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Le droit de la femme à savoir

The Victim/Witness Assistance Program: A Support for Women Victims of Violence

February 21, 2013

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Carol Nicholson, Victim/Witness Service Worker

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METRAC

METRAC, the **Metropolitan Action Committee on Violence Against Women and Children**

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

www.metrac.org

METRAC's **Community Justice Program**

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

FLEW, **Family Law Education for Women** in Ontario

- provides information on women's rights and options under Ontario family law
- in 14 languages, accessible formats, online and in print

www.onefamilylaw.ca
www.undroitdefamille.ca

Presenters

Tamar Witelson

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Victim/Witness Service Worker, Peel
Region



Topics to be Covered

1. Introduction: About the V/WAP Program
2. Who Gets Assistance
3. When Does V/WAP Get Involved
4. Steps in the Process: How V/WAP Helps
5. Non-Confidentiality
6. Specific Services
7. Additional Resources

Information is accurate as of February 21, 2013



Introduction

Introduction

Victim/Witness Assistance Program

- Funded by Ontario government
- Established in 1987 as a pilot project
- Works closely with the Crown Attorney's Office
- 62 sites: in every Court jurisdiction in Ontario

Introduction

Victim/Witness Assistance Program

- Established to help victims and witnesses of crime:
 - With information, assistance and support
 - Through the criminal court process
 - To improve understanding of and participation in criminal court process

Introduction

Victim/Witness Assistance Program

- Primary goals:
 - Enhance victim/witness understanding of role in criminal justice system
 - Act as link between victim/witness and Crown
 - Assist victim/witness to regain sense of well-being
 - Help coordinate community supports to assist victims of crime



Who Gets Assistance

Who Gets Assistance

“Victim” in *Criminal Code* s. 722(4)

...a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of the offence.

Who Gets Assistance

- **Primary Victim**

- The deceased or survivor of criminal act

- **Secondary Victim**

- Affected by connection to primary victim
- Family member
 - Spouse/partner; parent; child
- Friend; colleague; neighbour
- Community

Who Gets Assistance

- **Witness**

- A person who has seen evidence of a crime

- A victim who will testify (witness for the Crown)
- A bystander or witness to events

Who Gets Assistance

Free Services on a priority basis to vulnerable victims and witnesses of violent crime, including:

- Sexual assault (recent, historical)
- Intimate partner abuse (domestic violence)
- Child abuse
- Hate Crimes
- Human Trafficking
- Highly vulnerable victims:
 - Elderly
 - With disabilities
- Families of murder victims
- Families of driving fatalities

Who Gets Assistance

Varied stressors for clients:

- Trauma/crisis
- Fear for safety (before, during, after trial)
- Lack of control
- Mistrust of judicial system
- Financial concerns
- Family pressure
- Involvement of Child Protection Services
- Language and/or cultural barriers



When Does V/WAP Get Involved

When Does V/WAP Get Involved

- After a criminal charge is laid
- Services continue until end of case
- Use of services is voluntary
- Referrals can be made at any stage of the criminal court process

When Does V/WAP Get Involved

Referrals may be from:

- Police
- Crown Attorney
- Victim Services/Crisis Assistance
- Sexual Assault Centres
- Shelters for abused women
- Child Protection Services
- Doctor/Hospital/Therapist
- Community Agency
- Self-referral

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Steps in the Process: How V/WAP Helps

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- **File assigned**
 - At Bail Hearing or shortly afterwards
- **Outreach call**
- **General information session**
 - Court process
 - timelines
 - some case specifics
 - needs assessment
 - community referrals

Steps in the Process: How V/WAP Helps

Victim/Witness Service Worker cannot:

- Withdraw charges
- Discuss evidence
- Suggest case outcome
- Give legal advice
- Provide child care
- Provide transportation

Steps in the Process: How V/WAP Helps

Before Preliminary Hearing

- Explain purpose of hearing
- Help prepare for Court experience
- Offer emotional support
- Coordinate meeting with victim, police, Crown for Court preparation

Steps in the Process: How V/WAP Helps

At Preliminary Hearing

- Accompany victim/witness (if there is no other support person)
- Provide safe and secure environment
- Debrief about experience
- Explain outcome
- Explain next steps

Steps in the Process: How V/WAP Helps

Before Trial

- Notify of trial date
- Attend victim/witness meeting with Crown
- Explain Court proceedings
- Prepare for Court
- Discuss media presence

Steps in the Process: How V/WAP Helps

At Trial

- Accompany victim/witness (if there is no other support person)
- Explain Court process (such as opening/closing statement; charge to jury)
- Give emotional support
- Explain verdict
- Help with Victim Impact Statement
- Debrief about experience
- Explain next steps

Steps in the Process: How V/WAP Helps

Third-Party Records

- Defence may apply to see the victim's private records from:
 - the victim's doctor or therapist
 - school
 - Children's Aid Society file
 - personal letters, diaries

Steps in the Process: How V/WAP Helps

Victim/Witness Service Worker:

- Explains the third party record application
- Informs of the right to have legal representation
- Assists with legal aid information
- Resumes support when hearing continues

Steps in the Process: How V/WAP Helps

Sexual History Evidence

- General evidence of past sexual behaviour is usually not admissible
- Defence can argue in certain circumstances that past sexual behaviour is relevant
- Victim/Witness Service Worker:
 - explains defence application and the process

Steps in the Process: How V/WAP Helps

Aids to help very vulnerable victims/witnesses to testify:

- Victim/Witness Service Worker can explain options for different ways to testify
- Options may be granted by Judge in specific circumstances:
 - Support person sitting near witness during testimony
 - Testify behind a screen or on video
 - Ban on reporting the identity of witness
 - Appoint lawyer to cross-examine witness when accused doesn't have a lawyer

Steps in the Process: How V/WAP Helps

Victim Impact Statement

- A voluntary, written statement that describes harm suffered by victim of offence
- Gives victim a voice in criminal justice system
- Allows victim to participate in sentencing of offender

Steps in the Process: How V/WAP Helps

Victim/Witness Service Worker will:

- Explain purpose of Victim Impact Statement
 - Court exhibit
 - Reviewed by defence
 - Available to media
- Help prepare statement
 - Format (letter, video, photos)
- Read in Court or offer support

Steps in the Process: How V/WAP Helps

After Trial

- Discuss outcome (convicted, acquitted)
- Explain sentence
- Provide Court documents
 - probation terms, contact numbers
 - contact for National Parole Board
- Discuss possible next steps

Steps in the Process: How V/WAP Helps

Partner Assault Response Program (PAR)

- In domestic violence cases
- Specialized counseling and educational services for people convicted of assaulting an intimate partner
- Court will order offender to attend PAR program as part of sentence

Steps in the Process: How V/WAP Helps

Victim/Witness Service Worker:

- Gives information about PAR program
- Stays in contact with client to offer support
- Reports on partner's attendance at PAR program
- Helps with safety planning while partner attends PAR program
- Refers to other community resources

Steps in the Process: How V/WAP Helps

Post Trial Events

- if appeal, may attend Court of Appeal
- if parole considered, may attend National Parole Board hearing
- if accused found not criminally responsible on account of mental disorder, may attend Review Board hearing
- Provide hearing updates and documents



Non-Confidentiality

Non-Confidentiality

Victim/Witness Service Worker:

- Is not a lawyer
- Works closely with Crown Attorney and police
- Will not keep information from client confidential
- Has a duty to report suspected breach of law
 - Breach of bail conditions
 - Child at risk of abuse or neglect



Specific Services

Specific Services

Victim/Witness Service Workers:

- Provide ongoing information about case status and timelines
- Discuss safety and safety planning
- Offer emotional support and support referrals
- Give orientation about Court process

Specific Services

Victim/Witness Service Workers:

- Explain criminal justice processes before, during, after trial
- Communicate victim/witness' input to Crown
- Advocate for victim/witness' needs in Court process
- Refer and coordinate community services

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Additional Resources

Sexual Assault

Sexual Assault is:

- any unwanted physical contact or touching of a sexual nature
- includes attempts and threats of unwanted sexual contact
- is not limited to sexual penetration
- does not have to cause physical trauma such as cuts or bruises

Anyone can be a victim of sexual assault:

- woman, man, child

Anyone can be the perpetrator of sexual assault:

- regardless of relationship to the victim
- spouse, boyfriend, partner, family member, friend, colleague, stranger

Additional Resources (Sexual Assault)

Ontario Victim Services Secretariat

www.attorneygeneral.jus.gov.on.ca/english/service_standards/service_standards_victim_services.asp

Victim Crisis Assistance and Referral Services (VCARS)

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

Victim Support Line (VSL)

www.ontario.ca/victimservices

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

Court Prep

www.courtprep.ca

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

Domestic Violence and Abuse

Abuse can be:

- physical violence
- threats of harm
- treatment that causes emotional or psychological suffering

Assess safety:

- make a safety plan
- ensure she and her children are safe

In most emergencies, call 911

Additional Resources (Domestic Violence and Abuse)

For information, if your partner is abusive or violent:

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

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

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

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

Family Violence Authorization Program (Legal Aid Ontario)

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

FLEW (Family Law Education for Women) Resources page

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

Additional Resources (Family)

Assaulted Women's Helpline

www.awhl.org

- Toll-free: 1-866-863-0511; TTY: 1-866-863-7868
- Toronto: 416-863-0511

Legal Aid Ontario

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

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

Family Law Information Centres (FLICs)

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

Family Law Services Centres (FLSCs)

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

Family Law Education for Women (FLEW)

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

Femmes ontariennes et droit de la familles (FODF)

<http://undroitdefamille.ca/>

Ontario Women's Justice Network (OWJN)

www.owjn.org

Additional Resources (General)

Law Society of Upper Canada Lawyer Referral Service

www.lsuc.on.ca/with.aspx?id=697

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

Justice Net

www.justicenet.ca/directory/search/

- not-for-profit service
- resource for low income people who don't qualify for Legal Aid
- lawyers who work for a reduced fee
- Toll-free: 1-866-919-3219

Find a community legal clinic near you

www.legalaid.on.ca/en/contact/contact.asp?type=cl

Legal Aid

www.legalaid.on.ca

Additional Resources (General)

Ministry of the Attorney General

www.attorneygeneral.jus.gov.on.ca/english/

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

Finding Community Services in Ontario

www.211canada.ca

Additional Resources (General)

Online forms

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

Ontario Court Forms Assistant

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

- Get help online to complete family court forms

Ontario Courts

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

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

Ontario Court Locations

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

- Find court addresses across Ontario