

Remote Testimony at a Child Advocacy Centre: Theory and Practice

Melanie Grylls, BSW, RSW, MA
Director, Programs and Integrated Practice

Dr. Sarah MacDonald, MSc., PhD
Forensic Interview Specialist



LUNA
CHILD AND YOUTH
ADVOCACY CENTRE



Hope, Healing, and Help

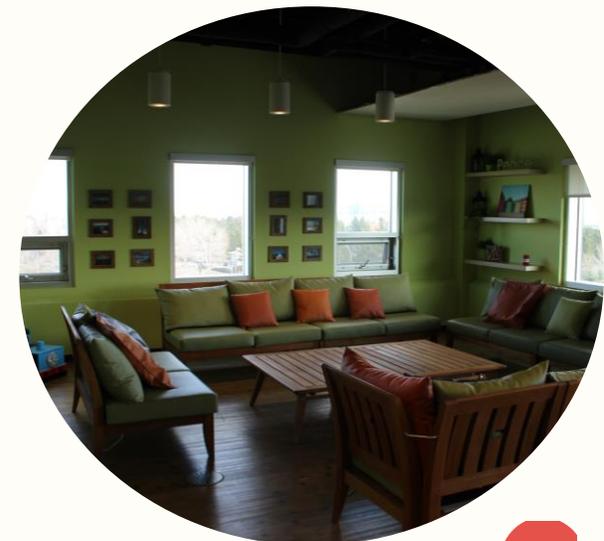
**Luna Child and Youth
Advocacy Centre**

INTRODUCTION

The Canadian and Alberta Context

- We have approximately 44 child advocacy centers across Canada in different stages of development
- In Alberta, there are eight CACs, a few of which are in the early stages of development
- Canada is in the early stages of forming a national association
- The National Standards out of the US are being adapted as part of the work of the national association

Our Luna Centre





125

**MULTI-DISCIPLINARY
PROFESSIONALS UNDER
ONE ROOF**

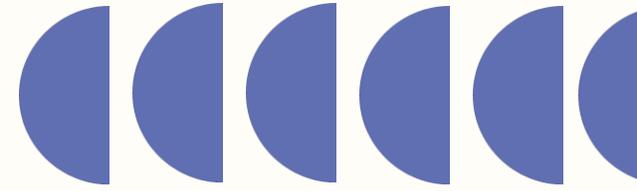


Current Circumstances

How do children and youth in Calgary and area testify in child abuse cases?

Attitudes Toward Current Practice





Obstacles Children Face While Testifying in Court

- Children and youth face a variety of obstacles when requested to testify in court
- Considerable efforts have been made in Canada to reduce revictimization
 - Bill C-2, *An Act to Amend the Criminal Code (Protection of children and other vulnerable persons)*
 - Bill C-32 , *Victim's Bill of Rights Act*

Testimonial Aids

Current Limitations

Most children testify in person in the Calgary Courts Centre

- Can make application to use testimonial aids (e.g., screens, child friendly courtroom, etc.)
- Significant fear associated with risk of confronting the accused
- Logistical challenges for children not in custodial status



Impact of Testifying Inside the Courthouse

- Children and youth asked to access episodic memory
- *Remote* CCTV Testimony could further sensitize the process of testifying
- Physical and psychological setting is important
 - Nathanson & Saywitz (2003)

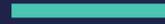


The Benefits of Virtual Testimony at The Luna Centre

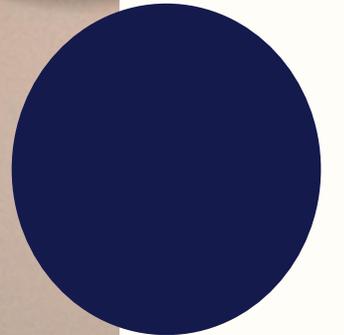
Benefits of Virtual Testimony at The Luna Centre

- Quality of the child's testimony
- Wrap around services available
- Eliminates possibility of seeing the alleged offender
- Precedence has been set in Alberta Provincial Court and Canada's Court of Queens Bench





Creation of the Space



Implementation and Progress

Remote Testimony Room

The First Trial

LEARNINGS

- The testing was critical
- An engaged team will make it happen
- It took a significant amount of time



Webster being a good boy

Charges and Outcomes

- 1) CC 151 -- sexual interference of a person under the age of 16 years;
 - Plead guilty to both charges
 - 13 Months in jail
- 2) CC 271 -- sexual assault of a person under the age of 16 years
 - 2 years probation

Two Victims, One Trial

- Both families at Luna
- Engaged Crown
- Knowledgeable court clerk
- Found Guilty

Trial Outcome

The offender was taken into custody on the day of sentencing to begin serving his two year and five-day sentence.

Advised by the Canada Border Services Agency (Immigration) that as soon as he is done serving, he will be deported.

Local News / Crime

Immigration status at risk for man convicted of molesting two boys

Kevin Martin

Oct 20, 2020 • Last Updated October 20, 2020 • 1 minute read



Learnings

Always Adapting

- First Provincial Court trial
- Engaged Crown
- New court clerk

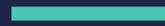


'Almost' Trials and Preliminary Hearings

Learnings



- Even when the trial does not go forward, it can be a benefit for the child and their supports
- We need to be consistent with our advocacy

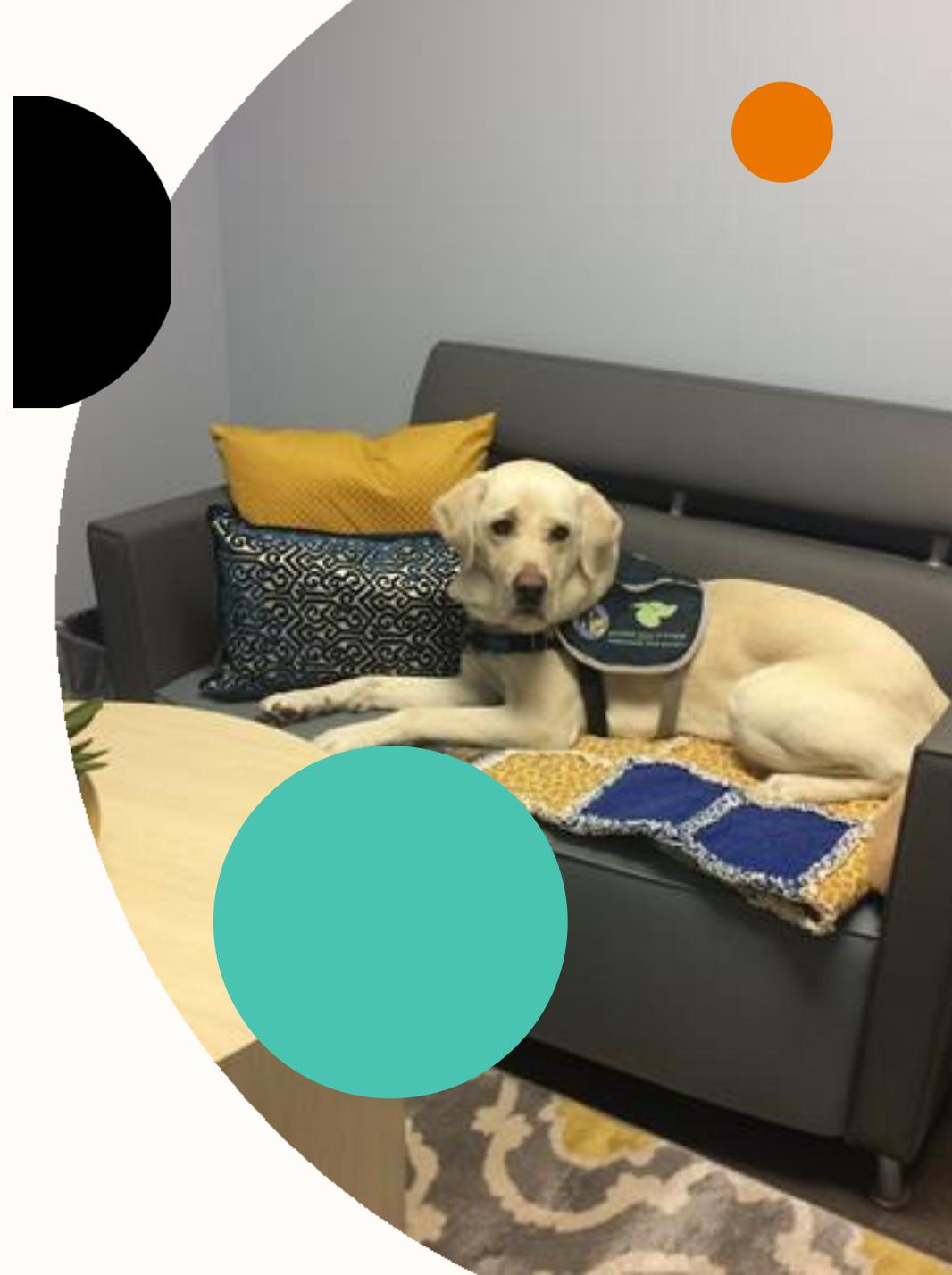


Something New

Every. Single. Time.

Always Learning

- Testing does not guarantee perfection (but it helps)
- Working with Crowns and Court Clerks both city and rural
- Over-estimate the time you need to implement
- Then vs. Now





Guidelines for Use

Any child or client that is connected to Luna has the option to testify at Luna

Any team member that works at Luna can testify using the remote testimony room

Luna can support children required to testify that do not have a file with the Centre.

Evaluation

Room/File Administration

- Matter Type
- Matter Date

Client Information

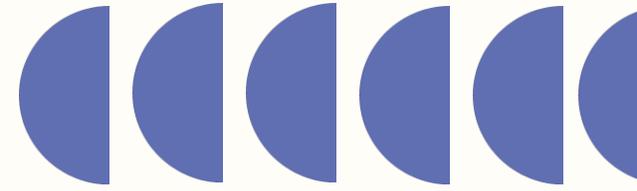
- Client Type

CCAC Supports Used

- Facility Dog Assistance
- Advocate Assistance

Court Outcomes

- Court Location
- Police Assigned
- Matter Stats



Evaluation

Collaboration with Boost

MDT (3-5 questions)

- Would you recommend remote testimony for future clients?
(yes/no/unsure)

Caregiver (3-5 questions):

- Client: Did you feel safe using the remote testimony room?
(yes/no/somewhat, unsure)

Transcript Delivery

Delivering transcripts to children, youth and caregivers is a necessary step of the trial process. But how we deliver transcripts can mean the difference between a child or youth being mentally and emotionally prepared to testify in court.

The slide features several decorative circles: a large teal circle in the top right, a smaller blue circle to its left, a small light teal circle below the teal one, a red circle in the bottom left, and a red circle in the bottom right containing the number 27.

We Will Share Everything. Anytime.

Final Thoughts

- Increase in wrap-around supports
- Potential for more reliable evidence
- Further sensitize process of testifying and reduce trauma
- Opportunity for evaluation
 - Increase in reporting? Children participating throughout entire process?

Thank you!

smacdonald@lunacentre.ca

mgrylls@lunacentre.ca



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