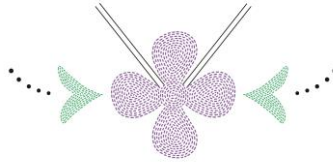


National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls



Enquête nationale  
sur les femmes et les filles  
autochtones disparues et assassinées

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



**Part II Volume I**

**Monday May 28, 2018**

**Panel 1: “Models for Delivery of Victims Services to Indigenous Peoples”**

**John Phelps, Chief Federal Prosecutor, Yukon Region;**

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

**Naomi Giff-MacKinnon, Senior Policy Analyst, Government of Canada  
Betty Ann Pottruff, Q.C., Senior Advisor, Government of Saskatchewan**

**Heard by Chief Commissioner Marion Buller & Commissioners Michèle  
Audette, Brian Eyolfson & Qajaq Robinson**

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E-mail: info@irri.net – Phone: 613-748-6043 – Fax: 613-748-8246

## II

### APPEARANCES

Aboriginal Women's Action Network	Fay Blaney (Representative) MiKenze Jordan (Representative)
Assembly of First Nations	Julie McGregor (Legal Counsel)
Assembly of Manitoba Chiefs	Joëlle Pastora Sala (Legal Counsel)
Awo Taan Healing Lodge Society	Darrin Blain (Legal Counsel)
Canadian Association of Chiefs of Police	Ashley Smith (Legal Counsel)
Directeur des poursuites criminelles et pénales	Anny Bernier (Legal Counsel)
Eastern Door Indigenous Women's Association	Natalie D. Clifford (Legal Counsel) Cheryl Maloney (Representative)
Government of Alberta	Nicole Pfeifer (Legal Counsel)
Government of British Columbia	Jean Walters (Legal Counsel) Rachel Holmes (Representative) Emily Arthur (Representative)
Government of Canada	Anne Turley (Legal Counsel) Anne McConville (Legal Counsel) Sarah Churchill-Joly (Legal Counsel) Tania Tooke (Paralegal) Jennifer Clarke (Paralegal)
Government of Manitoba	Coral Lang (Legal Counsel) Kendra Jarvinen (Legal Counsel)
Government of New Brunswick	Maya Hamou (Legal Counsel)

### III

#### APPEARANCES

Government of Newfoundland and Labrador	Denise Spencer (Legal Counsel)
Government of Northwest Territories	Karin Taylor (Legal Counsel) Brad Patzer (Legal Counsel)
Government of Nova Scotia	Sean Foreman (Legal Counsel)
Government of Ontario	Julian Roy (Legal Counsel) Catherine Rhineland (Legal Counsel)
Government of Saskatchewan	Barbara Mysko (Legal Counsel)
Government of Yukon	Jennifer England (Representative) Fia Jampolsky (Legal Counsel)
Independent First Nations	Sarah Beamish (Legal Counsel) Diane Maracle-Nadjiwan (Representative)
Institute for the Advancement of Aboriginal Women	Rachelle Venne (Representative) Lisa D. Weber (Legal Counsel)
Inuit Tapiriit Kanatami	Elizabeth Zarpa (Legal Counsel)
MMIWG Manitoba Coalition	Catherine Dunn (Legal Counsel)
Manitoba Keewatinowi Okimakanak	Jessica Barlow (Legal Counsel)
Native Women's Association of Canada	Virgina Lomax (Legal Counsel)
Nishnawbe Aski Nation/Grand Council Treaty 3; Treaty Alliance Northern Ontario	Nishnawbe Aski Nation Deputy Grand Chief Anna Betty Achneepineskum Krystyn Ordyniec (Legal Counsel) Amanda Byrd (Law student)

**IV**

**APPEARANCES**

Ontario Federation of  
Indigenous Friendship Centres

Niki Hashie (Representative)

Pauktuutit, AnânuKatiget  
Tumingit, Saturviit, Ottawa  
Inuit Children's Centre, and  
Manitoba Inuit Association

Beth Symes (Legal Counsel)

Regina Treaty Status Indian  
Services, Inc

Erica Beaudin (Representative)

Saskatchewan Association of  
Chiefs of Police

Katrina Swan (Legal Counsel)

Winnipeg Police Service

Kimberly Carswell  
(Legal Counsel)

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Second Chair: Breen Ouellette, Commission Counsel

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Counsel: Anne McConville for Government of Canada

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

Counsel: Karin Taylor and Brad Patzer for Government of Northwest Territories

**Witness: Naomi Giff-MacKinnon, Senior Policy Analyst, Government of Canada**

Counsel: Anne Turley for Government of Canada

**Witness: Betty Ann Pottruff, Q.C., Senior Advisor, Government of**

Counsel: Barbara Mysko for Government of Saskatchewan

Heard by Chief Commissioner Marion Buller & Commissioners Michèle Audette, Brian Eyolfson & Qajaq Robinson

Grandmothers, Elders & Knowledge-keepers: Minnie Amidlak, Cynthia Cardinal (National Family Advisory Circle - NFAC), Barbara Dumont-Hill (Government of Canada), Spike Norton Eagle Speaker, Louise Haulli, Kathy Louis, Myrna Laplante (NFAC), Gerald Meguinis, Melanie Morrison (NFAC), Bernie Poitras, Sarah Nowrakudluk (NFAC), Gaylene Rain, Audrey Siegl, Laureen "Blu" Waters, John Wesley, Alvine Wolfleg, Charlotte Wolfrey (NFAC), Waasaanese (Government of Ontario)

Blackfoot Drummers: Norvin Eagle Speaker, Craig First Rider, Clarence M. Wolfleg, Faron Cody Back Kettle

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All exhibits submitted by Barbara Mysko, Legal Counsel for  
Government of Saskatchewan.

1 Calgary, Alberta

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

3 --- **OPENING CEREMONIES**

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

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

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

25 We're very honoured to have him today -- I

1 hear he's funny -- to -- to walk us through and to keep us  
2 on track. So I'd like to take this opportunity to introduce  
3 Jason Goodstriker, our MC.

4 (APPLAUSE)

5 MR. JASON GOODSTRIKER: Okay.

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

18 Two things before we start getting into our  
19 program that I just wanted to say, and it's very important  
20 for myself to say it, because ever since my sister Dana (ph)  
21 asked me if I would consider coming out and helping on this,  
22 I just wanted to go back to one of our societies we have  
23 amongst the Blood Tribe. They're called the Buffalo Women.  
24 And amongst the Blackfoot Confederacy here in the -- the  
25 south country, we have this special society. My late aunt,

1       Joyce Goodstriker (ph), was a member of that, my sister is a  
2       current member, and I have many relatives that are part of  
3       this Buffalo Women's Society.

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

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

22              Anyways, I'm going to tell you the truth,  
23      this is truth and reconciliation. I did not know about  
24      homelessness or poverty until I had finished two years,  
25      three years outside of having been the chief. I didn't know

1 about it. It's -- my wife and I had sat together on the  
2 drives that we've taken and things like that, and I've  
3 started to understand it more.

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

16 Here's what's very, very touching to myself  
17 personally and especially my wife. She started this  
18 business 15, 20 years ago. We started showing up names,  
19 posters, pictures on posters. That was one of the original  
20 parts of the Highway of Tears. And in her homeless shelter  
21 in Prince George, she knew some of the original 16 women  
22 that had not -- had not ever shown up again. Something that  
23 she's been helping prep me for, she said, "Don't fool around  
24 there too much, but try and do your best." So I commend --  
25 I was talking with one of our friends just this morning, the

1 camera crew, and we've had a total of 17 coming in on 18  
2 hearings across the country now. Many of you have seen it  
3 online. Many of you have seen it where it's been available  
4 to watch, this inquiry. We'd like to thank you all and wish  
5 you all well. Enjoy Calgary. Stay away from Ranchmen's.  
6 But anyways, we'll tell you about that later on.

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

16 (APPLAUSE)

17 --- OPENING PRAYER

18 **MS. ALVINE EAGLE SPEAKER:** *Aahsikskanaotonna.*  
19 My real name is Soyibiksaki (ph). In our -- our language,  
20 it means "water bird." It's always good to hear my people  
21 call me by my real name, although I seldom respond to Alvine  
22 sometimes. (Speaking in Native language).

23 **MR. SPIKE EAGLE SPEAKER:** Okay. (Speaking in  
24 Native language). My name is a -- my -- that's my real  
25 name. My English name is Spike Eagle Speaker, Norton. I

1 was always taught that -- to respect people that come into  
2 Blackfoot territory. And I just wanted to welcome all of  
3 you to the Blackfoot territory here in Calgary, and to enjoy  
4 your -- what events that you're here for. And to -- like  
5 Jason said, enjoy Calgary. Enjoy the people here. We just  
6 thought it'd be honourable to welcome all of you to our  
7 territory. Thank you. Yeah.

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

11 **(LAUGHTER)**

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

22 **(APPLAUSE)**

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

25 **(LAUGHTER)**



1                   **MR. GERALD MEGUINIS:** I never knew I was rich  
2 'til I got to -- I was divorce.

3                                   **(LAUGHTER)**

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

19                                   I've been doing this for quite awhile and  
20 when it comes to public speaking, I kind of choke up and  
21 just don't know what else to say, just that I'm glad to be  
22 here amongst you guys and I hope I get to know each and  
23 every one of you. So while I'm here, I'll just say a short  
24 prayer for each and every one of you. That we have a good  
25 day, you know, the things that we're going to talk about,

1 we'll get somewhere with it. But we'll all part knowing  
2 that something better that'll help us and what it is that  
3 we're trying to conquer. So with that, I'll say a prayer in  
4 -- in my language. (Speaking in Native language).

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

16 (LAUGHTER)

17 (APPLAUSE)

18 **MR. JASON GOODSTIKER:** Thank you, Gerald.  
19 Unfortunately, Grandma, I have to tell you, I think only  
20 about three Inuit people live in Calgary, but we're happy  
21 for each one of them. Anyways, you're our farthest guest  
22 that came here, from the farthest part of Canada. And I've  
23 been a -- a number of ceremonies and First Ministers  
24 Meeting, and I know how important it is to have the lighting  
25 of the lamp. And so I'm going to ask Louise Haulli to help

1 us out. And we'll just, kind of, have a little bit of a  
2 time while she does this, and she'll explain. So let's give  
3 Louise a round of applause for joining us in Calgary.

4 **(APPLAUSE)**

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

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

22 **--- LIGHTING OF THE QULLIQ**

23 **MS. LOUISE HAULLI:** This light Qulliq, it's  
24 called Qulliq in Inuktituut. It's made from soap stone, 18  
25 in the middle of harsh winter we -- it used to be used to

1 warm up the place, and it's still being used today. And  
2 it's also written in a document, if you can -- if you want  
3 to learn more about the Qulliq, there's some documents,  
4 papers, that you can get. And this is the end. Let's all  
5 have a great day, thank you.

6 **MR. JASON GOODSTRIKER:** Thank you, Louise.  
7 I understand that that's the direction on how your ceremony  
8 goes. Thank you very much, I appreciate that. Okay, so  
9 we're -- thank you again, and we've acknowledged all of the  
10 participants, and if I had a Métis jigging band on the  
11 side, I'd let them dance, but I don't have a band with me.

12 So anyway, I acknowledge the Region 3 of the  
13 Métis Nation, the southern region, my good friend Lawrence  
14 Gervais is the vice president of the Métis people down here  
15 on this side, but I'd like to thank and acknowledge them  
16 for their efforts, if they are in fact involved in this  
17 inquire hearing and all of the like, so thank you.

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

1 Circle.

2 (APPLAUSE)

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

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

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

23 We look forward to a good week together and  
24 hope to be able to connect with some of you throughout our

1 time here.

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

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

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

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

1 regarding different cultural ways of hearing.

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

6 (APPLAUSE)

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

16 Give a round of applause for these Elders.

17 (APPLAUSE)

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

23 I -- just before I pray, I would like to say  
24 I'm very humble to be here on Treaty 7 territory and to be  
25 allowed to pray. You know, yesterday -- I've been very

1 privileged, actually, to have attended a number of these  
2 hearings and what I experienced was the strength and  
3 resilience of the families, what they have gone through, and  
4 how much they -- they still carry on, and I am so proud  
5 today to be an Indigenous person in this country.

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

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

24           It's very important, I think, for all  
25 Canadians to understand what colonization has done, and that



1 we are here today to understand that we've affected seven  
2 generations, but we can -- if we all open our ears, listen  
3 with our minds and our hearts, that the next seven  
4 generations will be better for everyone.

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

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

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

24 I'm grateful for all the ancestors who  
25 created a good path for us all to follow and those seven

1 generations of ancestors that we all have responsibility to  
2 leave a good path for. I'm grateful for all the people who  
3 live their life in the good way who want to create the  
4 change, who are working to create change so we can all do  
5 better.

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

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

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

21 Those of us that have lost family members or  
22 had them gone missing, we don't play one role here. We --  
23 we have many roles, all of us. We are family members who  
24 have lost people, our mothers, our fathers, our  
25 grandparents, our children, and it's extremely hard work.



1 solutions brought forward. And I ask those ancestors to  
2 help us to do this work today, and to take care and bless  
3 each and every one of them that are here, and all of you  
4 that are here. Because, as I say, this work is not easy.  
5 It's not -- it's not a work that we want to be doing, but  
6 it's a work that needs to be done. And as we come together  
7 collectively, we use those gifts that we're each given to  
8 bring forth the -- the answers and the solutions to put to  
9 the end of report that gives life and allows us to make  
10 changes throughout the country, to have no more of our  
11 women, girls, two-spirited trans go missing or be murdered.

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

23 And I'm grateful that we have this beautiful  
24 day on this territory in this space that has such good  
25 energy, this space that welcomes each and every one of us to

1 do the best that we can and to put forth our best effort.

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

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

13 **(LAUGHTER)**

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

16 **(LAUGHTER)**

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

24 So I'd first like to introduce the Chief  
25 Commissioner Buller, and let's acknowledge Chief

1 Commissioner with a round of applause. Welcome to Calgary.

2 (APPLAUSE)

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

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

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

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

21 Thank you all for coming together today to  
22 honour our missing and murdered indigenous women and girls,  
23 the 2S members of the community. As always, we started in  
24 ceremony today. That's to ground us, to focus us in this  
25 important work that we have ahead of us this week.

1           As you know, this National Inquiry is a truly  
2 historic undertaking. Our mandate is sweeping. So far, we  
3 have heard from more than 1,200 people who have lived  
4 through profound tragedy and loss every day. Family members  
5 and survivors who have spoken their truths at community  
6 hearings and statement gatherings across the country. And  
7 we will continue to hear from those voices.

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

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

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

1 the ongoing violence.

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

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

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

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

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

25 **(APPLAUSE)**



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

7                   I'd like to (speaking in Native language).  
8 The Qulliq has been part of the ceremony of the National  
9 Inquiry across this country. In some areas, we're also able  
10 to have a sacred fire outside, and this is really about  
11 shining light, but also doing things in a way that -- that  
12 is warm and welcoming and safe, and that's, for me, the  
13 Qulliq is a big symbol of that, so I'm very grateful that  
14 it's in this space with us this week as well.

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

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

25                   I want to express my gratitude and express

1       how happy I am to see our NFAC members, and thank you for  
2       being here and continuing to guide and teach us.

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

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

25              So I'm looking forward to hearing from the

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

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

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

23 **COMMISSIONER BRIAN EYOLFSON:** Good morning,  
24 *bonjour*. I too am very pleased to be here today, this  
25 morning. As guest here, I'd really like to add my thanks to

1 Treaty 7 peoples and the Metis Nation in Region 3 for  
2 welcoming the National Inquiry to this beautiful territory  
3 this morning.

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

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

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

25 And as was mentioned just two weeks ago, we

1 conducted a hearing in Quebec City. It focused on Human  
2 Rights and Indigenous rights of Indigenous women and girls  
3 and 2SLGBTQ people.

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

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

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

24 So I look forward to working with you all  
25 over the next few days this week. I just want to say thank



1 before they went to their dad and spend a week there. So it  
2 was a broken heart feeling, but also a feeling of fighting  
3 for justice, making sure that we do this right, making sure  
4 that we do it with the right people.

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

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

25 I'm blessed because I speak also French, so I

1 have a grandmother who speaks French in Quebec, *Penelope*,  
2 *alors merci beaucoup Penelope* and a grandmother from BC,  
3 coast to coast. Bonnie, she's somewhere, busy where she is,  
4 but she's here in Canada, thank God.

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

17 And I love what Chief Commissioner said and  
18 my other colleagues about the differences and the reality,  
19 the real world. I'm from the real world in my community,  
20 and we went to a place in Washington a few years ago with  
21 the Native Women Association of Canada where we had to  
22 debate -- explain how Indigenous women are living the  
23 reality. And on the other side we had Canada explaining how  
24 they see that reality, how they want to improve or how they  
25 propose things to change or help and support and so on, but



1 at the end of the day, we felt like from two different  
2 planets. Let's be frank, but everybody was in good faith,  
3 I'm pretty sure. You know, the statistic, sad to say, we  
4 are the champion of those sad statistic. Women are missing  
5 for many, many sad reason. Women are more than just missing  
6 -- disappearing, also, for sad reason. They kill our women  
7 for sad reason.

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

19 We've heard many, many women and men over the  
20 past 20 months. And I agree, that we all, not only the  
21 Inquiry, but all of us: government, Chief, leaders, citizen,  
22 people across Canada, we need to put an end of this. The  
23 whole country needs to put an end on this national tragedy.  
24 Let's not pretend, again, that's -- it doesn't exit in my  
25 yard.

1           Most of all, we have to honour the truth, the  
2           courage, the strength of those families and survivors that  
3           came to us, wasn't easy for them. And I -- I honour that  
4           strength. I honour that beautiful capacity, or anger to  
5           say, "Hear my truth." So with this institutional hearing,  
6           it's going to be important as a mother, as a woman, and  
7           also, Commissioner, to find ways to honour that truth and  
8           that strength.

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

17          And I say it with very, very -- lots of  
18          emotion, we were failed too many times. What -- we were  
19          failed by institutions, by governments, by organizations,  
20          sometimes by our own families. But the families, I have to  
21          say that, services, program, then we go further, government  
22          aren't there to support -- support the families and their  
23          children. So let's not pretend that we do not fail the  
24          people, and the -- the nations across Canada, but we -- we,  
25          the Commissioners, the people in this room, governments,

1 Indigenous people, Canadian, of course, need to put an end  
2 on these systemic causes that women are facing every day.

3 I say in French, *arrêtons de faire*  
4 *l'autruche*. How can I translate -- translate this? I don't  
5 know. I say also in French, *arrêtons d'être témoin pour*  
6 *devenir malheureusement complice d'une tragédie nationale*.  
7 I don't want to be a witness, and then to become slowly a --  
8 accomplice of that national tragedy. I don't want to be an  
9 ostrich. First of all, it's an ugly bird.

10 (LAUGHTER)

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

19 (APPLAUSE)

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

22 (LAUGHTER)

23 **MR. JASON GOODSTRIKER:** When we first met,  
24 she couldn't even speak English. So anyways, she's done  
25 very well for herself. Thank you very much there,

1 Commissioner Audette. I'm going to call on Bernie Poitras  
2 to come and help us out. She has some gifts, and then this  
3 will bring us to our final -- our closing for the opening of  
4 the ceremonies here. And then we'll have a short break. So  
5 just give us about five more minutes.

6 (APPLAUSE)

7 MS. BERNIE WILLIAMS POITRAS: I'd just like  
8 to say *Howa* and good morning, and -- to the people of Treaty  
9 7, and type two Métis three. My name is Guul Kiit Jaad,  
10 also known as Bernie Williams. And my traditional name  
11 means, "Golden Spruce Woman." I come from the Haida Nation  
12 on my grandmother's side. And I'm also Nuu-chah-nulth on my  
13 father's side. I just want to also say *Howa* to the Elders  
14 of this territory. And if there's any Chiefs here, I want  
15 to say *Howa* too. But also, to -- at the spiritual people,  
16 for allowing us to do this work in your beautiful territory.  
17 I've got wonderful memories here in Calgary of a group of  
18 kids that I grew up with in a residential school outside of  
19 Calgary that I had the good fortune of -- is being with them  
20 and I just want to say *Howa* to them, like for -- is  
21 walking with me, you know, in my journey to -- to where I'm  
22 at today.

23 But one of the greatest gifts in my culture,  
24 in the Haida culture, is the gift of copper. And I would  
25 like to -- is ask the Commissioners to assist me. This

1 copper is our platinum. And this is one of the wealthiest  
2 gifts as a up-and-coming hereditary Chief in August of this  
3 year, that I have that good fortune while I'm -- to stand  
4 here, and I'd like to give it to the Commissioners to  
5 present it to these amazing human beings, Spike Eagle  
6 Speaker and his wife, Alvine, to please come up. And I'd  
7 like to invite up Gerald Meguinis too, please, the Elder.  
8 Sure.

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

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

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

25 Anyway, I just want to say to all and to

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

12                 There's been a lot of good that's happened,  
13      but there's been a lot of bad. Our women are still going  
14      missing. We haven't got enough places to bring these dear  
15      women and these children that are on the streets. I just  
16      flew in from Vancouver yesterday, and to know that those  
17      streets that we work on as frontline workers, that nothing  
18      has changed. Our social housing is so down that women are  
19      being forced to go on these dates that they call survival  
20      sex work just so they will have a place to stay. We need  
21      more social housing, we want answers as to the whys. And  
22      the question that I would like to put forth to you, we know  
23      what the problem is, and the question I want to ask, it's  
24      what's working for us? We know what's not working, but as

1 a family member I seek your direction, and we do want  
2 answers because this is far too long.

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

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

18 I'm a woman of very little words and that,  
19 but I really had to say that, you know, this morning, a lot  
20 of our families have waited, waited decades, and I really  
21 want to let you know that we are here for you too if you  
22 need just to go for a walk or go for coffee, take a break.  
23 The grandmothers and I pray, in fact, and the women who are  
24 wearing, like, the purple, this is not an easy job. I







1 (Speaking in Native language), it's an important word  
2 because we use that word for the Queen's people, no matter  
3 what level of government, if you push a mop or if you're a  
4 medium level manager, or if you're involved in some sort of  
5 way with the Queen's people, we said prayers for them. And  
6 the reason why we do that is because we believe so much in  
7 our Treaty, and so we're very, very astute, we're very,  
8 very proud of our Treaty process and who we are, and again,  
9 thank you and welcome to our land, so we sing this song.  
10 This is -- we will call it Prince Harry and Meghan's  
11 wedding song. So --

12 (LAUGHTER)

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

18 --- DRUMMING CEREMONY

19 (APPLAUSE)

20 MR. JASON GOODSTRIKER: I was just opening my  
21 mouth. I wasn't singing.

22 (LAUGHTER)

23 Okay, we're going to have two minutes to just  
24 get -- let me tell you one quick story before we break, and  
25 I wanted to say while the singers were still here, you see,

1 when I was involved at AFN -- you could all have a seat.  
2 When I was involved at AFN, they had a big bunch of money  
3 for a drum group. Anyway, so the drum group didn't show up.  
4 They were invited. But the boys in Ottawa, they take  
5 registration, they work for AFN, they did things. Anyways,  
6 they fooled around with drum -- drum group once in a while.  
7 Here, when the drum group didn't show up, they had to bring  
8 in the boys, and the problem with the boys, they only knew  
9 one song.

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

15 (LAUGHTER)

16 MR. JASON GOODSTRIKER: And then they  
17 thought, "Okay, we're done now." And then suddenly, the --  
18 the chairman looked at them, "Now, the veterans song."

19 (LAUGHTER)

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

24 (APPLAUSE)

25 MR. JASON GOODSTRIKER: Okay. Thank you

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

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

16 **UNIDENTIFIED SPEAKER:** (Indiscernible) the  
17 drummers.

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

21 **(LAUGHTER)**

22 **MR. JASON GOODSTRIKER:** That's what we call a  
23 double dip, so...

24 **(LAUGHTER)**

25 **MR. JASON GOODSTRIKER:** All right. Okay, so

1 you can exit, you can go get a refreshment, come on back.  
2 Five minutes, and we'll try and be prompt. So thank you  
3 again, and thank you, everybody, for the opening ceremony.  
4 --- Upon recessing at 9:48 a.m.

5 --- Upon reconvening at 10:00 a.m.

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

8 **UNIDENTIFIED SPEAKER:** Just the fact.

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

21 **(LAUGHTER)**

22 **MR. JASON GOODSTRIKER:** So if your phone goes  
23 off and you don't know how to turn it off, you owe the room  
24 a chicken dance. That means you've got to dance right on  
25 that. So that's -- anyways, turn your phones off if you

1 could, because it's -- it can be disruptive to our  
2 presenters. So, again, we would appreciate that. I'll  
3 remind us all again after the lunchtime just to make sure  
4 your phones are off.

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

20 And it all extends to eradicating not only  
21 the poverty but the -- the toughness that has come our way  
22 over the last 50, 60 years. Again, the commissioners -- and  
23 it's all being recorded, the commissioners are all here.  
24 They've been doing their best, I would say, ever since it  
25 was brought forward, and so we're very excited that Calgary

1 now has our chance for our opportunity. We're going to get  
2 going here right away, and if you see me stand or take to  
3 the podium again, this is going to be on the direction of  
4 the inquiry itself. I've been told that we haven't had too  
5 much legwork for MCs prior to this, but it's just to try and  
6 help out, bring some order and some attention to the agenda  
7 in terms of hurrying things along.

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

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

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

24 (APPLAUSE)

25 MS. MEREDITH PORTER: Good morning. Good

1 morning, Chief Commissioner and Commissioners. I'm  
2 Meredith Porter, Commission counsel with the National  
3 Inquiry, and I'm sitting here today with the witnesses who  
4 will be called to give evidence with respect to the models  
5 of service deliveries of Victims services in various  
6 jurisdictions, both regionally and nationally.

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

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

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



1 provide information to families.

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

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

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

20 **COMMISSIONER MICHÈLE AUDETTE:** Yes,  
21 certainly.

22 **MS. MEREDITH PORTER:** Thank you. So before  
23 witness counsel for John Phelps begins with his evidence,  
24 I'm going to request that the registrar promise in the

1 witnesses Leanne Gardiner and John Phelps.

2 **MR. REGISTRAR:** Sworn or affirmed?

3 **MS. MEREDITH PORTER:** Affirmed.

4 **MR. REGISTRAR:** Okay.

5 **JOHN PHELPS, Affirmed:**

6 **LEANNE GARDINER, Affirmed:**

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

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

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

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

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

24 **COMMISSIONER MICHÈLE AUDETTE:**

1 Ms. Turley, are you asking that the book be marked as an  
2 exhibit or the documents separately?

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

6 EXAMINATION-IN-CHIEF BY MS. TURLEY:

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

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

13 MS. ANNE TURLEY: And is this your  
14 biography?

15 MR. JOHN PHELPS: It is, yes.

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

18 MR. JOHN PHELPS: I am.

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

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

23 MS. ANNE TURLEY: And right now, you are a  
24 chief federal prosecutor with the Public Prosecution  
25 Service of Canada?

1                   **MR. JOHN PHELPS:** That's correct, yes.

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

4                   **MR. JOHN PHELPS:** Yes.

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

8                   **COMMISSIONER MICHÈLE AUDETTE:** The biography  
9 is Exhibit 1, please.

10                   **MS. ANNE TURLEY:** Thank you.

11 --- **EXHIBIT NO. 1(a):**

12                                   Biographical Sketch - John W. Phelps,  
13                                   (one page)

14 --- **PIÈCE NO. 1(b):**

15                                   « Notice bibliographique (sic) - Me  
16                                   John W. Phelps »

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

20                   **MR. JOHN PHELPS:** For the last six years, I  
21 have been the direct supervisor for the team in the Yukon  
22 territory, and I'm involved in discussions with respect to  
23 the program in the Pan-Northern Basis to develop the  
24 policies and protocols for the team to follow in the  
25 Pan-Northern Basis.

1                   **MS. ANNE TURLEY:** And if I can have you look  
2 at tab 2 of the book of documents?

3                   **MR. JOHN PHELPS:** Yes, I have that.

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

7                   **MR. JOHN PHELPS:** Yes.

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

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

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

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

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

20                  **MR. JOHN PHELPS:** Yes, I am.

21                  **MS. ANNE TURLEY:** Chief Commissioner, I  
22 would ask that this document, the Overview of the Public  
23 Prosecution Service of Canada's Crown Witness Coordinator  
24 Program, be admitted as the next exhibit to Mr. Phelps's  
25 testimony.

1                   **COMMISSIONER MICHÈLE AUDETTE:** Yes, just  
2 before we go any further, I'm assuming that these documents  
3 are going in by consent; is that correct?

4                   **UNIDENTIFIED SPEAKER:** Yes.

5                   **UNIDENTIFIED SPEAKER:** Yes.

6                   **COMMISSIONER MICHÈLE AUDETTE:** Exhibit 2,  
7 please, is the Overview of the Public Prosecution of  
8 Canada's Crown Witness Coordinator Program.

9                   **MS. ANNE TURLEY:** Thank you.

10                   **--- EXHIBIT NO. 2:**

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

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

21                   **MR. JOHN PHELPS:** The PPSC is a federal  
22 prosecution service. Unlike in the provinces, in the  
23 territories we have the responsibility for the prosecution  
24 of all *Criminal Code* offences, so our responsibility is  
25 that of our southern counterparts for the responsibility

1 over all federal legislation, and in the north the addition  
2 of *Criminal Code* prosecutions.

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

5 **MR. JOHN PHELPS:** It's been in place since  
6 prior to my joining the department. It was put in place in  
7 1991 to address the disconnect that existed at that time  
8 between the prosecution service and the victims of crime,  
9 in particular a recognition that there was a significant  
10 disconnect between the prosecution service and Indigenous  
11 victims across the north.

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

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

23 **MS. ANNE TURLEY:** And when you talk about  
24 victims of crimes, is a Crown Witness Coordinator assigned  
25 to all cases where there are victims of crime?

1           **MR. JOHN PHELPS:** Yes, they are. When a file  
2 is received within our various offices, right away, or  
3 within the first week of its existence in the office, the  
4 practice is to assign the file to a Crown Witness  
5 Coordinator. And the Crown Witness Coordinator, who is  
6 assigned the file, is responsible for the conduct of that  
7 file throughout its duration in the office.

8           **MS. ANNE TURLEY:** And when you say,  
9 "Throughout its duration in the office," that is from the  
10 beginning until when?

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

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

21           **MR. JOHN PHELPS:** When we receive the file  
22 from the RCMP and there's been the first appearance in  
23 court, the expectation is that there's contact information  
24 within the file for the victim provided by the RCMP. And  
25 the majority of cases, I would say, there would be at least



1 a telephone number where we can receipt -- where we can  
2 get into contact with a victim, and they would make a  
3 contact by telephone. If there is not a telephone number  
4 for the victim, then are various approaches that they may  
5 take to try and track down a victim, including contacting  
6 friends and family, or using the services of the RCMP, or  
7 other agencies that may be attached to the particular  
8 victim.

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

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

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

18 **MR. JOHN PHELPS:** Generally speaking, by the  
19 time the file gets to our office, the -- the victim family  
20 has been identified by the RCMP. Our Crown Witness  
21 Coordinator would contact those individuals that have been  
22 communicating with the RCMP, and develop a rapport, and  
23 commence the dialogue under the CVBR, the Canadian Victim  
24 Bill of Rights, with those members. Ideally, having them  
25 identify an individual within the family who can be our

1 primary point of contact. If -- if the family is split,  
2 either geography -- by geography or due to ill will within  
3 the family, for example, or just simply a disconnect within  
4 the family, then we're -- we often will have more than one  
5 contact with -- in -- individual within a family.

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

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

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

14 **MR. JOHN PHELPS:** That's their right. So  
15 once we've made first contact with the victim, and if  
16 they'll hear us out and allow us to provide them with  
17 information about who we are and their rights under the  
18 Canadian Victim Bill of Rights, and at that point if -- if  
19 they don't want to have any contact with us, if they don't  
20 wish to receive any updated information, then that's their  
21 right, and we would respect that right. The exception  
22 being, if a matter was to be set for trial. If a matter is  
23 set for trial, then we would re-engage with the victim  
24 because they would ultimately be subpoenaed for the trial,  
25 and perhaps they would want our services at that point in

1 time.

2 **MS. ANNE TURLEY:** I'm going to turn now to  
3 page 2 of the exhibit to the overview of the program, just  
4 so that we can address some of the roles, particular roles,  
5 of the Crown Witness Coordinators. You spoke about  
6 initiating contact with the victims, or the witnesses. If  
7 we can go through some of these roles that are set here.  
8 Under the second bullet, it talks about providing  
9 information on the roles of the prosecutor and the Crown  
10 Witness Coordinator. Can you elaborate on that?

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

22 When we talk about the Crown Witness  
23 Coordinator advising of the role of the prosecutor, the  
24 Crown Witness Coordinator is part of the prosecution team.  
25 It's important that the victim that's having contact with

1 us, understand that -- understand that we have a  
2 responsibility to disclose information to an accused that we  
3 may receive from a victim, and that includes information  
4 that we might receive through our Crown Witness Coordinator  
5 Program. It's also important for a victim to understand  
6 that we are not lawyers for a victim. We are impartial to  
7 the system, and it's our responsibility to put all  
8 information before the court, whether or not it's beneficial  
9 to our particular case. And the Crown Witness Coordinator  
10 covers that off with the victims, so that they have an  
11 understanding of our role, and their role, and the link  
12 between the two.

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

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

25 If an individual wishes to follow through

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

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

17 **MR. JOHN PHELPS:** Yes. Throughout that  
18 initial contact, the Crown Witness Coordinator assesses a  
19 number of factors with respect to a victim and the victim's  
20 needs. But we do not provide any form of a counselling or  
21 significant support service for victims who have needs  
22 beyond the information, and beyond what we're able to  
23 provide during a trial process. So our practice is to make  
24 referrals to other agencies within the community. Those  
25 agencies may be First Nation based, they may be territorial

1 based. For example, in the Yukon Territory, there's a very  
2 well-resourced victim services program. They may be  
3 referred to non-government organizations as well, and mental  
4 health services, counselling services, that type  
5 of things.

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

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

23 We also do a court orientation with each  
24 victim. We explain the role of a prosecutor, the type of  
25 questions that a prosecutor may be asking in court, the role

1 of the defence lawyer, the difference between the  
2 prosecutor's questions and the defence lawyer's questions,  
3 and I'll explain the role of a judge and a jury in the case  
4 of a jury, and explain to a victim both that role and the  
5 fact that the victim may be questioned by a judge as well,  
6 so that they can expect that to take place. And they  
7 discuss the physical layout of the court as well.

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

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

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

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

1 outcome is known

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

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

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

24 **MS. ANNE TURLEY:** And I'm just going to go  
25 back one minute to when we discussed trials. With respect



1 to homicides or other cases where there may be graphic or  
2 sensitive information, what role does a Crown Witness  
3 Coordinator play with respect to giving any advice to a  
4 victim or a witness?

5 **MR. JOHN PHELPS:** Our Crown Witness  
6 Coordinator program is part of our prosecution team.  
7 They're -- they're housed with the prosecutors in the same  
8 -- in the same office, and there's an ongoing relationship  
9 on files, particularly on homicide and sexual offences.  
10 With that ongoing relationship, there's an understanding of  
11 what's going to unfold in court, and a sharing of that  
12 information and the Crown Witness Coordinator will advise  
13 the victim of the fact that there may be some graphic  
14 information that's presented in court. It's deemed to have  
15 been necessary by -- by the prosecutor, so how do they want  
16 to deal with the fact that there's this graphic information  
17 that's going to be presented before the Court. Do they want  
18 to be present for it? If so, will they have the appropriate  
19 supports in place? Even with the appropriate supports in  
20 place, making sure they understand that they don't have to  
21 remain in the courtroom should they be overwhelmed by the --  
22 the presence of that evidence. How to deal with that, and  
23 the knowledge that in addition to their own supports, that  
24 the Crown Witness Coordinator will also be there to support  
25 them.

1           We have, at times, had victims attend via  
2           CCTV in order to avoid being present during the presentation  
3           of graphic material. We've had situations where we'd simply  
4           made arrangements to advise the judge that we're about to  
5           get into an area that includes graphic information for the  
6           benefit of the victim or the victim family, so that they can  
7           make their decision and take steps to enact the -- the  
8           process that had agreed to with the Crown Witness  
9           Coordinator, be it leaving the courtroom, moving to another  
10          room for hearing in a different fashion, or at least, you  
11          know, prepared for what's coming next.

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

17                   **MR. JOHN PHELPS:** The choice of the  
18          testimonial aid really depends on the nature of the victim's  
19          concerns balancing, getting the best evidence before the  
20          Court with the wishes of the victim and concerns of the  
21          victim we will often make arrangements that are relatively  
22          simplified in that we will have a support person, be it a  
23          Crown Witness Coordinator or a support person for the victim  
24          sitting within eye contact of the victim at all times, so  
25          that they have the comfort of that individual in the

1 courtroom. We can make arrangements to have somebody sit  
2 next to a victim to provide them with more immediate  
3 support, proximity support to the individual and have that  
4 comfort of their support person with them. We can arrange  
5 to have a screen put in place, which is provided through the  
6 Court Services, Department of the Territorial Government.  
7 The screen is a device that would sit on the witness stand  
8 and block the view between the witness and the accused  
9 individual, so that they don't have to see that individual  
10 when they're testifying in court, but the judge has the  
11 opportunity to see the witness, as do counsel. And where  
12 it's available, CCTV, so that they can actually testify from  
13 a separate location in court so that they don't have to be  
14 in the courtroom at all.

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

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

23 **MR. JOHN PHELPS:** A closed circuit  
24 television. So they would be testifying on a TV screen  
25 within the courtroom and responding audio through the TV

1 process -- system.

2 **MS. ANNE TURLEY:** Thank you. You have  
3 referred to the Canadian Victim's Bill of Rights, and when  
4 was this, to your knowledge, enacted?

5 **MR. JOHN PHELPS:** In 2015.

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

8 **MR. PHELPS:** Essentially to codify in  
9 bringing to law the -- the rights of victims across Canada.  
10 In some jurisdictions, there were regional pieces of  
11 legislation, given victim's rights, but this was the first  
12 National legislation enshrining the rights of victims across  
13 Canada.

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

18 **MR. JOHN PHELPS:** It did. As it was being  
19 developed in anticipation of the passing of the legislation  
20 and after the passing of the legislation, a lot of work was  
21 done within the PPSC to see whether or not the program that  
22 we had in place was compliant with the requirements of the  
23 CVBR. We went through a relatively in-depth analysis of our  
24 services and compared them to the CVBR, and generally, what  
25 we found was that our service was quite consistent at that

1 point in time with the requirements of the CVBR. Our  
2 practice had already been to make early contact, to provide  
3 information, and to provide support throughout the process.

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

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

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

1 wishes of the victim.

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

4 MR. JOHN PHELPS: Yes.

5 MS. ANNE TURLEY: And this is a document  
6 entitled "CVBR Common Checklist."

7 MR. JOHN PHELPS: Yes.

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

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

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

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

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

21 MR. JOHN PHELPS: This is completed by the  
22 Crown Witness Coordinator, typically during the dialogue  
23 that they have with the victim, so it can be used as a  
24 guideline to ensure that they're covering off all of the  
25 necessary information that they should be providing to a

1 victim, and also, at the same time, they can be filling it  
2 out. They can fill it out manually or they can fill it out  
3 electronically. Either way, whether it's done manually or  
4 electronically, it is intended to be printed off and  
5 attached to the physical file that goes to court.

6 **MS. ANNE TURLEY:** Chief Commissioner, I'd ask  
7 that this document entitled "CVBR Common Checklist" be  
8 admitted as the next exhibit to Mr. Phelps's testimony.

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

11 **--- EXHIBIT NO. 3:**

12 Canadian Victims Bill of Rights (CVBR)  
13 Common Checklist, (two pages)

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

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

25 **CHIEF COMMISSIONER MARION BULLER:** Excuse me,

1 Ms. Turley. Just for our record, Exhibit 3 will be both the  
2 French and English version together. Thank you.

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

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

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

12 **MR. JOHN PHELPS:** Not under the formal  
13 policy, no. From time to time, it's not uncommon for a  
14 victim to be upset with respect to the outcome of a  
15 proceeding and for that information to be relayed to a Crown  
16 Witness Coordinator. Our first response to that would be to  
17 have a prosecutor meet with -- with the victim and explain  
18 the outcome and have a dialogue with the victim or the  
19 victim family. In the case where the concern is with  
20 respect to the conduct of the prosecutor, perhaps, or the  
21 communication style of a prosecutor, then it's -- that  
22 complaint would come either to myself or the General  
23 Counsel, Legal Operations, who is responsible for the  
24 supervision of the prosecutors within our office, and we  
25 would necessarily meet with the victim or the victim family



1 to have a discussion and to try and provide the  
2 clarification and -- and ensure that there's an  
3 understanding of what occurred.

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

6 **MR. JOHN PHELPS:** Yes.

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

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

13 **MS. ANNE TURLEY:** And it --

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

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

19 **MR. JOHN PHELPS:** It is, yes. It's available  
20 on our website.

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

24 **MR. JOHN PHELPS:** Yes, it does.

25 **MS. ANNE TURLEY:** And with respect to the

1 Canadian Victims Bill of Rights, is this dealt with in this  
2 chapter as well?

3 **MR. JOHN PHELPS:** Yes. The chapter was  
4 rewritten after the passing of the Canadian Victim [sic]  
5 Bill of Rights.

6 **MS. ANNE TURLEY:** Chief Commissioner, I would  
7 ask that chapter 5.6, "Victims of Crime," of the Public  
8 Prosecution Service of Canada's desk book, dated January  
9 15th, 2017, be admitted as the next exhibit to Mr. Phelps's  
10 testimony.

11 **CHIEF COMMISSIONER MARION BULLER:** Exhibit 4,  
12 please.

13 --- **EXHIBIT NO. 4:**

14 Public Prosecution of Service Canada  
15 Deskbook Chapter 5.6, "Victims of  
16 Crime," (January 15, 2017), Directive of  
17 the Attorney General Issued Under  
18 Section 10(2) of the Director of Public  
19 Prosecutions Act, (nine pages)

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

25 **MR. JOHN PHELPS:** Currently, the program has

1 21 employees. There's one coordinator, program coordinator,  
2 that's currently housed in the Northwest Territories,  
3 previously had been housed in the Yukon Territory. That  
4 individual is responsible for the development of the  
5 policies and common practices of the Crown Witness  
6 Coordinator team and to coordinate training for each of the  
7 -- the teams across the North. Within each region, the  
8 numbers vary. In Nunavut, there are currently eight  
9 positions, in the Northwest Territories, there are seven  
10 positions, and in the Yukon Territory, there are five  
11 positions. And within those positions regionally, there are  
12 frontline workers as well as one supervisor, a team  
13 supervisor, whose responsibility is to ensure compliance by  
14 the team with respect to our guidelines and policies and to  
15 performance manage the team. Those supervisors are both  
16 supervisors and frontline workers, so they carry a caseload  
17 as well.

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

21 **MR. JOHN PHELPS:** Again, it varies from  
22 territory to territory. In Nunavut I believe there are 23  
23 communities that are serviced by the program. In the NWT,  
24 there are 20 communities, and in the Yukon territory, there  
25 are 14.

1                   **MS. ANNE TURLEY:** And how many of these  
2 communities would be fly-in communities?

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

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

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

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

25                  **MR. JOHN PHELPS:** Across the north, in

1 Nunavut all of them are. There's a requirement in Nunavut  
2 to speak Inuktitut, and each of the employees does speak  
3 one of the variations of the language. In the NWT  
4 currently there is one, and in the Yukon currently there is  
5 one. I'm speaking of self identified individuals.

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

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

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

23 **MS. ANNE TURLEY:** Typically how many people  
24 would you have applying when you recruit for these  
25 positions?

1           **MR. JOHN PHELPS:** It's not a significant  
2 number. With any position that we post in the northern  
3 territories, we have difficulty with getting people to  
4 apply on the processes. It can be as few as a handful for  
5 any time that we post a position. It really doesn't matter  
6 what the position is within the office, we just have a  
7 difficult time recruiting.

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

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

19           We have quite a high turnover -- what I  
20 consider to be a high turnover -- in the Yukon because we  
21 always have one or two individuals moving on every -- every  
22 year or two, so it's consistent that people move on to  
23 other opportunities. We've had them move into the social  
24 work field, we've had individuals move into the RCMP. In  
25 Nunavut, recently a couple of the Crown Witness

1 Coordinators moved on to the -- and are supported by the  
2 PPSC, moving into the law school program that's available  
3 in that jurisdiction.

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

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

13 **MR. JOHN PHELPS:** Yes, the -- there's a  
14 variety of training that occurs for Crown Witness  
15 Coordinators. There's required cultural awareness  
16 training, depending on the jurisdiction it can take  
17 different -- different forms, be it in-person training or  
18 modular training online. For example, in the Yukon  
19 territory, the Northern Institute of Social Justice, in  
20 partnership with the Council of Yukon First Nations,  
21 developed a -- what they entitled a First Nations 101  
22 program that's available both in person, it's about a  
23 two-day program, or it's available in an online modular  
24 format that can be done by way of self-study, and that's  
25 the mandatory program for all of our employees within PPSC

1 within the Yukon regional office, including the Crown  
2 Witness Coordinators. There's a formal program that's  
3 available in Nunavut as well, and in the NWT they take  
4 advantage of other offerings that will be provided  
5 regionally for their employees.

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

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

23 That, if I didn't say it already, is about a  
24 three-month process typically, for the integration into the  
25 program.



1           **MS. ANNE TURLEY:** Now, you spoke about the  
2 fact that the Crown Witness Coordinators work in the same  
3 office as the prosecutors?

4           **MR. JOHN PHELPS:** That's correct.

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

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

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

25           **MR. JOHN PHELPS:** That depends on the nature

1 of the file. For serious files within our service, such as  
2 a homicide or a sexual assault, all of those files would be  
3 assigned to a prosecutor as soon as they come into our  
4 office, and the prosecutor would have responsibility for  
5 that file throughout its process through the court. For  
6 less serious offences, property crimes, perhaps simple  
7 assaults that aren't spousal in nature, and those kinds of  
8 offences. A Crown who would not necessarily be assigned, so  
9 they would be relying on that information being passed on  
10 the checklist to the file so that they have the information  
11 before the Court. Those files would not be specially  
12 assigned or assigned to a particular prosecutor until and  
13 unless they're set for trial. So they -- they would go  
14 through multiple prosecutors in the process.

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

19 **MR. JOHN PHELPS:** The standard practice for  
20 -- for most files would be one Crown Witness Coordinator  
21 attached to a file for the lifetime of the file. Crown  
22 Witness Coordinators are also attached to circuits. In the  
23 Yukon region, for example, we try to keep them attached to a  
24 circuit for a minimum of a two-year period, so that they --  
25 there's continuity with respect to files on circuit, and

1 then would have responsibility for all of those files.

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

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

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

21 **MR. JOHN PHELPS:** I think so. I think that  
22 our Indigenous representation, for example, that I've  
23 already gone through is low given the victimology that we  
24 deal with in the territories. Of course, the exception  
25 being Nunavut. We also have a significant difficulty at

1 times contacting victims, either we don't have adequate  
2 information coming from the investigative agency or because  
3 of the lapse in time, victims have moved on and if we could  
4 improve our ability to contact victims because our mandate  
5 is to contact them early on in the process, I believe that  
6 we would have a better service over all.

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

11 **MR. JOHN PHELPS:** I would. I think that it's  
12 a critical program for a prosecution service to have, and we  
13 carry, in each three territories, a very high caseload as  
14 prosecutors. We deal with a significant percentage of  
15 violent and sexualized violent crime within the territories  
16 compared to the National averages. Our prosecutors are  
17 extremely busy, and without this service, in the vast  
18 majority of cases I would suggest that there would be  
19 insufficient or no communication with victims given the  
20 passage of time that occurs between the charging and the  
21 receipt of the file in our office and the difficult time  
22 that our Crown Witness Coordinators go through to make  
23 contact. It would be significantly less if there wasn't the  
24 program in place, so I consider it to be a huge success, a  
25 very important part of the prosecution team and something

1 that while they could improve upon, is beneficial to the  
2 victims within each territory.

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

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

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

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

21 **LEANNE GARDINER, Previously Affirmed:**

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

23 **MS. KARIN TAYLOR:** So, Ms. Gardiner, we've  
24 already heard your position is the Director of Community  
25 Justice and Policing Division, Department of Justice,

1 Government of the Northwest Territories. Could you tell us  
2 how long you've been in that role?

3 **MS. LEANNE GARDINER:** I've been in the role  
4 since September 2016.

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

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

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

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

17 **MS. LEANNE GARDINER:** I've been with the  
18 Department of Justice, Government of the Northwest  
19 Territories since 2004, when I joined Corporate Services as  
20 an intern. In 2012 I left the department on an education  
21 leave for a couple years. My position at the time was  
22 Assistant Director of Corporate Services. I came back to  
23 that position after completing a degree in business  
24 administration and was fortunate enough to get an  
25 opportunity in 2016, to move over into the program area of

1 the department, into Community Justice and Policing, which  
2 was -- was one that I greatly looked forward to, to taking  
3 -- taking that step.

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

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

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

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

21 **MS. LEANNE GARDINER:** That's right.

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

1 just as a way of background.

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

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

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

19 **MS. LEANNE GARDINER:** The model in the  
20 Northwest Territories is a community-based model, so victim  
21 services are delivered by community organizations,  
22 Indigenous governments, hamlet councils, rather than some  
23 models that rely on public servants. So funding is  
24 providing from my division to those organizations to provide  
25 the service funding and support, sorry.



1                   **MS. KARIN TAYLOR:** Can you speak a little bit  
2 about what types of needs your victim services providers  
3 meet?

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

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

22                   **MS. LEANNE GARDINER:** Right now, we have  
23 eleven victim services providers under agreement with -- or  
24 funded to eight community organizations, so eight  
25 communities with eleven providers.

1                   **MS. KARIN TAYLOR:** Just to go back to your  
2 division and your staff, I'd like to know what staff in your  
3 division are responsible for this area, and if you could  
4 talk about them and their roles?

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

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

19                   The next position is the Coordinator of  
20 Victim Services. And this position really does have the  
21 day-to-day responsibility of supporting victim -- local  
22 victim services providers. The position speaks with all of  
23 those providers on a weekly basis, I would say. And that  
24 support can range from practical support, walking through  
25 situations that a provider may not have experienced before,

1 to assisting with some of the relationships, and as well as  
2 they're responsible for supporting the Victim Assistance  
3 Committee, which is established through the *Victims of Crime*  
4 Act in the Northwest Territories. And then the  
5 third --

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

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

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

16 **MS. LEANNE GARDINER:** It -- this is a  
17 federally funded position and was a result of the CVR  
18 -- CVBR, sorry, coming into force in 2015. Their  
19 responsibility is really to ensure the implementation of  
20 CVBR in the Northwest Territories. And that -- that ranges  
21 from providing public education, training, outreach to  
22 stakeholders across the territory, those stakeholders  
23 include police. RCMP, is the police service in the  
24 Northwest Territories. They do outreach and training with  
25 those individuals, they provide that to shelter workers, to

1 victim services providers, and any other stakeholders that  
2 may benefit from understanding the fundamental rights of  
3 victims in Canada. They're also responsible for making sure  
4 that testimonial aids, such as witness screens and other  
5 aids are available for victims to use during the court  
6 process.

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

14 **MS. LEANNE GARDINER:** *The Victims of Crime*  
15 *Act*, establishes a ministerial appointed Victims Assistance  
16 Committee. So it's a committee of three members, appointed  
17 by the Minister, responsible for the administration and the  
18 disbursements out of the Victims Assistance Fund. So that's  
19 a fund that surcharges for adults who are ordered to pay  
20 fines in the Northwest Territories, either federal or  
21 territorial fines. Those fines, or the victim surcharge  
22 portion of the fines go into a fund and this committee  
23 receives proposals, reviews proposals from community  
24 organizations, and decides on disbursements. Those  
25 disbursements are to be used for public education on

1 victims' issues, training opportunities for key  
2 stakeholders, and in general, victims' issues.

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

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

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

21 Some of the other programs that have been  
22 funded through there include youth and Elder opportunities  
23 for connection in communities. One that has been funded the  
24 -- the last four years, actually including this year, is the  
25 homicide -- Secondary Victims of Homicide Travel Assistance

1 Fund. So as we heard in previous testimony, the court in  
2 Northwest Territories travels to communities. This  
3 sometimes does not -- depending on what the court requires  
4 for matters to proceed, sometimes families, if they want to  
5 participate in the trial of an individual accused in the  
6 homicide of their loved one, they have to travel to do that.  
7 And travel can be quite expensive, so this fund is run by  
8 one of our community organizations. It's administered and  
9 allows for family members to come and participate in that  
10 process.

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

14 **MS. LEANNE GARDINER:** The Victims of Crime  
15 Emergency Fund is a fund that my division is responsible  
16 for. It addresses the immediate financial needs of victims  
17 of serious violent crimes. So -- and by serious violent  
18 crime, we would refer to assaults, sex assault, and any  
19 other serious violent crimes where victims have been  
20 impacted. Typical expenses that we cover out of that fund  
21 are really the immediate safety needs of an individual. So  
22 sometimes that includes repairs to doors and windows to make  
23 sure that someone's home can be made safe. The occasional,  
24 or medical reimbursement, such as purchasing eye glasses,  
25 crime scene clean up at times, whatever -- and quite often,

1 actually, safety phones are what the fund ultimately funds  
2 for people, so that they're able to have that -- that surety  
3 that they can reach someone if they're in need.

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

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

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

23 **MS. KARIN TAYLOR:** You spoke about one of  
24 your staff members, a victim services coordinator, you  
25 spoke briefly about some training that was part of their

1 job in terms of delivering training, and I wondered if you  
2 could speak about GNWT's role in providing training for  
3 victim services providers in communities?

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

12 Sometimes that's not how it works out, of  
13 course, and the coordinator would then provide various  
14 materials and support typically over the phone initially to  
15 a new victim services provider, just with kind of general  
16 expectations. Some -- some of that around our contribution  
17 agreement that we have, but really just about expectations  
18 for the best way to reach out and make the relationships or  
19 the connections in the community to best support victims,  
20 and then also in connecting providers to other local  
21 service providers. There's a strong network of people  
22 doing this work in the territory, and even though they are  
23 technically employees of various organizations,  
24 they're -- it's a strong network of support among them, so  
25 they contribute to that mentorship and training as well.



1           And then I referred to an annual training  
2           event that happens, and sometimes we're in -- because we're  
3           sort of -- justice is also in my division, and many of  
4           those folks work together at a community level, we are in a  
5           good position to provide training opportunities where we  
6           bring everyone in together for common -- common topics that  
7           would be helpful to everyone.

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

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

25                **MS. KARIN TAYLOR:** I'd like to move to the

1 actual service delivered in communities, and I'm wondering,  
2 can you tell us how that service is delivered and what  
3 exactly victim services providers offer?

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

16 Main services provided to victims -- despite  
17 all the different organizations providing the service, the  
18 main services being provided are pretty consistent across  
19 the territory, and that's -- I referred to before,  
20 immediate emotional support, accompaniment to other  
21 services, such as health centres, RCMP, the Crown's office.  
22 They also provide practical assistance and referrals to  
23 things like housing programs and income assistance.  
24 Really, when I say person centered, that -- that really is  
25 what's happening.

1           People present with needs that are sometimes  
2 linked to the crime that has occurred, and sometimes  
3 they're just part of what that individual needs  
4 support-wise at that moment, and that's what those victim  
5 services providers give.

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

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

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

19           **COMMISSIONER MICHÈLE AUDETTE:** For our  
20 records, it's Memorandum of Understanding between  
21 RCMP -- RCMP "G" Division and Government -- yeah,  
22 Government of the Northwest Territories Department of  
23 Justice on Behalf of Victim services Programs of the  
24 Northwest Territories.

25           **MS. KARIN TAYLOR:** That's right, and we're

1 seeking to enter that as an exhibit.

2 **COMMISSIONER MICHÈLE AUDETTE:** That's  
3 Exhibit 5.

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

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

6 Memorandum of Understanding Between  
7 Royal Canadian Mounted Police "G"  
8 Division and Government of the  
9 Northwest Territories on behalf of  
10 Victim Services Programs of the  
11 Northwest Territories, signature date  
12 2018-10-03, (four pages)

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

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

25 So what I -- I would have seen this as

1 a -- or I see this as a way to formalize something that is  
2 happening and should be happening, and this allows that  
3 formalization to not depend on individuals that are  
4 involved, of course. And given the nature of people moving  
5 in and out of the positions, the MOU is a good tool for  
6 that.

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

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

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

23 **MS. LEANNE GARDINER:** The eight programs are  
24 in Fort Smith, Fort Simpson, Fort Good Hope, Tulita,  
25 Behchokò, and Yellowknife, Kátł'odeeche, and Inuvik. There

1 are two providers in each Kátł'odeeche, which is Hay River  
2 Reserve, Inuvik, and Yellowknife, and those additional  
3 providers are intended to dedicate themselves to outreach to  
4 surrounding communities, although all of those service  
5 providers provide service to other communities.

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

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

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

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

1 would -- being informed by culture, by remoteness, by  
2 dynamics in the community.

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

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

25 **MS. KARIN TAYLOR:** Do victim services

1 providers help with things such as safety planning?

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

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

19 **MS. LEANNE GARDINER:** Victim services  
20 providers are -- I think they get creative with -- with  
21 their clients when it comes to -- to that planning. There's  
22 -- they're aware of the programs available through various  
23 service providers because, I think, as we know, some of  
24 those services come from different -- different -- either  
25 areas of government or -- or non-government organizations.



1 They're experts in their communities about how to get things  
2 done in a variety of ways, including with safety planning,  
3 so they get creative in -- in that. They know their  
4 communities best and they know how to -- how to best access  
5 resources available.

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

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

16 And in my office, we have two main  
17 responsibilities when it comes to that *Act*. One is outreach  
18 and education, training for shelter workers, victim services  
19 providers, RCMP, any stakeholders that need to know, need to  
20 understand that *Act*, need to understand how victims might be  
21 able to use tools available through that *Act* to help in  
22 their safety. And we also have a contribution agreement  
23 with a non-government organization to act as a 24-hour  
24 access, or to provide 24-hour access to the ability to apply  
25 for an order. They're immediate orders that can -- a

1 Justice of the Peace can hear a hearing over the phone.

2 MS. KARIN TAYLOR: So what's the role of the  
3 designate there?

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

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

15 MS. LEANNE GARDINER: I -- I think it's a  
16 similar role when it comes to orientation. Some people --  
17 many people have never come into contact with the formal  
18 court process before, and it can -- that just can -- it does  
19 -- it is a difficult process to be involved in, and I think  
20 as much information as people can give, and that's about  
21 what's going to happen, can help ease someone's experience  
22 there. So our victim services providers provide that right  
23 from the very beginning of their connection and their  
24 building a -- a relationship of trust with someone from the  
25 beginning of their connection to the victim.

1           So they provide that. They also, more  
2 formally, provide assistance with completing victim impact  
3 statements. That's something that they've been doing for  
4 -- it predates when the CVBR was enforced. They assist  
5 victims to complete that process if they wish to have to  
6 submit it to the Court. And it's -- it can be a complicated  
7 process for victims because the Court, of course, requires  
8 that statement to only refer to the matter before the Court,  
9 and people -- people don't necessarily show up with all of  
10 those -- those kind of walls around that one incident. So  
11 it takes some works sometimes, to talk through that and to  
12 really allow a victim to get forward their experience and  
13 how they've been impacted by that crime.

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

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

25           We -- we do our best to support -- support

1       them in that way as well through compassion fatigue  
2       training, wherever we can in support in that, as well as  
3       some other more formal -- more formal supports. The reality  
4       is, is that there -- you know, they have a compounding  
5       impact from their experiences with people in their own  
6       communities as well.

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

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

20                   Other -- in other smaller communities the  
21       victim services providers will ultimately be on call, and  
22       that can -- they have varying levels of frequency that that  
23       would happen, that they're called out, but they have those  
24       relationships with RCMP and with other service providers in  
25       the community and -- and establish what the process is per

1 community.

2 **MS. KARIN TAYLOR:** Challenges. What are some  
3 of the challenges and gaps you see with how the program is  
4 delivered in your jurisdiction?

5 **MS. LEANNE GARDINER:** I think one of the most  
6 impactful challenges is around building relationships,  
7 having relationships based on trust. And the service  
8 provision to victims is best delivered when all of the  
9 stakeholders are communicating well, and especially given  
10 the small community, the reality that we have in our  
11 community one -- maybe one victim services provider and two  
12 or three RCMP officers, whenever there's any turnover in any  
13 of those positions, that impacts that relationship. And  
14 depending on the individuals involved, it can have a  
15 significant impact or it can -- or it can be mitigated, but  
16 everybody shows up to that table with a different set of  
17 experiences, different relationship. Previously with either  
18 victim services or RCMP, there -- sometimes RCMP come from  
19 other jurisdictions that have different models. It's -- at  
20 some points it has to start from scratch. So -- and  
21 informal documentation is good for no need to refer to when  
22 I want to remind all of us what we should be doing to  
23 support people, but the reality is, is that that has to  
24 happen at a relationship level, and any disruption can --  
25 can impact that service.

1 I think that people do a really good job,  
2 whether it some police in our communities or the victim  
3 services providers in reaching out and making those  
4 relationships work, but there's varying -- I mean, it will  
5 vary based on the individuals involved in the communities.

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

10 **MS. LEANNE GARDINER:** The reality is, is that  
11 we don't -- we don't have victim services providers in every  
12 single community in person ready to support someone. And  
13 crime and victimization happens in every single community.

14 I think that there -- the providers in our  
15 program have supported the development of some -- some  
16 approaches to that when it comes to using phone and other  
17 technology. As -- as northerners are apt to do, we --  
18 they're -- you adjust to the -- to the circumstances and the  
19 context that you're in, but that can absolutely impact the  
20 ability to respond in a -- in a timely fashion.

21 We have people in, you know, the places that  
22 have the most activity, but it can be a challenge to -- to  
23 meet that need on occasion, and every time something  
24 happens, where we find that it didn't go as well as we'd  
25 hoped, whether that's "we" being my division or our partners

1 in communities, there's an effort to take that apart and see  
2 where we might have been able to do better, and we continue  
3 to -- to look for ways to improve it, but it's absolutely a  
4 challenge.

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

17 So those can sometimes be challenging  
18 dynamics, and -- and we can -- we assist and -- and the  
19 program works well in terms of if there's, you know, obvious  
20 -- obvious conflicts that need to be addressed, a service  
21 provider from another community will -- will provide that  
22 service, and that's whether a victim indicates there is a  
23 conflict or a service provider or anyone else. It's about  
24 providing that person's centre of service. But I think that  
25 it -- just like many caring professions, it weighs on -- on

1 people, but I think this context magnifies that.

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

7 **MS. LEANNE GARDINER:** So historically or in  
8 recent years, telephone has been the, kind of, technology to  
9 depend on to provide that service. If -- if we're not able,  
10 if someone's not able to be there in person, there are some  
11 challenges as far as internet service, so we're certainly  
12 looking. We've been looking, we continue to look at some of  
13 those other solutions whether it's to have someone  
14 teleconference or whatever platform you choose to do to have  
15 kind of a face to face experience. That is -- no matter  
16 what that solution looks like, it's likely not to be the  
17 same in each community because access to consistent internet  
18 service with bandwidth available to that kind of varies or  
19 varies based on the weather impacting, et cetera. So we're  
20 constantly finding ways to do that. It's also not always  
21 the most comfortable technology for people to use if we  
22 think about the situations that they're finding themselves  
23 in, so that -- I mean, I think what we will do is our best  
24 to provide it as an option for people to take advantage of  
25 if it's the right fit for them.



1                   **MS. KARIN TAYLOR:** Okay. I'd like to look  
2 at our second document, it's labeled in our materials as  
3 Leanne Gardiner EX06, it's called -- it starts with  
4 Northwest Territories Victim Services Program 2016-2017.  
5 So there's a copy for Ms. Gardiner here. I'd just like to  
6 refer to this document and hoping to enter it as an  
7 exhibit.

8                   **COMMISSIONER MICHÈLE AUDETTE:** Could I have  
9 the title again, please?

10                   **MS. KARIN TAYLOR:** Pardon me?

11                   **COMMISSIONER MICHÈLE AUDETTE:** The title of  
12 the document?

13                   **MS. KARIN TAYLOR:** Oh, sorry, Northwest  
14 Territories Victim Services Program 2016-2017. It's  
15 Federal project 8396493.

16                   **COMMISSIONER MICHÈLE AUDETTE:** Okay.  
17 Northwest Territories Victim Services Program 2016-2017,  
18 Federal project number 8396493, entitled a Framework for  
19 Enhancing Victim Services in the NWT, 2016-2021, is exhibit  
20 number 6, please.

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

22 --- **EXHIBIT NO. 6:**

23 Northwest Territories Victim  
24 Services Program, "A Framework for  
25 Enhancing Victim Services in the

1 NWT: 2016-2021 - Interim report  
2 for the period April 1, 2016 -  
3 March 31, 2017," Federal project #  
4 8396493, dated June 15, 2015, (12  
5 pages)

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

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

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

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

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

1 victim services providers try to tackle that?

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

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

21 **MS. KARIN TAYLOR:** If you could just flip to  
22 page 7 of the report. Now, on this page, it gives some  
23 interesting examples of outreach efforts on the part of  
24 victim services providers, and you did speak a little bit  
25 about this, but I wondered if you could highlight some of

1 the creative solutions that providers have come up with in  
2 regards to outreach in their communities?

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

22 Sometimes too, to provide proactive support  
23 to victims of domestic violence, for example, can be a  
24 challenge in a small community where there are varying  
25 levels of appreciation for that. The dynamics of those

1 relationships, and the providers, like I said, find  
2 creative ways to do that outreach to women, primarily, to  
3 make sure they're creating safe spaces that they can come  
4 and share those stories, and that can -- that looks like a  
5 variety of things, from sewing circles to -- yeah, any  
6 manner of different approaches.

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

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

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

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

22 You will see brief service contacts, that is  
23 literally what it is, so someone making a call asking for  
24 assistance, stopping in needing something, quite brief.  
25 That would not include court accompaniment or anything kind

1 of longer term. It might include one brief referral  
2 somewhere else.

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

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

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

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

23 You will see the type of offence, violent  
24 and sex offences and partner abuse make -- make up the vast  
25 majority of services or experiences of victims that are

1 accessing the local -- pardon me, the local program.

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

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

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

20 **MS. LEANNE GARDINER:** I do. I think it's not  
21 without its challenges. We -- we've spent some time talking  
22 about that today, but this is about putting the agency and  
23 -- and giving communities the autonomy to provide this  
24 service in the most appropriate, relevant for their  
25 community. So like I said, there -- there are definitely

1 challenges, but it's important that we give that or that we  
2 make that a possibility that communities are able to address  
3 these justice -- justice issues and other issues at a  
4 community level and the way that most makes sense for the  
5 people that they're serving.

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

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

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

18 **CHIEF COMMISSIONER MARION BULLER:** Okay.  
19 You're just requesting a short break, or ...

20 **MS. MEREDITH PORTER:** Just a short break.

21 **CHIEF COMMISSIONER MARION BULLER:** Sure. Five  
22 minutes.

23 **MS. MEREDITH PORTER:** Okay. And as we go off  
24 to a break, I did just want to remind the parties of Rule 48  
25 of our procedures prevents any individuals speaking about



1 anything to the witnesses in relation to the evidence that  
2 they are presently giving. So I'd appreciate it if you'd  
3 familiarize yourself with that rule and not speak to any of  
4 the witnesses while we are on a break.

5 --- Upon recessing at 11:55 a.m.

6 --- Upon reconvened at 12:13 p.m.

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

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

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

25 **MS. LEANNE GARDINER:** This is the Victim

1 Impact Statement Form that victims use when they want to  
2 provide a description of the physical or emotional harm,  
3 property damage, or economic loss they've suffered as a  
4 result of an offence. So it has some information for  
5 victims and then a form that they would fill out to submit  
6 to the court.

7 **MS. KARIN TAYLOR:** So we'd ask that that be  
8 entered as an exhibit.

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

11 --- **EXHIBIT NO. 7:**

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

16 **MS. KARIN TAYLOR:** There's an additional  
17 document entitled, "Community Impact Statement." In our  
18 materials it's described as Leanne Gardiner, EX09.

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

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

23 **MS. LEANNE GARDINER:** This is a Community  
24 Impact Statement, similar to the victim impact statement.  
25 It's a -- a form with some general information. And it may

1 be used for a -- a community to provide a description of  
2 physical or emotional harm, property damage, or economic  
3 loss suffered by the community as a result of an offence.  
4 It has some information, general information, and then is  
5 the actual form that community members would fill out to  
6 submit to the court.

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

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

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

11 Community Impact Statement (Form 34.3),  
12 Northwest Territories Department of  
13 Justice, Community Justice and Policing  
14 - Victim Services, (four pages)

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

19 **MS. LEANNE GARDINER:** This is a statement on  
20 restitution. It's a form used for victims to provide a  
21 description of financial losses and damages suffered as a  
22 result of the commission of an offence. It's some  
23 information, some general information, for victims about  
24 how -- what information to include as well as a form to fill  
25 out to submit to the court.

1                   **MS. KARIN TAYLOR:** We'd ask that this  
2 document be submitted as an exhibit, please.

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

6                   **--- EXHIBIT NO. 9:**

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

11                   **MS. KARIN TAYLOR:** Thank you. An additional  
12 document we would like to refer to, in our materials, it's  
13 referenced as EX10. It's entitled, "Victims Assistance  
14 Committee Victims Assistance Fund Application Guidelines."  
15 Ms. Gardiner, could you -- are you familiar with that  
16 document?

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

25                   **MS. KARIN TAYLOR:** And we'd ask that this

1 document related to the Victims Assistance Committee be  
2 submitted as an exhibit, please.

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

7 --- **EXHIBIT NO. 10:**

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

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

25 **MS. LEANNE GARDINER:** This is a publication

1 that our department developed, and produces, and distributes  
2 across the Northwest Territories, primarily through our  
3 community-based programs. It's called, "Staying Safe." It  
4 has some practical advice for victims, as far as their  
5 safety's concerned, including a form outline for a safety  
6 plan.

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

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

12 --- **EXHIBIT NO. 11:**

13 "Staying Safe" booklet (April 2017),  
14 Government of the Northwest Territories,  
15 (27 pages)

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

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

1 information for distribution across the territory.

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

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

7 --- **EXHIBIT NO. 12:**

8 "NWT Victim Services" pamphlet (April  
9 2017), Government of Northwest  
10 Territories, (one page)

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

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

16 **CHIEF COMMISSIONER MARION BULLER:** I'm going  
17 to defer cross-examination to the end.

18 **MS. MEREDITH PORTER:** Thank you.

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

23 **COMMISSIONER QAJAQ ROBINSON:** Yes.

24 **MS. KARIN TAYLOR:** Okay.

25 **QUESTIONS BY THE COMMISSIONERS:**

1                   **COMMISSIONER QAJAQ ROBINSON:** I do. Just a  
2                   few contextual questions that I'm -- I think, at this point,  
3                   are important, and clarification questions, otherwise, I --  
4                   I also reserve, and will have more questions following  
5                   cross-examination. With regards to the Public Prosecution  
6                   Services of Canada and the CWC Program, I'd like to have a  
7                   better idea of -- for -- for all of us, geographically where  
8                   are these offices and these employees located in the three  
9                   territories?

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

12                   **COMMISSIONER QAJAQ ROBINSON:** I don't think  
13                   so.

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

23                   **COMMISSIONER QAJAQ ROBINSON:** Okay, and all  
24                   the staff are located in those hubs and work from those  
25                   hubs?



1                   **MR. JOHN PHELPS:**       That's correct, yes.

2                   **COMMISSIONER QAJAQ ROBINSON:**   Thank you.

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

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

18                  **COMMISSIONER QAJAQ ROBINSON:**   It does. In  
19                  terms of the types of activities or how these organizations  
20                  can use their funds, is the list in Exhibit -- I didn't  
21                  mark it, the Victim's Assistance Committee Assistant Fund  
22                  Application Guideline? It's Exhibit 10 in your material,  
23                  the Victim's Assistance Committee Victim Assistance  
24                  Application Guidelines, and I believe it's at page -- this  
25                  is my first time working off a tablet, I'm a paper person,

1 so it's hard to tab and mark in the margins on a computer.  
2 I think it's at page 2 of the document that talks about the  
3 funds. So they can be used for training, directed  
4 services, public awareness and research, is that all they  
5 can use the funds for, or can they use it for staffing,  
6 space, other types of -- I guess core funding versus  
7 project funding?

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

11 **COMMISSIONER QAJAQ ROBINSON:** Okay.

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

25 And then the document that you referred to

1 in your question relating to the Victim Assistance  
2 Committee, Victim Assistance Fund Application Guidelines,  
3 that is a separate funding stream where those -- I had  
4 mentioned earlier, the victim's fine surcharges --

5 **COMMISSIONER QAJAQ ROBINSON:** Okay.

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

12 **COMMISSIONER QAJAQ ROBINSON:** Okay.

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

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

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

22 **COMMISSIONER QAJAQ ROBINSON:** All right.

23 **MS. LEANNE GARDINER:** Although, some of  
24 those programs have been approved several years in a row,  
25 like the families of homicide victim's project that I

1 mentioned, that was funded, it was recommended by the  
2 Victim's Assistance Committee and has been funded three  
3 years in a row.

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

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

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

15 **MS. LEANNE GARDINER:** It -- that includes  
16 GNWT appropriated funding, which would include funding  
17 received from the Federal Government, that is separate from  
18 the Victim Assistance Committee. I can tell you that the  
19 balance of that special purpose fund varies based on the  
20 fines or the surcharges that are received, but they do  
21 disburse about \$100,000 a year, and their reports are  
22 public and tabled in our legislative assembly as well, so  
23 the details of those are available there, but it's about  
24 \$100,000 a year.

25 **COMMISSIONER QAJAQ ROBINSON:** Okay, thank

1 you. Those are all my questions at this stage.

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

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

5 **MS. MEREDITH PORTER:** Okay, thank you very  
6 much. Chief Commissioner and Commissioners, it is now  
7 12:30, and I would suggest that we take a break and  
8 reconvene on abbreviated lunch break, so we can regain some  
9 of the time that we've lost this morning. So if that is  
10 agreeable to all of you, I will make that request and  
11 suggest that we adjourn for a lunch break at this point.

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

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

21 **MR. JASON GOODSTRIKER:** Thank you, Michèle.  
22 Oops, it was this one. Okay, so we're going to have our  
23 lunch break. And thank you again for your questions and  
24 answers. Thank you to the Commission. And you people  
25 sitting in the back, after lunch, let's hope you say

1 anything. You remind me of lawyers I used to hire, so they  
2 don't talk, but they're real expensive. No, just kidding.

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

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

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

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

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

20 **(LAUGHTER)**

21 **MR. JASON GOODSTRIKER:** So anyways, I say  
22 that in a joke because I'm the only Albertan that lived in  
23 Saskatchewan for eight years, I think I told you that. I  
24 went to school there for a whole bunch of years, but I'm  
25 glad that our sisters are here. And just to prove the

1 point, you should watch the next Stampeders' home game  
2 there's more green in the stands than there are red. So  
3 again, thank you, and I'll let them introduce themselves and  
4 we'll continue on from the break.

5 **MS. MEREDITH PORTER:** Thank you very much.  
6 Good afternoon, Commissioner and Commissioners. We are  
7 going to hear now from two more witnesses. We -- they were  
8 briefly introduced this morning. I did speak a little bit  
9 to what they were going to be sharing today. I will  
10 introduce now that they are sitting with me at the table.

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

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

20 **NAOMI GIFF-MACKINNON, Affirmed:**

21 **BETTY ANN POTTRUFF, Affirmed:**

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

24 **MS. ANNE MCCONVILLE:** Thank you, Commission  
25 Council. Good afternoon, Chief Commissioner, Commissioners.

1 Before we start, you should have a book of documents for Ms.  
2 Giff-MacKinnon's evidence. As before, it is put together  
3 for ease of reference. All the documents have been provided  
4 to parties withstanding in advance, and we will be  
5 introducing or asking that some be made exhibits, but we'll  
6 do that individually.

7 **EXAMINATION-IN-CHIEF BY MS. MCCONVILLE:**

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

11 **MS. NAOMI GIFF-MACKINNON:** Yes.

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

16 **MS. NAOMI GIFF-MACKINNON:** Correct.

17 **MS. ANNE MCCONVILLE:** So if we could turn,  
18 then, to tab 1 of your document book. And this document is  
19 entitled "Biography"; is this your biography?

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

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

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

25 **MS. ANNE MCCONVILLE:** And can you please



1 describe for us your roles and responsibilities as a Senior  
2 Policy Analyst?

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

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

17 **MS. NAOMI GIFF-MACKINNON:** So I was part of a  
18 team that worked on the development of the Federal FILU  
19 initiative, and once the funding was announced I worked with  
20 provincial and territorial governments to clarify the  
21 objectives of the FILU investments and to assist them in  
22 accessing the funding. I've also worked with federal  
23 colleagues to create a Federal virtual FILU network and I've  
24 also been working with FILU teams across the country for the  
25 last year and a half to create a national FILU network.

1                   **MS. ANNE MCCONVILLE:** And although you work  
2 with the Department of Justice Canada; are you a lawyer?

3                   **MS. NAOMI GIFF-MACKINNON:** No, I'm not. I am  
4 a policy analyst.

5                   **MS. ANNE MCCONVILLE:** Chief Commissioner, may  
6 we have Ms. Giff-MACKINNON's biography marked as the next  
7 exhibit?

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

10 --- **EXHIBIT NO. 13(a):**

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

15 --- **PIÈCE NO. 13(b):**

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

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

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

25                   **MS. ANNE MCCONVILLE:** Can you describe the

1 purpose of this document?

2 **MS. NAOMI GIFF-MACKINNON:** This document was  
3 created to provide an overview of the FILU initiative, to  
4 describe some of the origins of the initiative and some of  
5 the -- the different models in place and some of the  
6 partnerships that have been established in developing FILUs  
7 across the country, as well as highlight some of the -- the  
8 early achievements of the FILU network.

9 **MS. ANNE MCCONVILLE:** And who prepared the  
10 document?

11 **MS. NAOMI GIFF-MACKINNON:** I did.

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

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

17 --- **EXHIBIT NO. 14:**

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

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

25 **MS. NAOMI GIFF-MACKINNON:** This is an

1 overview of victim services across the country. It's  
2 organized by province and territory to set out some of the  
3 different models in place across Canada, some of the  
4 different legislative frameworks that victim services  
5 operate within, and to provide a general overview of a  
6 victim services picture within Canada.

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

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

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

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

23 **MS. ANNE MCCONVILLE:** You mentioned that the  
24 document describes a variety of victims services and  
25 programs available in the provinces and territories. To

1 what extent can you speak to those programs?

2 **MS. NAOMI GIFF-MACKINNON:** I'm vaguely  
3 unfamiliar with provincial and territorial victim services  
4 programs across the country. However, our provincial and  
5 territorial colleagues would be best suited to answer any  
6 specific questions you may have about how they operate  
7 victim services.

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

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

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

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

20 --- **PIÈCE NO. 15(b):**

21 Les services d'aide aux victimes au  
22 Canada (2018), Division de la recherche  
23 et de la statistique, Ministère de la  
24 Justice du Canada (91 pages)

25 **MS. ANNE MCCONVILLE:** So turning, then, to

1 Family Information and Liaison Units, can you tell us what  
2 that initiative is?

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

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

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

24 **MS. NAOMI GIFF-MACKINNON:** For just over a  
25 year and a half. The funding was announced in August 2016

1 and FILUs have been in development -- started in development  
2 since then.

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

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

23 The most significant barrier that families  
24 have spoken about is the -- the level of -- the low level of  
25 trust and mistrust they have with the agencies who hold the

1 information, and that creates a very significant barrier for  
2 families in terms of communicating and feeling that -- that  
3 they're getting all the information from the agency.

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

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

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

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



1 services and supports in a trauma-informed way.

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

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

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

23 And with that, they move forward to begin  
24 discussions with that agency, and sometimes families join  
25 them on this journey. It's up to families, of course. They

1 can work with or for families as families would like. And  
2 they start to work with the agency to begin the process of  
3 having that agency review their files, review their  
4 documents, to gather up that information and be prepared to  
5 share that with families.

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

16 Sometimes the information that families are  
17 seeking might be the first time that they've made the  
18 request for information, so that might be part of a family's  
19 experience, that they may have never really talked about  
20 their experience in seeking information from agencies or  
21 their experience of loss, so FILUs speak very carefully and  
22 sensitively with families about that. Sometimes the  
23 information they're seeking can be very graphic, it can be  
24 very upsetting. If the family member is seeking to  
25 understand the determination of the cause of death and is

1 seeking to look at autopsy or coroner's reports, FILUs  
2 have very specific conversations with family members to  
3 identify how that can cause trauma for them, further trauma,  
4 and they talk about supports and how that trauma can be  
5 reduced in receiving that information.

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

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

13 **MS. ANNE MCCORVILLE:** Why is it important to  
14 have a dedicated team to assist with the information  
15 gathering process?

16 **MS. NAOMI GIFF-MACKINNON:** The value of  
17 having a dedicated team is that it's -- it's not a referral  
18 system, so one of the core objectives of FILU's essay were  
19 established, which every FILU takes very seriously, every  
20 FILU team, is that it's not an -- it's not an aid -- a  
21 referral agency, so the idea is families aren't going to be  
22 given a number to call or a name of someone that they  
23 should contact, that it's a coordinated one-stop team that  
24 works with families from beginning to end to gather the  
25 information.

1                   **MS. ANNE MCCORVILLE:** Generally speaking,  
2                   can you tell us from what professional backgrounds or  
3                   experience backgrounds staff members are drawn from?

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

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

14                  **MS. NAOMI GIFF-MACKINNON:** So I'm not an  
15                  expert on a trauma-informed approach, but I've certainly  
16                  learned a lot over the years in terms of how  
17                  trauma-informed practice can operate within a victim  
18                  services framework. Drawing from the work that health  
19                  services have done in terms of identifying what it means to  
20                  provide a trauma-informed practice, as I understand it, one  
21                  of the core principles is recognizing that individuals who  
22                  seek helping services may often be bringing intersecting  
23                  experiences of trauma. And in recognizing that, those  
24                  services operate in a way to not cause further trauma, to

1 not mirror the trauma that those individuals may have  
2 experienced, and to seek opportunities to reduce trauma as  
3 they -- they access that service.

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

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

20 **MS. ANNE MCCORVILLE:** The third component  
21 you mentioned was to have a culturally responsive approach.  
22 Can you explain how FILUs incorporate a culturally  
23 responsive approach?

1                   **MS. NAOMI GIFF-MACKINNON:** So it's critical  
2                   that all FILU teams are Indigenous informed, and within  
3                   their operations respect and reflect the cultural  
4                   identities of the family members that they're serving. So  
5                   FILUs have done this in different ways. They have  
6                   strengthened and built relationships with community  
7                   organizations to provide the needed supports that families  
8                   may have as they go through the FILU -- working with the  
9                   FILU team. Many of them have elders advisory committees in  
10                  place to provide ongoing direction to their work.

11                  **MS. ANNE MCCORVILLE:** Who can access FILU  
12                  services?

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

22                  **MS. ANNE MCCORVILLE:** If a family wishes to  
23                  use the services of a FILU, how do they go about doing so?

1           **MS. NAOMI GIFF-MACKINNON:** They just contact  
2 the FILU. There's no application process, it's very  
3 personal and it's very in person and organic.

4           **MS. ANNE MCCORVILLE:** Will all the  
5 information that families are seeking be available through  
6 the FILU initiative?

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

16                   Another reason they made not receive that  
17 information might be because of an ongoing investigation.  
18 So that FILU teams have learned that there are some  
19 limitations within police agencies when there's an ongoing  
20 investigation. And sometimes the information families are  
21 speaking of, the documents don't exist or they can't be  
22 found, and that is -- that is very upsetting for families,  
23 it's very frustrating, but those would be some of the

1 reasons families wouldn't be able to get all the  
2 information.

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

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

15 **MS. ANNE MCCORVILLE:** Can you tell us how  
16 the FILUs are funded?

17 **MS. NAOMI GIFF-MACKINNON:** So the FILUs are  
18 funded through the Department of Justice Canada, so they're  
19 federally funded, and the funding is in total \$11.7  
20 million, and it became available in September 2016 and it  
21 sunsets March 31st, 2019. The funding was made available  
22 to provincial/territorial victim services and -- and  
23 provinces and territories have FILUs in place now across  
24 the country.



1                   **MS. ANNE MCCORVILLE:** So you mentioned that  
2 the funding began in August 2016, when were the FILUs  
3 themselves operational?

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

20                   **MS. ANNE MCCORVILLE:** And is there a FILU  
21 unit in each province and territory now?

22                   **MS. NAOMI GIFF-MACKINNON:** Yes, there is.

1                   **MS. ANNE MCCORVILLE:** And why did it take  
2 longer for some of the FILU units to be -- become fully  
3 established, as you've described?

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

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

16                   **MS. ANNE MCCORVILLE:** And why are FILUs  
17 located within provincial and territorial victim services?  
18

19                   **MS. NAOMI GIFF-MACKINNON:** So  
20 provincial/territorial governments have the responsibility  
21 for the delivery of victim services across Canada. They  
22 have the jurisdictional responsibility to provide that  
23 service, so we worked with provincial/territorial  
24 governments to flow that funding to them, and in doing so  
25 it provides us also the opportunity to have a National

1 network and to ensures FILUs would be in place with a  
2 consistent structure within each province and territory.

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

5 **MS. NAIOMI GIFF-MACKINNON:** So FILUs aren't  
6 part of the National Inquiry. The National Inquiry is  
7 independent, and FILUs are a parallel investment, they're a  
8 complimentary investment to the work of the Commission to  
9 provide a framework for families to gather the information  
10 that they're seeking.

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

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

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

1 families to access information?

2 **MS. NAIOMI GIFF-MACKINNON:** Yes.

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

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

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

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

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

1 that provided advice on the design and the delivery of the  
2 FILU model.

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

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

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

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

21 **MS. NAIOMI GIFF-MACKINNON:** So early on the  
22 FILU teams strengthened existing relationships or built new  
23 relationships with community organizations across their  
24 jurisdiction. But the organizations that had the experience  
25 and knowledge about how best to support and assist families,

1 so they also were invited to participate in steering  
2 committees that were set. They were also asked to  
3 participate in formal and informal dialogue and engagement  
4 sessions with the FILU development team to provide advice  
5 and direction.

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

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

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

18 **MS. NAIOMI GIFF-MACKINNON:** You mean who did  
19 they speak --

20 **MS. ANNE MCCONVILLE:** Right.

21 **MS. NAIOMI GIFF-MACKINNON:** Yes. So it  
22 certainly depended on each jurisdiction, but I think  
23 generally speaking we're thinking of Indigenous Women's  
24 Associations, friendship centres, Community Justice  
25 Committees, Missing or Murdered Indigenous Women and Girl

1 Coalitions. I said friendship centres. They provided a lot  
2 of input as well.

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

9 **MS. NAIOMI GIFF-MACKINNON:** Yes, there are.  
10 There are some differences in terms of structure, in terms  
11 of location, in terms of composition of FILU team members.  
12 So we see some variety and variation across the country in  
13 those three areas. For example, in terms of composition,  
14 some FILU teams have one team member, some FILU teams have  
15 up to five, so there's a difference there in terms of the  
16 number of direct team members working in that jurisdiction.  
17 They also vary in terms of location, where  
18 they have located their FILU teams. Some jurisdictions have  
19 all their FILU team members in one location. Some have  
20 satellite offices where they have located some of their FILU  
21 team members across the jurisdiction. Some jurisdictions  
22 have located part of their team police services where  
23 they've got an infrastructure to build on that has worked in  
24 their -- in their jurisdiction. So there's -- there's quite  
25 a variety in terms of location.

1           In terms of different types of partnerships  
2           as well, as I mentioned, many -- many provincial and  
3           territorial FILU team members heard through their  
4           discussions with Indigenous community organizations about  
5           the importance of partnering and co-locating some of the  
6           FILU work within community organizations that have the  
7           knowledge and expertise to best support and assist families.

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

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

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

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

24                   **MS. ANNE MCCONVILLE:** And you mentioned that  
25                   some FILUs are located within policing agencies. Can you



1 explain the types of situations where that works?

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

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

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

25 So we do have this variation, but I think the

1 variation can be attributed to the input that they received  
2 from family members early on. I think it can be attributed  
3 to the varying victim services models that we have across  
4 Canada to build on, and the -- and the different  
5 infrastructures that different jurisdictions have. And also  
6 some of the -- the privacy legislation that's in place as  
7 well might -- and the -- and the infrastructure they have  
8 and the relationships that the FILU teams and Victim  
9 Services Division have already in place with the agencies  
10 that hold the information.

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

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

18 So FILU teams are always taking opportunities  
19 to partner, to be at community events, to -- to be at -- to  
20 provide workshops to partners across the province or  
21 territory. They also travel across the jurisdiction, and  
22 they're looking at new ways to have a mobile FILU team. So  
23 some jurisdictions are exploring that and what that might  
24 look like. And I think have the satellite offices as well,  
25 some jurisdictions, for example in Ontario. They've got

1 satellite offices in Thunder Bay, Sioux Lookout, and Sudbury  
2 in order to make sure they can have as much reach as  
3 possible.

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

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

24 **MS. ANNE MCCONVILLE:** What happens if a  
25 family who comes to a FILU for help with their information

1 needs has other types of needs as well?

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

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

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

23 **MS. ANNE MCCONVILLE:** And what types of  
24 questions are families seeking answers to, or what types of  
25 information gaps are they looking for help with?

1                   **MS. NAOMI GIFF-MACKINNON:** So it's a very  
2 wide range of questions that families are bringing to FILUs.  
3 The most common question based on -- on the feedback I've  
4 received are questions from police agencies. So they're  
5 asking questions about investigations, they're asking for  
6 status updates, they're asking about steps taken by police  
7 in the investigation of their loved ones' murder or  
8 disappearance. So overall, questions about the status of  
9 the investigation.

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

20                   At the same time families have questions from  
21 child protection about children who were placed outside the  
22 home. They have questions from health authorities, and  
23 hospitals about health records. So FILUs are working with  
24 those agencies to gather the information for families. I  
25 think there's also a lot of questions that FILUs may not

1 have expected that families were asking. They're asking for  
2 information about burial sites of their loved ones. They're  
3 asking about information about residential schools, and  
4 children who died while at residential schools, they're  
5 asking for details about that. They're asking about DNA  
6 matching. They're asking how to file a missing persons  
7 report.

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

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

15 **MS. NAOMI GIFF-MACKINNON:** That's a good  
16 question, so FILUs aren't able to access any information  
17 that families would not have been eligible to receive  
18 outside the FILU process. What's different about the FILU  
19 service is that it provides a support team around families  
20 as they -- as they seek and move forward on that journey to  
21 get that information. They provide opportunities as well  
22 for families to meet with the agencies who are the holders  
23 of those informations, who wrote those reports, who  
24 investigated those -- those incidents, and they have a  
25 chance to connect with them and talk to them.

1                   **MS. ANNE MCCONVILLE:** You mentioned at the  
2 outset when you were describing the work that the teams do  
3 with the FILUs, that they start from a family driven  
4 perspective; can you elaborate on that? What does it mean  
5 to be family driven in this context?

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

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

17                   **MS. NAOMI GIFF-MACKINNON:** So FILU teams  
18 are where they -- they don't already have an inter-agency  
19 sharing protocol in place, are developing those. They're  
20 developing those at the municipal level to get vital  
21 statistics or to get any -- any records to help families  
22 with any information requests they have about their loved  
23 one. At the municipal level, they're -- they have  
24 information sharing arrangements and protocols and  
25 memorandums of understanding with provincial and territorial

1 agencies as well that hold the information.

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

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

17 **MS. NAOMI GIFF-MACKINNON:** Yes.

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

20 **MS. NAOMI GIFF-MACKINNON:** Yes, yeah. So the  
21 -- the intention is that families -- not really the  
22 intention, the idea is that families would start their  
23 information journey with FILUs, and that FILUs would  
24 coordinate that. Families are always welcome to contact any  
25 agency directly. FILUs are not meant to replace other



1 methods families might like to proceed to -- to gather  
2 information.

3 **MS. ANNE MCCONVILLE:** Even though the  
4 initiative is fairly new, can you tell us what results  
5 you've seen to date with the work that the FILUs have been  
6 doing?

7 **MS. NAOMI GIFF-MACKINNON:** Sure, so yes,  
8 they are new. They are a new service, but we are seeing  
9 that, and I am hearing from FILUs across the country, that  
10 many family members are receiving the information that  
11 they're seeking from multiple sources, from many  
12 jurisdictions across the country in a seamless fashion.  
13 They are receiving that information in culturally grounded  
14 and culturally safe way that reflects an environment that  
15 they've helped to co-create, so it has the supports in place  
16 as they would like to have them. Sometimes families would  
17 like to meet with the agencies who are the holders of the  
18 information. FILUs will do the best they can to organize  
19 that with the agencies and with families and have those  
20 supports in place so that's culturally grounded and trauma  
21 informed in its approach of information sharing. And at the  
22 same time, we're seeing that families are not just receiving  
23 information, which can be full of jargon and technical terms  
24 sometimes. They're also having an opportunity to really  
25 understand the information that they're receiving through

1 those -- those information sharing sessions, and through  
2 having a FILU team who is there to -- to support any follow-  
3 up questions families have or to seek further clarification  
4 where they -- where they would like to have it.

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

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

17 **MS. ANNE MCCORVILLE:** How have you assessed  
18 or evaluated whether the FILU teams across the country are  
19 meeting their core objectives?

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

1 families.

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

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

19 At the same time, they have helped families  
20 to cope with the grief and trauma of their loss. So FILU  
21 teams are working with Indigenous community organizations  
22 and elders all across their jurisdiction to organize family  
23 gatherings for families, to have workshops and sessions, to  
24 have ceremony, and to have events with families to help

1       them, and to make linkages or to help provide culturally  
2       grounded grief and trauma counselling for families as they  
3       would like to have it to augment their natural support  
4       networks.

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

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

22                   **MS. ANNE MCCORVILLE:** One of the other  
23      barriers you identified earlier, I think one that you said  
24      was probably the largest barrier, was the issue of

1       mistrust --

2                   **MS. NAOMI GIFF-MACKINNON:**   M'hm.

3                   **MS. ANNE MCCORVILLE:**   -- with government  
4 agencies.  How far have FILUs been able to address that  
5 issue to this point?

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

16                   There are many examples across the country  
17 where FILU teams have reported that by bringing the  
18 agencies who hold information to families to share that  
19 information, that that's provided an opportunity for  
20 families to feel heard and recognized.  And while they  
21 might be very frustrated with the outcome, or they might be  
22 frustrated with not being able to access all the  
23 information that they were hoping to have, families are  
24 sharing with FILU teams that -- that they have an increased

1 understanding of why that is and that they do feel -- they  
2 feel recognized and heard by the agencies.

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

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

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

24 **MS. ANNE MCCORVILLE:** Thank you. Those are

1 my questions in-chief.

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

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

6 **CHIEF COMMISSIONER MARION BULLER:** Five  
7 minutes.

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

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

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

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

15 **BETTY ANN POTTRUFF, Previously Affirmed:**

16 **EXAMINATION-IN-CHIEF BY MS. MYSKO:**

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

23 **MS. BETTY ANN POTTRUFF:** All right. Thank  
24 you. I'm going to talk about my experience with the  
25 Ministry of Justice in Saskatchewan for about the last 40

1 years. Are you ready? It's a long afternoon. But most  
2 particularly, I'm going to talk about my experience as -- as  
3 counsel with the Ministry in terms of the work I've done on  
4 areas affecting Aboriginal justice. On interpersonal  
5 violence and abuse, perhaps, as well. I worked for a lot of  
6 years as counsel up in the Ministry, as a prosecutor, as a  
7 civil lawyer, doing child protection matters, also running  
8 the Family Law branch and then became Director of Policy in  
9 1987 to about 2003, and then the Executive Director of the  
10 Policy area for the Ministry from 2003 to 2014.

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

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

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



1           **MS. BARBARA MYSKO:** Okay. And I note that  
2 there are a couple of errors on that document that we wanted  
3 to put on the record while we tender it as an exhibit for  
4 the benefit of the Commissioners, and one is there's the  
5 spelling of your last name, which accurately is spelled P-O-  
6 T-T-R-O -- R-U-F-F, two T's and two F's. And in addition,  
7 you mentioned to me, Betty Ann, that you wish to acknowledge  
8 and recognize the work of the members of the PPCMP, or the  
9 Provincial Partnership Committee on Missing Persons, as also  
10 having won the Premier's Award for Innovation for Leadership  
11 for the work of the PPCMP. And so, for that reason, you  
12 wanted to add the words at the last paragraph on the first  
13 line, which say, "Betty Ann won with the members of the  
14 PPCMP the Premier's Award for Innovation for Leadership."  
15 Is that correct?

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

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

21           **CHIEF COMMISSIONER MARION BULLER:** The  
22 document, "Betty Ann Pottruff, Q.C., Senior Advisor to ADM  
23 of Innovation, Ministry of Justice, Government of  
24 Saskatchewan," as amended, be Exhibit 16.

25           **--- EXHIBIT NO. 16:**

1 Document "Betty Ann Pottruff, Q.C.,  
2 Senior Advisor toe ADM of Innovation,  
3 Ministry of Justice, Government of  
4 Saskatchewan

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

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

17 **MS. BARBARA MYSKO:** Thank you. So to move  
18 into the substantive part of your testimony, we will talk  
19 generally about the Inquiry and how it relates to your  
20 work. So as you know, the Inquiry touches on the issue of  
21 violence against Indigenous women and girls, and much of  
22 your work also has touched on those issues over the years.  
23 Can you speak to, from your experience, some of the  
24 Provincial Government's challenges as well as responses to  
25 these issues, just as a high -- at a high level to start?

1                   **MS. BETTY ANN POTTRUFF:** I'll just try a  
2                   few. Challenges are many, as you -- as you all know.  
3                   Saskatchewan has a very high rate of violence and a very  
4                   high crime rate, double the national rate, and, as you  
5                   know, violence against Aboriginal women is two to three  
6                   times that as against non-Aboriginal women. Violence in  
7                   our northern communities is five times the level of  
8                   violence in the rest of the province. So that's a huge  
9                   challenge, how do -- how do we deal with that level of  
10                  violence, that level of victimization and offending and  
11                  community disorder?

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

20                                 I think we also are very aware of the levels  
21                   of disadvantage experienced in the Indigenous communities,  
22                   whether it's poverty or housing, or whether it's the impact  
23                   of intergenerational abuse and disadvantage, so those are  
24                   some of the -- some of the challenges we face.

1           The other challenge that I'll just raise and  
2       -- is that in my experience one of the limitations on -- on  
3       the momentum to change is the fact that we are dealing with  
4       different levels of government, so we're always in the  
5       process of -- of changing leadership or changing  
6       directions, whether it's elections at the First Nations  
7       level, elections at the provincial level, elections at the  
8       federal level, and so there's this consistent churn in term  
9       of policy direction and commitment, and so it's very hard  
10      to keep momentum going when you want to make big, big  
11      changes and really shift society. That's one -- one of --  
12      one of the strengths of democracy, but it's also one of the  
13      weaknesses, so I've often said that in a four-year mandate  
14      you will often only get 18 months of really productive work  
15      because there's so much churn going on at both ends.

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

21                   **MS. BETTY ANN POTTRUFF:** Well, starting  
22      1990-91-92, we started discussions with our partners, both  
23      Federal and Métis and First Nations, and out of that came  
24      the commitment to hold the Indian and Métis Justice Review

1 Committees, which were two parallel committees in 1991 that  
2 reported in 1992. And the important thing about that  
3 process was not only the fact that we initiated that  
4 process to get practical recommendations for how we could  
5 change the justice system to be more inclusive and more  
6 responsive to the Aboriginal community, but as well the  
7 process itself was a partnership.

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

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

1 terms of the Aboriginal community itself leading the  
2 process.

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

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

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

21 **MS. BETTY ANN POTTRUFF:** In 2000 and --  
22 well, there was the Amnesty International Report on  
23 murdered women that came out, and there was a lot of media  
24 finally picking up on the issue of missing and murdered

1       Indigenous women in 2005, and so it was pressure to do  
2       something. And out of that pressure Premier Calvert, at  
3       the time, announced that there would be a task force  
4       created to deal with the issue of missing persons. And the  
5       task force was never really a task force, it was three  
6       related initiatives.

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

16                What we did was then we looked to our  
17      partners, policing, community agencies like Alzheimer's,  
18      Child Find and our Indigenous partners, such as Federation  
19      of Saskatchewan Indian Nations, as they were then, Women's  
20      Commission and Saskatchewan Aboriginal Women's Circle  
21      Corporation, Métis Family and Community Justice Services  
22      Inc., we look for this range of partners that had province  
23      wide responsibility or experience in terms of dealing with  
24      missing person situations to come together to see if we

1 could find ways to, in fact, have -- have some solutions,  
2 some actions, that would help to prevent and reduce persons  
3 from going missing. And it was all persons because when we  
4 looked at the number of missing persons in the police  
5 database, there clearly are Indigenous and non-Indigenous  
6 people, and we wanted to learn the solutions in terms of  
7 dealing with the problem as a whole.

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

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

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

17 **MS. BETTY ANN POTTRUFF:** The website was  
18 actually created by the Saskatchewan Association of Chiefs  
19 of Police in 2005. So it actually was created before the  
20 partnership committee was actually formally formed in  
21 January of 2006. So we were really fortunate to be able to  
22 have that information, which not only identified all the  
23 cases that were known to them of long-term missing persons,  
24 but also identified Aboriginal versus non-Aboriginal, male



1 and female, and it gave some basic information about the  
2 missing -- circumstances of the missing person. And that  
3 was something that other jurisdictions did not have.

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

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

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

20 **MS. BETTY ANN POTTRUFF:** Well, I think it has  
21 been mentioned earlier today, one of the major issues that  
22 you need to deal with in work like this is building trust.  
23 Because if you don't build the trust and focus on  
24 relationships, then -- then it's going to be much more  
25 difficult for you to be successful. People have to feel

1 they're in a safe environment in which they can -- they can  
2 say what they want to say, even if what they have to say,  
3 you know, might be hard to hear. There's got to be a -- a -  
4 - a safety in -- in -- in who you're dealing with, and in  
5 understanding that your view is going to be respected,  
6 you're going to be listened to, and -- and every member  
7 there is -- is of the same value. Everyone is to be  
8 respected and -- and treated as equals.

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

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

23 **MS. BARBARA MYSKO:** Okay. Viewing  
24 partnerships, reporting structure, did everybody report to  
25 government?

1           **MS. BETTY ANN POTTRUFF:** No, the partnership  
2 members report to their own organization. The Provincial  
3 Partnership Committee does not report to government. That  
4 -- it would not be a partnership if we reported to  
5 government. Government is simply a partner. I -- I co-  
6 chaired the Partnership Committee from 2006 to 2014. That  
7 co-chairing was really a facilitation of -- of discussion  
8 amongst equals.

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

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

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

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

1 value of every life.

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

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

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

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

24 **MS. BETTY ANN POTTRUFF:** Well, certainly we  
25 -- we saw that -- that it happened across the province, that

1 it was not isolated to any particular area, but there were  
2 people reported missing from all of them. In the majority  
3 of situations, 99.9 percent of cases, the person is -- is  
4 found within 48 hours, but it is the long-term cases where,  
5 in fact, we know that -- that -- that there's the most  
6 tragic results.

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

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

23 **MS. BARBARA MYSKO:** Tell us a little bit  
24 about how that occurred, how the families were chosen, how  
25 you reached out to them.

1           **MS. BETTY ANN POTTRUFF:** Well, we were, of  
2 course, forging our own new path doing this, much as the  
3 commission has in trying to do this work, and we determined  
4 that what we wanted to do was to get information that would  
5 help us understand how families interact with the system and  
6 where were -- where were the inadequacies in the system and  
7 where were the things that worked well. And to do that, we  
8 felt that we wanted to look at families from 1991. Not to  
9 disrespect families who had lost loved ones earlier than  
10 that in any way, but -- but merely because we were looking  
11 for information on how the current system could be improved  
12 and felt we -- we should start with the families had the  
13 most recent experience with the various system responses.

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

23                   And -- and we then followed up with a letter  
24 to the families and to the key contacts in each family,  
25 requesting whether they would be prepared to come and meet

1 with us and -- and indicating that they could bring family  
2 support members with them. And we heard back from, I think,  
3 24 or 23 families at that time. About 50 -- 50 people in  
4 total came, and we had meetings in Regina, Saskatoon, and  
5 Prince Albert to try and gather families from the north, the  
6 central region, and -- and the south. And -- and those were  
7 very informative, very helpful meetings. We learned a lot  
8 from the families at those meetings. We organized the  
9 meetings so that it would be most of the day, starting about  
10 9 'til sometime in the afternoon, 3. We made sure that we  
11 had funds available for the families when they arrived to  
12 pay for travel, to pay for food, and if they needed hotel,  
13 we had arranged hotel accommodation.

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

21 And we started off the process each -- by  
22 trying to tell the families what our role was, what we were  
23 attempting to do, and giving them some information about  
24 what we had found out about the issue of missing persons by  
25 that point.

1           And then we had told them before they --  
2           they came, in the letter that we sent, that we wanted to  
3           talk to them about what went well and what did not go well  
4           in their -- in their case, and that we also wanted to know  
5           if there was one thing that could be fixed what would that  
6           one thing be. So we felt that by giving them an  
7           opportunity to focus on a couple of very clear questions  
8           they would -- they would be able to contribute, right. So  
9           after we had had some discussion, we then broke into  
10          smaller groups to have discussion around those questions  
11          and to hear the family feedback on that.

12                 I think one of the other things that was  
13          sort of really -- really important that day was we had  
14          arranged the room so that there were circle tables, right,  
15          and we tried to arrange it so that we had the families  
16          mixed with various groups so that they would start to get  
17          to know each other a bit because one of the things we had  
18          heard was the need for support groups and for basically  
19          families to support families. And -- and we also felt it  
20          was important to make sure that the Aboriginal and  
21          non-Aboriginal families mixed to the degree that was able  
22          to so that they could -- they could share their experiences  
23          because one of the problems with -- with families often is  
24          that they feel so isolated, and this was a way to try to



1 deal with that isolation, but it was also a way to  
2 demonstrate that that isolation is not racially based.  
3 Families of missing persons all feel that isolation. And  
4 there are different aspects, of course, depending on the  
5 family, but there are common aspects as well.

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

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

20 **MS. BETTY ANN POTTRUFF:** Well, we had victim  
21 services, and we also had all the members of the Provincial  
22 Partnership Committee, and that includes, police, that's  
23 RCMP as well as Indigenous organizations, Alzheimer's,  
24 Child Find, Stops to Violence, that whole range. And --

1 and we also made sure that we had present at all of those  
2 the investigators, the cold case investigators themselves  
3 for each of the cases.

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

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

1 information, so that was -- that was part of it, yeah.

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

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

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

19 I think we also learned that there's --  
20 there are some subtle differences in terms of dealing with  
21 families, that if you're dealing with the families of  
22 missing, they're -- they're in a different space than the  
23 families of the missing and murdered, and that we had to be  
24 careful in these events to have separate discussions, the

1 families of the missing and murdered from just the families  
2 of the missing because they're simply at a different point  
3 in the process in terms of processing things.

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

15 With the families of the missing and  
16 murdered what you would find, sometimes, is that they now  
17 understand some of the issues with the investigation and  
18 why they weren't given the information when they wanted the  
19 information because the investigation was ongoing, but  
20 they've now moved on because of the -- of the tragedy of  
21 the death and -- and they're dealing with grieving that  
22 way, and often what they want is to simply make sure that  
23 this never happens to another family. So just different  
24 processes.

1                   **MS. BARBARA MYSKO:** And what were some of  
2 the other challenges or issues that the families raised in  
3 those meetings with you?

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

17                   They also talked about the challenges of  
18 dealing with the media and -- and particularly for, I'd  
19 say, the Aboriginal families those challenges were greater  
20 because the media had -- had maybe inappropriately  
21 commented on -- on certain lifestyle or other issues that  
22 were not relevant to the fact that the person went missing,  
23 and that they felt that was very detrimental. Those were  
24 the sort of things they raised.

1           **MS. BARBARA MYSKO:** So are there lessons  
2 that you would draw or like to pass on to others who may  
3 want to engage in a similar process?

4           **MS. BETTY ANN POTTRUFF:** With family type  
5 meetings?

6           **MS. BARBARA MYSKO:** Right.

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

20                   The other thing that we -- we tried to do  
21 was make sure that while we were asking for this  
22 information and -- we also wanted to make sure we gave the  
23 family something back that day too, that they gained  
24 something out of the process. So, for example, that was

1 one of the reasons as well for having the investigators  
2 there, it gave the families something that they didn't  
3 otherwise have access to. So those would be some of the  
4 lessons.

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

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

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

1 can do together.

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

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

19 We also went forward and the partnership  
20 committee developed a number of things that we -- tools  
21 that we thought the families had asked for. We developed a  
22 checklist for what to do when someone goes missing. We  
23 developed a media kit for what to do when you're trying to  
24 deal with media. We developed a list of agencies who are



1 involved in missing persons situations and could be  
2 supports. And we put all those on the website, as well as  
3 an agency book, and the agency book advises or tries to  
4 advise agencies in terms of if you're dealing with a family  
5 who has a missing person, here are some of the things you  
6 can do, here's how you can help them, and it includes the  
7 checklist in it, for example.

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

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

24 What they wanted was remembrance, we need to

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

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

24 **MS. BARBARA MYSKO:** Okay, thank you for that

1 and thank you for your candor. I'd like to take this time  
2 to enter as exhibits three exhibits further to Betty Ann's  
3 testimony. The first being an exhibit that was previously  
4 provided to the Commissioners and the parties with  
5 standing, it's entitled Agency Response Guide to Missing  
6 Persons Situations in Saskatchewan dated March 3rd, 2014.

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

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

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

14 **UNIDENTIFIED SPEAKER:** Schedule "G"?

15 **MS. BARBARA MYSKO:** It looks like this.  
16 It's quite a blank page.

17 **UNIDENTIFIED SPEAKER:** Could we have your  
18 copy, please?

19 **MS. BARBARA MYSKO:** Absolutely.

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

23 **MS. BARBARA MYSKO:** Agency Response Guide to  
24 Missing Person Situations in Saskatchewan.

1 UNIDENTIFIED SPEAKER: Okay. Exhibit 17,  
2 please.

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

5 --- EXHIBIT NO. 17:

6 "Agency Response Guide to Missing  
7 Person Situations in Saskatchewan"  
8 (March 3, 2017 version), Saskatchewan  
9 Provincial Partnership Committee on  
10 Missing Persons

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

14 MS. BARBARA MYSKO: Thank you, Betty Ann.  
15 Thank you. And the second document which I  
16 have handy as well, just in case, is entitled Media  
17 Relations, a Toolkit For Families. And although it's  
18 possible that this document was entered as an exhibit at  
19 the Saskatoon community hearings in November, we would like  
20 to enter it as an exhibit again here today.

21 UNIDENTIFIED SPEAKER: Exhibit 18.

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

24 Betty Ann, if you could speak to this

1 document? Are you familiar with this document?

2 **MS. BETTY ANN POTTRUFF:** Yes, I'm familiar  
3 with this document. This is the one created by the  
4 partnership committee, and it responds to comments from the  
5 families, in particular because when we talked to them in  
6 2009 we had thought about it from the context of the media  
7 coming to the families. When we met the families, they  
8 indicated one of their concerns was, how do they get media  
9 attention when the media's not paying attention? So that  
10 was added to the document after 2009.

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

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

15

16 **--- EXHIBIT NO. 18:**

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

19 **MS. BARBARA MYSKO:** Thank you, and we can  
20 provide this copy to the Commissioners if it should please  
21 the Commissioners. And the third document, for this point  
22 in time, in any event, is the Progress Report, dated 2007 to  
23 2018, and I'll put that document to the witness as well.

24 Betty Ann, can you tell us a little bit about  
25 this document. I know you had referred to some of the

1 progress that had been made on the recommendations earlier.  
2 Just explain to us at a high level what this document is and  
3 how it was created.

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

11 **(LAUGHTER)**

12 **MS. BETTY ANN POTTRUFF:** But -- but it tries  
13 to give the history for -- for the Provincial Partnership  
14 Committee and what we've done, and some explanation as to  
15 what these actions undertaken are. And this is a public  
16 document, it's on the Justice website, and we will continue  
17 to try to provide updates as required. I think what's --  
18 what's also useful in this document is to talk about what  
19 the Provincial Partnership Committee has done since 2009,  
20 and that is, we heard from families in 2009 that -- that  
21 they were pleased that we'd done as much activity as we had  
22 on the recommendations, but there was more to be done. And  
23 that included concerns about what was happening in our  
24 jurisdiction needed to happen in other jurisdictions as  
25 well. And we took that comment back, and as a result of

1 that, with Justice Canada funding, we then hosted a Western  
2 Regional Forum on supporting families of missing persons in  
3 2011, March 2011.

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

9 MS. BARBARA MYSKO: So maybe we'll just enter  
10 that as an exhibit at this time.

11 MS. BETTY ANN POTTRUFF: The snow?

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

14 UNIDENTIFIED SPEAKER: The Progress Report  
15 2007 to 2018 is Exhibit 19, please.

16 --- EXHIBIT NO. 19:

17 Provincial Partnership Committee on  
18 Missing Persons (PPCMP) Progress Report  
19 2007-2018, (30 pages)

20 MS. BARBARA MYSKO: Okay, thank you very  
21 much.

22 MS. BETTY ANN POTTRUFF: Okay, so we -- we  
23 invited representatives from community organizations, the  
24 government, and Aboriginal organizations to the Western  
25 Regional Forum in 2011 in Regina. And we had about 80

1 participants at -- at a two-day workshop to figure out how  
2 we could best support families of missing persons. We had  
3 very good engagement, and -- and I think people left really  
4 enthused about the potential to work together, and within  
5 their jurisdiction as well as a cross-jurisdiction to -- to  
6 try and improve the services available for families, and to  
7 coordinate those services. One of the recommendations  
8 coming out of that was for people to lobby for more  
9 government support for this area, to develop more  
10 collaborative relationships, and also to develop directions  
11 to go forward. So the partnership committee in Saskatchewan  
12 took that and then developed a strategic distance plan in  
13 terms of what we should do going forward, and we developed  
14 that and that was made public in 2012.

15 And there were three directions proposed for  
16 work going forward. One, continuing to enhance our  
17 collaboration across organizations and across jurisdictions.  
18 Another one is -- is continuing to support families, find  
19 ways to support family. And the third, and final, was  
20 finding ways to -- to really highlight prevention and  
21 awareness. So again, we took that report and -- and the  
22 next year we started the annual missing persons week in  
23 Saskatchewan, which has happened every year since 2013 now.  
24 And each year we try to work as a partnership to come up  
25 with what will be our -- our theme or our focus for the



1 week. How can we get more partners engaged in profiling  
2 what they do in their community and in profiling the issues?  
3 How can we engage the media?

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

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

21 **MS. BETTY ANN POTTRUFF:** Certainly, in 2009  
22 when the families were talking about the work that we had  
23 done, they indicated that, you know, this was fine for  
24 Saskatchewan, but for some family members had gone missing  
25 in other jurisdictions. And what we're going to do to help

1 in those situations, so that in fact they could be supported  
2 there as well, and -- and that was their reason for -- for  
3 asking that we look at how we could act beyond just  
4 Saskatchewan, what we could do.

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

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

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

21 **MS. BETTY ANN POTTRUFF:** Missing women? Some,  
22 but the -- the National Committee on missing women, which I  
23 was also part of, was focusing more on -- on how to manage  
24 these cases within the criminal justice system. So it  
25 wasn't -- it looked at support processes as well, but it --

1 it was a slightly narrower focus whereas, I think, the  
2 Western Regional Forum was really looking at how can we all  
3 work together to -- to better support families both outside  
4 the justice system and within the justice system.

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

8 **MS. BETTY ANN POTTRUFF:** Yes, in -- in 2013  
9 the partnership committee started talking about the fact  
10 that we actually hadn't talked to families since 2009. And  
11 we were a little worried that we were no longer being  
12 relevant or grounded in terms of what the realities were,  
13 and that we needed to find a way to get back and talk to  
14 families again, but we didn't want to just call people  
15 together without being able to give them something to take  
16 away. And so we were impressed to hear about some training  
17 in the U.S. that dealt with the issue of ambiguous loss and  
18 trauma and this seemed to be relatively new information.  
19 And when we heard about it, it seemed very relevant to be  
20 able to provide to agencies and to families to help them  
21 understand some of what they were feeling and going through  
22 and, as well, to give them some tools that they could take  
23 away to help -- to help work on the trauma. And -- and so  
24 then we organized to have a one-day meeting in Saskatoon  
25 with agencies. We invited 130 agencies, I think 80

1 attended. For a one-day training on ambiguous loss and  
2 trauma, so that they would understand what their clients  
3 were going through. And then we held meetings with families  
4 the days after in Regina, Saskatoon, and by TeleHealth with  
5 the north to engage with the families and to talk to them  
6 about ambiguous loss and trauma and -- and how that has  
7 physical impacts and -- and mental impacts on the individual  
8 and -- and things that they can do to sort of deal with this  
9 trauma.

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

14 **MS. BETTY ANN POTTRUFF:** My understanding,  
15 not being a psychologist either, these -- this is the  
16 tension that is inherent in the situation of a missing  
17 person, where -- where the family is -- the individual is  
18 hoping very much that the family member is found, but is  
19 also fearing the results that they may not be positive or  
20 that the person may never be found. So they're in a -- in a  
21 constant state of anticipation but can't really move forward  
22 because they -- they can't -- it's not like they can grieve  
23 an actual situation. They're still in hope and -- and so  
24 often they're -- they're just simply caught in that moment  
25 and can't move on.

1                   **MS. BARBARA MYSKO:** Betty Ann, you talked  
2 about engaging the north with an organization that you  
3 referred to as TeleHealth. Can you explain how that  
4 happened?

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

14                   And then we were settling the -- the 2014  
15 meetings. We were doing Regina and Saskatoon, and once  
16 again, we felt just going to Prince Albert or La Ronge, even  
17 that doesn't help because there are families all over the  
18 north, and how are they going to get there? But there was  
19 the opportunity to meet with them by TeleHealth. And  
20 -- and Saskatchewan Health in -- in -- has been very active  
21 in developing TeleHealth facilities with the north so that  
22 people can actually get counselling and other things by  
23 TeleHealth. And they do seminars and training by  
24 TeleHealth, and so we thought maybe this would be a better  
25 way to reach out to more communities that way.

1           And -- and it turned out that it was  
2           excellent. We had -- we had an excellent -- we touched five  
3           families in four communities and we were able to be  
4           interactive in terms of answering questions, and as well, we  
5           made sure that -- that the family, the victim services  
6           people were there, the police investigators were there, so  
7           while we did the session on ambiguous loss, then when --  
8           when the TeleHealth session was over, the families were  
9           still supported there and still had those processes, that  
10          they could get something out of the day.

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

16                   **MS. BETTY ANN POTTRUFF:** I -- I think of it,  
17          it's -- it's always important to provide the families with  
18          -- with some space to have discussions. Obviously, when you  
19          -- when you try to probe around the day, there's not enough  
20          time for the families to actually interact and -- and to be  
21          able to raise the issues that they want to raise, so you  
22          really -- you -- there's a period where you can provide  
23          information and feedback, but you also need to have the  
24          flexibility to be able to have smaller group discussion and  
25          -- and have the families direct the issues they want to talk

1 about. And -- and so I -- I, you know, I think that's  
2 primarily it. It's got to be -- it's got to be a safe  
3 space, it's got to be supportive, and -- and the families  
4 really -- they -- my view, they need to be provided with  
5 something they can leave with that is a benefit to them for  
6 that day.

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

11 **MS. BETTY ANN POTTRUFF:** Well, certainly the  
12 police have changed their policy, so the Saskatchewan Police  
13 Commission developed a policy that has now been adopted by  
14 all police in Saskatchewan and on a voluntary basis by the  
15 RCMP as well. So there's one consistent approach to how  
16 missing persons cases are handled in the province,  
17 consistent intake forms, and -- and it's clearly understood  
18 that there never was a waiting time to report a missing  
19 person, but too many people still believe there is. But  
20 there never was a waiting time before you could report  
21 somebody missing. And the policy is now very clear that  
22 there is no waiting time that they will take a report as  
23 soon as somebody brings it in, and they will take it  
24 irrespective of what police force it comes to. So just  
25 because the person that you're concerned about went missing

1 from, you think, Prince Albert doesn't mean you can't go to  
2 the Saskatoon Police and report it. You can. So we -- it's  
3 trying to make consistent policy across the province.

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

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

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

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

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

24 **MS. BETTY ANN POTTRUFF:** As I mentioned, I  
25 think, the -- the police agreed because these are police-



1 based victim services, so the police agreed that victim  
2 services can be provided to families of missing across the  
3 province, and, as well, in 2011, three missing person  
4 liaisons were -- positions were created in Regina,  
5 Saskatoon, and Prince Albert with Federal funding support,  
6 and that funding is, I believe, in place until 2020. And  
7 -- and those positions specifically deal with families of  
8 missing persons, but they also support victim services  
9 across the province.

10 **MS. BARBARA MYSKO:** Okay. I'll ask you to  
11 turn to one last document in your binder. It's entitled,  
12 "Part 2: Institutional Hearings on Government Services" in  
13 large print, "Panel on Victim Services".

14 **MS. BETTY ANN POTTRUFF:** In the binders?

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

17 **MS. BETTY ANN POTTRUFF:** Yes, I am.

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

20 **MS. BETTY ANN POTTRUFF:** Yes, I was.

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

23 **CHIEF COMMISSIONER MARION BULLER:** Yes, "Part  
24 2: Institutional Hearings on Government Services" will be  
25 Exhibit 20.

1 --- EXHIBIT NO. 20:

2 Government of Saskatchewan document  
3 "Part II: Institutional Hearings on  
4 Government Services - Panel on Victim  
5 Services" dated May 18, 2018 (28 pages)

6 MS. BARBARA MYSKO: Thank you. And you're  
7 offering this exhibit as higher-level context to your  
8 testimony?

9 MS. BETTY ANN POTTRUFF: Yes.

10 MS. BARBARA MYSKO: Thank you. I'm cognizant  
11 of the time, Betty Ann, so I'll ask you one last question.  
12 How do you hope that this National Inquiry process would be  
13 able to support the work that the Provincial Partnership has  
14 been doing?

15 MS. BETTY ANN POTTRUFF: Well, I'm really  
16 looking forward to getting some -- some concrete practical  
17 recommendations from the National Inquiry that we can take  
18 forward and -- and look at in terms of a work plan for the  
19 Partnership Committee and -- and for government in terms of  
20 things that we can do to support families to deal with  
21 trauma that the families experience and -- and to improve  
22 processes to make sure that people -- fewer people go  
23 missing or stay missing. And certainly there -- there are  
24 many, many needs for -- for trauma supports that -- that  
25 are, I think, are evident with -- with the National Inquiry.

1 That the families have current and ongoing needs. And  
2 speaking to the -- the opening ceremonies this morning, if  
3 we want to have safe communities, we have to have healthy  
4 people and healthy communities. And I think that starts  
5 with dealing with the trauma that so many people have  
6 suffered.

7 I also wanted to just take a moment and speak  
8 to the sash. Ministry of Justice and Correction and  
9 Policing in Saskatchewan has had an Elder's Committee for a  
10 number of years since about 2005, and I've spoken to them  
11 many times about the Missing and Murdered Inquiry. And as  
12 well, the Commissioners met with them in December of 2016.  
13 I was with the Elders again May 14th, and -- and they gifted  
14 me with this sash, and so I wanted to bring it today to  
15 acknowledge the support and the advice that I've been  
16 provided by the Elder's. Thank you.

17 **MS. BARBARA MYSKO:** Thank you, and that  
18 concludes my questions for the witness.

19 **MS. MEREDITH PORTER:** Thank you. I'm going  
20 to suggest at this point, are any questions from any of the  
21 Commissioners, if they would like to put to the witness  
22 advance of the cross-examination?

23 **COMMISSIONER MICHÈLE AUDETTE:** I just  
24 literally have one minutes here.

25 **UNIDENTIFIED SPEAKER:** While they're

1 discussing, I was telling my sisters here, I didn't want to  
2 knock over the Inuit lamp, I'll get Inuit bad luck for ten  
3 years or something so ...

4 **UNIDENTIFIED SPEAKER:** Longer than that, my  
5 friend.

6 **MS. MEREDITH PORTER:** One -- one question.  
7 Okay.

8 **UNIDENTIFIED SPEAKER:** Yeah.

9 **MS. MEREDITH PORTER:** There's one question.

10 **UNIDENTIFIED SPEAKER:** Okay.

11 **COMMISSIONER MICHÈLE AUDETTE:** While she's  
12 looking for her question 'cause she had so many good  
13 question, she have to choose the question. I just want to  
14 say thank you for your presentation this morning; the first  
15 panel and the second one also. It was very interesting and  
16 scratching also. I'm so anxious for tomorrow. *Merci.*

17 **QUESTIONS BY THE COMMISSIONERS:**

18 **COMMISSIONER QAJAQ ROBINSON:** I echo her  
19 gratitude. I only have one question, and it's for you with  
20 respect to the FILU programs. And I'm asking it now, just  
21 'cause I think it will help everybody. When you talk about  
22 eligibility, you indicated it's for all families of -- of  
23 Missing and Murdered. How do you define that? And -- and  
24 I'll give you an example or a question to help contextualize  
25 that. Would that include family members who lost a loved

1 one to say, what the coroners determine to be suicide for  
2 example?

3 **MS. NAOMI GIFF-MACKINNON:** Yes, it would. It  
4 includes all families who've lost loved ones. They --  
5 families come to the FILUs. Many times, they are -- the --  
6 the coroner has determined a cause of death that -- that  
7 doesn't sit well with them, that doesn't resonate with their  
8 experience. And the FILUs will work with those family  
9 members as well. I think what - the definition is broad,  
10 and I think what changes is what information can be shared  
11 that's going to be defined by the relationship of that  
12 family member to the person about whom the information is  
13 about, which is determined by the agency.

14 **COMMISSIONER QAJAQ ROBINSON:** I think at that  
15 this point, that's sort of my only question.

16 **CHIEF COMMISSIONER MARION BULLER:** We're  
17 deferring further questions until the end of cross-  
18 examination.

19 **MS. MEREDITH PORTER:** Okay. Well, thank you  
20 very much. And so we are going to move into the -- we've  
21 completed now the -- sorry. Was -- did you have a question.  
22 I have another request.

23 **COMMISSIONER QAJAQ ROBINSON:** I have another  
24 request. We'll take the afternoon break, please.

25 **MS. MEREDITH PORTER:** Yes, we're going to

1 actually take about a 30-minute break, 'cause we need to  
2 have an opportunity to get parties organized with their  
3 questions --

4 **COMMISSIONER QAJAQ ROBINSON:** Yes.

5 **MS. MEREDITH PORTER:** -- for cross-  
6 examination, but I do also want to thank the witnesses and  
7 counsel for their assistance today in leading the evidence.  
8 So I will request a 30-minute time.

9 **COMMISSIONER MICHÈLE AUDETTE:** Okay. She  
10 gave us afternoon off.

11 **MS. MEREDITH PORTER:** 30-minute break.

12 **UNIDENTIFIED SPEAKER:** Hey, there's three  
13 women here looking at me, wondering if I'm going to say  
14 something. I'm not, so ...

15 **(LAUGHTER)**

16 **UNIDENTIFIED SPEAKER:** Okay. What I'm  
17 hearing is a 30-minute break --

18 **UNIDENTIFIED SPEAKER:** Okay.

19 **MS. MEREDITH PORTER:** -- and then we'll come  
20 back for cross-examination.

21 **UNIDENTIFIED SPEAKER:** And we will come back  
22 here and those questions.

23 **UNIDENTIFIED SPEAKER:** Okay.

24 **MS. MEREDITH PORTER:** All right. We have one  
25 comment here.

1                   **UNIDENTIFIED SPEAKER:** If -- if a --

2                   **UNIDENTIFIED SPEAKER:** One comment? Okay.

3                   Sorry.

4                   **MS. MEREDITH PORTER:** Sorry, and that's what  
5 I was looking at. I -- I understand my -- that my client  
6 wanted to make a comment.

7                   **UNIDENTIFIED SPEAKER:** All right. All right.

8                   **MS. CHRISTA BIG CANOE:** And just so --

9                   **MS. MEREDITH PORTER:** Or announcement.

10                  **MS. CHRISTA BIG CANOE:** Hello? Okay. Thank  
11 you. Just, we are having a 30-minute break. Ten minutes  
12 into the break, if all parties could meet in the room, that  
13 office, so that we can have that meeting?

14                  **UNIDENTIFIED SPEAKER:** Okay.

15                  **MS. CHRISTA BIG CANOE:** Just a reminder that  
16 rule 48 now reverses.

17                  **MS. MEREDITH PORTER:** Yes. Yes. Yeah.

18                  Yeah.

19                  **UNIDENTIFIED SPEAKER:** We do I believe have  
20 break-out rooms, right? We're going to defer  
21 whoever --

22                  **MS. MEREDITH PORTER:** We -- yes, we do. And  
23 the parties will meet in the -- the break out room and get  
24 -- again, get organized with respect to the order that they  
25 have for asking questions. But I also did want to remind

1 that you, again, of -- of rule 48. This morning, during the  
2 in-Chief examination, the parties were asked not to approach  
3 the witnesses and discuss with them the elements or any  
4 relation to their -- their evidence. At this point in time,  
5 we're going to ask counsel not to discuss elements of the --  
6 of -- of evidence with their witnesses as the parties move  
7 to their cross-examination. Again, rule 48 of the  
8 procedure guide speaks to that issue. So thanks very much.

9 --- Upon recessing at 3:21 p.m.

10 --- Upon reconvening at 3:59 p.m

11 **UNIDENTIFIED SPEAKER:** Excuse me, Me Porter.

12 **MS. MEREDITH PORTER:** Thank you. Okay, we  
13 are now going to move into our cross-examination of the  
14 witnesses, and the first party that I would like to invite  
15 up is The Institute For the Advancement of Aboriginal  
16 Women, and this party will have 23 minutes for the  
17 cross-examination and the time will start when they reach  
18 the podium and begin speaking. Thank you.

19 **JOHN PHELPS, Previously Affirmed:**

20 **CROSS-EXAMINATION BY MS. WEBER:**

21 **MS. LISA WEBER:** Thank you very much. Good  
22 afternoon, Commissioners, panelists, thank you for the  
23 opportunity to cross-examine some of the panelists from  
24 today. I apologize, I actually haven't been at any of the



1 previous proceedings, so if you will bear with me if I'm  
2 not aware of any particular protocol, but I think I'm okay.

3 In any event, where I would like to focus my  
4 questions this afternoon would be on the -- the  
5 presentation by Mr. Phelps this morning, and in preparing  
6 the questions I have for you, Mr. Phelps, I've tried to be  
7 cognizant that you are with the Yukon territory, and I'm  
8 trying to -- so the questions I've put together really are  
9 an attempt to garner information that's relevant for those  
10 of us who are in the provinces and who are in jurisdictions  
11 where prosecutions are managed by the provincial  
12 Departments of Justice, so with that in mind, I've  
13 structured my questions.

14 Given also your -- the level of expertise,  
15 that we know your involvement with the public prosecutions,  
16 the first question I'll ask is, have you been involved with  
17 or are you aware of any cross jurisdictional or  
18 inter-jurisdictional work with provincial Crown departments  
19 in regards to programs such as the Crown Witness  
20 Coordinator Program?

21 **MR. JOHN PHELPS:** I haven't personally been  
22 involved, no, with any FPT working groups or anything like  
23 that, no.

24 **MS. LISA WEBER:** Okay. And are you aware if

1       there are any?

2                   **MR. JOHN PHELPS:** Not intimately, no. There  
3       may be. I'm not familiar with their content or their  
4       mandate.

5                   **MS. LISA WEBER:** Okay, thank you. So I'll  
6       jump around a little bit with my questions, Mr Phelps, the  
7       topic being contact with victims. So I was wondering if  
8       you could just speak to how do coordinators make and keep  
9       contact with victims who may be homeless in your  
10      jurisdiction?

11                   **MR. JOHN PHELPS:** That's not an infrequent  
12      problem that we face in the Yukon or across the north,  
13      either homeless or individuals that do move around a lot.  
14      So, I mean, there are two problems, at times one and the  
15      same. And it's quite frequent in the communities, in the  
16      northern communities, the remote communities, that people  
17      simply don't have access to telephones for a variety of  
18      reasons, so those challenges are faced on a regular basis  
19      by our Crown Witness Coordinator team, and we reach out to  
20      other organizations that may be able to assist us in  
21      locating individuals, one of the primary departments would  
22      be the RCMP in the north, to see whether or not they can  
23      assist us in locating an individual or direct us to a  
24      particular community or a particular family member that

1 they're aware of that may know the whereabouts of the  
2 individual, and we do our best to sort of track the  
3 individual down from there, but it's not without its  
4 difficulties.

5 Our Crown Witness Coordinators aren't hired  
6 as investigators, but it's a big part of what they do to  
7 try and track people down, is to work with other  
8 organizations. There's a vibrant, vibrant, a well-  
9 resourced victim services unit in the Yukon territory and  
10 they're in every community -- they're not based in every  
11 community, but they go to every community and provide  
12 support, so we -- we do reach out to them.

13 We have self-governing First Nations around  
14 the Yukon in most of the communities and they have justice  
15 departments, and we will reach out to them as well to see  
16 whether or not there's any information they can provide to  
17 assist us in locating somebody.

18 **MS. LISA WEBER:** Okay, thank you. Once you  
19 do make that contact and are maintaining that contact, has  
20 it been your observation or experience of your program that  
21 language barriers impact that ongoing contact, the  
22 effective ongoing contact?

23 **MR. JOHN PHELPS:** It would vary across the  
24 north. So in the Yukon territory the answer to that

1 question would be no because primarily the -- the language  
2 that's spoken in the Yukon is either English or French, so  
3 we don't have that same barrier, that same problem, in the  
4 Yukon territory. As you move east the prevalence of the  
5 first language being other than English and French  
6 increases, and that can create a barrier, for sure.

7 **MS. LISA WEBER:** Okay. Question, are your  
8 Crown Witness Coordinators public service employees?

9 **MR. JOHN PHELPS:** Public prosecution service  
10 employees?

11 **MS. LISA WEBER:** Yes.

12 **MR. JOHN PHELPS:** Yes, they are.

13 **MS. LISA WEBER:** Yes. So you talked about  
14 confidentiality and it is outlined in the program  
15 description as well, I'm just wondering, when you -- when  
16 your coordinators are working with victims and the issue of  
17 explaining confidentiality arises, given that they are, in  
18 fact, employees of the Crown, how do you go about dealing  
19 with what may perhaps be a conflict of interest with  
20 respect to confidentiality?

21 **MR. JOHN PHELPS:** So they -- we keep  
22 confident -- confidential the contact information with  
23 respect to a victim and information that isn't necessarily  
24 relevant to the prosecution, but it's explained to them at

1 the outset, before any meaningful dialogue takes place with  
2 the victim, that they are part of the prosecution service  
3 and that if information comes forward that would be  
4 relevant to the prosecution the Crown attorney would have  
5 the responsibility of disclosing that.

6 It -- it seems like it would be a  
7 significant barrier to the relationship with victims, but  
8 our experience is that the vast majority of victims are  
9 okay with that relationship, they understand the barriers  
10 to the information that we can receive and our Crown  
11 Witness Coordinators are trained to stop a conversation  
12 before information is shared, to explain to a victim that  
13 if they that want to provide, for example, new information  
14 on a case, then we have a procedure for that which involves  
15 the RCMP, so that we will necessarily make an arrangement  
16 with the RCMP and set it up so they can provide that  
17 information directly to the investigative agency and not to  
18 us.

19 **MS. LISA WEBER:** Okay. Have you ever had  
20 instances where a victim has their own counsel as part of  
21 that process?

22 **MR. JOHN PHELPS:** To my mind I can't think  
23 of a specific instance. It wouldn't be unusual that we're  
24 dealing with victims that would have lawyers for other

1 reasons and may get some assistance, for example, as a  
2 result of a spousal assault. There may be a family lawyer  
3 attached to the victim and they may get the assistance of  
4 that lawyer, but I can't think of a situation where there  
5 would be a referral -- necessary referral to get counsel  
6 before providing that information to the RCMP.

7 **MS. LISA WEBER:** Okay. I believe from my  
8 notes this morning you talked about the quarters --  
9 coordinators, excuse me, not providing support beyond the  
10 trial process, and you indicated there would be referrals  
11 outside otherwise; is that correct?

12 **MR. JOHN PHELPS:** Beyond the court  
13 process --

14 **MS. LISA WEBER:** M'hm.

15 **MR. JOHN PHELPS:** -- that's correct, so up  
16 to and including sentencing, and then through an appeal  
17 process, for example, if it were to exist and a retrial, et  
18 cetera, but beyond that there would be referrals to other  
19 agencies.

20 **MS. LISA WEBER:** Okay. So my question  
21 regarding that then is, does the program presume that such  
22 witnesses will request that type of support, or is there a  
23 presumption that that information needs to be provided  
24 proactively by the program?

1           **MR. JOHN PHELPS:** It's -- it's not presumed  
2           that it would be asked for, so it's an ongoing relationship  
3           from first -- from first contact, when we receive the file,  
4           all the way through the end. And at any point in time  
5           there is a need perceived with the victim, there would be a  
6           dialogue about possible agencies that could assist with the  
7           particular need. And particularly at the end of a process,  
8           if the individual is showing signs of difficulty, trauma or  
9           otherwise, then the referral would proactively be made to  
10          say, look, there's this particular organization in your  
11          community that may be able to assist you, and provide  
12          information to them, and should they be wanting to make  
13          access and require some assistance, then provide the  
14          assistance.

15                   And as I indicated earlier, the victim  
16          services branch of the territorial government does have  
17          services that they provide in every community in the Yukon,  
18          and those services aren't tied to charges.

19                   So if there's criminal activity that takes  
20          place that never results in discussions with the RCMP,  
21          victim services may be providing support to those  
22          individuals. Once a matter goes through court, whether  
23          victim services are attached to that individual or not  
24          through the court process, they would be willing to provide

1 support post the court process.

2 **MS. LISA WEBER:** Skip over to another subject  
3 matter, Mr. Phelps. When you were describing the  
4 relationship between the witness coordinators and assigned  
5 Crowns, you made reference that perhaps the coordinators may  
6 have some awareness of when evidence may be presented in  
7 court, the type of evidence, that sort of type of thing,  
8 because of their close relationship. And I'm just  
9 wondering, then, how do the coordinators deal with in  
10 interactions with victims deal with, perhaps, conflicting  
11 Indigenous beliefs about either the types of questions that  
12 they may expect to be asked of them as witnesses in court or  
13 the, in fact, presentation of evidence if it conflicts with  
14 their beliefs. How is that handled?

15 **MR. JOHN PHELPS:** I'm not too sure I quite  
16 understand the question, so when they're dealing with a  
17 victim and the victim has a different belief system, is  
18 that?

19 **MS. LISA WEBER:** Yeah, I'll give you an  
20 example, if that helps. If you're dealing with a sexual  
21 assault, a serious sexual assault, and there's an  
22 expectation that the witness, the victim, will testify in  
23 court, if there is a belief in that person's culture to not  
24 speak about sexual activity, how -- how would your  
25 coordinators prepare that witness to be able to speak in



1 court in the -- in the process to be questioned about that  
2 if that goes against their own beliefs?

3 **MR. JOHN PHELPS:** I'm not certain that we had  
4 ever been faced with that particular scenario in the Yukon.  
5 The responsibility of the Crown Witness Coordinator would be  
6 to explain the court system to the victim and the nature of  
7 the requirement. If there's a refusal to testify for -- for  
8 any reason, be it cultural or otherwise, and if they've  
9 provided the information and explained it adequately to the  
10 victim, they would make arrangements to have the prosecutor  
11 meet with the particular victim and question, if the victim  
12 is willing to do so, to assess whether or not the  
13 prosecution can continue in light of the refusal.

14 **MS. LISA WEBER:** I'm wondering, then, just in  
15 terms of training, perhaps, that's offered to your witness  
16 coordinators, are they kept informed or made aware through  
17 training as to what the specific beliefs might be that are  
18 particular to the area?

19 **MR. JOHN PHELPS:** Well, as I indicated  
20 earlier, there's -- there's a mandatory training that takes  
21 place, which is titled First Nations 101, and was developed  
22 by the Council of Yukon First Nations and that provides  
23 historical and cultural context to the 14 First Nations from  
24 the Yukon Territory. It is, however, just one form of  
25 training and -- and doesn't cover all aspects and may not

1 cover the aspect that you're referring to.

2 We take advantage of any other training that  
3 may come through the Yukon College, through the Northern  
4 Institute of Social Justice, and by individual First Nations  
5 that may be provided -- that can provide more education,  
6 more understanding and more insight for the Crown Witness  
7 Coordinators.

8 For example, Tr'ondek Hwech'in First Nation  
9 is putting on a cultural -- a cultural training, sorry, in  
10 their traditional territory in August, and we'll be sending  
11 the majority of our Crown Witness Coordinator team to  
12 understand their perspective and learn what they're prepared  
13 to -- to teach us with respect to their culture. Not every  
14 First Nation is able to do that or is willing to do that,  
15 but where it's available, we would provide it.

16 **MS. LISA WEBER:** Okay. You talked a little  
17 bit this morning, or there was reference also to graphic  
18 evidence as one example of evidence that's presented in  
19 court, and I'm just wondering in your experience or to your  
20 knowledge what would be considered graphic evidence that's  
21 been in some of your courtrooms for prosecutions?

22 **MR. JOHN PHELPS:** The most common would be  
23 scenes of a violent offence, be it a homicide or other type  
24 of violence that show things like blood, for example, at the  
25 scene. Show disarray at the scene, and quite common would

1 be that show, perhaps, imagery of an individual who is the  
2 deceased in relation to the homicide.

3 **MS. LISA WEBER:** Okay. And so when you say  
4 imagery, would these be photographs or some type of media  
5 presentation?

6 **MR. JOHN PHELPS:** Commonly it would be  
7 photographs, yes, or, you know, video reenactments and that  
8 sort of a thing, where there would be discussion or dialogue  
9 with respect to what occurred, that a victim family would be  
10 hearing for the very first time, so you want to make sure  
11 that they understand that this is coming and they're going  
12 to learn information for the first time, and it's going to  
13 be very difficult for them, and make arrangements to see if  
14 we can support them through the process.

15 **MS. LISA WEBER:** Okay. So in your experience  
16 and knowledge, have any of the Crowns in your jurisdiction  
17 ever introduced actual body parts into evidence?

18 **MR. JOHN PHELPS:** Not -- not since I've been  
19 with the organization, no.

20 **MS. LISA WEBER:** Okay. And that was for how  
21 long?

22 **MR. JOHN PHELPS:** Since 2003.

23 **MS. LISA WEBER.** Okay. And I want to talk a  
24 little now about the Canadian Victims Bill of Rights, which  
25 was, I believe, given Royal Assent in 2015, if I recall?

1           **MR. JOHN PHELPS:** Actually, yes.

2           **MS. LISA WEBER:** Keeping in mind the  
3 principles of the UN Declaration on the Rights of Indigenous  
4 Peoples, to your knowledge was there involvement by  
5 Indigenous peoples in the development of the Bill of Rights?

6           **MR. JOHN PHELPS:** I apologize, but I'm not  
7 familiar with the creation of the Bill of Rights. We were  
8 consulted at the tail end with respect to the changes to the  
9 *Criminal Code* but I'm not familiar with the development of  
10 the legislation.

11           **MS. LISA WEBER:** Okay. And the related  
12 directive, which was introduced this morning as an exhibit.  
13 I'm sorry, I don't remember the number, but were you -- was  
14 -- do you recall the consultation process for the directive?

15           **MR. JOHN PHELPS:** The -- the desk book  
16 directive?

17           **MS. LISA WEBER:** Yes.

18           **MR. JOHN PHELPS:** I do. It was created at  
19 our headquarters, but each region was consulted on it, yes.

20           **MS. LISA WEBER:** Okay. And when was that,  
21 the consultation?

22           **MR. JOHN PHELPS:** I don't recall the actual  
23 dates, but it was post implementation of the Canadian Bill  
24 of Rights, around or post.

25           **MS. LISA WEBER:** Thank you very much, Mr.

1 Phelps, those are all my questions. Those are all my  
2 questions, Commission.

3 **MR. JOHN PHELPS:** Thank you.

4 **MS. MEREDITH PORTER:** Could we have counsel's  
5 name for the record?

6 **MS. LISA WEBER:** Oh, sorry, yes. Lisa Weber,  
7 counsel for the Institute for the Advancement of Aboriginal  
8 Women. Thank you.

9 **MS. MEREDITH PORTER:** Thank you. Next party  
10 I would like to invite up and to question the Panel is  
11 Counsel for Pauktuutit and several other organizations. And  
12 counsel will have 34 minutes for questioning.

13 **CROSS-EXAMINATION BY MS. SYMES:**

14 **MS. BETH SYMES:** Good afternoon. I'm Beth  
15 Symes, and I am counsel to Pauktuutit to the Inuit Women of  
16 Labrador, to Saturviit, to the Ottawa Inuit Children's  
17 Centre, and to the Manitoba Inuit Association.

18 I want to begin by thanking my colleague,  
19 Darin Blane for generously giving me 11 of his precious  
20 minutes, so thank you.

21 So I'd like to, sort of, turn this  
22 conversation sort of on -- on its head. We've heard a lot  
23 today about the services that are provided to victims and to  
24 families when the woman or girl is deceased. And I'd like  
25 to look, in fact, at what surely should be our goal, which

1 is to prevent, eliminate violence against Indigenous women  
2 and girls, and in particular child sexual abuse. And I'm  
3 going to focus on Inuit because that's my -- that's my  
4 retainer.

5 So the first thing, and -- and I -- I'm not  
6 sure who could answer it, but maybe Mr. Phelps. I  
7 understand that you have been a Crown prosecutor for some 13  
8 years, is that correct?

9 **MR. JOHN PHELPS:** You're making me do math,  
10 but since 2003, yes.

11 **MS. BETH SYMES:** Okay. And before that, did  
12 you also do defence work before you joined prosecution?

13 **MR. JOHN PHELPS:** I did, yes.

14 **MS. BETH SYMES:** Okay. And in total, then,  
15 how many years have you done representation of accused as  
16 well as prosecuting?

17 **MR. JOHN PHELPS:** Since 2008 [sic], so my  
18 math skills can say 20 years.

19 **MS. BETH SYMES:** That's true. Good, even  
20 numbers. And so if we look generally, then, based on your  
21 20 years of experience, would you agree with me that in  
22 Canada, overall, that the crime rates have been falling over  
23 the last 20 years?

24 **MR. JOHN PHELPS:** To be honest with you, I'm  
25 not intimately familiar with the crime rates over that

1 period of time, but I've got no reason to disagree with you.

2 **MS. BETH SYMES:** Well, let me ask you about  
3 the territory that you know the best, which is Yukon. Over  
4 that period, have the crime rates in Yukon increased?

5 **MR. JOHN PHELPS:** The -- certainly the -- the  
6 file count within our office has increased, yes, and we have  
7 extreme variations with respect to particular types of  
8 crime, so it's -- it's hard to say, but right now, we're in  
9 a situation where the homicide rate is extremely high for  
10 our territory.

11 **MS. BETH SYMES:** We were in -- a year ago, we  
12 were in Whitehorse and we heard stories of recent murders of  
13 Indigenous women and girls from the Yukon. Do you know  
14 whether from your -- your current position, do you know  
15 whether the crime rate in the Northwest Territories is also  
16 climbing?

17 **MR. JOHN PHELPS:** I don't -- I can't answer  
18 that question. I'm sorry.

19 **MS. BETH SYMES:** And we had evidence two  
20 weeks ago in Québec City that the crime rate in Nunavut is,  
21 in fact, increased 114 -- no, not 114 percent, but from the  
22 base year to the current year, it's 114 percent in contrast  
23 to the rest of Canada. Is that your understanding, given  
24 your responsibility for this particular program?

25 **MR. JOHN PHELPS:** I'd have no reason to

1 disagree with it, but I -- I don't know the figures, so.

2 **MS. BETH SYMES:** But your experience is that  
3 your workload is not going down in terms of providing  
4 support to victims of crime in the three territories?

5 **MR. JOHN PHELPS:** That is correct.

6 **MS. BETH SYMES:** You're not working yourself  
7 out of a job.

8 **MR. JOHN PHELPS:** Not so far.

9 **MS. BETH SYMES:** Okay. And would you agree  
10 with me that whatever programs governments enact and fund,  
11 legislation, policies, procedures, et cetera, that they need  
12 to be measured to see if they're effective?

13 **MR. JOHN PHELPS:** I would agree with that --  
14 that statement, yes.

15 **MS. BETH SYMES:** And so in terms of, for  
16 example, these CWCs, they've existed since 1991, is that  
17 correct?

18 **MR. JOHN PHELPS:** Correct.

19 **MS. BETH SYMES:** And you've outlined this  
20 morning to Mrs. Turley the fact that you provide quite a  
21 broad range of services through your CWCs. It's -- it's not  
22 just accompanying them to court. You do referrals, is that  
23 correct?

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

25 **MS. BETH SYMES:** And in case that it's a



1 victim that is not a deceased, you're worried about her  
2 safety before it gets to trial?

3 **MR. JOHN PHELPS:** Throughout the process,  
4 yes, that's correct.

5 **MS. BETH SYMES:** And in any of the things  
6 that you talked about, has there been any measurement of  
7 your program since 1991 that it has, in fact, increased the  
8 safety of Indigenous women?

9 **MR. JOHN PHELPS:** On --

10 **MS. BETH SYMES:** Any -- sorry. Let me say,  
11 any empirical study?

12 **MR. JOHN PHELPS:** Not that I'm aware of, no.

13 **MS. BETH SYMES:** And we talked, then, very  
14 much about violence. That is, battery, assault, murder, et  
15 cetera. But would you also agree with me that, across the  
16 three territories, you also have problems, we have problems,  
17 with child sexual abuse?

18 **MR. JOHN PHELPS:** I would agree with that,  
19 yes.

20 **MS. BETH SYMES:** And that those problems are  
21 not diminishing? Do you agree with me?

22 **MR. JOHN PHELPS:** I do.

23 **MS. BETH SYMES:** So in terms of thinking,  
24 then, of being proactive, to reduce the number of Indigenous  
25 women and girls who are murdered or go missing, would you

1 agree with me that looking at the causes or the risk factors  
2 of death or violence would be a fruitful study?

3 **MR. JOHN PHELPS:** Pardon me, did you say  
4 "fruitful?"

5 **MS. BETH SYMES:** Fruitful.

6 **MR. JOHN PHELPS:** Yes, I agree.

7 **BETTY ANN POTTRUFF, Previously Affirmed:**

8 **CROSS-EXAMINATION BY MS. SYMES:**

9 **MS. BETH SYMES:** And now, Ms. Pottruff, you  
10 -- your counsel provided us earlier on, about a week ago,  
11 with an interim report with respect to deaths in  
12 Saskatchewan. And fortunately, you've provided, I think on  
13 Saturday, the final report. I'm going to ask if your  
14 counsel can provide it to you. I believe that you have it.  
15 Let me just -- this is huge. It is the Saskatchewan  
16 Domestic Violence Death Review Report, and it's dated July  
17 24th -- pardon me, May 24th, 2018. Hot off the press. And  
18 that is a report that was -- what would you say, ordered or  
19 commissioned by the Saskatchewan government Department of  
20 Justice?

21 **MS. BETTY ANN POTTRUFF:** It -- it was  
22 requested that an independent panel produce the report, and  
23 -- and they did.

24 **MS. BETH SYMES:** And one of the things that  
25 this independent panel did, and I believe if you look in

1 appendix A, you will see there that they looked at what are  
2 the risk factors and -- just a second. Domestic violence,  
3 domestic death, were situations in which one -- sometimes  
4 it's called one intimate partner killed another.

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

6 **MS. BETH SYMES:** So they could be spouses,  
7 they could be in any other relationship, but intimate  
8 partners. Dating relationships. And in appendix A, there  
9 are a number of what are called themes. So is it correct  
10 that what your researchers did, or the people you  
11 commissioned, is that they looked at a number of domestic  
12 deaths in Saskatchewan and tried to analyze commonalities?  
13 That is, what factors were present in all or most of the  
14 deaths? Is that correct?

15 **MS. BETTY ANN POTTRUFF:** Okay.

16 **MS. BETH SYMES:** And appendix A, then, sets  
17 out the factors they looked at.

18 **MS. BETTY ANN POTTRUFF:** Yes. They're also  
19 summarized and the ones that they found most common, right.

20 **MS. BETH SYMES:** Okay. And so I don't want  
21 to take up any more of this time, because it's actually not  
22 yours, but that report, then, is, I think, the most recent  
23 report we have of an empirical study trying to establish,  
24 and the language in the report are themes, right? Themes.  
25 They call them themes, but they might also be called risk

1 factors.

2 MS. BETTY ANN POTTRUFF: Yes.

3 MS. BETH SYMES: And for example, if a woman  
4 had been abused before, that was a significant risk factor  
5 or theme in her eventual death.

6 MS. BETTY ANN POTTRUFF: Correct.

7 MS. BETH SYMES: And the researchers found  
8 that, for almost all women who died, that the violence that  
9 they endured escalated over time. Is that correct?

10 MS. BETTY ANN POTTRUFF: Correct.

11 MS. BETH SYMES: And so it would be  
12 incredibly rare that, out of the blue, someone is killed, a  
13 woman is killed. That -- that's -- would be a very rare  
14 situation.

15 MS. BETTY ANN POTTRUFF: I'm not sure I can  
16 say that. I can say what they found in these six cases they  
17 looked at.

18 MS. BETH SYMES: Okay. But in each of those  
19 cases, they found escalating --

20 MS. BETTY ANN POTTRUFF: Correct.

21 MS. BETH SYMES: -- violence.

22 MS. BETTY ANN POTTRUFF: Right.

23 MS. BETH SYMES: Escalating violence in which  
24 if only something had happened, maybe death might not occur;  
25 is that correct?

1 MS. BETTY ANN POTTRUFF: Correct.

2 JOHN PHELPS, LEANNE GARDINER, BETTY ANN POTTRUFF, Previously  
3 Affirmed:

4 CROSS-EXAMINATION BY MS. SYMES:

5 MS. BETH SYMES: Okay. Now, is that -- Mr.  
6 Phelps, is that also your experience over your -- your 20  
7 years, that in the cases that you've seen where domestic  
8 violence, in fact death, has usually escalated before  
9 someone -- the woman is actually killed?

10 MR. JOHN PHELPS: That's not a question that  
11 I'm very comfortable answering in a quantitative sense.  
12 It's certainly the case that we've seen in intimate -- or  
13 intimate partner homicides, that they -- they can have no  
14 history with the RCMP for example. Whether or not there was  
15 violence in the relationship that was noted by another  
16 organization, I wouldn't be able to say, but I certainly  
17 have seen cases where there have been repeated reports of  
18 violence that have occurred prior to the homicides. So...

19 MS. BETH SYMES: Mr. Phelps, would you agree  
20 with me that for all women in Canada who are experiencing  
21 domestic violence, there is -- literature tells us that the  
22 rate of violence is underreported? That's is, very few  
23 women who are physically abused actually go to the police to  
24 report that violence.

25 MR. JOHN PHELPS: I'm not familiar with

1 particular numbers, but I am aware that this would be called  
2 a dark figure that exists with respect to all crime and in  
3 particular would exist with respect to spells of violence as  
4 well, yes.

5 **MS. BETH SYMES:** Ms. Pottruff, you've had  
6 lots of experience in Saskatchewan. Would you agree with my  
7 statement that domestic violence is underreported by women  
8 in Canada?

9 **MS. BETTY ANN POTTRUFF:** Yes, I would.

10 **MS. BETH SYMES:** Now, going back to you, Mr.  
11 Phelps, 'cause I want to talk about the North, and in  
12 particular Inuit in the North, but maybe this is not just  
13 related to Inuit. Would you agree with me that in remote  
14 communities that the pressure not to report is very strong?

15 **MR. JOHN PHELPS:** I would agree with that  
16 statement that the -- there's pressure not to report or  
17 there's pressure not to follow through should there have  
18 been a report, yes.

19 **MS. BETH SYMES:** And would you agree with me  
20 that in small, remote communities, that there are many  
21 relationships, that is, relatives of each other? And that  
22 the --

23 **MR. JOHN PHELPS:** Yes.

24 **MS. BETH SYMES:** -- that the perpetrator and  
25 the victim could have been cousins or other -- other kinds

1 of relations?

2 MR. JOHN PHELPS: There are seemingly large  
3 families within small communities that -- that are very  
4 extensive, yes. And whether or not it's a family member or  
5 a member of an opposite family, those pressures are very  
6 real within the community. I would agree with you.

7 MS. BETH SYMES: So it -- I want to then move  
8 up in terms of escalating violence.

9 MR. JOHN PHELPS: Yeah.

10 MS. BETH SYMES: In terms of domestic or  
11 family violence, once it has happened, and let's say the  
12 woman has been badly beaten. Do each of the three  
13 Territories, and remember, I'm going to be focusing on  
14 prevention; prevention of escalating violence, prevention of  
15 death. So let's just assume that a woman has been badly  
16 beaten in -- in a domestic, intimate partner violence. Do  
17 each of the three territories have emergency protection  
18 orders?

19 MS. ANNE TURLEY: I would like to interject  
20 at this point, Chief Commissioner. I would just like to  
21 remind counsel that Mr. Phelps was put on the stand to  
22 testify about --

23 MS. BETH SYMES: Do, please, stop the time  
24 for me. Yes.

25 MS. ANNE TURLEY: That Mr. Phelps was put on

1 the stand to talk about the Crown Witness Coordinator  
2 Program, and you know, I have given quite some room here  
3 going beyond the scope of his examination-in-chief, but  
4 pursuant to the legal path, the rules of this Commission,  
5 counsel are to respect the scope of the examination-in-  
6 chief, and this is a -- a panel about victim services, and  
7 not about the Criminal Justice System, and about violence in  
8 the community and it's verging on asking Mr. Phelps here  
9 opinion evidence, in my submission.

10 **UNIDENTIFIED SPEAKER:** Is that a reminder,  
11 Ms. Turley, or a formal objection?

12 **MS. ANNE TURLEY:** Well, it's I guess a mix of  
13 both, because if counsel is going to continue on -- on this  
14 path with Mr. Phelps, I don't feel that it is fair to the  
15 witness, because he was called for a particular reason; to  
16 talk about the Crown Witness Coordinator Program, not about  
17 prosecutions at large, and this is a victim services panel.

18 **MS. BETH SYMES:** Chief Commissioner, let me  
19 just re-word it, because I thought I was doing that. So let  
20 me just go back and route it. Mr. Phelps --

21 **MS. ANNE TURLEY:** Okay. Thanks.

22 **MS. BETH SYMES:** -- I thought you told us  
23 this morning that one of the possible services that a CWC  
24 could provide to -- to a victim, is assistance in getting  
25 emergency protection orders or directing them to emergency



1 protection orders.

2 MR. JOHN PHELPS: I -- I believe my friend  
3 from the Northwest Territories spoke about assisting through  
4 their program. If there is a safety concern, then we would  
5 make a referral to another organization, but we would not be  
6 involved in that process, no.

7 MS. BETH SYMES: Okay. So -- so let me just  
8 ask you that if there is a safety concern then, and your  
9 CWC's are concerned about the victim's safety, then they  
10 would make a suggestion that the woman might seek an  
11 emergency protection order; is that correct? That's one of  
12 the services to keep the woman safe?

13 MR. JOHN PHELPS: That's quite possible, yes.  
14 Without providing too many particulars, they would make the  
15 referral though to victim services, and advise that there is  
16 territorial legislation that could assist them in their  
17 particular circumstance and there would be help for them  
18 there.

19 MS. BETH SYMES: And can I ask you this in  
20 terms of we heard in Whitehorse, in Yellowknife, in Rankin  
21 Inlet, in Happy Valley-Goose Bay, we heard from mothers,  
22 sisters, sometimes neighbours and friends who had witnessed  
23 a woman being beaten, who -- who had seen her bruises and  
24 broken bones, but were not permitted to intervene or get the  
25 Crown or police protection for that woman. If the woman is

1 not prepared to go herself, is there any way in your system  
2 that someone else who has firsthand information about abuse  
3 of the woman could act to try and protect her life?

4 **MR. JOHN PHELPS:** Again, I apologize, but I'm  
5 not intimately familiar with the emergency intervention  
6 legislation, or the requirements under that legislation, as  
7 we don't -- we don't as a Prosecution Services deal with  
8 that legislation. As a federal agency, we refer that to the  
9 territorial agencies.

10 **MS. BETH SYMES:** Okay. So could I ask then  
11 Leanne Gardiner whether or not that's who -- who was the  
12 person who did that? Could I ask whether or not that is  
13 anything within your jurisdiction or your program's  
14 jurisdiction whereby, let's take a mother, let's just take a  
15 simple example, and a number of these were mothers who had  
16 seen her daughter badly bruised, had seen broken bones, and  
17 because of fear, or whatever reason, the woman herself was  
18 unable, unwilling to go. Sometimes, we heard evidence,  
19 "He's going to kill me. That's why I don't go." Is there  
20 anything in your system that would enable that mother who  
21 has seen these things to go to get help for her daughter?

22 **MS. LEANNE GARDINER:** Thank you for the  
23 question. So we do have territorial legislation in the  
24 Northwest Territories, as you mentioned, *The Protection*  
25 *Against Family Violence Act*. I'm not -- I'm not sure if

1       there is a provision that a third party can make that  
2       application, but I -- I am reasonably sure that if that's  
3       the case it doesn't happen very often. And I would -- I  
4       would say that the advice that our victim services providers  
5       give, which I understand from my role in the over --  
6       overview of the program, is that emergency protection orders  
7       are a tool to consider as part of an overall safety planning  
8       effort as well.

9               I would just submit that it's an important  
10       consideration when we're looking at all the tools available  
11       in that -- in the scenarios that you're providing, that  
12       there would be also other considerations for their safety.

13               **MS. BETH SYMES:** I'm going to ask you from  
14       new -- Northwest Territories' perspective, but I'm going to  
15       ask you from Saskatchewan's perspective, would you agree  
16       with me that both of your jurisdictions have laws that  
17       protect children who are being abused? I'll go with you  
18       first from Northwest Territories.

19               **MS. LEANNE GARDINER:** I believe that we have  
20       laws that protect children, but I would say that those are  
21       *Criminal Code* and not specific -- not specific to our  
22       territory, but, yes.

23               **MS. BETH SYMES:** Well, in particular I want  
24       to know, do you have laws and policies that say that if

1 someone, like a teacher or a nurse or a minister, sees that  
2 a child, or has reasonable belief that a child is being  
3 abused sexually or physically, that they have an obligation  
4 to report?

5 **MS. LEANNE GARDINER:** I'm unaware of the  
6 specifics around it, but anecdotally, yes.

7 **MS. BETH SYMES:** Okay. Betty Ann, in  
8 Saskatchewan you've got that kind of law, don't you?

9 **MS. BETTY ANN POTTRUFF:** Yes, child  
10 protection legislation as well.

11 **MS. BETH SYMES:** And there is a statutorily  
12 obligation to report, would you agree with me, because the  
13 child is vulnerable?

14 **MS. BETTY ANN POTTRUFF:** Correct.

15 **MS. BETH SYMES:** Betty Ann, would you agree  
16 with me that abused women are vulnerable?

17 **MS. BETTY ANN POTTRUFF:** Yes.

18 **MS. BETH SYMES:** And that in many cases they  
19 need protection as well?

20 **MS. BETTY ANN POTTRUFF:** That is correct. I  
21 would note that I think under the emergency protection  
22 legislation in Saskatchewan, either the police or a victim  
23 services or other agency can apply on behalf of the woman.  
24 Now, that being said, that would -- that's generally

1 considered in the context of a woman who is willing. I  
2 don't know if they've used that authority in the situation  
3 of a woman who is unwilling.

4 **MS. BETH SYMES:** Does any of the other three  
5 witnesses agree that -- or does anyone disagree with the  
6 statement that abused women, abused Indigenous women, are  
7 vulnerable persons? Does anyone disagree with that? Okay,  
8 silence.

9 Now, once you have an emergency protection  
10 order, in small communities -- let me ask from the  
11 Northwest Territories, how do you enforce them? In small  
12 remote communities?

13 **MS. LEANNE GARDINER:** The RCMP are  
14 responsible for enforcement of the orders.

15 **MS. BETH SYMES:** When we were in Quebec City  
16 we heard that for Inuit, and in particular in Inuit,  
17 Nunangat, that there is a crisis in terms of housing, in  
18 particular crowded housing, overcrowded housing, so I want  
19 you to assume that that was the evidence in Quebec City.  
20 If -- if there is then, as a result of the emergency  
21 protection order, a no contact order, and given that  
22 there's a housing crisis, where is the woman to go?

23 **MS. LEANNE GARDINER:** In the scenario you  
24 present, although I'm not an expert in that, I can see and

1 I agree that it compounds the risk for that person.

2 MS. BETH SYMES: And in -- Betty Ann, in  
3 Saskatchewan you have very, very small remote First Nations  
4 communities?

5 MS. BETTY ANN POTTRUFF: In northern  
6 communities, yes.

7 MS. BETH SYMES: Northern communities,  
8 that's what I meant, northern communities. So do you have  
9 the same problem that it is not possible to enforce an  
10 emergency protection order if there is a housing shortage,  
11 nowhere to go?

12 MS. BETTY ANN POTTRUFF: There's a lot of  
13 difficulty in terms of where do they go for a safe space,  
14 or whether if they go and live with another family that  
15 creates a danger for the other family. It is a difficult  
16 situation. Perhaps the only thing we've got that's  
17 different from -- from the territories is that we do have a  
18 northern transportation program where we will provide  
19 funding to help the women and children flee the community.  
20 Not the best resort, but it's -- it provides some safety  
21 valve.

22 MS. BETH SYMES: And in the Northwest  
23 Territories that is a flight out for Inuit women living in  
24 Inuvialuit; do you agree?

1                   **MS. LEANNE GARDINER:** Yes, I absolutely  
2 agree. I also would -- would say that our victim services  
3 providers are, I mentioned before, experts in the area of  
4 which programs to tap into, to address those -- those  
5 potential barriers to leaving, if that's what the client  
6 wants to do, and they do assist them to access those, the  
7 programming or the funding or the connection to the next  
8 safest place.

9                   **MS. BETH SYMES:** Now, in Inuvialuit there's  
10 only one shelter, one safe house, and that in Inuvik,  
11 right?

12                   **MS. LEANNE GARDINER:** To the best of my  
13 knowledge, it's outside of my responsibility, but from my  
14 knowledge as oversight of the program, that's the case. I  
15 believe that there was one in Tuk as well, but --

16                   **MS. BETH SYMES:** It shut down?

17                   **MS. LEANNE GARDINER:** I'm not sure, I'm  
18 sorry.

19                   **MS. BETH SYMES:** And then for the other  
20 communities in that area, it's not like taking a boat or a  
21 road to Inuvik, it's a flight, right?

22                   **MS. LEANNE GARDINER:** In many cases, yes.  
23 There's a highway now that better connects communities, but  
24 all of that is subject to weather and all sorts of

1 conditions as well. They're remote.

2 **MS. BETH SYMES:** And does your division pay  
3 for that flight, if a woman is -- a woman and her children  
4 fleeing danger?

5 **MS. LEANNE GARDINER:** We do not. There is a  
6 program offered by the GNWT through health and social  
7 services and the shelter system, although I'm not aware of  
8 all the intricacies of the program, the details of it, but  
9 that is what I know our victim services providers assist  
10 clients to access.

11 **MS. BETH SYMES:** Mr. Phelps, in terms of the  
12 time in the three territories where your CWCs are working,  
13 would you agree with me that there is a long -- there can  
14 be long delays from arrest to trial?

15 **MR. JOHN PHELPS:** Yes.

16 **MS. BETH SYMES:** And would you agree that  
17 the length of time from arrest to trial is made more  
18 difficult because you have circuit courts?

19 **MR. JOHN PHELPS:** It's made more difficult  
20 because of the time between circuit courts you mean? Yes.

21 **MS. BETH SYMES:** Yes.

22 **MR. JOHN PHELPS:** It's -- that does add to  
23 delay in a number of cases, yes.

24 **MS. BETH SYMES:** So a circuit court might go



1 into a very small remote community one or two times a year?

2 **MR. JOHN PHELPS:** Yes. As you -- as you go  
3 east in the Yukon territory regardless of the size of the  
4 community, it's six times a year. That being said, that's  
5 still two months in between.

6 **MS. BETH SYMES:** But in NWT and in Nunavut  
7 it is less frequent; is that correct?

8 **MR. JOHN PHELPS:** That would be yes, that's  
9 correct.

10 **MS. BETH SYMES:** And on occasion court is --  
11 doesn't happen because of bad weather?

12 **MR. JOHN PHELPS:** That is correct, yes.

13 **MS. BETH SYMES:** And that, in fact, is not  
14 as infrequent as we would think? It happens fairly often;  
15 would you agree?

16 **MR. JOHN PHELPS:** It does, I -- I apologize  
17 for not going the actual court services and judicial  
18 practice in the other two territories. When weather causes  
19 a delay in the Yukon territory, court still takes place in  
20 the sense that the matters are called, they're called,  
21 generally speaking, by telephone with facilitation at the  
22 community end so that issues such as pleas could be dealt  
23 with. But, again, counsel not being there, it still adds  
24 to delay. I don't disagree with that statement.

1           **MS. BETH SYMES:** And if the accused is out  
2 on bail, would you agree with me that, for your CWCs, that  
3 there's a fear in that delay from arrest to trial? There's  
4 a fear, then, for the victim and her family?

5           **MR. JOHN PHELPS:** Sorry, I -- I -- I have a  
6 difficult time with generalization. I -- your risk could  
7 exist. On a case-by-case basis, the risk could exist. It  
8 depends on the fact scenario and the circumstances of the  
9 particular case, but our Crown Witness Coordinators may be  
10 concerned with delay.

11           **MS. BETH SYMES:** Well, in fact, your  
12 prosecutors said, we've heard from families, again, across  
13 the north. They told us the stories that a prosecutor  
14 accepted a plea to a lesser charge because there was a fear  
15 that time was running out. You know, that they were going  
16 to hit the 30-month time frame. Is that, in fact, one of  
17 the things that your CWCs have to deal with in trying to  
18 explain to the family why, if their sister or daughter was  
19 murdered, a plea is accepted to manslaughter?

20           **MR. JOHN PHELPS:** I don't have any personal  
21 knowledge of a circumstance like that. I -- I can't answer  
22 the question. It certainly has not arisen in my  
23 jurisdiction, being the Yukon.

24           **MS. BETH SYMES:** We certainly heard about it  
25 in Yellowknife, in Rankin Inlet, and in Happy Valley. I

1 want to ask you about Gladue principles. Your community,  
2 your CWCs, explain to the victim and her family why the  
3 sentence is less than what they might have thought. Is --  
4 is that one of the things that they do? Explain the  
5 sentence, its length, or its lack of length?

6 **MR. JOHN PHELPS:** They certainly explain the  
7 outcome of the court. It wouldn't be our practice to  
8 provide an opinion on whether or not it was long or short.  
9 It would be an explanation as to what occurred in a  
10 sentencing hearing and what the result was, what the  
11 sentence was that was rendered by the judge.

12 **MS. BETH SYMES:** But let me ask you it this  
13 way, is that we heard across the four northern hearings the  
14 concern that Gladue principles in intimate partner violence  
15 were, according to the Inuit women, a license to maim, a  
16 license to kill. Have you heard that expressed through your  
17 CWCs?

18 **MR. JOHN PHELPS:** I have not, no. I don't,  
19 you know, I -- I can't provide an answer with respect to  
20 what may have happened in one of the other two  
21 jurisdictions. I have not received that information in that  
22 terminology in the Yukon, no.

23 **MS. BETH SYMES:** You've not heard it been --  
24 but you supervise also NWT and Nunavut, don't you?

25 **MR. JOHN PHELPS:** No, I do not.

1                   **MS. BETH SYMES:** With respect to the CWCs?

2                   **MR. JOHN PHELPS:** No. I -- I supervise the  
3 CWCs in the Yukon Territory only. The supervision of the  
4 CWC team in the other two territories is taken -- takes  
5 place within those other two territories, either by a team  
6 supervisor or a team leader.

7                   **MS. BETH SYMES:** In --

8                   **MR. JOHN PHELPS:** Pardon me?

9                   **MS. MEREDITH PORTER:** I'm sorry to interject,  
10 but the 34 minutes for cross-examination have been  
11 completed.

12                   **MS. BETH SYMES:** They have? Oh, I'm sorry.  
13 Thank you.

14                   **MS. MEREDITH PORTER:** That's no problem.  
15 Thank you very much. We have completed the two parties with  
16 their -- their counsel cross-examination. I understand,  
17 however, before we do adjourn for the day, we had requested  
18 an -- to extend beyond 5:00, that some parties had indicated  
19 that were -- that were next to go having requested that we  
20 do reconvene tomorrow morning at 8:30 as opposed to continue  
21 on beyond 5:00 time. But before we do adjourn, I'm going to  
22 -- I do understand that there is a closing prayer that will  
23 be shared with the group, and after that, shared with the  
24 group. Then, I suppose, we will adjourn until tomorrow  
25 morning at 8:30.

1                   **UNIDENTIFIED SPEAKER:** Certainly. 8:30  
2 tomorrow morning, please. Thank you.

3                   **MR. JASON GOODSTRIKER:** Now, I'm in charge of  
4 telling you we're not to go tonight, so...

5                                   **(LAUGHTER)**

6                   **MR. JASON GOODSTRIKER:** Anyways, thank you  
7 very much to the Commissioners and to all of our friends  
8 here that are standing as expert witnesses. Thank you for  
9 the questions. Very much important to all and it's all very  
10 relevant of what it is that you are desiring and what it is  
11 that you're tending on hearing, so congratulations and thank  
12 you again.

13                                   Just a couple quick things. If you're not  
14 familiar with the area, just outside the hotel doors and  
15 straight down is -- they call it Prince's Island Park. No  
16 vehicles beyond this area, so you could go for a walk around  
17 the island. There's a restaurant out there. You can't get  
18 to it by vehicle. You can only walk there. Good  
19 steakhouses around here, including a Hy's, Caesar's, and a  
20 couple others. There's one at the Hudson Bay. Sorry my  
21 Flames aren't in the playoffs, otherwise we could give you a  
22 playoff game.

23                                   But I believe that Alvine, who helped us with  
24 the opening prayer, is going to help us with our closing.  
25 In Blackfoot country, we just usually pray in the morning

1 and that's good all day, so. But -- so we've got all of our  
2 friends. I'd like to especially, as well, acknowledge our  
3 Inuit Elders here. Thank you again for your beautiful lamp.  
4 It brought a special spirit to our territory here and that  
5 was very good, so thank you again to our Inuit Elders.

6 Alvine, again, helped us with our opening  
7 prayer. We'll go with that with our closing prayer, and  
8 like I said, it's a hot day. I'm sorry to some of you,  
9 especially some of our lead witnesses having to cover up  
10 today thinking we turned up the air conditioning. Just go  
11 outside and warm up, so you can do it that way. Okay, thank  
12 you again. I'm going to ask our Grandmother here to come on  
13 up and -- (speaking in Native language). And our Elder --  
14 Elders with the Inuit, I don't know your protocol on this,  
15 but you're invited to come on up and help close.

16 **MS. ALVINE EAGLE SPEAKER:** This -- this  
17 morning, I was going to ask to say a few words. I wasn't  
18 -- I didn't know what I was supposed to do. But I'm -- I'm  
19 very honoured to be a part of this very special and very,  
20 very -- I don't know how to explain it, but it's so amazing  
21 how people get together. It doesn't matter what aura you  
22 are or what culture you're from. When you hurt, everybody  
23 in my community, we hurt too for the people that are having  
24 a hard time with their missing people and their families.  
25 We -- we just -- the best thing we do is that we just pray

1 and smudge every day. We (indiscernible) every day for  
2 people to be safe.

3 And by prayer, this morning, what we do is we  
4 pray for our people. We pray for the day. We also invite  
5 our ancestors that have gone ahead of us to come and join us  
6 for the day, because we truly need them. We also pray for  
7 the people that are sick, people that are in the hospitals,  
8 for people that are -- that have lost loved ones, which I  
9 have. I used to have really long hair. Last month, I lost  
10 one of my older brothers, so, in our custom, we -- in order  
11 for me to let go of him, I needed to cut my hair.

12 There's a lot of things that it's always good  
13 to, especially if we don't understand the language, it's  
14 always good to explain what we're talking about in our  
15 prayers. We also pray for the people that are on the  
16 streets of our nations that have -- homeless. We also pray  
17 for the Elders of our communities so that they be strong and  
18 be with us for a longer time. We also pray for you, each  
19 and every day, even though I don't know who you are. And we  
20 also pray for anybody that might need the prayers. These  
21 are some of the things that I pray for each and every day.  
22 My husband and I pray and smudge before -- as soon as sun  
23 comes up. And we pray and smudge again before the sun goes  
24 down to thank the Creator for what he has given us for the  
25 day. To be thankful for everything that he has provided us,

1       especially the food. And -- and the company that we --  
2       we've met new friends, new relations. So you're all my  
3       relations, and -- and what do we say in Black (Speaking in  
4       Native language). To all of you are my relations.  
5       (Speaking in Native language).

6                               **MS. LOUISE HAULLI:** Meeting is adjourned.

7                                       **(LAUGHTER)**

8                                       **(APPLAUSE)**

9                               **UNIDENTIFIED SPEAKER:** Meeting is adjourned.

10       Thank you.

11       --- Upon adjourning at 5:03 p.m.



LEGAL DICTA-TYPIST'S CERTIFICATE

I, Krystle Palynchuk, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.



Krystle Palynchuk

May 28, 2018