

COURT AFTERCARE MANUAL

From Just Outcomes to Just Outcomes

Processing Thoughts, Feelings and Actions

Positive & Productive Pathways Forward

REFRAME, REIMAGINE, REINVENT

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Archie BeaverHe
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Archie Beaverho, Artist

Behchoko, North Slave Region



“I create paintings of spiritual activities like drum dancing, hand games and people hunting. I paint stories how people used to live on the land and used medicine for guidance and healing. I picture these things in my head and I use my artwork to show it in a painting”

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ABOUT INUVIK JUSTICE COMMITTEE

The Inuvik Justice Committee was started in May of 1992 when concerned citizens of Inuvik realized there was a need for community involvement in the criminal justice system, and that different approaches were required in dealing with both victims and offenders. It was incorporated as a Society on December 16, 1996.

The committee was formed by several community volunteers, who worked with offenders who accepted responsibility for their actions, did not have a lengthy history with the criminal justice system, whose crimes were not serious, and where diversion had been recommended by the RCMP and/or court. The purpose was to provide an alternative to the criminal justice system for those who were willing to make changes in their lives. The basis of restorative justice is that the offender and victim meet to acknowledge the harm caused by their actions, in a supportive setting. In diversions as we know them now, the offender then also makes amends to the victim and community through a variety of means, decided-upon by the board and the justice coordinator.

Recognizing that additional support was required for victims of crime and tragedy, the Inuvik Justice Committee added the position of Victim Support Worker in 2000.

The purpose of the committee is to facilitate community-based restorative justice and to provide a voice for victims of crime. It works in cooperation with the RCMP, Probation Services, Crown Counsel, defence lawyers, Social Services, and the court system, to accept referrals of cases deemed to be appropriate for community resolution and/or where victims of crimes may need assistance. The committee endeavours to find solutions to the crimes that affect the local community, and to provide a means by which youth and individuals accused of minor offences can avoid a permanent criminal record.

Currently, there are three staff; one Justice Coordinator, one Inuvik Victim Services Coordinator and one Outreach Victim Services Coordinator, along-with a volunteer board. Together, we aim to assist those involved in the court system or who may just be going through a difficult time. We run preventative programs designed to raise awareness about issues in our communities, and to promote wellness and healing.

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PREFACE

The purpose of this project was to create Court Aftercare brochures and manual to distribute to the public (brochures) and to Victim Services Workers and Crown Witness Coordinators (manual). The overall goal was to develop an information toolbox for assisting victims of crime and those otherwise dealing with the Justice System. For example, it could also be used to provide support and assistance to secondary victims of crime such as family members.

This project was needed as no resources existed to assist victims in dealing with the aftermath of their criminal matters. Too often, victims are left feeling revictimized or retraumatized after their legal matters close. They commonly express feeling that it was “for nothing” if the case ends with a dismissal, is stayed, withdrawn, or acquitted. Victims can feel they are to blame for not having done a good enough job or not having a clear memory which translates to them feeling disbelieved or seen as unbelievable. This is often reflected in feelings of being silenced, isolated, alone, or even suicidal, which discourages victims from speaking out about future incidents. Our Court Aftercare brochures and manual are meant to provide Victim Services Workers a resource to fill the gaps in information for individuals facing this common experience. The people involved in developing these resources were primarily located in remote, Arctic, and largely Indigenous communities, so the approach taken to inform the resources was Northern informed, trauma informed, and culturally considerate.

Phone interviews were held with Victim Services Workers across the Northwest Territories to identify their various role-based needs and perspectives. Crown Witness Coordinators were also consulted through a series of questions and responses exchanged via email. The intent of the interviews and surveys was to further assess the needs of clients following court to ensure that materials contained within this manual spoke to the variety of outcomes that are commonly faced. The Court Aftercare brochure series was vetted by five elders and their feedback was then incorporated into the manual as well.

This manual and brochure series is only the first step in our endeavour to better serve those victimized by crime in their pursuits of justice. Further work in this area of aftercare development is needed. This project is the starting point upon which to continue building and creating more tailored resources and trainings. It is our hope that from this initiative the concept of court aftercare becomes a critical component of court outcomes to all those that serve victims, rather than an afterthought.

WHAT IS COURT AFTERCARE?

“Court has concluded, but what did you conclude from court?”

This question is at the heart of what it is to provide Court Aftercare.

When supporting those victimized by crime, regardless of where the criminal court process ends, there is a need to understand what took place and why things ended the way they did. What makes aftercare so complex is that there are multiple points of exit throughout the judicial process where a file or case may close.

It is important to consider what the desired outcome was in seeking justice. What were the goals hoped to be achieved by the victim? For each person who accesses the Criminal Justice System these answers are different. Reasons are varied and diverse. They may include, but are not limited to, holding the perpetrator accountable, seeing the accused pay for what they have done, being validated, allowing the systems in place to do what they are supposed to, to feel safe again, or to demonstrate that they are not an easy target.

Was this all worth it? Was justice served? Did I get the closure I was looking for? These are all common questions that people ask themselves when the court process concludes. How a person works through and understands the outcomes can significantly impact their related feelings. No one enjoys being angry, hurt, upset, or feeling worse than they did prior to getting help. So, how can we work to relieve some of these common emotions that one can feel after seeking justice through the courts?

The goal of Court Aftercare is to assist victims of crime to process the outcomes of proceedings in a way that reconciles *just* outcomes as “just outcomes”. That is, to understand that while the crime that was experienced has changed them, it is impossible to return to the exact life they had prior to the incident. We are changed every day by what we live through and are not able to return to the past versions of ourselves. It is by getting through our difficult journeys, including victimization, that our inner strengths are tested. By garnering courage and committing to not being lessened by what has happened to us, we increase our capacity for resistance and build our **resilience**. This is known as **post-traumatic growth**. Court aftercare is an endpoint that allows for new beginnings. Another goal of Court Aftercare is to assist victims in their mental and emotional processing of the outcome, to feel like justice was served. Mental processing is related to a person’s *understanding* of their life experiences, as the nature of that understanding impacts their actions moving forward. Emotional processing is the sequence of feelings and behaviours that person undergoes after a significant life event or experience. Emotional processing affects mental processing and vice versa. Therefore, Court Aftercare also involves acknowledging both sides of the judicial decision, and the grey areas in between, to provide clients with a deeper understanding of the situational reality. In other words, it is to help a client understand a sense of ‘fairness’ by explaining to them what reasonable decision capacities of the legal system are. When a legal matter closes and Victim Services are no longer involved, that is when the real healing journey begins. Through Court Aftercare, we hope that

clients are better prepared for that moment, in terms of a more grounded perspective or deeper understanding of the *How's* and *Why's*.

VICTIM SERVICES WORKERS IDENTIFY NEEDS

“It’s a difficult social situation; Needs are still unmet, and they feel alienated from other social supports they had before. They need to rebuild their social support system. And also, it’s a difficult financial situation, made more difficult by the court process and system. Clients often feel less able to take care of themselves. They need to rebuild their own sense of self-esteem and sense of self, and need support to do it.”

Claire MacDonald, Victim Services Outreach, Hay River

Resources

There was a consensus that more resources to assist clients in processing the outcomes of court would be beneficial. This was summed-up in one interview where the worker stated: “We just need more and better resources all round”. Currently, there are no specific trainings, materials or resources that speak to this ‘aftercare’ component of the work that is being done. Victim Services Workers are left to deal with the aftermaths of court decisions in the days and weeks that follow. This is exhausting work. Emotions run high - shock, anger, and frustration are commonplace. In addition to limited resources, it is often not long before their attention is required to shift to the next court case. It was suggested that videos would help us with providing some closure to this - something that could also be watched together with our clients, and perhaps exercises or activities that could be offered to clients. It was agreed that pamphlets are something concrete to hand a person as they are leaving the courtroom, and therefore a good place to start. Other areas of resource development that were identified by various workers include:

- Something that promotes Post Traumatic Growth after court
- Educational tools to help clients live with new reality instead of seeing themselves as permanently damaged (i.e. resources on how-to work with shame)
- A booklet that explains common feelings and emotions with related coping strategies

Preparation

When Victim Services Workers invest time into preparing their clients for all possible outcomes, they in-turn facilitate a smoother reception for what is to come. This does not make the decisions any less troublesome when they occur, but it allows for some preparation to utilize coping skills, connect with support systems, and with traditional practices and resources. In the words of Victim Services Workers:

“Preparation for all potential outcomes is the best way to ensure that court aftercare is a smoother transition.”

“A lot of prep work before court helps. Like saying, ‘this is your platform to tell your story, but you have no control over the outcome’.”

“Closure starts with all the prep work that begins before hand, often there is a sense that if I get a guilty verdict then I will feel better, but that doesn’t actually happen. To really examine what is closure and how you get it... “

“Closure is really dependent on the situation, but a good starting place for messaging is to say that this is going to be a tough couple of days emotionally and mentally. Being prepared for what works to help de-escalate and re-balance.”

Healing & Counselling

The most identifiable needs post court outcomes centred on the need for healing. How this healing is achieved, is where responses varied. In our interviews, counselling was discussed favourably when it was readily accessible, worked collaboratively with other service providers to facilitate trusting relationships, and was not necessarily at the forefront of a healing journey, but something that could become an end goal once a client has built rapport and trust throughout their court procedures. These responses were more common among workers from smaller communities. It was noted that counselling is not necessarily something that clients are receptive to, but that they desired other productive avenues to express their feelings. Traditional healing practices were seen as filling this need. Victim Services Workers spoke of access to traditional healers, on the land camps, and feeding the fires. They indicated that working with elders and connecting to the land can help to feel grounded again. It was suggested that healing plans should incorporate these practices. Through this, a readiness and reception to access formal counselling may be developed, and it may be utilized if the individual feels they may benefit from it.

Larger communities tended to view and offer counselling as the primary or only resource. However, workers suggested there was lack of ease of accessibility to enter this readily. Resources, activities, and exercises that can be provided with positive healing messaging was consistently something sought-by providers whose time is limited in work with their caseloads.

A sampling of some responses that spoke to this were:

“If I am able to refer someone to traditional healers, organize an On the Land camp and have them participate in this, it brings everything full circle and sometimes opens the door to the reception and possibility of counselling.”

“It’s more transitional from healing programs to paths forward.”

“Try to incorporate a lot of traditional stuff after the fact; Elders, on the land, connection to getting grounded again. To develop a healing journey plan to get a person to understand ‘this is a moment’, you could do a fire feeding, lots of traditional stuff.”

“We need healing messaging.”

“Majority of clients just need to vent.”

“We need to learn how to help clients to build connection. They need to learn to build connection before actual counselling occurs, rapport building is vital.”

“Counselling is important. Not a lot of people want to go to counselling. They need the ability to vent productively. I wish there were some good exercises or activities I could offer up. We need healing messaging.”

“Counselling is needed. It is like we need a navigator because people don’t have a voice to advocate for themselves.”

“Biggest need is finding ways to get people to feel safe again.”

Complexities

There are complexities to this work. For example, individuals involved as complainants may also have been involved in judicial processes where they were a defendant. This experience gives them a sense of what awaits them in court. This can be both beneficial and disadvantageous. While being aware of what to expect can be helpful, it is expected that the defendant can basically say nothing, and for the onus to then be on the witness and the Crown Prosecutor to prove themselves. This can be exhausting and make the client feel as if they are the one on trial. Court preparation can be made more difficult in these scenarios.

One of the complexities disproportionately seen by Victim Services Workers is that of domestic violence.

Domestic violence is especially difficult. We must understand the cycle of violence in which an individual is caught. When the situation escalates, they reach out for help try to find ways to stay safe, and access police. They are prepared to follow through with charges that are laid. The difficulty arises if the court process drags, which presents opportunity for the cycle of violence to continue as the offender has time to apologize and make amends. As Victim Services Workers, we go through the phases as well, such as avoidance when reconciliation has taken place. There is shame or concern for judgement of their decisions. The time in between an incident and court is so prolonged that it allows for this cycle to repeat. This is where anger sometimes gets directed towards Victim Services. At times, a client may become insistent; they don’t want to press charges anymore. Equally frustrating is when charges may be stayed if the complainant is no longer willing to participate in the court processes. However, later when the cycle of violence continues to play out, the victim may direct anger back towards the systems they see as failing for having not protected them.

Challenges

Victim Services Workers spoke about unique challenges they face, wherein the following responses were repeated throughout:

“Lack of engagement or distance in being involved in the whole process.”

“Confidentiality can become a big issue in small communities, people need to know that we can hold their information in confidence. This is a big deal.”

“The system is not culturally informed. I want to say that, ‘you don’t know what you are coming into. These are communities that have a history of trauma, mental health, addictions and people need to be more aware, and for language as well.’”

“Sometimes people will think they have a relationship [for example with the community], but then people are like - Who is this person?”

“There is like an avoidance of difficult conversations that occurs. We need to find ways to have this dialogue”

“It is difficult to assist with some who do not have a lot of autonomy. They aren’t in the habit of making their own decisions, someone else has been in control of their lives, and it is almost like ‘Are you going to take charge of my life now? What do I do?’. It’s like they want another outsider source of guidance and direction. This happens when there has been a long-term pattern of victimization with unhealthy relationships and severed relationships. There is a need to fill the void.”

Empowered Approaches

The hope is that through the process of accessing the legal system, the victim will gain confidence and strength moving from victim to defender. The complainant has claimed their rights, regardless of the outcome. It is necessary to help clients achieve a levelled perspective of the situation. Then, the outcome does not overshadow the display of courage, bravery and strength exhibited by those victimized by crime, and who are put to the test when called to the stand. There needs to be a balance of positive reflection and honesty. Here is some empowering messaging that workers shared:

“You stood up for yourself, a lot of people don’t ever get to this point.”

“You did everything you could.”

“I am so proud of you.”

“You are brave for having done this.”

“You took control and stood up for yourself. That is such a brave thing to do.”

“It’s not easy, don’t expect to feel great right away.”

What Makes a Difference

When asked about what workers wished to see, the focus went to examples of actions and decisions of key judicial actors, which they felt would make a real difference to clients' perspectives. These included when the Judge spoke directly to the complainant about their decision, when the Crown Prosecutor was able to spend time to explain things, and when other avenues of action were discussed as options. It seemed that delivery of the decision was as critical to the client as the decision itself. This was evident in some of the responses, as shown in the following examples:

"Something that has made a difference when the accused has been acquitted is when the Judge took the time to tell the victim: 'I believe you, but the Crown did not provide enough evidence to be able to make a finding of guilt'. Or, the Judge gives another avenue like 'you can do a peace bond application' – for example, if there has been a sexual assault and the accused is not going to jail or is likely to get off."

"When the Judge took time to explain their decision; 'what he did was wrong, if the burden of proof wasn't so high, outcome would have been different'. It also makes a difference if the Crown takes time to explain things, like 5-10 minutes can make a world of difference, just to go over things."

"To be able to talk with the Crown. There is a need for more details of the case- the 'What' and 'Why's'."

Victim Services Workers also reflected on their approaches to the job, and what differences have better served clients. A common practice that was noted as worthwhile was, the ability to speak with the client in advance, to offer services and supports, before arriving at the conclusion of the legal matter. It is helpful when clients are referred early in the process. Then, this work can be accomplished more effectively. It is key to provide encouragement to clients that this is a means toward an ongoing greater healing journey. It was also mentioned that having calls with other Victim Services Workers to meet and get one another's perspectives would be immensely beneficial.

Hurt and Hampered

At times, harm is unintentionally done to clients through the judicial process. When these damages take place, they can be long-lasting and affect the individual and community at-large, as they learn about a victim's experience. Victim Services Workers and the larger judicial system need to recognize that English is often not the first language of victims and witnesses. A lack of cultural knowledge and understanding has led to catastrophic results, where the individual, notably elders, feel disrespected by the entire system and may no longer perceive it as an effective way to solve conflicts. This is especially true in smaller communities where news travels fast. Almost immediately, the entire community may know about the individual's

negative experience and change their own attitude toward the legal system. This was apparent and noted in one interview:

“They were left so hurt and offended by the process, they then made statements that they will never help the system, the community, or police again. They were so angry. And the impacts are lasting- it still affects that person. It is a small community everyone knows everyone, and that experience then affects more than that one person, it sets the tone for the community as well.

[...]

We need to offer not just Victim Services but also witness preparation. The system is not culturally informed. I want to say, ‘You don’t know. You are coming into a community that has a history of trauma, mental health, addictions, and people need to be more aware and for language as well’.”

The adage, that “justice delayed is justice denied”, is as applicable to victims as it is to those accused. This was apparent throughout the interviews, wherein Victim Services Workers spoke to the length of time that it takes for cases to complete, and the issues presented by the long wait. This is especially true when it comes to Supreme Court trials where long-term connections are maintained with clients with few or no new developments to their court procedures. Some perspectives on these matters were voiced in the following statements:

“Territorial cases being postponed. It’s like dealing with aftercare before we ever get to closure. People are ready for the case to be over. After court it can feel like ‘Well the job didn’t get done today and I need to wait another number of months – this isn’t helpful. Like as much as possible, if the whole process could happen in the shortest amount of time, that would be ideal.”

“Waiting = upset = frustration - that’s what I find. Victims feel like they are not being taken seriously. They feel like the whole process is a waste of time. By the time it gets to the end, clients are just ‘over it’. The process is done, court ends, and they just want to get out of there.”

What We Have to Work With

It was clear that each worker has developed strategies to use their current tools creatively, to infuse them with trauma-informed approaches. This was perhaps most evident with the utilization of Victim Impact Statements. The low submission rate of Victim Impact Statements underlines the need to see these more positively framed, as an instrumental method of having one’s voice heard in court. As **Fort Smith Victim Services Worker Lynn Napier** offered:

Presenting the Victim Impact Statements as good exercise, they can be used as a therapeutic tool to release the story, hurt, pain, anger is no longer one they need to hold on to- it has been passed on.

Offering various possible approaches:

“You need to be careful about how you do a Victim Impact Statement. This sometimes requires a lot of prompting, to get people to speak about what they are feeling, but not being suggestive as you do this. So phrases like ‘Talk to me about that’, ‘What was life like before all this?’. Once you get in a rhythm it becomes easier to get the story.

[...]

If the person is resistant to doing a Victim impact Statement, then I will ask questions like: ‘Well tell me, do you want the person to have contact with you?’ Often times this is one, that the victim has a strong reaction to and I might say, ‘That’s it!, Maybe your Victim Impact Statement is only a couple of sentences – this is your chance to let the court know’.

[...]

Another approach is: ‘You talk and I will write it down’.”

While noting cautions:

“With Victim Impact Statements, it is so important that the victim knows that this becomes part of the public record no matter how they chose for it to be presented. Whether everyone reads silently, or it is read aloud all parties including the accused get access to read it.

[...]

I let victims know that this may be the only opportunity to have their voice heard. So-often there is this misconception that they will be able to get up on the stand and free flowing be able to say what has happened. But I let them know this is not how it happens. It is very structured - it is not a free-flowing account.”

Another tool that has not been routinely utilized, which can offer an additional layer of security, is the Victim Notification Program. Through finding ways to introduce this option through a trauma-informed approach, we hope to increase the participation of individuals accessing this service. It is noted that some of the most vulnerable victims of crime may be disadvantaged by some of the strict criteria this program requires, for the protection of the offender’s rights. We continue to navigate these on a case-by-case basis.

Closure

“In following up, I want to know how people are really doing. Get personal, find out, ‘are they really okay?’. Help them to have forward looking goals and encourage- don’t hold back. Remind them, ‘it is normal to cry. Be upset- this is a release, it is best to let it out.”

Angela Bernard, Victim Services, Tulita

The majority of Victim Services Workers agree that closure ideally comes when a client determines that the service is no longer necessary. This varied with smaller communities, who

tend to have a more fluid ability to maintain open files, beyond the legal process concluding. Some of the larger communities must close files as soon as court concludes.

Dependent on position, closure may concentrate on stressing the priority of self-care and promoting healthy activities. Asking questions such as:

- “This has had a huge impact on your life. How are you taking care of yourself now and in preparation for when it concludes?”
- “What do you need and how can I help you find it?”

Closure alternatively may also sound like:

- “You are my client, as long as you need to be.”
- “As long as you need help, I am here.”
- “Remember: our door is always open if you ever need anything.”
- “We also really like to hear about your successes so do keep in touch and let us know how you’re doing from time to time.”

In summary, the information gathered in interviews helped to inform some of the more practical pieces that we have included with this Court Aftercare Brochure and Manual package. It is not possible to address everything that is needed in this singular resource. It is hoped that this project will lead to the development of more resources and trainings specific to this challenging, rewarding, and emotionally draining work.

WHAT CROWN WITNESS COORDINATORS HAD TO OFFER

Crown Witness Coordinators help victims and witnesses understand their rights throughout the court process, per the *Canadian Victims Bill of Rights*¹. This includes providing court updates, assisting with trial preparation, and acting as a liaison between Crown counsel, victims, and witnesses. As a Victim Services Worker, you will work closely with Crown Witness Coordinators as your client's case goes through the court process. Together, you and the Crown Witness Coordinator can prepare the client for trial by familiarizing them with the key parties involved (Judge, Crown, Defense), preparing them to testify as a witness, and connecting them with other resources in the community. The following section will address the client's needs after the trial, including common questions, concerns, and emotions. Both you and the Crown Witness Coordinator can address these issues with the client.

The Verdict

Depending on the outcome of the court process, the questions victims have will change. If the accused is acquitted, found **not guilty**, the victim tends to ask many "why?" questions, such as:

- *Why was there an acquittal?*
- *Why didn't the Judge believe me?*

It is generally helpful to explain the principle of conviction - proving guilt beyond a reasonable doubt. Explaining that factors beyond their testimony, that go into a ruling, can help with feelings of responsibility for the outcome.

If the court outcome is **guilty**, common questions from victims are:

- *Am I safe?*
- *How long are they in jail for?*
- *Are there no contact conditions still in place?*
- *What are the conditions (in relation to a probation order)?*
- *Can I see the Offender?* (Victim Services Workers note this question is common in the context of relationships with domestic violence, especially when children are involved)

In trial matters where a decision is not made at the conclusion of arguments, the primary question is almost always, "When will I know the decision?"

¹ Public Prosecution Service of Canada, "PPSC - Transition Book - Prosecutions in the Northern Territories," [www.ppsc-sppc.gc.ca](https://www.ppsc-sppc.gc.ca/eng/tra/tr/35.html), March 19, 2020, <https://www.ppsc-sppc.gc.ca/eng/tra/tr/35.html>.

Most people are interested in what support is available within their community and/or beyond, to access for follow up support. Some are not as interested. It is important to inquire about the level of involvement individuals are comfortable with and what external supports are needed.

Preparing Clients for a Negative Outcome

Before the trial begins, it is important to discuss the role of key players including the Judge, Crown Prosecutor, and Defense. This will help the client feel more comfortable when they are in the court room. Assessing the client's needs and discussing the use of testimonial aids can also increase their comfort level. Asking for permission to make a referral to Victim Services is also useful, as a Victim Services Worker can do more in-depth court preparation.

It is imperative to discuss every possible court outcome with the victim to emotionally prepare them for whatever happens. Discuss what they hope to get out of the court process and offer access to other resources that may help them before, during, and after the trial. This may include providing follow-up support via paper, email, or phone, or offering access to traditional healing practices (smudging or other ceremonies for release and cleansing).

During a trial, it is important to be realistic with the victim by emphasizing that the Judge's responsibility is to decide 'beyond a reasonable doubt' that the accused is guilty. This is a very high standard for the Crown Prosecutor to achieve and is not always possible.

If the victim is called as a witness, explain that their role is to listen to the questions and provide a truthful and factual account of what happened, as asked. It is important to emphasize that they try and remain composed despite the questions they may be asked, to maintain their credibility as a witness. Additionally, researching who the Defense counsel will be and familiarizing the victim with their questioning style will help prepare them for the types of questions they will be asked. Explain that the Crown Prosecutor and Defense will use different styles of questioning to try and prove their case. For example, the Defense wants to present a different version of the events that happened to create doubt. Again, this ties back to the need to prove guilt beyond a reasonable doubt.

Victims sometimes may internalize a not guilty outcome, concluding that the Judge or court did not believe them, and that the entire justice system is unhelpful. Anger is a common emotion and is most often directed at the Crown Prosecutor. Clients may also feel anger toward the Defense for distorting the events that happened, at the RCMP for the way the initial complaint was handled, and at the accused for causing the incident in the first place. Victims may also be angry with themselves for believing that the legal system would help them.

Child Victims

It is critical to understand who the child's caregiver is, and to what degree they are comfortable with the child participating. This determines how-to move forward. The age of the child is an

important factor to consider. Guardians may permit direct contact with older children, but often, the Crown Witness Coordinator must communicate through the child's guardian. This may impede the important relationship that needs to be built between the Crown Witness Coordinator and the child. If the child does not trust the Crown Witness Coordinator, it can be difficult to prepare the child for what is to come. Due to delays in assigning a Crown Witness Coordinator to a file in Territorial Court, the child may interact with many different Crown Witness Coordinators before being assigned the one who they will work with during the trial.

Unless the child's guardian gives explicit permission to directly contact the child, the guardian will always be the first point of contact for updates (in some cases, a Child Family Services Worker may also be involved). This can be difficult as not all parents have the capacity to emotionally deal with court proceedings and may internalize the experience, making it more about themselves than the child. In cases where there is limited contact between the parents and their Crown Witness Coordinator, it is the role of Victim Services Workers to liaise that connection.

Some recommendations coming directly from Crown Witness Coordinators for working with children are that:

- More work with child victims is needed to prepare them for testifying. This being said, the level of work that is needed is situationally dependant. A teen victim FASD Dx will require more meetings that are shorter in duration and review the last meeting before moving on to new information. Young child victims who are testifying in the body of the court should receive significantly more preparation and orientation to the court space, the people, the clothes, the tech etc. not to mention their testimony. Statement review can be difficult for some to deal with thus it is preferred that this not happen until just the day before the trial. Too soon can lead to disclosure issues.
- Assisting children to understand the nature of questions that will be asked can be a challenge as well because the Crown does not want the actual answers during the prep stage, in the event there is disclosable information- adults can comprehend instruction to a higher degree and understand the consequences more so than a child

At the end of the court process, Crown Witness Coordinators can connect the child and their family with community resources and supports, to assist them in processing the outcome. For those who have been sexually abused, Little Warriors, a national organization that focuses on the prevention and treatment of child sexual abuse and advocates for victims², is a great

² Little Warriors, "Child Sexual Abuse Treatment Education & Prevention," accessed January 5, 2022, <https://littlewarriors.ca/>.

resource to refer clients to. Additionally, Luna, an organization that aims to intervene in and prevent child abuse³ is an excellent resource for families.

Supporting Elders – the Importance of Cultural Knowledge

Many elders are residential school survivors and hold varying levels of trauma. Due to this trauma, the individuals may have a diminished sense of self-worth and tell you what they think you want to hear, instead of what is happening. Recognize this and be patient with these clients. Encouraging them to speak honestly about their current feelings can help these individuals feel more comfortable with you. Due to traditional gender norms, also recognize that older men may be more comfortable and better served by a male worker, while a woman may be better served by a female worker. This is critical in giving the client the best possible care. If you are not the best person to support the individual, refer them to somebody else. Elders may also primarily speak their traditional language, so be proactive in getting an interpreter to ensure their story is told accurately.

Overall, respect is the greatest way to support the community and elders. Do not assume that you know the best way to help the person. Ask them what they need and how you can help. As noted above, acknowledge their experiences, and get help from others when needed. The goal is to meet the person's needs and help them through a difficult process, which can only be achieved through mutual respect.

³ Luna Child and Youth Advocacy Centre, "Calgary's Child & Youth Advocacy Centre," Luna, 2021, <https://www.lunacentre.ca/>.

PROACTIVE CLOSURE

“A lot of prep work prior to court helps. Like saying, ‘this is your platform for you to tell your story, but you have no control over the outcome’” – Amy Fraser – Victim Services Fort Simpson

Section 11(d) of the *Canadian Charter of Rights and Freedoms* states that any person charged with a criminal offence has the right to be presumed innocent, until otherwise proven guilty by a court of law⁴. In legal practice, this requires Crown Prosecutors to research the law, gather and review evidence, and interview witnesses. The Crown Prosecutors are lawyers of the government who pursue public protection. Comparatively, a Defence lawyer represents the accused and is tasked with questioning the evidence by examining its relevance and possible interpretations of it within the context of the offence⁵. In the context of these roles, a criminal trial favours the innocence of the accused, whose case is less about their version of events and more about any gaps in the victim’s. What does this mean for Victim Services Workers and their clients?

In Canada, about 63% of all completed adult criminal court cases end in a finding of guilt⁶, but in terms of specific offence types, only about 12% of police reported sexual assaults result in guilty convictions⁷. This is problematic to victims and Victim Services Workers in the Northwest Territories, where an overwhelming number of female victims report sexual violence. For example, in 2016, 59% of victims of police reported crime were women, and 94% of these women reported sexual offences⁸. In this context, medical evidence is most substantial, but difficult to obtain based on the subdued nature of reporting this type of offence⁹. Therefore, it is important for Victim Services Workers to prepare their clients for unexpected, or even disappointing, court outcomes. In this section, we will discuss ‘Proactive Closure’, an idea presented in an interview with Claire MacDonald.

Proactive Closure

A common theme among Victim Service providers in the Northwest Territories is the frustration experienced by clients at the end of their court procedures, where they often feel that justice was not adequately served. As a Victim Services Worker, you can prepare clients for feelings that may arise from unexpected court outcomes by:

- Explaining the role of key court players, including Crown Prosecutors, Defence Lawyers, and the Judge
- Reminding them of their strength(s) after each court procedure

⁴ Department of Justice, “Section 11(d)- Presumption of Innocence”/“Provision.”

⁵ Department of Justice 2021, “Court and trial”/“Roles of people in the court.”

⁶ Department of Justice 2018, “JustFacts”/“Lowest number of cases completed in a decade.”

⁷ Rotenberg 2017, “Highlights”/“Criminal justice outcomes of sexual assault.”

⁸ Statistics Canada 2018, “Victims of police reported crime in the Northwest Territories, 2016.”

⁹ Department of Justice 2009, “An Estimation of the Economic Impact of Violent Victimization in Canada, 2009”/“S.V. Victim Costs”

- Reminding them that regardless of the court outcome, they have stood their ground and sent a clear message of intolerance
- Reminding them that their experience is their truth. The outcome of a court process does not necessarily reflect the truth of events, as it is a systematic way of determining a threshold of guilt

Proactive Closure is about proactively preparing clients for unexpected feelings that may arise at the closure stage of their court procedures. It is about building them up with a sense of realism, so that they are better prepared to process any difficult emotions. Some of the difficult emotions that Victim Services Workers in the Northwest Territories recognize in clients at the closure stage of their court procedures are:

- Frustration
- Anger
- Disappointment
- Overwhelming intensity
- Numbness or shock

Victim Services Workers also recognize that these feelings are often rooted in confusion about the court outcome. Therefore, we can best prepare clients to process these feelings by ensuring they have a good understanding of the role of courts and relevant players. The importance of proactive closure is that if a client can understand *why* they are upset, then they can work through that emotion. Otherwise, if a client's anger is rooted in confusion, they will likely remain angry so long as they are confused.

RESPONSES TO TRAUMA

Immediate reactions to a traumatic event are shock, disbelief (“This isn’t really happening”), confusion (“What is happening?”), and detachment (“I’m not really here”). As an individual begins to process the trauma, it impacts the way they think, feel, and act. This affects both mental and physical health. Below are ways that an individual’s thinking, feelings, and actions can change after experiencing a traumatic event.

Thinking:

- Loss of focus (difficulty concentrating)
- Nightmares
- Flashbacks
- Intrusive thoughts (unable to stop reliving situation)
- Having a hard time making decisions
- Lack of attention span
- Blaming others or themselves
- Forgetfulness
- Mistrust or suspicion
- Fear of future victimization
- “Never - Always” thinking
- “Can’t do this” thinking

Feelings:

- Anger
- Sadness / Depression
- Scared / Fear
- Numb (distant/detached/shutdown)
- Empty (exhausted/depleted)
- Anxiety
- Overwhelmed
- Moody (rollercoaster)
- Irritated (loss of patience)
- Grief
- Powerlessness
- Helpless
- Hypersensitive
- Ashamed (embarrassed)
- Guilt (should have / could have)

Actions:

- Crying
- Withdrawing from family and friends
- Isolating themselves
- Argumentative
- Negative Coping
- Increasing alcohol or drug consumption
- Engaging in self harm
- Problems at work or school
- Not wanting to be alone
- Making impulsive decisions (greater risk taking)
- Regression
- Losing things
- Pacing
- Wanting to engage more or talking less
- Hypervigilant

- Sleeping more or less than usual

- Hyperactivity (in constant motion / inability to settle)

Physical symptoms may include:

- Sleep Disturbances
- Changes in appetite
- Stomach Aches
- Exhaustion
- Body pain / Aches and pains
- Clenching jaw/ teeth grinding
- Excessive sweating
- Rapid heartbeat
- Difficulty breathing
- Dizziness
- Getting sick more often

It is important to remember that each person processes trauma differently. People who experience the same incident can have dramatically different reactions. The key thing to remember, is that these reactions to trauma are **normal**. They are usually more intense immediately after experiencing a crime or tragedy but diminish over time. Encourage your client to get help, if these feelings are so intense that they cannot cope or do not diminish over time. Remind them to be gentle with themselves and help them to understand that trauma can impact them in ways they may not have even considered before. Processing trauma can be long, and difficult. It has the potential to shift a person's view on life, including their belief systems, hopes, dreams, and future goals.

How do Children Process Trauma?

Age and developmental level make a difference in how children react to trauma. Seeing regressive behaviours is common. For example: a child may become clingy, begin bedwetting, or return to thumb sucking¹⁰.

Common trauma reactions for **all children** are¹¹:

- Anger
- Guilt
- Irritability
- Crying
- Decreased sense of safety
- Intrusive memories of what happened
- Nightmares
- Sleeplessness
- Increase or decrease in appetite
- Decreased academic achievement
- Re-enacting what happened through play

From **birth-2 years old**, the following changes may occur:

- Crying more often or for longer periods of time
- Needing to be held or comforted more often
- Changes in sleep, eating patterns, or bowel/bladder control

From **2-6 years old**, the following changes may occur:

- Nightmares
- Trouble sleeping
- Refusing to sleep alone
- Irritability with changes to routine
- Difficulty with settling
- Fear
- Feeling helpless
- Being withdrawn from family or friends
- Denying the events that took place
- Struggling to identify feelings

From **7-11 years old**, the following changes may occur:

- Unwilling to go to school
- Avoiding doing homework
- Waiting for the next bad thing to happen
- Believing that they were somehow the cause of the traumatic event or in some way responsible
- Have magical explanations of the events, which fills their lack of understanding

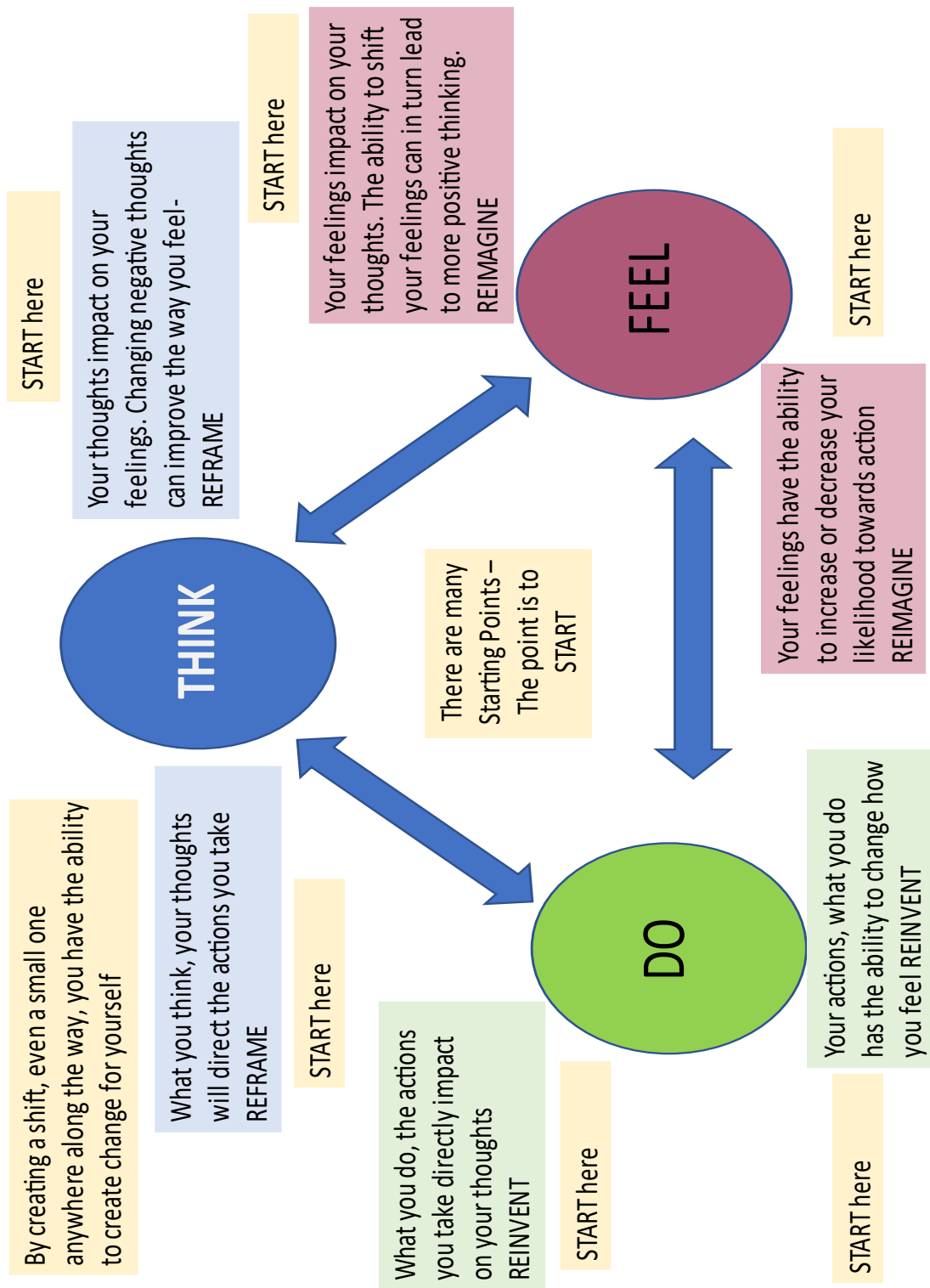
¹⁰ Victims of Crime Committee of Windsor and Essex County and Victim Services of Windsor and Essex County, *Windsor-Essex County Trauma Guide*, n.d.

- Head aches
- Stomach aches (not based on illness)
- Increase in physical activities, which may include violent play (more common in males)

From **12-18 years old**, the following changes may occur:

- Refusal to talk about feelings (anger, fear, grief)
- Social withdrawal
- Growing up more quickly
- Abrupt shifts in relationships
- Engaging in risky behaviours
- Showing a lack of responsibility
- Depression
- Suicidal thoughts
- Wishing for revenge
- Acting in response to the trauma experienced
- Amplified sense of self-centeredness

THINK, FEEL, DO MODEL – THOUGHTS, FEELINGS, ACTIONS



Reframe, Reimagine, Reinvent

Why did we choose to use this model in the development of our Court Aftercare materials?

- This is a cognitive behavioural approach, one that is relatable
- There is not one starting place or point, and change can happen in all directions
- The approach is inner-focused, so an individual can work on the elements in the model by themselves
- The model is transferable to other situations beyond the court experience
- There is nothing in the model which may negatively impact an individual
- This model focuses on the here and now, beginning in the present
- This model is as practical for children as it is for adults
- It is a simple framework to remember and employ

THINKING – REFRAMING OUR THOUGHTS

The way we think directly impacts our feelings. Thoughts reflect a person's capacity to process their feelings, and both thoughts and feelings therefore change through time. Thoughts can be confused or clear. Thoughts cannot be ignored since it is impossible to stop thinking. Even when we sleep, our brains are processing thoughts and they come out in the form of dreams or nightmares. Thoughts are influenced by our environments and are therefore always changing. Thoughts are not static. They can be negatively impacted by substance use, mental health issues, or inaccurate information, all of which have the potential to lead to false belief systems and counterproductive actions. Therefore, thinking critically, about *why* and *how* different emotions surface, is necessary to foster good outcomes. Good outcomes are generated from the actions that people take when their thoughts allow them to feel empowered. Reframing is a process that allows us to review, clarify, reassess, and consider new perspectives, to then shape our thoughts differently. Through this process, each of us can create a shift in our thinking.

FEELINGS - REIMAGINING

Feelings are not inherently positive or negative, although we tend to categorize them as 'good' or 'bad'. For instance, sadness and anger are often perceived as negative, but they are simply energetic responses derived from a negative experience. While an experience can be negative, it is important to note that feelings 'just are'. Feelings are necessary, but their expression may be circumstantially appropriate. For example, feelings are a motivator for expressional behaviours, which may be positive or negative. As feelings can be intense, issues arise when intense feelings lead to impulsive actions. The most intense feelings we experience last about twenty minutes before they begin to subside into more manageable versions of themselves. Feelings can change over time and can sometimes feel contradictory. However, they can make sense when looked at and considered as a whole experience.

Feelings can be muted, diminished, intensified, or distorted with the use of substances, medications, psychosis, or in the company of others. Alcohol or drugs may be used in attempt to suppress strong, unpleasant feelings. Feelings reflect a personal investment in a situation. Indifference suggests a moving on from that situation. Sometimes, we hide our feelings because we are afraid or ashamed of them. Reimagining is the sophisticated outcome or conclusion of the thought/feeling relationship, with regards to an emotional situation. Reimagining is the ability to take a feeling, sit with it, and shift it, to constructively find actions that will serve you well. Reimagining is a blueprint for further action, beyond what has happened to you. Reimagining is all about adaptation.

ACTIONS – REINVENTING

Actions are directed by our thoughts and feelings. Our actions have consequences, which can be good *or* bad. One consequence an action might have, is the capacity to shift a person's thinking or feelings. Sometimes, for example, a simple change in scenery can alter our mood. Unlike feelings that we can hide or thoughts which we do not necessarily have to share, actions have external consequences to the world. Our actions can be seen and felt by others, and they can be detrimental to our well-being if they are based on impulse or misinformation. Sometimes, it is our desire to force-change upon others that underlies our actions. The issue with this, is that our actions do not invoke change in others. It is therefore a better investment of time and energy, to act in ways that will change a situation for *ourselves*. Actions can be written, spoken, or done. All can be effective, but some are more impactful than others. 'Inaction' is also an action.

So, what does reinvention look like? Think about this example: If someone is yelling obscenities towards you in public, how would you choose to react? One response is to yell back and engage in the confrontation. However, rarely would this de-escalate a situation, and is more likely to promote a negative public display and outcome. This response would give the perpetrator power, as your engagement is the reaction they were looking for. **Reinventing** is about taking an inward focus to our actions, and to act in ways that are self-productive, or reflective of inner wants and needs. With regards to the previous example, a reinvention could look like this inward response: "I am not any of the words being called out, so this cannot be meant for me. I will walk on, hold my head high, ignore, and certainly not respond. If this makes me feel unsafe, I will get to a safe place and ask for help. I will not become a shrinking violet who is weak in the face of conflict. I will maneuver around a conflict utilizing a different strategy, while keeping myself safe. I am entitled to feel safe. I am worthy. It is not my job to change others, nor do I have the ability or desire to do so, but I do hold people accountable."

SECTION TWO



REFRAMING YOUR THOUGHTS

Coaching Clients: INFORMATION IS POWER

Reframing Your Thoughts

You may wonder: *“Why is it important to consider what I am thinking?”*

Your **thoughts** are connected to your **feelings** and influence your **actions**. Likewise, your feelings impact your thinking. It is important to know how to reframe your thoughts to improve your feelings. Action can help to restore a feeling of ‘being in control’. When you are victimized, it can feel like you are not in control of anything. It is time to change that!

Facts about thinking

- Our thoughts are shaped by what we *believe* we know
- It is important to get **facts** to help shape our thinking
- Finding the “truth” makes a difference in knowing the *realities* (i.e. the different perspectives of what took place)

Following court, one of the most frequently asked questions is:

“What just happened?”

There are several aspects of the court process that may give us a better understanding of this question.

THINKING ERRORS – *Cognitive Distortions*

“When dealing with clients who have multiple cases on the go at the same time, the worker has to be very knowledgeable about court aftercare. In terms of messaging, to really get the individual to know that “there is not something inherently flawed about me”. So, for example, when we have a client that was molested as a child, raped as a teen, and then again sexually assaulted as an adult, or where there are multiple abuses happening in the home, there is that sense of ‘Why Me? Something is wrong with me. It keeps happening to me, so there must be something I am doing wrong...’ It is really hard to find messaging around this and how-to respond.” **Trish Bullis, Victim Services, Yellowknife**

It helps to know about common ‘thinking error’ patterns, or cognitive distortions. Thinking errors are thoughts that do not reflect reality. Often, those who have thinking errors do not realize it, which can make it very defeating to conceptualize the reality of a situation.

Let’s look at some of the ways this may occur. If you can identify when thinking errors take place, you may be better-able to help others recognize cognitive distortions in themselves and be able to assist in shifting their perspectives.

PERSONALIZATION: This involves accepting responsibility for outcomes that are outside of personal control and may be accompanied by feelings of shame or guilt.¹²

Examples:

- “The accused was acquitted because no one believes me. I didn’t do a good job as a witness.”
- “The defence lawyer asked me questions that made it sound like it was *my* fault, and like I wasn’t telling them everything. They must think I was lying. There were things I simply could not remember.”
- “The defence lawyer even suggested that I made everything up and that it didn’t really happen. I sounded so stupid on the stand.”

Solutions

Ask the client:

- *How do you know that?* For example, “How do you know the accused was acquitted because of your testimony? Did the Judge or Crown Prosecutor say so? How do you know you were not believed?”
- *How much responsibility did you really have for what occurred?* The Crown Prosecutor is responsible for leading you through their examination with the questions they pose. It is the Judge who ultimately decides whether the Crown Prosecutor has done their job to prove beyond a reasonable doubt. A witness’ role is to honestly answer the questions of the Crown Prosecutor, but you do not have direct impact on the decisive outcome of the Judge.

Consider alternative perspectives:

- Just because the accused was acquitted, does not mean the incident did not occur.
- The Crown Prosecutor has a hard job to do, as the burden of proof is a very high standard.
- It is the job of the Defence lawyer to try to poke holes in a victim’s story.
- No one has a perfect memory - it makes sense to have forgotten some details.
- *The police believe you and went-ahead with charging the accused. The Crown Prosecutor believed you and moved forward with the legal process. Your Victim Services Worker believes you and is supportive of you throughout this process. There are many people who believe and support you.*
- *You told your truth and remained honest throughout. If you did not remember, you told the truth and didn’t make anything up. The Judge will be able to see that you are honest.*

¹² Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

- *Even when you were asked very difficult questions, you kept your cool and firmly responded.*

Follow-up actions might include:

- Connecting your client with their Crown Witness Coordinator to discuss the court outcomes. *What did the Crown Prosecutor have to say? How did the Judge explain their decision?*
- Allow your client to discuss their thoughts and feelings, and work with them within their perspective.

MENTAL FILTER: This occurs when focus is set on the negative aspects of a situation. A person may be presented with several facts supporting a positive outcome, but dwell only on the negative parts by inflating their importance.¹³

Example:

- The accused was found guilty. However, the remand time served allowed for them to be free at the end of court. In response, a client may think: “All the accused really got was probation. This seems like it was rather pointless. Nothing will be realized by this; the accused will just reoffend.”

Solutions

Focus on the concrete facts. In the example above, the offender has a conviction on their criminal record for this charge. The offender has a period of probation for which certain conditions are in place. It is a waste of time and energy to dwell on things out of personal control, such as the possibility of the offender re-offending.

Ask your client:

- *What are the positives in this situation?* Try to help your client recognize positive situational outcomes or elements and encourage them to make written list of these. If they are feeling anxious, it can be something they refer back-to to regain some ground.

Follow-up actions for clients might include:

- Obtaining a copy of the offender’s conditions.
- Knowing who the offender’s probation officer is, and how to contact them to report any concerns or breach(es) of condition(s).

¹³ Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

- Commit to continuing to hold the offender accountable

DISQUALIFYING THE POSITIVE: This occurs when a person is dismissive of positive outcomes. Disqualifying the positive often starts with acknowledging something positive, and then saying that it ‘doesn’t count’ or isn’t important.

Example:

- The Crown Witness Coordinator and Victim Services Worker commend a client on their strength and courage, for seeing-through the judicial process and for being brave in their testimony. The client, however, believes “They are just saying that because it’s their job, and they are trying to make me feel better or just being polite.

Solutions

Encourage your client to acknowledge compliments when they receive them, even with a simple “Thank you”. They do not necessarily need to ‘accept’ compliments, but it is important, even socially, to acknowledge them.

Ask your client:

- *What are your positive attributes and accomplishments?*
- *What is something that you are proud of yourself for?* For example, they may have faced the accused without a witness screen; taken the stand; written a Victim Impact Statement for the court to know how they were impacted by the incident.

Follow-up Action might include:

- Working with your client to arrive at more positive reflections.

“ALL OR NOTHING” THINKING: This occurs when a person is constantly thinking in extreme terms or has the tendency to catastrophize. For example, performing below perfect, and then drawing the conclusion of utter failure.¹⁴

Examples:

- After an acquittal, a client might say: “I did this for nothing.”
- When remand time counts as time served, a client might say: “So they just get to walk, that’s it – they always get off”
- When the court outcome is overall disappointing, a client might say: “It’s useless to call the police. Why bother reporting a breach if they never do anything? Probation is pointless. It always means nothing.”

¹⁴ Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

Solutions

Remind your client that the outcome does not negate the intentions they had in their pursuit of justice. For example, an acquittal does not change the intent of a complainant, to expose what took place. Your client sent a clear message that there are repercussions for their victimization. You might say to them, “You are not an easy target and are not afraid to access police. You have the strength to see through the process and you do not own the shame. All of these are very powerful messages. What you have done has not been for nothing.”

Try to find the middle ground. Although this may not have been the desired outcome, something more than nothing has occurred. There is a conviction entered on the offender’s criminal record. The finding of guilt and sentencing means that the Victim Impact Statement was read, and there is an awareness of how a client was impacted. Very few situations are truly all-or-nothing.

To the client: Try thinking of an exception when your thoughts focus on ‘never’ or ‘always.’ If you can think of an exception, then that means it is not truly ‘never’ or ‘always.’ In the example of, “The police never do anything, and probation is pointless. It always means nothing,” the reality is that there are numerous breach charges on each docket. In other words, the police-reported breaches are filed within the Criminal Justice System, and therefore considered in judicial decisions. Challenge those thoughts that claim that something ‘never’ or ‘always’ happens. In the example above, remind yourself that everyone else in the courtroom also has contact with the police.

Ask your client:

- *Are you thinking in extreme terms?*
- *Are there other ways of looking at this situation?*

Follow-up actions might include:

- Finding out what your, and the client’s next steps are; try to be proactive in thinking and planning.
- For the client to make a list of their accomplishments, based on the actions they have taken throughout the court process.
- Considering what messages those actions send to the accused and greater community.

MIND READING: This occurs when another person’s intentions or thoughts are *assumed*; You might assume that someone is focusing on your flaws or reacting negatively to you, when their response might have nothing to do with you at all¹⁵.

¹⁵ Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

Example:

- “The Defence lawyer is suggesting that I am making this up for attention. Everybody thinks I am lying”.
- “I can’t remember the details, I am being asked about. I told them I was drinking when it happened. I am sure the Judge thinks it is my fault.”

Solutions

Ask your client:

- *What other reasons might this be taking place?*
- *Does assuming something make it true?*

Note: Conclusions drawn from mindreading are often incorrect.

Follow-up Actions might include:

- For the client to check-in with a trusted person, such as their Victim Services Worker or Crown Witness Coordinator, to discuss their thoughts. They may be able to provide insight or perspectives not otherwise considered. They can do some fact-checking and may provide accurate information that can assist to counter/shift distorted thoughts.

OVERGENERALIZING: This occurs when an isolated incident is projected onto much broader circumstances and used to generalize. For example, a single unpleasant occurrence is viewed as a sign of what will happen every time following, rather than the isolated incident that it is¹⁶.

Examples:

- A victim of assault might think, “I must have a sign on my forehead that says treat me badly. This is just going to keep happening to me, I can’t do anything right. I must have done something to deserve this. People see me as a weak person, and no one will ever want me as a friend or partner”.
- After writing a Victim Impact Statement, a client may find out that parts were retracted. They might think to themselves, “I can’t do anything right and no one really wants to hear what has happened to me, so it’s no use going to counselling.”

Solutions

Work with your client to think of times when a particular negative situation did not end up being a sign of long-term negative outcomes.

¹⁶ Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

Ask your client:

- *What is the likelihood that things will repeat themselves in the same way, just because it happened once? Is there a possibility of another outcome?*
- *Is there an explanation for what has occurred?*

Follow-up actions might include:

- Consider protective or preventative measures that you can take.
- Ask *why* something took place. Is there an explanation that you are unaware of?

FORTUNE TELLING: Fortune telling occurs when conclusions are hastily drawn, with little or no premise. Otherwise, a person might be convinced that something will turn out badly, as they believe in a foregone conclusion and no ways to ensue any change in the outcome¹⁷.

Examples:

- “If I go to the police, they aren’t going to take me seriously. I will be a nuisance; they have more important things to attend to.”
- “If I go back to court, the accused will just get off again.”

Solutions

Ask your client:

- *How does this conclusion help you?*
- *If you continue thinking this way, does it keep you in a stuck place?*
- *What proof do you have that this negative outcome will take place again?*

Follow-up actions might include:

- For the client: Speak to your Victim Services Worker.
 - When you are taking action, make it known: “I want things to turn out differently this time, what more can be done to try to ensure this?”
 - Remind yourself: “I am important, I do matter, I will not allow my existence to be dismissed or disregarded.”
 - Learn ways to become more assertive.
 - Know that sometimes writing can be more effective in gaining responses, and it leaves a trail of documentation.

¹⁷ Courtney Ackerman, “Cognitive Distortions: When Your Brain Lies to You,” PositivePsychology.com, September 29, 2017, <https://positivepsychology.com/cognitive-distortions/>.

KEY INFORMATION TO CONSIDER

Key pieces to know:

- **Roles & Responsibilities:** Who are the people involved? What are their responsibilities?
- **Verdict:** What was the Judge's decision? What went into that decision? What influenced it?
- **Outcomes:** What exactly do they mean?
- **Follow-up Actions:** What are the next steps that I can take based on how things have ended? How do I go about these next steps?
- **Processing:** How did this help me? What are the concrete benefits for having actively participated in the court process?

Understanding The Court Process As A Client

It is important to familiarize yourself with the court process before going through it. This will help mitigate any confusion and allow you to focus your energy on telling your story. The following section discusses why understanding the court process is critical for victims and concludes with a breakdown of the roles and responsibilities of each person in the courtroom.

Why is this information critical?

Roles: By understanding the roles and responsibilities of those involved in the court process, it may help to not personalize feelings or outcomes that may arise during court.

Responsibilities: Understanding and actively participating in the criminal justice process can help guide your thoughts and feelings to a more positive place. For example, writing a Victim Impact Statement allows you to have your voice heard on how the crime has affected you. It is important to understand that this has no impact on the 'finding of guilt' verdict.

Verdict: A guilty verdict requires a very high standard of proof, to prove *beyond a reasonable doubt*. Awareness of this can assist to relieve any personal feelings of self-doubt or failure in your role as a witness. Hearing a Judge's full decision and how it was reached often gives insight into the considerations of the Judge. Hearing these can be affirming or validating for someone who was victimized.

Outcomes: For the most part, unless we are involved directly with the justice system, people have a limited understanding of criminal sentences, typically categorizing: *Did they get jail? Did they get probation? Did they get off scot-free?* The reality is, there are many different sentencing options. It helps to know details specific to the case with which you have been involved. Understanding the exact outcome of sentencing will allow you to know what actions you can employ to increase your safety and continue to hold the offender accountable.

Follow-Up Actions: Dependent on outcomes, there may be some considerations for further action on your part. For example, registering for the Victim Notification Program, so that you

can be made aware of developments in the offender's status once their sentence is being served. This is also often the time that you may feel ready to do something for yourself, to begin healing. Thinking about getting into some counselling? Talk with your Victim Services Worker to set this up.

ROLES & RESPONSIBILITIES

The People in a Courtroom

JUDGE: The Judge is responsible for listening to everyone and everything that is said in court. All of this is referred to as the 'evidence'. The Judge's role is then to determine- based on the evidence presented, the facts of the case, and how the law is applied to these facts, whether a crime has taken place. Prior to any case beginning, the Judge only has knowledge of the accused person's name and charge. During a proceeding, the Judge may ask clarifying questions and provide direction. The Judge will render a decision with full explanation, based on case law and precedents that have been set. In post-trial, they may also request reports to be written for sentencing, such as a Pre-Sentence Report. If one has been provided, a judge will also consider a Victim Impact Statement prior to sentencing¹⁸.

Being present in court on the day of a trial decision or sentencing will provide much insight and reasoning for the outcome. If you are not present in court, the Crown Witness Coordinator will be your best initial contact, to find-out more information about what took place. It may also be helpful to process this information with your Victim Services Worker.

CROWN PROSECUTOR: Part of the role of a Crown Prosecutor, or 'the Crown', is to assist witnesses in telling their stories the court. Crown Prosecutors are in court to present the case and do not actually represent you, the victim; They are not *your* lawyer, and this is a common misconception. The role of the Crown is to make the case that a crime has been committed and doing so requires them to prove the incident 'beyond a reasonable doubt,' where the burden of proof is very high. Crown Prosecutors will decide what witnesses to call upon, and what evidence the court will hear, to prove that the Accused has committed the crime. The Crown helps you as a witness to do your job, by asking a series of questions that will guide you to tell your story while the Judge listens to your responses. The motivation of the Crown Prosecutor to prove their case is within their belief of a crime having occurred, based on police reports and evidence. It is important to remember: the Crown is responsible for the direction and line of questioning that they set up, and they know the evidence they will be presenting. This is their case, and they know it through and through.

DEFENCE LAWYER: The job of the Defence Lawyer is to help the Accused, by ensuring the rights of the accused are protected throughout the legal process. It is not up to the Defence Lawyer to prove their client is not guilty. They only need to show that the Crown failed to prove beyond a

¹⁸ Canadian Child Abuse Association, *Court Prep for Teenagers*, n.d.

reasonable doubt that the Accused broke the law. The Defence lawyer will do this after the Crown asks their series of questions. They will then have the chance to ask you a series of questions, or 'cross-examine' you. Cross examinations are designed to poke holes in your story, or to raise some level of doubt about any victimization having occurred. The Defence lawyer may stand-up and interrupt you when you are talking, usually by saying "Objection." This is part of their job and has nothing to do with you. They need to ensure they are protecting their client's legal rights, and this is the basis of their objections. The Defence lawyer may suggest to you all kinds of possibilities when asking their questions- they are simply doing their job, to raise some doubt. This is how they defend their client and has nothing to do with you as a person, witness, or victim¹⁹.

COURT CLERK: The Court Clerk works to ensure a smooth running of the courtroom and assists the Judge. They will tell people when to stand, read the charge, help witnesses take oaths or affirm, and assist with any aids needed to testify. Clerks make an audio recording of everything that occurs in court.

WITNESS: As a person victimized by a crime, you may be called on in court to testify as a witness, or to provide a Witness Testimony. In a Witness Testimony, witnesses provide evidence for a charge that has been laid onto the Accused, to describe the facts of the incident or crime. All the evidence and facts of a case must be presented in court, so that the Judge, or Judge and Jury, can make an informed decision. As a witness, the Crown Prosecutor will guide you to tell your story per their line of questioning, which will be designed to help tease out the story and specific details they need the Judge to hear.

It is common to question how well you did when you finish your job as a witness. Being a witness is a tough job. It is not something that we generally get to practice beforehand. You can feel a lot of pressure and stress when called as a witness. This is normal. Sometimes, we get so stressed that we forget things or wonder if we should have done something differently. We might even feel as though we did not do a good enough job. Remember: obtaining a guilty conviction against the accused is **the Crown's job**. They are familiar with the common upsets that can occur and are prepared if something does not go according to plan. For example: You, the witness, become emotionally distressed and need to take a break, or have a memory lapse and forget some details. The Crown will find ways to recover, by applying for testimonial aids if necessary, or pursuing a different line of questioning. Everyone knows you are doing the best job that you can and will try to accommodate you with support.

JURY: In some cases, the accused will select to have a trial by Judge and Jury. A Jury is composed of twelve adults who, like the Judge, will listen carefully to the entire court case. They will be directed by the Judge, in terms of what they must consider and what their potential decisions can be. The Jury must come to a consensus on whether they decide the

¹⁹ ¹⁹ Canadian Child Abuse Association, *Court Prep for Teenagers*, n.d.

accused is guilty or not. If a consensus cannot be reached it is called a 'hung jury,' in which the case is retried with a new selected jury²⁰.

SUPPORTING ROLES

CROWN WITNESS COORDINATOR: The Crown Witness Coordinator assists in managing the case for the Crown Prosecutor, by working with the victim to address any of their questions or concerns, prior to and following court. The Crown Witness Coordinator will work with you through open lines of communication throughout the criminal justice process. When the need arises, or if they anticipate any need for testimonial aid applications, they will notify the Crown Prosecutor. They will also ensure you are connected to Victim Services, who will assist you in preparing for court, especially if a matter is headed for Preliminary Inquiry or Trial. The Crown Witness Coordinator is very task oriented, in terms of preparing clients for what to expect next in court and relaying all vital information of the case directly to the Crown. They will set up and coordinate meetings with the Crown Prosecutor prior to trial, to go over your evidence. The Crown Witness Coordinator is often able to find out more about the Judge's decision and can review judicial processes and decisions with you. This is where their job ends, and they are onto the next case²¹.

VICTIM SERVICES WORKER: Your Victim Services Worker is the person that you can connect with and establish a rapport. This is a relationship that you will build over time as you move through the court process. They are your contact for court support throughout the legal process and following its conclusion. They can help with everything from: safety planning, to making referrals, providing court updates, helping you to complete a Victim Impact Statement, providing court preparation programming as you go toward trial, being a designated support person in court, and will follow-up once court has completed to provide some direction and next steps. Victim Services Workers have more flexibility with timelines and providing support, as there does not need to be an active legal file for them to provide services. To be clear though, while Victim Services Workers are very supportive through the legal process, they are not counsellors. Victims Services Workers can make referrals for counselling, to connect clients with a person who is equipped to assist them in dealing with feelings before, during, or after the court process. Professional counselling support is a special skill set, and it is a testament of strength to accept referrals and to connect with community resources²².

²⁰ Canadian Child Abuse Association, *Court Prep for Teenagers*, n.d.

²¹ Canadian Child Abuse Association, *Court Prep for Teenagers*, n.d.

²² Canadian Child Abuse Association, *Court Prep for Teenagers*, n.d.

REFRAMING JUDICIAL PROCESSES, VERDICTS & SENTENCING

Reframing – JUDICIAL PROCESSES

A client's legal matter can end at any point in the criminal justice process. This section will outline ways to positively reframe closure at each stage of the process.

POLICE REPORTING: When a crime occurs, the first step in engaging the Criminal Justice System is to report the incident to the police. As a Victim Services Worker, it is important to respect the decision of clients to either report or not report the crime²³. Positively reframing either of these decisions can include:

- Acknowledging their experience: "I'm sorry that happened to you. It takes a strong person to reach out for support. That can be very difficult- I'm proud of you for acknowledging that need and for taking the necessary actions."
- Validating their feelings: "It is normal to feel upset after experiencing a critical incident. You are brave for acknowledging those feelings and trying to work through them. I respect your decision to report/not report the incident to the police. This is about *your* needs."
- Offering referrals for immediate supports such as emergency counselling or income assistance.

INVESTIGATION: Once a crime has been reported to the police, a criminal investigation takes place. In some incidents, however, their ability to do so is limited²⁴. For example, if a person is unable to provide a clear statement due to intoxication. Positively reframing this outcome can include:

- Reminding your client of their options: "In Canada, there is no statute of limitations (or time limit) on reporting a sexual assault. So, even if you were not able to provide a clear statement to the RCMP *before*, you can provide a clear statement *now*. If you would like, I can go with you."

LAYING CHARGES: If charges are not laid after a criminal investigation takes place, the client may be disappointed. Positively reframing this situation can include:

- Reassuring your client that they are believed: "The police believed their report enough to investigate, but not enough evidence could be gathered to lay charges. This does not mean that the investigating police did not believe you."
- Helping the client separate their feelings and experience from the investigation: "A criminal investigation is a systematic procedure that takes place before a court process

²³ Province of Manitoba, "The Criminal Case: Step-By-Step," Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

²⁴ Province of Manitoba, "The Criminal Case: Step-By-Step," Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

can be initiated. The outcome of the investigation does not take away from your experience. You have still sent a clear message of intolerance to the perpetrator.”

PROSECUTION: After criminal charges have been laid, it is the role of the Crown Prosecutor to assess the likelihood of conviction and to consider public interest in determining whether to prosecute²⁵. Positively reframing the Crown attorney’s decision not to proceed is the same as noted above for laying charges. Reassure the client that they are believed and help the client separate their experience from the outcome.

FIRST APPEARANCE: A first court appearance is typically for Undertaking or a Summons. At this point, the Judge will set agreeable conditions for the accused to follow throughout the remainder of their court procedures²⁶. If the conditions of the accused are perceived as lax, or non-existent, this can be frustrating or scary for the Victim. Examples of how to positively reframe each of these situations is discussed below. This is a good time to offer emotional support, remind the victim of their existing supports, and/or offer a counselling referral.

- Unfavourable conditions: “While the accused is released, this does not affect the outcome of the trial. The conditions in place are meant to restrict them in the meantime, in terms of their activities and contact with you. I understand this may cause you some fear or anxiety. Would you like to make a safety plan just in case?”
 - When safety-planning with a client, consider their access to a phone, proximity to the houses of trusted friends or family, and distance from their nearest RCMP detachment and other service providers
- Any point during the criminal proceedings, an accused may enter a Guilty or Not Guilty plea. If an accused pleads guilty, they accept responsibility for their actions and the case will go straight to facts and sentencing. There will be no trial.
- Not Guilty plea: If the accused pleads Not Guilty, you can remind your client of the following: “I believe you, the police believe you, and the Crown Prosecutor believe you. A Not Guilty plea does not mean the incident did not happen; it means the accused is not taking responsibility for any involvement. Now, it will be a matter of proving guilt beyond reasonable doubt to the Judge, who will determine acquittal or guilt. While this requires a very high threshold of evidence, you have strong supports to make that happen.” Here, you may also remind the client to report any breaches of non-contact to the police, who will gather such incidents to pursue further charges.

SET FOR ELECTION: When a matter is scheduled to be Set for Election, it is to determine whether a charged offence will proceed as a summary or indictable matter. Summary offences are those heard by the Territorial Courts, where a two-year imprisonment is the maximum

²⁵ Province of Manitoba, “The Criminal Case: Step-By-Step,” Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

²⁶ Province of Manitoba, “The Criminal Case: Step-By-Step,” Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

penalty. Indictable offences are often heard in the Supreme Court and can be penalized with imprisonment longer than two years²⁷. Depending on the outcome, a client may feel negative emotions. Positively reframing this situation includes validating their feelings and consider some positives in the situation. For example, remind them that Territorial Courts process cases faster, so the matter will move forward more quickly. If a client was hoping for their case to be heard by a Supreme Court, but it instead goes to the Territorial Court, then positively reframing this outcome can look like:

- Outlining the benefits of a lower court hearing: Trial by Territorial Court actually has a higher chance of conviction. In addition, the court system is bombarded by legal matters to address, so setting-up court dates can be difficult or take some time. Supreme Courts are reserved for very serious cases. If a case proceeds through the Territorial Courts, it will be heard and addressed sooner, which reduces the Victim's 'waiting time' of being able to move forward from the outcome.

PRELIMINARY INQUIRY: A preliminary inquiry assesses the substantiality of evidence, to determine whether it is sufficient to proceed to trial. At this hearing, the defence can listen to the prosecution's case and the acceptability of evidence. The Judge then determines whether there is reasonable prospect of conviction (RPC) to allow the matter to proceed to trial. If there is not a RPC then the case will be dismissed²⁸. Reframing this outcome may sound something like:

- If the matter goes to Trial: "The Preliminary was a *really* good practice for when the case goes to Trial. What were some of the aspects that you had difficulty with or would like to become more comfortable with? This is what I saw you do well, *for example*: the way you asked for breaks when you needed them, the way you asked for clarification when you didn't understand a question, the way you had the lawyer repeat themselves, etc.
- If the matter is dismissed: This is the end of the legal process. One positive is that **now** is your time to begin your healing journey. *Otherwise*, Supreme Court scheduling literally can take years. By the time a matter finally gets to Trial, it is not uncommon for victims to have moved-on with their lives and no longer be invested in that process. You stood up and did everything you could.

PLEA NEGOTIATIONS: During plea negotiations it is possible for the accused to plead guilty to lesser charges based on the substantiality of evidence and likelihood of conviction, or they may agree to plead guilty to certain counts while the Crown agrees to withdraw other counts for their guilty admission. Plea negotiations can happen all along the way in the court process between the Crown and Defence. To prevent matters from going to trial and to save the victim

²⁷ Province of Manitoba, "The Criminal Case: Step-By-Step," Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

²⁸ Province of Manitoba, "The Criminal Case: Step-By-Step," Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

from having to take the stand, plea negotiations may be presented. The earlier the plea the more favourable the negotiated sentence. Late pleas (day of trial) do not get the same level of consideration from the Judge when imposing the sentence²⁹. Positively reframing a negotiated plea can look like:

- Outlining the benefits of a guilty plea: Conviction is guaranteed by the confession of guilt, and the Victim is spared the emotional trauma of testifying and cross-examination; “I understand that the sentence is not as harsh as you would have wanted., You can expect some positives to come from this though. For example, the accused is guaranteed to be found guilty and sentenced, without you having to testify in court. That’s a pretty big win.”

TRIAL AND VERDICT: During a trial, the Crown Prosecutor presents evidence against the accused. The Defence lawyer then cross examines witnesses and redirects evidence. After both parties summarize their cases, the court decides to convict or acquit the accused. In the case of Jury trial, if a decision is not reached, then a new trial is scheduled. In an acquittal, accusations and charges are dismissed, based on a lack of evidence. An acquittal of the defendant **does not mean that an incident did not occur**. Court operates on a very high standard, of Proof Beyond a Reasonable Doubt. This standard is as close as possible to absolute certainty, but of course ‘absolute certainty’ is not possible. Sometimes, the Crown is unable to provide enough evidence and supportive arguments to prove guilt to this degree, resulting in an acquittal of charges by the Judge. Otherwise, the Judge may determine from the evidence and arguments that the standard of evidence has been met, and that an accused is therefore guilty beyond reasonable doubt³⁰. Criminal trials can be emotionally exhausting for victims and witnesses, and overwhelming feelings may arise. Regardless of the judicial decision, ***positively reframing trial verdicts can include:***

- Acknowledging how far the victim’s case has come in the criminal justice process. “The police believed you enough to lay charges. The Crown Prosecutor believed you enough to pursue the matter in court. It is possible that even the Judge believed you to certain degree, and it is possible that the evidence just was not substantial enough to convict the accused. I believe you too.”
- Commending the victim for pursuing their matter throughout the entire criminal justice process. “It takes a lot of strength to commit to holding a person accountable throughout a lengthy criminal justice process. I’m so proud of you for the work you’ve put in. You really committed to sending a clear message of intolerance for their behaviour(s).”

²⁹ Province of Manitoba, “The Criminal Case: Step-By-Step,” Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

³⁰ Province of Manitoba, “The Criminal Case: Step-By-Step,” Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

FACTS AND SENTENCING: At Facts and Sentencing, the Judge assesses the case background or pre-sentence report, and considers the recommendations of the Crown Prosecutor and Defence lawyer before making a final decision. It is at this time the Judge will also consider the Victim Impact Statement in rendering their decision on sentencing³¹. In the event of an unsatisfactory sentence, ***positively reframing the outcome can include:***

- Ensuring the client has a full understanding of the sentence and any conditions that apply.
- Reminding the client that their matter was seen throughout the entire Criminal Justice System, from police report to sentencing
- Considering time spent in holding and other sentence mitigations.

Reframing – SENTENCES

Let's start by understanding the **court outcomes** and the various **sentences** that are possible.

PROBATION: Probation sentences require the offender to spend time in the community under the supervision of a probation officer, usually with conditions imposed by a probation order. These conditions generally have standard clauses, such as "to abide by conditions and be of good behaviour." Additionally, they can include more specific directives, such as not possessing or consuming alcohol or drugs, not to be within a certain distance of places or people, not to have any (direct or indirect) contact with the victim, the requirement to attend counselling, and/or to have regular reporting to their probation officer (e.g. curfew). If the offender breaches the conditions of their probation, they may be charged and re-sentenced. Probation is often combined with other sentencing options, including incarceration, conditional discharge, or fine. A Probation order cannot last more than three years³².

You can positively-reframe Probation to clients by identifying the following:

- Probation Orders assign conditions *and* a **Probation Officer** to the offender. This person is also receptive to hearing from the victim, about whether they have any concerns about the individual not abiding by the expectations of their order.
- Probation orders allow time to see how the offender fairs in the community while under supervision. These orders extend the length of time that the individual is being held accountable.
- Probation Officers will often be assigned during the court process, prior to sentencing, to do what is called a PSR or *Pre-Sentence Report*. Very often, they will make great efforts to include the Victim's perspective. This is another opportunity for the Victim's

³¹ Province of Manitoba, "The Criminal Case: Step-By-Step," Province of Manitoba - Justice, accessed February 10, 2022, <https://www.gov.mb.ca/justice/crown/prosecutions/stepbystep.html>.

³² Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011).

voice to be heard and should be seen as an opportunity to provide input in addition to the Victim Impact Statement.

- If the perpetrator violates conditions of their Probation Order, they can be charged with Breach of Conditions. This means, that victims can report any breaches they see or encounter, to continue to hold the offender accountable. In cases where breaches impact a person's safety, it is important to report these directly to the police.
- In some cases, such as with intimate partner violence and sexual assaults, a probation officer may reach out to the victim to consider their safety when managing the offender. This contact is optional- if not desired, let the probation officer know and this request will be respected.

IMPRISONMENT: An offender may be sentenced to serve time in prison. If the sentence is less than two years, the offender will be sent to a territorial institution. Again, this may be combined with a probation order, for a term following their release. If the sentence is two years or longer, the offender will be sent to a federal prison. Federal prisons have different levels of secure facilities, including minimum, medium, and maximum federal security prisons. Where an offender goes is determined by the risk the offender poses within the prison, not on the seriousness of the crime³³.

Positively reframe Imprisonment by identifying:

- Victims can register with the Victim Notification Program to be kept informed of updates on the offender's status within the Criminal Justice System, including their date and community of release.
- If there is not a local institution, the offender will be sent-out of the community to serve their sentence.

INTERMITTENT SENTENCE: Sentences of 90 days or less may be served intermittently. Generally, the purpose of an Intermittent Sentence is to accommodate an offender's employment, responsibility for childcare, health reasons, or school attendance. These are always accompanied by a probation order, which dictates the offender's conduct within the community. If there is a breach of conditions, the offender can be charged with Breaching Probation, and then may have to serve the remainder of their time in prison³⁴.

Positively reframe Intermittent Sentencing by identifying:

- A 90-day sentence can seem very short. However, when served intermittently, this extends the time a person is under strict supervision and conditions. In addition to

³³ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011)..

³⁴ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011)..

the 90-day sentence, the offender will also receive a probation order, with conditions to abide by until the sentence has been served in full.

- The offender maintains their integration with the community, which has a high correlation with lowering their risk of recidivism. This means, the offender is more likely to gain from this experience, and therefore is less likely to commit future crimes.

CONDITIONAL SENTENCE: Conditional Sentences are served in the community rather than within institutions. These are only used in cases where the offender does not pose a safety risk to the community, and for sentences under two-years in length. House arrest is a common term for such a sentence, where the individual is confined to their home and given very specific time frames of granted leave, such as for appointments (medical and legal) and work obligations. Again, there are generally conditions associated with such sentencing, and if not abided by, the offender runs the risk of breaches being incurred and then having to serve the rest of the sentence in prison³⁵.

Positively reframe Conditional Sentences by identifying:

- Most offenders will be released into the community at some point. Conditional sentences can keep offenders in the community and provide structure to assist their stability. This reduces that person's likelihood of recidivism (the chances that they re-offend). This also makes it much easier for the offender to reintegrate into the community as a productive member and is beneficial to the entire community.

SUSPENDED SENTENCE WITH PROBATION: This results in a conviction against the offender- "Guilty as charged". However, by suspending the sentence, the Judge releases the offender on probation for up-to three years. The 'suspension' of sentencing allows this to be returned-to if there is a breach; during probation, the offender must abide by all conditions of the order and is under the supervision of a Probation Officer. If any of the conditions are violated, the offender can be charged with a new offence (Breach of Probation) and can be sentenced to incarceration for their new charge and for the original offence as well³⁶.

Positively reframe Suspended Sentences with Probation by identifying:

- This can be viewed *sort-of-like* a sentence in reverse, where the offender can demonstrate a rehabilitation within the community. If they do not do well, there is recourse and reporting this to probation officer. What follows are more serious consequences, such as a prison sentence.

³⁵ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011)..

³⁶ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011)..

FINE (\$): A Judge may order an offender to pay the court for having committed a crime. Fine amounts are suggested by the Defence Lawyer and Crown Prosecutor. If the amount is submitted jointly to the Judge, the Judge will need to agree. If this is not a joint submission, the Judge will determine a 'fair amount' to-be paid. Fines are often combined with other penalties, such as probation or incarceration. Fines cannot be ordered unless there is a reasonable prospect of the accused being able to pay it. If the fine does not get paid, the offender may have to serve time in jail or may be unable to renew their driver's licence. Many types of fines can be paid through the Fine Option Program³⁷.

Positively reframe Fines by identifying:

- In the event the fine is not paid, there are further consequences.
- Fine Option Programs allow for offenders to positively contribute back to the community.

RESTITUTION ORDER (\$): A Judge may order an offender to pay-back the Victim for some or all costs of losses and damages caused by the crime. These must be costs that can be proven, such as repairs for property damage, loss of income, or treatment for injuries. The money owed must be paid to the court and is then provided to the victim. Restitution may be combined with imprisonment or probation. Even if an offender is sentenced to jail, if a restitution order has been imposed, they are responsible for paying it. If the offender does not pay a restitution order, a Victim can choose to pursue a civil judgement³⁸.

Positively reframe Restitution Orders by identifying:

- This almost serves as compensation – to get back what was taken away.
- There is the option to pursue civil judgement if the offender fails to pay a restitution order.

CONDITIONAL DISCHARGE: In a conditional discharge, an offender is found guilty and is released with conditions of a probation order. If the offender violates any of the conditions, they can be charged with a new offence of breaching probation and can be sentenced to incarceration for the original offence as well. If the offender complies with the conditions for the entire period, the discharge becomes absolute, but the offender will have a criminal record for 3 years³⁹.

³⁷ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011).

³⁸ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011).

³⁹ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011).

Positively reframe Conditional Discharge by identifying:

- The opportunity to hold the offender accountable, should they not follow through on the conditions of their probation order.
- If offender is motivated to follow-through on their conditions to get an absolute discharge, it may redirect their focus and allow the Victim to move forward more easily.

ABSOLUTE DISCHARGE: Absolute discharge is reserved for less serious crimes, that do not involve violence. If granted a discharge, no conviction will be registered against the accused. In an absolute discharge the accused will be found guilty but will be free to go. In an absolute discharge, there is no fine, sentence, or long-term criminal record. For absolute discharge to be considered, the crime in question must meet the following criteria: the offence has no minimum punishment, has a maximum punishment of less than 14 years in jail, the discharge is in the best interest of the accused, and the discharge does not go against the public interest⁴⁰.

Positively reframe Absolute Discharge by identifying:

- The accused is found guilty. In such cases, this is more about the victim feeling heard and believed about what took place, and affirmation that what they said ‘took place’ happened.

INDETERMINATE SENTENCE: If an offender commits a very serious violent crime, a special hearing takes place to designate them as a ‘dangerous offender’. If this occurs, the offender may be issued an indeterminate sentence, where the judge does not specify when the sentence ends. Instead, the offender is kept in prison with no set date for release, and the case gets reviewed periodically by the Parole Board of Canada⁴¹.

Positively reframe an Indeterminate Sentence by identifying:

- With no end date in sentencing, the offender is held in a secure facility until they are no longer considered the risk that they initially were. This usually means that they have a longer period of incarceration, than if they had been given the sentence associated with the crime committed.

GLOBAL SENTENCING (Sentencing for more than one offense): In cases where a person is convicted of more than one offence, a Judge can impose multiple sentences. These sentences can be served consecutively (one after another) or concurrently (at the same time), depending on the Judge’s decision⁴².

⁴⁰ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen’s Printer for Ontario, 2011).

⁴¹ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen’s Printer for Ontario, 2011).

⁴² Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen’s Printer for Ontario, 2011).

Positively reframe a Global Sentence by identifying:

- Typically with global sentences, the sentencing will be greater compared to the sentencing of one individual crime. So, the outcome is more severe and lengthier than if the one case alone had been considered.
- The advantage of a concurrent sentence is: Each charge is registered as a conviction into the criminal record, which will be referenced in the future to determine aggravating factors of sentencing, should the person reoffend and be found guilty.

DIVERSION: Diversions are typically reserved for less serious crimes and first-time offenders. It requires the matter to be dealt with in the community context, through a local Justice Committee. In a diversion, the accused is required to attend meetings with the Justice Committee and is held accountable through meaningful conversations and the requirement to fulfill their sanctions. Under the direction and supervision of a Justice Committee, the individual will work toward repairing the harm they have done to the victim, the community, and to themselves. For example, they may participate in a community service program, or commit to seeking assistance from external service providers. If any point, the accused decides they do not wish to follow-through, the matter can be returned to court⁴³.

Positively reframe Diversions by identifying:

- There is a much greater level of involvement of the Victim in the Diversion process. In a diversion, the victim can share their feelings about the impacts of the crime. The outcomes of the Diversion for the accused are often far more related to the crime they commit and more opportunity to spark change and build community connection which is important for reintegration and success in the future. If the offender is not committed to the process, they will find themselves back in court, to be accountable.

FOLLOW-UP ACTIONS

REFRAMING STRATEGIES

Regardless of the court outcome, the following are true statements about the participation of a victim in their court process:

I showed courage and strength in seeing this process through.

I stood up for myself.

⁴³ Ministry of the Attorney General and Office for Victims of Crime, *Have You Been a Victim of Crime?* (Queen's Printer for Ontario, 2011).

This victimization does not define who I am.

Any shame from this victimization is not mine to own.

I am moving forward.

In addition to these, a Victim Services Worker or Crown Witness Coordinator may have many more positive truths specific to a client's involvement in the court process. Hearing these can be helpful.

It helps the victim to understand that their voice was heard, their experience was validated, and what actions they can take as they move forward.

To positively reframe our thoughts, we must stop and think about where they come from...

"Why am I having this thought?"

Then, we train ourselves to positively reframe negative thoughts:

1. **Stop:** Identify the negative thought you are having.
2. **Think:** Ask yourself, "Where is thought coming from? What am I feeling, and why am I feeling this way?"
3. **Reframe:** Once you've identified the source of a negative thought (fear, anger, embarrassment, etc.), you can reframe it.

SECTION THREE



RELEASING FEELINGS &
REIMAGINING OURSELVES

FEELINGS MATTER

Why is it important to work through feelings?

Your **feelings** impact your **thinking**, and vice-versa, which onward affects your **actions**. Likewise, your **actions** can alter your thinking-perspective and impact your feelings. It is important to know how to shift your feelings and improve your thoughts, as this can have a positive effect on your actions and their outcomes. Action helps to position yourself in the feeling of 'being in control'. When you are victimized, and for some time afterwards, especially through the court process, it can feel like you are not in control of anything. It is time to change that!

"I thought by the time this was over I would be feeling better"

This is a very common statement heard, following court outcomes.

Mindset is Important

You may find yourself thinking,

"Why bother dealing with my feelings? It's not going to change anything!"

Understanding how your feelings influence your thoughts may allow you to discover ways to move forward more effectively. For example, you may feel frustrated and think to yourself, "All of this was pointless." If these types of negative thoughts continue, you may end up feeling more frustrated or worse in general. It helps to reach out; talk with your Victim Services Worker.

An important thing to remember is:

Feelings aren't right or wrong; they just are.

While this is true, how we process feelings is critical to how we move forward.

"I deal with anger, disappointment, frustration and helplessness most often. Frequent Statements I hear are: "What was the point of all this?", "There's nothing I can do to protect my child" or I deal with those who are overcome with the desire to deliver their own justice when they feel the system fails them." – Lynn Napier, Victim Services, Fort Smith

COMMON FEELINGS & REACTIONS POST COURT OUTCOMES

Common Feelings & Reactions Post Court Outcomes:

- Anger
- Frustration
- Shock
- Disbelief
- Disengagement (emotional distance)
- Numbness
- Fear
- Helplessness
- Disappointment
- Disheartened
- Hurt
- Sadness
- Grief
- Relief
- Strong desire to move on

Let's consider this a little more...

Anger & Fear: Both these feelings can either keep a person very stuck or propel them into forward moving action. How is anger affecting you?

Shock & Disbelief: These reactions can have strong physical impacts on your body. In shock, a person may feel physically ill, jittery, experience chest pain etc. It can also affect thinking, a person's mind may feel foggy, like they can't think straight, or like they are having an out of body experience. This can take a toll on physical and mental wellbeing.

Disengagement/Numbness: These reactions are self-protective measures. While they can serve us well for survival, it is necessary to process and move-on from this state, to avoid isolation and the use of negative coping mechanisms, to feel numb.

Disappointment/Hurt: These feelings impact our future actions. Therefore, it is crucial to process the experience of moving through the Criminal Justice System, as it is often the strongest protective measure available for personal safety.

Grief/Sadness: These may be the scariest feelings to deal with, as there is a sense that allowing them to be expressed will be unending. Grief is a process; It is not fluid, and the varied feelings can resurface continuously. Counselling can be helpful for guidance and reassurance as a person works through these intense feelings. Understanding grief and sadness allows these feelings to be more easily processed, as knowledge of their 'ebbing and flowing' can create a sense of safety in expressing them.

Relief/Strong Desire to Move Forward: While this reaction is often the most desired outcome, there is concern that we may bury our feelings in our quest to get-on with things. In our desire to not be affected by a negative experience, we may deny ourselves the need to process our feelings. This may serve us well in the immediate moment; however, our psyche may find ways to force suppressed feelings to the surface and manifest them in negative or surprising ways. The reality is, that at some point, our feelings will resurface and may even take us off guard. It is important to know this and to be prepared to seek help when needed.

CONSIDERING YOUR FEELINGS

“The thing I deal most with is the frustration. Frustration with the system, frustration with themselves. Lots of questioning like: ‘is there more I could have done? Was I overreacting? Maybe it wasn’t as serious as I thought it was?’” – Vivian Lafleur, Victim Services, Hay River

Through action, your feelings impact those around you, so it is important to consider your feelings and how you express them. It is equally critical to consider how others around you may be feeling, and how their actions and feelings may impact your emotional processing.

ANGER & FRUSTRATION:

How do you experience anger/ frustration? Do you recognize the ways that your body reacts as this feeling takes hold? How do others know you are feeling this way? What are positive ways for you to express this emotion? Who are safe people you can go to for help when you feel this way? What strategies have you learned, to minimize or contend with the possibility of becoming angry or frustrated?

For example:

- When screaming and yelling occurs, those on the receiving end generally begin to feel anxiety since there is uncertainty if this will become a physical threat. The individual becomes more concerned about their personal safety than what you are saying.
- If you are a parent of a child who has been victimized, you may feel frustrated or angry when your child is upset. While these reactions are normal when someone we love has been harmed, it is important to consider how you express your anger. In this context, the child may interpret it as though they have done something wrong. It is important to speak with the child to let them know that you are angry, but not with them. This is a conversation that can be supported with the help of your Victim Services Worker.

SHOCK & DISBELIEF:

In shock or disbelief, a disconnect occurs between what is happening and what you are feeling emotionally. In psychological shock, the brain shuts down emotional processing, and the ‘fight or flight’ response ensues. In shock, a person may experience physical symptoms, such as shaking, nausea, and chest pains. Shock is accompanied by disbelief of the present situation and tends to be short lived. As an individual moves from this state, they may find it replaced by numbness and/or disengagement.

Physical manifestations of deep emotional processing include sleep disturbances, changes in appetite, stomach aches, exhaustion, body aches and pains, clenching jaw/teeth grinding, sweating, rapid heartbeat, difficulty breathing, dizziness or an impaired Immune system. To

rebalance the body, it important to find productive ways to express these feelings, such as through exercise or meditation.

DISENGAGEMENT/NUMBNESS:

Disengagement and numbness are efforts or techniques used to avoid negative emotions. By withdrawing, socially or emotionally, a person removes themselves from the possibility of exposure to the problem at hand. While disengaging does protect you from exposure to the situation, it does not make the situation *go away*. Sometimes, it is necessary to disengage for a short period of time if you are too overwhelmed to cope. However, disengagement becomes problematic if it is the only method of coping, and too much distance is created from family, friends, school, employment etc. Disconnection from people and responsibility leads to isolation and negative thought processes. Particularly when we are alone, numbing feelings with drugs, self-harm, or alcohol, are negative ways of attempting to make the intense feelings stop. These measures only provide temporary relief since the source of the pain does not go away. If this is happening to you, seek help- Victim Services Workers can provide referrals to counselling and other community supports.

DISAPPOINTMENT/HURT:

Feeling disappointed and hurt by the Criminal Justice System is not uncommon. A victim of crime may be disappointed because the accused was not charged, the court case dragged on, or the offender was not sentenced as harshly as they had wished. It also possible to feel personally hurt by things said in court. Sometimes our hurt and disappointment keep us stuck in the past as we relive the situation and try to imagine other outcomes. The reality is the current legal system is the only one in place to protect our safety, and while it is not perfect, it can still provide help in critical situations. Rather than allowing hurt and disappointment to emphasize the past, take hold of imaginative outcomes, it is important to talk about and work-through these feelings with a trusted person.

GRIEF/SADNESS:

Grief is a process with many stages. There are five stages of grief (denial, anger, bargaining, depression, and acceptance)⁴⁴, and a person can move through them in any order and experience them differently. When you are victimized, you suffer the loss of a sense of safety and security, as well as the loss of time as you devote yourself to the court process and work through what happened. A person may also lose their confidence, or strength in their relationships to friends or family. For a victim of crime, it is important to acknowledge what has been lost, and to grieve those losses to move forward. There is often also a sadness for *what was* or *what should have been*.

⁴⁴ Christina Gregory, "Five Stages of Grief - Understanding the Kubler-Ross Model," PsyCom.net - Mental Health Treatment Resource Since 1986, May 4, 2021, <https://www.psycom.net/depression.central.grief.html>.

RELIEF/STRONG DESIRE TO MOVE FORWARD:

A victim may feel that it is time to move on as the court process ends, regardless of the outcome. The desire to move forward can be hampered by not coming to terms with what has taken place; just because something is now in the past, does not mean that we can just forget about it and the complex emotions that it elicited. If a person tries to move on too fast, without processing what happened, they may be more-easily triggered by reminders of the situation. For example, this could also manifest itself in the form of nightmares. People need to heal in their own time and cannot be forced to deal with emotions when they are not ready. As a Victim Services Worker, allow your clients time to open-up, and reassure them that you will be there when they are ready.

PROCESSING FEELINGS

Why is it important to reach out for support to discuss or process feelings?

- It is difficult to process feelings alone, as most of us do not have a large vocabulary of the spectrum of feelings that exist. For this reason, we tend to mislabel our feelings, which impacts our ability to process them.
- We may be overwhelmed by the experience, or it may be a new experience. Reaching out allows for support in determining what we are feeling, and how-to process those feelings in a positive way.
- In heightened situations an overwhelming number of feelings can emerge all at once, where professional help can assist in determining what those feelings are.
- Among those involved in the Criminal Justice System, whether as a Victim or Offender, there is a large element of shame. It is important to not let the shame of situational involvement deter us from acknowledging and expressing the feelings we possess. Having our feelings normalized and validated allows us to see ourselves as ordinary people, simply struggling to cope with an existing situation.
- While people who care about and support us may strive to make things better, they may not necessarily be equipped to do so. For example, a person who truly cares about another may dismiss their need to sit with sadness, because they just want to see that person happy. While this is good-intentioned, professional help will instead focus on listening to feelings as they arise and assist in working-through them before moving on.
- Everyone experiences feelings differently. You may find yourself feeling one way about the incident, while others around you may feel differently about it. Reaching out provides a space in which you can feel understood, and freely express yourself without the influence of others.
- It helps to understand this through a more educated lens, to make better sense of ourselves and those around us, including the nature of our relationships. For example, men and women often experience support differently based on gender roles, however, all humans share the same feelings.
- Real-world obligations (such as financial obligations, employment, family, school, etc.) can cause people to diminish the importance of their feelings out of necessity. This does not eliminate the need for assistance, but it does ignore that need. It is therefore important to be aware of the supports that exist, including what personal relationships offer 'safe space' for emotional expression.
- Just as feelings can be frightening, they can also be freeing as we move beyond the traumatic experience.
- Our life experiences, past traumas, current supports all play a role in how equipped we are to deal with our feelings. For some, these experiences may exacerbate a bad situation, making it even worse to deal with. For others, there may be a sense of inner

strength. For example, one might have an “I got this” attitude, for either having gone through it before, or having a worse experience upon which resilience has been built.

- Sometimes, we need an outside perspective from someone removed from the emotions of the situation, who can consider it objectively and offer a forward-moving perspective.

RELEASE & REIMAGINING

Emotional release happens when a person allows themselves to experience their feelings or thoughts, and then releases them. Letting go of counterproductive thoughts and feelings allows you to reimagine more positive ways of thinking and being.

Reimagining... *Who you were, who you are, and who you want to become.*

The way we see ourselves (in the past, present, and future) influences how we carry ourselves on a daily basis. What we think of ourselves impacts our daily actions and behaviours. After a traumatic event, it is normal for a person's self-perception to change, even drastically. Therefore, it is important to take time to reflect on ourselves, the experiences and events that have shaped and changed us. Then, we can move forward with a sense of empowerment and readiness for action.

EMPOWERMENT

"I like to read quotes and empowering positive messages; I will look up speeches to find inspiration. There is a saying, and it roughly translates to, 'you fall down 7 times you get up 8'."

- Angela Bernard, Victim Services, Tulita

Obstacles to self-empowerment are self-doubt and feelings of inadequacy. The justice system, with all its systemic intricacies, can invoke self-doubt in every one of us involved from time to time. Clarity is never straight forward in the justice system, and it is common for victims and witnesses to be left feeling inadequate. Humans are not designed to endure ambiguity for long periods of time, but the justice system does not always provide a clear resolution. We need to find ways to counter these thoughts and feelings, so that we may move from apathy and defeatism, towards empowerment. As a Victim Services Worker, focus should be set on minimizing apathy and defeatism in our clients and in ourselves, to become a more empowering avenue of support. Empowerment is not a destination; it is a process of growth and redevelopment, as a person realizes and becomes their full potential.

After experiencing a traumatic event, feelings of self-doubt or inadequacy may arise. This is especially common in witnesses, who may feel their testimony was just 'not enough'. This underlies the need to positively reframe the court process. In working on these feelings with clients, remind them that such feelings are normal after court. As the client moved through the Justice System, it may have been a long period of uncertainty. Even at end-all, they may still be uncertain about what took place, which can feel defeating. Here are some ways to move toward empowerment:

- **Find Positive Affirmations:** Find phrases that help to minimize or change the negative self-talk. Reading these can help a person stay grounded or remind them of their truth when they are feeling down.

- **Practice Self-Care:** Self-care is different for everyone, and it may take some practice. Remind your client that, “Taking time for yourself is not selfish. You will be in a better place by taking care of your needs. No one can take care of you better than you are able to take care of yourself.”
- **Set Goals:** Self Doubt sets in when we do not know what we want. Encourage your client to consider: “What do you want for your future? How might you go about attaining these goals?” Start small to ensure success- Goals should be realistic and achievable, as a small sense of accomplishment leads to greater feelings of empowerment.
- **Build Connections:** Human connection is the circuit board to our lives that provides us energy. Being with others increases our sense of belonging and reaffirms our normalcy. Encourage clients to reassess their relationships as they journey in a new direction. For example, “Each day, make a point to connect with someone” or “Being around negative people brings us down; criticism undermines our motivation and convinces us that we are less capable. It is time to shut this down. Let go of negative people, as you are not able to change them. If this is someone that you must have in your life, then neutralize them, and filter out what you don’t want them to know. Limit your time spent with them, ask them not to make negative comments, should they begin with negativity ask them to leave or leave yourself.”
- **Have Confidence in Yourself:** Self-confidence begins with self-trust, self-belief, and knowledge of your unique, valuable, and meaningful skills and abilities. You may encourage a client to learn more assertiveness, by encouraging them to set personal limits and boundaries. If this is the case, also remind your client to have self-compassion, as they are working on embodying stronger version of themselves. Also remind them to protect the assets they carry- Respect is not an option, it is a **requirement.**⁴⁵

⁴⁵ Life Purpose Institute, “8 Ways to Feel More Empowered in Your Life,” Life Purpose Institute, January 23, 2019, <https://www.lifepurposeinstitute.com/8-ways-to-feel-more-empowered-in-your-life/>.

POST-TRAUMATIC GROWTH

“We need more resources on Post-Traumatic Growth- learning to live with a new reality instead of seeing self as permanently damaged. There is no way to get back to who you were before this took place, but how do you move forward with this? Because ‘you will always feel broken if you are trying to get back to being the way you were before what took place’, we need to recognize and support growth and realization with the new identity. We also need resources on how to work with shame.”

- **Claire MacDonald, Victim Services Outreach, Hay River**

Speaking on post-traumatic growth, Epstein says that “Shutting down one kind of feeling inevitably shuts down all of them. In protecting ourselves from the unbearable effect of trauma, we also close ourselves off from love, joy, empathy. Our humanity resides in our feelings, and we reclaim our humanity when we direct our curiosity at that which we would prefer to avoid.”⁴⁶ Post-traumatic growth is the idea that distress and growth can coexist at the same time. As a person works to accept and process feelings, they create space for new emotions and experiences at the same time. For example, as the court process ends, one may feel emotionally drained, disappointed, and angry. It is important to acknowledge these feelings while also recognizing the strength and courage it took to go through this process. These skills were strengthened through the court process and are valuable moving forward through life.

Any involvement in the Criminal Justice System can be traumatic, and therefore can be followed by great personal growth. This is related to the idea that personal development gradually declines in adulthood, but that major life events offer opportunities to renew their growth. Following the court process, it is important for victims of crime to renew their personal growth, by learning to live with their new realities and identities. To do so, begin with:

- An **acknowledgement** of what has taken place, including all the time and energy that it has taken.
- **Acceptance** of ‘right now’ as a starting point for personal development.
- **Self-compassion**, as a person takes the time to heal at their own pace.

When working with a client, some areas of growth to consider are:

- New possibilities: new interests and opportunities may have arisen throughout the court process
- Relating to others: a greater ability to connect with others through the understanding and compassion they developed
- Personal strength: acknowledging the person’s ability to handle difficult experiences, engage in change, and be self-reliant.
- Appreciation of life: clearer priorities and a greater appreciation for life

⁴⁶ Epstein 2013, page 97.

- Spiritual change: a better understanding of the self or a stronger connection to faith⁴⁷

Encourage your client to remember that victimization and tragedy can happen to anyone; “Being victimized by a crime does not define you. When you were victimized, all the positive things about you did not go away.”

⁴⁷ Tedeschi, Cann, Taku, Senol-Durak, and Calhoun 2017, “Results- Descriptive Statistics.”

Tipping the Scales of Justice - Restoring Balance

"I have the conversation that 'I believe you, the community believes you'. Getting this out is empowering. 'I am calling you out on your stuff – whether or not you are found guilty'".

- Amy Fraser, Victim Services, Fort Simpson

Sometimes, finding positive messaging can be difficult. Here is a list of some positive affirmations that can be empowering to victims of crime:

- *I did everything possible to hold the accused accountable for their actions.*
- *I did my job well as a witness.*
- *I had absolutely no control over the decisions that were rendered.*
- *I can hold my head high; I have told my truth and other people are now aware.*
- *The shame is not mine to bare. It is the accused who must reconcile their actions.*
- *I will not allow this event to change the core of my spirit or being.*
- *I have shown great courage and strength through this journey and have paved the way for others to come forward.*
- *I will not go silently; I will not be victimized without consequence. I have spoken up.*
- *There is no punishment that changes what has occurred to me, but this will not stop me from living my best life.*
- *People believed me. The Police believed me in taking my statement, the Crown Prosecutor and Crown Witness Coordinators believed in preparing to bring the case forward to court, the Victim Services Workers believed me as they supported me throughout this process.*
- *I will not allow someone to get away with victimizing me.*
- *People need to be held accountable for their actions.*
- *The best revenge is living well*

SECTION FOUR



REINVENTING YOUR FUTURE
THROUGH ACTION TODAY

ENDINGS BECOME BEGINNINGS

You may be asking yourself, *“Is there anything more I could be doing?”*

Your **actions** are influenced by your **thoughts** and **feelings**. When you are victimized and for some time afterwards, especially through the court process, it can feel like you are not in control of anything. It is time to change that! **Action** can help to restore a feeling of being in control.

A bit about Actions:

- There are *things you can do* to **increase or enhance your physical safety**.
- There are *things you can do* to **positively affect your sense of security and emotional wellbeing**.
- There are *things you can do* to **move from a victimized state to an empowered sense of self**.

Common questions asked of Victim Services Workers are:

How do I move past this? What are my next steps? What can I do?

Depending on the court outcome, there are various possible actions that a Victim Services Worker may be able to direct or assist a client in taking.

LOOKING FOR DIRECTION OR ASSISTANCE

Seeking guidance for support or information is crucial to developing a plan to get back on track. Seeking professional assistance is not a sign of weakness. Rather, it is demonstrative of a person's ability to know **when** and **how** to ask for help. Employing the direction of this assistance is what truly leads to self-empowerment. To use professional assistance for personal growth, a person must be willing to take charge of their care plan. As Victim Services Worker, listen closely to your client's wants and needs, so that you can provide the best support possible, in terms of offering input and making external referrals. If a client struggles to make decisions or be in control, you might remind them, “Strength is not developed by allowing someone else to take care of things that you can do for yourself. Sometimes, we are scared or anxious to do something for the first time. Instead of having someone do it for you, have you considered having someone coach you through doing it yourself?” This approach will be more effective in supporting the client to develop confidence and a greater skill set.

When we become worn down or overwhelmed, we may become less decisive and defer to others to make decisions on our behalf. People who easily accept the responsibility for others decision making are often referred to as ‘rescuers’. The issue here, is that allowing someone else to make our decisions shields us from the responsibility or blame, in the case of a negative outcome. This places an ‘undue burden’ on the person who is expected to make decisions or complete tasks, or in this case, the Victim Services Worker. Rescuing a person negates them

from learning the skills they need, thus they become more reliant on others. Instead, they become dependent on others to make decisions about their life. It is not your role or responsibility, as a Victim Services Worker, to make life decisions for other people. Your role is simply to explore the variety of options that exist, and to support whatever option your client chooses. Remind them, “You are a capable decision maker.”

ACTIONS TO RESTORE A SENSE OF BEING IN CONTROL

THINKING ABOUT THE FUTURE

Humans are incapable of accurately predicting their future feelings, as most affecting circumstances are beyond human control. However, there is a tendency to believe that we will feel much better for much longer following positive situations (eg. winning the lottery), and to catastrophize or believe that we will feel much worse for much longer when negative situations take place. This tendency is called ‘affective forecasting errors’- After a negative experience, we don’t usually feel as bad as we anticipated, or for as long.

Action: it can be helpful to remind our clients of this when we initially receive bad news.

For Example: You have just found out the accused has been released from jail.

This is terrible news. Your client has been dreading this day and is convinced they will never feel safe again. Remind them, “Remember when you felt poorly before this? You managed to get through it, and while things are feeling bad again, you will get through this as well. This feeling will not last forever.”

You may also take this as an opportunity to discuss court processes, convictions, or sentences, to highlight the positive components of each.

SPHERE OF INFLUENCE – WHAT IS WITHIN YOUR CONTROL?

The initial step to regaining a sense of control is determining what aspects of life are within and outside of your ‘sphere of influence’. Within your sphere of influence are aspects upon which you can exert some level of control, or life problems that you can *actually* do something about (e.g. where you choose to live, personal actions, etc.). Most of what affects our lives on a daily basis is outside of our sphere of influence, and cannot be controlled (e.g. the weather, other people’s actions, etc.). Thinking about changing things that are beyond personal control, or a person’s sphere of influence, is a waste of energy. It is a draining attempt, and can leave a person feeling overwhelmed, hopeless, and more vulnerable.

Action: Work with your client to determine what issues are within their sphere of influence and help them plan an approach to address these issues. Ideally, this plan would be step-by-step. If an issue is beyond their control, encourage them to release it and do not expend any further

energy on the subject. You may also suggest a referral to counselling, who may provide guidance in accepting and working-through the unchangeable.

Example: Your client has just found out that the accused has been released from jail.

Your client has no control over the offender's release, so it is not something they should focus on. Redirect your client's focus to what they *can* control. For example, revisit their safety plan; and urge them to inform their neighbours if they are part of the safety plan, to alert the RCMP that if they call it will be for an emergency, to obtain a copy of the release conditions, to keep a list of emergency contact numbers close-at-hand, etc. These are all concrete things they can do, and that are within their sphere of influence. Safety-planning is a productive way to ensure self-protection.

BUILDING A ROUTINE

Routines are important, as they restore good order and provide a sense of safety, calm and normalcy. Routines can be adapted and changed as needed. It is important that if a new routine is developed, it is stuck-to. In chaotic times, we often leave our familiar routines behind. After going through a traumatic incident and the aftermath, a person's routine may be disrupted or entirely nonexistent. Part of this may be for our safety, as we try to change the predictability of our lives and routines. When a person is involved in a criminal justice process, their lives have become dictated by many unanticipated distractions and obligations, such as meetings, court dates, appointments, etc. It is common for clients of Victim Services Workers to lose their desire to do the things they once enjoyed, or to feel like they simply do not have the time for themselves.

Action: Encourage your client to choose one task, and to make it a priority of their daily habits. This will help establish a pattern, and as they become more comfortable, they may start adding other things to it.

Example: A bedtime routine. This is one is simple enough to start because sleep is a component of every human's life.

RE-ESTABLISH CONNECTION

Ask your client, "What are some of the things that you enjoyed doing that gave you a sense of pleasure?" Encourage them to think about things they enjoyed doing before the incident occurred. You might add, "You are more than what has happened to you. You have the right to enjoy life, to be happy again, to rediscover the things that give you a sense of joy." They may find that they lack the passion or mastery they once had, or that they have lost the same level of focus or skill. Remind your client that these can be regained with practice; "These activities did not change. You have been changed, but the activities that once gave you purpose, or pleasure remain the same, like an old friend. With practice, you can get back to the same level of competency as before and maybe even improve your skills." To regain rhythmic skill, it is helpful to reconnect the mind, body, and soul (emotions), so that the effort may be exerted

more meaningfully. In this full-circle effect, remastering an old skill or joyful hobby will contribute to a greater sense of control.^{48 49}

WAYS TO INCREASE YOUR PHYSICAL SAFETY

Some ways for clients to increase their physical safety include:

Revise/update their safety plan: There may be new considerations added over time as circumstances change. Safety plans are not something that are completed once and then finished; they evolve based on changes taking place.

Obtain copies of conditions: Encourage your client to commit and know how-to hold the offender accountable, such as by obtaining a copy of conditions and reporting breaches to the RCMP. For example, you might say “This sends a clear message to the offender, of expectation to abide and intolerance for not doing so. While you may be tempted to discount or minimize the need to report breaches, not reporting allows the offender to interpret your inaction as permission to continue breaching- because there is no consequence. Inaction allows the offender to maintain control over you, because they know there are no consequences to their actions.”

Register for the Victim Notification Program: By registering for this program, a victim of crime will be made aware of any new developments in the offender’s status, including the time and community of their eventual release. Having advanced notice, rather than realizing when crossing paths in the community, allows for better safety planning. Shock is generally the reaction people have when they are caught completely off guard, making it difficult to be clear in thought and to take appropriate actions required. Although a client may care less about what happens to the offender when court concludes, encourage your client to care enough about themselves to register to be notified of their release, as it will serve them well in the future.

WAYS TO INCREASE SENSE OF SECURITY & EMOTIONAL WELLBEING

Some ways to positively affect sense of security & emotional wellbeing include:

- **Talking with a Victim Services Worker:** they can assist with the validation of feelings for what a client has been through, reassurance and support, as well as referrals- which are key pieces to establishing the sense of closure that a client seeks.

⁴⁸ David Robson, “How to Restore Your Sense of Control When You Feel Powerless,” BBC, December 14, 2020, <https://www.bbc.com/worklife/article/20201209-how-to-restore-your-sense-of-control-when-you-feel-powerless>.

⁴⁹ May Busch, “How to Regain a Sense of Calm and Control in Uncertain Times,” May Busch, November 21, 2020, <https://maybusch.com/regain-sense-calm-control-uncertain-times/>.

- **Setting some goals** to regain a sense of control: Encourage your client to focus their energy on what they *do* have control over. This is the first step in restoring power over self.
- **Counselling:** Counsellors assist their clients in emotionally processing their experiences. There is no right time to get counselling, but a person must be open to it to receive its full benefits. Check-in with your clients regularly and remember to offer counselling at appropriate times. They may have said 'no' before but feel ready for a referral this time around.
- **Attending healing circles:** Sometimes, people need a place where they can productively vent, but do not wish to receive counselling. Healing circles provide a safe space for this. They bring together the community with a shared goal of moving towards healing.
- **Practicing self-care:** Self-care is a necessity, not a guilty pleasure. It is not selfish to be self-indulgent; we are replenishing the best resource we have- ourselves. Self-care can look like taking a hot bath or making tea and bannock. It can also look like doing the dishes or making your bed.
- **Reconnecting with community:** Being among and with others increases our sense of belonging and normalcy. It can also help to elevate our mood, simply by being socially engaged.
- **Seeking treatment:** A healthy body contributes to a healthy mind. Just like going to the doctors for treatment of an illness, there is no shame in seeking treatment for a mental illness or addiction. It is difficult to feel safe amid addiction, and the long-term effects of this can be detrimental to physical, mental, and emotional wellbeing. Allow you clients to speak openly about their problems, as doing so will allow you to make the most appropriate referrals possible.

FOR CLIENTS MOVING TOWARDS AN EMPOWERED SENSE OF SELF

Move towards an empowered sense of self by:

Learning more about post traumatic growth: This is about how you move beyond what has happened to you. Crisis represents an opportunity for change and growth. Define who you are and refuse to be diminished by what has happened to you.

Believing in yourself: To live your own best life, you need to envision what that looks like and see it as achievable, that you are fully capable and can go confidently in the direction of your dreams.

Helping others: With your knowledge, strength, courage, and determination, you saw-through this circumstance and became a role model or example for others. There is power in this. Become an advocate! No one is more capable of empathizing than someone who has had direct experience and can relate to those now on the same journey.

GETTING CLOSURE

You can't start the next chapter if you keep rereading the last one.

Closure is something that most individuals expect to happen at the end of a series-of-events. Closure is a conclusion of sorts, that brings relief and understanding to the process and reasons for the outcome. Much like finishing a book, if you can understand *what* took place and *why* (or, *if you have closure*), you can be empowered to move-forward with new knowledge and experiences.

Closure provides a person with a sense of control that may otherwise have been lost and regaining a sense of control translates to stronger forward decision-making skills. In the court process, closure comes from understanding the roles of the different people involved and the reasons for their actions and decisions. For clients to receive better closure, connection to Victim Services Worker or Crown Witness Coordinator to discuss the decisions and outcomes is necessary. Even in the case of a positive outcome, a client may not feel satisfied. It is simply, 'The End'. If a client feels they need additional support to process their thoughts and feelings at the conclusion of a court process, connect them to counselling or healing resources. Seeking help is not a weakness, it's a **strength**.

The purpose of providing closure to victims is to enhance their understanding of the outcomes of a judicial process so that they may continue forward with better clarity. Ensuring that a client understands their situation allows them to name and place their feelings accordingly, and henceforth to move-on.

As a Victim Services Worker, you can provide better closure of the court process by:

- Thoroughly explaining the court outcome.
- Positively **reframing** the court outcome.
- **Reimagining** what the client's life can be like now that the legal process has ended.
- Helping them identify ways to **reinvent** themselves within the margins of their reimagination.
- Offer a counselling referral.

"From a cultural aspect, our Chief promotes cultural activities like feeding the fires, prayer sessions. We need people to collaborate on traditional ways"

Angela Bernard, Victim Services – Tulita

Once a legal matter has been closed by the Criminal Justice System, part of the Victim Services role is to provide closure to the victim. After positively reframing the court conclusion, help your client to reimagine their future selves within the context of their experience. The following questions can guide this conversation:

- How do you feel now that the matter has closed?
- Moving forward, how would like to feel?
- What strategies can you use to help yourself start feeling that way?
- Are there any other supports you need to start feeling this way?
- Would you be interested in a referral to counselling or other healing supports?

File closure may cause the client to feel emotional, as they have been able to rely on your support throughout their legal procedures. To positively reframe file closure, remind the client that you are still there if they need you. Emphasize how excited you are to see them embark on this new chapter of their life.

Following file closure, it is the role of the client to follow through with their reinvention. As a Victim Services Worker, you can support this transition with referrals and recommendations. These can include:

- Spiritual care: healing circles, religious support, meditation, etc.
- Resources: self-help books, worksheets, support groups, etc.
- Self-therapies: yoga (a good YouTube channel for this is *Yoga With Adriene*⁵⁰), artistic creation, music, etc.

⁵⁰ Adriene Mishler.

WORKSHEET: REINVENTION STRATEGIES – READY, MINDSET, GO!

Things to remember:

- The future you had imagined never included being victimized by crime. While this is a defining moment in life, do not allow this moment to define your life.
- It is never possible to go back to exactly as you were before this victimization occurred, as you have been changed by what has happened. There is power and strength in learning how to reinvent yourself, a version that includes this incident and all the personal growth that has come from it.
- Actions can change our feelings and thoughts. By re-engaging in activities you enjoy, uplifting feelings will begin to return. You are entitled to feel happy again.
- To reinvent a better version of self, it is important to identify what actions negatively influence your mindset. These may include, but are not limited to:
 - Associating with certain people
 - Self-loathing
 - Substance use or abuse
- You have the power to replace negative coping methods by actions that can help change and even improve it your mindset.

Things to ask yourself:

- How do you feel now that the matter has closed?

- Moving forward, how would like to feel?

- What strategies can you use to help yourself start feeling that way?

- Are there any other supports that you need, to help-you start feeling this way?

- Would you be interested in a referral to counselling or other healing supports?

Things to consider:

- Spiritual care: healing circles, religious support, meditation, etc.
- Resources: self-help books, worksheets, support groups, etc.
- Self-therapies: yoga (a good YouTube channel for this is *Yoga With Adriene*⁵¹), artistic creation, music, etc.

⁵¹ Adriene Mishler.

CONNECT, HEAL, REINVENT

“Healing looks different to everyone, and the more tools you have to look to, the better you may find something that works for you”. **Claire MacDonald, Victim Services Outreach, Hay River**

Reinventing self begins with connecting with the parts of ourselves that we seek to heal or positively change. For example, you may connect with your inner self through journaling or meditation.

When you are connected to yourself (*who you were, who you are, and who you want to become*), you can begin a healing journey. This may be guided by:

- Spiritual care: attending healing circles, practicing prayer, etc.
- Professional help: a counsellor, life coach, etc.
- A strong support system: family, friends, or other person(s) you trust.

Guidance can come in many forms, but it is your **actions** that will ultimately allow you to reinvent yourself.

“The circle shape is very culturally relevant. In our times, healing and decisions were always done in circles. We would all be facing one another, not opposing them”

– Jayda Jackson, Victim Services, Fort Good Hope

SECTION FIVE



SUMMARY

SUMMARY

“There’s like an avoidance of difficult conversations that occurs. We all need to find ways to have this dialogue.” - Amy Fraser, Victim Services, Fort Simpson

The concept of ‘Court Aftercare’ is to build the provisions of support and care for individuals navigating the judicial system, specifically those required when their personal matters conclude. Whether conviction of an offender, acquittal of an accused, or Stay of Proceedings, these results are often left for interpretation of the individual victimized by crime. How these outcomes are processed can dramatically impact how that person moves forward.

Victims of crime are in the unique situation of potentially being called as witnesses in court. They must relive the incident publicly and are questioned about their recollections. With reference to cross-examinations, court can leave victims feeling re-traumatized, as their version of events was questioned and distorted. Court preparation helps the victim or witness understand how-to respond to questions effectively, maintain composure, utilize coping skills and mindfulness to remain calm under pressure, and to ask for clarification when required. One of the most important components of court aftercare is a pre-closure discussion where efforts are made to discuss potential court outcomes - remaining positive as clients enter the trial stage of their matters.

What is most needed is conversation- difficult conversations. Clients need to be able to freely express how they are feeling. Victim Services Workers need to be able to have the supportively challenging conversations, and to tackle cognitive distortions when they occur. Crown Witness Coordinators and Victim Services Workers need to find the right combination of constructive communications and emotional support, to best serve our mutual clients. Crown Prosecutors need to be able to take the time to explain the “What’s & Why’s” of court outcomes. Judges need to take the opportunity to directly address victims within their decision, and when appropriate, put forth alternative options as part of the process. Parents, when angry with decisions rendered, need to be able to communicate reassurances to their child that their anger has nothing to do with them. Victims need to be able to express their disappointment even when things seemingly go their way- a guilty verdict does not equate to an instant sense of relief. We need to hear from communities how they are impacted by circuit courts and recognize that there is room for cultural awareness to develop. Traditional practices have merit and are frequently preferred over formalized professional services; accessibility to all avenues and paths of healing is necessary. It is the sum of all these parts, each element, that will engage Court Aftercare as a concept to become a core competency.

Overall, victims need help before, during, and after the court process, as they navigate new and difficult experiences and emotions. As a Victim Services Worker, you can support your client through this journey by offering reassurance and support to process difficult emotions. You are your client’s advocate and can help reframe the aftermath of a traumatic event to make it more

manageable. Just remember, it is equally important to care of yourself, for you to be able to provide quality care to your clients.

RESOURCES

NWT Victim Notification Program

<https://www.justice.gov.nt.ca/en/victim-notification-program/>

Federal Victim Notification Program

<https://www.canada.ca/en/services/policing/victims/federalcorrectionsparole/victim-notification.html>

Crown Witness Coordinators

<https://www.ppsc-sppc.gc.ca/eng/cct/index.html#s0406>

Victim Services

<https://www.justice.gov.nt.ca/en/victim-services-contacts/>

Probation

<https://www.justice.gov.nt.ca/en/probation-offices/>

RCMP

<https://www.rcmp-grc.gc.ca/detach/en/find/NT>

Community Counselling

<https://www.hss.gov.nt.ca/en/contact/community-counsellor>

Social Services

<https://www.hss.gov.nt.ca/en/content/contact-us/social-services-office>

Shelters

<https://www.hss.gov.nt.ca/en/services/shelter-network>

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NOTES