



CANADIAN NETWORK for
the PREVENTION of ELDER ABUSE



In Recognition of Victims
and Survivors of Crime Week



Elder Abuse
Prevention
Ontario

FREE WEBINAR

Supporting Vulnerable Victims and Witnesses

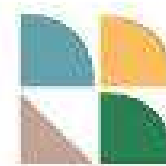
»» **Tuesday May 16th**
1:00 PM ET / 10 AM PT

Speaker:

Megan Vis-Dunbar
Staff Lawyer,
Canadian Centre for Elder Law



ASL Provided



CANADIAN CENTRE FOR
ELDER LAW
BRITISH COLUMBIA LAW INSTITUTE

Ontario 



LAND
ACKNOWLEDGEMENT

Discussion Framework



- **Webinar Logistics**
- **About EAPO/CNPEA**
- **Introduction of Speakers**
- **Keynote Presentation**
- **Questions Period**
- **Upcoming Events**
- **Resources**
- **Contact info for Speakers and EAPO/CNPEA**

Victims and Survivors of Crime Week, May 14 - 20, 2023 is held to raise awareness about issues facing victims and survivors of crime and the services, programs, and laws in place to help them and their families.

EAPO is proud to be hosting events to commemorate the week in our community.

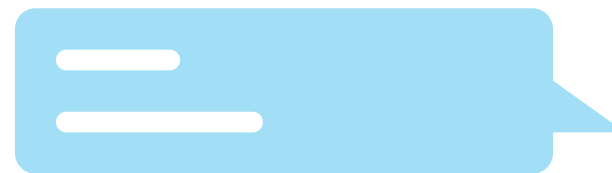
The Power
of Collaboration

May 14 to 20
2023

**Victims
and
Survivors
of Crime
Week**

WEBINAR LOGISTICS

Communication

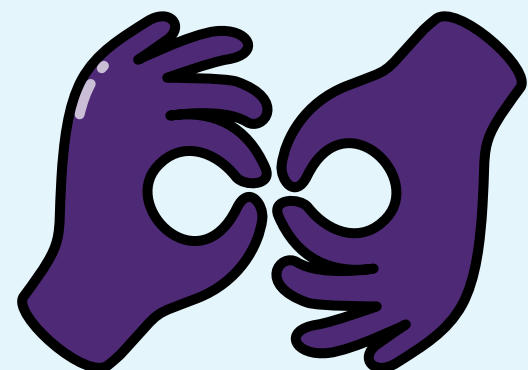


Micr o p h o n e s : All attendees will be muted during the webinar.

CHAT B o x - Welcome to post comments during the session.

Q & A - Type your questions in Question/Answer box. Responses will be posted during the webinar and/or addressed to the speaker after the presentation.

ASL



- **Image and name** (ASL Interpreter) on screen
- **PIN ASL Interpreter** - Option on your computer - click
name of person
- **Speaker /Gallery view** - Grid at top of right corner - click
to increase size of image on your screen
- **Closed Captioning** - Enable or Disable

WEBINAR LOGISTICS

Evaluation

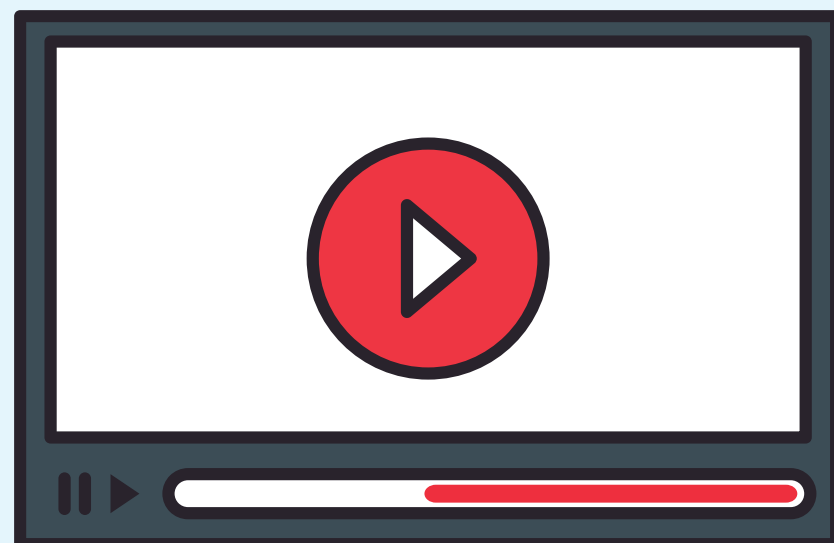


Your feedback on knowledge gain from the session and suggestions for future topics is appreciated.

Options to access survey:

- Pop-up notice on computer at end of session with survey link
- Follow-up email with survey link

Recording



A recorded version of this webinar will be available on EAPO/CNPEA website within 1-2 days after the session.

Links and documents shared during the webinar will also be posted.

Respecting Privacy and Confidentiality



We appreciate there may be personal circumstances or issues which participants may wish to address. However, in keeping with our commitment to maintaining your privacy and confidentiality, today we will be answering general questions posed through the Q&A.

If someone wishes to discuss specific circumstances, we invite you to contact EAPO following this webinar to arrange for a confidential conversation so that we may further assist you.

Elder Abuse Prevention Ontario (EAPO)

▶ MISSION

EAPO envisions an Ontario where ALL seniors are free from abuse, have a strong voice, feel safe and respected.

▶ ACTION

Raising awareness, delivering education and training, working collaboratively with like-minded organizations and assisting with service coordination and advocacy.



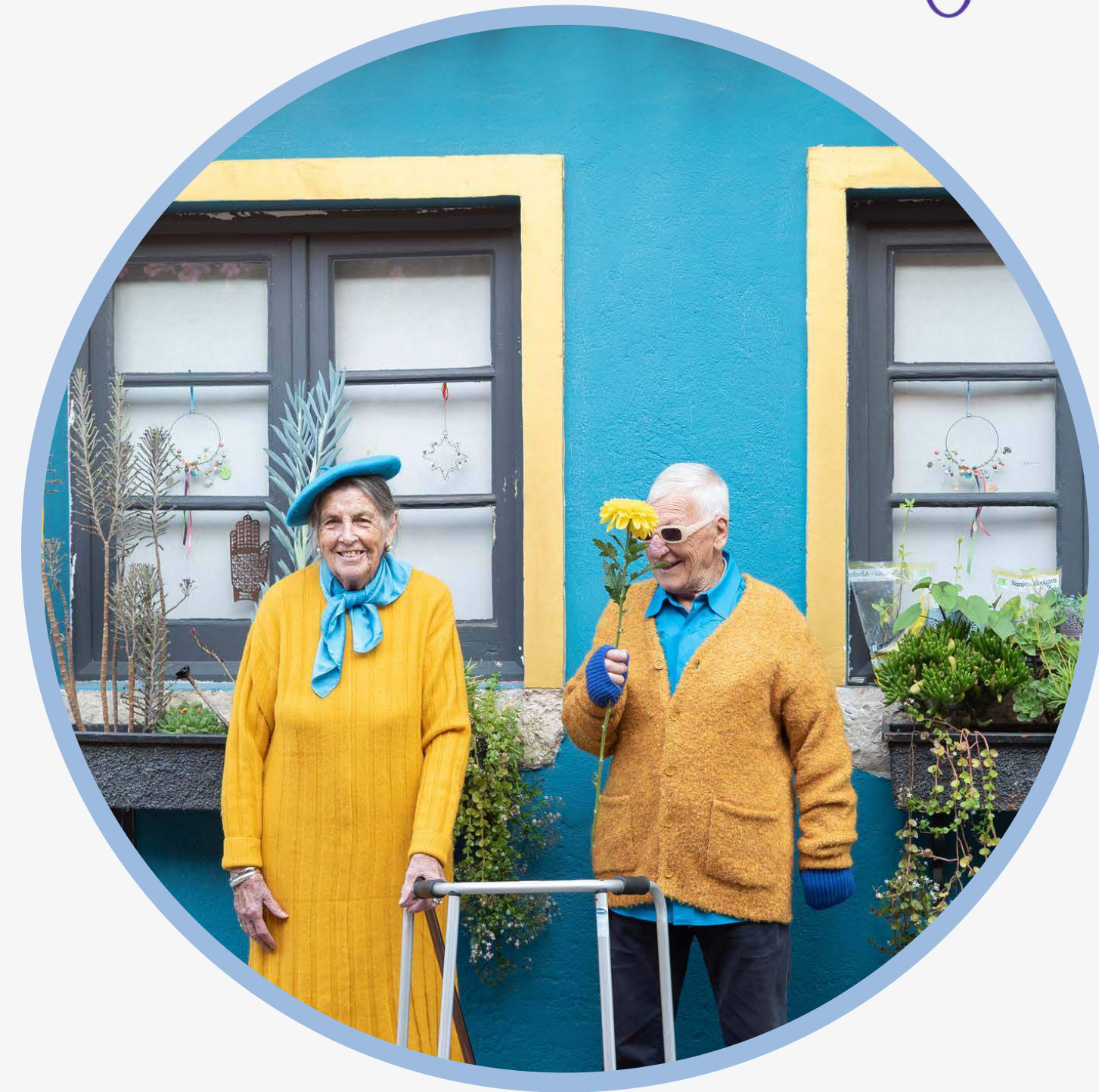
STOP ABUSE – RESTORE RESPECT



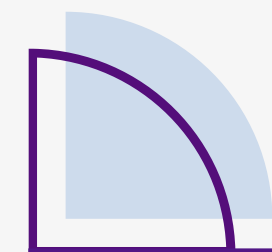
SIMPLY PUT, WE ALL HAVE A ROLE TO PLAY

EAPO is mandated to support the implementation of
Ontario's Strategy to Combat Elder Abuse.

Funded by the Ontario Government, under the
Ministry for Seniors and Accessibility (MSAA)



Ontario 





Canadian Network for the Prevention of Elder Abuse (CNPEA)

MISSION

CNPEA connects people and organizations, fosters the exchange of reliable information, and advances program and policy development on issues related to preventing the abuse of older adults. We do this work at the local, regional, provincial/territorial, and national levels.

VISION

We envision and work toward a Canadian society where older adults are valued, respected, and live free from abuse.

We strive to be the Canadian leader in our field—sharing information and coordinating resources for the prevention of elder abuse.



SPEAKERS

Megan Vis-Dunbar



Staff Lawyer,
British Columbia Law
Institute & Canadian
Centre for Elder Law

Megan Vis-Dunbar is a staff lawyer with the BC Law Institute and Canadian Centre for Elder Law where she is working on a project to create guidance for supporting vulnerable witnesses as well as leading research on the Reconciling Crown Legal Frameworks Program.

Prior to joining the BCLI & CCEL, Megan worked with the Courthouse Libraries BC where she coordinated the legal continuing education program.

She has over 10 years of experience practicing in the areas of criminal and constitutional law.



CANADIAN CENTRE FOR ELDER LAW

BRITISH COLUMBIA LAW INSTITUTE

Supporting Vulnerable Adult Victims and Witnesses in the Criminal Justice System

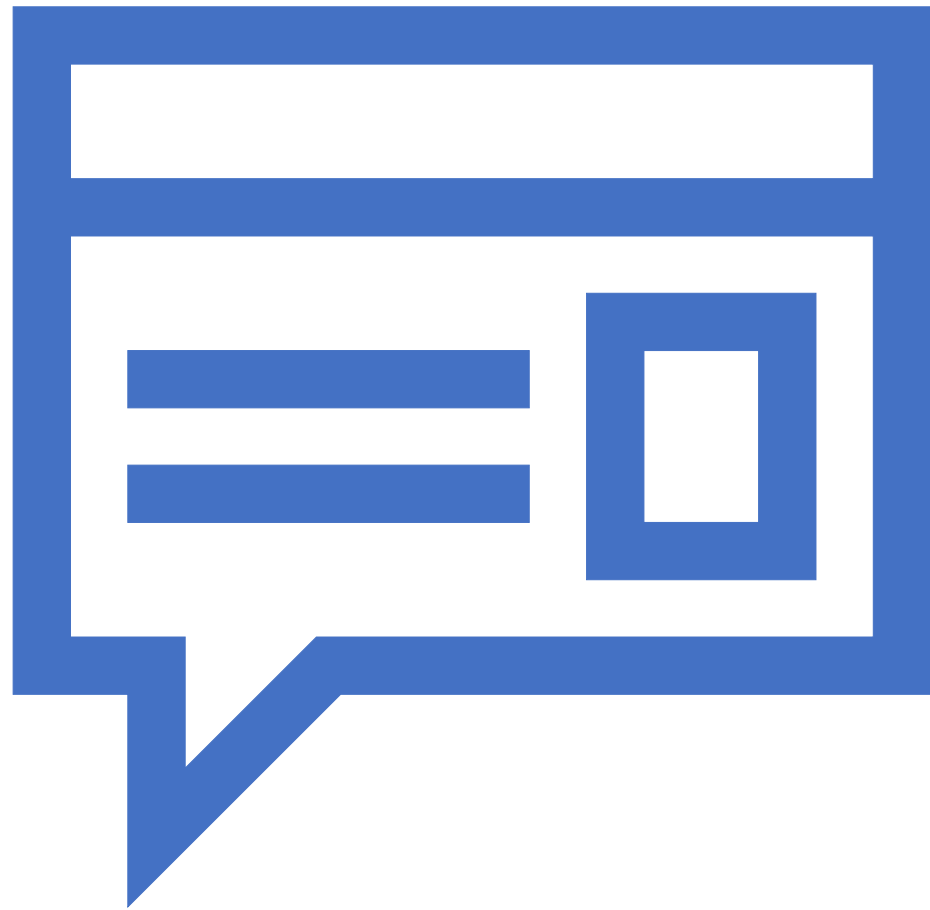
May 16, 2023

Megan Vis-Dunbar

Today's Presentation

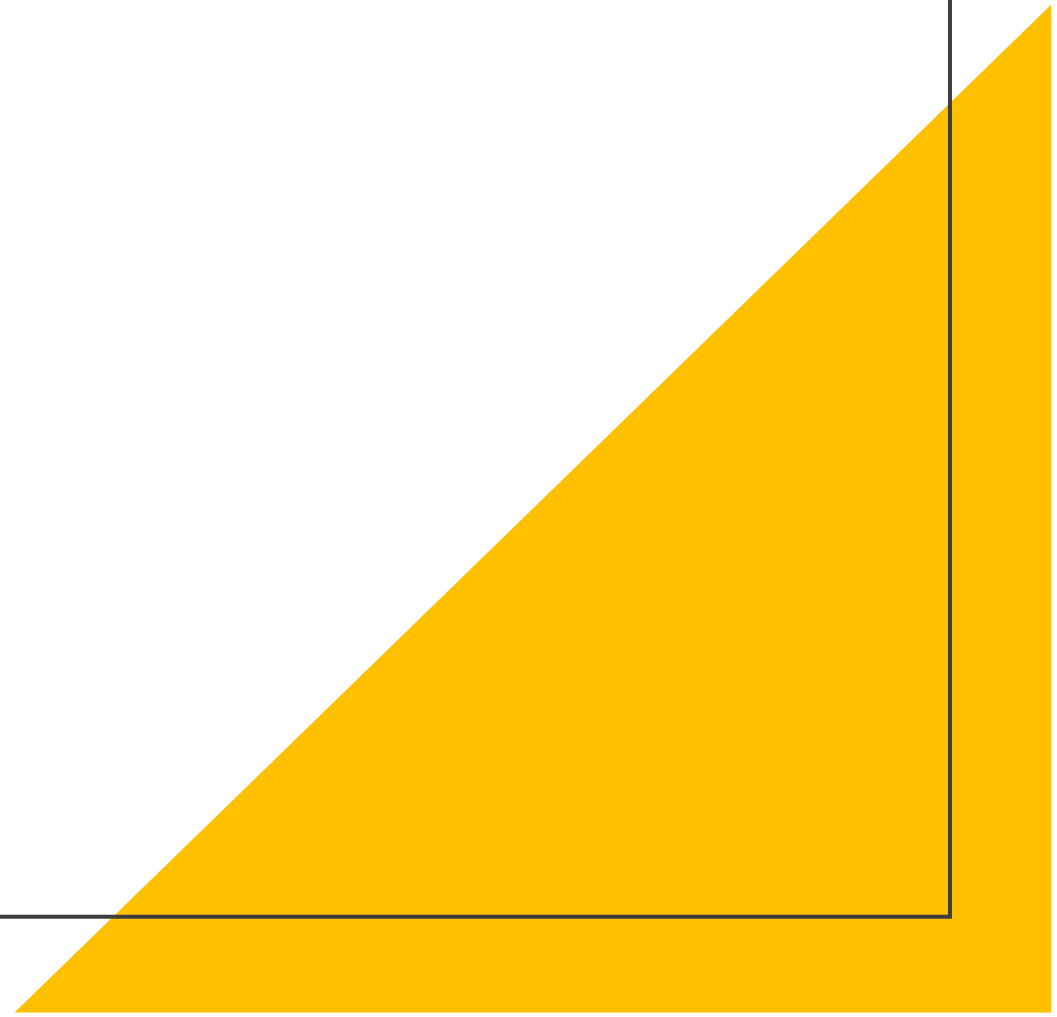
- Overview of Crown role & key policies
- Aging and testimonial capacity
- Vulnerabilities & trauma
- Supporting vulnerable witnesses in reference to policy and legislation
- Support beyond policy & legislation
- Other approaches

A few notes ...



Disclaimer: This presentation is not legal advice.

A note about language.



About the CCEL



The CCEL conducts research, and develops reports and educational tools about legal and policy issues related to aging.

The CCEL is part of the BC Law Institute, BC's non-profit independent law reform agency

www.bcli.org/ccel

Considerations Related to Testifying in Court

Testimonial Competency

All adults are presumed to be competent to give evidence in court.

If challenging a witness' competence, need to show the court that there is an issue.

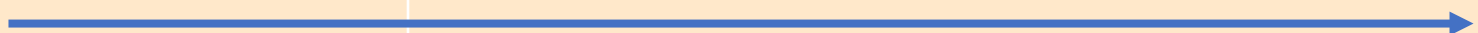
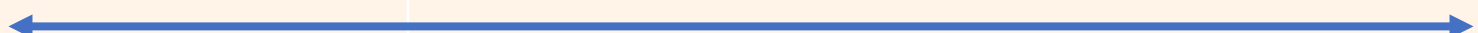
The Canada Evidence Act, s 16 applies to witnesses who are 14yrs of age and older.

Credibility

Refers to whether a witness is worth of belief / trustworthy

Each witness' evidence must be assessed in light of all the evidence in a case.

Roles and Responsibilities

Police		Crown
Investigate		Decide whether to prosecute
Gather evidence		Impartially present evidence to the court
Interview witnesses		Interview witnesses
Decide whether to refer file to Crown		Features of training / approach: <ul style="list-style-type: none"> • Independent • Objective

The Decision to Prosecute

In deciding whether to approve charges:

Crown Counsel must independently, objectively, and fairly measure all the available evidence against a two-part test:

1. Whether there is a substantial likelihood of conviction; and, if so,
2. Whether the public interest requires a prosecution.

This two-part test continues to apply throughout the prosecution.

Source: BC Prosecution Service, Crown Counsel Policy Manual, Charge Assessment Guidelines





Key BC Prosecution Service Policies

- Guiding Principles (GUI 1)
- Charge Assessment Guidelines (CHA 1)
- Elder Abuse – Offences Against Elders (ELD 1)
- Vulnerable Victims and Witnesses (VUL 1)
- Intimate Partner Violence (IPV 1)

Online:

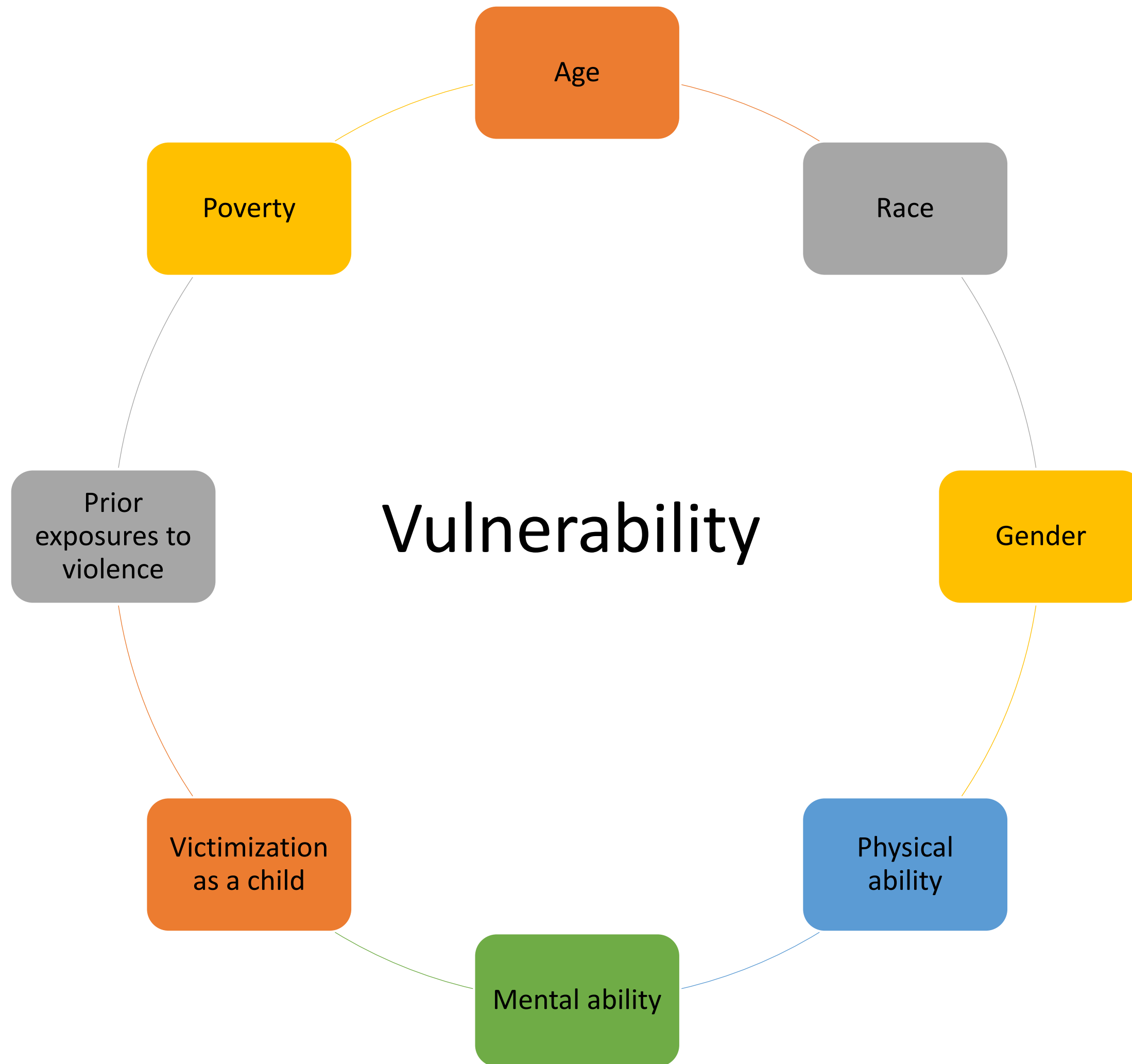
<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bc-prosecution-service/crown-counsel-policy-manual>



Aging and Testimonial Capacity

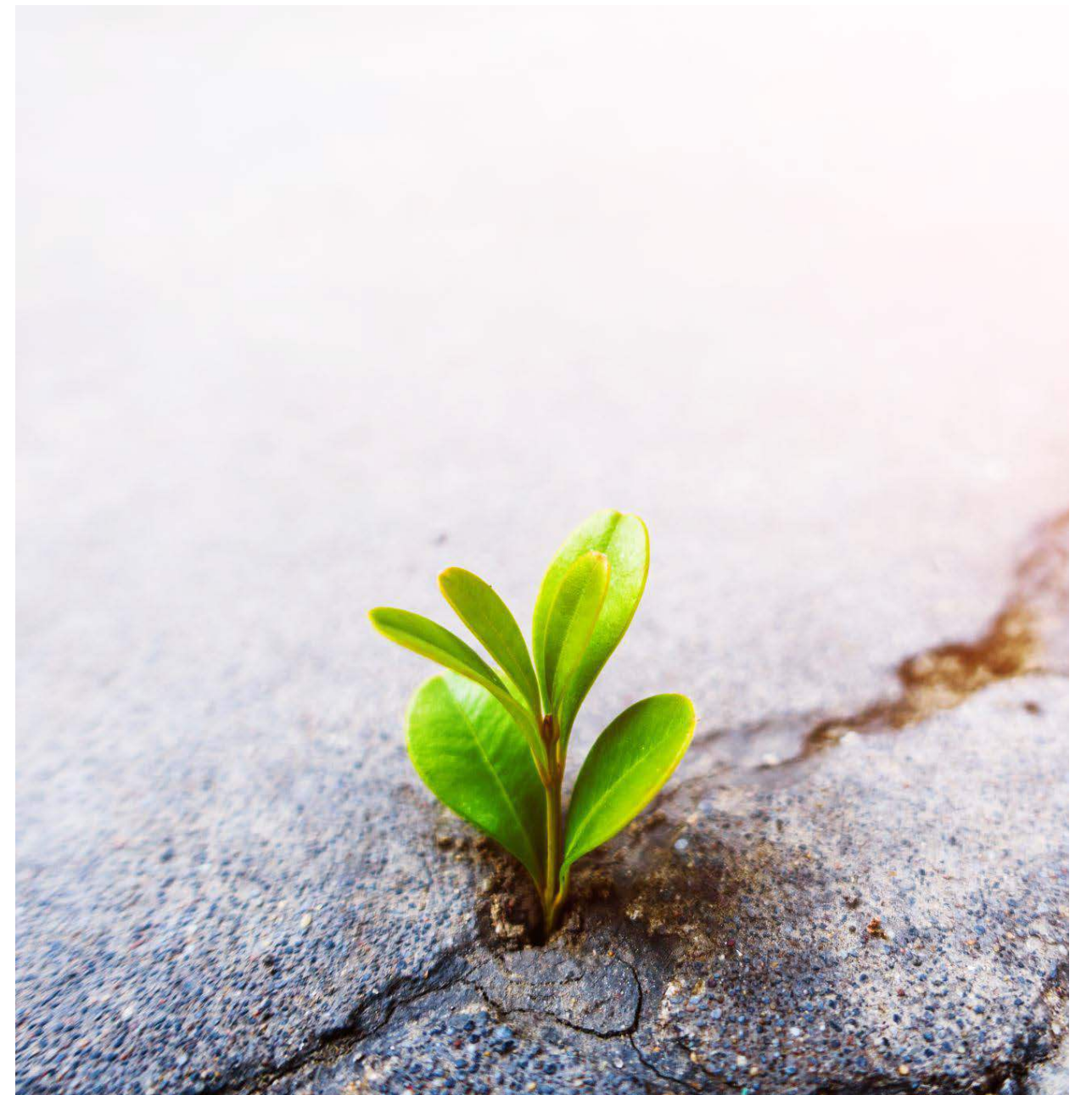
- Witness capability may change by the time of trial
- Witness may not survive until the time of the trial
- Visual and audio perception are more likely to decrease with age
- Increased risk of stroke and dementia
- Memory deficits increase with age
- Mobility issues can make court attendance challenging

Source: Helene Love, *Seniors on the Stand: Accommodating Older Witnesses in Adversarial Trials*, 2019 97-2 *Canadian Bar Review* 240.



Supporting Vulnerable Witnesses

Working with witnesses who are vulnerable can take more time, be exhausting, require a high level of understanding and compassion and clear boundaries.



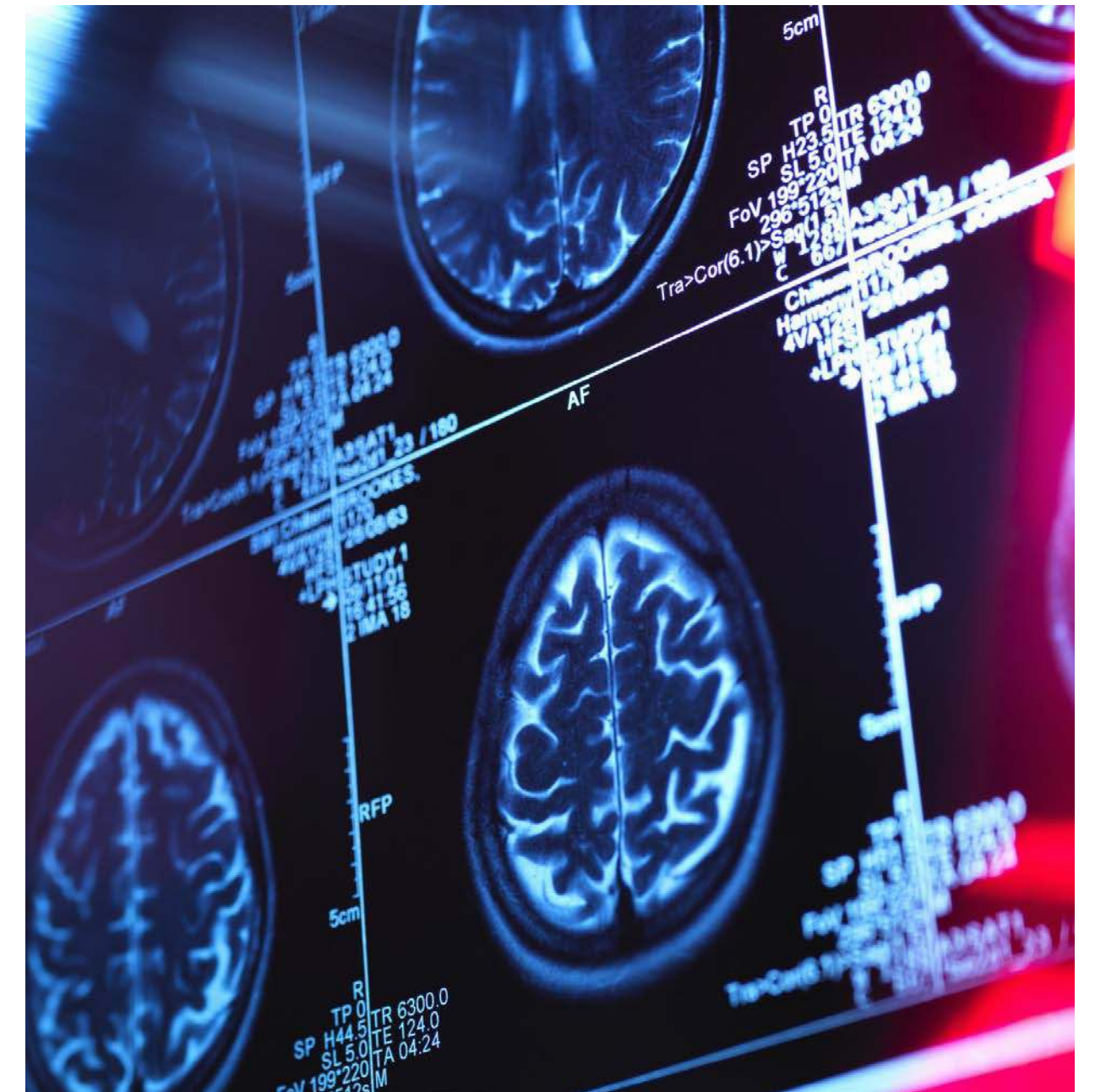


Stereotypes & Assumptions

- Victim doesn't behave the way we expect.
- Witness gives inconsistent accounts of what happened.
- Witness is unable to recount what happened sequentially.
- An emotional witness will be more impactful.

Memories

- Inconsistencies and memory deficits can arise from the way our brains store and retrieve information. That process can be impacted by trauma, age related memory loss, and dementia.
- Memories can be fragmented and may not be formed sequentially.
- Victims and witnesses can be supported in recounting an event by building out from sensory fragments as opposed to in a linear fashion.
- Employing testimonial aids can reduce stress and trauma when recounting an incident.



Testimonial Aids & Accommodations

Criminal Code of Canada

- Exclusion of the public or allowing the witness to be out of public view (s. 486(1) CCC).
- Having a support person or courtroom dog present (ss. 486.1 CCC).
- Giving evidence from a different room or behind a screen (s. 486.2)
- Appointing a lawyer for cross examination of the witness if the defendant is self represented (s. 486.3 CCC)
- Protecting the witness' identity from being disclosed during the court proceedings (s. 486.31 CCC)
- Other orders the court determines necessary to protect the security of a witness and is otherwise in the interest of the proper administration of justice (s. 486.7 CCC)

Testimonial Aids, cont.

Canada Evidence Act

6(1) If a witness has difficulty communicating by reason of a physical disability, the court may order that the witness be permitted to give evidence by any means that enables the evidence to be intelligible

6(2) If a witness with a mental disability is determined under section 16 to have the capacity to give evidence and has difficulty communicating by reason of a disability, the court may order that the witness be permitted to give evidence by any other means that enables the evidence to be intelligible.



Videotaped Evidence

715.2(1) Criminal Code of Canada

In any proceeding against an accused in which a victim or other witness is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability, a video recording made within a reasonable time after the alleged offence, in which the victim or witness describes the acts complained of, is admissible in evidence if the victim or witness, while testifying, adopts the contents of the video recording, unless the presiding judge or justice is of the opinion that admission of the video recording in evidence would interfere with the proper administration of justice.

Investigative and Preliminary Inquiry Evidence

715(1) Criminal Code of Canada

Evidence taken in the course of the investigation or given at a preliminary inquiry into the charge can be admitted at trial if the person who gave the evidence is dead, has since become and is insane, is so ill that he is unable to travel or testify, or is absent from Canada unless the defendant proves that they did not have full opportunity to cross-examine the witness.

Moving Beyond Policy

- Transparency around requirements to provide statements to the defence and the likelihood of questioning on any inconsistencies.
- Provide opportunities for choice and agency. (Timing? Supports? How they want to be referred to.)
- Help a witness to document their supports (support person in court; arrival time to minimize interactions with the defendant or public).
- Discuss ways to keep a witness on topic – help them to understand their role in the larger picture of the trial and what the court needs from them.
- Is there a space for them to debrief after an interview and/or testifying?
- How accessible the interview room and the courtroom? Are accommodations needed?
- Seek opportunities to raise concerns early with the witness, the other parties and the court.
- Transparency around the role of Crown.
- Encourage the witness to identify their strengths, needs and preferences as it relates to the process.



Other Approaches

- Ground Rules Hearings – a process adopted in the UK.
- Legislated into the Criminal Procedure Rules.
- Responsibility is placed on the court to encourage and facilitate the attendance of any witness when they are needed.
- A ground rules hearing can be held and the court can make directions for such things as having a support person, seating arrangements in court, the manner of questioning, the use of aids to assist with communicating a question or answer.
- Can involve an “intermediary” – a registered communication specialist whose role it is to support vulnerable witnesses to give evidence to the police and in court.

Let's stay in touch



www.bcli.org/ccel

Email address: mvisdunbar@bcli.org

Thank you to our funders!



Department of Justice
Canada

Ministère de la Justice
Canada





Harm to Older Persons Evaluation (HOPE)

2 Day Training Workshop

May 17th & 19th, 2023

9:00 am - 1:30 pm

Designed for health, social services, law enforcement, mental health, victim services, criminal justice professionals.

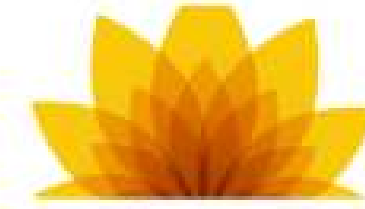
Space is limited - Register Early!

Hosted by EAPO in collaboration with Dr. Jennifer Storey, Senior Lecturer in Forensic Psychology at the University of Kent.

The workshop will empower workers and provide a forum for intersectoral service provider training on evaluating and assessing risk of older adults, as well as the perpetrators' risk for engaging in the abuse and the skills support and respond to seniors at risk of abuse in the community.



WomanACT
WOMAN ABUSE COUNCIL OF TORONTO



In Recognition of Victims
and Survivors of Crime Week



Elder Abuse
Prevention
Ontario

FREE WEBINAR

Safety Planning: Supporting Older Women Experiencing Violence

»» **Wednesday, May 24th**
1:00 PM- 2:00 PM

Speakers:

Jane Wang, Project Coordinator
Premila Chellapermal, Project Coordinator
Woman Abuse Council of Toronto

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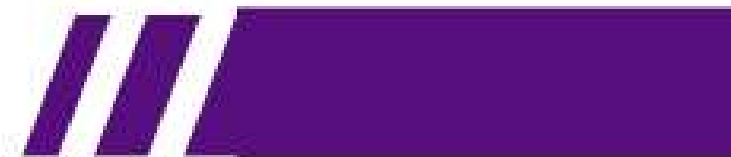


We acknowledge the financial support of:



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In Recognition of Victims
and Survivors of Crime Week



Elder Abuse
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FREE WEBINAR

Strategies for Personal and Collective Care in Challenging Times

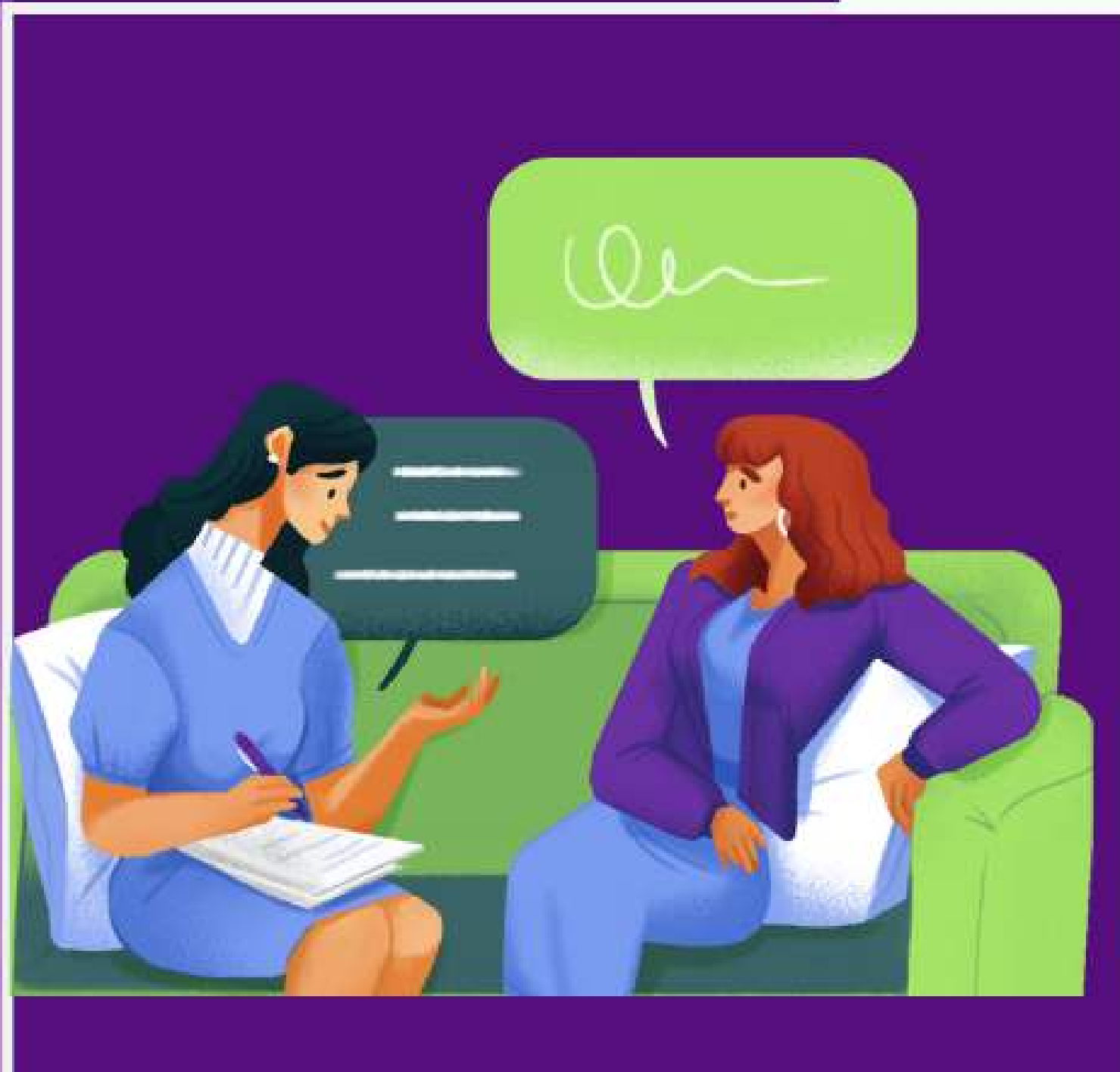
»» **Tuesday, May 25th**
1:00 PM- 2:30 PM

Speaker:

KARINE SILVERWOMAN
Social Worker, trauma therapist,
consultant and educator



Ontario



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We acknowledge the financial support of:



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Canada

www.eapon.ca/eapo-webinars



**WORLD ELDER ABUSE
AWARENESS DAY**

[Register Now](#)

National WEAAD Virtual Event

Rights Do Not Get Old

Thursday, June 15th 2023

1:00 pm - 2:30 pm EST

10:00 am - 12:00 pm PST

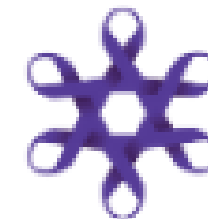
Hosted by:



BC ASSOCIATION OF
Community Response Networks
Stopping Adult Abuse and Neglect ... Together.



CANADIAN NETWORK for
the PREVENTION of ELDER ABUSE
RÉSEAU CANADIEN pour la PRÉVENTION
du MAUVAIS TRAITEMENT des AÎNÉS

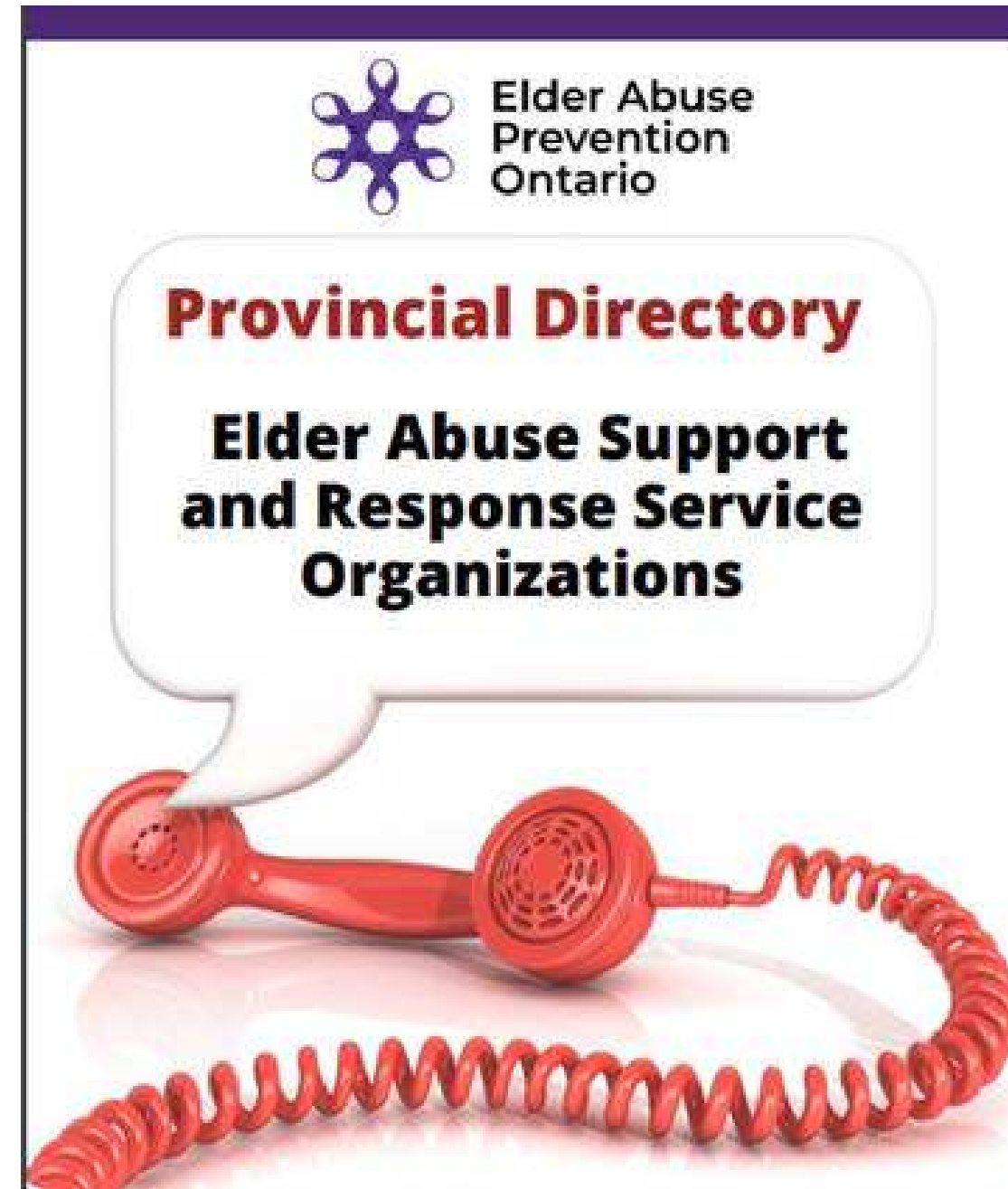


Elder Abuse
Prevention
Ontario

CanAge

www.weaad.ca

EAP O Resources



www.eapon.ca

Provincial Supports and Services

Advocacy Centre for the Elderly

1-855-598-2656

www.advocacycentreelderly.org

Law Society Referral Service

www.lsuc.on.ca/lrs/

South Asian Legal Clinic

416-487-6371

<https://salc.on.ca>

Office of the Public Guardian and Trustee

1-800-366-0335

www.attorneygeneral.jus.gov.on.ca

Your Feedback is important to us!

WE WOULD
APPRECIATE HEARING
FROM YOU.

Please take a few
minutes to complete
our survey!





Raeann Rideout

Director Strategic Partnerships
Elder Abuse Prevention Ontario



705.927.3114



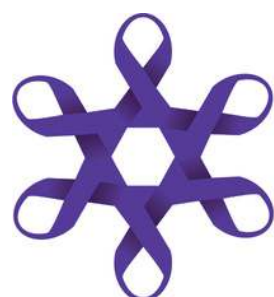
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Elder Abuse
Prevention
Ontario

Prévention de la
maltraitance envers
les aînés Ontario



Bénédicte Schoepflin

Executive Director,
*Canadian Network for the Prevention
of Elder Abuse*



benedictes.cnpea@gmail.com



www.cnpea.ca

Discover the Future Us Strategy:

www.futureus.cnpea.ca



@cnpea



CANADIAN NETWORK for
the **PREVENTION** of **ELDER ABUSE**

RÉSEAU CANADIEN pour la **PRÉVENTION**
du **MAUVAIS TRAITEMENT** des **AÎNÉS**

A purple rectangular tag with a hole on the left side is tied with a light-colored string. The tag is placed on a rustic wooden surface. Three white daisies with yellow centers are scattered around the tag. The text 'Thank you!' is written in a black, cursive font on the tag.

Thank
you!