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**Vulnerable Adult Witnesses:
The perceptions and experiences of Crown Prosecutors and
Victim Services Providers in the use of testimonial support
provisions**

Prepared by Pamela M. Hurley

for

Research and Statistics Division

Department of Justice Canada

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The views expressed herein are solely those of the author and do not necessarily reflect those of the Department of Justice Canada.



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Executive Summary

This is an exploratory study examining the perceptions and experiences of Crown prosecutors and victim services providers of the testimonial support provisions for vulnerable adult witnesses found in s.486 of the *Criminal Code*. The purpose of the research is to gain a clearer understanding of how the provisions on testimonial accommodations are being used in Canada to assist vulnerable adult witnesses in providing their testimony. These provisions were expanded and clarified in January 2006 with Bill C-2, which also included a five year parliamentary review. Little is known about how testimonial aids are being used to assist vulnerable adult witnesses in providing their testimony. This research is intended to address this gap.

The study consisted of a series of semi-structured interviews with crown prosecutors and victim services providers from jurisdictions across Canada. Eighteen Crowns were interviewed from eight different jurisdictions, and eleven victim services providers were interviewed from five different jurisdictions. Their locations included large and mid-sized urban centres and small communities in rural and remote areas.

Readers are encouraged to also review the companion report entitled, *Testimonial Support for Vulnerable Adults (Bill C-2): Case Law Review (2009-2012)*, by Mary Ainslie.

Key Themes Emerging from the Research

Using the information collected from the interviews the following observations are made:

- In many jurisdictions, the number of vulnerable adult victims and witnesses was not known. Applications for testimonial accommodations for vulnerable adult witnesses are not common, and few adults with disabilities in the witness population are identified in need of a testimonial accommodation.
- Crowns indicated that they made more “discretionary” applications than “presumptive” applications for adults with a disability. When made, the majority of “presumptive” applications were granted.
- There was a strong sense among the participants that collaboration and communication between Crown prosecutors and victim services are key factors in working with vulnerable adult witnesses.
- Case flagging by police and early meetings with prosecutors and victim services were identified as important factors in ensuring timely applications, availability of the testimonial accommodation(s), scheduling adequate court time and in avoiding adjournments.
- Testimonial accommodations are presumptively available for witnesses with a disability. However, in order for a testimonial aid to be granted, the Crown must establish that the witness will have difficulty communicating the evidence because of the disability. Crowns noted that the process of applications varies considerably within and across jurisdictions. The types of disabilities of witnesses reported by respondents vary considerably and include persons with intellectual disabilities, psychiatric disabilities, brain injury, Fetal Alcohol Spectrum Disorder (FASD), Down syndrome and post traumatic stress disorder. For other adult witnesses, the Crown must establish that the accommodation is necessary to obtain a full and candid account from the witness. Applications were made most frequently where there were charges related to sexual assault and domestic violence. Across jurisdictions,

evidence from police officers, victim services providers, personal support aids, experts, existing documents and letters from physicians and oral submissions by the Crown, have been used in support of both “presumptive” and “discretionary” applications for vulnerable witnesses.

- The time involved in making applications was a barrier reported by many Crowns. Evidence must be prepared and presented to support the Crown’s application. Defence counsel do not typically consent to applications for vulnerable witnesses (although there are some notable exceptions). Cost of assessments is a factor to be considered. There is also the consideration that the application will not be successful.
- Regarding the use of testimonial aids, witness screens were the most frequently applied for accommodation. Applications for a support person were almost as frequent as for screens and were often applied for in combination with screens or close-circuit television (CCTV). Applications for testimony outside the courtroom via CCTV or video-conferencing were half as frequent as applications for screens.
- Crowns and victim services providers noted that access to testimonial aids in jurisdictions varies. In northern communities access to CCTV or videoconferencing equipment is limited. Screens are not available in many circuit courts. Some large urban courthouses do not have CCTV.
- Applications for testimonial aids are frequently made on the first day of court. Making an application ahead of time, before the judge or justice who will preside over the matter, was described as problematic by many respondents.
- For many respondents, understanding the impact of trauma and victimization is an essential component of working with vulnerable witnesses. Greater awareness of the diversity of disabilities of victims and witnesses is seen as essential to good practice.

1. Background

The goal of the court process is truth-seeking and, to that end, the evidence of all those involved in judicial proceedings must be given in a way that is most favourable to eliciting the truth.

- Madame Justice L'Heureux-Dubé, in *R.v. Levogiannis* [1993] 4 R.C.S. 475.

Since 1988, the Parliament of Canada has made a series of amendments to the *Criminal Code* and the *Canada Evidence Act*, which recognized the unique needs of child witnesses. On July 21, 2005, Bill C-2, *An Act to Amend the Criminal Code (Protection of Children and Other Vulnerable Persons)* and the *Canada Evidence Act* received royal assent. The provisions relating to testimonial aids came into force on January 2, 2006. The Bill included amendments to facilitate witness testimony and was intended to provide greater clarity and consistency for the use of testimonial aids and other measures for victims and witnesses. The legislation, addressing the needs of children and recognizing the special needs of vulnerable adult witnesses, moved from a case-by-case test to a presumption that all children under age eighteen and adults with a mental or physical disability can qualify for testimonial accommodations. Other witnesses may be permitted to use a testimonial aid if the judge or justice is of the opinion that such an order is necessary to obtain a full and candid account from the witness. In making that determination for these other witnesses, the judge or justice will take into account the nature of the offence, the nature of any relationship between the witness and the accused, whether the witness has a mental or physical disability, and any other circumstance that is deemed relevant.

The following sections will provide a brief overview of the *Criminal Code* provisions on a support person and screen and closed-circuit television, victims and witnesses in the criminal justice system and some current writing on this issue.

1.1 A Brief Overview of Testimonial Aids

1.1.1 Testimonial Aid Provisions in the Criminal Code - Support Person

s. 486.1 (1) In any proceedings against an accused, the judge or justice shall, on application of the prosecutor, of a witness who is under the age of eighteen years or of a witness who has a mental or physical disability, order that a support person of the witness' choice be permitted to be present and to be close to the witness while the witness testifies, unless the judge or justice is of the opinion that the order would interfere with the proper administration of justice.

s. 486.1 (2) In any proceedings against the accused, the judge or justice may, on application of the prosecutor or a witness, order that a support person of the witness' choice be permitted to be present and to be close to the witness while the witness testifies if the judge or justice is of the opinion that the order is necessary to obtain a full and candid account from the witness of the acts complained of.

s. 486.1 (3) In making a determination under subsection (2), the judge or justice shall take into account the age of the witness, whether the witness has a mental or physical disability, the nature

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of the offence, the nature of any relationship between the witness and the accused, and any other circumstance that the judge or justice considers relevant.

1.1.2 Testimonial Aid Provisions in the Criminal Code - Testimony Outside the Court Room or Behind a Screen

s. 486.2(1) Despite section 650 (Accused to be present in Court), in any proceedings against an accused, the judge or justice shall, on application of the prosecutor, of a witness who is under the age of eighteen years or of a witness who is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability, order that the witness testify outside of the court room or behind a screen or other device that would allow the witness not to see the accused, unless the judge or justice is of the opinion that the order would interfere with the proper administration of justice.

s. 486.2(2) This section addresses the testimony of vulnerable adult witnesses who require a testimonial accommodation in order to provide a full and candid account of their evidence to the Court. In granting an application, the presiding judge or justice must be satisfied that the order is necessary.

s.486.2 (3) Factors the Court takes into account are: the nature of the offence; the relationship of the witness to the accused; the age of the witness; and any other circumstances the court might deem relevant.

1.1.3 Presumptive and Discretionary Applications

For the purposes of this report, applications for witnesses who have a mental or physical disability, and who are able to communicate evidence, but may have difficulty doing so by reason of a mental or physical disability, are described as “presumptive.” Applications for other adult witnesses who require a testimonial aid in order to provide a full and candid account of their evidence to the Court are described as “discretionary.”

1.1.4 Victims and Witnesses with Disabilities in the Criminal Justice System

Two United Nations Documents, the *Convention on the Rights of Persons with Disabilities* (herein referred to as UNCRPD) and the *Declaration on the Basic Principles for Victims of Crime* (herein referred to as DBPVC) have contributed significantly to the rights of individuals with disabilities who are involved in the criminal justice system.

The United Nations adopted the UNCRPD in 2006, making it the most recent international agreement on disability rights (Stienstra 2012). One year later, Canada signed the UNCRPD and later ratified the agreement in 2010 (UN Enable 2006). The UNCRPD’s purpose is: “...to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (UN Enable 2006).

The DBPVC also states that victims of crime should be provided “proper assistance” throughout the legal process (Belak 2012, 4). As this assistance is delivered to victims, it is required that those with special needs due to disability are given attention. The safety of victims must also be ensured and their privacy protected (Belak 2012, 4).

The Canadian Charter of Rights and Freedoms reflects the ideals articulated in the UNCRPD and the DBPVC. Article 15 ensures equal recognition before the law, and equal benefit of the law without discrimination based on mental or physical disability (Constitution 1982). According to UNCRPD, the implementation of Article 15 requires that “States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity” (UN Enable 2006). It also states that persons with disabilities must be “safeguarded” to prevent abuse (UN Enable 2006).

Secondly, the *Canadian Human Rights Act* (1977) mandates a “duty to accommodate”, which requires that service providers “take steps to eliminate different and negative treatment of individuals, or groups of individuals based on prohibited grounds of discrimination” (Duty 2013). Lastly, the *Canadian Human Rights Act* stipulates that State Parties must “promote appropriate training” for administrators of justice. This is to ensure that persons with disabilities experience effective access to justice, equal to their non-disabled counterparts.

1.2 Current Literature

There is a growing body of literature addressing vulnerable adult victim and witness participants in the justice system process.

In a 2009 Canadian study, the authors interviewed victim services providers to gain further understanding of how Fetal Alcohol Spectrum Disorder (FASD) impacts the full participation of victims and witnesses in the criminal justice system. The most frequent suggestion was that training on FASD be provided to all justice professionals. It was repeatedly noted that there is a lack of awareness of FASD within the criminal justice system (Fraser and McDonald 2009).

The challenges posed by cross-examination for witnesses with cognitive, developmental, or intellectual disabilities were examined in *Taking the Stand: Access to Justice for Witnesses with Mental Disabilities in Sexual Assault Cases* (Benedet and Grant 2012). The authors describe cross-examination as a systemic barrier and argue that existing *Criminal Code* accommodations are inadequate to ensure a full and candid account. The authors propose the use of intermediaries as one solution for witnesses with mental disabilities which would allow witnesses to have assistance in understanding questions and in communicating their evidence to the court as fully as possible.

The Missing Women Commission of Inquiry examined the policies and practices in the treatment of vulnerable and intimidated witnesses. Vulnerable witnesses are defined as those who, because of their personal characteristics, may have difficulty testifying in a regular adversarial trial process. Intimidated witnesses are described as those who are unwilling to participate because they fear retaliation for their role in identifying or testifying against offenders (Belak 2012).

Rupert Ross (2009) explores the impact of trauma, the role of residential schools on the lives of First Nations people, the impact of emotional suppression and disconnection in Aboriginal Canada within the context of the justice system. Understanding the emotional and psychological

responses to victimization is very important for Crown prosecutors to articulate to the judge when making an application for a discretionary testimonial aid.

In a study undertaken by Bala et al. (2011) after the former Bill C-2 came into force and effect, judicial experiences with, and opinions about, the amendments to the *Criminal Code* and the *Canada Evidence Act* for children and vulnerable adult witnesses were explored. Thirty judges were surveyed about their experiences and opinions of testimonial support provisions for children and vulnerable adults. The *Criminal Code* lists the factors (s.486.1(3)) that the judge may take into consideration on deciding whether or not to grant a discretionary application. The most common situations were “mental handicap/deficiency, the nature of the charge itself, sexual assault victim, and age.”(Bala et al. 2011).

For a summary of the literature reviewed and additional international resources, please see Appendix A.

2. METHODOLOGY

2.1 Participant Recruitment

Working through the Federal Provincial Territorial Working Group on Victims of Crime, a letter of information, which introduced the consultant and provided details on the research, was sent to chief prosecutors in the jurisdictions. The letter requested that they identify Crown prosecutors in their office/jurisdiction, with specific experience in making applications for testimonial aids for vulnerable adults. Crowns in eight jurisdictions participated. This process also introduced the consultant to directors of victim services in several jurisdictions. A list of identified victim services providers in five jurisdictions was provided to the consultant. Potential participants were contacted by email or telephone to determine their interest in being interviewed and the questionnaire and a consent form were sent to participants. The interviews were semi-structured and lasted between sixty to ninety minutes.

The research was conducted in accordance with the Tri-Council Policy Statement on Ethical Conduct and Research involving Humans.¹ The consent form stipulated that no individual, nor specific jurisdiction would be identified by name in the resulting report. The consent form and questionnaire can be found in the Appendices.

2.2 The Participants

Eighteen Crown prosecutors and eleven victim services providers were interviewed.

2.2.1 Crown Prosecutors

The Crown prosecutors interviewed represented a wide variety of jurisdictions, working in large urban courthouses, as well as satellite and circuit courts. Some work in offices where there were only a few Crowns and others in offices where there were 50 – 100 Crowns. Several travel or have travelled on circuit court and to satellite courts within their region. The majority of Crowns who participated have over ten years of prosecution experience, with some having more than twenty years experience. Some provide mentoring and resources for others in their offices.

2.2.2 Victim Services Providers

The victim services participants represent a wide variety of jurisdictions, working in large and mid-size urban areas and rural and remote communities. The majority of respondents are court based. Approximately half of those interviewed have experience working in satellite courts and some in remote “fly-in” courts. Several are managers. Most have undergraduate or graduate degrees in social work or other related disciplines and all have several years of experience

¹ See the statement at <http://www.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/Default/>
Accessed July 4, 2013.

working with vulnerable adult witnesses. Half of the participants have given evidence in court to support an application for a testimonial aid for a vulnerable adult witness.

2.2.3 Collective Information

One Crown prosecutor, as well as one victim services provider, provided the collective information of ten of each of their colleagues. This additional information is included in this report.

2.3 Limitations of the Study

All of the Crowns participating in this study were recommended because of their experience in making applications for testimonial aids for vulnerable adult witness. Their experiences ranged from making a single application to making over ten applications in either “presumptive,” “discretionary” or both categories. All of the victim services providers were identified because of their experience in working with vulnerable adult witnesses. Thus, those interviewed were not randomly sampled and may overestimate the experience of those working with vulnerable adult witnesses.

The findings of the study only represent the experiences and perspectives of those who were interviewed and should not be generalized to all Crowns and victim services providers in their jurisdictions, nor should the jurisdictions be generalized to all of Canada.

3. INTERVIEWS AND FINDINGS

3.1 Frequency of Applications

Crowns were asked how many application(s) for testimonial aids for vulnerable adults they had made since 2006. A few participants reported that their total experience was in making a single application, while a small number indicated that they had made more than ten applications in the “discretionary” category and between 4 – 10 applications in the “presumptive” category. These experiences reflect the findings of Bala et al., who reported that in cases with vulnerable adult witnesses, 66.7% of the thirty judges surveyed stated that applications for screens or CCTV are never made, 16.7% of judges said that they are occasionally made and 11.1% said that they are always made (Bala et al. 2011, 53).

Participants were also asked about their experiences and perceptions of making applications under s. 715.2 to introduce video-recorded evidence of an adult witness who has a disability, applications under s. 486 (1), for an exclusion of the public and s. 486.3(2), for appointment of counsel for cross-examination. The results are discussed below.

3.2 How and When is the Need for a Testimonial Aid Identified for a Vulnerable Adult Witness?

3.2.1 Crown Prosecutors

The majority of Crown prosecutors indicated that a combination of their own meeting with the witness, input/recommendation from victim services and police information were the primary sources that contributed to the decision to make an application. In addition, the witness sometimes requested an aid. Also there were cases when family members and others such as group home supervisors contacted the Crown and identified the need. And finally, in a few instances, the witness’ unanticipated reaction on the day of the trial triggered the need for a testimonial aid.

3.2.2 Victim Services Providers

Victim services participants noted that they are careful when telling vulnerable adult witnesses about the option to use testimonial aids for their testimony. They do not want to raise any expectations for the witness and, there is awareness that the Crown makes the decision about an application.² Many emphasized the importance of meeting(s) with witnesses, when they establish rapport and identify any vulnerabilities, concerns and needs which they subsequently convey to the Crown. In some jurisdictions, victim services providers have a special form to provide their input and recommendations which are then sent to the Crown. In other jurisdictions, recommendations are communicated to the Crown via email, by telephone, or in person. Many participants noted that the information and recommendations arising from any assessment is very important and that concerns, vulnerabilities and accommodation needs of the witness must be clearly communicated to the Crown.

² The legislation provides that the Crown or the witness may make an application. In practice, it is always the Crown who does this.

3.3 Materials Used to Support the Application

Responses indicated that it was fairly rare to call expert evidence for either “presumptive” or “discretionary” applications. In many cases, existing documents or a letter from a physician were used to support applications. Some Crowns voiced their reluctance in calling a mental health practitioner (therapist, counsellor, psychologist, or psychiatrist) to give evidence in support of an application. This stemmed out of a concern that the medical records of the witness would be open to the court, potentially re-victimizing the victim. Countering this perspective was the experience of two Crowns who had called expert evidence in “discretionary” applications, both indicated that in each case the focus of the supporting evidence was on the impact that testifying in court would have on the witness’ ability to provide a full and frank account of the evidence.

In many cases, in both “presumptive” and “discretionary” applications, the investigating police officer is called to give evidence and/or provide an affidavit. Victim services providers are also called to give evidence about their observations of the witness. Where a witness had a disability, a caregiver, parent, or a mental health community support person provided information to the court. In cases of FASD, the caregiver would be asked to describe where the witness is on the spectrum, if known.

A small number of Crowns reported that no materials or supporting evidence were required and that the oral application was enough.

3.4 Examples of Evidence Used to Support “Presumptive” Applications

A letter from the psychiatrist was used in support of application

A witness with mental health problems attempted suicide close to the court date. A letter from her psychiatrist was used to support an application for a testimonial aid. Defence counsel did not object. The witness was permitted to testify from behind a screen.

A personal aid worker testified

The witness, a woman, age 25, had a severe brain injury. She had a personal aid worker, and that individual was called to support the application for a testimonial aid. The Crown noted that “she was the person best able to know the abilities and disabilities of the witness”. The court accepted the aid worker’s testimony. The witness testified from behind a screen and with a support person beside her.

Victim services provider gave evidence to support application

A young woman, then aged 17, testified at the preliminary hearing using a screen and support person. She turned 18 before the trial. The victim services person alerted the Crown that the witness had learning difficulties and problems with comprehension. In support of the application

under s. 486.2 (1) for a screen, s. 486.1 for a support person and s. 486.3(2) for appointment of counsel for cross-examination, the victim services worker was called to give evidence on her observations and interactions with the witness. The testimonial accommodations were allowed.

3.5 Examples of Evidence Used to Support “Discretionary” Applications

The witness testified to satisfy the need

The witness was age 17 at the time of the incident and 18 at the time of the trial. The charges involved sexual assault. The application for a testimonial aid was made at the “last minute” as the witness “seemed okay” ahead of time, then just before testifying she “froze” and stated she could not testify in front of the accused. The Crown questioned the witness to satisfy the application - and she was asked how she would be affected if she did not have a screen. If the Crown had had prior notice, she would also have applied for a support person. The defence counsel strongly objected, but the application was granted and the witness was permitted to testify from behind the screen.

Oral submission by the Crown

The witness was one of six victims, but the only one who stated that she would be unable to testify in front of the accused. Charges before the court included sexual offences. Based on oral submissions by the Crown, and without any other written or oral evidence, the judge agreed that there was a pre-existing mental health condition and previously confirmed domestic violence, and therefore the witness was extremely vulnerable. At the preliminary hearing, the witness testified from behind a screen and the matter was committed to trial. At the Supreme Court level, the screen was again allowed, based upon oral submission by the Crown.

Expert assessment

The witness was 16 at the time of the sexual assaults and aged 36 at the time of the trial. She suffered from PTSD, anxiety and depression. The Crown received early input from victim services and also met with the victim several weeks prior to the date of the preliminary hearing.

Defence counsel opposed the application under s 486.2(2) for CCTV. Initially the crown had planned to call evidence from the investigating officer, but as a result of the opposition, a psychological assessment was obtained. The assessment focused on the witness’ ability to “give a full and candid account” of her evidence in the presence of the accused. The assessment report was submitted and the psychologist gave opinion evidence. The application was granted.

In sections s.486.1(1) and (3) and s.486.2(1) and (3), both the presumptive application and the factors used to argue for a discretionary applications include mental or physical disability.

3.6 When Applications are made

Participants were asked about the timing of the applications, whether they were made weeks ahead, for example at a pre-trial hearing conference; less than one week, for example, at the

beginning of preliminary inquiry or trial; or, during the preliminary inquiry or trial. Their responses covered a wide range of time frames and practices. Some applications were made several weeks before the court hearing, others less than one week before and most were made on day of court appearance. On occasion, an application was made in the middle of a hearing, when it was evident that the witness was in such a state of distress that they could not continue without a testimonial aid.

Applications under s. 486.1 and s. 486.2 must be made during the proceedings to the presiding judge or justice or before the proceedings begin to the judge or justice who will preside at the proceedings. Information from participants indicated that the day of the court hearing was when most applications are made; it is only the day of the court hearing that the presiding judge will be known and available as per s. 486.1(2.1) and s.486.2(2.1)). These last minute applications can be stressful for the witness. Applications for superior court trials are generally made in advance, as the case would have been assigned to a Crown and the judge or justice who will preside is known. In addition, defence counsel is advised of the intention to apply for a testimonial aid(s) at the pretrial meeting. Several participants reported that making an application ahead of the court date to the judge or justice who will preside at the proceedings is often problematic in that the trial judge may not be known ahead of time. Related to this issue was a concern that there was an uncertainty for a witness who has to wait until the last moment to find out if a testimonial aid will be allowed. It was also noted that adjournments can occur as a result of late applications.

Some participants discussed the issue of a “last minute need” for testimonial aids. For example, a vulnerable witness upon entering the courtroom may experience panic, heightened anxiety or intense fear. This reaction may not have been anticipated ahead of the court date. Screens were reported to be used in these cases as CCTV may not be available on short notice.

3.7 Preparation Time Involved in Making an Application

Prosecutors were asked to comment on how much preparation time is involved in making applications for testimonial aids for vulnerable adults. There was a range of answers from participants. In cases where defense counsel objects to the application, there is a hearing and this can be time consuming. Objections from defence are more frequent for “discretionary” applications.

Where precedents on procedure and case law are available, this can minimize the preparation time required for Crowns.

The one application took a “fair bit of time” – the judge asked for written submissions. I called an expert – the report took time. Preparation time is an issue, but it would not stop me from making an application.

3.8 Factors That May Influence Whether Applications Are Made for Testimonial Aids for Vulnerable Adults

Crown prosecutors were asked what, if any, factors influence whether they make an application for testimonial aids for vulnerable adults. Their responses included factors such as case load,

time involved making the application and late identification of the specific needs of the witness. Some participants discussed the cost of a professional assessment as a consideration, but most believed the cost of an assessment would be approved by management.

One respondent noted that when an application was made, the psychiatrist who was treating the witness provided testimony as to the need for a testimonial accommodation, on a *pro bono* basis. Other participants indicated that providing existing medical documents or records did not involve a cost.

3.8.1 Making an Application – An example of the process used in one jurisdiction

- 1) The Crown and victim services meet separately with the witness early on and so the “process is in place.”
- 2) The witness is advised of the availability of testimonial accommodations.
- 3) Victim services “are proactive – they knock on the Crown’s door” and advise of the need for a testimonial aid.
- 4) The applications are made weeks before the hearing. Defence counsel is advised by letter, and they typically do not oppose the application.
- 5) The court administration is advised and prepared.
- 6) An application is rarely made on the day of court.

One Crown suggested that the trial coordinator can play a key role in facilitating the application process.

3.9 Victim Services Providers: Working with Vulnerable Adult Witnesses

Victim services providers were asked to comment on time requirements when working with vulnerable adult witnesses. Most of the participants stated that several meetings with the witness and case/trial coordinator are required to meet the needs of the witness and to help ensure that necessary accommodations are in place. During meetings with victim services, special needs of witnesses can be identified such as interpretation services and the need for specialized supports and accommodations. During their initial meetings with victim services, witnesses may report concerns or fears about testifying. Participants emphasized the importance of early planning and organization. Participants also noted that, although witnesses are contacted not all witnesses utilize their services, resulting in “last minute” identification of a vulnerable witness. In many jurisdictions, victim services are provided with information about witnesses when charges are laid. Some victim services, for example those which are not linked directly to the Crown office, may not be alerted about the witness until later on in the process.

3.10 Positions of Defence Counsel

There were varying responses to the question of whether defence counsel generally oppose or consent to applications for testimonial aids for vulnerable adults. Participants believed that the majority of “discretionary” applications were opposed, apart from a couple of notable exceptions. Some participants noted that defence may agree to an application for the preliminary inquiry, but would oppose the application for the trial in that matter. In some smaller

communities, the defence bar appears to consent more readily to applications. In a couple of large jurisdictions, where the participants make applications for vulnerable adults on a frequent basis, the cases are more likely to go forward on consent.

3.11 Delays and Adjournments that may be Caused by Applications

Participants noted that delays and adjournments can result if a professional assessment is required to support an application. Some participants indicated that they have requested a screen, instead of CCTV, for the witness as getting CCTV would necessitate a delay. In addition, if an expert is needed to testify regarding a vulnerable adult witness, there could be an adjournment. Where an application is contested by defence, delays can occur. Where no application for testimonial aids has been made, and the witness has a traumatic reaction in the courtroom and is unable to testify, delays may result.

3.12 Application Outcomes

Prosecutors were asked about reasons they recalled for any denied applications for vulnerable adult witnesses. Their information suggests that many “presumptive” applications were successful, while “discretionary” applications were less successful. Many of the “discretionary” applications were described as “not meeting the standard.” It would appear that there are wide variations within and across jurisdictions in the granting of “discretionary” applications. A small number of prosecutors reported that their applications were almost always successful.

Some of the reasons given for denying an application included:

- The application did not satisfy the Court that the victim is so mentally distraught that they could not give a full and candid account
- The application did not meet the standard. The Court stated that the testimonial aid is not intended for the comfort of the witness; there is a higher bar to meet, that of a “fear of the accused.”
- It depends on the judge. One judge always denies the application, or else first wants to see how the witness does in court to test if they need they need the testimonial aid. The participant stated that, “This defeats the whole purpose of the legislation.”

3.13 Attitudes, Opinions, Thoughts and Experiences on Screens and CCTV/Video-Conferencing

There was a range of opinions expressed about the use of screens compared to testimony outside of the courtroom using CCTV or video-conferencing. There were differing reasons as to why one accommodation would be sought, in preference to the other, for a vulnerable adult witness. Some Crowns request a screen in the belief that it is easier to obtain than CCTV. Some Crowns stated their preference to have the witness in the courtroom, and use a screen, while others would not consider applying for a screen as they consider CCTV or video-conferencing to be a superior accommodation. Many participants agreed that use of a testimonial aid allowed the witness to give a full and frank account. Some Crowns discussed the emotional impact of the witness when they enter the courtroom and see the accused, which they consider could be diminished by the

use of CCTV or the screen. Other participants expressed the importance of vulnerable witnesses having testimonial options and, of having the opportunity to express their wishes about how they would testify. In some courtroom locations there are limited testimonial aids available, and a portable screen might be the only aid. In a few locations, a support person may be the only choice.

Table 1 below provides a summary of attitudes and experiences on screens and CCTV.

TABLE 1: SUMMARY OF ATTITUDES, OPINIONS, THOUGHTS AND EXPERIENCES ON SCREENS AND CCTV/VIDEO-CONFERENCING

Observations about screens	Observations about testifying outside the courtroom via CCTV/video-conferencing
<i>I prefer a screen – I want the witness in the courtroom</i>	<i>When a witness is stressed or fearful then you don't get the best evidence – CCTV helps get better quality evidence</i>
<i>I had thought about CCTV, but the judges are reluctant – there is a preference for the screen</i>	<i>CCTV allowed witness to give a full and candid account of the evidence – without the aid, the witness would not have been able to speak</i>
<i>Screens help, but don't help the problem of walking by the accused</i>	<i>There are witnesses who would be unable to testify if they are in the same room as the accused</i>
<i>There are problems with some screens – there is a space at the bottom (where it rests on the witness box) and the witness can see the accused. Some screens are ineffective as they are broken</i>	<i>CCTV provides only a two-dimensional view of the witness – there is a lack of emotional impact for the court</i>
<i>In the gang-related cases, witnesses may be an informant or terrified to testify and be identified. Special screens are used – the witness cannot see the accused and the accused cannot see the witness.</i>	<i>When a witness is distraught – that is compelling evidence. With videoconferencing, the witness behaves more casually. I prefer to see the witness in the courtroom rather than in another room</i>
<i>I would apply for either a screen or CCTV – it depends on the individual</i>	<i>With CCTV, if you have good monitors, the witness is "virtually present" in the courtroom.</i>

All participants could clearly articulate the importance of testimonial aids to facilitate testimony for vulnerable adults.

There is no question that if we did not have testimonial aids there would be cases that could not proceed to trial. If we have a witness that is so traumatized, we would not proceed without testimonial aids.

Crown prosecutors noted the importance of training for Crowns who are not comfortable with the technology and for younger Crowns who understand technology, but who may be unsure about the process of making an application. In addition, it is important to demonstrate the CCTV equipment to defence counsel (for those who have not used it) when feasible, ahead of the court date. This orientation can satisfy many of their concerns and might even result in no opposition to the application.

3.14 Some Perspectives and Experiences of Prosecutors in Communities with Circuit Courts

Intimidation and use of testimonial aids

One Crown reflected that in many Northern communities, the influence and pressure that is put on victims and witnesses not to testify can be immense. Therefore, Crowns try to use testimonial aids. Often, they must take testimonial aids with them when travelling to satellite courts. CCTV has not been as successful as there have been problems with the technology. The portable equipment is very cumbersome.

Change the venue

In situations where vulnerable adult witnesses could be intimidated by community members, Crown has made an impromptu application to change the venue. This means that the victim can be outside of a hostile community and also have access to a courthouse with CCTV.

Testifying in small and remote communities

Court can be a “public spectacle” for members of a small community. There is often nowhere for the witness to wait – there is no private place to meet – everyone passes by. It takes a really determined complainant to testify.

Video-conferencing meetings with witnesses are possible

Both Crowns and victim services have used video-conferencing to connect with witnesses when travel to remote communities prior to the court date is not feasible. The need to use a confidential, secure place was stressed– some community offices do not afford privacy for the witness.

Challenge of geography in remote communities

It is important to meet a witness ahead of time so you can assess the witness in terms of communication, and concerns about testifying. The distance to travel can present challenges.

The bar

There is a collegial bar in our small community and there is trust amongst the different counsel so applications may be more readily consented to by defence.

Technology

Access to equipment continues to be a problem for many Northern communities. Some Crowns bring their own computers. Screens are not available in most circuit courts. So while technical solutions are valuable and worthwhile, technology is also expensive and constantly evolving. In remote communities we need finances so court services can arrange for the technology.

In circuit courts, where testimonial aids are not available, one solution is to have the vulnerable witness face the judge and not the gallery.

Delays

In cases where defence counsel oppose an application, and the application is argued at the beginning of the trial, court services are advised to have the equipment on hand, to avoid any delay.

3.15 Video-Recorded Evidence – s.715.2

Criminal Code s.715.2 provides that :

s. 715.2 (1) 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 the admission of the video recording in evidence would interfere with the proper administration of justice.

It would appear that applications under s. 715.2 are rare for vulnerable adult witnesses. Two of the eighteen Crowns reported making one application each under this section. One of the victim services participants provided an example of how the statement of one vulnerable adult was successfully introduced as evidence.

The charges involved sexual assault. The victim had suffered serious, multiple injuries and also experienced significant emotional distress as a consequence. In support of the application, the Crown called evidence from the victim services worker and the police officer who provided their observations of the witness, and a physician provided medical evidence. The application was successful.

One participant suggested that for certain vulnerable witnesses consideration could be given to making an application under s.540 (7) of the *Criminal Code*, wherein the Crown prosecutor may present the evidence of a witness in the form of a prior statement versus calling *viva voce* evidence. If granted by the Court, this would obviate the need for the witness to testify at the preliminary hearing.

3.16 Exclusion of the Public – s. 486(1)

Criminal Code s.486(1) provides that :

s. 486. (1) Any proceedings against an accused shall be held in open court, but the presiding judge or justice may order the exclusion of all of any members of the public from the courtroom for all of or part of the proceedings.

Of the eighteen prosecutors, three made applications to exclude the public from the courtroom. One of the applications was specific to excluding named family members of the vulnerable witness. Participants suggested the following may prevent a Crown from making an application for exclusion of the public from the courtroom:

- Concern that there may be an appeal;
- The *Charter of Rights and Freedoms* guarantees freedom of the press;
- The perception that this application is rarely made.

Some participants suggested that there are alternatives to a formal application for exclusion of the public such as an informal request to the judge to have some or all members of the public excluded from the courtroom.

3.17 Appointment of Counsel for Cross-Examination by Self Represented Accused - s. 486.3 (2)

Former Bill C-2 expanded the Court's ability to appoint a lawyer to conduct the cross-examination of a victim when the accused is self-represented. Where the witness is under the age of eighteen or an adult victim of criminal harassment, an order appointing a lawyer to conduct the cross-examination will be granted, upon application, unless that order would interfere with the proper administration of justice. There is also discretion to appoint a lawyer to cross-examine any adult witness in any proceedings where the judge is of the opinion it is necessary to obtain a full and candid account from the witness.

Participants noted that there is a significant increase in self-represented accused and that applications to appoint a lawyer to conduct the cross-examination are made quite frequently in domestic violence cases and also in cases involving sexual assault. More than half of the Crown prosecutors reported that they had made applications under s.486.3 (2).

4. CONCLUSIONS

Participants had many insights to share about barriers for vulnerable adults and use of testimonial aids. The following comments reflect the wide range of opinions and perspectives that were shared:

- There is a presumption that adults are “okay,” and that they do not need a testimonial aid.
- CCTV is “hard to impossible” to obtain for an adult witness.
- The current situation for vulnerable adults is the same as the situation was for children before 2006.
- It is concerning that following an application by the Crown, the judge will decide that the witness should try to testify to “test” if they need the aid. For fearful and intimidated victims and witnesses, if they see the accused, they shut down. Therefore there is no testimony. This defeats the whole purpose of the legislation.
- Late identification of the vulnerable witness remains a barrier to being proactive in seeking testimonial aids.
- The provincial court docket is on the Intranet; there is a concern about protecting the identity of the witness especially when the charge is incest.
- It is problematic that the application must be made before the assigned trial judge – this frequently results in the application being made on the day of court, and not in advance, which is the ideal.
- In domestic violence courts, there are often several trials booked for the morning and several more in the afternoon. Time is limited and so it is difficult to plan and identify witnesses who might need an aid.
- In small, remote and isolated communities, witnesses are often uncooperative with the prosecutor. They may say that it did not happen or that they do not remember; they do not articulate their fear and so it is difficult to provide evidence of their vulnerability.
- In circuit court locations, in addition to a lack of testimonial aids, there are no waiting areas for the witness and no privacy. Sometimes the whole community comes to court. Witnesses sometimes wait outside in a vehicle. It is difficult for witnesses even when screens and sometimes portable CCTV are brought in.

4.1 Final Thoughts from those Interviewed

Take advantage of the Criminal Code and use the opportunities. Information is key – let people know their options. Make the applications. Prepare the witness.

Applications for CCTV and support person should go “hand in hand.”

Vulnerable adult witness cases should be flagged. As Crowns, we depend on police officers to do this. Alerting us ahead of time is essential. We can then have the information we need to plan and make arrangements

We have to talk about these cases. We need to make applications for vulnerable adult witnesses. Let's try. When it is done once, then it can be done again. We can say "that worked fine – so we can do it again".

It's in the legislation – we, in the justice system, need more awareness, understanding and education.

Have available a quick reference case law for vulnerable adults and a template or short guide for making applications

The high cost of assessments and the cost of expert witness testimony to establish a mental disability are barriers to making these applications. The freeze on funding and delays involved in assessments are also problematic and interfere with access to justice.

In some courthouses, the courtroom may not be located beside the testimony room. Problems can arise when court staff is unavailable to bring relevant documents or exhibits to the testimony room. In finding a remedy, a holistic approach must be taken, as it is a holistic issue.

4.2 In Sum

The information collected in this report represents the perceptions and experiences of Crown prosecutors and victim services providers on testimonial aids for vulnerable adult victims. The data gathered were obtained from interviews with participants who responded to a number of questions about the utilization of testimonial aids. The data show that there appears to be considerable variation in the experiences and perceptions of the participants; some of this variation is due to location and size of a given community. That is, there are different challenges in small, remote communities in comparison to those that surface in larger, urban centres. Readers are reminded that the findings in this report cannot be generalized to all Crown prosecutors or victim services providers or to all of Canada.

In both the urban and rural context, there were many issues related to a lack of understanding and knowledge amongst justice personnel: the impact of trauma and sexual victimization on witness participation; mental health issues in general; meeting the needs of and working with people with disabilities; and, how a disability can impact participation of witnesses in the criminal justice system.

At the same time, both Crowns and victim services participants called for the removal of barriers for traumatized and intimidated vulnerable witnesses. Victims and witnesses who may be fearful about reporting violent crimes may be more likely to come forward if there is greater certainty of the availability of testimonial aids. Participants agreed that use of testimonial aids for vulnerable adult witnesses can be extremely important to facilitate a witness' full and candid account of the alleged criminal incident.

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Appendix A: Canadian Literature Reviewed

AUTHOR	DATE	TITLE	PUBLISHER	LOCATION	THEME
Bala, N., Paetsch, J. J., Bertrand, L. D., & Thomas, M.	2011	Testimonial Support Provisions for Children and Vulnerable Adults (Bill C-2): Case Law Review and Perceptions of the Judiciary.	Department of Justice Canada	Canada	This research project explores judicial experiences with and opinions about the amendments to the Criminal Code and Canada Evidence Act introduced by Bill C-2 for children and vulnerable adult witnesses.
Belak, B.	2012	Policies and Practices in the Treatment of Vulnerable and Intimidated Witnesses.	Missing Women Commission of Inquiry.	Canada	This paper defines and distinguishes vulnerable and intimidated witnesses and offers recommendations for assisting these individuals.
Benedet, J., and Grant, I.	2012	Taking the Stand: Access to Justice for Witnesses with Mental Disabilities in Sexual Assault Cases	Osgoode Hall Law Journal	Canada	The article examines the challenges posed by cross examination for witnesses with cognitive, developmental, or intellectual disabilities, suggesting that existing Criminal Code accommodations are inadequate to addressing these concerns.
Endicott, O., Crawford, C., McCallum, D., & Bach, M.	1992	The Impact of Bill C-15 on Persons with Communication Disabilities	Roeher Institute and Department of Justice, Canada	Canada	This study addresses the amendments enacted in January, 1988 by Bill C-15 to the Criminal Code of Canada and the Canada Evidence Act that either directly or indirectly, and both actually and potentially affect complainants/witnesses who have communication disabilities in criminal proceedings.
Fraser, C. & McDonald, S.	2009	Identifying the Issues: Victim Services" Experiences Working with Victims with Fetal Alcohol Spectrum Disorder	Department of Justice	Canada	This research paper gains insight from Victim Services workers" experiences working with victims with FASD (both with and without a formal diagnosis). Anecdotal information suggests that individuals with FASD are at risk of becoming victims of crime. The authors sought to learn from those who work with victims and witnesses of crime who have FASD to gain further understanding of how this disability impacts the full

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					participation of victims and witnesses in the criminal justice system.
Ross, R.	2009	Heart Song. Exploring Emotional Suppression and Disconnection in Aboriginal Canada		Canada	This article seeks to answer the following questions: how much of violence flows from emotional suppression? How much does that kind of violence contribute to emotional suppression? And what was the role of residential schools in all of this?
Stienstra, D.	2012	Disability Rights	Fernwood Publishing	Canada	This book explores the landscape of disability rights in Canada and finds that, while important advances have been made, Canadians with disabilities still experience significant barriers in obtaining their human rights.
INTERNATIONAL RESOURCES FOR FURTHER READING					
Edwards, C., Harold, G., & Kilcommins, S.	2012	Access to Justice for People with Disabilities as Victims of Crime in Ireland	School of Applied Social Studies and Centre for Criminal Justice and Human Rights, Faculty of Law University College Cork	Ireland	This study explores the barriers that people with disabilities face in accessing the criminal justice system in Ireland and internationally, compares jurisdictions which seek to protect the rights of people with disabilities, analyse how agencies of the criminal justice system facilitate people with disabilities' access to justice, and explore national and international innovations to strengthen the Irish criminal justice system's response to the needs of people with disabilities.
Bowden, K., Douds, F., and Simpson, Y.	2011	People with Learning Disabilities and the Criminal Justice System	The Scottish Government, Edinburgh	Scotland	This document is a practical guide to improving the response of the criminal justice system to people with learning disabilities. It is written for a wide range of justice professionals, with a focus of understanding the needs and rights of people with disabilities.
Criminal Prosecution Service (CPS)	2009	Supporting Victims and Witnesses with a Learning	Criminal Prosecution Service	United Kingdom	This document is a 'public policy statement'. It explains how the

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		Disability	www.cps.gov.uk		Crown Prosecution Service (CPS) will deal with cases which involve victims and witnesses who have a learning disability.
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Appendix B: Consent to Participate

Department of Justice Canada Research on Testimonial Supports for Vulnerable Adult Victims/Witnesses

You are asked to participate in a research study on the experiences and perceptions of Crown prosecutors of the testimonial support provisions for vulnerable adult victims/witnesses found in s.486 of the *Criminal Code*. Pamela Hurley, on behalf of the Department of Justice Canada, is undertaking research.

PURPOSE OF THE STUDY

The purpose of this research is to better understand how the provisions on testimonial supports are working in cases of vulnerable adults. These provisions were expanded and clarified in January 2006. The Department of Justice will use the results of this study to inform criminal law policy and criminal law reform. While there has been empirical research in this area with respect to child victims/witness, there is very little research with respect to vulnerable adults. A draft report will be shared with participants to ensure accuracy in terms of content as well as the final report. All jurisdictions will learn from the results.

PROCEDURE

You would participate in semi-structured telephone interview that will last approximately 30 minutes. Questions will be asked about your experiences applying for and prosecuting cases with the different testimonial supports (e.g. support person, screen, closed circuit television/video-conferencing), including challenges and positive outcomes. You will receive a set of questions in advance of the interview.

CONFIDENTIALITY

The research will be conducted in accordance with the Tri-Council Policy Statement on ethics and research involving humans and interested. No individual nor specific jurisdiction will be identified by name in the resulting report.

If you have any questions or concerns about the research, please feel free to contact:
Ms Pamela Hurley at 519-433-1024 (pamhurley3@rogers.com) or Dr. Susan McDonald at the Department of Justice Canada, at 613-957-9315 (smcdonal@justice.gc.ca).

I have read the letter of information.

I agree to be involved in the research. I understand that I can withdraw my consent at any time.

Signature

Date: _____

Location: _____

Appendix C: Survey

Survey on Testimonial Aids for Vulnerable Adults

(30 minutes)

(NOTE: No individual or specific jurisdiction will be identified by name in the resulting report.)

NAME : <i>name of interview subject</i> <i>+ location</i>	Position:
(direct) Phone:	Mailing ADDRESS:
Email:	
Date of interview:	

Location, other background/context

Describe the location and size of your community: Urban rural/remote	Approximately how many Crown Prosecutors are in your office?
Number of years experience as a prosecutor?	
Any additional comments?	

Do you work with a victim/witness program? Yes No	Do you work with Crown Witness Coordinators? Yes No
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Applications for Testimonial Aids (since 2006)

1. Since 2006, have you made application(s) for testimonial accommodations under s.486.2 (1) [<i>presumptive</i>] for an ADULT witness who has either a physical or mental disability ? Yes No	Since 2006, have you made application(s) for testimonial accommodations under s.486.2 (2) [<i>discretionary</i>] for an ADULT witness who has either a physical or mental disability ? Yes No
If you have applied under section s.486.2(1) [<i>presumptive</i>] for an ADULT witness who has either a physical or mental disability , approximately how many times have you applied, since 2006? 1 to 3 times 4 to 10 times Over 10 times	If you have applied under section s.486.2(2) [<i>discretionary</i>] for an ADULT witness who has either a physical or mental disability , approximately how many times have you applied, since 2006? 1 to 3 times 4 to 10 times Over 10 times

Which testimonial aids

2. If you have applied under s.486.2 (1) [<i>presumptive</i>] for adults with physical or mental disability, which of the following testimonial aids have you applied for?	If you have applied under s.486.2 (2) [<i>discretionary</i>] for adults with physical or mental disability, which of the following testimonial aids have you applied for?
Support person? Approximately how often? 1 to 3 times 4 to 10 times	Support person? Approximately how often? 1 to 3 times 4 to 10 times

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Over 10 times	Over 10 times
Screen? Approximately how often? 1 to 3 times 4 to 10 times Over 10 times	Screen? Approximately how often? 1 to 3 times 4 to 10 times Over 10 times
CCTV or video- conferencing? how often? 1 to 3 times 4 to 10 times Over 10 times	CCTV or video conferencing? How often? 1 to 3 times 4 to 10 times Over 10 times
Any combination of the above? how often? 1 to 3 times 4 to 10 times Over 10 times	Any combination of the above? how often? 1 to 3 times 4 to 10 times Over 10 times

3. How/when do you identify the need for a testimonial aid for a vulnerable ADULT witness? Check all that apply

- your first meeting with the witness	- recommendation from Victim Services
- information from investigating officer	- other

<p>4. If you made an application under s 486.2 (1) [<i>presumptive</i>], what material(s), if any, have you used to support the application?</p> <ul style="list-style-type: none"> - existing medical or other written documents - evidence from police officer - expert evidence - witness behaviour in court environment - other 	<p>If you made an application under s 486.2 (2) [<i>discretionary</i>], what material(s) , if any, have you used to support the application?</p> <ul style="list-style-type: none"> - existing medical or other written documents - evidence from police officer - expert evidence - witness behaviour in court environment - other
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5. In your experience, how often is an application under s.486.2 (1) [<i>presumptive</i>] granted?	In your experience, how often is an application under s.486.2 (2) [<i>discretionary</i>] granted?
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6. Are these applications usually opposed , or does defense counsel consent ?
Can you recall reasons given for any denied applications?

7. Do you notify or consult with the victim or witness, and advise them of the availability of accommodations?

Yes No

If not, why not?

8. For a preliminary hearing, WHEN do you make application for a testimonial aid for a vulnerable	For the actual trial, WHEN do you make application for a testimonial aid for a vulnerable adult witness
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adult witness - weeks before the hearing - less than one week before the hearing - the day of the hearing	- weeks before the hearing - less than one week before the hearing - the day of the hearing
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9. In your experience, have any applications for testimonial aids for adults resulted in **adjournment(s)**?

Yes No

Comments?

10. Do you know of others in your office who have made applications under section 486 for vulnerable adults?

11. Have you encountered any **barriers** in applying for testimonial aids for vulnerable adults?

For a witness with a disability , have you encountered any of these barriers? - cost of assessment - availability of an assessor - other	Regarding access to testimonial equipment, do you have CCTV/video teleconferencing equipment in the court house(s) where you work? Yes No Screen??	Do any of these issues influence whether you apply for testimonial aids for vulnerable adults? - case load - lack of preparation time - level of support from bench? - other
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12. In the cases where you have made these applications, can you recall what types of disabilities were pertinent to witnesses, for whom you made application under s 486.2 (1) [presumptive] Any comments?	In the cases where you have made these applications, can you recall what types of vulnerabilities were pertinent to witnesses, for whom you made application under s 486.2 (2) [discretionary] Any comments?
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Video- recorded evidence

13. Have you made an application – under s.715.2 – for the admission of video recorded evidence with viva voce testimony from an adult witness? Yes No
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If yes, has the video recorded statement been used in conjunction with testimonial aids (support person, screen, CCTV?)
To what degree have you supplemented the video recorded statement with viva voce testimony?

14. Have you made an application for the following, for vulnerable ADULT witnesses?		
appointment of counsel	Clearing the court	other
yes no	yes no	

15. In your experience, what **benefits** have you seen when testimonial aids have been used for vulnerable adult witnesses. (e.g. quality of evidence, witness less stressed or fearful, witness able to focus, other...)

16. Do you have any comments, **practical observations or insights** to share?

17. Training on Testimonial Aids provisions for vulnerable adults

Have you received training on the testimonial provisions for vulnerable adults? Yes No	Was the training for Crown counsel only..... or for an interdisciplinary group of justice professionals?
When was this training?	Was the training voluntary or mandatory

18. Resources on Testimonial Aids provisions for vulnerable adults

Does your office have formal Crown Policies regarding the use of testimonial accommodations for vulnerable adult witnesses? Yes No	Are there informal resources available to you to assist with utilizing testimonial accommodations for vulnerable adult witnesses? Yes No
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