accused was found guilty and sentenced to 3 years. She did a Victim Impact Statement but she waited elsewhere during sentencing. She was very grateful and said she couldn't have done it without our support.

Then she learned that she could go to the parole hearing. It was between the preliminary hearing and the trial that her son was killed. She went to a treatment centre and a women's shelter. We helped her find treatment. During the trial someone stayed with her 24/7 in her hotel and she had a bodyguard.

She had 2 daughters and 2 sons and now she has only one son. Her husband was at the airport. She was very out of control and crying uncontrollably at the preliminary hearing. She did better at the trial when she spoke in Inuktitut and we had a good interpreter.

We have stayed in contact with her over time.

That's one case. We have another case that is a multiple homicide in Cambridge Bay. There are over 20 witnesses with this case. The senior Crown and I went to the town before the prelim to interview everyone. We met with 2 large families. We had an interview room at the RCMP and it took a full week to interview everyone.

We explained that the preliminary hearing was to be held in Iqaluit. So, we had a contact person set up in each family to relay information. The family had no money for air fares for the prelim and trial in Iqaluit so I helped set up the video conferencing used for testifying and reviewing statements. There were so many people I felt like a TV host introducing each new witness. The Nunavut court will pay travel and hotel for the trial.

Appendix E
CWC Training Sessions

**PCVI Northern Region VWA Meeting
October 5, 6, 7, 2003
Yellowknife, NWT**

Victim Witness Assistant Manual

- presentation and overview of contents (Mary Beth Levan)
- breakout groups to discuss VWA Manual and get feedback about what works, errors, suggested changes
- compare and contrast emerging themes from all three groups

Victim Witness Assistant Workload Analysis/Report

- overview of findings (Jenifer Rigby)
- questions re the report

Workshop: Victim Witness Assistant Self-Care

- workshop on self care and vicarious trauma (Mary Beth Levan)
- territorial victim services providers will attend

Victim Services in the Territories: Best practices

- best practices and opportunities for improved linkages between federal and territorial victim/witness service providers
- territorial victim service representatives will provide an overview of what they do, how they do it, and how VWAs and territorial service providers can become more connected and increase information-sharing
- followed by a 'question and answer' session with the group

Guest Speaker and Discussion

- Fay Blaney

Regional Director and PCVI Staff

- dialogue on emerging or key issues (e.g. C-20, FASD, avenues for PCVI support)

Next Steps and Evaluation of Meeting

Closing

- comments from participants

**PCVI Northern Region CWC Meeting
December 8, 2004
Richmond, BC**

Welcome, Opening Notes

- Stu Whitley, Senior Regional Director, Northern Region
- Naomi Giff MacKinnon, Senior Policy Analyst, Policy Centre for Victim Issues

Workshop: Understanding and Coping with Vicarious Trauma

- Joe Solanto

Next Steps and Evaluation of Meeting

Closing

- comments from participants

**PCVI Northern Region CWC Meeting
December 7- 8, 2005
Edmonton, Alberta**

Welcome, Opening Notes

- Senior Regional Director, Northern Region
- Lara Rooney, Policy Analyst, Policy Centre for Victim Issues

Discussion: Victim Impact Statements

Workshop: Preparing Child Victims and Witnesses for Court

- workshop located at Zebra Child Protection Centre
- presentation by Dr. Lionel Dibden (Child Adolescent Protection Centre, Stollery Children's Hospital)

Workshop: Working with Family Members of Homicide Victims & Self-Care

- members of Victims of Homicide Support Group

Workshop: Self-Care

- Kathleen Johnston, Trainer/Coach/Therapist

Next Steps and Evaluation of Meeting

Closing

- comments from participants

PCVI Northern Region CWC Meeting

October 10-12, 2007

Ottawa, Ontario

Workshop: Working with Victims of Family Violence in the North

- Ms. Judie Bopp, PhD., Researcher and Facilitator, Four Worlds Centre for Development Learning

Workshop: Working With and Preparing Child Victims and Witnesses

- Ms. Pamela Hurley, M.Ed., Director, Child Witness Project, Centre for Children and Families in the Justice System

PCVI 2007 Resource Enhancements

- update and discussion
- new resources for the north and how they will benefit victims/witnesses (Northern Program, Victims Fund)
- new PPSC Northern Victims Services Coordinator position and responsibilities
- developing data gathering/evaluation tools (new case management system) to ensure capturing and reporting of CWC activities (data for reporting to TBS on how resources spent)
- adapting Hill Manual to the North
- PPSC and PCVI (new organizational structure and MOU between PCVI and PPSC: description of arrangements between PCVI and PPSC with respect to supporting CWCs)

Resource Needs, Information, Support

- any resources needed that PCVI can assist with, e.g. translation services, research
- CWC manual 2005: some areas out of date (PPSC org. chart, lack of info on children witnessing violence, statistical revisions, legal reform: bill C-2)
- developing a CWC network (e.g. conference calls, chat line, message board)

Future Joint Meetings and Training Opportunities

- one meeting per year
- other options to discuss: opportunities for training in R.O., conference attendance, site visits, etc.)

Discussion on "Victim Services workers' experiences with victims who have FASD"

- Susan McDonald and Charlotte Fraser, Research and Statistics Division, Justice Canada are undertaking a research project, informed by interviews with victim service providers across the country, to better understand experiences and challenges of working with victims who have FASD
- they will be here to discuss this project and include your reflections and thoughts on working with victims of FASD
- the results of the study will be available at the FASD Conference to be held in Whitehorse in September 2008.

Next Steps and Evaluation of Meeting

Closing

- comments from participants

PCVI Northern Region CWC Meeting

April 6, 7, 8 2009

Ottawa Ontario

Dialogue, Discussion and Strategies: Working with Reluctant and/or Hostile Witnesses

Dialogue, Discussion and Strategies: Building Victim Networks in the Communities

Workshop: Compassion Fatigue

PPSC Update

Workshop: Working with Child Witnesses in the North

- Pam Hurley training held in NWT (October), Yukon (January), and Nunavut (March)
- related issues, e.g. testimonial aids and practices

Northern Conference: Northern Approaches and Responses to Victims of Crime

- Yellowknife, September 29-October 1, 2009

CWC Program Sub-study Strategy

- discussion re data collection tool options

National Office for Victims (Public Safety)

- Aboriginal Strategy update

Next Steps and Evaluation of Meeting

Closing

- comments from participants