



## **EAPO Webinar**

# **Making Justice Accessible for Older Adults**



**January 18, 2021**



# WEBINAR HOUSEKEEPING

## Communication

All attendees will be muted during the webinar.

### ASL Interpreter:

Image and name of Interpreters will be visible during the webinar.

## Recording

A recorded version of this webinar will be available on EAPO's websites.

## Adjusting Speaker Image Size:

Drag the line between the video frame and slides to the left (adjust at beginning of the webinar).



# WEBINAR HOUSEKEEPING

## Speaker

Will be visible while presenting and for the Question/Answer session.



Post comments during the session.

## Questions

Type your questions in **Question/ Answer box.**

A response will be posted during the webinar or asked to speaker after the presentation.

## Evaluation

After the session, a pop-up screen will appear to complete survey. Your feedback and suggestions for future webinars is appreciated.



A close-up photograph of two hands clasped together. The hands are weathered and have a reddish-brown skin tone. The person is wearing traditional jewelry, including several necklaces with red, blue, and green beads, and a bracelet with orange, white, and teal beads. The hands are positioned against a light-colored, fringed fabric, possibly a shawl or blanket. The background is dark and out of focus.

**LAND ACKNOWLEDGEMENT**





# Presentation Flow

- Opening Remarks
- Overview of the Victim Witness Assistance Program (VWAP)
- Barriers facing vulnerable victims accessing the criminal justice system
- Innovative supports and programs that address barriers victims face.
- Questions & Answer Period.



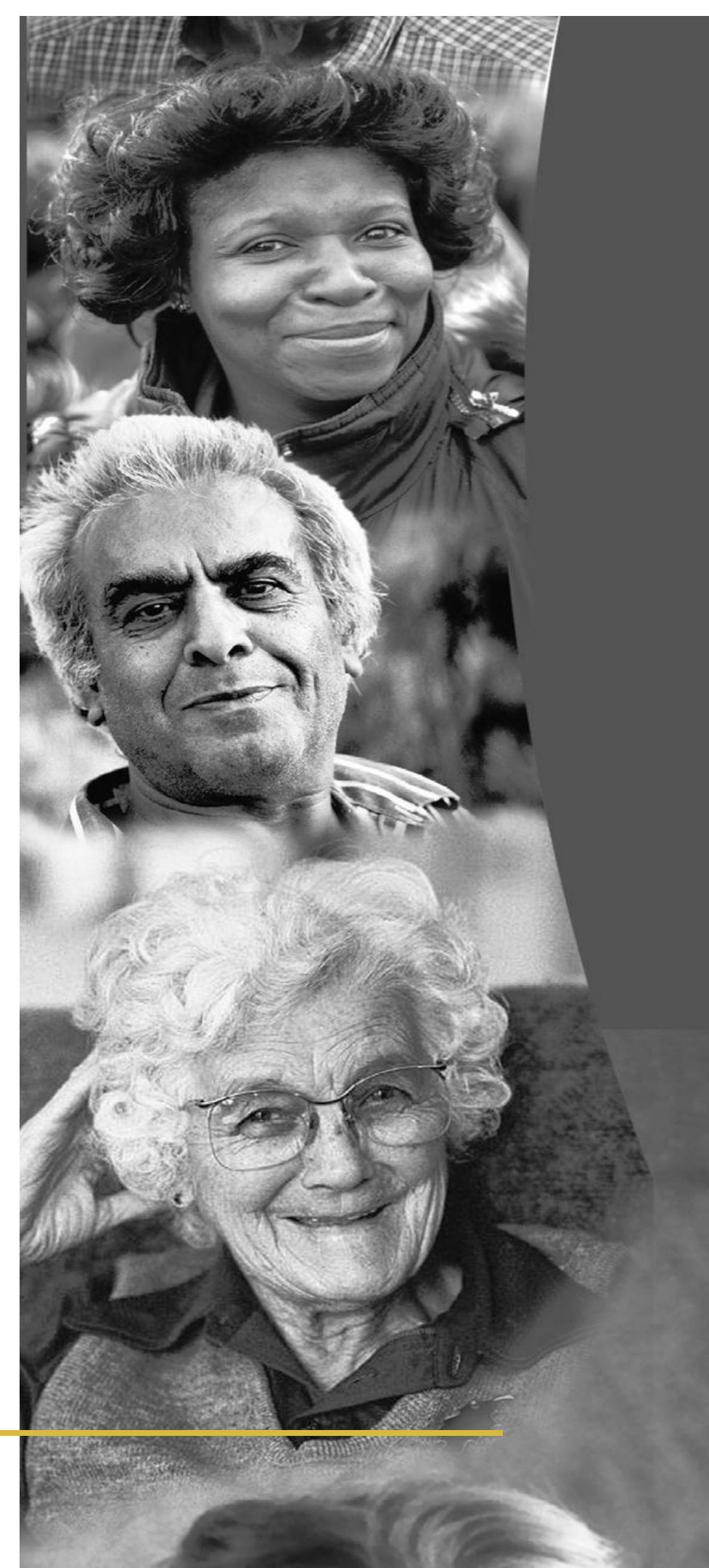
# Elder Abuse Prevention Ontario (EAPO)

## MISSION

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

## ACTION

Building that requires raising awareness, delivering education and training, working collaboratively with like-minded organizations and assisting with service coordination and advocacy.







## **NADINE PRINCE**

**VICTIM WITNESS ASSISTANCE  
PROGRAM (VWAP)  
YORK REGION, MINISTRY OF THE  
ATTORNEY GENERAL**

**For over 20 years, Nadine has worked in various courthouses throughout the Greater Toronto Area, providing assistance and advocacy for vulnerable victims of crime, throughout the criminal court process.**

**GUEST  
SPEAKER**

# Making Justice Accessible for Older Adults

**Nadine Prince,**

Manager, Victims and Vulnerable Persons Division,

Victim/Witness Assistance Program (VWAP),

Ministry of the Attorney General

York Region Courthouse



# Community Partnerships

**Community Coordination is Crucial: (legal system, social services, shelter, hospital, long-term care, police, mental health services)**

- ▶ The psychological impacts of crime are often significant. Navigating the court process may seem like an insurmountable task to a victim.
- ▶ Victims are often in a state of crisis during their involvement in the criminal justice system and may require extensive support.
- ▶ Possible triggers: Confusing legal terminology, seeing the accused in court, recounting the details of the incident, concerns about disclosure of private records
- ▶ VWAP and Community Partners work closely together to support victims of crime throughout the criminal justice system
- ▶ Strong partnerships enhance a victim's participation in the case and strengthen the prosecution

# Introduction

- ▶ VWAP provides information, assistance and support to victims and witnesses during the criminal court process.
- ▶ The goal of VWAP is to improve a victim's understanding of, and participation in, the criminal court process.
- ▶ Services are provided to victims/survivors and witnesses of intimate partner violence/domestic violence, child abuse, sexual assault, human trafficking, hate-motivated crimes, elder abuse, homicide and traffic fatalities.
- ▶ Support to vulnerable victims of other case types may be provided at the request of the Crown attorney, or police.
- ▶ Services begin once the police have laid charges and continue until disposition.
- ▶ Case Study: Mr. and Mrs. S.



# VWAP Services

- Case specific information
- Emotional support, including crisis intervention, advocacy & debriefing
- Needs assessment and appropriate referrals to community services
- Discussions of safety issues and referrals for comprehensive safety planning
- Communication with Crown Attorneys and OIC regarding the victim's needs and input
- Court preparation and orientation
- Safe waiting area Information about the criminal justice process on day of trial
- Information about and assistance with Victim Impact Statements
- Connect victim with Probation and Parole after sentencing
- Court accompaniment for vulnerable clients
- Provision of court orders (bail, peace bond, probation order)

# Barriers to Criminal Justice System for Vulnerable Victims

Very few cases of elder abuse make it into the criminal justice system.

The same physical and mental limitations that make this population more vulnerable to crime and abuse may also hinder the individual's participation in the justice system.

- Medical issues
- Concerns about having to move from their home
- Fear of retaliation
- Mistrust/misunderstanding about court system
- Feelings of shame
- Pressure from family, community
- Cognitive/memory impairments
- Transportation challenges to get to court



# Increasing Access to Justice: Pre-Pandemic

- ▶ Victims Bill of Rights
- ▶ Community Collaboration
- ▶ Victims and Vulnerable Families Fund
- ▶ Sentencing: if offender is in position of trust in relation to the elderly victim, this may result in a harsher sentence
- ▶ Assisted listening device
- ▶ Early Crown Assignment (dedicated elder abuse Crown)
- ▶ Victim's statement (passage of time increases risk that victim's memory will decline)
- ▶ Testimonial Aids
- ▶ DV/Mental health court

# Testimonial Aids for Vulnerable Victims

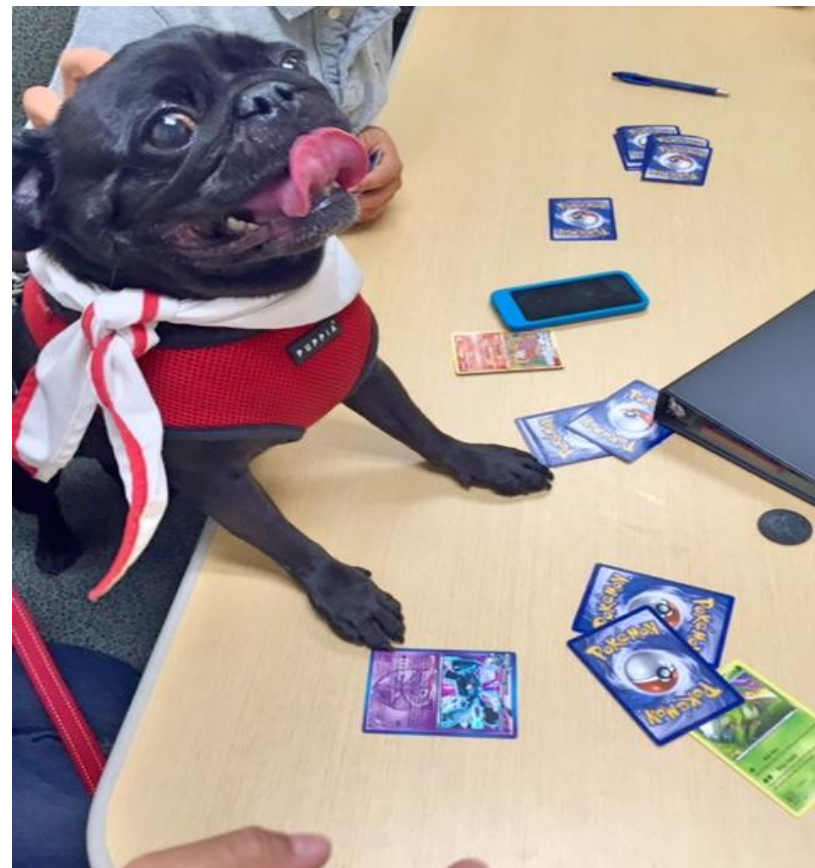
The *Criminal Code* lists a number of testimonial aids that **may** be available to victims upon application by the Crown or victim. These include:

- Closed Circuit Televisions/Screens so that the victim doesn't need to see the accused while the victim testifies
- Support Persons who can sit nearby the victim while she/he testifies
- Publication Bans which prohibit the publication of the identity of the victim
- Exclusion of the public from the courtroom
- Appointment of counsel for cross-examination where an accused is self represented.



# Support Dogs at Court

- ▶ Partnership between VWAP and St. John Ambulance began in May, 2015
- ▶ A Support Dog has provided comfort to a victim during a court preparation meeting over 300 times at the courthouse.
- ▶ A Support Dog has provided accompaniment to a victim during her/his testimony in court or in CCTV over 200 times.



# DV/Mental Health Court

## What we were seeing:

- ▶ An increase of older adults charged with domestic offences where dementia is diagnosed or queried and an increase of older people with late onset addiction issues or...
- ▶ An increase in those charged who are caregivers of those where dementia is diagnosed or queried
- ▶ Often first offences for these individuals
- ▶ Increase in these individuals being held in custody

## Why develop this court:

- ▶ Current “domestic violence court” was not equipped to address the issues
- ▶ High Risk Domestic Violence Committee: identified cases that don’t meet High Risk threshold but are very complex: (addictions, mental health issues related to age or the stress of caring for victim)
- ▶ VWAP outreach to victims indicated victims wanted to be a part of the care plan

# How does the court work?

- ▶ DVCTC is one afternoon/month and has a dedicated docket
- ▶ There are 2 dedicated Crown Attorneys and a dedicated Duty Counsel that attend monthly meetings
- ▶ An accused person where there is a diagnosis of Alzheimer's/Dementia or this is queried, or persons with late onset addiction issues are referred to CMHA or Addiction Services for York Region (ASYR)
- ▶ Those agreeable to participate and undertake to complete an assessment and or treatment, sign consent for documentation to be obtained and shared with the Crown Attorney/Duty or Defense Counsel
- ▶ A monthly meeting is held to discuss cases being considered and appearing in court that month, where updates are provided and outcomes discussed
- ▶ The Crown Attorney liaises with VWAP to get input from the complainant; victim is not required to attend court
- ▶ The accused appears in court generally every 1-2 months to provide an update on their progress. Typically these cases are in court longer than in the "regular stream", however this work can be used to mitigate the person's sentence



# How do we know the court is working?

- ▶ Support from the Crown Attorney's Office/Judiciary
- ▶ Engagement from York Regional Police
- ▶ Reduces delay in accused receiving treatment
- ▶ Increased victim/family participation
- ▶ Low recidivism rate

# Increasing Access to Justice During Pandemic

- ▶ Courts continue to evolve as far as improving access to justice during Covid-19 for victims, accused and the public.
- ▶ Courtrooms retrofitted for Covid-19 safety precautions (plexi-glass, limited seating)
- ▶ Jury trials suspended until at least May, 2021, but judge alone trials are proceeding
- ▶ Virtual courts for administrative appearances, guilty pleas, sentencing hearings
- ▶ Increased use of technology: Zoom trials
- ▶ Accommodations for vulnerable witnesses – remote testimony from home, community agency, courthouse

# Questions and Thank you!

▶ Contact information:

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Questions?





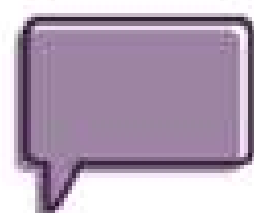
SENIORS SAFETY LINE



**1-866-299-1011**



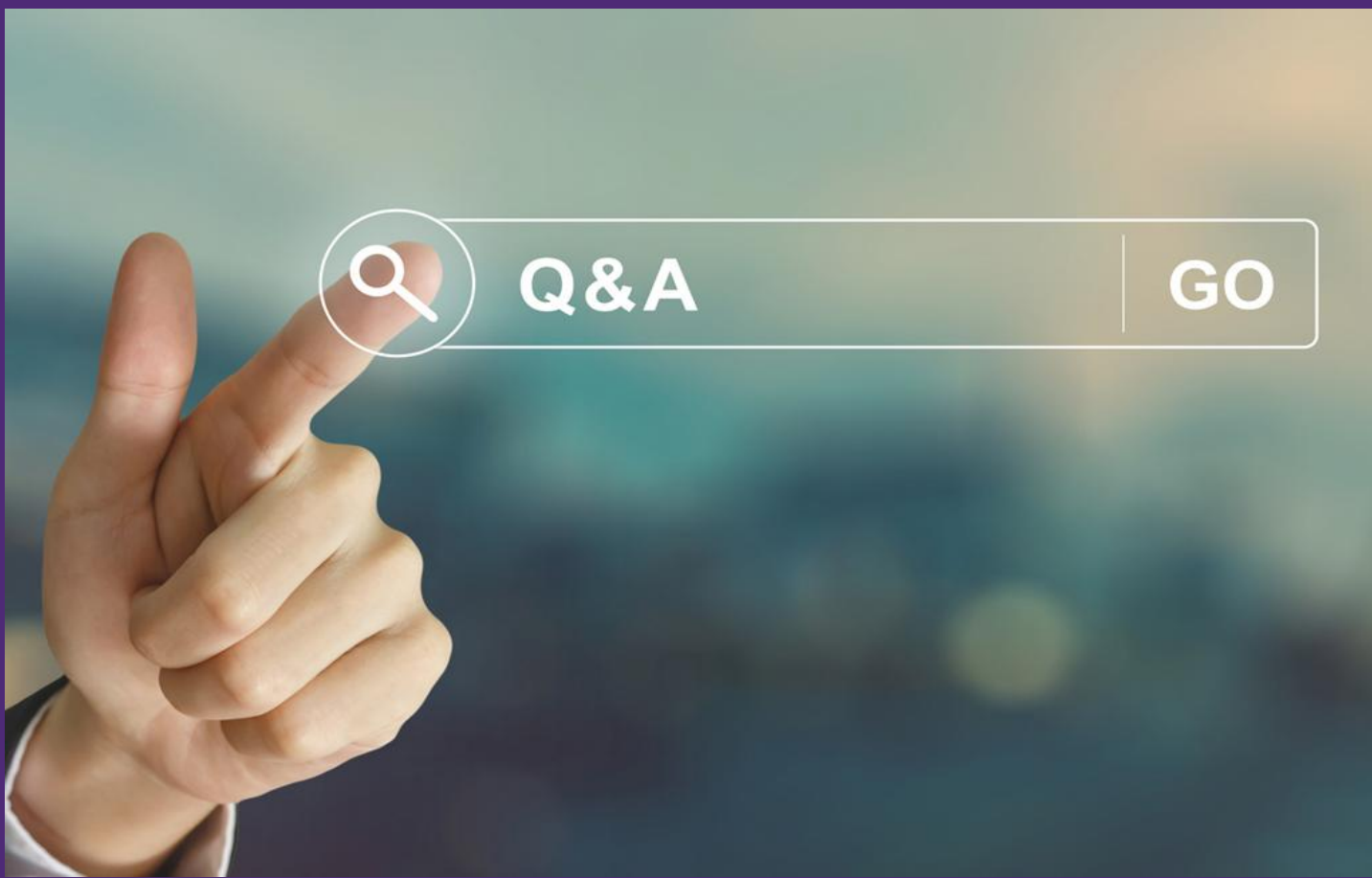
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# Contact Us

Comments? Questions?  
Keep in Touch

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**@EApventionON**