

MISSING  
WOMEN  
COMMISSION OF  
INQUIRY

Missing Women Commission of Inquiry Public Policy Forum 2:

Vulnerable and Intimidated  
Witnesses in the Criminal Justice  
Process

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Thursday, May 3, 1:30 p.m. – 4 p.m.

Vancouver Public Library – Peter Kaye Room

350 West Georgia Street, Vancouver

# Vulnerable and Intimidated Witnesses in the Criminal Justice Process

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**Session Date, Time and Location:**

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This forum will focus on issues related to police and prosecution policy issues focusing on the participation of vulnerable and intimidated witnesses in the criminal justice process.

Many intersecting factors contributed to the vulnerability of the missing and murdered women: poverty, addiction to drugs and/or alcohol, involvement in the sex trade, a history of being subjected to violence and abuse, and their status as Aboriginal persons or belonging to a racial minority. These same intersecting factors and resulting social inequalities make it difficult for many people to participate as witnesses in the criminal process. Vulnerable witnesses are those who, because of personal characteristics, may have difficulty testifying in a typical adversarial trial process. Intimidated witnesses are those who fear retaliation for their role in identifying or testifying

against offenders. These factors may also affect witnesses' or victims' perceived credibility.

Increasing the willingness and ability of vulnerable and intimidated witnesses to participate in police investigations and to testify at trials could facilitate more frequent and earlier convictions of repeat criminal offenders.

Participants in the workshop are invited to identify additional issues related to the prosecutorial policy arising from the missing women cases.

These are some of the questions and issues to be addressed during the dialogue at this policy forum:

- ▶ What types of support could be put into place to assist witnesses who are addicted to drugs and alcohol to participate in all stages of the criminal process (investigation, pre-trial and trial)? Is further research required in this area?
- ▶ What changes could be made to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes?
- ▶ What steps could be taken to overcome bias and perceptions of credibility among police, counsel and the judiciary?
- ▶ What types of additional training are required to assist in avoiding the revictimization of witnesses by all participants in the criminal process?
- ▶ Should checklists be developed and employed to help police identify victims/witnesses who are vulnerable and intimidated, whether because of individual characteristics or because of the nature of the crime involved? Should specific procedures be employed in these instances?

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*Facilitate more frequent and earlier convictions.*

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*What steps could be taken to overcome bias and perceptions of credibility?*

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*What role could community organizations play in supporting vulnerable and intimidated witnesses?*

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- ▶ What steps could be taken to ensure the continuity of contact throughout the criminal process in order to facilitate the participation of vulnerable and intimidated witnesses?
- ▶ What programs, special measures and information materials should be taken to assist witnesses with addiction-related problems?
- ▶ What role could community organizations play in supporting vulnerable and intimidated witnesses and in providing education to justice system personnel on these issues?

### **Additional Information**

For more information on this topic, please review the research report: *Policies and Practices in the Treatment of Vulnerable and Intimidated Witnesses*. You can download it here: <http://www.missingwomeninquiry.ca/reports-and-publications/> .